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Monday
August 10, 1981

Highlights

40501 **National Blinded Veterans Recognition Day** Presidential proclamation.

40654 **Air Traffic Control** DOT/FAA proposes National Airspace Review encompassing airspace and procedural aspects of the air traffic system. (Part IV of this issue)

40540 **Aviation Safety** DOT/RSPA proposes to permit small personal protection devices containing tear gases or pepper extracts to be carried in checked baggage.

40540 DOT/FAA requests comments on proposed advisory circular on flight attendant seat requirements.

40646 **Airmen Certification** DOT/FAA proposes to delete instrument rating requirement that cross-country experience be gained in a specific category of aircraft. (Part II of this issue)

40529 DOT/FAA proposes establishment of need requirement and fees for certification of foreign airmen and air agencies.

40541 **Motor Vehicles—Consumer Information** DOT/NHTSA proposes to permit manufacturers to modify initial pre-introduction submissions of performance data on new vehicle models.

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

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40520 **National Banks** Treasury/Comptroller proposes definition of capital and surplus for analytical and statutory purposes.

40588 **Coal** Interior/GS requests comments on valuation of Federal coal used for in situ gasification.

40650 **Coal Mining** Interior/SMREO withdraws rule on exemption for 2 acre or less operations. (Part III of this issue)

40511 **Grant Programs—Wastewater Treatment** EPA allows deviation from reserve fund requirements for alternatives to conventional treatment in rural communities and for innovative and alternative projects.

40664 **American Alligator** Interior/FWS reclassifies status from "Endangered or Threatened" to "Threatened" in 52 parishes in Louisiana. (Part V of this issue)

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Presidential Documents

Title 3—

The President

Proclamation 4851 of August 6, 1981

National Blinded Veterans Recognition Day

By the President of the United States of America

A Proclamation

Among those Americans who have answered their country's call to service in defense of its freedoms, there are thousands who, as a result of service in our Nation's military forces, have suffered the catastrophic disability of blindness. Despite the extreme severity of this disability, these veterans have succeeded in leading useful and productive lives, in part through Federal programs for their readjustment but, more significantly, by drawing upon a special brand of heroism.

Our country now enjoys the blessing of peace, and it is appropriate that all Americans recognize the special debt owed to those who have been blinded in the defense of our freedoms during the wars of this century.

We must acknowledge also the example they have provided to those blinded veterans whose equally catastrophic disability occurred after their separations from military service, and to other blinded Americans. Few are more worthy of national recognition than the disabled American veterans who have honored their commitments to their country and serve as a source of pride for us all.

I would also like to single out for praise those employers who have provided blinded veterans with the opportunity to develop rewarding private-sector careers. This promise of a future with challenge and fulfillment is particularly meaningful.

It is fitting that the Congress has, by enactment of Senate Joint Resolution 64, designated August 13, 1981, as "National Blinded Veterans Recognition Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, call upon all Americans to observe Thursday, August 13, 1981, as National Blinded Veterans Recognition Day. I urge my fellow citizens and all interested groups and organizations to set aside this day to honor the sacrifices and service of our Nation's blinded veterans by means of appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of August, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-23327
Filed 8-6-81; 4:56 pm]
Billing code 3195-01-M

Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916, 917, 919, 921, 922, 923, 924, 930, 945, 946, 947, 948, 953, 958, 967, 985 and 993

Expenses and Rates of Assessment for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the committees functioning under Marketing Orders 916, 917, 919, 921, 922, 923, 924, 930, 945, 946, 947, 948, 953, 958, 967, 985 and 993. Funds to administer these programs are derived from assessments on handlers of the fruits, vegetables and specialty crops regulated under the orders.

EFFECTIVE DATES: March 1, 1981–February 28, 1982 (§ 916.220, § 917.229, § 917.230); April 1, 1981–March 31, 1982 (§ 921.220, § 922.221, § 923.221, § 924.221); May 1, 1981–April 30, 1982 (§ 930.211); June 1, 1981–May 31, 1982 (§ 945.234, § 953.218, § 985.301); July 1, 1981–June 30, 1982 (§ 919.220, § 946.234, § 947.234, § 948.285, § 948.286, § 958.225); August 1, 1981–July 31, 1982 (§ 967.217, § 993.332).

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615.

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

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

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by each committee, established under the respective marketing order, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the rate of assessment for a particular fiscal period shall apply to all assessable fruits, vegetables, and specialty crops handled from the beginning of such period. To enable the committee to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting and recordkeeping) under these parts 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.

§§ 916.219, 917.227, 917.228, 919.219, 921.219, 922.220, 923.220, 924.220, 930.210, 945.233, 946.233, 947.233, 948.283, 948.284, 953.217, 958.224, 967.214, 985.300, 993.331 [Removed]

Therefore, §§ 916.219 (M.O. 916), 917.227 and 917.228 (M.O. 917), 919.219 (M.O. 919), 921.219 (M.O. 921), 922.220 (M.O. 922), 923.220 (M.O. 923), 924.220 (M.O. 924), 930.210 (M.O. 930), 945.233 (M.O. 945), 946.233 (M.O. 946), 947.233 (M.O. 947), 948.283 and 948.284 (M.O. 948), 953.217 (M.O. 953), 958.224 (M.O. 958), 967.216 (M.O. 967) 985.300 (M.O. 985) and 993.331 (M.O. 993) are removed and new sections are added as follows: (the following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations).

PART 916—NECTARINES GROWN IN CALIFORNIA

§ 916.220 Expenses and assessment rate.

Expenses of $2,231,368 by the Nectarine Administrative Committee are authorized, and an assessment rate of $0.125 per No. 22D standard lug box of nectarines is established for the fiscal year ending February 28, 1982; and unexpended funds from the fiscal year ended February 28, 1981, shall be carried over as a reserve.

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

§ 917.229 Expenses and assessment rate.

Expenses of $2,097,685 by the Plum Commodity Committee are authorized, and an assessment rate of $0.16 per No. 22D standard lug box is established for the fiscal year ending February 28, 1982.

§ 917.230 Expenses and assessment rate.

Expenses of $1,710,714 by the Peach Commodity Committee are authorized, and an assessment rate of $0.125 per No. 22D standard lug box is established for the fiscal year ending February 28, 1982.

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

§ 921.220 Expenses and assessment rate.

Expenses of $15,080 by the Washington Fresh Peach Marketing Committee are authorized, and an assessment rate of $3.00 per ton of peaches is established for the fiscal year ending March 31, 1982.

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

§ 922.221 Expenses and assessment rate.

Expenses of $3,634 by the Washington Apricot Marketing Committee are authorized and an assessment rate of $4.00 per ton is established for the fiscal year ending March 31, 1982; and unexpended funds from the fiscal year ended March 31, 1981, shall be carried over as a reserve.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

§ 923.221 Expenses and assessment rate.

Expenses of $41,199 by the Washington Cherry Marketing Committee are authorized, and an assessment rate of $1.50 per ton is established for the fiscal year ending March 31, 1982.

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

§ 924.221 Expenses and assessment rate.

Expenses of $26,802 by the Washington-Oregon Fresh Prune Marketing Committee are authorized, and an assessment rate of $1.30 per ton is established for the fiscal year ending March 31, 1982; and unexpended funds from the fiscal year ended March 31, 1981, shall be carried over as a reserve.

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

§ 930.211 Expenses and assessment rate.

Expenses of $120,000 by the Cherry Administrative Board are authorized, and an assessment rate of $2.00 per ton of cherries delivered for processing is established for the fiscal year ending April 30, 1982.

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

§ 945.234 Expenses and assessment rate.

Expenses of $68,487 by the Idaho-Eastern Oregon Potato Committee are authorized, and an assessment rate of $0.0026 per hundredweight is established for the fiscal period ending May 31, 1982. Unexpended funds shall be carried over as a reserve.

PART 946—IRISH POTATOES GROWN IN WASHINGTON

§ 946.234 Expenses and assessment rate.

Expenses of $19,950 by the State of Washington Potato Committee are authorized, and an assessment rate of $0.003 per hundredweight is established for the fiscal period ending June 30, 1982. Unexpended funds shall be carried over as a reserve.

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA, AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

§ 947.234 Expenses and assessment rate.

Expenses of $34,850 by the Oregon-Northern California Potato Committee are authorized, and an assessment rate of $0.002 per hundredweight of potatoes is established for the fiscal period ending June 30, 1982. Unexpended funds shall be carried over as a reserve.

PART 948—IRISH POTATOES GROWN IN COLORADO

§ 948.285 Expenses and assessment rate.

Expenses of $1,220 by the Colorado Area 3 Potato Committee are authorized, and an assessment rate of $0.0025 per hundredweight of potatoes is established for the fiscal period ending June 30, 1982. Unexpended funds shall be carried over as a reserve.

§ 948.286 Expenses and assessment rate.

Expenses of $29,475 by the Colorado Area 2 Potato Committee are authorized, and an assessment rate of $0.00285 per hundredweight of potatoes is established for the fiscal period ending June 30, 1982. Unexpended funds shall be carried over as a reserve.

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

§ 953.218 Expenses and assessment rate.

Expenses of $12,125 by the Southeastern Potato Committee are authorized, and an assessment rate of $0.005 per hundredweight of potatoes is established for the fiscal period ending May 31, 1982. Unexpended funds may be carried over as a reserve.

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

§ 958.225 Expenses and assessment rate.

Expenses of $467,000 by the Idaho-Eastern Oregon Onion Committee are authorized, and an assessment rate of $0.0725 per hundredweight of onions is established for the fiscal period ending June 30, 1982. Unexpended funds shall be carried over as a reserve.

PART 967—CELERY GROWN IN FLORIDA

§ 967.217 Expenses and assessment rate.

Expenses of $151,615 by the Florida Celery Committee are authorized, and an assessment rate of $0.025 per per crate of celery is established for the fiscal year ending July 31, 1982. Unexpended funds shall be carried over as a reserve.

PART 919—PEACHES GROWN IN MESA COUNTY, COLORADO

§ 919.220 Expenses and assessment rate.

Expenses of $1,000 by the Administrative Committee are authorized, and an assessment rate of $0.00714 per bushel of peaches is established for the fiscal year ending June 30, 1982.

PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

§ 985.301 Expenses and assessment rate, and operating reserve.

Expenses of $137,000 by the Spearmint Oil Administrative Committee are authorized, and an assessment rate payable by each handler in accordance with § 985.41 is fixed at 10 cents per pound for salable spearmint oil for the 1981–82 marketing year. Unexpended funds may be carried over as a reserve in the maximum amount permitted pursuant to § 985.42.

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

§ 993.332 Expenses and assessment rate.

Expenses of $240,033 by the Prune Adminstrative Committee are authorized, and an assessment rate payable by each handler in accordance with § 993.81 is fixed at $1.74 per ton for salable dried prunes for the 1981–82 crop year.

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

Dated: August 4, 1981.

Frank M. Grasberger,

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

[FR Doc. 81-23263 Filed 8-7-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Harbor Airlines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment adds Harbor Airlines, Inc. to the list of carriers which have entered into agreements with the

Service for preinspection of their passengers and crews at places outside the United States. Harbor Airlines, Inc. entered into such agreement on July 16, 1981, providing that passengers and crews are to be preinspected at Vancouver prior to departure to the United States.

EFFECTIVE DATE: July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.4 is published pursuant to 5 U.S.C. 552. The Commissioner of the Immigration and Naturalization Service entered into an agreement with Harbor Airlines, Inc. on July 16, 1981, to guarantee preinspection of its passengers and crews at Vancouver as provided by section 238(b) of the Act (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment adds a transportation line to the listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

Accordingly, 8 CFR Part 238 is amended by adding "Harbor Airlines, Inc.," in appropriate alphabetical sequence, to the list of carriers in § 238.4 *Preinspection outside the United States* under "At Vancouver."

(Secs. 103 and 238; 8 U.S.C. 1103 and 1228)

Dated: August 4, 1981.

Doris Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-23204 Filed 8-7-81; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 238

Contracts With Transportation Lines; Addition of Harbor Airlines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment to the regulations of Immigration and Naturalization Service adds a carrier to the list of transportation lines which have entered into agreement with the Commissioner of Immigration and Naturalization to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations to advise the public.

EFFECTIVE DATE: July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536—Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization Service entered into agreement with the following named carrier on the date indicated to guarantee the passage through the United States of aliens in immediate and continuous transit destined to foreign countries under section 238(d) of the Immigration and Nationality Act and 8 CFR 238: Harbor Airlines, Inc.

Effective date: July 16, 1981.

This amendment to 8 CFR 238.3 is published pursuant to section 552 of Title 5 of the United States Code [80 Stat. 383], as amended by Pub. L. 93-502 [88 Stat. 1561], and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1 Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment contained in this order merely adds a transportation line to the listing and is editorial in nature. The order constitutes a notice to the public and it is not a rule within the definition of section 1(a) of E.O. 12291.

Accordingly, Chapter I of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, Harbor Airlines, Inc.

* * * * *

(Secs. 103 and 238(d), 8 U.S.C. 1103 and 1228(d))

Dated: August 4, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-23205 Filed 8-7-81; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

Applications, Requests, Submittals, and Notices of Acquisition of Control; Delegation of Authority

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: FDIC is amending its regulations to correct an error in § 303.12(b) of Part 303. Section 303.12(b) states that authority to approve applications or requests listed in Part 303 not otherwise delegated in that part remains in the Board of Directors of the FDIC. The section does not, however, refer to the authority delegated to the FDIC's Board of Review to approve applications filed by insured banks with the FDIC under section 19 of the Federal Deposit Insurance Act. This final rule amends § 303.12(b) to include specific reference to that delegation of authority.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: Werner Goldman, Assistant General Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, (202) 389-4324.

SUPPLEMENTARY INFORMATION: Section 303.12(b) of the FDIC's Rules and Regulations states the following: "In all cases where authority to act on applications or requests listed in this part is not delegated to the Director of the Division of Bank Supervision (or, in his absence, the Deputy Director (Operations Branch)), or to a regional director, the authority to act on such applications or requests remains vested in the Board of Directors of the

Corporation." This language is not complete, however, because § 303.11(e)(1) of FDIC's Rules and Regulations delegates authority on behalf of the Board of Directors to FDIC's Board of Review to approve applications filed by insured banks with the FDIC under section 19 of the Federal Deposit Insurance Act seeking FDIC's consent for employment by the applicant bank of any person who has been convicted of any criminal offense involving dishonesty or a breach of trust. This amendment eliminates the apparent inconsistency between these regulations.

This final rule does not affect the recordkeeping or reporting requirements, or competitive status of any insured bank. Therefore, a cost-benefit analysis (including a small bank impact statement) regarding the amendment is unnecessary.

FDIC was not required by section 553 of title 5 of the United States Code to publish this amendment for public comment and for a deferred effective date, because the amendment is a technical correction and in no way restricts or otherwise affects existing rights of the public.

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, AND NOTICES OF ACQUISITION OF CONTROL

12 CFR Part 303 is amended as follows:

1. The authority citation for Part 303 reads as follows:

Authority: Secs. 2(5), 2(6), 2(7(j)), 2(8), 2(9 "Seventh" and "Tenth"), 2(18), 2(19), Pub. L. 797, 64 Stat. 876, 881, 891, 893 as amended by Pub. L. 86-463, 74 Stat. 129; sec. 2, Pub. L. 87-827, 76 Stat. 953; Pub. L. 88-593, 78 Stat. 940; Pub. L. 89-79, 79 Stat. 244; sec. 1, Pub. L. 89-356, 80 Stat. 7; sec. 12(c), Pub. L. 89-485, 80 Stat. 242; sec. 3, Pub. L. 89-597, 80 Stat. 824; title II, secs. 201, 205, Pub. L. 89-695, 80 Stat. 1055; sec. 2(b), Pub. L. 90-505, 82 Stat. 856; secs. 6(c)(7), (12), (13), Pub. L. 95-369, 92 Stat. 616-620; title III, secs. 306, 309 and title VI, sec. 602, Pub. L. 95-630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j), 1818, 1819 "Seventh" and "Tenth," 1828, 1829)

§ 303.12 [Amended]

2. Section 303.12(b) is revised to read as follows:

* * * * *

(b) *Approving authority.* In all cases where authority to act on applications or requests listed in this part is not delegated to the Director of the Division of Bank Supervision (or, in his absence, the Deputy Director (Operations Branch)), or to a regional director, or to the Board of Review to approve applications filed by insured banks with the FDIC under section 19 of the Federal Deposit Insurance Act, the authority to act on such applications or requests remains vested in the Board of Directors of the FDIC.

By order of the Board of Directors.

Dated: August 3, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-23201 Filed 8-7-81; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-EA-6; Amdt. 39-4183]

Airworthiness Directives; Bendix

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive (A.D.) applicable to Bendix Starting Vibrator Assembly P/Ns 10-382780-12, -24; 10-176485-121, -122, -241 and -242. It requires an alteration and identification of the vibrator to assure that there will not be a detachment of the connector from the plate which can result in grounding of the vibrator wires. This grounding could cause loss of the magneto.

EFFECTIVE DATE: August 13, 1981. Compliance is required as set forth in the AD.

ADDRESSES: Bendix Service Bulletins may be acquired from the manufacturer at the Electrical Components Division, Sidney, New York 13838.

FOR FURTHER INFORMATION CONTACT: A. Farrar, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: The manufacturer has determined that the combination connector lock tab-plate tolerance of some vibrators may have caused the detachment of the connector from the plate. This detachment can cause grounding and loss of the magneto. The A.D. requires an alteration of the vibrator and an identification of the alteration on the vibrator. Since this is a deficiency that can affect air safety, although there have been no reports of magneto loss, nevertheless, it appears that good cause exists for finding that notice and public procedure would be contrary to the public interest and that the amendment be made effective in less than 30 days.

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 issuing a new A.D. as follows:

Bendix: Applies to Bendix Starting Vibrator Assemblies, Part Numbers 10-176485-121, -122, -241, -242; 10-382780-12, -24 installed in but not limited to the following aircraft powered by reciprocating engines.

Bell (Textron)	Model 47 series helicopters.
Brantley (Hynes)	Model B2 series helicopters.
Enstrom	Model F28, F28A, F28F, 280, 280F helicopters.
	Model F28C and 280C helicopters equipped with Avco Lycoming HIO-360-E1BD engines.
Hughs (Summa Corp.)	Model 269 series helicopters.
Hiller (Fairchild Industries)	Model UH12 series helicopters.
Robinson	Model R-22 series helicpoters.

To preclude the loss of ignition due to the grounding of both "P" (Primary) leads within the starting vibrator, accomplish the alteration and identification shown in the Detailed Instruction of Bendix Engine Products Division Service Bulletin No. 614 or an FAA approved equivalent within the next 25 hours time in service after the effective date of this AD unless previously accomplished.

Equivalent inspections and procedures must be approved by the Chief of the Engineering and Manufacturing Branch, AEA-210, Federal Aviation Administration (FAA) Eastern Region.

As permitted by FAR 21.197, aircraft may be flown to a base where maintenance required by this airworthiness directive can be accomplished.

Effective Date: This amendment is effective August 13, 1981.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under Department of Transportation 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. A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in Jamaica, New York, on July 30, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-23192 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-CE-15-AD; Amdt. 39-4182]

Airworthiness Directives; Cessna Models 172N, 172RG, R172K, F172, and FR172 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) superseding AD 81-04-04, Amendment 39-4042, applicable to Cessna Models 172N, 172RG, R172K, F172 and FR172 airplanes. This new AD adds additional airplanes and requires inspection and an operational check of the elevator control system. This action is necessary to preclude the possible interference of the up elevator cable clevis (fork) on the forward face of the aft fuselage bulkhead. This interference can result in restricted elevator control and may cause an aircraft accident.

EFFECTIVE DATE: August 13, 1981.

Compliance: Within 25 hours time-in-service after the effective date of this AD.

ADDRESSES: Cessna Single Engine Service Information Letter SE80-78, Revision 1, dated July 13, 1981, pertaining to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. Copies of the service letter are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

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

SUPPLEMENTARY INFORMATION: AD 81-04-04, Amendment 39-4042 (46 FR 11506, 11507), required a one-time inspection, rerigging, and an operational check of the elevator control system on Cessna 172N 172RG, R172K, F172, and FR172 airplanes. This action was necessary to preclude the possible interference of the up elevator cable clevis (fork) on the forward face of the aft fuselage bulkhead. This condition can occur when the AN23-12 clevis bolt, which attaches the up elevator control cable to the aft elevator bellcrank, is tightened excessively so as to clamp the elevator cable clevis (fork) to the bellcrank rather than permitting it to swivel. When this condition exists, and the elevator is moved to a position in excess of 6 degrees up elevator, the elevator cable clevis (fork) can catch on the forward face of the aft fuselage bulkhead as the elevator is being moved downward. When this happens, the elevator can lock in an up position with the airplane in an attitude that could be at or near stall. If this occurs during operation of the aircraft, it could result in an aircraft accident.

The excessive tightening of these bolts occurred during manufacture. Inspection procedures were modified to assure these AN23-12 bolts were installed correctly. However, it was later established that the required procedures were not incorporated in a timely manner and that additional airplanes could be affected. Reports were received which disclosed that two airplanes experienced the control interference problem even though they were beyond the serial number cutoff for previously affected airplanes. Therefore, Cessna revised Service Letter SE80-78 to expand it to include those 1981 model airplanes that were prior to a design change wherein the cutouts in the aft fuselage bulkhead and rear fin spar were enlarged to provide additional clearance for the aft elevator cable/cable clevis (fork). The FAA concurs with the addition of these serial numbers and therefore proposes to add a new AD to supersede AD 81-04-04, Amendment 39-4042, to include all the airplanes listed in Cessna Service Letter SE80-78, Revision 1, dated July 13, 1981.

Accordingly, since this condition is likely to exist in the elevator control system on additional airplanes of the same type design, AD 81-04-04, Amendment 39-4042, is being superseded by a new AD applicable to the Cessna Models 172N 172RG, R172K, F172, and FR172 airplanes identified in Cessna Service Letter SE80-78, Revision 1. This new AD requires inspection and corrective action within the next 25 hours time-in-service.

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

Adoption of the Amendment

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

Cessna: Applies to the following airplanes certificated in any category:

Model	Serial No.
172N	17271035 through 17274523.
R172K	R1722930 through R1723425.
172RG	172RG0001 through 172RG0789.
F172	F17201750 through F17202134.
FR172	FR1720631 through FR1720675.

Compliance: Required as indicated unless already accomplished in accordance with AD 81-04-04, Amendment 39-4042.

To ensure the integrity of the elevator control system, accomplish the following within the next 25 hours time-in-service after the effective date of this AD.

(A) Remove the MS24665-134 cotter pins, AN310-3 nuts and AN23-12 clevis bolts that attach both elevator cable clevises (forks) to the aft elevator bellcrank.

(B) Clean the mating surfaces of the bellcrank and elevator cable clevises (forks).

(C) Visually inspect to assure that there is clearance between the elevator cable clevises (forks) and bellcrank.

(D) Install the AN23-12 clevis bolts with the head to the right side for the upper bolt and left side for the lower bolt and the AN310-3 nuts removed in paragraph A. Install new MS24665-134 cotter pins. Assure that the elevator cable clevises (forks) can swivel freely.

(E) Check elevator cable tension, 30±10 lbs.

(F) Conduct operational check of elevator control system.

Note.—While Cessna Single Engine Service Information Letter SE80-78, Revision 1, dated July 13, 1981, pertains to this subject, the action required in this AD is more comprehensive.

This amendment supersedes AD 81-04-04, Amendment 39-4042.

This amendment becomes effective August 13, 1981.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR 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, Mo., on July 29, 1981.

James O. Robinson,

Acting Director, Central Region.

[FR Doc. 81-23180 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 22061; Amdt. 39-4189]

Airworthiness Directives, Israel Aircraft Industries Westwind Model 1124/1124A Airplanes

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 as to all known U.S. owners and operators of certain serial-numbered Israel Aircraft Industries Westwind Model 1124/1124A airplanes by individual letters. The AD requires an inspection of the electrical wire bundle behind the upper hot liquid container for chafing, and repair as necessary, securing of all electrical outlets, proper routing and protection of the wire bundle, and a check for clearance of the hot liquid container with the wire bundle. The AD is necessary to prevent an electrical short and possible fire, which could result in loss of thrust reversers, flaps, spoilers, and some airplane lights.

DATES: Effective August 10, 1981, as to all persons except those persons to whom it was made immediately effective by priority letter AD 80-19-15, issued September 11, 1980, which contained this amendment. Compliance Schedule as prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: On September 11, 1980, priority letter AD 80-19-15 was issued and made effective immediately as to all known U.S. owners and operators of certain Israel Aircraft Industries Westwind Model 1124/1124A airplanes. The AD required an inspection of the electrical wire bundle behind the upper hot liquid container in the galley aft of fuselage station 112 LH side for chafing, and repair as necessary, securing of all electrical outlets, proper routing and protection of the wire bundle, and a check for clearance of the hot liquid container with the wire bundle. The AD also required installation of a temporary placard prohibiting use of the hot liquid container until proper routing and protection of the wire bundle was accomplished. AD action was necessary to prevent an electrical short and possible fire, which could result in loss of thrust reversers, flaps, spoilers, and some airplane lights.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the AD effective immediately to all known U.S. owners and operators of certain serial-numbered Israel Aircraft Industries Westwind Model 1124/1124A aircraft by individual letters issued September 11, 1980. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons. Editorial changes have been made for ease of reading.

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:

Israel Aircraft Industries (IAI): Applies to Westwind Model 1124/1124A, airplanes, S/N's 239 through 292, except S/N's 241, 252, 257, 261, 264, 265, and 290, certificated in all categories.

Compliance required before further flight, unless already accomplished.

To prevent the upper hot liquid container in the galley from rubbing against the electrical wire bundle and causing a fire which could result in the loss of thrust reversers, flaps, spoilers, and some airplane lights, accomplish the following:

(a) Remove upper hot liquid container in galley aft of fuselage station 112 LH side.

(b) Check if electrical wire bundle located behind upper corner of container is free from chafing marks or damaged insulation.

(c) If electrical wire bundle is free from chafing marks or damage, secure all pertinent electrical outlets and install placard prohibiting the installation and use of this hot liquid container until proper routing and protection in accordance with paragraph (e) of this AD is accomplished, and return the aircraft to service.

(d) If electrical wire bundle shows chafing marks or damage, repair per standard aircraft practice and accomplish proper routing and protection in accordance with paragraph (e) of this AD, or install placard required by paragraph (c) of this AD.

(e) The placard installed in accordance with paragraph (c) of this AD may be removed provided proper routing and protection against chafing is accomplished in accordance with Federal Aviation Administration, Advisory Circular No. 43-13-1A, Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, Chapter 11, or equivalent means approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium. Reinstall hot liquid container and visually check for clearance with the wire bundle. Clearance is checked through gap above container. Return aircraft to service.

(f) Report defects found to the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium. Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.

This amendment becomes effective August 10, 1981, as to all persons except those persons to whom it was immediately effective by priority letter AD 80-19-15, issued September 11, 1980, which contained this amendment.

(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 was previously issued in priority letter form to known owners and operators to correct an unsafe condition in aircraft. The present action codifies the rule and makes it effective as to all persons. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This 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 Washington, D.C., on July 31, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-23191 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-42]

Revocation of Control Zone; Gadsden, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule revokes the Gadsden, Alabama, Control Zone since weather reporting service is no longer available.

EFFECTIVE DATE: 0901 GMT, October 1, 1981.

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:

History

The Gadsden, Alabama, Control Zone described in § 71.171, Subpart F, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (46 FR 455) no longer has weather reporting service available. Previously, personnel of Republic Airlines were federally certificated to take hourly and special weather observations at the Gadsden Municipal Airport. Effective July 15, 1981, Republic Airlines ceased operations at the Gadsden Airport and weather reporting service was discontinued. Weather reporting service is a requirement for all Control Zones; therefore, since this requirement is no longer being fulfilled, it is necessary to revoke the Control Zone. Since this revocation lessens the burden on the public, notice and public procedure hereon are unnecessary.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations revokes the Gadsden, Alabama, Control Zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart F, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (46 FR 455) is further amended, effective 0901 GMT, October 1, 1981, by revoking the Gadsden, Alabama, Control Zone.

(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)))

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.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on July 29, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-23049 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-33]

Alteration of Charleston, South Carolina, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Charleston, South Carolina, Transition Area. The name of the Johns Island Airport has been changed to Charleston Executive Airport and it is necessary to reflect this name change in the description of the transition area.

EFFECTIVE DATE: 0901 GMT, September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Eleanor J. Williams, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

In the present description of the Charleston, South Carolina, Transition Area, airspace designation is predicated on the Johns Island Airport. The name of the airport has been changed to Charleston Executive Airport. Therefore, it is necessary to alter the description of the Charleston, South Carolina, Transition Area to reflect the change. Since this alteration is editorial in nature, notice and public procedures hereon are not necessary.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations changes the name of Johns Island Airport to Charleston Executive Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, September 28, 1981, as follows:

Charleston, South Carolina

By deleting the words "* * * Johns Island Airport * * *" and substituting for them the words "* * * Charleston Executive Airport * * *."

(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)))

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.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on July 31, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-23048 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-23]

Alteration of Control Zone; Fort Eustis, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the description of the Fort Eustis, Va.,

Control Zone for Felker Army Airfield by authorizing the changing of the effective times of the zone by publication in the Notices to Airmen. This results from a present reduction in the hours of operation of the airfield and a determination that such changes require a flexible method of publication of the changing of effective times.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: A. J. Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is editoral which permits reduction of controlled airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective August 10, 1981, as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations by adding the following sentence to the description of the Fort Eustis, Va. Control Zone:

This control zone is effective during specific times established in advance by a Notice to Airmen. The effective times will thereafter be published continuously in the Airport/Facility Directory.

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

Note.—The Federal Aviation Administration 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 Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a signifiant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, N.Y., on July 28, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-23159 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-24]

Alteration of Control Zone; Oceana, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the description of the Oceana (NAS), Va., Control Zone by correcting the bearing of the southwest extension from magnetic to a true bearing and the size of the extension from nautical to statute miles, all as required by § 71.19 of Part 71 of the Federal Aviation Regulations.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: A. J. Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: This rule consists of a minor correction which does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective August 10, 1981, as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Oceana, Virginia, Naval Air Station (NAS) Control Zone to read as follows:

Within a 5-mile radius of the center, 36°49'14" N., 76°02'02" W., of NAS Oceana (SOUCEK FIELD), within 2 miles each side of the Navy Oceana TACAN 211° radial, extending from the 5-mile radius zone to 10.6 miles southwest of the TACAN within 3-mile radius of the center, 36°41'31" W., 76°08'06" W., of ALF Fentress.

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

Note.—The Federal Aviation Administration 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 Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of 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 Jamaica, N.Y., on July 28, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-23158 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 258

Indian Fishing—Hoopa Valley Indian Reservation; Execution of Judgments Pending Appeals

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior is amending its regulations governing the adjudication of violations of its conservation regulations governing Indian fishing on the Hoopa Valley Indian Reservation to provide that a judgment of the trial court may be stayed only by order of the trial court or the court of appeals. The rules presently applicable to such cases provide for an automatic stay once an appeal is filed. This change is being made to discourage the filing of frivolous appeals for the purpose of delaying imposition of the sentence.

DATE: This rule becomes effective August 10, 1981.

FOR FURTHER INFORMATION CONTACT: Wilson Barber, Superintendent, Hoopa Agency, Bureau of Indian Affairs, P.O. Box 367, Hoopa, California 95546, telephone (916) 625-4285.

SUPPLEMENTARY INFORMATION: The Department of the Interior is responsible for the supervision and management of Indian Affairs under 43 U.S.C. 1457, 25 U.S.C. 2 and 9 and Reorganization Plan No. 3 of 1950 (64 Stat. 1262), including the protection and implementation of federally reserved Indian fishing rights.

Under the regulations for courts of Indian offenses generally, judgments of the trial court are not executed until after the appeal is decided. 25 CFR 11.6. One of the most meaningful penalties

under the fishing regulations is the suspension of fishing rights during the fishing season. Some defendants have filed frivolous appeals, utilized the automatic stay provisions, and thereby postponed any punishment until the next fishing season. An obvious violator can continue fishing throughout the season even if convicted more than once.

This amendment provides a stay of judgment may be obtained only upon order of either the trial or the appellate court. The court can then grant stays for legitimate appeals but deny them for frivolous appeals on a case-by-case basis.

This rule is being promulgated without prior publication in the **Federal Register** as a proposed rule for comment and is being made effective less than 30 days after its publication so that it will apply to violations committed during the 1981 fall chinook run. The fall chinook run usually begins about July 15 each year.

The text of this rule was included in a set of draft amendments to the fishing regulations that were circulated among Indians of the Hoopa Valley Indian Reservation beginning in April of this year. These draft amendments have been discussed with the Indian community in meetings on the reservation. Although adverse comments have been received on other portions of the draft amendments, none has been received with respect to the proposal to provide that judgments take effect immediately unless a stay is granted. Of all the proposed changes, this amendment will make the greatest contribution to the effectiveness of the Department's effort to protect the fishery resource. Because this change is both the most important and one of the least controversial of the proposed amendments, it is being promulgated on an expedited basis.

Under these circumstances the Department finds there is good cause and that it is in the public interest to promulgate this amendment without prior publication in the **Federal Register** as a proposed rule and to make it effective less than 30 days after publication in the **Federal Register**.

The primary author of this document is David Etheridge, Office of the Solicitor, Division of Indian Affairs, Department of the Interior.

This rule applies to the approximately 5,000 individuals who are eligible under the regulations to exercise Indian fishing rights on the Klamath and Trinity Rivers within the Hoopa Valley Reservation. Less than 1,000 of that number actually do fish on the rivers. The rule will directly affect those few individuals each year who are convicted of violating the regulations. For these reasons it has been determined that this rule is not a major rule as that term is defined in Executive Order 12291 of February 17, 1981, 46 FR 13193.

It has also been determined that promulgation of this rule will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354 and 43 CFR Part 14, 45 FR 85376.

PART 258—INDIAN FISHING—HOOPA VALLEY INDIAN RESERVATION

Part 258 of Title 25 of the Code of Federal Regulations is amended by adding a new § 258.18 to read as follows:

§ 258.18 Execution of judgments pending appeal.

Notwithstanding the provision of § 11.6 of this title, the judgment of the trial court is not automatically stayed upon the filing of an appeal. A judgment may be stayed only by order of the trial court or the court of appeals.

Dated: July 22, 1981.

Donald Paul Hodel,

Under Secretary of the Interior.

[FR Doc. 81-23193 Filed 8-7-81; 8:45 am]

BILLING CODE 4310-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[WH-FRL 1891-8]

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

AGENCY: Environmental Protection Agency.

ACTION: Deviation to rule.

SUMMARY: On June 5, 1981, Pub. L. 97-12 rescinded $880 million of FY 1980 and $756 million of FY 1981 appropriations for the wastewater treatment construction grant program (CFDA No. 66.418). The Clean Water Act requires States to reserve funds for alternatives to conventional treatment in rural communities (Section 205(h)) and for innovative and alternative projects (Section 205(i)). These reserves are a percentage of each State's allotment. Therefore, because the rescission reduces each allotment, the States must revise the reserves. This has caused problems in many States because they do not have enough funds remaining to meet the statutory reserve requirements.

Based upon a review of case law in similar situations, EPA's Office of General Counsel has concluded that, since the rescission made it impossible for States to comply with the Clean Water Act requirements, EPA can grant regulatory relief. To accomplish this, we have approved a class deviation from the provisions in the regulations which establish the reserves. That deviation is published as a part of this document.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Pippen, Jr., Director, Grants Administration Division (PM-216), 401 "M" Street SW., Washington, D.C. 20460, (202) 755-0850.

SUPPLEMENTARY INFORMATION: Under Executive Order 12291 EPA is required to judge whether a regulation is "major" and therefore subject to the regulatory impact analysis requirements of the Order or whether it may follow other development procedures. This deviation will not have a substantial impact on the economy. Therefore, I have determined it is not a major regulation, and thus it is not subject to the impact analysis requirements of Executive Order 12291. The deviation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: July 20, 1981.

Edward J. Hanley,

Assistant Administrator for Administration (PM-208).

Dated: July 20, 1981.

James N. Smith,

Assistant Administrator for Water (WH-556).

Environmental Protection Agency

Date: July 30, 1981.

Subject: Class Deviation from 40 CFR 35.915-1(b) and (e) of EPA's Construction Grant Regulations.

From: Evelyn T. Thornton for Harvey Pippen, Jr., Director, Grants Administration Division (PM-216).

To: Regional Administrators.

On June 5, 1981, Public Law 97-12 rescinded $880 million of fiscal year 1980 and $756 million of fiscal year 1981 appropriations for the wastewater treatment construction grant program and EPA reduced allotments to all States proportionately. As a result, EPA must revise two statutory reserves of funds under the Clean Water Act (1) alternatives to conventional treatment in small communities under Section 205(h) and (2) innovative and alternative (I/A) technology under Section 205(i)). We concluded that we must compute both reserves for each State and for each fiscal year on the basis of the revised allotments. Consequently, each State is in one of four situations for the fiscal year 1980 or fiscal year 1981 appropriations:

Case 1: No unobligated balance was returned to the State.

Case 2: The unobligated balance returned to the State was less than the amount needed to meet the reserve requirements.

Case 3: The unobligated balance returned to the State was sufficient to meet the reserve requirements but not large enough to make the grants under Section 202(a)(1) needed to use the I/A reserve (Section 205(i)). (The I/A reserve can be used only to increase the Federal share of a project using I/A technology from 75% to 85%.)

Case 4: The amount of the unobligated balance returned to the State was sufficient to fully meet the reserve requirements and to use the I/A reserve to increase grants under Section 202(a)(1).

Based upon a review of case law in similar situations, our Office of General Counsel concluded that States in case 1 do not have to meet the Section 205 (h) and (i) reserve requirements because the rescission made it impossible for them to comply. Also, States need not deobligate any awards made from either reserve before the rescission even if the total amount obligated for Section 205 (h) or (i) before the rescission exceeds the new reserve amount(s).

Cases 2 and 3 pose a more difficult problem. To some extent, the rescission made it impossible for those States to comply with the reserve requirements. However, we are still required to implement the original statutory scheme as much as possible within the limits of this added constraint. Consequently, we must require that each State in either case 2 or 3 meet the reserve requirements to the extent possible within the limits of available funds. However, if the Regional Administrator determines that it is impossible for a State to fully obligate either reserve because of the rescission, the Regional Administrator can permit the State to use the reserve funds for grants under Section 202(a)(1).

The regulatory requirements for the I/A and small community reserves are in 40 CFR 35.915–1(b) and (e). States in case 4 must comply with both provisions. However, a class deviation from these provisions is necessary to provide flexibility to assure that other States are not left in an impossible situation by the rescission. Therefore, for States in cases 1, 2 and 3, I am approving the following class deviation:

1. *Case 1 States.* This deviation from 40 CFR 35.915–1 (b) and (e) releases States in case 1 from those reserve requirements, since they cannot comply because of the rescission.

2. *Case 2 States.* This deviation from 40 CFR 35.915–1 (b) and (e) permits the Regional Administration to reduce the amount of funds required to meet the reserve requirements in case 2 States to the extent that their unobligated balance after the rescission was not enough to meet that requirement. Also, if the Regional Administrator determines that a case 2 State cannot use any part of either reserve because of the rescission, he or she may release the remaining reserve. To make that determination, the Regional Administrator shall assure:

a. That, before the rescission, the State had enough projects on the fundable portion of the project priority list to fully use the initial reserve; and

b. That the State used the unobligated balance remaining after the rescission to meet the reserve requirement to the extent possible.

3. *Case 3 States.* This deviation from 40 CFR 35.915–1(b) permits the Regional Administrator to release case 3 States from the I/A reserve requirement if he or she determines that the State cannot use its I/A reserve because of the rescission. To make that determination, the Regional Administrator shall assure:

a. That, before the rescission, the State had enough I/A projects on the fundable portion of the project priority list to fully use the initial reserve; and

b. That the State used the I/A reserve for projects, or segments of projects, to the extent possible considering the unobligated balance remaining after the rescission.

Dated: July 24, 1981.

Concur:

Edward J. Hanley,

Assistant Administrator for Administration (PM–208).

Dated: July 24, 1981.

Concur:

James N. Smith,

Acting Assistant Administrator for Water (WH–556).

[FR Doc. 81–23246 Filed 8–7–81; 8:45 am]

BILLING CODE 6560–29–M

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40 CFR Part 52

[A–9–FRL 1887–5]

Approval and Promulgation of Implementation Plans; Ambient Air Quality Surveillance Provisions

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: On November 24, 1980, the Environmental Protection Agency (EPA) proposed approval of air quality surveillance plans submitted by the States of Arizona, California, Hawaii, and Nevada. This notice announces EPA's final approval of the air quality surveillance plans. The intended effect of this action is to update revisions and to correct certain deficiencies in the State Implementation Plan, and to implement certain provisions of the Clean Air Act.

EFFECTIVE DATE: September 9, 1981.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano, (415) 556–2938.

SUPPLEMENTARY INFORMATION: Section 319 of the Clean Air Act, as amended, requires the 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.

The States of Arizona, California, Hawaii, and Nevada submitted to the EPA, S revisions to provide for modification of the existing air quality surveillance network. EPA has reviewed the submission and determined that it meets the requirements of Sections 110(a)(2)(C), 319, 313, and 127 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 November 24, 1980 (45 FR 77464). The November 24 notice also discussed each State's submission, proposed approval of the air quality surveillance plans, and provided a 60-day public comment period. No comments were received. Therefore, this notice takes final action to approve the air quality surveillance plan as revisions to the Arizona, California, Hawaii, and Nevada State Implementation Plans (SIPs).

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.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions. It imposes no new regulatory requirements.

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

Note.—Incorporation by reference of the State Implementation Plan revisions for the States of Arizona, California, Hawaii, and Nevada was approved by the Director of the Federal Register on July 1, 1980.

(Sections 110 and 301(a) of the Clean Air Act as amended (41 U.S.C. 7410 and 7601(a)).

Dated: July 31, 1981.

Anne M. Gorsuch,

Administrator.

Subparts D, F, M, and DD of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart D—Arizona

1. Section 52.120 is amended by adding paragraph (c)(41) as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(41) The following amendments to the plan were submitted on February 15, 1980, by the Governor's designee.

(i) 1.0 Air Quality Surveillance Network.

* * * * *

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(90) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(90) The following amendments to the plan were submitted on December 31, 1979, by the Governor's designee.

(i) Chapter 22—Air Quality Monitoring by State and Local Air Monitoring Stations (SLAMS).

* * * * *

Subpart M—Hawaii

3. Section 52.620 is amended by adding paragraph (c)(12) as follows:

§ 52.620 Identification of plan.

* * * * *

(c) * * *

(12) The following amendments to the plan were submitted on August 21, 1980, by the Governor.

(i) XII. Air Quality Surveillance Network.

* * * * *

Subpart DD—Nevada

4. Section 52.1470 is amended by adding paragraph (c)(19) as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

(19) The following amendments to the plan were submitted on June 24, 1980, by the Governor.

(i) Section 10—State of Nevada Ambient Air Quality Monitoring and Surveillance.

* * * * *

[FR Doc. 81-23270 Filed 8-7-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 512, 525, 537, and 555

[Docket Nos. 78-10, Notice 6; FE 76-04, Notice 7; FE 77-03, Notice 6; 80-21, Notice 3]

Confidential Business Information; Deferral of Effective Dates

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rules; deferral of effective dates.

SUMMARY: By this notice, the agency defers the effective date of its new regulation, Part 512, *Confidential Business Information*, and conforming amendments made to Parts 525, 537, and 555. The agency published Part 512 on January 8, 1981 (46 FR 2049). Conforming amendments were made to other agency regulations simultaneously (46 FR 2063). Subsequently, the agency extended the time for filing petitions for reconsideration of the regulation (46 FR 10969). On March 9, 1981, the agency received a petition for reconsideration from the Motor Vehicle Manufacturers Association. To allow the agency time to respond to that petition, the agency delayed the effective date of the regulation to August 7, 1981 (46 FR 21617). To date, the agency has been unable to respond to the petition for reconsideration and considers it appropriate to defer the effective date of the regulation once again until a response can be issued. In accordance with the foregoing, the effective date is extended for 90 days. Given the desirability of responding to the petition for reconsideration before the regulation becomes effective and the imminence of the effective date, the agency for good cause finds that notice and opportunity for comment on this deferral are impracticable and contrary to the public interest and therefore not required.

EFFECTIVE DATE: The new effective date for Part 512 and the amendments to Parts 525, 537, and 555 is November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Tilton, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C. (202-426-9511).

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on August 6, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81-23302 Filed 8-6-81; 1:14 pm]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[21st Rev. S.O. No. 1473]

Car Service; Various Railroads Authorized to Use Tracks and/or Facilities of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: 21st Revised Service Order No. 1473.

SUMMARY: Twenty-first Revised Service Order No. 1473 authorized various railroads to use tracks and/or facilities of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).

EFFECTIVE DATE: 12:01 a.m., August 3, 1981, and continuing in effect until 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: July 31, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for implementation of long range solutions for continued rail service over RI lines, and in consideration of a recent complaint by the Trustee regarding the absence of compensation for the use of his property by certain rail carriers, the Railroad Service Board (RSB) hereby reminds any carriers which haven't negotiated such compensation to do so in the interest of continued operations. Compensation to the Trustee is an integral part of the interim authority and

an obligation of all interim operators as specified by paragraph (c) of the order.

Appendix A, to the previous order, is revised by adding at Item 14.C., the authority for the Cadillac and Lake City Railway (CLC) to operate between Stratton, Colorado, and Caruso, Kansas, a distance of approximately 43 miles. Appendix A, to the previous order, is revised further by adding at Item 21., the authority for the Iowa Northern Railroad to operate between Cedar Rapids and Waterloo, Iowa; between Shell Rock and Nora Springs, Iowa, and at Vinton, Iowa, a distance of approximately 90 miles.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Twenty-first Revised Service Order No. 1473.

(a) Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), debtor William M. Gibbons, trustee, as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of the interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a) of this section, operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(1) In those instances where more then one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) Application. The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) Rate applicable. Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(1) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) Effective date. This order shall become effective at 12:01 a.m., August 3, 1981.

(n) Expiration date. The provisions of this order shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19

2. *Peoria and Pekin Union Railway Company (P&PU):*

All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska

4. *Toledo, Peoria and Western Railroad Company (TP&W):*
A. Keokuk, Iowa
B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois

5. *Chicago and North Western Transportation Company (C&NW):*
A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri
B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0)
C. From Inver Grove (milepost 344.7) to Northwood, Minnesota
D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6)
E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364)
F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7)
G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0)
H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9)
I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2)
J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9)
K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7)
L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502)
M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2)
N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids
O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6)
P. Sibley, Iowa
Q. Worthington, Minnesota
R. Altoona to Pella, Iowa
S. Carlisle, Indianola, Iowa
T. Omaha, Nebraska, (between milepost 502 to milepost 504)
U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5)

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*
A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland
B. Washington, Iowa
C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota
D. From Davenport to Iowa City, Iowa
E. At Davenport, Iowa

7. *Davenport, Rock Island and North Western Railway Company (DRI):*
A. Moline, Illinois
B. Rock Island, Illinois, including 26th Street yard
C. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex
D. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal

8. *St. Louis Southwestern Railway Company (SSW):*
A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas
B. At North Topeka and Topeka, Kansas

9. *Little Rock & Western Railway Company:*
From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6)

10. *Missouri Pacific Railroad Company:*
From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7

11. *Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railroad Company:*
A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth
B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas
C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma
D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina, (including yard tracks) Kansas
E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only
F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas
G. Rock Island right to use interchange tracks to interchange with the Great Southwest Railroad Company located in Grand Prairie, Texas
H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles
I. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles
J. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma

12 *Norfolk and Western Railway Company:*
Is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services

13. *Southern Railway Company:*
A. At Memphis, Tennessee

14. *Cadillac and Lake City Railroad:*
A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado
B. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado
—C. From Limon, Colorado (milepost 532) to but not including Caruso, Kansas (milepost 429.3), with over-head rights from Caruso to Colby, Kansas, in order to effect interchange with the Union Pacific
D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado

15. *Baltimore and Ohio Railroad Company:*
A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles

16. *Cedar Rapids and Iowa City Railway Company (CIC):*
A. From the west intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, southward for approximately 2.2 miles, terminating at the intersection of the RI tracks and the southern line of Section 21, Township 79 North, Range 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company

17. *Keota Washington Transportation Company:*
   A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently
   B. At Vinton, Iowa (milepost 120.0 to 123.0)
   C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4)
18. *The La Salle and Bureau County Railroad Company:*
   A. From Chicago (milepost 0.60) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois
   B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island Illinois
   C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois
19. *The Atchison, Topeka and Santa Fe Railway Company:*
   A. At Alva, Oklahoma
20. *The Brandon Corporation:*
   A. From Clifton, Kansas (milepost 197.0), to Manhattan, Kansas (milepost 143.0), a distance of approximately 53 miles
+21. *Iowa Northern Railroad:*
   A. From Cedar Rapids, Iowa (milepost 100.5), to Waterloo, Iowa (milepost 150.76)
   B. From Shell Rock, Iowa (milepost 172.1), to Nora Springs, Iowa (milepost 211.40)
   C. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 22.5

+Added.
−Changed.

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49 CFR Part 1100

[Ex Parte No. 55 (Sub-No. 45A)]

Appellate Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission amends Rule 98(c)(7)(i) (49 CFR 1100.98(c)(7)(i)) to provide that a petition in court to review an administratively final Commission decision may be filed on the same date the decision is served. The amendment is necessary because Rule 98 in its present form misinterprets 49 U.S.C. 10327(i).

DATES: The rule is effective on August 10, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245; or Les Miller, (202) 275-7266.

SUPPLEMENTARY INFORMATION: The Commission adopted new appellate procedures in an earlier decision dated March 25, 1981, served April 8, 1981, and published at 46 FR 20204, April 3, 1981.[1]

Rule 98(c)(7)(i) (49 CFR 1100.98(c)(7)(i)) is based on 49 U.S.C. 10327(i). This rule provides:

> In a rail proceeding, the action if not stayed, shall become effective 30 days after it is served, unless the acting body provides for the action to become effective at an earlier date. On the day after the date the action is served parties may initiate judicial review.

Upon further consideration, and for the reasons discussed below, we conclude that the emphasized portion of Rule 98 should be amended because it misinterprets section 10327(i) by indicating that a petition in court to review an administratively final rail decision [2] (decision) is premature, and therefore of no effect, if filed on the same day the decision is served. The correct interpretation of section 10327(i) is that petitions for court review may be filed as soon as a decision is served.

In its original form, section 10327(i) appeared at 49 U.S.C. 17(9), a product of the Transportation Act of 1940. Section 17(9) was amended to section 17(9)(h) on February 5, 1976, by Pub. L. 94-120, 303(a) (the 4R Act). Section 17(9)(h) was recodified to appear at section 10327(i) on October 17, 1978, by Pub. L. 95-473 (the recodification).

The Original Provision

Section 17(9) provided:

> When an application for rehearing, reargument, or reconsideration of any decision * * * of a division, an individual Commissioner, or a board with respect to any matter assigned or referred to him or it shall have been made and * * * denied, or * * * otherwise disposed of, by the Commission or an appellate decision, a suit to enforce, enjoin, suspend, or set aside such decision, * * * may be brought in a court of the United States under those provisions of law applicable in the case of suits to enforce, enjoin, suspend or set aside orders of the Commission, but not otherwise.

The words "provisions of law applicable * * *" refer to 28 U.S.C. 2344, the Hobbs Act. The Hobbs Act sets guidelines for court review of several federal agencies' decisions, including this Commission's. Among other things, section 2344 establishes the period when petitions for court review of agency decisions may be filed. It provides in pertinent part:

> On the entry of a final order reviewable under this chapter, the agency shall promptly give notice thereof by service or publication in accordance with its rules. Any party aggrieved by the final order may within 60 days after its entry, file a petition to review the order in the court of appeals wherein venue lies.

The emphasized portion of section 2344 was considered in *Chem-Haulers, Inc.* v. *United States*, 536 F.2d 610 (5th Cir. 1976). The court held that the signing and sealing of a Commission decision by the Secretary, which corresponded to the date of service, constituted "entry" of the decision, and fixed the date when the 60-day period commenced. (536 F.2d at 614-615.)[3]

Under 49 U.S.C. 17(9), therefore, a petition for court review was timely if filed on the same date the decision appealed from was served.

The 4R Act Amendment

Section 17 was amended by the 4R Act in 1976 by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), and by inserting a new paragraph (9) with sub-paragraphs (a) through (j). Section 17(9) was changed to section 17(9)(h) and provided:

> Notwithstanding any other provision of this Act, any decision, order, or requirement of the Commission, or of a duly designated division thereof, shall be final on the date on which it is served. A civil action to enforce, enjoin, suspend, or set aside such a decision * * * may be brought after such date in a court of the United States pursuant to the provisions of law which are applicable to suits to enforce, enjoin, suspend, or set aside orders of the Commission.

Section 17(9)(h) was substantially the same as its predecessors except that section 17(9)(h) included the phrase "after such date." The phrase created a latent ambiguity in section 17(9)(h).[4]

In this case, the first emphasized part of section 17(9)(h) states that petitions for court review may not be filed until the day following service of a final decision. However, based on the holding in *Chem-Haulers*, the last part of the emphasized portion of section 17(9)(h) refers to the Hobbs Act, and means that petitions for court review may be filed as soon as a final decision is served.

The issue presented, therefore, is whether Congress intended to delay, for one day, the time for commencement of

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[1] The rules became effective upon publication, April 3, 1981.

[2] An administratively final rail decision is one from which there is no administrative appeal of right. See 49 U.S.C. 10327(g).

[3] Although the *Chem-Haulers* decision is based on review of a motor proceeding, the "entry" date holding applies to rail proceedings because the Commission "enters" all its decisions in the same manner, and because section 2344 applies to each case where judicial review of a Commission decision is sought.

[4] An ambiguity exists when two or more provisions of a statute are inconsistent. A latent ambiguity is one which is not apparent on the face of the statute, rather it is discovered as a result of interpreting the words in different parts of the same statute. *B. R. Anderson & Co.* v. *U.S.*, 201 F.Supp. 319 (1961).

the 60-day period for filing petitions for court review when the phrase "after such date" was added to the language of section 17(9)(h). For the reasons discussed below, we find that Congress did not intend for the phrase "after such date" to act to delay the commencement date for filing petitions for review of Commission decisions.[5]

The primary source of a statute's intended meaning is its legislative history. The history of section 17(9)(h) is contained in four reports.[6] There is no indication in any report that the words "after such date" were inserted in order to delay the filing date for petitions for court review.

In fact, there is no discussion of section 17(9)(h) in the reports at all. Rather, the proposed language, identical to the enacted statute, is merely quoted in the House reports, with no elaboration on its intended meaning. There is no mention of the fact that adding the phrase "after such date" creates an ambiguity in section 17(9)(h). Nor is there any attempt by Congress to rectify or eliminate the ambiguity by eliminating reference to the Hobbs Act in the latter part of section 17(9)(h) or by amending the Hobbs Act to be consistent with the new language in section 17(9)(h). We conclude that addition of the phrase was inadvertent insofar as the literal meaning of the phrase "after such date" is concerned because we do not believe Congress intended to make section 17(9)(h) ambiguous.

Although there is no enlightening discussion of section 17(9)(h) itself, we can look to the overall purpose of the 4R Act for guidance in interpreting that section.

The purpose of title III of the 4R Act was to reform Commission practice and eliminate wasteful and time-consuming regulatory practices. (See, for example, S. Rept. No. 94-499, pp. 1 and 15.) We believe that it is appropriate to ascribe to section 17(9)(h) the policies of swift due process stated in the reports.

We can make sense out of the phrase "after such date" and implement Congress' intent to speed up the administrative process, which includes judicial review of administrative decisions, by interpreting the word "date" to mean "time." In so doing, the ambiguity in section 17(9)(h) is removed, consistency with the Hobbs Act interpretation in *Chem-Haulers* is maintained, and the overall purpose of the 4R Act, to speed up the regulatory process, is carried out.

The Recodification

Section 312 of the 4R Act directed the Commission to modernize and revise the Interstate Commerce Act. The recodification, Pub. L. 95-473, restates the Act without substantive change.[7] Section 17(9)(h) was recodified to appear at section 10327(i). Section 10327(i) reads:

> Notwithstanding this subtitle, an action of the Commission under this section and an action of a designated division under subsection (c) of this section is final on the date on which it is served, and a civil action to enforce, enjoin, suspend, or set aside the action may be filed after that date.

Comparing this provision with its predecessor, we see that the words "in a court of the United States pursuant to the provisions of law which are applicable to suits to enforce, enjoin, suspend, or set aside orders of the Commission", which appeared in section 17(9)(h), are omitted from the recodification. It would appear, therefore, that the ambiguity discussed above is eliminated by the exclusion and that the plain meaning of the statute now is that petitions for court review may not be filed until the day following service of a final decision.

However, as noted above, substantive changes in the statute resulting from the recodification were not intended. Therefore, although the ambiguous words from section 17(9)(h) do not appear, section 10327(i) is supposed to have the same meaning as section 17(9)(h). The legislative history of section 10327(i) itself confirms this. The House report states that the words referring to the Hobbs Act were omitted as surplus in view of the jurisdictional language of 28 U.S.C. 2344. (H. Rept. No. 95-1395, 40.) It is clear, therefore, that the Hobbs Act continues to apply to petitions for court review of final Commission decisions.

Accordingly, we hold that the words "after such *date*" in section 10327(i) mean "after such *time*", and that petitions for court review of final Commission decisions may be filed on the same date the decision is served.

Amending Language

To make Rule 98 consistent with section 10327(i), as construed above, we will amend the last sentence of Rule 98(c)(7)(i) by eliminating the words "after the date."

Administrative Procedure Act Requirements

The Administrative Procedure Act provides that a notice and comment period is not required when the rule in issue is an interpretative rule. (5 U.S.C. 553(b)(3)(A).) Also, an interpretative rule may be made effective immediately. (5 U.S.C. 553(d)(2).) The rule considered here is an interpretative rule because it interprets an ambiguity in section 10327(i); therefore, we will not provide for notice and comment, and the amended rule will be effective immediately.

We find:

This decision does not significantly affect the quality of the human environment or the level of energy consumption. This decision will have a positive impact on small businesses. This action is taken pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

It is ordered:

1. The last sentence of Rule 98(c)(7)(i) (49 CFR 1100.98(c)(7)(i)) is amended by removing the words "after the date."

PART 1100—GENERAL RULES OF PRACTICE

As amended, Rule 98(c)(7)(i) is revised to read as follows:

§ 1100.98 Appellate procedures.

* * * * *

(c) * * *

(7)(i) In a rail proceeding, the action, if not stayed, shall become effective 30 days after it is served, unless the acting body provides for the action to become effective at an earlier date. On the day the decision is served parties may initiate judicial review.

2. This decision is effective on August 10, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

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BILLING CODE 7035-01-M

[5] When faced with a problem of statutory construction, the courts show great deference to the interpretation given the statute by the agency charged with its administration. *Udall* v. *Tallman*, 380 U.S. 1, 17 (1964).

[6] S. Report No. 94-499, 94th Cong., 1st sess.; H. Rept. No. 94-725, 94th Cong., 1st sess.; H. Rept. No. 94-768 (1st Conf. Rept.) 94th Cong., 1st sess.; and H. Rept. No. 94-781 (2d and Final Conf. Rept.) 94th Cong., 2d sess.

[7] See H. Rept. No. 95-1395, pp. 1 and 4.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

High Seas Salmon Off Alaska

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

ACTION: Final rule.

SUMMARY: The Director, Alaska Region, National Marine Fisheries Service, issues a final rule (field order) that closes the east management area in the Gulf of Alaska off southeast Alaska to commerical fishing for salmon by vessels of the United States for a period from 12:01 a.m., Pacific Daylight Time (PDT) on August 10, 1981, through 11:59 p.m. on September 20, 1981. The Director is taking this action: (1) to reduce the offshore catch of coho salmon and (2) to terminate the catch of chinook salmon in the fishery conservation zone. In the absence of this closure, insufficient numbers of coho salmon will escape to inshore waters to provide both for expected harvests by inshore fisheries and for spawning escapement; likewise, the catch of chinook salmon could exceed the optimum yield if fishing is allowed to continue beyond August 10, 1981.

EFFECTIVE DATE: Section 674.21(a)(2) subparagraphs (i) and (ii) are suspended from 12:01 a.m., PDT, August 10, 1981 until 12:01 a.m., PDT, September 21, 1981 and subparagraphs (iii) and (iv) are effective from 12:01 a.m., PDT, August 10, 1981 until 11:59 p.m., PDT, September 20, 1981.

Public comments are invited until September 9, 1981.

ADDRESS: Comments may be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (address above), 907-586-7229.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude (FMP) provides for inseason adjustments to season and area openings or closures. Implementing rules in 50 CFR Part 674 (published June 26, 1981 at 46 FR 33041) specify in Section 674.23(a) that these decisions shall be made by the Director, Alaska Region, National Marine Fisheries Service (Regional Director), under criteria set forth in that section.

FMP Amendment 1, adopted by the North Pacific Management Council (Council) and approved and implemented by the Secretary of Commerce in September 1980 (45 FR 59172), provides for an inseason closure of the commercial salmon troll fishery in the fishery conservation zone (FCZ) off Southeast Alaska to reduce the offshore catch of coho salmon, consequently increasing the escapement of coho salmon both to inshore fishing areas and to spawning streams. According to Amendment 1, the closure is to correspond with the State of Alaska closure of the fishery in State waters.

The closure was adopted because recent major shifts of troll effort and harvest from the inshore fishing districts to the offshore (FCZ plus outer territorial sea) fishing grounds have reduced the number of coho salmon reaching the inshore districts. This shift of effort and catch, especially by the power troll fleet, changed the harvest balance between inshore and offshore fisheries and applied greater fishing pressure to mixed coho stocks further from their natural streams (Table 1). The result has been reduced spawning escapements in some streams as well as greater restrictions on inshore net fisheries for pink, sockeye, and chum salmon and the inshore troll fishery.

Table 1.—*Coho Salmon Power Troll Catch From Inshore Versus Offshore Fishing Areas, 1975–80*

	Inshore		Offshore	
	Number	Percent	Number	Percent
1975	121,333	70	51,813	30
1976	201,261	46	234,707	54
1977	189,836	54	161,278	46
1978	240,865	34	463,792	66
1979	141,832	21	531,379	79
1980	296,813	42	409,687	58

Analysis of 1980 catch indicates that the 10-day closure from July 15–25, 1980, occurred too early to be fully effective. Despite the closure, the offshore coho salmon catch was still 58 percent of the total coho salmon troll catch compared to the 1975–77 average of 43 percent, and spawning escapements were poor.

Recent offshore power troll catches of coho salmon have been well below average for this time period. Recent coho salmon troll catches from Icy Straits, a corridor where coho salmon move from offshore to inshore, and terminal area gillnet fisheries are below average. The sport fishery for coho salmon in the Juneau area is similarly below average. Although early coho catches from the various fisheries cannot be used with precision to predict the ultimate size, it is evident, that the run neither is larger than average nor has it yet moved into the inshore fishing districts. Current analysis of the timing of the 1981 coho salmon run indicates that the closure should begin on August 10, 1981.

Amendment 2 to the FMP, adopted by the Council and approved by the Assistant Administrator, reduces the chinook salmon optimum yield (OY) range for the East management area by 15 percent from 286,000–320,000 to 243,000–272,000 fish. The OY reduction was determined to be necessary to respond to severe conservation problems arising from the depleted condition of many of the chinook salmon stocks harvested by the Southeast Alaska troll fishery. The OY includes all chinook salmon commercially caught in both the FCZ and State of Alaska waters. Trolling is the only commercial fishing gear authorized by the FMP to harvest salmon in the FCZ off Southeast Alaska.

The chinook salmon OY reduction is to be implemented by a combination of a delayed season opening, an early season closure, gear restrictions, and inseason time/area closures. The inseason management strategy during 1981 was to attempt to delay the achievement of the chinook salmon OY in order to allow concurrent fishing for both coho and chinook salmon during most of July and August. Premature achievement of the chinook salmon OY could result in termination of the coho salmon fishery before the coho salmon OY was achieved, if it were determined that continued fishing only for coho salmon would be damaging to chinook salmon stocks. Although trollers can target on either coho or chinook salmon to some extent, a chinook-salmon-only closure at the end of the season could result in substantial chinook salmon hooking mortalities and wastage of legal-sized chinook salmon. Although this circumstance could be tolerated for a short time toward the end of the season when fishing effort and chinook salmon catches are normally declining, it would be intolerable during the first half of August when fishing effort and chinook salmon catches are still substantial.

Commercial trolling for salmon off Southeast Alaska began in 1981 on May 15, one month later than during 1980. Despite the late opening, early season catches of chinook salmon were extremely high and resulted in a projection that the chinook salmon OY would be achieved by August 8–15. As a consequence, the commercial troll fishery was closed for nine days from June 26 through July 4 in order to slow

the chinook salmon catch rate. Despite the June 26–July 4 closure, high chinook salmon catches have continued to occur. At the present rate of harvest the Southeast Alaska commercial troll catch of chinook salmon is estimated to be at least 240,000 fish by August 10. The State of Alaska intends to close its territorial waters for 10 days beginning August 10, but will reopen for both chinook and coho salmon fishing approximately August 20, 1981. Although the projected catch of 240,000 chinook salmon by August 10 is still below the maximum troll OY ceiling of 252,000 chinook salmon, it is expected that the OY will be achieved or exceeded by continued chinook salmon fishing in State waters after they are reopened. Therefore, the Regional Director has found that continued fishing for chinook salmon in the FCZ beyond August 10, 1981 will result in the OY being exceeded. The Regional Director has further found that the FCZ should not reopen to coho salmon fishing concurrently with the State reopening territorial waters on approximately August 20 because: (1) the incidental catch and consequent hooking mortalities to chinook salmon would be unacceptable; (2) coho salmon catches in the FCZ are normally declining after August 20; (3) the 1981 coho salmon run is, to date, below average and the coho salmon resource will benefit from the additional protection; and (4) this action is consistent with the stated objective of the FMP to "control and reverse recent trends of expanding effort and catch in outer coastal and offshore Southeast Alaskan waters to accomplish conservation goals." Therefore, the Regional Director has found that the east management area in the Gulf of Alaska off Southeast Alaska should close to commercial salmon trolling at 12:01 a.m. PDT August 10, 1981.

Because the information upon which the Regional Director based his finding has only recently become available, it would be impracticable to provide a meaningful opportunity for prior public notice and comment on this field order and still impose a prompt closure to assure attainment of the chinook salmon OY and sound conservation of the coho salmon resources. The Regional Director therefore finds, under 5 U.S.C. 553 (b)(3) and (d)(3), that there is good cause for not providing opportunity for public comment on this field order prior to its promulgation, and for not allowing the passage of the normal 30-day period before it goes into effect. Therefore, this field order shall become effective immediately following its filing for publication in the **Federal Register** and publication and broadcast for 48 hours through procedures of the Alaska Department of Fish and Game, in accordance with 50 CFR 674.23(b)(2). Under 50 CFR 674.23(b)(3), public comments on this field order may be submitted to the Regional Director at the address stated above for 30 days following the effective date. During the 30-day comment period, the data upon which this field order is based will be available for public inspection during business hours (8:00 a.m.–4:30 p.m.) at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West 9th Street, Juneau, Alaska. The Regional Director will reconsider the necessity of this field order in light of the comments received, and subsequently publish in the **Federal Register** a notice either confirming this field order's continued effect or modifying or rescinding it.

National Environmental Policy Act

A final environmental impact statement was prepared on approval and implementation of the FMP under Section 102(2) of the National Environmental Policy Act and was filed with the Environmental Protection Agency (EPA) on January 18, 1979. A final supplemental statement was prepared on Amendment 2 to the FMP and was filed with EPA on May 1, 1981.

Classification

The Administrator of NOAA has determined that this field order is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The short-term restrictions imposed on troll fishermen by this field order are not expected to result in countervailing short-term decreases in investment, productivity, and competitiveness or in significant increases in consumer prices, and are inherent in the management regime already provided for in the FMP. Consequently, the Administrator certifies that this field order will not have a significant impact on a substantial number of small entities, and thus does not require the preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604. This rule does not contain a collection of information requirement, and does not involve any agency in collecting or sponsoring the collection of information, for purposes of the Paperwork Reduction Act of 1980.

Because of the need outlined previously for prompt action to prevent the chinook salmon OY from being exceeded and to reduce the offshore harvest of coho salmon, this field order responds to an emergency situation within the meaning of Section 8 of Executive Order 12291, and is thus exempt from the requirement of Section 3(c)(3) of that Order that it be submitted to the Director of the Office of Management and Budget 10 days prior to publication. This field order is being transmitted to the Director simultaneously with its filing in the **Federal Register.**

Dated: August 6, 1981.

E. Craig Felber,

Acting Deputy Executive Director, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 674 is amended as follows:

1. The authority citation for Part 674 reads as follows:

Authority: 16 U.S.C. 1855.

2. In 50 CFR 674.21(a)(2), subparagraphs (i) and (ii) are suspended until 12:01 a.m., PDT September 21, 1981 and two new subparagraphs (iii) and (iv) are added to read as follows:

§ 674.21 Time and area limitations.

(a) *Commercial Fishing.*

* * * * *

(2) *East Area.* * * *

(iii) Commercial fishing for chinook, pink, chum, and sockeye salmon in the East Area is permitted for 1981 only from 12:01 a.m., PDT, on May 15 until 11:59 p.m., PDT on August 10.

(iv) Commercial fishing for coho salmon in the East Area is permitted for 1981 only from 12:01 a.m., PDT, on June 15 until 11:59 p.m., PDT, on August 10.

* * * * *

[FR Doc. 81-23395 Filed 8-7-81; 11:26 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 153
Monday, August 10, 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 THE TREASURY

Comptroller of the Currency

12 CFR Part 7

[Docket No. 81-14]

Definition of Capital and Surplus for Analytical and Statutory Purposes

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposal to issue a statement of policy and notice of proposed rulemaking.

SUMMARY: On July 24, 1980, the Office of the Comptroller of the Currency ("OCC") published in the **Federal Register** a proposed rulemaking (45 FR 49276), which would have redefined capital and surplus for the purpose of calculating various statutory limitations on activities of national banks. Comments were requested on that proposal. The OCC reviewed the comments received and has concluded that a second proposal is desirable before the adoption of a final rule. In addition, a policy statement is being proposed on the analytical framework by which the OCC will evaluate a bank's capital for capital adequacy purposes. The OCC believes that the adoption of an analytical framework consistent with the varying protections provided by the different components of a banks' capital base simultaneously will improve the OCC's supervisory procedures and assist national banks in evaluating and managing their capital positions. These two items use the same definition of capital and are being published together to assure maximum consistency between them.

DATE: Comments on the proposed regulation and policy statement must be received on or before October 9, 1981.

ADDRESSES: Comments should be sent to Docket No. 81-14, Communications Division, Third Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, D.C. 20219, Attn: Marie Giblin. Telephone: (202) 447-1800. Comments will be available for public inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Robert B. Norris, National Bank Examiner, Office of the Chief National Bank Examiner, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, D.C. 20219. Telephone: (202) 447-1165.

SUPPLEMENTARY INFORMATION:

Special Studies

No Regulatory Flexibility Analysis or Regulation Impact Analysis has been prepared for this proposal. A Regulatory Flexibility Analysis is not required because interpretive rulings are not covered by the provisions of the Regulatory Flexibility Act. A Regulatory Impact Analysis is not required because the OCC has determined that the proposal is not a "major rule" as defined by Executive Order 12291.

To make that determination, the OCC conducted a preliminary analysis of the probable economic effects of this proposal. That analysis indicated that the proposal would result in a one-time increase in the book value of aggregate national bank capital, as defined by the OCC, of less than five percent. That increase will be small and represents merely the reclassification of funds already on hand. It is not expected to have significant economic effects.

Most national banks will see a moderate increase in their capital/asset ratios as a result of this proposal, which will enable them to compete more aggressively for deposits and other liabilities and in turn enable them to be more aggressive supplier of loanable funds. Since the overall demand for bank credit is determined by general business conditions, such efforts to expand liabilities and assets can be expected to come largely at the expenses of competitors. Thus the macroeconomic effects of the proposed redefinition should be minimal, while its microeconomic effects on the money and credit markets will be procompetitive.

Drafting Information

The principal drafters of this document are Robert B. Norris, National Bank Examiner, Office of the Chief National Bank Examiner, and Robert M. Taylor, III, Attorney, Legal Advisory Services Division.

Part A—Notice of Proposal To Issue a Statement of Policy on Components of Capital Adequacy Analysis of National Banks by the Office of the Comptroller of the Currency

Introduction

The OCC published a notice of proposed rulemaking on July 24, 1980, in the **Federal Register** (45 FR 49276), which concerned the need for a reexamination of the appropriate capital base on which to limit concentration of risk and exposure to loss by national banks. That notice proposed to redefine capital [1] and surplus [2] as used in calculating statutory limits imposed on certain activities of national banks based on those items. Approximately 800 comments were received in response to the July 24, 1980, proposal. These comments made clear that the managerial and supervisory issue of bank capital adequacy could not be separated from the definitions of capital and surplus applicable in calculating certain statutory limitations. Consequently, in order to promote clarity and uniformity, both within the OCC and for national banks, the OCC is proposing a policy statement to reflect the analytical framework which the OCC will use in capital adequacy analysis. The components of this analytical framework, *i.e.*, those items that make up a bank's capital base for capital adequacy purposes, are divided into two groups, Primary Components and Secondary Components. The items in these two components are the same

[1] Certain activity limiting statutes use the word "capital" while others use the words "capital stock." In the following discussion of the proposed amended rule interpreting these activity limiting statutes the word "capital" is generally used, although both terms are defined in the proposed amended Interpretive Ruling. The word "capital" and the words "capital stock" are considered interchangeable for purposes of the proposed amended Interpretive Ruling.

[2] Certain activity limiting statutes use the word "surplus" while others use the words "unimpaired surplus fund." In the following discussion of the proposed amended Interpretive Ruling the word "surplus" is generally used although both terms are defined in the proposed Interpretive Ruling. For purposes of the proposed amended Interpretive Ruling, the word "surplus" and the words "unimpaired surplus fund" are considered interchangeable *except* for purposes of 12 U.S.C. § 82. The components of surplus (unimpaired surplus fund) for 12 U.S.C. § 82 purposes are more limited than the components of surplus (unimpaired surplus fund) for purposes of other statutes limiting the activities of national banks.

items that are listed as part of capital and surplus in the proposed Interpretive Ruling 7.1100 set forth in *Part B* of this document.

General Background

Bank capital fulfills at least the following purposes:

- Maintaining public confidence in individual banks and in the commercial banking system;
- Serving as a cushion against losses, thereby enabling a bank to function during periods of loss or negligible earnings;
- Assuring that the risks in commercial banking are appropriately distributed between the private and public sectors;
- Providing protection to uninsured depositors, unsecured creditors and public sector interests in cases of insolvency;
- Providing a foundation to support and discipline growth; and
- Providing funds for the acquisition of property necessary for banking operations.

The OCC believes that it would be inappropriate to require banks to maintain capital in such amounts as may be necessary either to absorb the strain of widespread economic collapse or accommodate a wholesale loss of deposits. Such a requirement would severely impair the banks' ability to compete, grow, and carry on the intermediary function basic to our economic system. Rather, the OCC believes that capital adequacy must be asessed within the context of each bank as an ongoing entity. A bank's capital base can be considered adequate when it enables the bank to intermediate funds responsibly and provide related services while protecting against future uncertainties.

Primary Components

The Primary Components of a bank's capital base for capital adequacy analysis include the following items:

1. *Equity:* Several balance sheet items perform many or all of the capital functions previously articulated. Obviously funds of a permanent nature, *i.e.*, those accounts commonly referred to as equity, quality as capital since they meet all of the purposes set out above. Equity accounts, which include common stock, preferred stock, capital surplus, undivided profits and reserves for contingencies and other capital reserves (excluding accrued dividends on preferred stock and limited life preferred stock), satisfy each of the stated purposes for capital. Preferred stock as used in this document means preferred stock that does not have a redemption requirement.

2. *Mandatory convertible instruments:* Items other than those which comprise equity meet several, if not all, of the purposes of capital. Capital instruments with covenants mandating conversion into common or preferred stock warrant classification as Primary Components of a bank's capital base. These instruments, although not now used extensively in the banking industry, typically allow the holder to convert the instruments into common or preferred stock during the life of the instruments. However, at a predetermined date any portion still outstanding will be replaced automatically through the issuance of common or preferred stock.

Equity accounts and mandatory convertible capital instruments share a common trait—permanence. Although the document evidencing ownership may change, these balance sheet categories will always be present, unless depleted by losses or bank insolvency or liquidation. Consequently, the OCC considers these elements to be Primary Components of a bank's capital base.

3. *Allowance for possible loan losses:* Currently 50 percent of the allowance for possible loan losses is included as part of a bank's capital base for statutory purposes. The OCC's July 1980 notice proposed to exclude this component from the definition of surplus for purposes of those statutes limiting bank activities. That notice stated that generally accepted accounting standards, adopted by the OCC in 1975, mandated that the allowance's balance be determined by and based on management's estimation of anticipated loss in the current loan portfolio. The allowance is reflected on a bank's financial statements as a deduction from loans receivable, thereby indicating to the public and other interested parties management's judgment as to the collectibility of loans receivable. For these reasons the OCC's earlier proposal would have eliminated the allowance from the capital base for statutory purposes.

The vast majority of commenters on the July 1980 proposal stated or implied that the allowance does have significant capital traits. They also opined that in many instances it is not solely, or even primarily, determined by the amount of estimated loan loss. Several external factors, individually or in concert, also affect the balance of the allowance. Most respondents underscored the fact that the allowance is merely the front line defense available to absorb loan losses, a function of capital. As such, the allowance is only an allocation of what otherwise would be capital.

Some commenters offered the view that the loan loss allowance is characterized by a high degree of permanency. Typically, these comments came from banks subject to intense market scrutiny and analysis. In essence, constraints imposed by the financial markets deter affected institutions from permitting the allowance to fall significantly below a one percent ratio of allowance to total loans, even where the quality of the loan portfolio would appear to justify a lower figure. Additional provisions to the allowance are made to perpetuate the market imposed one percent relationship. As a result, these banks, in effect, expense net charge-offs as they are sustained. Given this discipline, any decline in the allowance will be of a very temporary nature in soundly operated institutions.

While smaller institutions are not as subject to this degree of market suasion, they also are encouraged to maintain the allowance beyond purely risk-associated parameters. Under Section 166 of the Internal Revenue Code, banks may deduct from gross income amounts placed in the allowance for possible loan losses, subject to the limits set out in Section 585 of the Code. This deduction is allowed even though the amount put into the allowance for possible loan losses raises that allowance to a percentage of the outstanding eligible loans that is greater than the historical loss rate.[3] This tax policy is a forceful motivation for banks to reserve what otherwise would be equity through tax deductible additions to the allowance for possible loan losses in amounts greater than that dictated by management's analysis of loan portfolio risk.[4]

[3] For taxable years beginning prior to December 31, 1987, Section 585 of the Internal Revenue Code designates, indirectly, the amounts banks may deduct from gross income as additions to the allowance for possible loan losses. Under Section 585 banks may place in the allowance for possible loan losses, and deduct from gross income, the amount necessary to maintain that allowance at a designated percentage of total eligible loans outstanding. Until 1987 this deduction is allowable even though the allowance for possible loan losses may be greater in amount than the historical percentage of actual loan losses. After 1987, banks will be allowed deductions from gross income for additions to the allowance for loan losses only in amounts authorized by the "experience method" described in Section 585 of the Code.

[4] Whether this motivation, or other similar motivation, will exist after 1987, when banks must adopt the "experience method" of calculating deductible additions to the allowance for possible loan losses, is a question the OCC will have to consider at that time.

It is evident that the allowance for possible loan losses constitutes more than merely a protective cushion based on management's estimate of losses within the loan portfolio. Since the allowance is perceived by the public and market participants as protection against the risks of an uncertain future, it serves to sustain confidence in the banking system. In cases of insolvency and liquidation, it serves to protect unsecured creditors, uninsured depositors and public sector interests from exposure to loss. The allowance exists as a first reservoir against which loan losses can be charged.

For the purposes of call report and financial reporting presentation, it is appropriate to reflect the allowance for possible loan losses as a contra asset account deducted from total loans. However, this reporting method does not prevent the OCC and the public from recognizing the economic realities of the role that the allowance for possible loan losses plays.

Since the allowance for possible loan losses possesses properties that go beyond those of a valuation reserve, the OCC believes that it merits full treatment as an element of capital. Accordingly, the OCC proposes that 100 percent of the allowance for possible loan losses be included as a Primary Component of a national bank's capital base for capital adequacy analysis.

Even if the proposal to include 100 percent of the allowance in the capital base is adopted, the OCC will continue to require that national banks employ prudent policies to maintain the allowance at an adequate level.

Secondary Components

Limited life preferred stock and subordinated notes and debentures: The Secondary Components of a bank's capital base for capital adequacy analysis are limited life preferred stock and subordinated notes and debentures. These items have a common characteristic which distinguishes them from the other capital components. That characteristic is their lack of permanence. Unlike equity and mandatory convertible issuances, these instruments have a well-defined and limited life. Yet when of sufficient duration, they satisfy a significant number of the purposes of capital. Uninsured depositors, unsecured creditors and public sector interests are accorded protection by these items should liquidation occur. The existence of these instruments also fosters public confidence by offering investors an opportunity to place their resources at risk in the institution. Participation by investors lends additional discipline and strength to the banking system as well as to individual banks. The proceeds of these issues also provide a base, albeit of limited duration, to support growth.

Additional Conditions Applicable to the Inclusion of Limited Life Preferred Stock and Subordinated Notes and Debentures in a Bank's Capital Base for Capital Adequacy Analysis

1. *Minimum maturity:* The OCC believes that in order to meet a meaningful number of the purposes of a capital base component, limited life preferred stock and subordinated notes and debentures must have a significant minimum life. In addition to the capital characteristics which these Secondary Components exhibit, they have the potential, under certain circumstances, to produce retained earnings in amounts which are greater than the principal and dividend or interest payments on such instruments. The minimum length of time required for such instruments to make a material contribution to internal capital generation is not identical in every bank. It is affected by three variables: the ability to leverage, the return on assets, and the amount of earnings retained.

A bank's ability to leverage profitably monies acquired through the issuance of limited life preferred stock or subordinated notes or debentures is a key factor. The return must be sufficient to pay the principal and interest or dividends on these instruments plus produce additional retained earnings. The speed with which the bank can generate such return is also important. If an extended time is needed to generate the necessary return, then the period of time before that return provides additions to capital is also extended. Thus, the internal capital generated by the investment of funds received from the issuance of limited life preferred stock and subordinated notes and debentures is directly tied to the amount of time necessary for profitable leveraging to occur.

As in all banking operations, the degree of risk a bank may take in leveraging operations should not reach the level of imprudence. As banks differ in management ability, quality of the loan portfolio, disparity in cost of funds, systems proficiency, market constraints and caliber of competition, the degree to which they may prudently engage in leveraging operations also differs. Accordingly, the ability to increase earnings by successfully leveraging funds obtained from such sources varies from bank to bank. Because of these variables, an industry standard for determining the capital generation capacity of funds obtained from the sale of limited life preferred stock and subordinated notes and debentures cannot be defined.

A second factor complicating the development of one authoritative standard for determining the capital generation ability of such instruments is the fact that the rate of return on assets can fluctuate over time due to factors beyond the bank's control. Business cycles and interest rates are not predictable, a fact highlighted by today's economic climate. The result is that the rate of return on assets and the period necessary to achieve capital generation, which only yesterday appeared reasonably certain, may tomorrow be rendered only probable or even uncertain. Thus, a long term rate of return on assets, the second variable to achieving capital generation through such instruments, cannot be precisely projected.

Finally, the extent to which banks distribute any earnings increase to shareholders will impact the capital generation period. While the successful use of leverage operations can produce the projected rate of return on assets, an increased dividend rate will offset, entirely or in part, the anticipated contribution to capital.

Notwithstanding that these critical determinants vary considerably between banks and change over time, the OCC regards properly managed funds from the issuance of limited life preferred stock and subordinated notes and debentures as likely to increase a bank's profit stream and generally benefit its capital base. Typically, the longer the period until maturity the greater the capital contribution will be. Yet a precise time frame cannot be identified, a fact underscored by the different viewpoints stated by many respondents to the Comptroller's July 1980 proposal. Commenters proposed minimum time frames as short as two years and as long as fifteen years. On the one hand, the capital-like characteristics and benefits of limited life preferred stock and subordinated notes and debentures are identifiable. On the other, information gained from supervising approximately 4,400 diverse national banks reveals an almost infinite number of possible combinations of the variables that affect capital generation. Accordingly, the establishment of exact minimum time frames necessary for these capital instruments properly to be included in a bank's capital base is a matter of judgment.

In determining appropriate guidelines, the OCC considered the position taken by the Federal Financial Institutions

Examination Council ("Council") in its proposed policy statement on the definition of capital for bank capital adequacy analysis (46 FR 32498, June 23, 1981). The Council proposal states that in order to be included as Secondary Components of the capital base for the analytical purposes, limited life preferred stock and subordinated notes and debentures must have an original final maturity of at least ten years with a weighted average original maturity of at least seven years. To insure uniformity between the Council's proposal and this proposal, the OCC proposes that in order for limited life preferred stock and subordinated notes and debentures to be included, at least in part, as Secondary Components of a national bank's capital base for capital adequacy analysis, any issue of such instruments must have an original final maturity of at least ten years and a weighted average original maturity of at least seven years.[5]

2. *Amortization:* As maturity of these limited life instruments approaches, their capital characteristics obviously decline. This pending maturity is carefully weighed by financial market observers, participants and regulators when they analyze a bank's capital position and overall condition. Several commenters on the OCC's July 1980 proposal stated that for internal bank capital analysis they established amortization, or discount, schedules in recognition of an issue's pending maturity and reduced contribution to the capital base. The OCC's analysis of this matter supports this practice. Therefore, the OCC proposes that limited life preferred stock and subordinated notes and debentures be subject to an amortization schedule.[6]

As with the subject of minimum maturity, creation of an amortization schedule also raises difficulties with establishing one standard appropriate for each national bank. However, since it is proposed that the original final maturity be at least ten years, any amortization must take place within that period. After considering several options, the OCC proposes that national banks amortize limited life preferred stock and subordinated notes and debentures in accordance with the following schedule.[7]

Years to maturity	Percent of issue considered capital
Greater than or equal to 5	100
Less than 5 but greater than or equal to 4	80
Less than 4 but greater than or equal to 3	60
Less than 3 but greater than or equal to 2	40
Less than 2 but greater than or equal to 1	20
Less than 1	0

3. *Convertible issues:* The OCC recognizes that limited life preferred stock and subordinated notes and debentures may be issued with optional convertible features. However, the date actual conversion will take place, if it does occur, is unpredictable. Accordingly, in order to be included as Secondary Components of capital, such instruments also must have an original final maturity of at least ten years and a weighted average original maturity of at least seven years and be amortized in accordance with the previously explained amortization schedule. However, for capital adequacy analysis, the OCC will consider the probability of conversion.

4. *Call provisions:* The OCC recognizes that limited life preferred stock and subordinated notes and debentures may be issued with optional call dates. However, predicting the future call date for such instruments is uncertain at best. Therefore, for such instruments the minimum maturity periods and the amortization rate will be based on the maturity date rather than any possible call date. However, the OCC will consider the probability of a call in evaluating the capital adequacy of a bank.

5. *Restriction on limited life preferred stock and subordinated notes and debentures as capital:* Although the capital characteristics of limited life preferred stock and subordinated notes and debentures are recognized by the OCC, it must be stressed again that these components lack permanence and do not fulfill all of the purposes of capital. Unrestrained use of limited life preferred stock and subordinated notes and debentures for capital purposes is unsafe and unsound, both for individual banks and the domestic banking system. The proportion of such instruments that prudently may be included as Secondary Components of a bank's capital base is a matter of judgment. The OCC believes that prudential concerns would be satisfied by limiting the sum of limited life preferred stock and subordinated notes and debentures that will be included in a bank's capital base for analytical purposes to 50 percent of the total of the Primary Components (*i.e.*, equity accounts plus mandatory convertible instruments and allowance for possible loan losses). This proposal closely approximates the current OCC policy.[8]

Therefore, the OCC proposes the following statement of policy:

Statement of Policy on Components of Capital for Office of the Comptroller of the Currency's Capital Adequacy Analysis of National Banks

The Office of the Comptroller of the Currency ("OCC"), in carrying out its responsibility to ascertain what constitutes adequate capital for individual national banks, has determined that a statement of policy is desirable on what components of a bank's balance sheet may be prudently included as part of a bank's capital base for capital adequacy analytical purposes.

The OCC regards bank capital as fullfilling at least the following purposes for capital adequacy analysis:

- Maintaining public confidence in individual banks and the commercial banking system;
- Serving as a cushion against losses, thereby enabling a bank to function during periods of loss or negligible earnings;
- Assuring that the risks in commercial banking are appropriately distributed between the private and public sectors;
- Providing protection to uninsured depositors, unsecured creditors and public sector interests in cases of insolvency;
- Providing a foundation to support and discipline growth; and
- Providing funds for the acquisition of property necessary for banking operations.

The OCC believes that it is inappropriate to require that banks maintain capital in such amounts as may be necesary to either absorb the strain of widespread economic collapse

[5] The OCC's present policy is to require that issues of such instruments have a weighted average original maturity of at least seven years. This present policy conforms with the requirement in Regulation D of the Federal Reserve Board, 12 CFR 204.2(a)(1)(vii)(C), (45 FR 56009, August 22, 1980), that such instruments must have a weighted average maturity of at least seven years in order to be exempted from the reserve requirements of that regulation. The OCC presently imposes no other maturity requirements.

[6] Amortization as used herein refers to an adjustment of a memorandum account which reflects that portion of such instruments which are to be included in the capital base for capital adequacy analytical purposes. It does not refer to a reduction in the book amount of the bank's liability on such instruments.

[7] The amortization schedule also applies to individual maturities that are associated with issues involving serial note payments, sinking fund provisions or amortization programs.

[8] Under present internal OCC policy, approval for the issuance of limited life preferred stock and subordinated notes and debentures is generally given only where the total amount of such instruments outstanding will not exceed fifty percent (50%) of the total outstanding of what are described in this notice as the Primary Components of a bank's capital base.

or accommodate a wholesale loss of the bank's deposits. Such a requirement would severely impair a bank's ability to compete, grow and carry on the intermediary function basic to our economic system. Rather, the OCC believes that capital adequacy must be assessed within the context of each bank as an ongoing entity. A bank's capital base can be considered adequate when it enables the bank to intermediate funds responsibly and provide related services while protecting against future uncertainties.

For analytical purposes the OCC divides the components of capital into two groups: the Primary Components and the Secondary Components. The Primary Components are common stock, preferred stock, capital surplus, undivided profits and reserves for contingencies and other capital reserves (excluding accrued dividends on preferred stock and limited life preferred stock) (collectively referred to herein as "equity"), allowance for possible loan losses, and mandatory convertible instruments. At all times during their existence, all of the Primary Components, except mandatory convertible instruments, clearly meet all of the above listed purposes of capital. They offer permanent protection against future uncertainties. Mandatory convertible instruments typically allow the holder to convert the instrument into common or preferred stock during certain time periods. At a specified date all instruments not so converted will automatically be replaced by common or preferred stock. Thus, the OCC will consider mandatory convertible instruments as part of the Primary Components of a bank's capital base.

Controversy has arisen as to whether the allowance for possible loan losses, in whole or in part, should be included as part of capital for capital adequacy analysis. Presently fifty percent (50%) of the allowance for possible loan losses is considered as part of the capital base of national banks for statutory purposes. Often the amount of the allowance is not solely or even primarily determined by the estimated amount of loss in the loan portfolio. For those banks subject to intense market scrutiny a minimum permanent allowance for possible loan losses is necessitated by the marketplace. For other banks, the present tax policy of allowing, within designated limits, transfers to the allowance to be deducted from gross income motivates them to maintain the allowance at a higher level than dictated by loan loss expectation. The result of these factors is that the allowance has a high degree of permanence.

The allowance for possible loan losses is a first line reserve available to absorb loan losses, an important purpose of capital. The allowance for possible loan losses is perceived by the public and the investment community as protection against the risks of an uncertain future. Therefore, the OCC believes economic realities justify including one hundred percent (100%) of the allowance for possible loan losses as a Primary Component of capital for capital adequacy analysis.

The OCC has studied what role, if any, limited life preferred stock and subordinated notes and debentures should play in capital adequacy analysis. Although limited life preferred stock has not been issued by many national banks to date, subordinated notes and debentures are common. These two types of instruments are more similar than different and for capital adequacy analytical purposes both are considered Secondary Components of a bank's capital base.

One prime characteristic of these instruments is their lack of permanence. Unlike the Primary Components of capital, these instruments have a well defined and limited life. Yet during their life they meet a significant number of the purposes of capital listed above. Properly managed, the funds received from the sale of these instruments have the potential to produce retained earnings in amounts which are greater than the principal and interest or dividends required on such instruments. In so doing they provide a profit to contribute to internal generation of capital. Therefore, the OCC believes that limited life preferred stock and subordinated notes and debentures should be considered in some manner as part of a bank's capital base for capital adequacy analysis.

In order to justify treatment in any manner as capital, the OCC believes that limited life preferred stock and subordinated notes and debentures must have a minimum maturity. The OCC has reviewed the existing parameters on such instruments, and recognizes the need that they be in existence long enough to generate capital internally. The OCC believes that such instruments must have an original final maturity of at least ten (10) years and a weighted average original maturity of at least seven (7) years in order to be considered, in any manner, as part of the capital base. For such instruments with optional call dates, the minimum maturity period will be based on the maturity date rather than on any possible call date. However the OCC will consider the probability of a call in evaluating the capital adequacy of a bank. Instruments with optional convertible features must have an original final maturity of at least ten (10) years and a weighted average original maturity of at least seven (7) years. However, for capital adequacy analysis, the OCC will consider the probability of conversion.

The OCC believes that the portion of limited life preferred stock and subordinated notes and debentures that prudently can be considered as part of the capital base declines as the instrument's maturity approaches. Therefore, the OCC has adopted the following amortization schedule to describe how these instruments will be included in a bank's capital base for capital adequacy analysis.

Years to maturity	Percent of issue considered capital
Greater than or equal to 5	100
Less than 5 but greater than or equal to 4	80
Less than 4 but greater than or equal to 3	60
Less than 3 but greater than or equal to 2	40
Less than 2 but greater than or equal to 1	20
Less than 1	0

The OCC believes that the unrestrained use of limited life preferred stock and subordinated notes and debentures for capital purposes is unsafe and unsound. However, prudential concerns can be satisfied by limiting the aggregate maximum amount of such instruments that can be included in the capital base for capital adequacy analysis to an amount no greater than fifty percent (50%) of the total of the Primary Components of the capital base as defined herein. This restriction generally comports with present OCC policy as expressed in the approval process for such instruments.

The OCC has the legal responsibility to review applications by national banks to issue limited life preferred stock and subordinated notes and debentures. Applications to issue such instruments will be reviewed in accordance with 12 CFR 5.46 and 5.47.[9] Certain other requirements must be met by national banks issuing such instruments in order for them to be exempt from the reserve requirements of Federal Reserve Regulation D (12 CFR Part 204) and from the interest rate restriction of Federal Reserve Regulation Q (12 CFR 217).

[9] The OCC may condition approvals to issue such instruments in any manner it deems prudent pursuant to 12 C.F.R. 5.46 and 5.47. Although 12 C.F.R. 5.47 is entitled "Subordinated debt," the policies and procedures expressed therein will be applied to applications to issue limited life preferred stock as well.

The OCC expressly reserves the authority, in exigent circumstances, to waive the minimum maturity and amortization requirements and the retriction of Secondary Components to an amount no greater than fifty percent (50%) of the total of the Primary Components set forth above for the inclusion of limited life preferred stock and subordinated notes and debentures in the capital base of any national bank for capital adequacy purposes. The OCC further expressly reserves the right, in exigent circumstances, to impose more stringent conditions than those set forth in this document in order for limited life preferred stock or subordinated notes or debentures to be included, in whole or in part, as part of a national bank's capital base for capital adequacy purposes.

Part B—Notice of Proposed Rulemaking Defining Capital, Capital Stock, Surplus and Unimpaired Surplus Fund for Certain Statutory Purposes

Introduction

The OCC is proposing to amend its Interpretive Rulings which define the terms used in various statutes that limit the scope of certain national bank activities based on the amount of a bank's capital, capital stock, surplus or unimpaired surplus fund.[10] "Capital" is defined in 12 U.S.C. 51c for provisions of law relating to the capital of national banks as consisting of common stock and preferred stock. Currently, two of the OCC's Interpretive Rulings govern the computation of the unimpaired surplus fund ("surplus") for statutory purposes (Intrepretive Rulings 7.1100 and 7.7545, 12 CFR 7.1100 and 7.7545). "Unimpaired surplus fund" is presently defined for purposes of calculating a bank's lending limits under 12 U.S.C. § 84 in Interpretive Ruling 7.1100 and further applied for other statutory purposes (12 U.S.C. 24, 36(c), 371, 371c, 463 and with restrictions to 12 U.S.C. 82) in Interpretive Ruling 7.7545. This proposal defines "surplus" which, except for 12 U.S.C. 82 purposes, is interchangeable in meaning with "unimpaired surplus fund".[11] The proposal removes I.R. 7.7545 and expands I.R. 7.1100.

Under the proposal, the components of surplus, except for 12 U.S.C. § 82 purposes, will consist of capital surplus, undivided profits, reserve for contingencies and other capital reserves (excluding accrued dividends on preferred stock and limited life preferred stock), mandatory convertible instruments, allowance for possible loan losses, limited life preferred stock, and subordinated notes and debentures. The latter two components are included in the definition subject to certain conditions.

The proposed definition of surplus will be used, except for 12 U.S.C. § 82 purposes, together with the 12 U.S.C. 51c definition of capital, for those statutory limitations based on the capital and surplus of national banking associations.[12] For 12 U.S.C. 82 purposes, surplus, or as stated in that statute "unimpaired surplus fund", will not include limited life preferred stock or subordinated notes and debentures.

Components of Capital and Surplus

The term "capital", as used in common banking parlance, is subject to two separate definitions. In its strictest, *legal* sense, "capital" refers solely to common stock and preferred stock for provisions of law relating to national banks. (12 U.S.C. 51c). In its broader, analytical sense, "capital" refers to the components of a bank's capital and surplus which make up what the OCC and other analysts frequently refer to as a bank's "capital base". Part B of this document refers to "capital" only in its strict legal sense. While the word "surplus", as used throughout this proposal, may be broader than its usage in common banking parlance, such usage herein is necessary in order to avoid confusion and in order to conform to the preexisting statutory definition of "capital".

Capital: "Capital" is defined in 12 U.S.C. 51c as "the amount of unimpaired common stock plus the amount of preferred stock outstanding and unimpaired * * *" Section 51c applies this definition of capital to all provisions of law relating to the capital of national banking associations.

Surplus: Several provisions of the National Bank Act establish limitations based on the amount of a bank's capital and surplus. "Surplus" ("unimpaired surplus fund") as used in such statutes is presently defined for lending limit purposes (12 U.S.C. 84) in Interpretive Ruling 7.1100. This definition in Interpretive Ruling 7.1100 is applied to other statutes limiting national bank activity (12 U.S.C. 24, 36(c), 371, 371c, 463, and with restrictions to 12 U.S.C. 82) by Interpretive Ruling 7.7545. This proposal defines "capital" and redefines "surplus" for purposes of the relevant statutes limiting activities of national banks, other than 12 U.S.C. 82, and removes I.R. 7.7545. The components of "surplus", except for 12 U.S.C. 82 purposes, will consist of capital surplus, undivided profits, reserve for contingencies and other capital reserves (excluding accrued dividends on preferred stock and limited life preferred stock), mandatory convertible instruments, allowance for possible loans losses, and, subject to certain conditions, limited life preferred stock and subordinated notes and debentures.

The proposed definition of "surplus" differs from the current definition contained in I.R. 7.1100 in the following respects. First, it increases the inclusion of the allowance for possible loan losses from fifty percent (50%) to one hundred percent (100%). The reasons for increasing the amount of this allowance to be included as a component of surplus are discussed in Part A of this document. Second, the proposed definition expressly includes mandatory convertible instruments as a component of surplus. This component refers to instruments with provisions requiring their conversion into common or preferred stock by a stated date. Third, the proposal includes limited life preferred stock as a component of surplus. The term limited life preferred stock refers to preferred stock which has a maturity date. Fourth, the proposed definition sets out an amortization schedule for the inclusion of limited life preferred stock and subordinated notes and debentures as a component of surplus. Again, the reasons for the use of this amortization schedule and the rationale for the other proposed changes are discussed in Part A of this document.

Outstanding Limited Life Preferred Stock and Subordinated Notes and Debentures

Inasmuch as approximately $4 billion of subordinated notes and debentures issued by national banks and lesser amounts of limited life preferred stock, are outstanding, immediate imposition of the amortization program described in Part A of this document could adversely impact individual national banks. All banking activities restricted by capital and surplus-based statutory limitations would be reduced for banks having these instruments outstanding with maturities of less than five years. In particular, bank lending and investment functions might be eroded with individual borrowers suffering disruption in their access to credit. The OCC desires to minimize the disruptive effect caused by the immediate

[10] *See* footnotes 1 and 2, *supra*.

[11] *See* footnote 2, *supra*.

[12] It is noted that 12 U.S.C. § 51c provides that "capital stock" as used in 12 U.S.C. §§ 101, 177, and 178 includes only the amount of common stock outstanding. The proposed rulemaking will have no impact on the definition of "capital stock" for purposes of these three statutes.

imposition of the amortization schedule on outstanding issues of limited life preferred stock and subordinated notes and debentures. Therefore until December 31, 1982, the OCC proposes that it will not cite any bank for exceeding the relevant statutory limitation where the excess occurs because of a reduction in the amount of a bank's surplus caused by the imposition of the amortization schedule on such instruments; provided, such instruments are issued prior to the publication of this document. Evaluations of bank capital adequacy will immediately take into account the amortization framework.

12 U.S.C. 82

Although there is a difference in the components of surplus for the statutory limitation in 12 U.S.C. 82 and the components of surplus for other limiting statutes, the OCC believes that it is appropriate to set forth the components of surplus for 12 U.S.C. 82 purposes in the proposed amended Interpretive Ruling 7.1100.

The OCC proposes that surplus ("unimpaired surplus fund") for 12 U.S.C. 82 purposes shall include capital surplus, undivided profits, reserve for contingencies and other capital reserves (excluding accrued dividends on preferred stock and limited life preferred stock), mandatory convertible instruments, and allowance for possible loan losses.

Request For Comments

In addition to comments on any other portion of this proposal, the OCC is seeking specific comments on the components included in surplus for 12 U.S.C. 82 purposes and in particular on the following questions:

(1) For 12 U.S.C. 82 purposes, should subordinated notes and debentures be considered part of surplus ("unimpaired surplus fund"), subject to the amortization requirements previously discussed; or should they more properly be considered as bank liabilities subject to 12 U.S.C. 82?

(2) Should limited life preferred stock be included, subject to the amortization requirements previously discussed, in either the "capital" or the "surplus" of a bank for 12 U.S.C. 82 purposes or should it more properly be considered a bank liability subject to 12 U.S.C. 82?

(3) Should the OCC seek legislation to alter or remove 12 U.S.C. 82? If alteration is suggested, comment is sought on how the statute should be altered and the reasons supporting such alteration. If elimination is suggested, comment is sought on why the provisions of 12 U.S.C. 82 are no longer valid in today's economy.

Proposed Amendments

PART 7—INTERPRETIVE RULINGS

Accordingly, it is proposed that Part 7 of Title 12 of the Code of Federal Regulations be amended as follows:

1. The authority citation of Part 7 is as follows:

Authority: 12 U.S.C. 1 *et seq.*

2. By revising § 7.1100 to read as follows:

§ 7.1100 Capital and surplus.

(a) *Capital.* The term "capital" as used in provisions of law relating to the capital of national banking associations shall include the amount of common stock outstanding and unimpaired plus the amount of preferred stock outstanding and unimpaired.

(b) *Capital Stock.* The term "capital stock" as used in provisions of law relating to the capital stock of national banking associations, other than 12 U.S.C. 101, 177, and 178, shall have the same meaning as the term "capital" set forth in paragraph (a) of this Interpretive Ruling.

(c) *Surplus.* The term "surplus" as used in provisions of law relating to the surplus of national banking associations, other than 12 U.S.C. 82, shall include:

(1) Capital surplus;

(2) Undivided profits;

(3) Reserve for contingencies and other capital reserves (excluding accrued dividends on preferred stock and limited life preferred stock);

(4) Mandatory convertible instruments;

(5) Allowance for possible loan losses;

(6) Limited life preferred stock to the extent set forth in the amortization schedule in paragraph (g) of this Interpretive Ruling; and

(7) Subordinated notes and debentures to the extent set forth in the amortization schedule in paragraph (g) of this Interpretive Ruling.

(d) *Unimpaired Surplus Fund.* The term "unimpaired surplus fund" as used in provisions of law relating to the unimpaired surplus find of national banking associations, other than 12 U.S.C. 82, shall have the same meaning as the term "surplus" set forth in paragraph (c) of this Interpretive Ruling.

(e) For the purposes of 12 U.S.C. 82 only, the term "surplus" ("unimpaired surplus fund") shall include:

(1) Capital surplus;

(2) Undivided profits;

(3) Reserve for contingencies and other capital reserves (excluding accrued dividends on preferred stock and limited life preferred stock);

(4) Mandatory convertible instruments; and

(5) Allowance for possible loan losses.

(f) *Definitions.* (1) Capital surplus. The term "capital surplus" means the total of those accounts reflecting (i) amounts paid in, in excess of the par or stated value of capital stock; (ii) amounts contributed to the bank other than for capital stock; (iii) amounts transferred from undivided profits pursuant to 12 U.S.C. 60; and (iv) other amounts transferred from undivided profits.

(2) Mandatory convertible instruments. The term "mandatory convertible instruments" means those instruments which require the issuer to convert such offerings into either common or preferred stock by a stated date.

(3) Limited life preferred stock. The term "limited life preferred stock" means preferred stock which has a maturity date.

(4) Allowance for possible loan losses. The term "allowance for possible loan losses" means the loan loss balance on December 31, 1968, plus additions to the loan loss reserve charged to operations since that date, less loan losses charged to the reserve net of recoveries.

(g)(1) Issues of limited life preferred stock and subordinated notes and debentures must have original final maturities of at least ten (10) years and weighted average original maturities of at least seven (7) years to be included in the definition of "surplus" to the extent set forth in the following amortization schedule:

Years to maturity	Percent of issue considered within surplus
Greater than or equal to 5	100
Less than 5 but greater than or equal to 4	80
Less than 4 but greater than or equal to 3	60
Less than 3 but greater than or equal to 2	40
Less than 2 but greater than or equal to 1	20
Less than 1	0

(2) Amortization as used in this paragraph refers to an adjustment of a memorandum account which reflects that portion of such instruments which is to be included in the definition of surplus for statutory purposes. It does not refer to a reduction in the book amount of the bank's liability on such instruments.

§ 7.7545 [Removed]

3. By removing § 7.7545.

Dated: August 4, 1981.

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 81-23271 Filed 8-7-81; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25 and 121

Advisory Material for Flight Attendant Seats

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Request for Comments on a Proposed Advisory Circular.

SUMMARY: The proposed Advisory Circular (AC) defines acceptable criteria for showing compliance with Federal Aviation Regulations (FAR) §§ 25.785 and 121.311, and explains the approach to be used by the FAA in establishing design criteria for flight attendant seats and galley equipment.

DATE: Comments must identify the file number and be received on or before September 9, 1981.

ADDRESSES: Comments on the proposed AC are solicited from all interested persons and may be mailed to: Federal Aviation Administration, Office of Airworthiness, Airframe Branch (AWS-120), File No. AC 25.785-1, 800 Independence Avenue, SW., Washington, DC. 20591; or delivered to: Room 331A, 800 Independence Avenue, SW., Washington, DC. Comments may be inspected at Room 331A between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas McSweeny, Airframe Branch (AWS-120), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone: (202) 426-8382.

SUPPLEMENTARY INFORMATION: On January 29, 1980, the FAA issued Amendments 25-51 and 121-155 (45 FR 7750; February 4, 1980). These were part of Airworthiness Review Program Amendment 8 dealing with cabin safety and flight attendant proposals from Notices 75-10 (40 FR 10802; March 7, 1975) and 75-31 (40 FR 29410; July 11 1975). Amendment 25-51 amended the type certification standards for transport category airplanes by revising § 25.785 with respect to forward observer, flight deck station, and flight attendant seats. Amendment 121-155 amended the air carrier operating rules by revising § 121.311(e) and adding new §§ 121.311(f), (g), (h), (i), and (j). Significantly, new § 121.311(f) retroactively applied the requirements of § 25.785 after March 6, 1980. In response to numerous requests submitted pursuant to new § 121.311(j), all Part 121 operators were granted a 1-year extension (to March 6, 1981) of the compliance date for § 121.311(f). Later, in response to a petition for rulemaking filed by the Air Transport Association (ATA), amendment 121-170 (46 FR 15480; March 5, 1981) extended the compliance date for §§ 121.311(e), (f), (g), and (h) to March 6, 1982, and deleted § 121.311(j).

Soon after the adoption of amendments 25-51 and 121-155, it became clear to the FAA that agency field personnel and affected operators alike would benefit from guidance material designed to assist in compliance with the new rules. Accordingly the FAA developed interim guidance in the form of General Notices (GENOTS) which contained specific definitions of terms used in §§ 25.785 and 121.311 and suggested dimensional criteria for flight attendant seats and headrests. When the FAA subsequently reviewed these GENOTS in light of comments and materials submitted by airplane operators and manufacturers in response to publication of the ATA petition for rulemaking, it was apparent that implementation of the guidance material would have a more significant economic impact upon affected operators than originally anticipated. In its review the FAA found that it had underestimated the economic impact of its guidance material, as applied to inservice or newly manufactured airplanes, when compared with the anticipated safety benefit. Accordingly, the FAA has determined that the more proper manner of specifying detailed design criteria for flight attendant seats is through a proposed revision to Technical Standard Order (TSO) C39, aircraft seats and berths. Public comments will be solicited on the proposed TSO, and all comments will be considered prior to final issuance, as is done in the rulemaking process. An eventual change would also be required to Part 25 to incorporate the criteria established in TSO-C39. This would insure that flight attendant seats approved as part of an airplane type design would be properly designed.

The guidance material in this AC will facilitate implementation of the flight attendant and cabin safety amendments which will become effective after March 6, 1982, and will result in improved flight attendant seat designs and provide improved protection to the flight attendants from galley or stowage compartment objects that might become dislodged during a survivable accident. Many of the flight attendant injuries reported to the FAA have resulted from malfunctioning galley or passenger service equipment and flight attendent seats. On January 9, 1981, the FAA issued a proposal (46 FR 5491; January 19, 1981) to require reporting of the occurrence or detection of each failure, malfunction, or defect concerning such equipment. The acceptable means of compliance embodied in this proposed AC and future seat criteria contained in revisions to TSO-C39 are the agency's approach to improve flight attendant seat and galley equipment design.

The Proposed Advisory Circular

In accordance with the above, the FAA published proposed AC 25.785-1, Flight Attendant Seat Requirements.

Issued in Washington, D.C., on August 3, 1981.

M. C. Beard,

Director of Airworthiness.

PROPOSED ADVISORY CIRCULAR—FLIGHT ATTENDANT SEAT REQUIREMENTS

1. Purpose

This AC provides information and guidance regarding acceptable means of compliance with §§ 25.785 and 121.311, and explains the approach to be used by the FAA in establishing design criteria for flight attendant seats and galley equipment.

2. Cancellation

All guidance material contained in General Notices (GENOT) N8430.326, N8430.329, N8000.200, N8000.201, and N8000.209 is hereby canceled.

3. Related Federal Aviation Regulations

Section 25.785 Seats, berths, safety belts, and harnesses.

Section 121.311 Seats, safety belts, and shoulder harnesses.

4. Background

a. On January 29, 1980, the FAA issued Amendments 25-51 and 121-155 (45 FR 7750; February 4, 1980). These amendments were the portion of Airworthiness Review Program Amendment 8 which dealt with cabin safety and flight attendant proposals from Notice 75-10 (40 FR 10802; March 7, 1975) and Notice 75-31 (40 FR 29410; July 11, 1975).

b. Amendment 25-51 revised § 25.785(g) and added new § 25.785(k) dealing with forward observer and flight deck station seats, and revised

§ 25.785(h) and added a new § 25.785(j) dealing with flight attendant seats.

c. Amendment 121-155 revised § 121.311(e) and added new §§ 121.311(f), (g), (h), (i), and (j). Amendment 121-170 (46 FR 15480; March 15, 1981) extended the compliance date for §§ 121.311(e), (f), (g), and (h) to March 6, 1982, and deleted § 121.311(j). Of significance to this issue is the fact that after March 6, 1982, § 121.311(f) retroactively applies the requirements of § 25.785 to Part 121 operators.

5. FAA Policy on Flight Attendant Seats

a. In addition to the guidance contained in this AC, the FAA plans to develop dimensional and energy absorption criteria for flight attendant seats in close coordination with airplane manufacturers, airplane operators, and flight attendants. A proposed revision of the Technical Standard Order (TSO) C39 for aircraft seats or berths to incorporate this criteria will be published in the **Federal Register** for public comment. Should the FAA deem it appropriate to require a cutoff date for manufacture of flight attendant seats to the present TSO, it will propose such a date in the revision to TSO-C39.

b. Until specific flight attendant seat criteria can be developed, the FAA recommends that flight attendant seat backs on new airplanes type certificated after December 31, 1981, be at least 15.5 inches wide for single seats and 31 inches wide for double seats, and that 36.5 inches of vertical energy absorbing support be provided for the arms, head, shoulders, and spine. Unpadded bulkheads do not provide adequate energy absorbing head support as required under § 25.785(h)(2)(i).

c. Upon completion of the revision to TSO-C39 and any associated changes to Part 25, this AC will be revised to reflect their content.

6. Definition of Terms Used in §§ 25.785 and 121.311

a. *Near:* As used in § 25.785(h), this means sufficiently close to the exit to permit flight attendants to reach required floor level exits in a timely manner to execute their emergency evacuation duties. A longitudinal distance from the seat to the exit equal to not more than a distance equivalent to three rows of seats is acceptable. When approved flight attendant seats are installed at more than one location within the above three-row distance from a required floor level exit, and the operating rules require the location of a flight attendant(s) in the vicinity of that exit, the required flight attendant(s) should first be located in the seat(s) closest to that exit, unless the design of the seats is such that the seat(s) furthest from the exit has increased occupant protection features over the seat(s) closest to the exit.

b. *Extent Possible:* As used in § 25.785(h)(1), with respect to "direct view" of the cabin area for which the flight attendant is responsible, this means to the extent practicable without compromising proximity to required floor level emergency exists. In the current fleet, the intent is to require changes to existing approved designs to increase view. During any cabin modifications to existing airplanes in the fleet, special effort should be made to minimize obstructions to view.

c. *Shoulder Harness:* This should be a double strap design, with one strap over each shoulder.

d. *Direct View:* As used in § 25.785(h)(1), this means direct (line of sight) visual contact which enables the flight attendant to be made aware of passenger needs for his/her services, when the flight attendant is seated with seatbelt and shoulder harness fastened. Mirrors or other devices are not acceptable equivalents to direct view, except in those cases where the floor level exit proximity takes precedence over direct view.

e. *Means to Secure:* As used in § 25.785(h), this requires that there be means to stow the shoulder harness and safety belt when they are not in use. Such means include automatic retractors, a pocket behind the seat, or a design which permit the straps to be held out of the way by a folding seat. In any case, the belts or harnesses should not impede rapid egress when released quickly during an emergency.

f. *Required Floor Level Emergency Exits:* As used in § 25.785(h)(1), this refers to floor level exits which were used to establish approved seating for type certification of the airplane.

7. Adequacy of Existing Flight Attendant Seats

a. Pending modification of TSO-C39 and Part 25 to update seat width dimensional criteria for flight attendant seats, existing flight attendant seats in service are considered to comply with § 25.785(h)(2)(i) with respect to seat width and energy absorption characteristics of the padding.

b. Any design changes to interiors of inservice airplanes or newly manufactured airplanes of existing models, should not result in flight attendant seats narrower than the seats presently approved as part of the airplane type design.

c. With regard to seat back heights, TSO-C39 specifies, for aft facing seats, that the seat back be sufficient to provide 36.5 inches of support for the occupant, as measured from the point of maximum seat cushion depression to the top of the seat back. Section 25.785(h)(2)(i) requires that forward and aft facing seats be designed to provide occupant protection. Thus, all flight attendant seats providing at least 36.5 inches of vertical energy absorbing support for the occupant will meet § 121.311(f), after March 6, 1982. Either a single seat back or segmented seat back plus headrest complies with the requirement. Unpadded bulkheads do not provide adequate energy absorbing head support as required under § 25.785(h)(2)(i).

d. After March 6, 1982, in accordance with § 121.311(f), each seat occupied by a flight attendant required by § 121.391(a) must have a combined seatbelt and double strap shoulder harness that meets the requirements of § 25.785, except that any combined seatbelt and shoulder harness approved and installed before March 6, 1980, may continue to be used.

e. As specified in § 121.311(f)(2), the combined seatbelt and shoulder harness restraint system may be designed to the crash inertia load factors established by the certification basis of the airplane. This means that for airplanes whose type certification basis includes Civil Aviation Regulations (CAR) 4b in effect prior to March 5, 1952, a forward crash load factor as low as 6g's may be used. Seat belt and shoulder harness installations on airplanes whose type certification basis includes CAR Part 04 or Aeronautics Bulletin No. 7A should be designed to a forward crash load factor of no less than 6g's. Load factors in all other directions should be as specified in FAR § 25.561, which contains load factors identical to those of CAR 4b.260.

f. After March 6, 1982, passenger seats occupied by flight attendants required by § 121.391(a) must fully comply with § 25.785(h), as outlined in this AC. Passenger seats occupied by flight attendants in excess of the number required by § 121.391(a) need not comply with § 25.785(h).

8. Galley Restraint Requirements

a. Section 25.785(j) requires that each flight attendant seat must be located to minimize the probability of its occupant suffering injury by being struck by items dislodged from a galley or from a stowage compartment or serving cart. Service experience with galleys, stowage compartments, and serving carts has shown that some of the presently designed latches or locks, of

themselves, do not adequately minimize the probabilty of items being dislodged under operational and emergency load conditions.

b. Flight attendant seats that are located within a radial distance equivalent to three rows of seats from a galley or stowage compartment, with the exception of underseat and overhead stowage bins, are not in compliance with § 25.783(j) unless additional restraint devices (dual locking devices) are incorporated on the galley or stowage compartment to retain all items of mass.

c. Doors on galleys, stowage compartments, or serving carts located in proximity to flight attendant seats as defined in paragraph 8.b., should incorporate additional restraint devices of a design that are demonstrated to be reliable and secure in a positive manner. These additional restraint devices must be designed to retain all items of mass under the crash inertia load factors specified as part of the airplane type certification basis.

d. Nets, bulkheads, thumb latches on individual doors, and doors completely closing off galleys are examples of acceptable additional restraint devices. As used herein, a thumb latch is a bar, not completely transversing the door, mounted externally to structure between galley doors or compartments, which can be rotated over the door or compartment and locked in place, usually by spring loading the latch, to retain the door or items of mass.

e. In order to minimize the probability of items of mass being dislodged from galleys and service units in close proximity to a seated flight attendant, each carrier's maintenance program should provide for the reporting of malfunctioning or failed galley units on those galleys or service units in close proximity to the flight attendants. Proper procedures should be defined for the timely repair of failed or improperly operating latches.

f. Where serving carts are secured outside of the galley or within compartments in the galley, without additional doors closing off the cart, the criteria in paragraphs 8.c. through 8.e are applicable to the serving cart itself if the location is near a flight attendant seat as defined in paragraph 8.b.

g. It is recommended that the additional restraint devices or door latches be designed so that a flight attendant may easily and quickly determine if the latches or restraint devices are secured. A thumb latch having a colored strip on the door at the latch locked position is an example of a design which will enable the flight attendant to quickly determine when all doors are properly secured.

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BILLING CODE 4910-13-M

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14 CFR Parts 61, 63, 65, 67, 145, and 187

[Docket No. 22052; Notice No. 81-12]

Need Requirement and Fees for Certification of Foreign Airmen and Air Agencies

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish (1) a schedule of fees for issuance of certain airman and repair station certificates to foreign nationals residing outside the United States; (2) a method for collecting those fees; (3) a need requirement for those airmen—a need requirement has already been established for issuance of certificates to foreign repair stations; and (4) a two-year limitation on the validity of certificates issued to foreign nationals which may be renewed upon demonstration of continuing compliance with both the need requirement and existing currency or recency requirements. The proposed rule is designed primarily to recover the costs the FAA incurs in certification of foreign airmen and repair stations overseas, as well as to improve substantially the FAA's surveillance over foreign nationals holding FAA certificates by generally limiting their issuance. The proposed requirement is that certificates be issued overseas to foreign nationals only when needed to operate or maintain aircraft of United States registry, and is thereby intended to facilitate the FAA's effort to assure ready acceptance of U.S. aeronautical exports overseas. Finally, this proposal is in keeping with the intent of Congress.

DATES: Comments must be received on or before October 12, 1981.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGS-204), Docket No. 22052, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Kathleen W. Gorman, International Analysis and Coordination Division, AIA-300, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone: (202) 426-3230.

SUPPLEMENTARY INFORMATION:

I. Comments Invited

Interested persons are invited to participate in preparing the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-204, 800 Independence Avenue, SW Washington, D.C. 20591. All communications received on or before October 10, 1981, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

II. Availability of NPRMs

Any person may obtain a copy of this notice of proposed rule making (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.

III. Background

A. Statutory

Title VI of the Federal Aviation Act of 1958 (the Act) gives the Administrator authority to issue certificates for airmen, instructors, schools, and repair stations. Title VI, Section 602(b), states that the Administrator may at his descretion, prohibit or restrict the issuance of those certificates to aliens. Exercise of this authority is reflected in several sections of the Federal Aviation Regulations.

With respect to airmen certificates and ratings, Section 61.13(b) (14 CFR 61.13(b)) provides that "the Administrator may refuse to issue certificates to persons who are not citizens of the United States and who do not reside in the United States." This language is based directly on the statutory authority contained in Section 602(b). The Administrator has, over recent years, issued certificates to such

aliens only when the applicant needs a FAA certificate to be eligible to regularly operate, or perform maintenance on, U.S. registered aircraft. This policy reflects limitations on FAA resources, while simultaneously seeking to facilitate the operation overseas of U.S. registered aircraft.

In addition alien airmen who hold valid certificates issued by a foreign government may be issued "special purpose" airman certificates, pursuant to §§ 61.77 (14 CFR 61.77) and 63.23 (14 CFR 63.23), to permit them to operate U.S. registered aircraft leased to aliens. Similarly, alien airmen who hold valid certifictes issued by a foreign government may be issued certificates, pursuant to §§ 61.75 and (14 CFR 61.75) and 63.42 (14 CFR 63.42), to permit them to operate U.S. registered aircraft when not carrying persons or property for compensation or hire or engaged in agricultural operations.

With respect to repair stations, § 145.71 (14 CFR 145.71) states that a certificate with appropriate ratings may be issued for a foreign repair station only if the Administrator finds that the station is necessary for maintaining or altering United States-registered aircraft outside the United States. The FAA recognizes, however, that U.S. registered aircraft may be operated in countries with no FAA certificated repair stations but where the workmanship standards of resident mechanics and repairmen nevertheless compare favorably with FAA standards and will assure continued airworthiness of United States registered aircraft. In situations where the FAA determined that a foreign aviation authority provides a high level of surveillance, it may in the future initiate a reciprocal arrangement with that authority to provide for reciprocal recognition of maintenance and repair work performed by holders of mechanic or repairmen licenses issued by either party or by the authorized employees of companies approved by either party to perform aircraft or repair work. Such an arrangement already exists between the United States and Canada and is embodied in § 43.17 (14 CFR 43.17). Section 43.17 enables authorized employees on behalf of approved Canadian companies, and the holders of Canadian mechanic or repairmen licenses to perform work on United States registered aircraft in accordance with the general performance rules of 14 CFR 43.13 and make maintenance record entries in accordance with 14 CFR 43.9.

Furthermore, upon ratification, recent amendment of Article 83 of the Chicago Convention will permit the FAA to conclude bilateral agreements with foreign authorities which transfer maintenance surveillance functions for United States registered aircraft operated by the holder of an operating certificate issued by a foreign authority to that authority. In circumstances where maintenance or repair of United States registered aircraft is covered by either of these types of agreement, the Administrator will presume that no "need" will exist in such countries for repair station or mechanic certificates. FAA is now reviewing criteria and procedures for concluding such arrangements, which will be the subject of future consultative or regulatory action.

The FAA also has been charged with establishing a fair and equitable system for recovering full costs expended for any service, such as the issuance of the certificates discussed in this proposal, which provide a special benefit to an individual beyond those which accrue to be general public. Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 438a) states:

> It is the sense of the Congress that any work service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared or issued by any Federal Agency * * * to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the fullest extent possible * * *.

To give full effect to this sense of Congress, Section 483a further provides:

> The head of each Federal agency is authorized by regulation (which, in the case of agencies in the Executive Branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefore such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of any existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts * * *.

The statute provides that the amounts collected shall be paid into the Treasury as miscellaneous receipts.

B. OMB Guidance

To aid in establishing fee schedules, the Office of Management and Budget has prescribed in Circular No. A-25 the general guidelines to be used in developing an equitable and reasonable uniform system of charges for certain government services and property.

The circular provides that "where a service (or privilege) provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to receive the full cost to the Federal Government of rendering that service." As specified in Circular No. A-25,

A special benefit will be considered to accrue and a charge should be imposed when a Government rendered service:

(a) Enables the beneficiary to obtain more immediate or substantial gains or values (which may or may not be measurable in monetary terms) than those which accrue to the general public (e.g., receiving a patent, crop insurance, or license to carry on a specific business), or

(b) Provides business stability or assure public confidence in the business activity of the beneficiary (i.e., certificates of necessity and convenience [sic: convenience and necessity] for airline routes, or safety inspections of craft); or

(c) Is performed at the request of the recipient and is above and beyond the services regularly received by other members of the same industry or group, or of the general (e.g., receiving passport visa, airman's certificate, or an inspection after regular duty hours).

C. Previous Notice

Consistent with the guidelines set forth in Circular No. A-25, in recent years the FAA has issued several notices of proposed rule making to establish a schedule of fees for various FAA activities (Notices 67-17, 67-18, and 78-6). The schedules were predicated, however, on the FAA's system-wide total cost of performing specific certification activities, and no attempt was made to distinguish the far greater costs incurred performing certification services overseas from costs incurred performing similar services in the United States. Moreover, the proposed fee schedules were never implemented. Beginning in 1973, the Congress annually prohibited the implementation of such fee schedules through language in the Appropriations Legislation for the Department of Transportation. In 1979, this prohibition was deleted from the Appropriations Legislation and included in Section 45 of the Airline Deregulation Act of 1978:

> Notwithstanding any other provision of law neither the Secretary of Transportation nor the Administrator of the Federal Aviation Administration shall collect any fee, charge, or price for any approval, test, authorization, certificate, permit, registration, conveyance, or rating relating to any aspect of aviation (1) which is in excess of the fee, charge, or price for such approval, test, authorization,

certificate, permit, registration, conveyance, or rating which was in effect on January 1, 1973, or (2) which did not exist on January 1, 1973, until all such fees, charges, and prices are reviewed and approved by Congress.

Prior to 1970, a liberal policy prevailed within the FAA regarding acceptance of applications for airmen and air agency certificates by foreign nationals residing outside the United States. During the 1970's, however, the continuous expansion in world-wide demand for FAA certification services along with the adverse movement of currency exchange rates against the United States dollar placed an undue burden on FAA budgetary and manpower resources.

Simultaneously, the appropriateness of this policy was called into question. The technical sophistication of many foreign civil aviation certification authorities has been strengthened by general economic growth and civil aviation technical assistance provided by the International Civil Aviation Organization (ICAO), the United States and other nations. Moreover, overly free exportation of U.S. certificates could deter the development of competent, indigenous certification programs. The FAA wishes to avoid that result and to encourage foreign governments in the development of aeronautical codes and administrative capabilities which would permit them to conduct their own certification functions.

For these reasons FAA began a practice of restricting certification of foreign nationals, primarily through the requirement that the applicant show that such certification be required to operate or maintain aircraft registered in the United States (hereinafter the "need" requirement). This need requirement was incorporated in regulations governing certification of foreign repair stations (14 CFR 145.71). Such a restriction was in keeping with the United States responsibility under the 1944 Chicago Convention, for maintaining the airworthiness of aircraft registered in the United States.

Then, in 1980 Congress passed the International Air Transportation Competition Act of 1979 giving the FAA authority to establish fee schedules for airman and repair station certificates issued outside the United States. Section 28 of that Act amends section 45 of the Airline Deregulation Act to read as follows:

> Nothing in this section shall prohibit the Secretary of Transportation or the Administrator from collecting a fee, charge, or price for any test, authorization, certificate, permit, or rating, administered or issued outside the United States, relating to any airman or repair station.

Although section 28 provides discretionary authority to collect fees from any applicant residing outside the United States, this notice proposes fees to be collected only from foreign nationals residing outside the United States.

IV. Discussion of the New Notice

In keeping with the authority granted under section 28 of the International Air Transportation Competition Act of 1979, this new notice establishes a schedule of fair and equitable fees for those certification activities carried out for foreign nationals residing outside the United States. These certification activities must either meet the proposed or existing regulatory need requirements, or be exempted from them. Hourly rates and fixed fees for each certificate are contained in Table G, and are further explained below in Section V. These fees implement OMB Circular A-25 and will recover all costs incurred by the FAA, except those incurred through most surveillance and reissuance activities. (Applicants for reissuance of mechanic inspection authorization, repair station, and flight instructor certificates will be charged.)

The proposed amendments also formally establish a "need" requirement for issuance of certificates to foreign applicants outside the United States; i.e., the certificates must be required for the operation or maintenance of United States registered aircraft.

The regulatory need requirement would be waived only if a foreign government formally requests an exemption in accordance with Section 11.25. The Administrator will carefully weigh each such request for overseas certification of specified foreign airman applicants (Parts 61, 63, and 65) to determine whether the requesting government is unable to certificate its own nationals and whether performance of this service by the FAA is therefore required to ensure aviation safety in air commerce. The Administrator similarly can waive the need requirement for issuance of repair station certificates provided it has been determined, in keeping with current FAA policy, that the requesting government can properly supplement FAA surveillance with its own. In either case, if the Administrator does grant the request and waives the need requirement in accordance with § 11.27, FAA's activities will be conducted under the authority of a Memorandum of Agreement which provides reimbursement for agency expenses.

The FAA does not currently issue to foreign nationals overseas: (1) any certificates for Pilot Schools (Part 141), Ground Instructors (Part 143), Aviation Maintenance Technical Schools (Part 147), and Parachute Lofts (Part 149), and (2) certificates issued under subparts of Part 65 for Aircraft Dispatchers (Subpart C), Repairmen (Subpart E), and Parachute Riggers (Subpart F). Consequently, those parts and subparts have not been amended to include the need requirement and other requirements included elsewhere in this proposed rule change. Subpart B of Part 65 similarly has not been amended, although it is understood the current practice of issuing under this subpart a limited number of air traffic control tower operator certificates overseas to foreign nationals for the operation of civilian/military joint-use facilities in Europe will be continued under an appropriate agreement with the Department of Defense.

The proposed amendments also provide that each certificate issued to a foreign national is valid for a period of 24 months. This will enable the Administrator to review the records of the applicant and apply other appropriate tests to determine whether the applicant continues to meet the need requirement, and the currency or recency of experience requirements of the applicable Parts. To assist in this determination, applicants would submit an appropriate form to be determined by FAA specifying the U.S.-registered aircraft operated or maintained in the previous period, as well as an assessment of the number of U.S.-registered aircraft to be operated or worked on in the next period.

Along with the FAA's efforts to encourage and assist in the continued improvement of foreign civil aviation regulatory bodies either directly or through ICAO, this renewal procedure will improve the FAA's role in maintaining a high level of aviation safety.

V. Fee Computation

Fixed fees for airman and medical certificates, and hourly rates for assessing fees for repair station certificates, are contained in Table A, and would be included in the regulations as a new Appendix to Part 187 entitled "Fees." These proposed fees derive from total certification costs, and include direct and indirect labor costs, overhead costs, interest recovery, depreciation, and space rent costs, where appropriate.

The FAA plans to review annually and, as necessary, revise these fees to recover significant additional costs (e.g., a Federal salary increase). Proper notice of such increases will be made in the **Federal Register.**

Fixed fees and hourly rates have been carefully derived through the following steps.

First, the total FY 1981 FAA Operations and Maintenance costs of certification activities were derived. This cost includes an allocation of overhead costs such as training, staff support and direction. Second, hourly costs of both technical and clerical services for airman certification were established. The technical hourly cost was broken out into general aviation and air carrier categories, and includes attendant costs such as correspondence, report writing, and travel, as well as direct technical time spent on certification. Hourly rates for repair station certification were also established using similar criteria, and are included in Table A.

Finally, fixed fees for issuance of certificates have been set wherever possible, rounded to the nearest dollar. In the case of airman certificates, the hourly costs have been combined in Table A with estimated average times required in each certification activity to produce fixed fees. In the case of repair station certificates, fixed fees have not been derived because the time involved in certification varies widely; rather, it is proposed that applicants would submit at time of application a prepaid deposit at the hourly rate specified in Table G to cover either 25 hours of certification activity for original certification or approval of a change of location or housing of facilities, or 10 hours of certification activity for an amendment of the certificate due to an added rating or change in ownership.

Subsequently, the applicant would either receive a refund or submit additional funds, depending upon the amount of time actually required for certification. Finally, fixed fees for Medical Certificates have been separately derived, since these certificates are processed through a separate certification system.

No fees will be charged for reissuance of airman or medical certificates, since such reissuance costs are primarily clerical and not significant. A fee will continue to be charged for replacing stolen or lost certificates. However, fees will be assessed for reissuance of mechanic inspection authorizations, repair station certificates and for flight instructor certificates, since this requires considerable expenditure of FAA techincal resources. (See Table A.)

Tables setting out the costs used in deriving these fees are available for review in the rules docket.

VII. Fee Collection

For airman and medical certificates, the FAA proposes to collect the fees at the time of application for a certificate or rating, after first ascertaining the applicant's eligibility. The applicant would obtain an Application Fee Receipt Form (receipt form) from a Flight Standards Office (FSO). The receipt form would request specific information to determine whether the applicant meets the need requirement and other preliminary eligibility requirements, such as age and currency. The applicant would complete the form in triplicate and submit the receipt form with the proper fee (check, money order or draft payable in U.S. currency) to the FSO.

If the eligibility requirements are not met, the FSO will return the receipt form and the fee to the applicant. If the requirements are met, the FSO would forward the receipt form and the fee to the regional accounting office serving the area. The regional accounting office would ascertain that the proper fee is paid, stamp the original and two copies of the receipt form "Paid," retain the original as support for the collection, and return the other two copies to the applicant. The applicant would retain the third copy of the receipt form as a record of the fee payment, and sumit the second copy with the application to the FSO representative, Aviation Medical Examiner, or other designee at the time of examination. Application must take place within two years of fee payment. The second copy of the receipt form would become part of the official application file. No application from a foreign applicant would be acted upon until evidence of fee payment has been presented.

There will be no refund of any fee payment for any examination which the applicant failed to pass. However, if an applicant notifies the FAA at least one week before a scheduled examination that he wishes it cancelled, the FAA will refund the fee payment after deducting a minimal service charge to cover the cost of processing the application.

In the case of repair station certificates, applicants would submit as prepayment the costs required for 25 or 10 hours of certification activity, as appropriate. This prepayment would be accompanied by a receipt form which the appropriate FAA accounting office would process in the same fashion as airman and medical certificates. If the time required in actual certification is less than 25 or 10 hours, the FAA would submit to the applicant a refund to cover the difference between prepayment and actual costs. Conversely, if the time required is greater than 25 or 10 hours, the applicant would submit the additional funds accompanied by another form which would be processed by the same accounting office which processed the original receipt form. Each copy of this second form would be stamped "paid." One copy would be kept by the accounting office, another by the certificating FSO office, and the third mailed to the applicant along with the certificate. As in the case of airman and medical certificates, applicants for repair station certificates would have to pay for all assessed FAA costs, regardless of whether a certificate is awarded.

IX. The Proposed Rule

Accordingly, it is proposed to amend Parts 61, 63, 65, 67, 145, and 187 of the Federal Aviation Regulations as follows:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

1. By adding a new § 61.2 to read as follows:

§ 61.2 Certification of foreign pilots and flight instructors.

(a) A person who is not a United States citizen is issued a certificate under this part (other than under § 61.75 or § 61.77), outside the United States, only when the Administrator finds that the pilot certificate is needed for the operation of a civil aircraft of United States registry or finds that the issuance of a flight instructor certificate to the applicant is needed for the training of students who are citizens of the United States.

(b) Except as provided in paragraph (c) of this section, each certificate issued under this part (other than under § 61.75 or § 61.77) to a person who is not a United States citizen expires at the end of the 24th month after the month in which the certificate was last issued or renewed, regardless of where it was issued. Renewal upon expiration will occur only if the requirements of paragraph (a) are met.

(c) Each certificate issued under this part (other than under § 61.75 or 61.77) before (effective date) to a person who is not a United States citizen expires on (1 year from effective date).

2. By revising § 61.13(a) to read as follows:

§ 61.13 Application and qualification.

(a) Application for a certificate and rating, or for an additional rating under this part, must be made on a form and in a manner prescribed by the Administrator. Each application by a person who is not a United States

citizen for issuance outside the United States of a student pilot certificate, or a written or practical test for any other certificate or rating under this part, must be accompanied by evidence that the fee prescribed by Appendix A of Part 187 of this chapter has been paid.

* * * * *

3. By revising the first sentence of § 61.19(c) to read as follows:

§ 61.19 Duration of pilot and flight instructor certificates.

* * * * *

(c) *Other pilot certificates.* Except as provided in § 61.2 and 61.77, any pilot certificate (other than a student pilot certificate) issued under this part is issued without a specific expiration date.

* * * * *

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

4. By adding a new § 63.2 to read as follows:

§ 63.2 Certification of foreign crewmembers other than pilots.

(a) A person who is not a United States citizen is issued a certificate under this part (other than under § 63.23 or § 63.42) outside the United States, only when the Administrator finds that the issuance of a certificate to the applicant is needed for the operation of a civil aircraft registered in the United States.

(b) Except as provided in paragraph (c) of this section, each certificate issued under this part (other than under § 63.23 or § 63.42) to a person who is not a United States citizen expires after 24 months after the month in which the certificate was issued. Renewal upon expiration will occur only if the requirements of paragraph (a) are met.

(c) Each certificate without an expiration date issued under this part (other than under § 63.23 or § 63.42) before (effective date) to a person who is not a United States citizen expires on (1 year from effective date).

5. By revising § 63.11(a) to read as follows:

§ 63.11 Application and issue.

(a) Application for a certificate and appropriate class rating, or for an additional rating, under this part must be made on a form and in a manner prescribed by the Administrator. Each application by a person who is not a United States citizen for a written or practical test for issuance outside the United States of a certificate or rating issued under this part must be accompanied by evidence that the fee prescribed in Appendix A of Part 187 of this chapter has been paid.

* * * * *

6. By revising § 63.15(a) to read as follows:

§ 63.15 Duration of certificates.

(a) Except as provided in § 63.2 and § 63.23, a certificate or rating issued under this part is effective until it is surrendered, suspended, or revoked.

* * * * *

7. By revising § 63.15a to read as follows:

§ 63.15a Expired certificates.

The holder of a certificate with an expiration date may not after that date exercise the privileges of the certificate.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

8. By adding a new § 65.3 to read as follows:

§ 65.3 Certification of foreign airmen other than flight crewmembers.

(a) A person who is not a United States citizen is issued a certificate under subpart D of this part, outside the United States, only when the Administrator finds that the issuance of a certificate to the applicant is needed for the operation or maintenance of a civil aircraft registered in the United States.

(b) Each certificate issued under this part to a person who is not a United States citizen expires after 24 months after the month in which the certificate was issued. Renewal upon expiration will occur if the requirements of paragraph (a) are met.

(c) Each certificate issued under this part before (effective date) to a person who is not a United States citizen expires on (1 year from effective date).

9. By revising § 65.11(a) to read as follows:

§ 65.11 Application and issue.

(a) Application for a certification and appropriate class rating, or for an additional rating, under this part must be made on a form and in a manner prescribed by the Administrator. Each application by a person who is not a United States citizen for a written or practical test for issuance outside the United States of a certificate or rating issued under this part must be accompanied by evidence that the fee prescribed in Appendix A of Part 187 of this chapter has been paid.

10. By revising § 65.15 to read as follows:

§ 65.15 Duration of certificates.

(a) Except for repairman certificates, and except as provided in § 65.3, a certificate or rating issued under this part is effective until it is surrendered, suspended, or revoked.

(b) Except as provided in § 65.3, unless it is surrendered, suspended, or revoked, a repairman certificate is effective until the holder is relieved from the duties for which he was employed and certificated.

(c) The holder of a certificate issued under this part that is suspended, revoked, or no longer effective shall return it to the Administrator.

11. By revising § 65.15a to read as follows:

§ 65.15a Expired certificates.

The holder of a certificate or rating with an expiration date may not after that date exercise the privileges of the certificate or rating.

PART 67—MEDICAL STANDARDS AND CERTIFICATION

12. By adding a new § 67.2 to read as follows:

§ 67.2 Certification of foreign airmen.

A person who is not a United States citizen is issued a certificate under this part, outside the United States, only when—

(a) The Administrator finds that the issuance of a certificate to the applicant is needed for operation of an aircraft registered in the United States; and

(b) Evidence is submitted showing that the fee prescribed in Appendix A of Part 187 has been paid.

PART 145—REPAIR STATIONS

13. By amending § 145.13 by adding a sentence at the end to read as follows:

§ 145.13 Certification of foreign repair stations; special requirements.

* * * In addition, the applicant must furnish evidence that the fee prescribed by Appendix A of Part 187 of this chapter has been paid.

Part 187—FEES

14. By revising § 187.15 to read as follows:

§ 187.15 Payment of fees.

The fees prescribed in this part are payable to the Federal Aviation Administration by check, money order, or draft payable in U.S. currency.

15. By adding a new Appendix A to Part 187 to read as follows:

Appendix A—Fee Schedule for Certification Services Performed Outside the United States on Behalf of Foreign Nationals

(a) The fees for certification and additional ratings issued under Part 61 of this chapter are as follows:

(1) Each student pilot certificate issued by FAA, $14.00.

(2) Each student pilot certificate issued by a Designated FAA Examiner, $11.00.

(3) Each certificate issued under § 61.75 or § 61.77, $11.00.

(4) Each written test administered by FAA for any certificate or added rating, other than a student pilot certificate, $19.00.

(5) Each practical test (oral or flight or combined oral and flight) administered by the FAA for a private pilot certificate or added ratings, $130.00.

(6) Each practical test (oral or flight or combined oral and flight) administered by the FAA for a commercial pilot certificate or added rating, $159.00.

(7) Each practical test (oral or flight or combined oral and flight) administered by the FAA for an airline transport pilot certificate or additional rating, $225.00.

(8) Each practical test (oral or flight or combined oral and flight) administered by the FAA for a flight instructor certificate or added rating or exchange of certificate under § 61.199, $171.00.

(9) Each practical test (oral or flight or combined oral and flight) administered by the FAA for renewal of a flight instructor certificate under § 61.197, $70.00.

(10) Processing of each written or practical test (oral or flight or combined oral and flight) administered by a designated FAA examiner for any pilot certificate or added rating, $37.00.

(b) The fees for certification and additional ratings issued under Part 63 are as follows:

(1) Each written test administered by the FAA, $29.00.

(2) Each practical test administered by the FAA, $508.00.

(3) Processing of each practical test administered by a Designated FAA Examiner, $37.00.

(4) Each Certificate issued under § 63.23 or § 63.42, $37.00.

(c) The fees for certificates and additional ratings issued under Part 65 are as follows:

(1) Each Inspection Authorization issued under § 65.91, $291.00.

(2) Each Inspection Authorization reissued under § 65.93, $140.00.

(3) Each practical test administered by the FAA for mechanic airframe certificate, $409.00.

(4) Each practical test administered by the FAA for mechanic powerplant certificate, $308.00.

(5) Processing of each practical test administered by a Designated FAA Examiner for any certificate or added rating, $27.00.

(d) The fee for medical certificates issued under Part 67 is $8.00.

(e) Hourly rates for certification actions under § 145.71 are as follows:

(1) $47.00 for each technical hour, and

(2) $14.00 for each clerical hour.

Table A.—*Fee derivation*

Issued under, Activity	Average employee-hour per task		Average cost per hour		Total cost		Grand Total
	Technical	Clerical	Technical	Clerical	Technical	Clerical	
Part 61							
Certification: Pilots and Flight Instructors, Student Pilot Certificate:							
Issued or reissued by FAA	0.2	0.3	$47.23	$13.92	$9.45	$4.18	$13.63
Issued or reissued by a designated FAA examiner	0.2	0.1	47.23	13.92	9.45	1.39	10.84
Special purpose certificates issued under Part 61.77	0.2	0.1	47.23	13.92	9.45	1.39	10.84
Written Test (if required) Administered by the FAA for:							
Certificate issued to any other applicant	0.3	0.3	50.38	14.31	15.11	4.29	19.40
Any added rating	0.3	0.3	50.38	14.31	15.11	4.29	19.40
Practical Tests (oral or flight or both) Administered by the FAA for:							
Private pilot certificate or added rating	2.5	0.3	50.38	14.31	125.95	4.29	130.24
Commercial pilot certificate or added rating	2.8	0.3	55.25	14.93	154.70	4.48	159.18
Airline transport pilot certificate or added rating	4.0	0.3	55.25	14.93	221.00	4.48	225.48
Flight instructor certificate or added rating or exchange or certificate under 61.199	3.3	0.3	50.38	14.31	166.25	4.29	170.54
Renewal or unexpired flight instructor certificate under 61.197	1.3	0.3	50.38	14.31	65.49	4.29	69.78
Practical Tests (oral or flight or both) Adminstered by a Designated FAA Examiner for Any Pilot Certificate or Added Rating	0.6	0.5	50.38	14.31	30.23	7.15	37.38
Part 63							
Certification: Flight Crew Members Other Than Pilots:							
Written tests administered by the FAA	0.5	0.3	50.38	14.31	25.19	4.29	29.48
Practical tests administered by FAA	10.0	0.3	50.38	14.31	503.80	4.29	508.09
Practical tests administered by a designated fees examiner	0.6	0.5	50.38	14.31	30.23	7.15	37.38
Special purpose certificates issued under Part 63.23	0.6	0.5	50.38	14.31	30.23	7.15	37.38
Part 65							
Certification: Airperson Other Than Crew Members, Inspection Authorization:							
Issued under 65.91	5.5	1.0	50.38	14.31	277.09	14.31	291.40
Renewal under 65.93	2.5	1.0	50.38	14.31	125.95	14.31	140.26
Written Test (if required) Administered by FAA for:							
Certificate issued to any other applicant	0.7	0.4	47.23	13.92	33.06	5.57	38.63
Any added rating	0.3	0.4	47.23	13.92	14.17	5.57	19.74
Practical Tests (if required) Administered by FAA for:							
Aircraft dispatcher certificate	5.3	0.3	50.38	14.31	267.01	4.29	271.30
Mechanic certificate:							
Airframe	8.0	0.4	50.38	14.31	403.04	5.72	408.76
Powerplant	6.0	0.4	50.38	14.31	302.28	5.72	308.00
Practical Tests (if required) Administered by a Designated FAA Examiner for Any Certificate or Any Added Rating	0.4	0.5	50.38	14.31	20.15	7.15	27.30
Part 67							
Medical Standards and Certification							7.79
Part 145							
Repair Station Certificate:							
Approval of a change of location, or housing and facilities under Part 145.15(A)(1)	25.0	7.5	47.23	13.92	1,180.75	104.40	1,285.15
Amended certificate by adding a rating, under Part 145.15(A)(2)	10.0	3.0	47.23	13.92	472.30	41.76	514.06

Table A.—*Fee derivation*—Continued

Issued under, Activity	Average employee-hour per task		Average cost per hour		Total cost		Grand Total
	Technical	Clerical	Technical	Clerical	Technical	Clerical	
Amended certificate after change of ownership, under Part 145.15(B)	10.0	3.0	47.23	13.92	472.30	41.76	514.06

(Secs. 313, 503, 505, 601, 602, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1401, 1403, 1421, and 1422); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c), Title V; Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a); Sec. 45, Airline Deregulation Act of 1978 (49 U.S.C. 1341); Sec. 28, International Air Transportation Competition Act of 1979, (49 U.S.C. 1159(b)))

Note.—Since compliance with this proposal would not impose any cost or other economic burden on U.S. airmen or repair stations, it has been determined that this is not a major regulation under Executive Order 12291 and that, under the criteria of the Regulatory Flexibility Act, it will not have a significant impact on a substantial number of small entities. The FAA has determined that this document involves proposed regulations which are not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the FAA has determined that the expected impact of the proposed regulations is so minimal that they do not require an evaluation.

Issued in Washington, D.C. on July 17, 1981

Norman H. Plummer,

Acting Director of International Aviation.

[FR Doc. 81-23190 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-16]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to revoke the controlled airspace near Janesville, Wisconsin, that was designated for a VOR-A instrument approach procedure for Wagon Wheel Airport. That instrument approach procedure has been cancelled and the effect of this action is to return that associated portion of the Janesville, Wisconsin transition area airspace to a non-controlled status.

DATES: Comments must be received on or before August 31, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-16, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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 raised from 700 feet above the surface to 1200 feet above the surface. In addition, aeronautical maps and charts will reflect the change in the designated airspace.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-16, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 31, 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.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, 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 procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Janesville, Wisconsin. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is amended to read:

Janesville, Wisconsin

Revoked.

This amendment is proposed 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. 1655c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 28, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-23047 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1904-8]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability.

SUMMARY: The purpose of this notice is to advise the public that the State of Missouri has submitted amendments to its State Implementation Plan (SIP). The amendments involve regulatory changes affecting the prevention of significant deterioration (PSD) of air quality and new source review in nonattainment areas. EPA is reviewing the State's submission and intends to issue a notice of proposed rulemaking after the review is complete.

ADDRESSES: Copies of the State submission are available for inspection during normal business hours at the following locations:

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

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Room 2900, Washington, D.C. 20460.

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

FOR FURTHER INFORMATION CONTACT: Wayne G. Leidwanger at (816) 374-3791, (FTS) 758-3791.

SUPPLEMENTARY INFORMATION: On August 7, 1980, EPA promulgated amended regulations for the prevention of significant deterioration (PSD) of air quality, including regulatory changes affecting new source review in nonattainment areas (45 FR 52676). SIP revisions to address these changes were due nine months after this promulgation.

On June 15, 1981, the State of Missouri submitted revisions to Rules 10 CSR 10-6.020, Definitions, and 10 CSR 10-6.060, Permits Required, to address the requirements of EPA's regulatory changes published on August 7. EPA is advising the public that the State has submitted these revisions to its rules. EPA is reviewing the material to determine if it complies with the requirements of the Clean Air Act. A notice of proposed rulemaking will be issued after EPA completes a review of the submission.

Dated: July 29, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-23247 Filed 8-7-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Docket No. 80-739]

Frequency Allocations and Radio Treaty Matters General Rules and Regulation

AGENCY: Federal Communications Commission.

ACTION: Announcement of third notice of inquiry.

SUMMARY: The Commission is soliciting public comments, through a series of documents in this proceeding (Docket 80-739), on national implementation of the Final Acts of the 1979 World Administrative Radio Conference. This Third Notice of Inquiry considers frequency allocations for the portion of radio spectrum from 1215 MHz through 40.5 GHz.

DATES: Comments must be received on or before September 8, 1981, and replies on or before September 23, 1981.

ADDRESS: Federal Communications Commission, 1919 "M" Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Thomas, Office of Science and Technology, 1919 "M" Street NW., Washington, D.C. 20554, (202) 653-8171.

SUPPLEMENTARY INFORMATION:
July 23, 1981.
Report No. 16492

Action in Docket Case—Further Inquiry Begun for Implementation of 1979 WARC Agreements

The Commission has instituted the third in a series of inquiries (46 FR 3060, January 3, 1981; 46 FR 31693, June 17, 1981) to solicit comments in preparation for implementation of the Final Acts of the 1979 World Administrative Radio Conference (WARC).

This inquiry involves proposed revisions to the definitions and the table of frequency allocations from 1215 MHz through 40.5 GHz contained in Part 2 of the rules.

The preceding notices of inquiry proposed changes in the allocation table below 1215 MHz and future notices will deal with the rest of the spectrum and technical standards.

Adoption of these changes will enable the Commission to incorporate the Final Acts into its rules quickly if the Treaty is ratified by the Senate.

The Final Acts of the 1979 WARC become effective internationally on January 1, 1982, for those administrations that have ratified the Treaty. Therefore, the Commission noted, the FCC's rules must be amended to reflect the changes adopted in the Treaty.

For more information contact William Torak (202) 632-7025 or Fred Thomas (202) 653-8171.

Action by the Commission July 16, 1981, by Third Notice of Inquiry (FCC 81-323). Commissioners Fowler (Chairman), Quello, Washburn, Fogarty and Jones with Commissioner Dawson abstaining from voting.

William J. Tricarico,

Secretary, Federal Communications Commission.

Note. Due to the effort to reduce publishing costs, the Notice of Inquiry will not be printed herein. However, copies may be obtained from the FCC Press Office, Rm. 202, 1919 M St. NW., Washington, D.C. 20554.

[FR Doc. 81-23152 Filed 8-7-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 2, 22, 73 and 74

[Docket No. 81-460; RM-2364; FCC 81-318]

Reallocation of UHF-TV Broadcast Channel 17 for Common Carrier Fixed Relay and Control Operations in the State of Hawaii

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: RadioCall, Inc., a common carrier operating in Hawaii, has asked the FCC to make UHF-TV Channel 17 frequencies (488-494 MHz) available for control and repeater operations in that State. Petitioner points out that Channel 17 is not "assigned" in Hawaii and is therefore unlikely to be used by the broadcast services in that State. The Commission previously denied RadioCall's request, but RadioCall has filed new information with the Commission and asked that its petition be reconsidered. The FCC herein proposes to reallocate Channel 17 in Hawaii so that radio common carriers in that State will be able to offer the public inter-island paging and portable telephone service.

DATES: Comments must be received on or before August 31, 1981, and replies on or before September 15, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis, Office of Science and Technology, Washington, D.C. 20554, (202) 653-8164, Room 7310.

SUPPLEMENTARY INFORMATION:

Adopted: July 16, 1981.

Released: July 31, 1981.

By the Commission: Commissioner Dawson abstaining from voting.

In the Matter of Amendment of Parts 2 of the Commission's Rules governing Frequency Allocations, 22 of the Commission's Rules governing the Public Mobile Radio Services, 73 of the Commission's Rules governing the Radio Broadcast Services, and 74 governing Experimental, Auxiliary, and Special Broadcast, and Other Program Distribution Services to reallocate UHF-TV Broadcast Channel 17 for common carrier fixed relay and control operations in the State of Hawaii, GEN Docket No. 81-460 RM-2364.

Summary

1. RadioCall, Inc. (RadioCall) has petitioned the Commission to reconsider the action taken in its *Memorandum Opinion and Order*, FCC 80-146, released April 18, 1980, in the above-captioned proceeding. Although it continues to believe that it made the right decision in denying RadioCall's petition, RM-2364, based on the record in that proceeding, the Commission now feels that the re-allocation requested by RadioCall may indeed be in the public interest. As will be explained later in this Notice, the Commission has received new information from RadioCall, both in its Petition for Reconsideration and in other supplemental material filed with the Commission, which shows a need for spectrum relief among Hawaiian common carriers who wish to offer inter-island paging and portable telephone service.

Background

2. On December 22, 1971, RadioCall filed a petition for rule making (RM-1894, Docket 19943) requesting that the Domestic Public Land Mobile Radio Service (DPLMRS) and the Maritime Services be allowed access to all unused frequencies in the 76-108 MHz spectrum for fixed relay [1] and control operations in the State of Hawaii. Most of this spectrum which includes VHF-TV Channels 5 and 6 and the FM band has been allocated for inter-island communications [2] and was being used by the Hawaiian Telephone Company.[3] The Commission released a Notice of Proposed Rule Making (NPRM) on February 24, 1974, proposing to make available five 20 kHz channels in the 107-108 MHz segment. Neither the petitioner nor any of the other parties filing comments favored the proposal. Therefore, in response to RadioCall's withdrawal of the petition, the FCC terminated the proceeding by Order on September 28, 1976. Meanwhile, RadioCall had filed late comments requesting that the five channels specified in the NPRM be made available for its one-way paging operations on the island of Oahu. This latter request was rejected in the Commission's Order because the petitioner had filed a withdrawal of his petition and was seeking spectrum relief elsewhere.

3. On April 8, 1974, RadioCall filed a new petition, RM-2364, (hereinafter the "petition") requesting that UHF-TV Channel 17 be reallocated to the DPLMR and the Maritime Services for fixed relay and control operations in the State of Hawaii. Subsequently, on April 22, 1975, petitioner amended his petition by deleting the Maritime Services portion of the request. Based on the information it had before it, the Commission denied RadioCall's petition, as amended, by a *Memorandum, Opinion and Order* (Order) released April 18, 1980 (FCC 80-146). On May 19, 1980, RadioCall filed a Petition for Reconsideration (Reconsideration), stating that its need is for inter-island i.e. over water communications, and for that reason the bands already allocated to control and repeater operations are either economically or technically unsuitable. RadioCall further states that although there is no type-accepted equipment presently available in the 490 MHz region of the spectrum, there is in fact readily available equipment designed for operation in the 470-512 MHz band which can be easily and inexpensively modified for wideband operation. Petititioner is confident that these modifications can be performed by its technical staff.[4] TV Channels now assigned to Hawaiian communities restrict the use of Channel 17 to areas where the likelihood of demand for its use is remote.[5] In any event there are other Channels available for assignment in these areas that could meet demands that may arise. However, if the Commission adopts the new rules proposed in BC Docket 78-253, Channel 17 could conceivably be made available for low power use.

4. On October 20, 1980, RadioCall filed supplemental information concerning its intended use of Channel 17 in Hawaii. This information was submitted at the Commission's request pursuant to discussions between petitioner and Commission staff. In reconsidering its action in RM-2364, the Commission has taken into account all of the above-captioned history of RadioCall's requests and in particular the last two filings which elucidate the very real problem encountered by Hawiian Radio Common Carriers (RCC's) attempting to provide inter-island paging and mobile telephone service linked by means of the frequencies normally available for DPLMRS control and repeat operations.

Discussion

5. No comments or replies were filed in response to RadioCall's Petition, RM-2364, or its Petition for Reconsideration. If any party wishes to express opposition to or support for the reallocation of UHF-TV Channel 17 in the State of Hawaii, there will again be an opportunity to do so during the comment and reply comment periods following the issuance of this Notice.

6. In its *Memorandum, Opinion and Order* Denying RadioCall's petition, the Commission stated that there was ample spectrum available to conduct common carrier control and repeater operations in the three frequency bands presently allocated for that purpose. The Commission did recognize, however, that some of these frequencies would be unavailable to Hawaiian RCC's such as RadioCall. For example, the 74 MHz bank (72-76) is unavailable for RCC or Private Land Mobile use in the vicinity of VHF-TV transmitters operating on Channels 4 or 5. Since Channel 4 is occupied in Honolulu, the 74 MHz band is clearly precluded. Likewise, the 460 MHz band (450-460) is allocated for base and mobile stations and is available for control and repeater operations only on a secondary basis and not in the vicinity of densely populated areas (300,000 or more), such as Honolulu. The 2100 MHz bands (2110-2130 and 2160-2180) are available without any of these restrictions, and the Commission therefore urged the Hawaiian RCC's to make use of the 2100 MHz allocation. The FCC emphasized the light loading of these microwave bands. The Order also mentioned the

[1] A "Fixed Relay" station is a fixed station used for the reception and retransmission of the signals of another station or stations.

[2] See Part 2, Section 2.106, footnote NG21 of the Commission's Rules and Regulations.

[3] Hawiian Tel no longer uses these channels, and on November 24, 1980, the Commission released a Notice of Proposed Rule Making (RM-3467, Docket 80-710) which proposes reallocating the bands 76-88 and 98-108 MHz to the Broadcast Services in Hawaii.

[4] RadioCall's Petition for Reconsideration, pp. 4-5, ¶8.

[5] For specific assignments, see § 73.606 of the Rules.

lack of 470–512 MHz type accepted equipment which RCC's could use if Channel 17 were in fact reallocated. Lastly, the Commission stated its new and stricter policy of examining each 2100 MHz RCC application for proof that the amount of bandwidth requested was indeed the minimum necessary for the particular operation. (RadioCall, in its Petition, contended that the wide bandwidth associated with 2100 MHz equipment was wasteful of spectrum for control and repeater purposes).

7. In its Reconsideration, RadioCall does not dispute any of the Commission's assertions. Instead RadioCall bases its request on the premise that commission action was "based on certain critical assumptions which are not applicable to RadioCall's specific proposal." [6] In light of the new information before us, we now agree. Formerly, the Commission assumed that RadioCall was attempting to build a conventional control and repeater operation linking together the stations of any given island. Now RadioCall informs us that it is wishing to link facilities on the islands of Kauai, Oahu, Maui, and Hawaii, each 80 to 100 miles from the nearest of the other three. Therefore we agree with RadioCall's view that to use 2100 MHz equipment to communicate these distances over water would be prohibitively expensive.

8. Insofar as unavailability of 470–512 MHz equipment is concerned, RadioCall's solution is to perform "in house" modifications to Motorola's MR-100 transmitter equipment. Petitioner is confident that with certain minor changes this hardware can inexpensively fulfill his needs, *after securing new type acceptance* on the modified equipment. RadioCall's customized equipment approach also moots the spectrum efficiency issue discussed in the Order since RadioCall will have the opportunity to design the appropriate channel width to transmit the desired information.

9. The Commission has also made informal telephone inquiries regarding RadioCall's leasing of wireline from the local telephone company, Hawaiian Telephone, a wholly owned subsidiary of the General Telephone Company. The latter company has confirmed RadioCall's claim that leasing wireline in Hawaii to link the RCC's would be prohibitively expensive.

Conclusions

10. The Commission has reconsidered its action in denying RadioCall's petition and feels that based on the new information it would indeed serve the public interest in Hawaii if it were to consider reallocating the frequency band 488–494 MHz for common carrier control and repeater operations in that State. However, the radio common carriers can expect no protection other than that presently provided for in the Rules from any authorized television operations which might later be licensed on adjacent Channels 16 and 18.

11. Pursuant to Section 605 of the Regulatory Flexibility Act (Public Law 96–354, September 19, 1980, 94 STAT 1164; 5 U.S.C. 601 *et seq.*), the Commission certifies that the action proposed herein will not have a significant economic impact on a substantial number of small entities. While RCC's will clearly benefit we note that there are only a few RCC's serving the Hawaiian Islands. Use of Channel 17 for standard broadcast service is effectively precluded (see paragraph 3, supra) and in any event only one licensee would be able to take advantage of Channel 17 were it available. Although Channel 17 might be useful for low power operations as proposed in Docket 78–253, it is clear that many other channels might be so employed equally. The effect of not having Channel 17 available for low power operations would be minimal.

Proposal

12. Accordingly, the Commission is issuing this Notice of Proposed Rule Making for reallocation of the 488–494 MHz band (UHF-TV Channel 17) to the Fixed Service in Hawaii by adding footnote NG127 to the Table of Frequency Allocations, Section 2.106. Any possible use of Channel 17 in Hawaii resulting from adopting of low power television rules, BC Docket 78–253, would be precluded by this action.

13. The proposed amendments to Parts 2, 22, 73, and 74 of the Rules, as set forth in the Appendix, are issued pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

14. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it releases. See generally, Section 1.1231 of the Commission's rules, 47 CFR 1.1231.

15. It is ordered, that RadioCall's Petition for Reconsideration (RM-2364) is granted. It is further ordered, that a copy of this Notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

16. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before August 31, 1981, and reply comments on or before September 15, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

17. In accordance with the provisions of 1.419 of the Commission's Rules, an original and five copies of all statements, briefs or comments filed shall be furnished the commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

18. For further information concerning procedures to follow with respect to this rulemaking proceeding, contact Maureen Cesaitis (202) 653–8154. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemaking is available from the Commission's

[6] RadioCall, supra, p 4, ¶7

Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632-7000.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

APPENDIX

It is proposed to amend Parts 2, 22, 73 and 74 of Chapter I of Title 47 of the Code of Federal Regulations as follows:

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS

In § 2.106, the Table of Frequency Allocations is revised by adding footnote designator NG127 in column 8 to the band 470–512 MHz and by adding the text of footnote NG127, in proper numerical sequence, following the Table, as shown below:

§ 2.106 Table of frequency allocations.

Federal Communications Commission

Band (MHz)	Service	Class of station	Frequency	Nature of services of station
7	8	9	10	11
*	*	*	*	*
470–512	Broadcasting land mobile (NG66) (NG114) (NG127).	Television broadcasting land mobile, base.	.....	Broadcasting public safety industrial land transportation, domestic, public

* * * * *

NG127 In Hawaii, the frequency band 488–494 MHz is allocated exclusively to the fixed service for use by common carrier control and repeater stations for point-to-point inter-island communcations only.

PART 22—PUBLIC MOBILE RADIO SERVICES

Section 22.501 is revised by adding paragraph (m) which reads as follows:

§ 22.50 Frequencies.

* * * * *

(m) In lieu of a wireline circuit for control of a specific base station transmitter from its required control point or in lieu of wirelines for an audio circuit to a base station control point from a remotely located fixed receiver used for reception of mobile station transmissions, and upon an affirmative showing that the conditions set forth in subparagraphs (1) through (6) of this paragraph are satisfied, point-to-point inter-island control and repeater stations may be authorized in the State of Hawaii upon the frequency pairs indicated below:

Transmitter (or receiver) (MHz)	Receiver (or transmitter) (MHz)
488.250	491.250
488.750	491.750
489.250	492.250
489.750	492.750
490.250	493.250
490.750	493.750.

(1) All applicants for regular authorization in this band shall before filing an application or major amendment to a pending application, coordinate the proposed frequency usage with existing users in the area and other applicants with previously filed applications. All applicants, permittees and licensees shall cooperate fully and make reasonable efforts to resolve technical problems.

(2) Each applicant shall identify in its application all entities with which the technical proposal was coordinated.

(3) If technical problems cannot be resolved, the Commission will assign a suitable frequency or designate the application for hearing.

(4) The following guidelines are applicable to the coordination procedure:

(i) Coordination involves two separate elements: Notification and response. Both or either may be oral or in written form. To be acceptable for filing, all applications and major technical amendments must certify that coordination, including response, has been completed. The name of the carriers with which coordination was accomplished must be specified.

(ii) Notification must include relevant technical details of the proposal. At minimum, this should include, as applicable, the following:

(A) Transmitting station name.

(B) Transmitting station coordinates.

(C) Frequencies and polarizations to be added or changed.

(D) Transmitting equipment type, its stability, actual output power, and emission designator.

(E) Transmitting antenna type and model and, if required, a typical pattern and maximum gain.

(F) Transmitting antenna height above ground level and ground elevation above mean sea level.

(G) Receiving station name.

(H) Receiving station coordinates.

(I) Receiving antenna type and model and, if required, a typical pattern and maximum gain.

(J) Receiving antenna height above ground level and ground elevation above mean sea level.

(K) Path azimuth and distance.

(iii) Response to notification should be made as quickly as possible, even if no technical problems are anticipated. Every reasonable effort should be made by all carriers to eliminate all problems and conflicts. If no response to notification is received within 30 days, the applicant will be deemed to have made reasonable efforts to coordinate and may file his application without a response.

(iv) The 30-day notification period is calculated from the date of receipt by the carrier being notified. If notification is by mail, this date may be ascertained by: (A) The return receipt on certified mail, (B) the enclosure of a card to be dated and returned by the recipient, or (C) a conservative estimate of the time required for the mail to reach its destination. In the latter case, the estimated date when the 30-day period would expire should be stated in the notification.

(v) All technical problems that come to light during coordination must be resolved unless a statement is included with the application to the effect that the applicant is unable or unwilling to resolve the conflict and briefly the reason therefor.

(vi) Where a number of technical changes become necessary for a system during the course of coordination, an attempt should be made to minimize the number of separate notifications for these changes. Where the changes are incorporated into a completely revised notice, the items that were changed from the previous notice should be identified.

(vii) Where subsequent changes are not numerous or complex, the carrier receiving the changed notification should make an effort to respond in less than 30 days. Where the notifying carrier believes a shorter response time is reasonable and appropriate, it may be helpful for him to so indicate in the notice and perhaps suggest a response date.

(viii) If it is determined that a subsequent change could have no impact on some carriers receiving the original notification, it is not necessary to coordinate the change with such carrier. However, these carriers should be advised of the change and of the opinion that coordination is not required for said change.

(5) The effective radiated power of the control and repeater station does not exceed 150 watts.

(6) The antenna beamwidth will not exceed 15°.

PART 73—RADIO BROADCAST SERVICES

Section 73.603 is amended by adding new paragraph (d) to read as follows:

§ 73.603 Numerical designation of television channels.

* * * * *

(d) In Hawaii, the frequency band 488–494 MHz is allocated for nonbroadcast use. This frequency band (Channel 17) will not be assigned in Hawaii for use by television broadcast stations.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTION SERVICES

Section 74.702(d) is revised to read as follows:

§ 74.702 Frequency assignment.

* * * * *

(d) Any one of the UHF channels from 14 through 54 (except channel 37) may also be assigned to a UHF translator station meeting the minimum spacing requirements of paragraph (c), of this section, provided that an adequate showing is made that it is not possible to assign a UHF translator station on a channel from 55 through 69 in the area to be served and meet the requirements of paragraph (c) of this section, and that the highest available channel in the 14–54 range has been selected. Channel 17 is allocated for nonbroadcast use in Hawaii and will not be assigned to a UHF translator in that State.

* * * * *

[FR Doc. 81-23181 Filed 8-7-81; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 100 Through 199 (Ch. I)

Transport of Radioactive Materials; Extension of Deadline for Comments on Proposed Changes to International Regulations

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Extension of time for public comment.

SUMMARY: This notice extends the public comment period on the International Atomic Energy Agency's (IAEA) proposed 1983 revision to its "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6."

DATE: Comments should be received by August 21, 1981.

ADDRESS: Send comments to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, SW., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426–3148.

FOR FURTHER INFORMATION CONTACT: R. R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202–426–2311.

SUPPLEMENTARY INFORMATION: On May 7, 1981 (46 FR 25491), MTB published notice of the availability of a "First Draft Revision" of the IAEA "Regulations for the Safe Transport of Radioactive Materials" which is scheduled for adoption in 1983. This notice included a request for public comment on this document.

After the notice was published, MTB received the "Second Draft Revision" of the IEAE regulations which consisted of the "First Draft Revision" complete with the revised fissile material proposed requirements. This more complete second draft was subsequently distributed to requestors instead of the earlier first draft.

Due to the complexity of the proposed regulations, MTB believes that it is appropriate to provide additional time for comments to be developed and received. Consequently, the comment period is extended until August 21, 1981.

Issued in Washington, D.C. on August 3, 1981.

J. T. Horning,

Acting Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-23266 Filed 8-7-81; 8:45 am]
BILLING CODE 4910-60-M

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49 CFR Part 175

[Docket No. HM-166J; Notice No. 81-5]

Carriage of Tear Gas Devices Aboard Aircraft

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Hazardous Materials Regulations (HMR) forbid the carriage of tear gas devices aboard passenger-carrying aircraft. In response to requests from the Federal Aviation Administration and the general public, the MTB proposes to relax this prohibition in order to permit passengers and crewmembers to carry small personal protection devices, containing tear gases or pepper extracts, in checked baggage.

DATE: Comments must be received by September 9, 1981.

ADDRESS: Comments should identify the docket and be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Five copies are requested. The Dockets Branch is located in room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh street, S.W., Washington, D.C. 20590, (202)426–2075.

SUPPLEMENTARY INFORMATION: The purpose of this proposed rulemaking is to provide relief to the travelling public with regard to the carriage aboard aircraft of personal protection devices containing tear gases. Small hand held protection devices containing small amounts of tear gas and other irritating materials are becoming an increasing problem at airports nationwide. Many of these devices are being discovered at airport screening points being carried by passengers travelling by air who, in many instances, are not aware that the Hazardous Materials Regulations (HMR) prohibit the transportation of tear gases, including devices, on passenger-carrying aircraft.

The HMR have historically forbidden the carriage of tear gases on passenger-carrying aircraft because of the potential hazard posed to passengers and crewmembers in the event of a release of such materials. The effects of tear gas on a person may include (dependent on type, concentration and length of exposure) a copious flow of tears, burning and involuntary closing of the eyes, stinging of the skin, irritation of the sinuses, coughing, respiratory distress and panic. High concentrations of certain tear gases are capable of causing nausea, vomiting and even death.

In recent years there has been a proliferation of hand held personal protection devices intended for use by

the general public. The devices are, for the most part, aerosol dispensers containing a tear gas or pepper extract dissolved in a solvent and charged with a propellent gas. The solution is dispersed in the form of a cloud, mist, droplets or stream, depending upon design of the device. The tear gas component of the solution tends to be in very low concentrations of 2 percent or less. Due to the relatively low concentrations and small sizes of these devices, it is believed that under certain conditions, they can be safely carried aboard passenger-carrying aircraft. Therefore, in response to a number of requests, the MTB is proposing to relax existing provisions of the HMR to permit the transportation of small tear gas devices aboard passenger-carrying aircraft under specified conditions when carried by a passenger or crewmember in checked baggage.

The proposed rule addresses tear gas devices which are subject to the HMR as irritating materials and also devices containing pepper extracts which, although they do not meet the definition in 49 CFR 173.380 for irritating materials, are subject to the HMR when charged with a compressed gas. The proposed rule would permit a traveller to carry one device, capacity not to exceed 2 fluid ounces, in his checked baggage if the device is packaged so as to prevent accidental activation. A limit of one device of no more than two fluid ounces capacity is believed necessary in order to minimize the possibility of tear gas escaping from the baggage in which it is packaged in the event that an accidental release occurs during flight. The means by which the device must be packaged to prevent accidental activation has not been specified, in order to provide flexibility in packaging. Some of the devices are normally carried in cases (designed to attach to belts or key chains) which of themselves protect against activation. In other instances, additional packaging may be necessary to protect against activation of the device. The proposal is limited to devices carried by passengers and crewmembers in their checked baggage to preclude commercial shipments of such devices on passenger-carrying aircraft.

In consideration of the foregoing, 49 CFR Part 175 would be amended as follows:

In § 175.10, paragraph (a)(15) would be added, as follows:

§ 175.10 Exceptions.

* * * * *

(a) * * *

(15) Personal protection devices consisting of tear gas or pepper extract solutions in aerosol type containers carried by crewmembers or passengers in checked baggage when—

(i) The capacity of the aerosol container does not exceed 2 fluid ounces (3.61 cubic inches);

(ii) The device is packaged in a manner which will prevent its accidental activation; and

(iii) No more than one such device is contained in any one item of checked baggage.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of Appendix A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and DOT procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.). A regulatory evaluation and an environmental assessment are available for review in the Docket. I certify that this proposed regulation, if published as a final rule, will not have a significant economic impact on a substantial number of small entities.

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

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-23287 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 79-02; Notice 4]

Consumer Information Regulations

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amendment of the Consumer Information Regulations to permit manufacturers to modify initial pre-introduction submissions of performance data on new vehicle models. Under the proposal, manufacturers would be permitted to modify information previously submitted to the agency, provided notification of the changes is filed with the National Highway Traffic Safety Administration at least 30 days in advance of the date of introduction of the subject vehicles and changes are necessitated by unforeseeable design modifications affecting performance. The proposal, which responds to a petition submitted by Ford Motor Company, is intended to avoid undue restriction of pre-introduction product changes occurring shortly before the new model year.

DATES: Comments must be received on or before October 9, 1981. Proposed effective date: June 1, 1982.

ADDRESSES: Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Steven Zaidman, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1740.

SUPPLEMENTARY INFORMATION: The Consumer Information Regulations (49 CFR Part 575) provide consumers with information concerning various aspects of motor vehicle and tire performance in order to aid them in the purchase and operation of vehicles and equipment. In addition to supplying information in dealers' showrooms and in the vehicles themselves, manufacturers are required to submit data to the National Highway Traffic Safety Administration (NHTSA) in advance of new model introduction. The advance submission enables the agency to compile information from various manufacturers in a comparative format and disseminate the information to purchasers of new vehicles.

In order to fulfill the objective of providing useful comparative information to prospective purchasers in time to assist them in the purchase of new vehicles, it is important that the information compiled and distributed early in the model year. To further this goal, NHTSA amended § 575.6(d) of the Consumer Information Regulations (49 CFR 575.6(d) effective June 1, 1982 to advance the deadline for submission of information by manufacturers to the agency from at least 30 days prior to model introduction to at least 90 days prior to that date (45 FR 47152; July 14, 1980). The 30-day advance submission period was retained for Uniform Tire Quality Grading and for changes occurring during the model year.

Ford Motor Company has petitioned NHTSA to modify § 575.6(d) to provide a 30-day advance submission deadline for pre-introduction amendments to information initially submitted prior to the 90-day advance submission deadline. Ford argues that this modification is necessary to clarify the requirement and to avoid inhibiting pre-introduction product improvements. Ford's petition was submitted as a

petition for reconsideration of NHTSA's July 14 notice amending Part 574. However, the petition was not received by NHTSA until August 19, 1980, beyond the 30-day limit established by agency regulations (49 CFR 553.35) for petitions for reconsideration. For this reason, the petition has been treated as a petition for rulemaking under Part 552 of Title 49 of the regulations.

NHTSA believes that the requirements of § 575.6(d) as amended are clear that all information submitted prior to model introduction must be submitted to the agency at least 90 days before that information is made available to prospective purchasers. Pursuant to § 575.6(c), information must be made available to prospective purchasers not later than the day on which the manufacturer first authorizes the subject vehicles to be put on public display and sold to consumers.

NHTSA believes that in most cases adequate planning will enable manufacturers to develop accurate information in advance of the 90-day submission deadline without interferring with model introduction schedules. However, the agency recognizes that in some cases component supply changes or unexpected test results or production difficulties may necessitate last minute design modifications affecting the performance characteristics covered by the Consumer Information Regulations. A manufacturer in such a situation would be faced with the choice of delaying needed changes or disrupting production schedules while sufficient advance notice of the changes is provided to the agency.

To avoid unnecessary burdens on industry, NHTSA proposes to amend § 575.6(d) of the Consumer Information Regulation to permit modification of initial submissions of performance data. Under the proposal, manufacturers would be required to notify the agency at least 30 days in advance of new model introduction that a change in previously submitted information on vehicle stopping distance, tire reserve load, or truck camper loading is required due to an unforeseeable design or component modification on the subject vehicle. NHTSA believes that the number of occasions in which unforeseeable last minute product changes will require amendment of previously submitted information will be limited and, therefore, can be incorporated in the consumer information compilations without causing delay or inaccuracy. To the extent Ford's petition is not granted by this proposal, the petition is denied.

NHTSA has evaluated this proposed relieving of a restriction and found that its effect would be to provide minor cost savings for the motor vehicle manufacturers. Accordingly, the agency has determined that the proposal is not a major rule within the meaning of Executive Order 12291 and is not significant for purposes of Department of Transportation policies and procedures for internal review proposals. The agency has further determined that the cost savings are not large enough to warrant preparation of a regulatory evaluation under the procedures. The agency has also determined pursuant to the Regulatory Flexibility Act that the proposal will not significantly affect small entities, because few, if any, motor vehicle manufacturers can be considered small entities within the meaning of the statute. Finally, the agency has concluded that the environmental consequences of the proposed change will be of such limited scope that they clearly will not have a significant effect on the quality of the human environment.

PART 575—CONSUMER INFORMATION REGULATIONS

§ 575.6 [Amended]

In consideration of the foregoing, it is proposed that 49 CFR 575.6 be amended:

1. By substitution of the words "(1)(i) Except as provided in paragraph (d)(1)(ii) of this section, in" in place of the word "In" in the first sentence of paragraph (d).

2. By addition of a new paragraph (d)(1)(ii) to read as follows:

* * * * *

(d) * * *

(1) * * *

(ii) Where an unforeseeable pre-introduction modification in vehicle design or equipment results in a change in vehicle performance for a characteristic included in Subpart B of this part, a manufacturer of motor vehicles may revise information previously furnished under (d)(1)(i) of this section by submission to the Administrator of 10 copies of revised information reflecting the performance changes, at least 30 days before information on the subject vehicles is first provided to prospective purchasers pursuant to paragraph (c) of this section.

* * * * *

3. By addition of a new subparagraph heading "(2)" before the second sentence of paragraph (d).

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. NHTSA will continue to file relevant material as it becomes available in the docket after the closing

date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rulemaking docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 5, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-23265 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 46, No. 153
Monday, August 10, 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

Murrells Inlet, Georgetown County, S.C.; Availability of Comment

Pursuant to Section 106 of the National Historic Preservation Act and § 800.6(d) of the regulations of the Advisory Council on Historic Preservation (Council), "Protection of Historic and Cultural Properties," a Panel of the Council met on July 20 and 21, 1981, to consider the proposal of a private developer to construct an entrance channel and commercial marina complex in Murrells Inlet, Georgetown County, South Carolina. It has been determined that this undertaking, for which a permit from the U.S. Army Corps of Engineers, Charleston District has been requested, would adversely affect the Murrells Inlet Historic District, a property included in the National Register of Places. At that meeting, the Council Panel adopted comments which have been transmitted to the Chief of Engineers, U.S. Army Corps of Engineers.

This notice, pursuant to 36 CFR 800.6(d)(5), is to advise interested parties that copies of these comments are available upon request from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, N.W., Washington, D.C. 20005, 202-254-3495, ATTN: Don L. Klima.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 81-23179 Filed 8-7-81; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Privacy Act of 1974; System of Records

AGENCY: Department of Agriculture, Federal Grain Inspection Service.

ACTION: Notification of new system of records under the Privacy Act of 1974.

SUMMARY: This system will enable the Safety and Health Office of the Federal Grain Inspection Service to assist employees with processing claims for occupational injury and illness under the Federal Employees Compensation Act, as amended; submit, in accordance with the Occupational Safety and Health Act of 1970, an annual report of all occupational injuries and illnesses which occur within the Agency to the Department of Labor for them to evaluate incidence of injuries and the incidence and nature of illnesses occurring in the Federal Sector; to develop statistics for analysis of accident and injury rates in the Agency.

EFFECTIVE DATE: September 9, 1981.

FOR FURTHER INFORMATION CONTACT: Burt C. Hawkins, Director, Administrative Services Division, Agricultural Marketing Service, 14th and Independence Ave., Room 1090-S, SW., Washington, D.C. 20250. Phone Number: (202) 447-3955.

Richard E. Lyng,
Acting Secretary of Agriculture.
August 4, 1981.

The new system is as follows:

USDA/FGIS-5

SYSTEM NAME:

Occupational injury/illness and motor vehicle accident case files for U.S. Department of Agriculture (USDA), Federal Grain Inspection Service (FGIS) employees.

SYSTEM LOCATION:

USDA, FGIS, Safety and Health Office, Kansas City, Missouri.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

Any FGIS employee who suffers an occupational injury/illness or is involved in a motor vehicle accident while in performance of official duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

All forms, correspondence and other data pertinent to processing of illness/injury claims and motor vehicle accident reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Occupational Safety and Health Act of 1970 Pub. L. 91-596, Sec. 19, E.O. 11807 and E.O. 12196, Federal Employees Compensation Act, as amended (5 U.S.C. 8101 et seq.), and 29 CFR 1960.

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

Use of records will be limited to FGIS employees authorized to assist employees with processing claims for occupational injury and illness under the Federal Employees Compensation Act as amended; submit, in accordance with the Occupational Safety and Health Act of 1970, an annual report of all occupational injury and illnesses which occur within the Agency to the Department of Labor for them to evaluate incidence of injuries and the incidence and nature of illnesses occurring in the Federal Sector; and to develop statistics for analysis of accident and injury rates in the Agency.

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

STORAGE:

Records are stored in individual file folders at address listed above.

RETRIEVABILITY:

Records are indexed alphabetically by last name of individual, by FGIS Regional Office, and by calendar year.

SAFEGUARDS:

Records are maintained in government office building, in locked office or locked file cabinet.

RETENTION AND DISPOSAL:

Records are maintained in conformance with appropriate General Services Administration disposal schedules as implemented by AMS/FGIS Instruction 270-1, Records Management Program.

SYSTEM MANAGER(S) ADDRESS:

Director, Safety and Health Office, USDA, FGIS, Kansas City, Missouri.

NOTIFICATION PROCEDURE:

Any individual may request information concerning their records by contacting the system manager.

RECORD ACCESS PROCEDURES:

Any individual may obtain information as to the procedure for gaining access to a record in the system

that pertains to him/her from the system manager.

CONTESTING RECORD PROCEDURES:

Any individual may obtain information as to the procedure for contesting a record in the system that pertains to him/her from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from employees, their supervisors, physicians, and U.S. Department of Labor, Office of Workers' Compensation Programs (OWCP) claim forms and correspondence.

[FR Doc. 81-23194 Filed 8-7-81; 8:45 am]

BILLING CODE 3410-02-M

Soil Conservation Service

Campbell Creek Watershed, Okla.; Intent To Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number 405-624-4360.

Notice: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Campbell Creek Watershed, Kingfisher County, Oklahoma.

This federally assisted action may result in significant local, regional, or national impacts on the environment. As a result, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

A plan for watershed protection and flood prevention will be developed in response to a request for assistance by local sponsoring organizations under the authority of Pub. L. 83-566.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Roland R. Willis, State Conservatjonist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouses review of Federal and federally assisted program and projects is applicable)

Dated: July 23, 1981.

David G. Unger

Associate Chief.

[FR Doc. 81-23176 Filed 8-7-81; 8:45 am]

BILLING CODE 3410-16-M

Lower Bayou Watershed, Okla.; Intent to Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number 405-624-4360.

Notice: Pursuant to Section 120(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for remaining work in the Lower Bayou Watershed, Love County, Oklahoma.

This federally assisted action may result in significant local, regional, or national impacts on the environment. As a result, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection and flood prevention developed in 1963. Measures planned include land treatment, floodwater retarding structures, and channel work. Some of the measures were covered by a negative declaration published in December 1975. The environmental evaluation will consider the remaining measures and alternatives.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Roland R. Willis, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 23, 1981.

David G. Unger,

Associate Chief.

[FR Doc. 81-23174 Filed 8-7-81; 8:45 am]

BILLING CODE 3410-16-M

Lowland Watershed, N.C.; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: George C. Norris, Acting State Conservationist, Soil Conservation Service, 310 New Bern Avenue, Room 544, Federal Office Building, Raleigh, North Carolina 27611, telephone 919-755-4210.

Notice: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Lowland Watershed project, Pamlico County, North Carolina, effective on May 26, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23175 Filed 8-7-81; 8:45 am]

BILLING CODE 3410-16-M

Waterfall-Gilford Watershed, Okla.; Intent to Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number 405–624–4360.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for remaining work in the Waterfall-Gilford Watershed, McCurtain County, Oklahoma.

This federally assisted action may result in significant local, regional, or national impacts on the environment. As a result, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection and flood prevention developed in 1962. Measures planned include land treatment, floodwater retarding structures, and channel work. Some of the measures were covered by a negative declaration published in January 1975. The environmental evaluation will consider the remaining measures and alternatives.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Roland R. Willis, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 23, 1981.

David G. Unger,

Associate Chief.

[FR Doc. 81-23177 Filed 8-7-81; 8:45 am]

BILLING CODE 3410-16-M

Wildhorse Creek Watershed, Okla.; Intent to Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number 405–624–4360.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for remaining work in the Wildhorse Creek Watershed, Stephens, Carvin, Carter, and Murray Counties, Oklahoma.

This federally assisted action may result in significant local, regional, or national impacts on the environment. As a result, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection, flood prevention, municipal water supply, irrigation water supply, and recreation developed in 1964 on a subwatershed of the Washita River drainage area. Measures planned include land treatment, single and multipurpose floodwater retarding structures, and channel work. Some of the measures were covered by a negative declaration published in March 1973. The environmental evalution will consider the remaining measures and alternatives.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Roland R. Willis, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 23, 1981.

David G. Unger,

Associate Chief.

[FR Doc. 81-23178 Filed 8-7-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed

In the matter of notice of applications for certificates of public convenience and necessity and foreign air carrier permits filed under subpart Q of the Board's procedural regulations. (See 14 CFR 302.1701 et seq.); week ended July 31, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
July 29, 1981	39855	South Pacific Island Airways, Inc., c/o Haffer and Alterman, 1730 Rhode Island Avenue, N.W., Washington, D.C. 20036. Application of South Pacific Island Airways, Inc. pursuant to Section 401 of the Act and Part 201 and Subpart Q of the Board's Economic Regulations, request a certificate of public convenience and necessity to provide scheduled, large aircraft service between and among the following points: Honolulu, Hawaii-Papeete, Tahiti-Honolulu, Hawaii Honolulu, Hawaii-Nandi, Fiji-Honolulu, Hawaii Pago Pago, American Samoa-Nandi, Fiji-Pago Pago, American Samoa

Date filed	Docket No.	Description
		Pago Pago, American Samoa-Tongatapu, Tonga-Pago Pago, American Samoa Pago Pago, American Samoa-Rarotonga-Pago Pago, American Samoa Conforming Applications, motions to modify scope, and Answers may be filed by August 26, 1981.

Phyllis T. Kaylor,
Secretary
[FR Doc. 81-23198 Filed 8-7-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39870; Order 81-8-9]

New York-Ottawa Proceedings; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of August 1981.

On July 17, 1981, representatives of the United States and Canada jointly announced their intention to amend the United States-Canada Air Transport Agreement to provide for a new New York-Ottawa route for both a United States and a Canadian carrier. The Agreement will provide that the Canadian carrier may serve this route only if a U.S. carrier does not inaugurate service by January 1, 1982, or if the U.S. carrier designated to serve offers less than five round-trip frequencies per week for more than a 60-day period.[1]

Improved service is definitely warranted in this market. Eastern, the U.S. carrier designated to operate a New York-Ottawa route, has declined to provide service.[2] Currently, travelers are restricted to time-consuming, circuitous interline and intraline service which substantially increases what should be a relatively short flight between these two points. While the distances from New York to Montreal and Ottawa are practically the same, the current travel time for a New York-Ottawa passenger is from 3½ to 5 hours, as compared to slightly more than one hour for most New York-Montreal flights. Since implementation of the proposed bilateral rights is essential to overcome the inconvenience and circuity of the existing service, we find that selection of a new carrier to operate a New York-Ottawa route is consistent with the public convenience and necessity.

Anticipating formal adoption of this bilateral amendment, we have decided to institute the *New York-Ottawa Proceeding* to choose a carrier to operated this route.[3]

To ensure that the authorized carrier is prepared to take advantage of this new right as soon as possible, we have decided to process this case using nonoral hearing procedures. Should the case require carrier selection, we will use procedures similar to those used in the *Denver-London Service Case*, Docket 37865 and the *U.S.-People's Republic of China Service Proceeding*, Docket 38629.[4] While we are generally inclined to use oral hearing procedures for cases involving carrier selection, we find that the need for an expedited decision to allow the designated carrier to begin service before January 1, 1982 outweighs any benefit derived from such procedures.

We intend to conduct this proceeding pursuant to the following schedule should carrier selection be required:

Applications: August 14, 1981.
Information Response: August 19, 1981.
Direct Exhibits; September 8, 1981.
Rebuttal Exhibits; September 18, 1981.
Briefs: October 5, 1981.

We will defer the question of whether to allow oral argument until after exhibits are received. In addition, we reserve the right to alter our procedures and schedule should only one application be received.

We request that the applicants submit direct exhibits consistent with the evidence request attached as Appendix A.[5] Any petitions for reconsideration must be filed within 10 days after the service date of this order. Pursuant to Rule 1709 of our Rules of Practice, any person may participate in this proceeding. Therefore, petitions for leave to intervene are not required. The Docket Section will maintain a Service List. All applicants and other parties should serve copies of their respective exhibits and other pleadings on all persons named in the Service List.[6] In addition, a copy of the exhibits and other pleadings should be submitted to the members and staff at the Board listed in Appendix B. Parties should also file with the Docket Section two copies of all exhibits, which will be placed in the official docket.

Accordingly, 1. We institute the *New York-Ottawa Proceeding*, Docket 39870, and adopt nonoral hearing procedures.

2. The proceeding instituted in paragraph 1 shall include consideration of the following issues:

a. Which carrier or carriers should be authorized to engage in foreign air transportation of persons, property and mail between New York, New York and Ottawa, Canada;[7] and

b. For the carrier or carriers authorized to engage in service over this route, what terms, conditions, or limitations, if any, should be attached to that authority;

3. Application, motions to consolidate and petitions for reconsideration shall be filed by August 14, 1981;

4. Information responses shall be issued by August 19, 1981; direct exhibits shall be submitted by September 8, 1981; rebuttal exhibits by September 18, 1981; and briefs by October 5, 1981;

5. Copies of all exhibits should be served on all applicants and persons named in the Service List, as well as on the Board members and staff listed in Appendix B;

6. We delegate to the Associate Dirtector for Proceedings, Bureau of International Aviation, the authority to issue procedural orders in this proceeding, except for orders dealing with motions for an oral hearing. This authority may be redelegated; and

[1] The United States-Canada Agreement currently includes U.S. Route A.3, which reads New York-Montreal/Ottawa. That route will be renumbered U.S. Route A.3(a), and the new New York-Ottawa route will be numbered A.3(b). The amendment will also provide for a Canada Route C.7 which can only be operated should the U.S. carrier designated for Route A.3(b) not satisfy the operational requirements discussed above.

[2] Eastern is currently designated for the New York-Montreal/Ottawa route, but provides ony New York-Montreal service. Under the terms of the amended agreement, designation of a second U.S. carrier to provide New York-Ottawa service will not prejudice Eastern's authority to institute competitive operations to any point on this route.

[3] While we recognize that section 298 operators do not require additional authority to operate this route, they must submit an application in this proceeding to be considered for designation.

[4] We will delegate to the Associate Director for Proceedings, Bureau of International Aviation, the authority to issue any further procedural orders, except orders dealing with motions for an oral hearing.

[5] Appendices A and B filed as part of the original document.

[6] The parties must comply with Rule 3(c) in submitting the application and all motions, petitions and othe pleadings, with the exception of exhibits.

[7] This includes the issues of carriers fitness and selection of a back-up carrier.

7. This order shall be served upon all certificated air carriers, the United States Departments of State and Transportation, the Governor of New York, and the Port Authority of New York and New Jersey.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.*

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-23245 Filed 8-7-81; 8:45 am]

BILLING CODE 6320-01-M

*All members concurred.

[Docket 39831; Order 81-7-160]

United States-India; Fares Proposed by Air India, Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of July 1981.

On June 18, 1981, Air India, pursuant to an order of the Government of India, filed tariff revisions proposing increases in all fares between the United States and India, for effectiveness August 1, 1981.

We have decided to suspend the conditions governing four of the proposed fares: the first-class advance-purchase excursion fare; the 120-day excursion fare; the advance-purchase excursion fare; and the group inclusive-tour fare (Rules 227, 228, 229 and 425, respectively). The first two of the four fares, the rules and conditions of which were established by order of the Government of India, specify that the routing from the last point of departure in the United States to the first point of arrival in India (and vice versa) shall be via the services of the same carrier. The third fare—the advance-purchase excursion fare—stipulates that transportation from the last point of departure in the United States to the first point of arrival in India (and vice versa) shall be via single-plane service of the same carrier. The fourth fare—the group inclusive-tour fare—specifies that transportation from the last point of departure from the Unites States to the first point of arrival in India (and vice versa) shall be without change of carrier. The effect of the conditions is to deny U.S. carriers the opportunity of participating on an interline basis in U.S.-India traffic using these fares, which include the most widely used fares in the market.

Typically, the United States Government permits all carriers a great deal of latitude in establishing their own fares and, for this reason, we are reluctant to suspend the conditions the Government of India has ordered enforced. Our action is necessary because of the Government of India's recent refusal—as evidenced in an order dated November 20, 1980, and reiterated through diplomatic channels—to allow a U.S. carrier to sell and participate in these fares to and from India on the grounds that it does not provide direct service between the United States and India. It therefore appears that the Government of India intends to bar U.S. carriers from participation in U.S.-India low-fare traffic by insisting that carriers wishing to match Air India's fares may do so only on a direct or intraline basis.[1] However, the U.S. carrier involved has sold these fares in the market for many years; its tariffs on file with us do not and, according to our records, have not contained the restrictions which the Government of India would impose; and the Board has not approved any such restrictions for the carrier.

It is the opinion of the United States Government that no airline should be denied participation in any bona fide fare if willing interline partners are available. Furthermore, the United States Government believes that under the U.S.-India Air Transport Agreement, changes in fares and conditions should not be accomplished through unilateral action by either party. The United States Government has no objection to Air India's restricting interline and other privileges for its own traffic and own system. However U.S. carriers cannot be required to accept such conditions in the absence of approval by the U.S. aeronautical authorities.

Under the International Air Transportation Competition Act of 1979, the Board is directed to protect the ability of U.S. carriers to compete in international markets on an equal basis with foreign carriers. We tentatively find that the Government of India has imposed unjustifiable, unreasonable, and discriminatory restrictions on carrier access to the U.S.-India market by unilaterally refusing to permit the charging of fares and related conditions contained in tariffs properly filed and published with the Board. Therefore, we find it in the public interest to investigate and suspend the offending conditions in Air India's proposed tariff as specified in Appendix I.[2] We point out that this action will not have any immediate impact on the operations of Air India. It is, rather, our intention to take the occasion of this filing to manifest our deep concern over the situation which has emerged, and to call for a prompt resolution of the problem. Based on these findings, we would have ample powers both to remove the suspended conditions from the marketplace entirely and to take other reciprocal actions, if necessary. In the meantime, we would emphasize that the pertinent TWA tariffs, set forth in Appendix II, permitting that carrier to interline on these fares, remain in full force and effect.

Accordingly, pursuant to 49 U.S.C. 1159b, 1302, 1324(a), 1373, 1401 and 1482(j) (1) and (3):

1. We shall institute an investigation to determine whether the provisions set forth in the attached Appendix I, and the rules and regulations or practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful or contrary to the public interest; and if we find them to be unlawful or contrary to the public interest, to act appropriately to prevent the use of such provisions;

2. Pending hearing and decision by the Board, we suspend and defer the use of the tariff provisions in the attached Appendix I, from August 1, 1981, to and including July 31, 1982, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. Air India is directed to show cause why the tentative findings set forth in this order shall not be finalized, on or before August 15, 1981.

4. We shall submit this order to the President[3] and, unless disapproved by the President within ten days, it shall become effective August 1, 1981; and

5. We shall file copies of this order in the aforesaid tariff and serve them on Air India and the Ambassador of India in Washington, D.C.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[4]

Phillis T. Kaylor,

Secretary.

[FR Doc. 81-23246 Filed 8-7-81; 8:45 am]

BILLING CODE 6320-01-M

[1] All U.S. carriers other than Pan American would be barred from offering such fares since none offers single-carrier service to/from India. European carriers, on the other hand, would apparently be able to participate in this traffic provided thay serve both the United States and India, as many do.

[2] Appendices I and II filed as part of the original document.

[3] We submitted this order to the President on July 24, 1981.

[4] All members concurred.

COMMISSION ON CIVIL RIGHTS

Georgia Advisory Committee; Agenda and 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 Georgia Advisory Committee to the Commission will convene at 2:30 p.m. and will end at 6:00 p.m., on August 28, 1981, at the Marriott Hotel—Downtown, the Grant Room, Courtland and International Boulevard, Atlanta, Georgia 30303. The purpose of this meeting is to plan for an Advisory Committee factfinding meeting on Bigotry and Violence.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clayton Sinclair, Jr.; 5095 Dublin Drive, N.W.; Atlanta, Georgia, (404) 349-3861 or the Southern Regional Office; Citizens Trust Bank Building, Room 362; 75 Piedmont Avenue, N.E. 30303.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-23208 Filed 8-7-81; 8:45 am]

BILLING CODE 6335-01-M

Michigan Advisory Committee; Agenda and 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 Michigan Advisory Committee to the Commission will convene at 5:00 p.m. and will end at 9:00 p.m., on August 27, 1981, at the Howard Johnson Hotel (Downtown); 231 Michigan Avenue; Detroit, Michigan 48226. The purpose of this meeting is to review the Affirmative Action project and the Loan Equality and Education projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Jo Ann W. Terry; 18922 Fairfield; Detroit, Michigan 48221; (313) 342-9386, or the Midwestern Regional Office; 230 South Dearborn Street, 32nd Floor; Chicago, Illinois 60604; (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washinton, D.C., August 5, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-23207 Filed 8-7-81; 8:45 am]

BILLING CODE 6335-01-M

Washington Advisory Committee; Agenda and 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 Washington Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 8:00 p.m., on September 2, 1981, at the Federal Building, Room 2866, 915 Second Avenue, Seattle, Washington 98174. The purpose of this meeting is to review the draft report of the Alaska-Washington study of seafood processing.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Katherine M. Bullitt, 1125 Harvard Avenue, Seattle, Washington 58102, (206) 325-6353, or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, Washington 98174, (216) 442-1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-23209 Filed 8-7-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966) Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00128. Applicant: Upstate Medical Center, Otolaryngology Labs, 766 Irving Avenue, Syracuse, New York 13210. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 20585 in the **Federal Register** of April 6, 1981. Article ordered: November 24, 1980.

Docket No. 81-00129. Applicant: Boston University Medical Center, Department of Anatomy, 80 East Concord Street, Boston, MA 02118.Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 20585 in the **Federal Register** of April 6, 1981. Article ordered: December 12, 1980.

Docket No. 81-00130. Applicant: University of Minnesota, The Hormel Institute, 801 16th Avenue, N.E., Austin, Minnesota 55912. Article: Electron Microscope, Model JEM 100S with Sheet Film Camera. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 20585 in the **Federal Register** of April 6, 1981. Application received by Commissioner of Customs: February 4, 1981.

Docket No. 81-00131. Applicant: Washington University, Purchasing Office, Lindell and Skinker Blvds., St. Louis, Missouri 63130. Article: Electron Microscope, Model JEM-200CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 22248 in the **Federal Register** of April 16, 1981. Article ordered: January 29, 1981.

Docket No. 81-00137. Applicant: Michigan State University, Department of Anatomy, East Lansing, Michigan 48824. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 20581 in the **Federal Register** of April 6, 1981. Article ordered: January 26, 1981.

Docket No. 81-00138. Applicant: Massachusetts General Hospital, Blossom Street Receiving, Boston, MA 02114. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 20581 in the **Federal Register** of April 6, 1981. Article ordered: August 25, 1980.

Docket No. 81-00144. Applicant: Arizona State University, Tempe, AZ 85281. Article: Electron Microscope, Model EM 400 and Accessories. Manufacturer: Philips Electronic Instruments, the Netherlands. Intended use of article: See Notice on page 22249 in the **Federal Register** of April 16, 1981. Article ordered: December 30, 1980.

Docket No. 81-00145. Applicant: Case Western Reserve University, 2220 Circle Drive, Cleveland, OH 44106. Article: Electron Microscope, Model JEM 100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 22249 in the **Federal Register** of April 16, 1981. Article ordered: December 23, 1980.

Docket No. 81-00152. Applicant: The Johns Hopkins University, Traylor Building 720, Charles and 34th Streets, Baltimore, Maryland 21218. Article: Electron Microscope, Model H-600-3 and Rotation Holder, Model H-500-IR. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: See Notice on page 22248 in the **Federal Register** of April 16, 1981. Article ordered: January 29, 1981.

Docket No. 81-00155. Applicant: New York University Medical School, Department of Biochemistry, 550 First Avenue, New York, New York 10016. Article: Electron Microscope, Model EM 1OCA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 22630 in the **Federal Register** of April 20, 1981. Application received by Commissioner of Customs: March 4, 1981.

Docket No. 81-00162. Applicant: Martin Luther King Hospital/Charles Drew Medical School, Department of Pathology, 12021 S. Wilmington Avenue, Los Angeles, California 90059. Article: Electron Microscope, Model H-600. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: See Notice on page 23093 in the **Federal Register** of April 23, 1981. Application received by Commissioner of Customs: March 12, 1981.

Docket No. 81-00166. Applicant: Jewish Hospital, 17 E. Chestnut, Louisville, KY 40202. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 24222 in the **Federal Register** of April 30, 1981. Article ordered: December 21, 1979.

Docket No. 81-00169. Applicant: University of Southwestern Louisiana, P.O. Box 41008, Lafayette, LA 70504. Article: Electron Microscope, Model H-600-3. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: See Notice on page 23094 in the **Federal Register** of April 23, 1981. Article ordered: March 12, 1981.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications related is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-23244 Filed 8-7-81; 8:45 am]

BILLING CODE 3510-25-M

Tapered Roller Bearings and Certain Components Thereof From Japan; Clarification of Scope of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of clarification of scope of antidumping finding.

SUMMARY: The Department of Commerce is clarifying the scope of the antidumping finding on tapered roller bearings and certain components thereof from Japan. Clarification is necessary due to continued confusion as to the sizes and degree of completion of tapered roller bearings covered by this finding.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or David R. Chapman, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-2704).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 18, 1976, the Treasury Department published in the **Federal Register** (41 FR 34974-5) an antidumping finding with respect to tapered roller bearings and certain components thereof from Japan. That finding (T.D. 76-227) covered "tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately, from Japan".

Clarifications

Two clarifications are necessary because of the continued confusion caused by the inadequate description currently provided in the definition of tapered roller bearings subject to T.D. 76-227.

The first clarification deals with the size of tapered roller bearings covered by this finding. The original antidumping petition identified 15 specific tapered roller bearings by part numbers. The list included no bearings over 4 inches in diameter. The scope of the investigation by the Treasury Department and International Trade Commission ("ITC") was not limited to the part numbers listed by the petitioner, but was limited to bearings 4 inches or less in outside diameter. In its "Determination of Likelihood of Injury" (40 FR 233-34, January 29, 1975) the ITC summarized the scope of the investigation as follows:

> These LTFV bearings, as well as the great bulk of imports from Japan, are 4 inches or less in outside diameter and constitute an important sales market for domestically produced tapered roller bearings.
>
> The Treasury Department determined that four cups and four cone assemblies (with outside diameters of 4 inches or less) for use in tapered roller bearings, whether sold separately or as a unit, are being, or are likely to be, sold at less than fair value.

Nothing in the record indicates that Treasury or the ITC investigated or considered investigating any bearings over 4 inches in outside diameter. Therefore the Department is including the term "4 inches or less in outside diameter" in the definition of tapered roller bearings to describe more accurately the scope of the investigation and the administrative determination.

As a result, for purposes of the August 18, 1976 antidumping finding, the Department of Commerce defines tapered roller bearings and certain components thereof as "tapered roller bearings, 4 inches or less in outside diameter when assembled, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States either as a unit or separately."

The second clarification deals with the degree of completion of imported tapered roller bearings. Neither the

petition nor the fair value investigation was directed at transactions involving partially manufactured merchandise. A complete tapered roller bearing consists of a cone or inner race, cage (roller retainer), and roller in one assembled unit, and the cup or outer race, which is the outer ring on which the rollers turn. The cup and cone are designed for use as a unit, but are often sold separately.

The unfinished tapered roller bearings at issue here are cups, cones, and retainers that have been forged and rough machined; that is, turned on a lathe only. They must be further manufactured before they can be sold for use as tapered roller bearings.

We understand that the finished manufacturing, assembly, inspection, and packing costs incurred in the United States on these unfinished components of tapered roller bearings account for approximately 40 percent of the value of the finished inner race assemblies and outer races. When indirect costs such as interest and general and administrative expenses are included, the value added in the U.S. exceeds 50 percent. This extensive transformation is manufacturing rather than the mere assembly or final stage processing of an essentially finished article.

There are major differences in physical characteristics, manner of sale, and use (or lack of it) between finished and certain unfinished tapered roller bearings. The unfinished merchandise is not sold to the same class of purchaser as completed tapered roller bearings, and it is incapable of functioning as a tapered roller bearing or component thereof. Therfore, the unfinished components of tapered roller bearings described above are not the same class or kind of merchandise as tapered roller bearings and the Department does not include them in the finding of dumping.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 4, 1981.

[FR Doc. 81-23251 Filed 8-7-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket No. S-696]

Lykes Bros. Steamship Co., Inc.; Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc. has filed an application dated June 23, 1981, to amend its present Operating-Differential Subsidy Agreement, Contract MA/MSB-451, so as to add the privilege of providing service between the U.S. Gulf and Panama on its subsidized Trade Route 22, Line D—Orient Line service. Lykes is currently authorized to serve Panama on up to 36 sailings annually on its Line F, West Coast South America service (Trade Route No. 31), and has requested that the maximum of 36 serve as a combined maximum for U.S. Gulf/Panama service by vessels operating on either Line D of Line F.

The Line D as described in Lykes' operating subsidy contract provides for service between United States Gulf of Mexico ports and ports in the Far East and Southeast Asia.

Lykes' Line F service is between U.S. Gulf ports and ports on the west coast of South America, on up to a maximum of 36 sailings per annum. Included in Line F is the privilege of serving ports on the Atlantic coast of the Republic of Panama and ports in the former Panama Canal Zone. This privilege is the authority which Lykes desires to transfer to Line D, with no increase in the total number of calls at Panama by vessels operating on either Line D or Line F.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230 by the close of business on August 21, 1981.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

By Order of the Maritime Subsidy Board.
Dated: July 31, 1981.

Georgia Pournaras Stamas,

Assistant Secretary.

[FR Doc. 81-23148 Filed 8-9-81; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

North Carolina Coastal Management Program; Record of Decision

Notice is hereby given that the Office of Coastal Zone Management (OCZM) has approved Amendment Number One to the North Carolina Coastal Management Program (NCCMP). The amendment incorporates three planning processes as part of the NCCMP which are required by Section 305(b)(7), (8), and (9) of the Coastal Zone Management Act of 1972, as amended (CZMA). These three planning processes are for:

(1) Energy Facility Siting;

(2) Shorefront Access and Protection; and

(3) Shoreline Erosion and Mitigation

On April 6, 1979, at 44 FR 20780, OCZM published notice of the preparation and availability of the Draft Environmental Impact Statement (DEIS) concerning the proposed amendment to the NCCMP. Copies of the DEIS were also sent to interested Federal and State agencies, and other interested parties, and comments were invited. On April 12, 1979, at 44 FR 21841, OCZM gave notice of the public hearing held to receive comments on the DEIS on May 8, 1979, in Raleigh, North Carolina. On April 18, 1980, at 45 FR 26457, OCZM published notice of the issuance of the Final Environmental Impact Statement (FEIS) on the proposed amendment to the NCCMP. The FEIS included a summary of all comments received on the DEIS, OCZM's responses, and appropriate changes which were made to the DEIS after consideration of the comments. The DEIS and FEIS reflected OCZM's intent to approve the amendment based upon a determination that the amendment satisfied the requirements of the CZMA. However, subsequent to publishing notice of the FEIS, OCZM neglected to prepare a set of findings and record of decision, and to give notice of the Assistant Administrator's approval of the amendment to the NCCMP. To remedy this oversight, on July 30, 1981, the Acting Assistant Administrator for Coastal Zone Management formally approved the amendment to the NCCMP by signing the Findings and the Record of Decision which documents the manner in which the amendment meets the requirements of the CZMA and its implementing regulations as well as the requirements of the National Environmental Policy Act and regulations of the Council on Environmental Quality, and describes the process by which the amendment has been approved. The Findings acknowledge the single comment received on the FEIS. Approval of the amendment requires that Federal agencies must conduct their actions related ot the amendment in accordance with the provisions of Section 307 of CZMA. Interested persons may obtain copies of the Acting Assistant Administrator's Findings by contacting:

John Phillips, South Atlantic Regional Managers, Office of Coastal Zone Management, Page Building #1, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202) 254-7494.

Dated: August 4, 1981.

James Murley,

Acting Director, Coastal Programs Office, Office of Coastal Zone Management.

Record of Decision; Amendment Number One to the North Carolina Coastal Management Program

I. Introduction and Summary of Decision

The Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), approved the North Carolina Coastal Management Program (NCCMP) on September 1, 1978. The 1976 amendments to the Coastal Zone Management Act of 1972 (CZMA) required that State coastal zone management programs approved under the CZMA must include three planning elements concerning the following:

(1) *Shorefront Access and Protection:*

"A definition of the term 'beach' and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value" (Section 305(b)(7)).

(2) *Energy Facility Siting:*

"A planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities" (Section 305(b)(8)).

(3) *Shoreline Erosion and Mitigation:*

"A planning process for (A) assessing the effects of shoreline erosion (however caused), and (B) studying and evaluating ways to control, or lessen the impact of, such erosion, and to restore areas adversely affected by such erosion" (Section 305(b)(9)).

The 1976 amendments prescribed that no State mangement program was required to provide for these planning processes before October 1, 1978.

In compliance with the CZMA and NOAA regulations at 15 CFR Part 923 Subpart I, (Amendments to * * * Approved Programs) the North Carolina Office of Coastal Management (NCOCM) submitted a request to the Assistant Administrator to amend its approved program to incorporate the three planning processes described above. The Office of Coastal Zone Management (OCZM) published notice of the Draft Environmental Impact Statement (DEIS) concerning the proposed amendment on April 6, 1979, at 44 FR 20780, and following the public hearing on the DEIS held in Raleigh, North Carolina, on May 8, 1979, issued its Final Environmental Impact Statement (FEIS) on April 18, 1980, at 45 FR 26457. Both the DEIS and the FEIS reflected OCZM's intent to approve the amendment based upon a determination that the amendment satisfied the requirements of the CZMA. Subsequently, however, OCZM neglected to make findings, and prepare a record of decision, and to publish notice of the Assistant Administrator's approval of the amendment to the NCCMP as required by the CZMA, its implementing regulations, and the regulations of the Council on Environmental Quality (CEQ). According to CEQ regulations at 40 CFR 1506.10(b)(2), the earliest date on which the Assistant Administrator could have approved the amendment to the NCCMP was thirty days after publishing notice of the filing of the FEIS with the Environmental Protection Agency. Since that date, both OCZM and the NCOCM have treated the amendment as approved. Further, OCZM has approved and funded since September, 1980, NCOCM activities implementing the three planning elements. These Findings and the Record of Decision issued today satisfy the formal requirements of amendment approval described above.

After a review of the amendment request submitted by the NCOCM, the environmental documents prepared in connection with the request and the comments received on the State submission, the DEIS and FEIS, I find that the amendment meets all requirements of the CZMA, NOAA regulations, the National Environmental Policy Act (NEPA), and the regulations of the Council on Environmental Quality (CEQ). Therefore the amendment is approved. The results of my review are summarized below.

II. Findings

Section 306(g) of the CZMA permits coastal States to amend approved coastal management programs pursuant to the procedures describes in Section 306(c). The findings required by the CZMA and NOAA regulations before the Assistant Administrator may approve the amendment proposed by the NCCMP may be found at 15 CFR Part 923, and are described below. Because it was decided that an EIS was necessary in order to approve the amendment to the NCCMP, a record of decision must be prepared, pursuant to CEQ regulations at 40 CFR 1505.2, at the time the decision to approve the amendment is made. The record of decision concerning the amendment is hereby integrated into this approval document.

A. *Shorefront Access and Protection* (Section 305(b)(7) of the CZMA).

(1) *The planning process includes a procedure for assessing public area requiring access or protection* (15 CFR 923.24(c)(1)).

The Shorefront Access Inventory prepared by the NCOCM in 1977 established the availability of beach access, identified areas experiencing access problems at that time, and predicted areas likely to experience access problems in the short term. Continuing assessment of public areas is a responsbility of the NCOCM, which it carries out in a manner consistent with the policies and priorities established in the North Carolina State Comprehensive Outdoor Recreation Plan (SCORP) and the Water Resources Framework Study, and other policies contained in the NCCMP, such as the approved policies dealing with the designation of Areas of Environmental Concern (AEC's). This planning process is described in detail in Part II (A) of the FEIS, p. 13.

(2) *The planning process includes a definition of the term "beach" and an identification of public areas meeting that definition* (15 CFR 923.24(c)(2)).

The term "beach" is defined in the AEC policy guidelines found at Title 15 of the North Carolina Administrative Code (NCAC), Section 7M.0302, as "areas extending from the mean low to the mean high water line and beyond this line to where either the growth of vegetation occurs, or a distinct change in slope or elevation occurs, or riparian owners have specifically and legally restricted access above the mean high water line." Thus, broadly speaking, all the wet sands areas in North Carolina are State-owned beaches, and such areas are identified in the Shorefront Access Inventory prepared by the NCOCM, and in local land use plans prepared by local governments in accordance with provisions of the NCCMP. The definition of the term "beach" and the identification of areas meeting this definition may be found in Part II (A) of the FEIS, p. 18.

(3) *The planning process articulates enforceable State policies, legal authorities, funding programs, and other techniques pertaining to shorefront access and protection* (15 CFR 923.24(c)(3)).

Enforceable State policies and legal authorities upon which the planning process for shorefront access and protection is based include the protection policies contained in the AEC regulatory guidelines (Subchapter 7H of

Title 15 of the NCAC) and the access policies contained in the North Carolina SCORP and Water Resources Framework Study. The policies contained in these two documents may ultimately be enforced through exercise of the State's power of eminent domain. The AEC guidelines are enforced by means of the regulatory authority granted to the NCOCM by the State Coastal Area Management Act (CAMA). In addition, the Coastal Resources Commission (CRC) which, under CAMA, is the governing body of the NCOCM, has developed a set of policies pertaining to shorefront access and protection which includes policy statements concerning funding techniques and priorities. These policies may be enforced through the Governor's Executive Order as part of the NCCMP. These policies are discussed in Part II (A) of the FEIS, pp. 18–19.

B. *Energy Facility Siting* (Section 305(b)(8) of the CZMA).

(1) *The planning process identifies energy facilities which are likely to locate in, or which may significantly affect the State's coastal zone* (15 CFR 923.13(b)(1)).

The NCOCM has identified seven types of facilities or activities which have been or may be located in, or significantly affect, the State's coastal zone: (1) oil terminals; (2) tank farms; (3) oil refineries; (4) deep water ports; (5) electric generating facilities; (6) OCS exploration and development; and (7) peat mining. See Part II (B) of the FEIS, pp. 53–65. The NCOCM relies primarily upon the State Utilities Commission to determine the need to locate electric generating facilities and transmission lines in or affecting the coastal zone. The identification of other energy facilities is made by the State Department of Commerce.

(2) *The planning process includes procedures for assessing the suitability of sites for such areas* (15 CFR 923.13(b)(2)).

North Carolina relies upon several techniques to assess the suitability of sites to support energy facilities. For major federal actions, environmental review of impacts (including consideration of alternative sites) is accomplished in compliance with the NEPA and CEQ regulations as well as North Carolina's Environmental Impact Assessment (EIA) process established by State statute. In addition, the feasibility of a specific site location is further considered during the permit-issuance process. To aid in making siting decisions, local land use planning agencies are directed to designate areas suitable for industrial development. Site assessment procedures are described in detail in Part II (B) of the FEIS, pp. 67–78.

(3) *The planning process articulates State policies and authorities for managing energy facilities and their impacts, including policies regarding conditions that may be imposed on site location and facility development* (15 CFR 923.13(b)(3)).

The CRC has adopted general coastal energy policies which require that the siting of major energy facilities in North Carolina's coastal area be accomplished in a manner "that allows for protection of the environment and local and regional socio-economic goals." The placement and operation of such facilities must be consistent with "established State standards and regulations and shall comply with local land use plans and with guidelines for land uses in areas on environmental concern" (Part II (B) (3) of the FEIS). Further, the CRC has developed specific policies related to the siting of electrical generating facilities, petroleum refineries, OCS facilities, and mining operations. State authorities supporting these policies include the State Public Utilities Act; Land Policy Act; Oil Pollution Control Act; Oil and Gas Conservation Act; Mining Act; Water Use Act; and CAMA. In addition, the State, through its permit-issuing agencies such as the Department of Natural Resources and Community Development (DNRCD), retains sufficient authority to impose conditions on the siting and development of energy facilities. Such permits include dredge and fill permits, air quality permits, sediment and erosion control permits, and major CAMA development permits issued by the CRC. Details of these coastal energy policies and related State permits required for siting and developing energy facilities in North Carolina's coastal area are found in Part II (B) (3) of the FEIS, pp. 79–99.

(4) *The planning process identifies how interested and affected public and private parties may be involved in the planning process and discusses the means for continued consideration of the national interest, in the planning and siting of energy facilities that are necessary to meet more than local requirements* (15 CFR 923.13(b)(4)).

Participation by public and private parties in the energy facility siting planning process is provided through North Carolina's environmental review procedures established by State law (G.S. 143B–437), and where major Federal action is involved, through the environmental review procedures required by NEPA and CEQ regulations. Further, opportunities for public and private involvement in this planning process exist at various stages in the issuance of the State and Federal permits necessary to energy facility site selection and development discussed above. The national interest in energy facility siting and development in North Carolina's coastal area is assured of consideration primarily through CRC's authority under CAMA (G.S. 113A–113(b)(7)) to designate as AEC's areas which are or may be affected by energy facilities. Such "key facilities" may be recognized as in the national interest, and regulated by the CRC rather than by local governments. The State Utilities Commission has the right of eminent domain, and the State may always exercise its powers of condemnation. See Part II (B) of the FEIS, p. 88, for discussion of the means by which North Carolina provides for consideration of the national interest in energy facility siting and development.

C. *Shoreline Erosion and Mitigation* (Section 305(b)(9) of the CZMA). (1) *The planning process includes a method for assessing the effects of shoreline erosion, and a method for evaluating techniques for mitigating, controlling or restoring areas of particular concern* (15 CFR 923.25(c)(1)).

The NCOCM has made use of numerous public and private, Federal and State studies conducted over many years to assess the effects of shoreline erosion. Much of this data has been collected and incorporated into the State Water Plan. Estuarine shorelines have also been studied to assess the effects of erosion. Further investigations have been conducted by the State Sea Grant Program, NCOCM and other State agencies. These as well as other studies are described in Part II (C) pp. 98–113 of the FEIS.

North Carolina relies mainly upon land use management and other nonstructural controls to manage shoreline erosion and its effects. Through its authority to designate AEC's, the CRC has developed regulations governing the use and development of shoreline areas prone to erosion: beaches, dunes, inlet lands, and estuarine shorelines. The AEC-designation process permits the CRC and the NCOCM continually to evaluate the techniques devised for controlling and restoring eroded areas, and to revise such techniques as necessary. These techniques are discussed in Part II (C) of the FEIS, pp. 114–132.

(2) *The planning process articulates State policies, legal authorities, funding techniques and other techniques pertaining to erosion, including policies regarding preferences for non-structural,*

structural, and/or no controls (15 CFR 923.25(c)(2)).

General shoreline erosion policies are stated at pp. 127–132 of the FEIS. Legal authorities necessary to implement the State's shoreline erosion policies are identified and discussed at p. 133. Various State agencies and their roles in shoreline erosion management are described at pp. 134–35, and funding techniques are outlined at pp. 135–36. North Carolina has indicated its preference to use non-structural measures to control shoreline erosion (Part II (C) of the FEIS, p. 127).

III. Alternatives Considered in the FEIS

The amendment proposed by the NCOCM to its approved coastal management program is required by CZMA. The alternatives identified in the FEIS which are available for consideration by OCZM are: (1) To delay or deny approval of this amendment to the NCCMP if the policies are not sufficient to meet the requirements of the CZMA, as amended (Section 305(b)(7), (8), and (9)); or (2) To delay or deny approval of a particular planning element based upon potential deficiencies identified for that element.

The discussion of these alternatives in the FEIS is incorporated by reference in this record of decision. Neither one of the alternatives listed above was deemed preferable to the proposed action, approval of the amendment to the NCCMP.

The factors which were balanced in the decision-making process concerned the adequacy of the three planning processes proposed by NCOCM to satisfy the requirement of the CZMA, as amended, that all approved coastal management programs include such planning processes. The FEIS prepared by the OCZM on the proposed amendment to the NCCMP found that the CRC has developed and adopted specific policies on energy facility siting, shoreline erosion control and mitigation, and shorefront access and protection. The only potential deficiency identified through OCZM's environmental review of the proposed amendment concerned the planning process for energy facility siting. However, OCZM concluded that the use of Federal consistency determinations following approval of the NCCMP, and the implementation of the CAMA permitting provisions since program approval has demonstrated that the planning process for energy facility siting is adequate.

IV. Comments Received on FEIS

One important comment was received on the FEIS prepared on the amendment to the NCCMP from the Federal Energy Regulatory Commission (FERC), acknowledging the favorable treatment of FERC's earlier comments on the DEIS. All comments received on the DEIS and responses by OCZM are published in the FEIS.

V. Decision

Having made the findings set forth above, and having concluded that the requirements of the CZMA and its implementing regulations as well as the requirements of NEPA and the CEQ regulations have been met, I approve this amendment effective July 30, 1981.

(Federal Domestic Assistance Catalog No. 11.419, Coastal Zone Management Program Administration)

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Managment.

[FR Doc. 81-23151 Filed 8-7-81; 8:45 am]

BILLING CODE 3510-80-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, D.C. 20310

Patent Application 6,189,399: Frequency Selectable Q-Switched Laser; filed Sept. 22, 1980.

Patent Application 6,193,225: Cover Hold Down Mechanism; filed Oct. 2, 1980.

Patent Application 6,194,736: Heterodyne Indicial Refractometer; filed Oct. 7, 1980.

Patent Application 6,196,409: A Dual Channel Correlator for an FM CW Ranging Radar; filed Oct. 14, 1980

Patent Application 6,200,297: Trailer Frame Beam; filed Oct 4, 1980.

Patent Application 6,200,832: System and Method for Testing the Reaction of Rare Earth Ions; filed Oct. 28, 1980.

Patent Application 6,202,261: Thin Film Plane-Polarized Intensity Pickoff; filed Oct. 30, 1980.

Patent Application 6,210,068: Heat Exchanger Base for a Portable Laser System; filed Nov. 24, 1980.

Patent Application 6,216,416: Intergrating Angular Accelerometer; filed Dec. 15, 1980.

Patent Application 6,217,349: Electrostatic Safe Electric Match; filed Dec. 17, 1980.

Patent Application 6,217,881: Fluidic-Controlled Oxygen Intermittent Demand Flow Device; filed Dec. 18, 1980.

Patent Application 6,219,455: Doppler Discrimination of Aircraft Targets; filed Dec. 22, 1980.

Patent Application 6,220,485: Impedance Tapered Dematron; filed Dec. 29, 1980.

Patent Application 6,221,953: Anode Mounting for Window Type Geiger—Mueller Tube; filed Dec. 31, 1980.

Patent Application 6,241,785: Band Interacting Tunnel Heterojunction; filed Mar. 9, 1981.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324

Patent Application 6,219,397: Vacuum Blast Adapter for Bombs; filed Dec. 22, 1980.

Patent Application 6,222,845: Corrosion Monitoring System; filed Jan. 6, 1981.

Patent 4,255,478: Composite Structures; filed Mar. 14, 1979, patented Mar. 10, 1981; not available NTIS.

Patent 4,258,578: Floated, Internally Gimballed Platform Assembly; filed June 6, 1978; patented Mar. 31, 1981; not available NTIS.

U.S. Department of Agriculture, Program Agreements and Patent Branch, Administrative Service Division, Federal Building, Science and Education, Hyattsville, Md. 20782

Patent 4,259,362: Process for Improving Baking Properties of Unbleached Flour; filed Jan. 19, 1979; patented Mar. 31, 1981; not available NTIS.

Patent 4,259,834: Synchronized Flail for Treatment of Forestry Residues; filed July 26, 1979; patented Apr. 7, 1981; not available NTIS.

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20205.

Patent 4,247,646: Laboratory Apparatus for Cloning Mammalian Cells; filed Sept. 12, 1978; patented Jan. 27, 1981; not available NTIS.

Patent 4,255,386: Method and Apparatus for Destroying Organic Matter to Facilitate Trace Inorganic Element Analysis; filed Nov. 30, 1978; patented Mar. 10, 1981; not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, Va. 22217

Patent Application 6,171,567: Contrahelically Laid Torque Balanced Benthic Cable; filed July 23, 1980.

Patent Application 6,231,718: Constrained Store Ejector; filed Feb. 5, 1981.

[FR Doc. 81-23173 Filed 8-7-81; 8:45 am]

BILLING CODE 3510-04-M

Office of the Secretary

National Voluntary Laboratory Accreditation Program; Report of Accreditation Actions for July 1981

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation.

ACTION: Announcement of accreditation action.

SUMMARY: The Department of Commerce announces the granting of accreditation to the laboratory named herein which was found competent to perform specific tests on freshly mixed field concrete under the National Voluntary Laboratory Accreditation Program (NVLAP). This laboratory is accredited only for the specific tests identified in this notice. No other accreditation actions were taken during this period.

Term

This accreditation was granted for a term beginning on July 7, 1981, and is valid for one year, except that it may be revoked before the expiration date due to violation of the criteria or other conditions of the laboratory's accreditation, or otherwise terminated at the request of the laboratory.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Locke, NVLAP Coordinator, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-2054.

SUPPLEMENTARY INFORMATION: The general and specific criteria used in making accreditation decisions were published on January 23, 1980 (45 FR 5572-5600).

Accreditation Action of July 7, 1981

The laboratory and the test methods for which accreditation was granted are: Pittsburgh Testing Laboratory, Attn.: Martin C. Falk, 850 Poplar Street, Pittsburgh, PA 15220, Phone: (412) 922-4000.

NVLAP code	Test method designation	Short title (property) subtitle (if applicable)
02/M01	ASTM C31.	Making and Curing Concrete Test Specimens in the Field.
02/M03	ASTM C172.	Sampling Fresh Concrete.
02/P01	ASTM C143.	Slump of Portland Cement Concrete.
02/W01	ASTM C138.	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.
02/A01	ASTM C231.	Air Content of Freshly Mixed Concrete by the Pressure Method.
02/S01	ASTM C39.	Compressive Strength of Cylindrical Concrete Specimens.
02/A02	ASTM C173.	Air Content of Freshly Mixed Concrete by the Volumetric Method.

Accredited Laboratories

Ninety-five laboratories are currently accredited under NVLAP. NVLAP accreditation shall in no way relieve the laboratories from the neccessity of observing and being in compliance with any existing Federal, State, and local statutes, ordinances, and regulations that may be applicable to the operations of the laboratory, including consumer protection and antitrust laws. For a list of NVLAP accredited laboratories, contact the NVLAP Coordinator at the NVLAP address.

Dated: August 4, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 81-23268 Filed 8-7-81; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Army Corps of Engineers; Department of the Army

Pebble Creek and the Elkhorn River at Scribner, Nebr.; Intent To Prepare a Draft Environmental Statement (DES) for a Proposed Flood Control Project

AGENCY: U.S. Army Corps of Engineers, Omaha District.

ACTION: Notice of intent to prepare a DES.

SUMMARY: 1. The proposed Federal action is to provide flood control for Scribner, Nebraska, near the Elkhorn River and Pebble Creek.

2. Reasonable structural alternatives for Scribner flood control are a tie-back levee for Pebble Creek protection, partial ring levees for Pebble Creek and some Elkhorn protection, and a ring levee for Pebble Creek and Elkhorn protection. Any of these could entail either hillside borrow or deep borrow. A reasonable nonstructural alternative is a combination of flood warning, flood fights, or temporary evacuation, flood insurance, floodproofing, and zoning.

3. To date, public involvement has included meetings and discussions with public entities, local planning agencies, and concerned citizens. A public meeting will be held in the fall of 1982. No significant issues have yet been identified. The project will also comply with the requirements of the Historic Preservation Act, the Endangered Species Act, the Fish and Wildlife Coordination Act, Section 404 of the 1977 Clean Water Act, Executive Order 11988 on flood plains, and Executive Order 11990 on wetlands.

4. A scoping meeting for the DES will be held on Wednesday, 26 August 1981, at 10:00 a.m. (CDT) in City Hall at Scribner. The participation of the public and all interested Government agencies is invited.

5. The Omaha District estimates that the DES will be released for public review in May 1982.

ADDRESS: Questions about the proposed action, DES, or scoping meeting should be directed to Richard Gorton; Chief, Environmental Analysis Branch; Omaha District, CE; 6014 U.S. Post Office and Courthouse; Omaha, Nebraska 68102. Phone: (402) 221-4605.

Dated: July 31, 1981.

H. N. Thelen,

Acting Chief, Planning Division.

[FR Doc. 81-23169 Filed 8-7-81; 8:45 am]

BILLING CODE 3710-62-M

Defense Logistics Agency

Privacy Act of 1974; Amendment of a System Notice

AGENCY: Defense Logistics Agency, DOD.

ACTION: Amendment of a system notice.

SUMMARY: The Defense Logistics Agency proposes to amend the system notice for system S322.10DLA-LZ entitled: "Defense Manpower Data Center Data Base". The proposed amendment as well as the system notice as amended are set forth below.

DATES: This amendment shall be effective without further notice on September 9, 1981, unless comments are received which result in a contrary determination.

ADDRESSES: Send any comments to the system manager identified in the notice.

FOR FURTHER INFORMATION CONTACT: Mr. Preston B. Speed, Chief, Administrative Management Branch (DLA-XAM), Defense Logistics Agency, HQ DLA, Cameron Station, Alexandria, VA 22314. Telephone (202) 274-6234.

SUPPLEMENTARY INFORMATION: The system notices for the Defense Logistics Agency system of records subject to the Privacy Act of 1974 Title 5 United States Code Section 552a (Pub. L. 93-579; 88 Stat. 1896, *et seq.*) were published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6457) January 21, 1981.

This change does not fall within the purview of Title 5, United States Code Subsection 552a(o) which requires the submission of altered system report.

August 5, 1981.

M. S. Healy,

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

S322.10DLA-LZ

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Add as last paragraph: "To the Department of Labor, Veteran's Employment Service. Names and addresses of disabled veterans and disabled military retirees may be provided to the Department of Labor for conducting outreach programs having the purpose of providing employment and training assistance to disabled individuals."

S322.10DLA-LZ

SYSTEM NAME:

Defense Manpower Data Center Data Base

SYSTEM LOCATION:

Primary location: W.R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D.C. 20330.

U.S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, D.C. 20310.

National Military Command Systems Support Center, Room BE685, The Pentagon, Washington, D.C. 20331.

Back-up files maintained at two offices of the Defense Manpower Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Caminoe El Estero, Monterey, CA 93040.

Selected historic files are maintained at Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D.C. pursuant to court order in IBM anti-trust case. These files will be withdrawn from current location when legally permissable.

Decentralized segments—military personnel centers of the services; selected civilian contractors with research contracts in manpower area; other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and enlisted personnel who served on active duty from July 1, 1968 and later; or who have been a member of a reserve component since July 1975; or are retired military; participants in Project 100,000 and Project Transition and the evaluation control groups for these programs; all individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later; DoD civilian employees or civilian employees separated since January 1, 1971; all veterans who have utilized Vietnam-era or GI Bill education and training entitlements, who visited a State Employment Service office since July 1, 1971, or who participated in a Department of Labor special training program since July 1, 1971; all individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute, all individuals who participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969, individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the Department of Health and Human Services, National Longitudinal Survey, individuals responding to Recruiting Advertisements since January 1978; survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Veterans Administration; surviving spouses of active or retired deceased military personnel; 100% disabled veterans and their survivors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Service Number, Selective Service Number, Social Security Account Number, demographic information such as hometown, age, sex, race, and educational level; civilian occupational information, military personnel information such as rank, length of service, military occupation; aptitude scores, post-service education, training, and employment information for veterans; participation in various in-service education and training programs, military hospitalization records.

AUTHORITY FOR MAINTAINANCE OF THE SYSTEM:

10 U.S.C. 136. This statue provides for the operation of the Office of Secretary of Defense. The Defense Manpower Data operates under direct policy guidance from the Office of the Secretary of Defense thus its record keeping functions are authorized by the General statute. Specifically subsection 10 U.S.C. 136(b)(3) provides for establishment of administrative procedures "to carry out the principles and policies of the Secretary" to include administrative matters relating to among other matters "program and statistical reporting" (10 U.S.C. 136(b)(3)(c)). This is one of the primary functions of this system.

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

The purpose of the system of records is to provide a longitudinal statistical analysis capability for assessing military manpower trends and evaluation programs impacting on military personnel, potential enlistees, and veterans and to provide a single central facility within the Department of Defense for the identification of current and former DoD civilian and military personnel and their conditions of Service."

Defense Manpower Data Center—used to analyze accession patterns and trends, promotion and occupation patterns and trends, loss patterns and trends, qualification rates, effectiveness of recruiting programs, participation in education and training programs, force characteristics, post-service experiences of veterans, evaluation of military special pays and bonuses; evaluation of special programs affecting military personnel; to select sample population for surveys, to provide statistical data to OMB, GAO, the Military Services, DoD civilian contractors, educational institutions and other Federal agencies.

Personnel Research and Personnel Management activities of the Military Services—uses are same as those specified above.

Veterans Administration, Management Sciences Staff, Reports and Statistics Service, Office of the Comptroller—used to select sample for surveys asking veterans about the use of veterans benefits and satisfaction with

VA services, and to validate eligibility for VA benefits.

Office of Research and Statistics, Social Security Administration—used for statistical analyses of impact of military service and use of GI Bill benefits on long term earning.

DoD Civilian Contractors—used by contractors performing research on manpower problems for statistical analyses.

Aggregate data and/or individual records in the record system may be transferred to other Federal agencies having legitimate use for such information and applying appropriate safeguards to protect data so provided.

Records may be disclosed to the Civil Service Commission concerning pay, benefits, retirement deductions; and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Any record contained in the system of records may be transferred to any other component of the Department of Defense having the need-to-know in the performance of official business.

Name and address information of former military pesonnel obtained from the Veterans Administration or the Military Department may be released to a number of DoD Components for use in attempting to recruit and reenlist prior service personnel through direct contact methods. These components are as follows: U.S. Army Recruiting Command; U.S. Armed Forces Command; Navy Recruiting Command; Chief of Naval Personnel; Chief of Naval Reserve; U.S. Air Force Recruiting Service; U.S. Air Force Tactical Air Command; Headquarters, Air Force Reserve; National Guard Bureau; Headquarters, U.S. Marine Corps; District Directors, U.S. Marine Corps; Commanding General; 4th Marine Division; Commanding General, 4th Marine Air Wing; Commandant, U.S. Coast Guard.

Information on the name, rank, social security accounting number, duty station, birth date, retirement date, and retirement annuity may be disclosed to the Department of Health and Human Services or the Department of Education for the following purposes:

To the Department of Education, DoE, for the purpose of identifying individuals who appear to be in default on their guaranteed student loans so as to permit the DoE to take action, where appropriate, to accelerate recoveries of defaulted loans.

To the Bureau of Supplemental Security Income, Social Security Administration, DHHS, in order to verify and adjust as necessary payments made to active and retired military members under the Supplemental Security Income Program.

To the Office of the Inspector General, DHHS, for the purpose of identifying and investigating DoD employees (military and civilian) who may be improperly receiving funds under the Aid for Families of Dependent Children program.

To the Office of Child Support Enforcement, Department of Health and Human Services, pursuant to Pub. L. 93-647, for the purpose of assisting state child support enforcement offices in locating absent parents in order to establish and/or enforce child support obligations.

To the Director of the Selective Service System for use in wartime or emergency mobilization and for mobilization planning.

To the Veterans Administration for analysis of the costs to the individual of military service connected disabilities.

To the Department of Labor, Veterans' Employment Service. Names and addresses of disabled veterans and disabled military retirees may be provided to the Department of Labor for conducting outreach programs having the purpose of providing employment and training assistance to disabled individuals.

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

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

Retrievable by name, SSAN, age, occupation, or any other data element contained in system.

SAFEGUARD:

Primary location—at W. R. Church Computer Center, tapes are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At back-up locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected with cypher locks, buildings are locked after hours, and only properly cleared and authorized personnel have access.

The Air Force Data Services Center, the U.S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities.

RETENTION AND DISPOSAL:

Files constitute a historical data base and are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Chief, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940. Telephone: Area Code 408/646-2951.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Deputy Chief, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940.

Written requests for information should contain the full name, Social Security Account Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license, or military or other ID card.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

RECORD SOURCE CATEGORIES:

The Military Services, the Veterans Administration, the Department of Education, Department of Health and Human Services, from individuals via survey questionnaires, the Department of Labor, the Civil Service Commission.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-23250 Filed 8-7-81; 8:45 am]
BILLING CODE 3620-01-M

Department of the Navy

Privacy Act of 1974; Addition of New System of Records

AGENCY: Department of the Navy, DOD.

ACTION: Addition of one new system of records.

SUMMARY: The Department of the Navy proposes to add one new system of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notice for the system of records is set forth below.

DATE: The proposed action will be effective without further notice on September 9, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the action proposed, should be addressed to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: 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, Title 5, United States Code, Section 552a (Pub. L. 93-579; 88 Stat. 1896, *et seq.*) have been published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6696) January 21, 1981.
FR Doc. 81-3277 (46 FR 9693) January 29, 1981.
FR Doc. 81-10892 (46 FR 21226) April 9, 1981.
FR Doc. 81-13603 (46 FR 25337) May 6, 1981.
FR Doc. 81-14976 (46 FR 27370) May 19, 1981.
FR Doc. 81-16065 (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.

A new system report as required by 5 U.S.C. 552a(o) was submitted for this system of records on July 8, 1981.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
August 5, 1981.

N1900-2

SYSTEM NAME:

Navy Individual Service Review Board Proceedings (ISRB)

SYSTEM LOCATION:

Commander, Naval Military Personnel Command, Department of the Navy, Washington, DC 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for discharge from the United States Navy who claim membership in a group which has been determined to have performed active military service with the United States Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the individual's application for discharge, supporting documentation, copies of correspondence between the individual and the Navy ISRB and other correspondence concerning the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95-202

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

The file is used in conjunction with the consideration of the individual's application for discharge and any subsequent application by the individual. The file is used by the individual, the counsel for the individual, his/her designated representative, by those acting on behalf of the individual, and by the Navy ISRB.

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

STORAGE:

Paper records in file folders and cross-referenced index cards.

RETRIEVABILITY:

The records are filed by name.

SAFEGUARDS:

The files are kept within the Naval Military Personnel Command offices. Access during business hours is controlled by Command personnel. Records not in use are maintained in a room which is locked during non-duty hours. The Command is secured at the close of business and the building in which the command is located has limited access controlled by security guards.

RETENTION AND DISPOSAL:

Applications which are approved will necessitate creation of a service record which is part of the Navy Personnel Records System. Remaining records are retained in the Naval Military Personnel Command for two years and then destroyed. Cross-reference index cards are retained permanently in the Naval Military Personnel Command.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, naval Military Personnel Command, Department of the Navy, Washington, DC 20370

NOTIFICATION PROCEDURES:

Information may be obtained from the Commander, Naval Military Personnel Command (NMPC-3), Department of the Navy, Washington, DC 20370.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in the files is obtained from the individual or those acting on the individual's behalf, from other military records and from the Department of Defense Civilian/Military Service Review Board.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-23257 Filed 8-7-81; 8:45 am]
BILLING CODE 3810-71-M

Department of the Navy (Marine Corps)

Privacy Act of 1974; Notice of a New System of Records

AGENCY: Department of the Navy (Marine Corps).

ACTION: Notice of a new system of records.

SUMMARY: The U.S. Marine Corps is adding a new system of records to its inventory of systems of records subject to the Privacy Act. This new system is identified as MMN00047 entitled, "Officer Slate System". The record system notice is set forth below.

DATES: The system shall be effective as proposed without further notice on September 9, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. B. L. Thompson, Privacy Act Coordinator, Headquarters, U.S. Marine Corps, Washington, D.C. 20380, telephone: 202/694-1452.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps systems notice for records systems subject to the Privacy Act of 1974, Title 5, United States Code Section 552a (Pub. L. 93-579, 88 Stat. 1896, *et seq.*) were published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6639) January 21, 1981.
FR Doc. 81-14113 (46 FR 26094) May 11, 1981.

A new system report as required by 5 U.S.C. 552a(o) was submitted for this system of records on July 8, 1981.

August 5, 1981.

M. S. Healy,

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

MMN00047

SYSTEM NAME:

Officer Slate System

SYSTEM LOCATION:

Officer Assignment Branch, Personnel Management Division, Headquarters, U.S. Marine Corps (Code MMOA), Washington, D.C. 20380

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty officers and enlisted personnel selected for warrant officer whose active duty component code is 11 thru 13, C1 thru C6; and CH.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Officer Slate File contains assignment data pertinent to each individual officer's future assignment and sufficient data relative to his present assignment to determine the billet to which the officer is assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031, Secretary of the Navy: responsibilities.

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

Headquarters, U.S. Marine Corps—Used by the Officer Assignment monitors to record data relative to an individual officers' present billet and future assignments. Monitors record assignment data such as estimated dates of departure from present command, estimated dates of arrival to future commands, and other pertinent information which will affect an officers' next duty assignment. This file is used to produce internal reports necessary to ensure that Marine Corps commands will be properly staffed with the officer grades and skills in the quantity required to perform their missions. This file is also utilized to extract the data necessary to issue Permanent Change of Station Orders (PCS Orders) on individual officers.

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

STORAGE:

Records are stored on magnetic disks and back-up generations are stored on magnetic tape. Back-up tapes are maintained for approximately one week and then erased.

RETRIEVABILITY:

Records are accessed by social security number.

SAFEGUARDS:

a. Hard wired terminals which operate on an on-line interactive mode support this system. System information is protected by the following software features: user account number; user identification number; password, and the file is in a "restricted" status for use by the Officer Assignment Branch only.

b. Access to the building in which the terminals and computer system is located is protected by a security agency and requires positive identification for admission. Access to the terminals is under the control of authorized personnel during working hours. Office spaces in which the terminals are located are locked after working hours, and checked in the evening by the designated Staff Duty officer at Headquarter, U.S. Marine Corps.

RETENTION AND DISPOSAL:

Records are retained for the period an officer is on active duty. Officers reporting to active duty are added to the file automatically and those officers being transferred to other than active duty status are deleted from the file automatically. This process occurs once each week to coincide with the updating of the Manpower Management System. Back-up generations are retained for approximately one week in the event a systems failure/error requires the file be restored. After this time the back-up tape is erased.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code MMOA)
Headquarters, U.S. Marine Corps
Washington, D.C. 20380
Telephone: (202) 694-3078

NOTIFICATION PROCEDURES:

Inquiries should be directed to the System Manager at the address indicated.

RECORD ACCESS PROCEDURES:

Requestes from individuals should be addressed to: The Commandant of the Marine Corps (Code MMOA), Headquarters, U.S. Marine Corps, Federal Office Building 2, Washington, D.C. 20380

Written requests for information should contain the full name of the individual, date and place of birth, social security number and signature.

For personal visits, the individual should be able to provide military identification to ensure that the individual is the subject of the inquiry.

An active duty officer may obtain future assignment data on himself by telephone by contacting his assignment monitor and providing sufficient information to properly identify himself to his assignment monitor.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the officer's command, the individual officer concerned, officer assignment monitor and the Manpower Management System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-23258 Filed 8-7-81; 8:45 am]
BILLING CODE 3810-71-M

Office of the Secretary

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DOD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 106. This bulletin lists changes in per diem rates prescribed for U.S. Government employeees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 106 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: August 4, 1981.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States.

Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 106

To the heads of executive departments and establishments.

Subject: Table of maximum per diem rates in lieu of subsistence for United States Government civilian officers and employees for official travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and possessions of the United States.

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense August 17, 1966, "Executive Order 11294, August 4, 1966 Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status," in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possesions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 105 except in the case identified by an asterisk which rates are effective on the date of this Bulleitn. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak[1]	$12.60
Anaktuvuk Pass	140.00
Anchorage	72.00
Barrow	169.00
Bethel	93.00
College	90.00
Cordova	89.00
Deadhorse	94.00
Dillingham	103.00
Dutch Harbor	82.00
Eielson AFB	90.00
Elmendorf	72.00
Fairbanks	90.00
Fort Richardson	72.00
Fort Wainwright	90.00
Juneau	83.00
Ketchikan	82.00
Kodiak	102.00
Kotzebue	97.00
Murphy Dome	90.00
Noatak	97.00
Nome	102.00
Noorvik	97.00
Petersburg	82.00
Prudhoe Bay	94.00
Sheyma AFB[1]	11.00
Shungnak	97.00
Sitka—Mount Edgecombe	82.00
Skagway	82.00
Spruce Cape	102.00
Tanana	102.00
Valdez	85.00
Wainwright	79.00
Wrangell	82.00
All other localities	71.00
American Samoa	65.00
Guam M.I.	67.00
Hawaii:	
*Oahu	84.00
*All other localities	65.00
Johnston Atoll[2]	16.75
Midway Islands[1]	12.60
Puerto Rico:	
Bayamon:	
Dec. 16 to May 15	102.00
May 16 to Dec. 15	75.00
Carolina:	
Dec. 16 to May 15	102.00
May 16 to Dec. 15	75.00
Fajardo (including Luquillo):	
Dec. 16 to May 15	102.00
May 16 to Dec. 15	75.00
Fort Buchanan (including GSA Service Center, Guaynabo):	
Dec. 16to May 15	102.00
May 16 to Dec. 15	75.00
Ponce (including Fort Allen, NCS)	68.00
Roosevelt roads:	
Dec. 16 to May 15	102.00
May 16 to Dec. 15	75.00
Sabana Seca:	
Dec. 16 to May 15	102.00
May 16 to Dec. 15	75.00
San Juan (including San Juan Coast Guard units):	
Dec. 16 to May 15	102.00
May 16 to Dec. 15	75.00
All other localities	63.00
Virgin Islands of United States:	
Dec. 1 to Apr. 30	128.00
May 1 to Nov. 30	74.00
Wake Island[2]	15.00
All other localities	20.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

M. S. Healy,

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

August 5, 1981.

[FR Doc. 81-23217 Filed 8-7-81; 8:45am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket Nos. 53146-3803-01-84 and 53146-3803-02-84]

Virginia Electric and Power Co., (Portsmouth Generating Station, Units 1 and 2); Rescission of ESECA Prohibition Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Rescission of ESECA Prohibition Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) [1] hereby gives notice that on August 3, 1981, DOE rescinded the Prohibition Orders issued on June 30, 1975, to the Virginia Electric and Power Company (VEPCO), Portsmouth Generating Station, Units 1 and 2, (Portsmouth 1 and 2) Docket Nos 53146 3803 01 84 and 53146 3803 02 84. The Prohibition Orders had been issued pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) 2. Revocation of the orders is under the provisions Section 2(f) of ESECA and in accordance with the implementing regulations contained in 10 CFR 303.130(b). The Portsmouth Prohibition Orders, if made effective by issuance of Notices of Effectiveness, would have prohibited the above-named powerplants from burning natural gas or petroleum products as their primary energy source.

SUPPLEMENTARY INFORMATION: In the intervening period since June 30, 1975, when the Federal Energy Administration (FEA) issued Prohibition Orders for Portsmouth Generating Station, Units 1, 2, 3, and 4, which if made effective by the issuance of a Notice of Effectiveness (NOE) would have prohibited these powerplants from burning petroleum products or natural gas as their primary

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

[2] Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319 (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94-163, Pub. L. 95-70, Pub. L. 95-91, Pub. L. 95-95 and Pub. L. 95-620; Federal Energy Administration Act of 1974, Pub. L. 93-275 (15 U.S.C. *et seq.*), as amended by Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70 and Pub. L. 95-91; Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7101 *et seq.*) as amended by Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620 and Pub. L. 95-621; Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620 (42 U.S.C. 8301 *et seq.*); E.O. 11790, 39 FR 23185 (June 25, 1974); E.O. 12009, 42 FR 46267 (September 13, 1977).

energy source, Portsmouth Units 3 and 4 have committed to convert to coal and Units 1 and 2 have been placed in a cold reserve. Since being placed in cold reserve, Units 1 and 2 have not been used for the production of power due to an apparent management decision that it was not cost beneficial to continue to use the units with either oil, gas or coal. In addition, based on VEPCO's latest 15 year forecast of system-wide capacity and demand, the Company has represented that the units will only be used for emergency purposes and are presently scheduled for retirement in 1992.[3] For these reasons, it appears that there is no reasonable likelihood that these units will be operated at a sufficient capacity factor to warrant conversion to coal. Accordingly, ERA feels that the issuance of a Notice of Effectiveness for these units would not tend to further the objectives of ESECA. Because of these changed circumstances under 10 CFR 303.136(c), ERA hereby rescinds the previously-issued prohibition orders for Units 1 and 2 in accordance with 10 CFR 303.130(b).

In its "Notice of Intention to Rescind ESECA Prohibition Orders" published in the **Federal Register** on June 25, 1981 (46 FR 32932), DOE gave notice of its intention to rescind the Prohibition Orders issued to the above-named powerplants and invited written comments on the proposed action. No adverse comments were received during the period allotted for submission of written comments and no issues were raised or called to DOE's attention which would have caused DOE to terminate the rescisson action.

The Rescission Orders for Portsmouth Units 1 and 2 were served on Mr. W. W. Berry, President, Virginia Electric and Power Company, Post Office Box 26666, Richmond, Virginia 23261, by registered mail on August 3, 1981. Copies of the Rescission Orders will be on display for any interested persons in Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, from 1:00 to 4:30 p.m., Monday through Friday of each week. Copies will also be available at the DOE Region III Office, 1421 Cherry Street, 10th Floor, Philadelphia, Pennsylvania 19102, Tel. (215) 597-9067 and in the Freedom of Information Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:15 a.m. and 4:15 p.m., Monday through Friday.

Any person aggrieved by the Rescission Orders may file an appeal with the DOE Office of Hearings and Appeals (previously the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after service of the Rescission Orders. Service by registered mail is complete upon mailing. There will not have been deemed to be an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

FURTHER INFORMATION: Any questions regarding this rescission action should be directed to DOE as follows:

Steven A. Frank, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Case Control Unit (ESECA), Mail Stop Room 3214, 2000 M Street NW., Washington, D.C. 20461, Tel. (202) 653-4184.

L. Dow Davis IV, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, Washington, D.C. 20585, Tel. (202) 252-2967.

Written questions should be identified on the envelope and in the correspondence with the designation "Rescission of Portsmouth Generating Station, Powerplants 1 and 2 Prohibition Orders, Docket Nos. 53146-3803-01-84, 53146-3803-02-84."

Issued in Washington, D.C., August 3, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-23157 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-01-M

[3] Letters from Dr. Morris Brehmer to ERA (July 27, 1981) and letter from James M. Rinaca to James R. Caverly (June 1, 1979). The Units originally went commercial in 1951 and 1953 respectively and would have required 36-37 months for the installation of electrostatic precipitators. Letter from Daniel J. Snyder of EPA to Frank Zarb (July 26, 1976).

Federal Energy Regulatory Commission

[Docket No. ST81-336-000]

Black Warrior Pipeline Co.; Application of Approval of Rates

August 6, 1981.

Take notice that on June 30, 1981, Black Warrior Pipeline Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. ST81-336-000 an application pursuant to Part 284 of the Commission's Regulations for approval of its rates for the transportation of natural gas on behalf of Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a letter agreement dated June 16, 1981, it has agreed to transport on behalf of Southern gas produced from the Dabbs #4 well and the Dabbs-Richardson #6-2 well both located in the Corinne Field, Monroe County, Mississippi, and from any additional well in the Corinne Field that Applicant and Southern mutually agree in writing to include in the transportation agreement. Applicant further states that transportation from these wells would be pursuant to the same terms and conditions as set out in the gas transportation agreement between Applicant and Southern dated April 24, 1979.

Applicant proposes that the transportation charge applied to the aggregate of volumes transported under the April 24 transportation agreement and under the June 16 letter agreement would be:

(1) A monthly demand charge of $2.08 per Mcf based on a contract demand volume of 25,000 Mcf per day.

(2) A commodity charge of $.08 per Mcf for all quantities of gas redelivered on any day up to the contract demand quantity.

(3) An overrun charge of $.08 per Mcf for all quantities of gas redelivered on any day in excess of the contract demand quantity.

Applicant states that these rates are the same charges that were found to be fair and equitable for the same service and approved by the Commission on August 31, 1979, in Docket No. CP79-295 wherein the Commission authorized long-term transportation service under the aforementioned gas transportation agreement between Applicant and Southern dated August 24, 1979.

Applicant indicates that the demand charge that was authorized in Docket No. CP79-295 is based on an estimated annual cost of service which reflects a 10 percent straight line depreciation rate based upon the life of the estimated reserves in the Corinne Field. It is said that new wells in the Corinne Field from which Applicant would transport gas for Southern pursuant to the June 16, 1981, letter agreement have been or will be drilled to develop these reserve.

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, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a 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. 81-23218 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-81-M

[Project No. 4982-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 6, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(e)] for Project No. 4982 known as the Slide Creek, Humboldt Project located on Slide Creek in Humboldt 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, CA 95427.

Project Description—The project would consist of: (1) a 100-foot long, 5-foot high diversion structure; (2) a 4,000-foot long diversion conduit; (3) a 1,400-foot long penstock; (4) a powerhouse with a total rated capacity of 3,350 kW; and (5) an 11-mile long transmission line. The average annual energy generation is estimated to be 13.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 36-month permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Slide Creek, Humboldt Project No. 4394 filed on March 23, 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 Commissions' 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, 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 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 the notice.

Kenneth F. Plumb,

Secretary.

FR Doc. 81-23219 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4993-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 7, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4993 known as the Big East Fork Canyon Creek, Trinity Project, located on Big East Fork Canyon Creek in Trinity 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, CA 95427.

Project Description—The project would consist of: (1) a 48-foot long, 5-foot high diversion structure; (2) a 5,400-foot long diversion conduit; (3) a 1,000-foot long penstock; (4) a powerhouse with a total rated capacity of 1,220 kW; and (5) a 0.5-mile long transmission line. The average annual energy generation is estimated to be 4.8 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 36-month permit to study the feasiblility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Big East Fork Canyon Creek, Trinity Project No. 4326 filed on March 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 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 4, 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, 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, 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 the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23220 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4994-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 7, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4994 known as the Big French Creek, Trinity Project located on Big French Creek in Trinity 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 proposed project would consist of: (1) a 5-foot high, 185-foot long diversion structure; (2) a 66-inch diameter, 7,600-foot long diversion conduit; (3) a 49-inch diameter, 650-foot long penstock, and (4) a powerhouse containing generating units with a total rated capacity of 2,700 kW. The Applicant estimates that the average annual energy output would be 10.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Big French Creek, Trinity Project No. 4406 filed on March 30, 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 4, 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, 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 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 the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23221 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4984-000]

City of Rohnert Park, California; Application for Preliminary Permit

(August 7, 1981.)

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4984 known as the Lower Yellow Creek, Plumas Power Project located on Yellow Creek in Plumas 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 proposed project would consist of: (1) a 5-foot high, 148-foot long diversion structure; (2) a 61-inch diameter, 14,900-foot long diversion conduit; (3) a 40-inch diameter, 1,200-foot long penstock, and (4) a powerhouse containing generating units with a combined rated capacity of 4,800 kW. The Applicant estimates that the annual average energy output would be 31.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Lower Yellow Creek, Plumas Project No. 4363 filed on March 18, 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 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 filing must also state that it is made in response to this notice of application for preliminary permit for Project No. 4984. 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. 81-23222 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4980-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 6, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4980 known as the North Fork Sacramento River, Siskiyou Project located on North Fork Sacramento 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: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, CA 95427.

Project Description—The project would consist of: (1) a 60-foot long, 5-foot high diversion structure; (2) a 3,500-foot long diversion conduit; (3) a 850-foot long penstock; (4) a powerhouse with a total rated capacity of 1,500 kW; and (5) a 3.5-mile long transmission line. The average annual energy generation is estimated to be 6.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 36-month permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the North Fork Sacramento River, Siskiyou Project No. 4393 filed on March 23, 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 Practive 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", "PROTESTS", 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, 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 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 the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23233 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4981-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 6, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4981 known as the Middle Fork Apple Gate River, Siskiyou Project located on Middle Fork Apple Gate 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: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, CA 95427.

Project Description—The project would consist of: (1) a 56-foot long, 5-foot high diversion structure; (2) a 13,100-foot long diversion conduit; (3) a 1,550-foot long penstock; (4) a powerhouse with a total rated capacity of 2,400 kW; and (5) a 8-mile long transmission line. The average annual energy generation is estimated to be 9.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 36-month permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Middle Fork Apple Gate River, Siskiyou Project No. 4418 filed on March 25, 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 determing 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, 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 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 the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23234 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4990-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 6, 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. 791(a)—825(r)] for Project No. 4990 to be known as the Cold Creek, Glenn Power Project located on Cold Creek in Glenn and Mendocino Counties, 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, CA 95427.

Project Description—The project would consist of five separate facilities:

Site 1 would consist of: (1) a 146-foot long, 5-foot high diversion structure; (2) a 6,800-foot long diversion channel; (3) a 600-foot long penstock; and (4) a powerhouse to contain a generating unit with a rated capacity of 3,800 kW.

Site 2 would consist of: (1) a 190-foot long, 5-foot high diversion structure; (2) a 3,800-foot long diversion channel; (3) a 450-foot long penstock; and (4) a powerhouse to contain a generating unit with a rated capacity of 3,700 kW.

Site 3 would consist of: (1) a 118-foot long, 5-foot high diversion structure; (2) a 5,500-foot long diversion channel; (3) a 1,560-foot long penstock; and (4) a powerhouse to contain a single generating unit with a rated capacity of 4,800 kW.

Site 4 would consist of: (1) a 142-foot long, 5-foot high diversion structure; (2) a 5,300-foot long diversion channel; (3) a 800-foot long penstock; and (4) a powerhouse to contain a single generating unit with a rated capacity of 4,800 kW.

Site 5 would consist of: (1) a 193-foot long, 5-foot high diversion structure; (2) a 2,250-foot long diversion channel; (3) a 950-foot long penstock; and (4) a powerhouse to contain a single generating unit with a rated capacity of 4,700 kW; and (5) a new 12.5-kV transmission line connecting the five facilities and extending 16 miles east of the facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 36-month permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Cold Creek, Glenn Project No. 4415 filed on March 25, 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 Commissions' 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 Responsible 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 the notice.

Kenneth F. Plumb,

Secretary.

FR Doc. 81-23235 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4992-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 6, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4992 known as the Grouse Creek, Humboldt Project located on Grouse Creek in Humboldt 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 two facilities. The Upper Facility would consist of : (1) a 31-foot long, 5-foot high diversion structure; (2) an 8,400-foot long diversion conduit; (3) a 1,300-foot long penstock; (4) a powerhouse with a total rated capacity of 1,000 kW; and (5) a 1.5-mile long transmission line. The Lower Facility would consist of: (1) a 96-foot long, 5-foot high diversion structure; (2) a 10,200-foot long diversion conduit; (3) a 800-foot long penstock; (4) a powerhouse with a total rated capacity of 2,400 kW; and (5) a 0.5-mile long transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The

Applicant is seeking a 36-month permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Grouse Creek, Humboldt Project No. 4419 filed on March 25, 1981, by Consolidated Hydroelectric, Inc. under 18a 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 intert 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 doe 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 determing 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 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. 4992. 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. 81-23236 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4693-000]

City of Paris, Ky.; Application For Preliminary Permit

August 7, 1981.

Take notice that the City of Paris, Kentucky (Applicant) filed on May 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4693 known as the Kentucky River Lock and Dam No. 8 located on the Kentucky River in Jessamine and Garrard Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kerby Burton, W. M. Lewis and Associates, Inc., P.O. Box 1383, Portsmouth, Ohio 45662.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the west end of the existing dam, containing two generating units rated at 10.4 MW each for a total installed capacity of 20.8 MW; (2) a proposed 1.5-miles, 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.

Applicant estimates that the average annual energy output for the project would be 59.3 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months to study the engineering, economic, and environmental feasibility of the project, and prepare preliminary and final design plans. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project.

Applicant estimates the cost of the studies would be $75,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 8 Projects Nos. 3643, 3677, and 4281, filed on November 3, 1980, November 5, 1980, and March 2, 1981, respectively, by Continental Hydro Corporation, Dam Eight Development, Ltd., and ENERGENICS SYSTEMS, 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 4, 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 Capital 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. 81-23223 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5018-000]

Digital Equipment Corp.; Application for Preliminary Permit

August 6, 1981.

Take notice that Digital Equipment Corporation (Applicant) filed on June 26, 1981 an application for preliminary permit [pursuant to the Federal Power

Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5018 known as the mill Pond Project located on the Assabet River in the Town of Maynard, Middlesex County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jason M. Cortell, President, Jason M. Cortell and Associates Inc., 244 Second Avenue, Waltham, Massachusetts 02154.

Project Description—The proposed project would consist of the following existing facilities: (1) a 3-foot high, 100-foot long diversion dam; (2) a reservoir with negligible storage capacity; (3) a 1,750-foot long diversion canal; (4) a 10-foot high, 40-foot long mill pond dam; (5) a 12 acre mill pond with a storage capacity of 130-acre-feet; (6) a mill pond outlet structure; (7) a 49-foot long penstock; (8) a powerhouse containing a new or reconditioned turbine-generator with a total rated capacity of 414 kW; (9) a 300-foot long sluiceway; and (10) appurtenant facilities. The project would generate up to 1,400,000 kWh annually. Energy would be utilized by the Applicant for its on-site manufacturing.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. 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 up to $72,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *October 9, 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, protest, or petition to intervene must be received on or before October 9, 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. 81-23237 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-05-M

[Project No. 4568-001]

Donald E. Doss and Kenneth R. Whitmire; Application for Preliminary Permit

August 6, 1981.

Take notice that Donald E. Doss and Kenneth R. Whitmire (Applicant) filed on June 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4568 known as Jerusalem Creek Power Project located on the Jerusalem Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Oscar Larson & Associates, P.O. Box 3806, Eureka, California 95501.

Project Description—The proposed project would consist of: (1) an existing 6-foot high diversion structure; (2) an existing 2.3-mile long ditch; (3) a new 1,650-foot long, 24-inch diameter penstock serving; (4) a powerhouse to contain one turbine-generating unit with a rated capacity of 900 kW; and (5) approximately 3.5 miles of 12-kV transmission line to connect to an existing Pacific Gas and Electric Company line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 24-month to study the feasibility of constructing and operating the project.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 9, 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 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 9, 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. 81-23238 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4766-000]

Energenics Systems, Inc.; Application for Preliminary Permit

August 6, 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. 4766 known as the EL 68-Station 135+76.24 Hydro-electric Project located on the East Low Canal in Adams 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, N.W., Washington, D.C. 20009.

Project Description—The project would consist of: (1) a gated intake structure with trashracks; (2) a surface penstock; (3) a short tailrace; and (4) a power plant to contain one generating unit with a rated capacity of 350 kW. The average annual energy output is 1.1 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 an 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 an FERC License is $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 9, 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 Commissions' Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 9, 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, 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 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. 81-23239 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4717-000]

Hollingsworth and Vose Co.; Application for Preliminary Permit

August 6, 1981.

Take notice that Hollingsworth and Vose Company (Applicant) filed on May 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4717 known as the West Groton Project located on Squannacook River in the Towns of Groton and Shirley, Middlesex County, Massachusetts. 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 would consist of: (1) an existing 14-foot high, 90-foot long, stone masonry and concrete dam; (2) a reservoir with negligible storage capactity and a surface area of 17 to 20 acres; (3) an existing 68 to 79-inch high, 50 to 75-inch wide, 67-foot long rectangular penstock; (4) a new powerhouse containing a single 320 kW turbine-generator unit; (5) a tailrace channel; (6) a transmission line; and (7) appurtenant facilities. The Applicant owns the project property. The output from the project would be sold to Fitchburg Gas and Electric Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. 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. The cost of the studies under the preliminary permit has been estimated by the Applicant to be $61,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 9, 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, protest, or petition to intervene must be received on or before October 9, 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. 81-23240 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4774-000]

Homestake Consulting & Investments, Inc.; Notice of Application for Preliminary Permit

August 7, 1981.

Take notice that Homestake Consulting & Investments, 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. 4774 known as the Upper East River Hydroelectric Project located on Middle Fork of East River in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The proposed project would consist of: (1) a three-foot high diversion barrier; (2) an intake orifice; (3) a settling tank; (4) a 2,600-foot long, 16-inch diameter penstock; (5) a powerhouse with total installed capacity of 75 kW; and (6) a 35,800-foot long underground transmission line interconnecting with an existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual output would be 0.36 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 and environmental studies; conduct surveys; and prepare FERC license application. No new roads are required for conducting these studies. The Applicant estimates that the cost of completing studies is $3,750.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 13, 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 13, 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, 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 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 the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23224 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4773-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

August 7, 1981.

Take notice that Homestake Consulting & Investments, 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. 4773 known as the Uleda Creek Hydroelectric Project located on Uleda Creek in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The proposed project would consist of: (1) a three-foot high diversion barrier; (2) an intake orifice; (3) a settling tank; (4) a 5,700-foot long, 16-inch diameter penstock; (5) a powerhouse with total installed capacity of 200 kW; and (6) a 29,200-foot long underground transmission line interconnecting with an existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual output would be 0.73 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 and environmental studies; conduct surveys; and prepare FERC license application. No new roads are required for conducting these studies. The Applicant estimates that the cost of completing studies is $2,750.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or

before October 13, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or 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 and 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 13, 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, 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 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. 81-23225 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4772-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

August 7, 1981.

Take notice that Homestake Consulting & Investments, 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. 4772 known as the Chicopee Creek Hydroelectric Project located on Chicopee Creek in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The proposed project would consist of: (1) a three-foot high diversion barrier; (2) an intake orifice; (3) a settling tank; (4) a 1,900-foot long, 12-inch diameter penstock; (5) a powerhouse with total installed capacity of 100 kW; and (6) a 28,600-foot long underground transmission line interconnecting with an existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual output would be 0.36 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 and environmental studies; conduct surveys; and prepare FERC license application. No new roads are required for conducting these studies. The Applicant estimates that the cost of completing studies is $2,950.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 13, 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 13, 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, 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 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. 81-23226 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4771-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

August 7, 1981.

Take notice that Homestake Consulting & Investments, 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. 4771 known as the Tarlac Creek Hydro-electric Project located on Tarlac Creek in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp II, Independent Power

Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The proposed project would consist of: (1) a 3-foot high diversion barrier; (2) an intake orifice; (3) a settling tank; (4) a 4,300-foot long, 12-inch diameter penstock; (5) a powerhouse with total installed capacity of 100 kW; and (6) a 21,000 foot-long underground transmission line interconnecting with an existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual output would be 0.35 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 and environmental studies; conduct surveys; and prepare FERC license application. No new roads are required for conducting these studies. The Applicant estimates that the cost of completing studies is $2,750.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 13, 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 13, 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, 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 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. 81-23277 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-251-001]

Liberty Natural Gas Co.; Application for Approval of Rates

August 6, 1981.

Take notice that on June 24, 1981, Liberty Natural Gas Company (Applicant), 906 Capital Bank Building, 5307 East Mockingbird Lane, Dallas, Texas 75206, filed in Docket No. ST81-251-001 an application for approval pursuant to Part 284 of the Commission Regulations of rates to be charged for the transportation of natural gas on behalf of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport the natural gas for United and Tennessee via its Linc System which was placed in service on March 30, 1981, primarily to transport sweet natural gas for Intratex Gas Company (Intratex), an intrastate pipeline company. It is stated that the gas would be transported for Tennessee and United pursuant to gas transportation agreements dated March 18, 1981, and March 27, 1981, respectively. It is further stated that for both Tennessee and United, Applicant has elected to use the same rate for transportation services that it negotiated with Intratex 18.0 cents per million Btu redelivered at the southern terminus of the Linc System subject to adjustment.

Applicant avers that it also owns and operates approximately 5 miles of 4-inch and 6-inch pipeline and related facilities that are used to gather gas purchased by Tennessee at the wellhead for delivery to the Linc System under the agreement with Tennessee. Applicant states that it charges Tennessee 4.0 cents per million Btu for all gas gathered and delivered to the Linc System for further transportation subject to adjustment.

Applicant proposes to charge 18.0 cents per million Btu from March 31, 1981, to June 30, 1981, and 19.80 cents per million Btu for the period from July 1, 1981, through June 30, 1982, for all gas transported through the Linc System and redelivered at its southern terminus to Oasis Pipe Line Company and 4.0 cents per million Btu for all gas gathered at the wellhead for Tennessee for delivery to the Linc System for further transportation.

Applicant asserts that its cost of gathering gas for Tennessee is 10.35 cents per million Btu and that its cost of transporting gas for Intratex, Tennessee and United in the Linc System is 22.01 cents per million Btu.

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, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party 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. 81-23228 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Drocket No. CP81-422-000]

Locust Ridge Gas Co.; Application

August 6, 1981.

Take notice that on July 17, 1981, Locust Ridge Gas Company (Applicant), Southwest Freeway, Suite 320, Houston, Texas 77027, filed in Docket No. CP81-422-000 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction, and for permission and approval to abandon for the 12-month period

commencing the date of the order and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or sevice from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under Section 157.7(g) would not exceed $935,000 which would be financed through use of internally-generated funds and borrowing. Applicant, therefore, requests waiver of the total cost limitations of $500,000. Applicant states that construction costs have increased due to inflation.

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, 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission 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 and permission and approval for the proposed abandonment are 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. 81-23229 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-423-000]

Locust Ridge Gas Co.; Application

August 6, 1981.

Take notice that on July 17, 1981, Locust Ridge Gas Company (Applicant), 4100 Southwest Freeway, Suite 320, Houston, Texas 77027, filed in Docket No. CP81-423-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations thereunder (18 CFR 157.7(c) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing the date the order issues, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the transportation and sales service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $289,640 which would be financed through use of internally-generated funds and borrowing. Applicant, therefore, requests waiver of the total cost limitation of $100,000. Applicant states that construction costs have increased due to inflation.

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, 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. 81-23230 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4609-000]

New Hampshire Wood Products Co., Inc.; Application for Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

August 6, 1981.

Take notice that the New Hampshire Wood Products Company, Inc., filed with the Federal Energy Regulatory Commission on April 30, 1981, an application for exemption for its Ammonoosuc River Dam Project No. 4609-000 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 Ammonoosuc River in Grafton County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Charles M. Diamond, New Hampshire Wood Products Company, Inc., Box A, Bath, New Hampshire 03740.

Project Description—The project would consist of the following existing works: (1) the Ammonoosuc River Dam, having a height of 25 feet and a length of 365 feet; (2) a 24-acre reservoir; (3) a powerhouse with an installed capacity

[1] Pub. Law 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).

of 300 kW (currently inoperative); and (4) appurtenant works

The project has been out of operation since 1969. The Applicant proposes to rehabilitate the dam and generating equipment.

The project would have an average annual net generation of approximately 1,700,000 kWh per year. Project energy would be sold to the Central Vermont 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 preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. 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 18, 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 18, 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 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 hearin, 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 18, 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. 4609. 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. 81-23241 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-405-000]

Tennessee Gas Pipeline Co. a Division of Tenneco Inc.; Application

August 6, 1981.

Take notice that on July 8, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-405-000 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 certain pipeline and appurtenant facilities in Guernsey County, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 10.6 miles of 6⅝-inch O.D. pipeline extending from a point on Towner Petroleum Company's (Towner) gathering system to Applicant's mainline system near MLV 210 + 7.0, and a 1,200 horsepower compressor station in Section 18, Madison Township, Guernsey County, Ohio. Applicant further proposes to install and operate certain appurtenant facilities. It is stated that the estimated total cost of all of the proposed facilities is approximately $4,477,000 which costs would be financed initially from general funds and/or borrowings under Applicant's revolving credit agreements.

Applicant states that the installation of the proposed facilities would make 45,200,000 Mcf of dry gas reserves having a deliverability of up to 8,800 Mcf per day available to Applicant's system. It is stated that the reserves in the Guernsey and South Richland Fields in Noble and Guernsey Counties, Ohio, are committed to Applicant under a contract with Towner.

Applicant asserts that the gas which would become available upon the completion of the above-referenced facilities would aid Applicant in maintaining adequate and reliable natural gas service to its customers.

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, 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission 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. 81-23231 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-633-000]

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 schedule 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 and 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 §§ 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. 81-23232 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-85-M

Western Area Power Administration

Announcement of Proposed Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Programs and Comment Forum

AGENCY: Western Area Power Administration, DOE.

ACTION: Proposed guidelines and notice of public comment forum.

SUMMARY: The Western Area Power Administration (Western) is developing Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Programs. Western's major objectives are increased energy production from renewable resources, reduced dependence on foreign oil, improved efficiency in energy utilization, and reduced energy consumption.

The overall program approach recognizes individual customer needs and capabilities and will acknowledge present and past accomplishments in the areas of conservation and renewable energy. Customers are given primary responsibility for developing and implementing programs to meet energy production and energy conservation goals. The proposed Guidelines and Acceptance Criteria will be implemented through contract articles or other formal agreements between Western and its customers.

The customer's program submission must supply a description of the specific program content, which is a listing of proposed activities. Western will provide a list of suggested activities for customer consideration.

Western will give full or partial credit for programs required by other entities that meet the requirements of this program.

Acceptance criteria for the customer programs are based on the customer's classification (i.e., cooperative, investor-owned utility, etc.). The customer's program will be evaluated as a whole but will be required to contain a minimum number of program activities. Customers may offer substitutes for listed activities if problems develop or circumstances warrant. Western will also provide technical assistance to resolve programmatic problems.

Western's review process for customer submissions will consist of the following elements:

1. Publishing final "Guidelines and Acceptance Criteria."

2. Providing technical assistance to customers.

3. Customer program submission within 1 year after a contract or letter agreement signed.

4. Review of customer submissions.

5. Answer customer questions and provide necessary assistance.

6. Review accepted programs.

Western will also include the option for customers to appeal program acceptability.

A public comment forum is scheduled to be held to allow interested persons an opportunity to make oral or written comments regarding the proposed Guidelines and Acceptance Criteria.

DATES: A public comment forum will be held on August 27, 1981, beginning at 9 a.m. in room 269, Main Post Office Building, 1823 Stout Street, Denver, Colorado 80202.

Written comments must be received by September 9, 1981 to be assured of consideration. Written comments should be sent to the appropriate Western Area Office or to the address below.

ADDRESS: To submit written comments and for further information concerning the proposed Guidelines and Acceptance Criteria or the public comment forum, contact: Mr. Joe D. Hall, Conservation Officer, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401, (303) 231-7440.

SUPPLEMENTARY INFORMATION:

Authority

The rules are being developed pursuant to Western's authority granted under the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*) and under Reclamation law, Act of Congress approved June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, in particular section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

Determination Under Executive Order 12291

Pursuant to Executive Order 12291 of February 17, 1981, (46 FR 13193, February 19, 1981) each agency is to determine whether a rule it intends to propose is a "major rule." Western has determined that for purposes of Executive Order 12291, the proposed Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Programs is not a major rule because:

1. It will not have an annual effect on the economy of $100 million or more;

2. It will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or

local government agencies, or geographic regions; or

3. It will not have 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.

This rule has been exempted from sections 3, 4, and 7 of Execitive Order 12291. However, this proposed rulemaking was submitted to the Office of Management and budget prior to publication in the **Federal Register.**

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), each agency, when required by 5 U.S.C. to publish a proposed rule is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. Western has determined that (1) a substantial number of small entities will not be affected as Western's customers represent a relatively small number of entities in the United States, and (2) the impacts of this program will not cause an adverse economic impact on the participating customers or small entities located within their service areas. The requirements of the Act can be waived if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. For the reasons cited above, the Administrator of Western hereby certifies by signing this notice that the proposed Guidelines and Acceptance Criteria will not, if promulgated, have a significant economic impact on a substantial number of small entities. A copy of this notice is being provided to the Chief Counsel of the Small Business Administration.

National Environmental Policy Act

Pursuant to the provisions of the National Environmental Policy Act of 1970 (42 U.S.C. 4321 *et seq.*), all agencies of the Federal Government shall include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement by the responsible official.

It appears to Western that the proposed Guidelines and Acceptance Criteria will not, of themselves, cause significant direct environmental impacts or adversely affect the quality of the human environment.

Paperwork Reduction Act

Pursuant to the provisions of the Paperwork Reduction Act of 1980, Western is seeking clearance for the collection of information under these rules from the Office of Management and Budget and the Department of Energy, Energy Information Administration. A copy of these proposed rules has been sent to the Office of Management and Budget prior to publication in the **Federal Register.**

Guidelines and Acceptance Criteria—Customer Conservation and Renewable Energy Programs

Objectives

These guidelines are provided by the Western Area Power Administration (Western) to set forth the approach, responsibilities, program content, and review and acceptance process for customer development and implementation of conservation and renewable energy programs.

Such customer programs, coupled with Western's own conservation and renewable energy efforts, are intended to help achieve one or more of the following objectives:

- Increased energy production from renewable resources.
- Reduced United States dependence on imported oil.
- Improved efficiency in energy utilization.
- Reduced energy consumption.

Approach

Western's overall program approach recognizes the different needs and abilities of each of its customers, acknowledges past and present accomplishments in the areas of conservation and renewable energy development, and involves a cooperative effort in developing and implementing individual customer programs. It is Western's intent that these program requirements do not cause undue hardship or bureaucratic red tape for its customers. To accomplish this goal, Western is using the approach of having each customer select and implement those program activities that it believes will help achieve the above-stated objectives.

Responsibilities

Western's customers have primary responsibility for developing and implementing programs to increase energy production via renewable resources and/or to directly encourage consumers to conserve energy. An important step in meeting this responsibility is preparation of a program document that describes the initiatives and/or activities that the customer organization is already doing or will undertake.

Western's basic requirement is that each customer which benefits from a long-term allocation of Federal power will have its own ongoing conservation and renewable energy program. If such a program is already developed and includes the specified minimum number of activities from the listing in appendix A, Western will review the customer's program for acceptance. If not, a program should be developed for submission to Western that meets the needs of the particular customer organization. Western will provide technical assistance as requested for such program development within its capabilities.

Western also recognizes that some of its customers may already be responding to a variety of Federal, State, and other programs that apply to conservation and renewable energy development. In order to avoid duplication of effort, customers may receive full or partial program credit(s) for ongoing activities.

Western will review and may modify its "Guidelines and Acceptance Criteria" document on its own behalf or upon receipt of formal customer requests. Western's review and possible modification would occur at intervals of not less than 3 years. Such modifications would be fully coordinated with Western's customers and, if determined to be necessary, would be processed through public participation procedures.

Program Content

The most important element of a customer's program document submission is the description of specific program content. Such content is essentially a listing of ongong or proposed activities that, as a set, describe the customer's total program. Western suggests consideration of the following items as part of this description:

a. Statements adopted by the customer's governing body regarding formal conservation and/or renewable energy policies and objectives.

b. Designated contact person(s) within the customer's organization who is responsible for program development and implementation.

c. Ongoing customer program activities directed at increasing the use of renewable energy resources, increasing the efficient utilization of energy, or reducing the growth of energy consumption (see appendix A).

d. Customer plans and/or schedules for continuing the above-stated

activities and/or initiating new activities (see appendix A).

e. Customer methods for determining successful program accomplishment.

f. Documents prepared for other Federal, State, and/or local agencies that could be submitted in lieu of or supplemental to Western's requested information.

g. Adequacy of assistance being received from other Federal, State, and/or local agencies and organizations. Also, specific areas where a customer feels that assistance is needed from Western.

h. Additional data/information that a customer desires to be included as part of its program description.

Suggested Program Reporting Format

The example report formats provided in appendix B are suggested for customer use in describing their program. These formats are intended to allow customers to briefly describe the general nature and direction of their program, as well as their specific program content. Western recognizes that some customers are already submitting reports to other governmental agencies pertaining to their ongoing conservation and renewable energy activities. If a customer's existing reporting formats already include the desired information describing their program, such formats may be substituted for those suggested in appendix B. Customers are expected to verify continuation and progress regarding previously accepted program activities and report significant changes in their program content.

Acceptance Criteria

Customer program acceptance criteria are defined as a set of minimum program activities that will be reviewed by Western in its acceptance process of a customer's conservation and renewable energy program; submitted in accordance with applicable contractual articles and/or other formal agreements. Program development and implementation prior to execution of such articles or formal agreements is encouraged, but is not mandatory. A customer's program will be reviewed as a whole, based on an indicated good faith effort. However, in order to provide an objective basis for consistency, Western requires that a customer's program include a minimum number of ongoing/planned program activities selected from the listing in appendix A as follows:

Type of customer [1]	Minimum number of activities
Cooperatives	3
Municipalities	3
Public Utility Districts	3
Federal/State Agencies	3
Investor-Owned Utilities	3
Parent-Type Entities and their Distribution Members (i.e., Generation and Transmission Wholesalers and their Members, etc.)	3
Irrigation Districts	[2] 1

Notes:
[1] The term "customer" refers to an entity that has a firm power contract and its member systems, if any, that receive the benefits of Federal power.
[2] Three (3) activities if an Irrigation District performs multiple utility functions (i.e., residential service, other utility responsibilities, etc.).

If customers believe that they have sufficient justification (i.e., economic, technical, net benefits, cost effectiveness, etc.) to warrant consideration by Western, they may offer substitutions to the activities listed in appendix A, request deferred activity implementation, or request program credit(s). Western will provide technical assistance to resolve individual problems.

Program activities accepted by Western will be implemented and remain in effect until customer initiated changes are requested and subsequently accepted by Western.

Western's Review and Acceptance Process

The process for publication, submittal, and review of draft and/or final conservation and renewable energy programs will be as follows:

a. Western will publish final customer "Guidelines and Acceptance Criteria" in the near future after due consideration of comments to this draft.

b. Within its capabilities, Western will provide technical assistance upon request to help customers prepare and implement their programs in accordance with published "Guidelines and Acceptance Criteria."

c. Customers will submit their programs to the appropriate Western Area Office within 1 year after a contract or letter agreement is signed.

d. Western will review customer program submissions in accordance with Acceptance Criteria within 3 months of receipt and decide on overall program acceptability. This process may include oral or written communication and possible visits to a customer's headquarters or other program activity locations.

e. During the entire customer program development, submission, and acceptance cycle; Western will be available to answer customer questions and provide assistance to expedite program development, acceptance, and implementation.

f. Western will work cooperatively on a continuing basis as customers implement their accepted programs to reduce the need for reports and paperwork. Accepted programs are subject to onsite reviews upon reasonable notice by Western (i.e., 2 weeks or more).

Administrative Appeal Procedures

If a customer disagrees with Western's determination of the acceptability of its submitted program, progress reports, requested program changes, or other items, the customer may request reconsideration by filing a written appeal with the appropriate Western Area Office. Appeals may be submitted any time that such a disagreement should occur. They should be specific as to the nature of the disagreement, the reasons why the customer disagrees, and any other pertinent facts which the customer feels should be brought to Western's attention. If a customer's disagreement cannot be resolved at the Western Area Office level, appeal may then be made to the Administrator of Western.

Appendix A—Customer Conservation and Renewable Energy Activity Listing

The following list of program activities or initiatives is provided for customer consideration as Western-accepted program activities. Various numbers of these activities must be included as part of a customer's program based on classification as a particular type of customer as previously stated in the Acceptance Criteria. Selected activities may come from a signed category or a combination thereof.

Category "A"

Energy Conservation Activities

- Home energy conservation programs; which may include such technologies as:

Boiler, Furnace, AC retrofitting
Weatherization (home or utility)
  Storm windows/doors
  Insulation of air ducts, boilers, pipes, etc.
  Heat reflective/absorbing window/floor material, etc.
Clock thermostats
Electrical or mechanical ignition systems
Heat pumps

- Energy audits
- Load management devices/systems
- Scrap and waste reclamation
- Waste heat recovery
- Lighting redesign and management
- Power-factor correction
- Electric motor replacement
- Rephasing operations to reduce energy consumption
- Cogeneration projects

- Improved boiler and equipment maintenance
- Better sizing of boilers and/or equipment
- Installation of energy storage equipment
- Information dissemination programs
- Economic assessment studies for conservation
- Development of energy efficiency awards program
- Equipment inspection programs
- Building plan review/service programs
- Conservation grants
- Conservation demonstration projects
- Installation arrangements/assistance
- Upgrading of transmission lines and/or substation equipment
- Information programs
- Technical assistance to consumers
- Listing services for suppliers/lenders
- Other energy conservation activities

Category "B"

Renewable Energy Activities

- Solar thermal/photovoltacis projects
- Active solar installations
- Passive solar installations
- Small/large-scale wind turbine installations
- Biomass/refuse-derived fuels projects
- Small-scale hydroelectric projects
- Geothermal projects
- Wind measurement/recording equipment
- Interconnection services to remote renewable resource facilities
- Purchase of electricity from renewable resource facilities
- Cooperative renewable resource development projects
- Other renewable resource projects

Category "C"

Other Program Activities

- Customer in-house program activities
- Loan arrangements/assistance
- Attendance at conservatin and/or renewable energy training
- Purchase of customer-generated renewable energy
- Sale of surplus power to displace petroleum fuels (resource coordination)
- Rate restructuring/adjustments
- Area-wide resource assessments
- Agricultural improvements which conserve energy such as:

Irrigation pump utilization/scheduling
Irrigation pump testing or efficiency imporvements
Ditch lining and piping
Laser land leveling
Pumpback systems
Alternate energy saving water sources
Field irrigation system improvements
Other applicable energy saving measures

Appendix B—Suggested Reporting Format

Western Area Power Administration Customer Program Content Conservation and Renewable Energy Program

I. Name of Customer:
Address:
Contact Person(s):
Phone Number(s):

II. Brief narrative description of your overall program policy, objectives, implementation methods, and milestones (Note: Narrative continuation and/or additional materials may be attached at your discretion.)

III. What is the followup method(s) used to determine the successful accomplishment of your conservation and renewable energy program?

IV. Identify below any other documents or materials that are included with this correspondence for Western's review and acceptance of your program:
——Policy Statement(s)
——Document Submittals to Other Agencies
——Request for Western Assistance
——Request for Credit(s) for Ongoing Activities
——Customer Profile [1]
——Identification of Other Assistance
——Declaration of Program Limitations
——Other Data (State Document Titles)

V. From the activity listing in appendix A of Western's "Guidelines and Acceptance Criteria," list each conservation and renewable energy program activity that you wish to include in your program for review and acceptance by Western. Identify the program activity, location, and implementation date.

VI. Include additional pertinent information for each activity listed in item V above, or attach additional pages or documentation as you deem appropriate to briefly describe your organization's ongoing and/or planned efforts regarding individual activity development and implementation.

Issued at Golden, Colorado, July 24, 1981.

Robert L. McPhail,
Administrator.

[FR Doc. 81-23343 Filed 8-7-81; 8:45 am]
BILLING CODE 6450-01-M

[1] Customer Profile means pertinent information that gives a general description of your organization (i.e., Annual Report, FPC Form 1, etc.).

FEDERAL COMMUNICATIONS COMMISSION

[Gen. Do. 80-398]

Inquiry Relating to the Commission's Preparations for the 1983 Region 2 Administrative Radio Conference

AGENCY: Federal Communications Commission..

ACTION: Notice of inquiry; extension of comment and reply comment period.

SUMMARY: This Order extends the due date in the Second Notice of Inquiry in General Docket 80-398 in response to a petition.

The Second Notice solicits further public comment in the Commission's preparations for an ITU conference for the planning of the 12 GHz broadcasting-satellite service in the Americas.

DATES: Comments are due by August 7, 1981 and replies by September 8, 1981.

ADDRESS: Federal Communications Communication, 1919 M Street, N.W. Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Edward R. Jacobs, Office of Science and Technology, (202) 653-8102, Room 7002.

SUPPLEMENTARY INFORMATION: Due to the effort to minimize publishing costs, the Commission did not publish the Second Notice of Inquiry in the **Federal Register**, however, an announcement regarding its availability through the Commission's Press Office was published 6-8-81; 46 FR 30392. Those who obtained copies of the full text of the Second Notice of Inquiry should associate the extend dates herein with that document.

ORDER

Released: July 23, 1981.
Adopted: July 21, 1981.

In the Matter of an Inquiry relating to preparations for the 1983 Region 2 Administrative Radio Conference of the International Telecommunication Union for the Planning of the Broadcasting-Satellite Service in the 12 GHz Band and the Associated Uplinks, Gen Docket No. 80-398.

By the Chief Scientist.

1. On May 21, 1981, the Commission adopted a *Second Notice of Inquiry* In the above styled proceeding, FCC 81-248. The date for filing comments was established as July 24, 1981, and the reply comment date was August 24, 1981.

2. On July 16, 1981, a petition was filed on behalf of CBS, Inc. seeking to extend the comment deadline until August 7, 1981. No motion was made in respect to the reply comment date. CBS, Inc. points out that there are currently two Commission proceedings dealing with the broadcasting-satellite service. They are the instant proceeding and General Docket 80-603. CBS, Inc. further correctly points out that the *Notice of Proposed Policy Statement and Rulemaking* in Docket 80-603 (FCC 81-181) required that comments be filed by July 1, 1981 on the domestic policy aspects of DRS, (with reply comments due July 16, 1981) and additionally set July 16, 1981 as the deadline for comments on the STC DBS filing, as well as the deadline for the filing of applications for DBS systems to be considered concurrently with that of STC. CBS, Inc. states its engineering staff would not be able to make the detailed contribution to Docket 80-398 that it could if more time were allowed. They believe that others may be in a similar position and that all may benefit if the Commission were to grant a two week extension.

3. The arguments put forth by CBS, Inc., for a two week extension of the

comment deadline in this proceeding appear to be quite reasonable. In view of fact that a number of entities (at least fourteen) have filed for authorization of DBS systems in response to Docket 80-603, it is quite likely that a number of these could quite benefically use an additional period of time in which to prepare their comments in this instant proceeding. Therefore, a two week extension for the filing of comments is granted. Additionally the August 24, 1981 date for filing of reply comments is extended two weeks. Comments are now due on August 7, 1981 and reply comments are due on September 8, 1981.

4. It should be stressed that the Commission is proceeding in this Docket on a very restricted time-table in order to prepare proposals to the 1983 Region 2 DBS Conference. Inordinate delays in our preparations ae not acceptable. It is hoped that the two week extensions provided above will help to ameliorate the Conflicts that arose with the Docket 80-603 proceeding. Any further extensions for reason of that conflict alone cannot be granted.

Accordingly, It is ordered that the subject petition, to the extent herein spceified, it granted.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 81-23182 Filed 8-7-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-REP-2-NY-1]

New York Radiological Emergency Preparedness Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of New York has submitted its radiological emergency plans to the FEMA Regional office. These plans support nuclear power plants which impact on New York and include those of local governments near the Niagara Mohawk Power Corporation's Nine-Mile Point Nuclear Station, and the Power Authority of the State of New York's James A. Fitzpatrick Nuclear Power Plant, both located in Oswego County, New York at Nine-Mile Point site.

DATE PLANS RECEIVED: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Plans and Preparedness Division, Region II, 26 Federal Plaza, New York, New York 10278, Telephone: (212) 264-4900.

Notice: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness", 45 FR 42341, the State Radiological Emergency Plan for the State of New York was received by the Federal Emergency Management Agency Region II office.

Included are plans for Oswego County which is partially within the plume exposure pathway emergency planning zone.

Copies of the Plan are available for review at the FEMA Region II Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 1,435 pages in the document; reproduction fees are $.10 per page, payable with the request for copy.

Comments on the Plan may be submitted in writing to the Regional Director at the above address on or before September 9, 1981.

FEMA Proposed Rule 44 CFR 350.10 also calls for a public meeting prior to the submission of plans by the Regional Office to Headquarters for approval determination. Details of this meeting will be announced in the Oswego *Palladium Times, Oswego Messenger,* Syracuse *Morning Post Standard* and the Syracuse *Afternoon Herald Journal,* at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

July 29, 1981.

Vincent Forde,

Acting Regional Director.

[FR Doc. 81-23196 Filed 8-7-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Application of the Commonwealth of the Northern Mariana Islands for Section 35 Relief From Certain Tariff Filing Requirements; Order Denying Petition

This matter was instituted by the filing of a Petition For Issuance of Rulemaking by the Commonwealth of the Northern Mariana Islands (Commonwealth) on March 17, 1981. A Notice of Filing of Petition was published in the **Federal Register** on March 20, 1981. Replies to the Petition were filed by Guam Freight Forwarders and Consolidators (Guam Forwarders) and the Saipan Shipping Co., Inc. (Saiships).

In its Petition the Commonwealth first notes the determination made by the Commission's staff that, effective Janurary 9, 1978, all companies holding themselves out as common carriers serving the United States/Northern Marianas trade are subject to the domestic offshore tariff filing requirements of the Commission. The Commonwealth "does not necessarily agree" with this determination but requests that, if it is correct, the Commission should exempt these carriers from the domestic offshore tariff filing requirements pursuant to section 35 of the Shipping Act, 1916 (46 U.S.C. 833a) and, in lieu thereof, allow the carriers to file foreign commerce tariffs and a yearly balance sheet/income and loss statement.

The Commonwealth argues that, because of the small volume of cargo moving in the trade, the domestic tariff filing requirements are burdensome and unjustified. It states that there are four carriers currently serving this trade, two providing direct service from the U.S. West Coast (Philippines, Micronesia & Orient Navigation Company and Nauru Pacific Line) and two providing transshipment services from Guam (Oceania Lines, Inc. and Saipan Shipping Company, Inc.). The Commonwealth submits that the exemption sought would neither be unjustly discriminatory nor detrimental to commerce, nor would it impair effective FMC regulation. The Commonwealth attached to its Petition "a proposed rule" exempting carriers serving the U.S./Northern Marianas trade from General Orders 5, 11 and 38 on condition that such carriers adhere to the tariff filing requirements of section 18(b) and General Order 13 and file with the Commission an annual balance sheet and income and loss statement.

Guam Forwarders opposes the Petition. It states that the trade is volatile, with cariers frequently entering and leaving the trade, to the detriment of consumers and the Commonwealth. Guam Forwarders views domestic tariff filing requirements as a method of excluding "fly-by-night" operators from the trade and ensuring stable service, and therefore urges that the full scope of the Commission's regulatory requirements be imposed.

Saiships, a carrier operating in the Guam/Northern Marianas trade, supports the Petition. It characterizes the trade as a one-way supply service for the Commonwealth and alleges that the combined cargo carryings of the two lines providing transshipment services from Guam amounted to approximately 29,465 tons in 1980. Saiships states that it would have to add one account and one clerk to the existing five administrative employees assigned to this service if it is required to comply with the domestic tariff filing provisions. This would allegedly increase its administrative services costs by 22 percent, and result in higher consumer prices in a trade that is already plagued by high costs and carrier failure. Saiships also contends that because the foreign flag carriers providing the direct service to the mainland do not have to comply with the domestic tariff filing requirements, the reporting burden presently imposed on Saiships is discriminatory.

Discussion

After careful consideration of all submissions filed in this matter, the Commission has determined to deny the Petition. The Commission has not been presented with a record upon which it could conclude that the requested exemption meets the requirements of section 35 of the Shipping Act.[1] Both the Petition and Replies are unverified documents containing minimal factual allegations and broad conclusory statements. Morever, the Petition does not seek a true exemption from domestic tariff filing requirements but rather the institution of a hybrid foreign/domestic tariff filing and financial reporting system. No precedent or other authority for such action is cited. Morever, no explanation is provided why existing Commission regulations are inadequate to alleviate the alleged burdensomeness of the domestic tariff filing requirements.

However, the Commission recognizes that shipping conditions in the U.S./Northern Marianas trade may differ from those existing in other domestic offshore trades. These differences may warrant granting the carriers serving this trade partial relief from the Commission's tariff filing and financial reporting regulations. General Orders 5, 11 and 38 each contain spceific provisions, which, if utilized by the carriers, could afford relief appropriate to individual situations. A brief explanation of these provisions is provided below as guidance to the affected carriers. Applications for relief under the provisions will be considered on their individual merits.

A review of the Commission's records reveals that the Philippines, Micronesia & Orient Navigation Company (PM&O) has on file one sixty-page tariff applicable to this trade (FMC No. 1), Nauru Pacific Line (NPL) one thirty-page tariff (FMC No. 2), Oceana Lines, Inc. (OLI) a thirty-page tariff (FMC No. 1) and a thirty-five page tariff (FMC No. 2), and Saiships one thirty-five page tariff (FMC No. 7).[2] The Commission's Bureau of Tariffs advises that the maximum cost of publishing a new tariff is approximately $20.00 per page. Publishing a modification of a tariff is less expensive. If the carriers applied for and were granted special permission, pursuant to 46 CFR 531.16, to file their existing foreign format tariffs as domestic tariffs, the Bureau of Tariffs advises us that only the title page of each tariff and the tariff page naming ports served would have to be revised. This should not create shipper confusion since the difference between foreign and domestic tariff format requirements is minimal. The remaining pages of each tariff cold be made to conform to our domestic tariff format as each page is revised by the carrier in the normal course of business. Our Bureau of Tariffs is available for technical advice in this area.

The burden on the subject carriers resulting from the domestic financial reporting requirements is also difficult to ascertain due to insufficient data. However, because this would appear to be a small volume trade, it is possible that the public benefits to be derived from the financial reporting requirements are outweighed by the burden they would impose on the few carriers in the trade. The Commission's General Order 11 provides a procedure whereby carriers whose revenues do not exceed $5,000,000 and whose trade revenues amount to 25 percent or less of total trade revenue may, upon application, obtain a waiver from the prescribed reporting requirements and in lieu thereof file a balance sheet and income statement, 46 CFR 512.2(e). This is essentially the relief sought by the Commonwealth in its Petition. Whether one or more of the carriers in the Northern Marianas Trades qualifies for such a waiver cannot be determined on the present record.

Another provision which might be invoked is 46 CFR 512.2(d), which allows carriers to apply for relief from the G.O. 11 domestic financial reporting requirements upon a showing of good cause and after opportunity for comment by affected interests. Similarly, the carriers may apply for relief from the G.O. 5 reporting requirements pursuant to 46 CFR 511.6.

Therefore, it is ordered, That the Petition For Rulemaking of the Commonwealth of the Northern Mariana Islands is denied. By The Commission July 27, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-23252 Filed 8-7-81; 8:45 am]

BILLING CODE 6730-01-M

[1] Section 35 is intended to apply in situations where it finds that "such exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory, or be detrimental to Commerce."

[2] Saiships' contention that carriers serving the direct U.S./Northern Marianas trade would not be subject to domestic tariff filing requirements is without merit. All carriers serving either the direct trade or a transshipment trade to or from another domestic offshore jurisdiction are required to comply with domestic tariff filing requirements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Bodies; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of September 1981.

National Advisory Mental Health Council

September 14–16
Conference Rooms G and H, Parklawn Building
5600 Fishers Lane, Rockville, Maryland 20857
Open—September 14; 9:30 a.m.
Closed—Otherwise
Contact: Ms. Helen W. Garrett, Committee Management Officer, Room 9–95 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4333

Purpose: The National Advisory Mental Health Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amount of, these grants.

Agenda: On September 14, the meeting will be open for discussion and NIMH policy issues and will include current administrative, legislative, and program developments—attendance by the public for the open session will be limited to space available. Otherwise, the Council will conduct a final review of applications for assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C., 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

National Advisory Council on Drug Abuse

September 22-23; 9:00 a.m.
Conference Room 6, Building 31-C
National Institutes of Health
9000 Rockville Pike, Bethesda, Maryland 20205
Open—September 22; 9:00 a.m. to 12:00 Noon, September 23; 10:30 a.m. to 1:00 p.m.
Closed—September 22; 1:00 p.m. to 5:00 p.m., September 23; 8:30 a.m. to 10:30 a.m.
Contact: Ms. Pamela J. Thurber, Executive Secretary, Room 10-05 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-6480

Purpose: The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and efficient administration of drug abuse research, training, demonstration, prevention, and community services programs. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes recommendations on grant applications.

Agenda: On September 22 from 9 a.m. to 12 Noon, and September 23 from 10:30 a.m. to 1 p.m., the sessions will be open to the public for discussion of program developments and policy issues. On September 22 from 1 p.m. to 5 p.m. and September 23 from 8:30 a.m. to 10:30 a.m., the sessions will be closed to the public for the final review of grant applications for Federal assistance in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to provisions of 5 U.S.C., 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

National Advisory Council on Alcohol Abuse and Alcoholism

September 24-25; 9:30 a.m.
Conference Room 4A, Building 31-A
National Institutes of Health
9000 Rockville Pike, Bethesda, Maryland 20205
Open—September 24
Closed—September 25
Contact: Mr. James Vaughan, Room 16C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-3887

Purpose: The Council advises the Secretary of Health and Human Services regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. The Council reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: On September 24, the Council will discuss current budget, legislative and program activities. On September 25, the Council will conduct final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C., 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Mental Health Small Grant Review Committee

September 24-26; 1:30 p.m.
Shoreham Americana Hotel
Rooms E-730 and E-830
2500 Calvert Street, N.W., Washington, D.C. 20008
Open—September 24; 1:30-2:20 p.m.
Closed—Otherwise
Contact: Ms. LaVerl P. Klein, Room 9-104, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-4843

Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the National Institute of Mental Health for Federal assistance of activities for research in all disciplines pertaining to alcohol, drug abuse, and mental health, including psychology, sociology, anthropology, psychiatry, and the biological sciences, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda: From 1:30-2:30 p.m., September 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C., 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact person listed above. Summaries of the meetings and rosters of Council and Committee members may be obtained as follows: NIMH: Ms. Helen W. Garrett, Committee Management Officer, Room 9-95, Parklawn Building 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-4333. NIDA: Ms. Lucy Stevens, Committee Mangement Officer, Room 10-42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-2620. NIAAA: Ms. Iris O'Brien, Acting Committee Management Officer, Room 16C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-6106.

Dated: August 4, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-23161 Filed 8-7-81; 8:45 am]
BILLING CODE 4110-88-M

Public Health Service

Office of the Assistant Secretary for Health; Privacy Act of 1974

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of an altered system of records 09-37-0001, "Office of the Assistant Secretary for Health Correspondence Control System," HHS/OASH/OM.

SUMMARY: The categories of individuals in the system are being expanded to include persons who contact officials in the Office of the Assistant Secretary of Health, in addition to those who contact the Assistant Secretary himself; two further system managers are being added; policy coordination responsibility is being assigned to the Office of Management, and associated changes, such as modification of the title of the system, to that indicated, are also being made. PHS invites interested persons to submit comments on the proposed alterations on or before September 8, 1981.

DATES: PHS has sent a Report of Altered System to Congress and to the Office of Management and Budget on July 31, 1981. The revisions to the system of records will be effective 60 days from the date submitted to OMB unless PHS receives comments which would result in a contrary determination.

ADDRESS: Comments should be addressed to the following official: Director, Office of Organization and Management Systems/OM/PHS, Room 17-53, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Comments received will be available for review in Room 17-81 at the above address from 8:30 a.m. until 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dorothea E. de Zafra, PHS Privacy Act Officer, Room 17-81, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443-2004.

SUPPLEMENTARY INFORMATION: Rather than create one or more new Privacy Act systems of records pertaining to correspondence control records in the Office of the Assistant Secretary for Health, PHS has decided to alter an existing system of records so that it will become an umbrella system. The alterations proposed above are designed to accomplish this purpose and to assure effective policy coordination among the respective system managers. Records will not be entered into a single, comprehensive data base. The routine uses of the existing system of records will remain the same.

The system notice was last published in the **Federal Register** on December 22, 1980 (Vol. 45, No. 247), page 84522, as 09-37-0001, "Assistant Secretary for Health Correspondence Control System," HHS/OASH/ES. It is republished in its entirety below to incorporate the proposed alterations. Additional changes, not requiring a Report of Altered System, to reflect current policy requirements and periodic updating have also been made. The most significant of these changes is the addition of a statement under the record access procedures section of the system notice to provide for the verification of the identity of individuals who seek access to records in the system.

Dated: July 31, 1981.

Alair Townsend,

Deputy Assistant Secretary for Health Operations and Director, Office of Management/PHS.

09-37-0001

SYSTEM NAME:

Office of the Assistant Secretary for Health Correspondence Control System, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Public Health Service Executive Secretariat
Room 17 B-03, 5600 Fishers Lane
Rockville, MD 20857
National Center for Health Statistics
Room 2-19, 3700 East-West Highway
Hyattsville, MD 20782
National Center for Health Services Research
Room 8-41, 3700 East-West Highway
Hyattsville, MD 20782
and
Federal Records Center
4205 Suitland Road
Washington, D.C. 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contacted either the Assistant Secretary for Health, the Surgeon General, a Deputy Assistant Secretary, or a PHS Staff Office Director, or have been contacted in writing by one of these officals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Hard copies of the actual correspondence, and computer or word processor printout and tape or disk control system records of that correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To control and track all correspondence documents addressed or directed to the Assistant Secretary for Health or his subordinates as indicated above, as well as documents initiated by them, in order to assure timely and appropriate attention.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Correspondence records are maintained in hard copy. Control records are maintained on computer or word processor printout, tape, and disk.

RETRIEVABILITY:

Hard copy records are indexed alphabetically by name of addressee and date of outgoing correspondence; or by name of sender and date of incoming correspondence; or by subject. Records may be also be cross-referenced.

SAFEGUARDS:

Hard copy records are maintained in file cabinets that are lockable, or in rooms which are locked after office hours. During office hours, acces to hard copy records is limited to authorized personnel. Access to the computerized subsystem is limited to specific individuals (correspondence assistants) through the use of passwords. These procedures are in accordance with chapter 45-13 in the Department's General Administration Manual, supplementary chapter PHS.hf: 45-13, and with Part 6 of the Department's ADP systems manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the OASH records control schedule. The records control schedule may be obtained by writing to the appropriate System Manager at the address for that official which is indicated under system location above.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Public Health Service Executive Secretariat (address as above); Director, National Center for Health Statistics (address as above); Director, National Center for Health Services Research (address as above).

Policy coordination is provided by:
PHS Privacy Act Officer
Office of Management
Room 17-81 Parklawn Building
5600 Fishers Lane
Rockville, MD 20857

NOTIFICATION PROCEDURE:

Inquiries should indicate the name of the individual with whom the Office of the Assistant Secretary for Health corresponded, the date of the incoming correspondence, if any, and the date of the outgoing correspondence. Inquiries should be addressed to the appropriate System Manager listed above, not to the policy coordination official.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters must state that they are who they claim to be, and understand that obtaining information under false pretenses is subject to a maximum statutory penalty of 5,000.00 dollars.

CONTESTING RECORD AND PROCEDURES:

Contact the appropriate System Manager at the address for that official

specified under System Location above, and reasonably identify the record, specify the information to be contested, the corrective action sought, and the reason for seeking the correction.

RECORD SOURCE CATEGORIES:

Records are derived from incoming correspondence to, and the outgoing correspondence of, the Assistant Secretary for Health or his subordinates as indicated above.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-23106 Filed 8-7-81; 8:45 am]

BILLING CODE 4110-85

Privacy Act of 1974; New System Notice

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of a proposed new system of records, "Records of Subjects in Health Education Studies," HHS/CDC/CHPE, 09-20-0160.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to establish a new system of records to permit collection of information related to the evaluation and development of health education programs. The information acquired will be used to develop health education curricula and programs for disease prevention and control. The system of records will be maintained by the Center for Health Promotion and Education (CHPE), Centers for Disease Control (CDC). PHS invites interested persons to submit comments on the proposed routine use on or before September 8,1981.

DATES: PHS has sent a report of the new system to the Congress and to the Office of Management and Budget (OMB) on July 31, 1981. The system of records will be effective 60 days from the date submitted to OMB unless PHS receives comments on the routine uses which would result in a contrary determination.

ADDRESS: Comments should be addressed to: Director, Research and Evaluation, Center for Health Promotion and Education, Centers for Disease Control, Building 14, Room 10, Atlanta, Georgia 30333.

Comments received will be available for inspection at that address from 8:00 a.m. to 4:30 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Sara S. Owens, Privacy Act Officer, Centers for Disease Control, 1600 Clifton Road, Room B-68, Atlanta, Georgia 30333, (404) 329-3121.

SUPPLEMENTARY INFORMATION: The purpose of this system is to assist in the development and evaluation of the School Health Curriculum Program (SHCP) and related health education curricula and programs for disease prevention and control throughout the nation. It is intended that, following the evaluation of these health education programs, the Centers for Disease Control will make improvements in the curricula which are available to participating schools. For example, approximately 120 schools currently participate in the School Health Curriculum Program and would receive from CDC upgraded curricula, as the health education studies and evaluations determine the need for specific revisions and improvements. The use of human subjects for research and evaluation of existing health education programs requires the establishment and maintenance of subject "pools." Case-control studies of students will require that the system of records be developed in a way that allows for periodic follow-up interviews, and scientific testing and validation of previously gathered data. The evaluation of the health education programs and specific curricula requires individually identifiable data in addition to statistical data. The individually identifiable information is necessary to determine the impact of the SHCP and related programs after the training period on health behavior, attitudes, and knowledge of the participants. Followup interviews with specific respondents, including students and teachers, may give researchers important data on the rationale for accepting or rejecting recommended health norms and practices. A variety of individuals are covered by this system of records. Included are students and teachers involved in health education programs and students selected as control groups in each participating school.

Name, assigned number, school name, and year tested are some of the indices used to retrieve records from this system. Other retrieval methods are utilized as individual research dictates.

Two or more safeguards will be selected from the following list, as appropriate to the type of records to be secured: locked buildings, locked file rooms, locked file cabinets, locked computer room and computer tape vaults, 24-hour guard service, and limited access only to authorized personnel.

CHPE has examined a number of alternative means of accomplishing this investigation, including the option to maintain no Privacy Act system of records. The Center concluded that maintenance of a system of records is necessary for the investigation, and that the relatively minor risk to personal privacy involved in furnishing CHPE researchers with individual identifiers is outweighed by the potential improvement in health programs which will be derived from the research.

The records will be retained for use solely within the agency unless releases are made in conjunction with the routine uses stated in the system notice, or which are otherwise permitted under Section 552a(b) of the Privacy Act. The proposed disclosures outlined in the routine use section will allow the Center to effectively perform the proposed research, and ensure that no releases are made without the individual's permission for purposes which are not the same or compatible with those for which the information is originally collected.

Dated: July 31, 1981.

Alair Townsend,

Deputy Assistant Secretary for Health Operations and Director, Office of Management/PHS.

09-20-0160

SYSTEM NAME:

Records of Subjects in Health Education Studies—HHS/CDC/CHPE

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Health Promotion and Education
Center for Disease Control
Building 14,—Room 10
Atlanta, Georgia 30333

A list of contractor sites is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students and teachers who participate in studies designed to obtain data on their knowledge, attitudes, and reported behavior related to a variety of health problems and/or other potential preventable conditions of public health significance; also included are control group participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Responses to questionnaires by students and teachers regarding course content, health knowledge, attitude and behavior, site visit data, organizational data regarding health education in school curriculum, medical histories, demographic data of the student

population as well as identification data for follow-up purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sec. 301 Research and Investigations (42 U.S.C. 241).

PURPOSE(S):

This record system enables CDC officials to develop and evaluate existing health education curricula and programs for disease prevention and control, and communicate new knowledge to the health community for the implementation of such programs.

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

1. Disclosure may be made to CDC contractors in the conduct of research studies covered by this system notice and in the preparation of scientific reports, in order to accomplish the stated purpose of the system.The recipients will be required to maintain Privacy Act safeguards with respect to such records.

2. Disclosure may be made to congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Computer tapes and file folders.

RETRIEVABILITY:

Name of individual, identification number, school name and year tested are some of the indices used to retrieve records from this system.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked file rooms, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Designated researchers and their clerical staff are authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Source documents for computer disposed of when no longer needed by program official. Personal identifiers may be deleted from records when no longer needed in the study as determined by the system manager, and as provided in the signed consent form, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Research and Evaluation
Center for Health Promotion and Education
Centers for Disease Control
Bldg. 14—Room 10
Atlanta, Georgia 30333

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity, or (2) must certify that they are the individuals whom they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) full name; (2) approximate dates of the contact with the Centers for Disease Control representative; (3) nature of the study or questionnaire in which the requester participated; (4) nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the system manager and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individuals, and participating public and private schools which maintain records on enrolled students.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-23165 Filed 8-7-81; 8:45 am]
BILLING CODE 4110-85-M

Notification of a New System of Records

AGENCY: Department of Health and Human Services; Public Service.

ACTION: Notification of a new system of records: 09-30-0037, "Psychotherapy of Opiate-Dependent Individuals," HHS/ADAMHA/NIDA.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a "found" system of records entitled "Psychotherapy of Opiate-Dependent Individuals," HHS/ADAMHA/NIDA, in the Alcohol, Drug Abuse, and Mental Health Administration: National Institute on Drug Abuse (NIDA). The purposes of the system are: (1) to provide a data base for research leading to a better knowledge and understanding of the psychiatric status of opiate-dependent individuals, and (2) to determine the efficacy of psychotherapy as part of a treatment program for such individuals. PHS invites interested parties to submit comments on the proposed routine uses on or before September 9, 1981.

DATES: PHS has sent a Report of a New System of Records to the Congress and the Office of Management and Budget on July 31, 1981. PHS has requested that OMB grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and Congress. If this waiver is granted, PHS will publish a notice to that effect in the Federal Register.

ADDRESS: Comments should be addressed to the Privacy Act Officer, Office of Extramural Project Review, National Institute on Drug Abuse, Parklawn Building, Room 10-42, 5600 Fishers Lane, Rockville, Maryland 20857. Comments received will be available for inspection in Room 10-42, from 8:00 a.m. to 4:30 p.m., Monday through Friday, at the same address.

FOR FURTHER INFORMATION CONTACT: Rebecca S. Ashery, D.S.W., Project Officer, National Institute on Drug

Abuse, 5600 Fishers Lane, Room 10A-31, Rockville, Maryland 20857, telephone 301-443-4100.

SUPPLEMENTARY INFORMATION: These records are being treated as a "found" system of records maintained under an active contract. The Department of Health and Human Services is reexamining the applicability of the Privacy Act to records maintained by organizations under contract with the Department. It is recognized that the proposal to apply the provisions of the Privacy Act to these records may later be found to provide broader coverage than is required by the Act.

Researchers employed by an organization under contract to NIDA collect data voluntarily provided by patients in a participating drug abuse treatment program which is offered by and located in the Philadelphia Veterans Administration Hospital. The contractor will maintain these records until the termination of the contract. No individually identifiable data will be provided to NIDA. The contractor uses personally identifiable information only to locate the subjects or former subjects to request their participation in the followup interviews, and to match followup data with the correct individual's previous patient record data. This data will be processed by the contractor to provide aggregate information to NIDA on the efficacy of three types of manual-guided psychotherapy of opiate-dependent persons, as contrasted to standard drug abuse counseling; and to constitute a data base for research concerning the psychiatric status of opiate-dependent individuals.

Routine uses are proposed. One routine use provides for disclosure for specific research that is compatible with the purpose of the system. Another routine use provides for disclosure to a congressional office at the written request of the individual, which is in accordance with the Privacy Act. Use and/or disclosure under a routine use will be limited by, and permitted only in accordance with, the protections provided by the statutory and regulatory restrictions for the confidentiality of records of drug and alcohol patients and research subjects. (See discussion of safeguards following and in the notice.)

Because much of the data collected, such as drug use, income, psychiatric diagnosis, psychological symptoms, and criminal activity, are sensitive and confidential, special safeguards have been established. Certificates of confidentiality have been issued under Section 303(a) of Public Health Service Act (42 U.S.C. 242a(a)). This authorization enables persons engaged in research on mental health, including research on the use and effect of psychoactive drugs, to protect the privacy of research subjects by withholding the names or other identifying characteristics from all persons not connected with the conduct of the research. Persons so authorized may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals. In addition, these records are subject to 42 CFR Part 2, the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56), which state:

> Where the content of patient records has been disclosed pursuant to [these regulations] for the purpose of conducting scientific reserch, * * * information contained therein which would directly or indirectly identify any patient may not be disclosed by the recipient thereof either voluntarily or in response to any legal process whether Federal or State.

The safeguards described above and in the system notice have been reviewed and approved by the contractor's Institutional Review Board in accordance with 45 CFR Part 46 on the protection of human subjects. We believe that, with these safeguards, the privacy of research subjects and the confidentiality of the data are well-protected. The potential benefits to the public of this data collection in order to improve drug abuse treatment programs outweight the slight possibility of adverse effects to any individual caused by record disclosure.

Dated: July 31, 1981.

Alair Townsend,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-30-0037

SYSTEM NAME:

Psychotherapy of Opiate-Dependent Individuals, HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION.

None.

SYSTEM LOCATION:

Drug Dependence Treatment and Research Center, Philadelphia Veterans Administration Hospital (116D), University and Woodland Avenues, Philadelphia, Pennsylvania 19104.

University of Pennsylvania, 39th Street and Woodland Avenue, Philadelphia, Pennsylvania 19104.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research subjects are adult clients admitted to a participating drug abuse treatment program offered by and located in the Philadelphia Veterans Administration Hospital, between September 30, 1977, and September 29, 1981.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of study subjects and their responses to interview instruments and tests in the following areas: sociodemographic characteristics; psychiatric diagnosis; symptom, social functioning, and personality measures. Information on the drug abuse treatment and psychotherapy provided, and therapists' evaluations, are also included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Office and Treatment Act, Sections (410 and 503 (21 U.S.C. 1177 and 1193)); Public Health Act, Section 301 (42 U.S.C. 241)

PURPOSE OF THE SYSTEM:

The system was created to provide a data base to be used by NIDA for research leading to a better knowledge and understanding of the psychiatric status of opiate-dependent individuals and to determine the efficacy of psychotherapy as part of a treatment program for such individuals. We do not anticipate any disclosure of individually identifiable information to other persons or organizations within the Department of Health and Human Services. Should a request for disclosure occur within the Department, such as provided by Section 3(b) of the Privacy Act, disclosure would not be permitted except in accordance with confidentiality regulations.

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

1. A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to

prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except: (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

2. Disclosure may be made to a congressional office from the record of an individual in response to a written inquiry from the congressional office made at the written request of that individual.

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

STORAGE:

Records are maintained on interview forms, audiotapes, keypunch cards, magnetic tapes, and discs.

RETRIEVABILITY:

Research records and locational information for followup are maintained in numerical order by assigned client number. A list is also maintained by name and assigned client number for cross reference.

SAFEGUARDS:

An authorization under Section 303 (a) of the Public Health Service Act as amended (42 U.S.C. 242a (a), implemented by confidentiality regulations (42 CFR Part 2a), has been issued to the contractor to assure that the contractor may not be compelled in any legal proceeding to identify the research subjects. The confidential records maintained are also subject to the protective restrictions of the confidentiality provision of the Drug Abuse Office and Treatment Act as amended (21 U.S.C. 1175 implemented by 42 CFR Part 2), covering drug abuse patient records.

Project documentation, including cross reference list, completed interview forms, audiotapes, and computerized data files, is maintained under strict controls in a secure room at the contractors' facilities to ensure data integrity and confidentiality. The list, interview forms and audiotapes are stored in a locked and secure work space until data is entered on magnetic media and verified. Then, the forms and cross reference list are destroyed by burning or shredding, and audiotapes are erased. After study source documents are disposed of, no connection can be made between computer file data and the individual. Magnetic tapes and discs are kept in a vault area. During all stages of processing and storage, senior project personnel control access to and removal and replacement of all documents from specified working and storage areas. Access is permitted only upon the written authority of the Principal Investigator or Co-Principal Investigators. The contractor has developed an extensive computer facilities security system which is used by programmers to protect computer account codes and data from access by unauthorized users.

The safeguards described in the preceding paragraph are in accordance with HHS General Administration Manual, Chapter 45-13 and Chapter PHS. hf: 45-13, and with the HHS Systems Manual, Part 6, "ADP Systems Security."

RETENTION AND DISPOSAL:

After all data collection and processing are complete (which will be no later than four years after date of recording), personal identifiers and source documents will be destroyed.

SYSTEM MANAGER:

Project Officer, Psychotherapy of Opiate-Dependent Individuals, Services Research Branch, Division of Resource Development, National Institute on Drug Abuse, 5600 Fishers Lane, Room 10A-31, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself or herself upon written request with notarized signature. The request should include, if known: Name of the researcher, name of the study, location of the research site, approximate date of data collection, any alias used by individual, and assigned client number.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

An individual who request a notification of, or access to, a medical record, shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Research subjects, patients, drug treatment programs, clinical evaluators, counselors, psychiatrists, psychotherapists, family members, research assistants, pharmacies, hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-23182 Filed 8-7-81; 8:45 am]
BILLING CODE 4110-88-M

Health Resources Administration

Application Announcement for Grants for Graduate Training in Family Medicine

The Bureau of Health Professions, Health Resources Administration, announces that applications for Fiscal Year 1982, Grants for Graduate Training in Family Medicine are now being accepted under the authority of section 786(a) of the Public Health Service Act.

Section 786(a) of the Public Health Service Act authorizes the award of grants to public or nonprofit private hospitals, schools of medicine or osteopathy, and other public or private nonprofit entities to assist in meeting the cost of planning, developing and operating or participating in approved graduate training programs in the field of family medicine. In addition, section 786(a) authorizes assistance in meeting the cost of supporting trainees in such programs who plan to specialize or work in the practice of family medicine.

To receive support, programs must meet the requirements of Final Regulations, published in the **Federal Register** on October 16, 1980, (42 CFR, Part 57, Vol. 45).

In the funding of approved applications, preference will be given to projects in which:

(1) Substantial training experience is in settings which exemplify interdependent utilization of physicians

and physician assistants or nurse practitioners; and/or

(2) Substantial portions of the project are conducted in a health manpower shortage area(s) designated under section 332 of the Public Health Service Act, or in an Area Health Education Center, funded, at least in part, under section 781 of the Act.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D15), Bureau of Health Professions, Health Resources Administration, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782; Phone: (301) 436-6564.

Questions regarding the programmatic aspects of these grants should be directed to: Primary Care Education Branch, Division of Medicine, Bureau of Health Professions, Health Resources Administration, Center Building, Room 3-30, 3700 East-West Highway, Hyattsville, Maryland 20782; Phone: (301) 436-6583.

To be considered for Fiscal Year 1982 funding, applications must be received by the Grants Management Officer, Bureau of Health Professions, HRA, at the above address no later than September 8, 1981.

Fiscal Year 1982 materials are being made available without final action on Health Professions legislation and the related Fiscal Year 1982 budget. Therefore, adjustments and other changes may be necessary at a later date.

This program is listed at 13.379 in the Catalog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular A-95.

Note that § 57.1608 of the program regulations provides for compliance with the requirements of Title XV of the Public Health Service Act relating to review and approval of grant applications by health systems agencies. Applicants for Fiscal Year 1982 support, however, will not be subject to this requirement unless specifically requested to do so by a health systems agency.

Dated: August 4, 1981.

Robert Graham,

Acting Administrator.

[FR Doc. 81-23269 Filed 8-7-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-8096-1, AA-8096-3]

Alaska Native Claims Selection

This decision approves ANCSA Sec. 12(c) lands in the area of Icy Bay for conveyance to Chugach Natives, Inc.

On November 13, 1974, and on December 18, 1975, Chugach Natives, Inc. filed selection applications AA-8096-1 and AA-8096-3, respectively, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (1976)), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(3) of ANCSA.

Section 11 of the amendment to the Alaska Native Claims Settlement Act (ANCSA) of January 2, 1976 (89 Stat. 1145, 1150; 43 U.S.C. 1613 (1976)), provides that the boundary between the southeastern and Chugach regions shall be the 141st meridian.

On February 10, 1981, the Secretary of the Interior and Chugach Natives, Inc., entered into an amended Stipulation and Agreement in partial settlement of *Chugach Natives, Inc.*, v. *Cecil Andrus*, Civil Action No. 75-2113, D.D.C. Paragraph 9 of the Stipulation and Agreement provides for the Identification by Chugach Natives, Inc., of lands it desires conveyance to pursuant to Section 12 of the ANCSA. Paragraph 9 also provides that in prioritizing lands to which it desires conveyance, Chugach Natives, Inc., will not delete lands identified for conveyance within the "Icy Bay" deficiency area as described in Section 11(h) of the amended Stipulation and Agreement.

Subparagraph (c) of 43 U.S.C. 2652.3 provides that "whenever a regional selection is made in any township, the regional corporation shall select all available lands in that township." Paragraph 10 of the amended Stipulation and Agreement contains the waiver by the Secretary of the Interior of the provisions of 43 CFR 2652.3(c).

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 and subsurface estates of the following described lands, selected pursuant to Sec. 12(c) of ANCSA, aggregating approximately 47,749 acres, are considered proper for acquisition by Chugach Natives, Inc., and are hereby approved for conveyance pursuant to Sec. 14(e) of ANCSA:

Copper River Meridian, Alaska (Unsurveyed)

T. 23 S., R. 23 E.
- Secs. 13, 14, and 15 (fractional);
- Secs. 21 to 24 (fractional), inclusive;
- Sec. 25;
- Secs. 26, 27, and 28 (fractional);
- Secs. 34 and 35 (fractional);
- Sec. 36.
- Containing approximately 3,730 acres.

T. 24 S., R. 23 E.
- Secs. 1, 2, and 3 (fractional).
- Containing approximately 845 acres.

T. 23 S., R. 24 E.
- Secs. 1 and 2;
- Secs. 3 to 6 (fractional), inclusive;
- Secs. 7 (fractional), excluding Native Allotments AA-7030 Parcel B, AA-7616 Parcel D, and AA-7948 Parcel A;
- Secs. 8 (fractional), excluding Native allotments AA-7616 Parcel D, AA-7030 Parcel B, AA-8349, and AA-7948 Parcel A;
- Secs. 9 and 10 (fractional);
- Secs. 11 to 16, inclusive;
- Sec. 17 (fractional), excluding Native allotments AA-8349, AA-6344, and AA-7949;
- Sec. 18 (fractional), excluding Native allotment AA-7948 Parcel B;
- Secs. 19 to 36, inclusive.
- Containing approximately 18,138 acres.

T. 24 S., R. 24 E.
- Secs. 1, 2, and 3;
- Sec. 4 (fractional);
- Sec. 5 excluding Native allotment AA-6343;
- Sec. 6 (fractional), excluding Native allotment AA-6343;
- Secs. 7 to 10 (fractional), inclusive;
- Secs. 11 and 12;
- Secs. 13, 14, 15, and 24 (fractional).
- Containing approximately 6,740 acres.

T. 23 S., R. 25 E.
- Secs. 19, 30, 31, and 32.
- Containing approximately 2,613 acres.

T. 24 S., R. 25 E.
- Secs. 3 to 11, inclusive;
- Secs. 13 to 17, inclusive;
- Secs. 18, 19, and 20 (fractional);
- Secs. 21 to 25, inclusive;
- Secs. 26 to 29 (fractional), inclusive;
- Secs. 35 and 36 (fractional).
- Containing approximately 15, 298 acres.

T. 25 S., R. 25 E.
- Sec. 1 (fractional).
- Containing approximately 40 acres.

T. 25 S., R. 26 E.
- Sec. 5 (fractional), all west of longitude 141°00' W.;
- Sec. 6 (fractional).
- Containing approximately 345 acres.
- Aggregating approximately 47,749 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 under applications pending further adjudication; 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 conveyence. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

No inland water bodies were determined to be navigable within the area to be conveyed.

All other named and unnamed water bodies within the area to be conveyed were considered. Based on existing evidence, they were determined to be nonnavigable.

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; and

3. Requirements of Sec. 11 of the amendment to the Alaska Native Claims Settlement Act (ANCSA) of January 2, 1976 (89 Stat. 1145, 1150; 43 U.S.C. 1613), that the Regional Corporation for the Chugach region shall accord to the Natives enrolled to the Village of Yakutat the same rights and privileges to use any lands which may be conveyed to the Regional Corporation in the vicinity of Icy Bay for such purposes as such Natives have traditionally made thereof, as the Regional Corporation accords to its own shareholders.

It is estimated Chugach Natives, Inc. is entitled to conveyence of a minimum of approximately 333,558 acres of land selected pursuant to Sec. 12(c) of ANCSA. Together with the lands herein approved, approximately 47,749 acres of this entitlement have been approved for conveyance; the remaining entitlement will be conveyed at a later date.

There are numerous water bodies and waterways which are tidally influenced. The extent of tidal influence will be determined at the time of survey.

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 Cordova Times.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or Regional Corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alsaka 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 9, 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.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

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 easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-12818, is 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.

One Acre Site—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.

(EIN 15 C5) A one (1) acre site easement upland of the mean high tide line in Sec. 18, T. 23 S., R. 24 E., Copper River Meridian, on the south shore of Icy Bay.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Chugach Natives, Inc., 903 West Northern Lights Blvd., Suite 201, Anchorage, Alaska 99503.

Barbara A. Lange,

Acting Chief, Branch of Adjudication.

[FR Doc. 81-23250 Filed 8-7-81; 8:45 am]

BILLING CODE 4310-84-M

[C-33235]

Invitation for Coal Exploration License; Colorado Westmoreland, Inc.

Colorado Westmoreland, Inc. hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following-described land in Delta County, Colorado:

T. 13 S., R. 91 W., 6th P.M.,
- Sec. 5: All;
- Sec. 6: All;
- Sec. 7: Lots 1-2, E½, E½NW¼;
- Sec. 8: All;
- Sec. 17: E½, N½NW¼;
- Sec. 18: N½NE¼, SW¼NE¼, NW¼SE¼, S½SE¼;
- Sec. 19: Lots 1-3, NE¼, SE¼NW¼;
- Sec. 20: Lots 1-3.

T. 13 S., R. 92 W., 6th P.M.,
- Sec. 1: All;
- Sec. 2: All;
- Sec. 3: All;
- Sec. 10: All;
- Sec. 11: All;
- Sec. 12: Lots 1-8, 10-14, SW¼SW¼;
- Sec. 13: Lots 2, 7-10, NW¼;
- Sec. 14: All;
- Sec. 15: All;
- Sec. 22: N½, N½S½, SW¼SW¼;
- Sec. 23: N½, N½S½, S½SE¼.

A total of 9,873.88 acres.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number *C-33235*): Bureau of Land Management, 2000 Arapahoe Street, Denver, Colorado 80205, and the Bureau of Land Management, 336 South 10th Street, Montrose, Colorado 81401.

This notice of invitation will be published in the Delta County

Independent newspaper once each week for two (2) consecutive weeks beginning the week of August 6, 1981, and in the **Federal Register**. Any party electing to participate in this exploration program must sent written notice to both the Bureau of Land Management and Colorado Westmoreland, Inc. no later than thirty (30) days after publication of this invitation in the **Federal Register**. The written notice should be sent to the following addresses: Colorado Westmoreland, Inc., Attention: Christopher K. Seglem, 9034 East Easter Place, Suite 205, Englewood, Colorado 80112, and the Bureau of Land Management, Colorado State Office, Attention: Alvah Q. Whitledge, Team Leader, Montrose, Branch of Adjudication, 2000 Arapahoe Street, Denver, Colorado 80205.

The foregoing notice will probably be published in the **Federal Register** pursuant to Title 43 of the Code of Federal Regulations, § 3410.2–1(d)(1), during the second full week in August, 1981.

Alvah Q. Whitledge,

Leader, Montrose Team, Branch of Adjudication.

[FR Doc. 81–23242 Filed 8–7–81; 8:45 am]

BILLING CODE 4310–84–M

New Mexico Generating Station, Environmental Impact Statement, Preparation Supplement

AGENCY: Bureau of Land Management, Interior.

ACTION: Revise the project proposal of Public Service Company of New Mexico to delete the construction of a 500 kV transmission line from the generating station to the Los Angeles Basin, California.

SUMMARY: A notice of intent to prepare an Environmental Impact Statement (EIS) on a proposed 2000 megawatt coal-fired generating station in San Juan County, New Mexico, the New Mexico Generating Station (NMGS), was published in the **Federal Register** on November 15, 1980 (45 FR 74998). A project amendment was announced in the **Federal Register** on June 2, 1981 (46 FR 29544), to include the construction of a 500 kV transmission line from the plant site to the Los Angeles Basin, California, referred to as the out-of-state transmission (OST) portion of the project.

The Public Service Company of New Mexico has withdrawn the application for the OST. This notice, therefore, deletes the OST portion of the proposal.

The EIS will include the plant, a water pipeline to provide cooling water, two 500 kV lines serving Albuquerque, New Mexico, and the possible development of either a construction camp or small townsite.

Both 100-year floodplains and wetland-riparian habitat may be impacted by the proposal.

Scoping has occurred for the original elements of the proposal.

ADDRESS: Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Sante Fe, New Mexico.

FOR FURTHER INFORMATION CONTACT: Leslie Cone, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501, (505) 988–6467, FTS 476–6467.

Ed Hastey,

Associate Director, Bureau of Land Management.

August 5, 1981.

FR Doc. 81–23260 Filed 8–7–81; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Reclamation

Contract Negotiations With the Town of Somerton, Arizona; Intent To Negotiate a Water Service Contract

The Department of Interior, through the Bureau of Reclamation, intends to initiate negotiations with the town or Somerton, Arizona, and the Yuma County Water Users' Association (Association) of Yuma Arizona, for a contract providing water service to the town of Somerton. The Arizona Water Commission approved the proposed use of Colorado River water and requested that the Secretary negotiate a contract with Somerton for that purpose. The proposed contract with Somerton and the Association would be for permanent service in accordance with the Boulder Canyon Project Act (45 Stat. 1057), and the Act of February 25, 1920 (41 Stat. 451), for furnishing water for miscellaneous purposes.

Ground-water wells presently supply the town's needs but, because of deteriorating water quality, the town requested an allocation of 750 acre-feet per year of Colorado River water. The water would be diverted at Imperial Dam and delivered through Yuma Project facilities. As the water would also pass through the All-American Canal, approval of the proposed contract by Imperial Irrigation District will be required. The town plans to construct water treatment facilities and install water measuring meters. The rate charged by the United States would be $0.25 per acre-foot of Colorado River water diverted, as provided in the contract between the United States and the State of Arizona, executed February 9, 1944. That rate is subject to adjustment after 1987, when the construction costs of Boulder Dam are expected to be fully repaid. In addition, an appropriate portion of the operation and maintenance costs associated with delivery of the water by the Association will be included in the water charges.

All meetings scheduled by the Bureau with officials of the town of Somerton for the purpose of discussing the terms and conditions for the proposed contract will be open to the general public as observers. Advance notice of meetings will be furnished to those parties who have submitted a written request for notification at least 1 week prior to a scheduled session. The public is invited to submit written comments on the form of the proposed contract for a 30-day period after the completed contract draft is made available to the public. However, unless significant public interest in the negotiations is generated by this notice and local news releases, the availability of the proposed form of the contract for public review and comment may not be formerly published through the **Federal Register** or other media.

Written comments and requests for information should be directed to the Regional Director, Bureau of Reclamation, Attention: Code 440, P.O. Box 427, Boulder City, Nevada 89005. Also, information may be requested of Mrs. Lois Casey by telephone, (806) 378–5430. All written correspondence concerning the proposed contract will be made available to the public pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

Dated: August 4, 1981.

J. O. Church,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 81–23153 Filed 8–7–81; 8:45 am]

BILLING CODE 4310–39–M

Geological Survey

Valuation of Federal Coal Used for in Situ Gasification

AGENCY: Geological Survey, Interior.

ACTION: Request for public comment.

SUMMARY: The Geological Survey has recently received information which indicates interest in projects to convert coal to low and medium btu gas by in situ processes and has learned that one proposor, World Energy Corporation, has requested financial assistance from the Synthetic Fuels Corporation. This interest in situ gasification is of significance to the Geological Survey

because some of the coal used for in situ gasification is likely to come from Federal leases for which the Geological Survey has certain responsibilities. In particular, the Geological Survey is responsible for valuing Federally owned coal for purposes of calculating royalties and for purposes of leasing to private parties for development. Our reason for requesting public comments on how the coal should be valued is that in situ gasified coal cannot be valued in the usual fashion, which is the sale price fob the mine. The Geological Survey will therefore accept comments on the valuation of coal for in situ gasification and notes that the following valuation methods are among those that have been suggested:

1. Value based on comparable coal used for distant steam electric facilities.
2. Value based on comparable coal used for on-site steam electric facilities.
3. Value based on comparable coal used for gasification or liquification in a surface facility.
4. A valuation system based on the allocated cost of coal produced and used in the in situ facility.
5. A net back from the market value system based on the value of the low and medium btu gas and/or final products excluding noncoal costs such as advanced processing and transportation.
6. A valuation system similar to one in which the btus of gas produced are valued at the cost in cents/btu of regional steam coal with an adjustment for in situ conversion efficiency.

Comments should take into account the specific factors relating to the valuation of Federal in situ coal including but not limited to the following:

1. The value of in situ coal for gasification may defer from steam coal because btu content, depth, and other acceptable characteristics may be different. In fact, no steam coal market for such coal may exist.
2. In situ gas is often intended for different markets than current coal markets and thus will have different transport costs, final values, and in place values.
3. The low and medium btu gas produced, may be hard to value and the valuation of final products such as methane, methanol, electricity, or gasoline may be difficult.
4. A utility type cost based valuation of in situ coal may be difficult because the allocation and accounting systems used may be arbitrary or otherwise controversial.
5. Calculation of the amount of coal used in an in situ burn may be difficult.
6. Any methane in the coal leases may be owned by the oil and gas lessee.
7. Large blocks of coal are required which in turn may imply the need for further sales, exchanges or cooperative agreement by the Federal Government.
8. Federal royalty rates on coal used for synthetic purposes have not yet been determined and have no minimum by statute.
9. Many plans for above ground gasification are reportedly proceeding and their relation to in situ projects is not clear.
10. Valuations using btu equivalent steam coal costs for valuing the gas produced require selection of conversion factors between low or medium btu gas, in situ coal and regional coal equivalents.
11. In addition to the above, the Geological Survey would appreciate receiving comments indicating the amount of industry interest in in situ gasification as well as descriptions and locations for facilities. Moreover, discussion of the current state of technical and commercial feasibility of such projects would be helpful.

DATE: Comments should be received no later than October 9, 1981.

ADDRESS: If information submitted is considered to be proprietary, the information should be so labeled as such in the first page of the written comment. The U.S. Geological Survey will treat this information as confidential if authorized by the exemption provisions of the Freedom of Information Act. Interested persons should submit their views and comments in writing to: Deputy Division Chief, Onshore Minerals Regulation, Conservation Division, 12201 Sunrise Valley Drive, MS 650, National Center, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Erick V. Kaarlela, Chief, Branch of Economic Evaluation, Onshore Minerals Regulation, Conservation Division, 12201 Sunrise Valley Drive., MS 650, National Center, Reston, Virginia 22092, Tel. 703-860-6822.

Dated: July 31, 1981.

Wright C. Sheldon,

Acting Deputy Division Chief for Onshore Minerals Regulation, Conservation Division.

[FR Doc. 81-23170 Filed 8-7-81; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-No. 127F)]

Chicago and North Western Transportation Co.; Abandonment in Rice County, MN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by Certificate and Decision, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a line of railroad known as the Northfield-Dundas line extending from railroad milepost 58.1 near Northfield to railroad milepost 55.7 near Dundas, a distance of 2.4 miles, in Rice County, MN. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago and North Western Transportation Company. Since no investigations was instituted, the requirements of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary

[FR Doc. 81-23188 Filed 8-7-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 41)]

Lamoille Valley Railroad Co. Exemption for Contract Tariff ICC-LVRC C-0001

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). Its contemporaneously filed contract tariff will become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

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

SUPPLEMENTARY INFORMATION: Lamoille Valley Railroad Company (LVRC) filed a petition on July 24, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contemporaneously filed contract tariff ICC-LVRC-C-0001, now August 24, 1981, so that the effective date would be on one day's notice.

The contract covers the storage of St. Regis Paper Company's (St. Regis) excess printing paper at Morrisville, VT by LVRC. St. Regis operates a major printing paper plant at Bucksport, ME which produces approximately 1,100 tons of finished paper per day. Realizing that the supply of paper would soon exceed the plant's total storage capacity, St. Regis negotiated with LVRC to secure additional storage space. It entered into a rail service contract with LVRC providing for the storage of its excess paper, over a 30 day period, on LVRC's surplus freight cars.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. CF. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe that the circumstances in this instance justify an exemption. A denial of the petition could lead to the closure of the Bucksport plant because the supply of finished paper will soon exceed total storage capacity. Moreover, there is no indication that LVRC's obligation to provide service to other shippers will be impaired by its performance under the contract. The surplus cars LVRC will provide are presently idle and are not committed to other rail service. These cars will be loaded at the Bucksport plant and then moved onto LVRC's track for storage. In these circumstances, authorization of a provisional exemption is warranted, and LVRC's contrast tariff ICC-LVRC-C-0001 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: August 3, 1981.

By the Commission, Division 1, Commissioners Clapp, Trantum, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23183 Filed 8-7-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-3 (Sub-No. 26F)]

Missouri Pacific Railroad Co.; Abandonment in Caddo Parish, La; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Missouri Pacific Railroad Company of a part of the line of railroad known as the Hosston Subdivision extending from railroad milepost 9.4, near Good Roads, LA to milepost 35.1, the end of the line, near Hosston, LA, a distance of 25.7 miles, in Caddo Parish, LA. A certificate of public convenience and necessity permitting abandonment was issued to the Missouri Pacific Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23187 Filed 8-7-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 18]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 1423 (Sub-1) (republication), filed December 6, 1979, published in the FR of April 22, 1980, and republished this issue. Applicant: MELNI BUS SERVICE, INC., 29 River Road, Chatham, NJ 07928. Representative: S. Harrison Kahn, Jr., Suite 733, Investment Building, Washington, D.C. 20005. A decision of the Commission, *Review Board 2*, decided July 21, 1981, and served July—, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over regular routes, as a *common carrier*, by motor vehicle, transporting *passengers and their baggage*, in the same vehicle with passengers, and *express and newspapers*, between Madison, NJ, and New York, NY: from Danforth Road and Park Avenue, Madison, NJ, to Main Street, then over Green Village Road to Shunpike Road, then over Green Village Road to Hickory Place, then over Hickory Place to Southern Boulevard, then over Southern Boulevard to Shunpike Road, then over Shunpike Road to Chatham Township Line at Noe Avenue, then over Noe Avenue to Watchung Avenue, then over Watchung Avenue to Summit Line at Ciba, then over River Road, Summit, NJ, to Kennedy Boulevard, then over Kennedy Boulevard to Canoe Brook Road, then over New Jersey Hwy 24 to Newark International Airport, then over the New Jersey Turnpike, Interstate Hwy 95, to the Lincoln Tunnel, then through the Lincoln Tunnel to the New York Port Authority Terminal at New York, NY, and return over the same route, serving the intermediate points of Green Village, New Vernon, Chatham, Chatham Township, and Summit, NJ; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

MC 150272 (republication), filed March 3, 1980, published in the FR of April 22, 1980, and republished this issue. Applicant: J.J.T. TRUCKING CORP., 77-25 170th Street, Flushing, NY 11366. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. A decision of the Commission, *Review Board 1*, decided May 21, 1981, and served June 11, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *brick, tile, sand, block, concrete products, cement, and roofing aggregate* (except in bulk), between New York, NY, on the one hand, and, on the other, points in Connecticut, New Jersey, and New York; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

MC 153798 (republication), filed January 27, 1981, published in the FR issue of February 18, 1981, and republished this issue. Applicant: AAA SPECIAL DISPATCH, INC., P.O. Box 75124 AMF, Cincinnati, OH 45275. Representative: Stephen D. Strauss, 2813 Carew Tower, Cincinnati, OH 45202. An Decision of the Commission, Review Board 3, decided May 28, 1981, and served June 22, 1981, finds that the present and future public convience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *general commodities* (except classes A and B explosives), between points in Butler, Clermont, Hamilton, Warren and Montgomery Counties, OH, Campbell, Kenton, Boone, Pendleton, Grant, Harrison, and Scott Counties, KY, and Dearborn County, IN, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Idaho, Maine, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Daktoa, Vermont, and Wyoming), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of the republication is to indicate applicant's actual grant of authority.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this **Federal Registger** notice.

Each applicant states that there will be no significnat effect on either the quality of the human environment or energy policy and conservation.

MOTOR CARRIERS OF PASSENGERS

MC 1515 (Deviation No. 760), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed June 4, 1981. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From Manistique, MI over MI Hwy 94 to Shingleton, MI, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Manistique, MI over US Hwy 2 to Rapid River, MI, then over US Hwy 41 to junction MI Hwy 94 (portions of which are also designated MI Hwy 28), then over MI Hwy 94 to Shingleton, MI, and return over the same route.

MC 2890 (Deviation No. 99), AMERICAN BUSLINES, INC., 1501 S. Central Ave., Los Angeles, CA 90021, filed June 22, 1981. Carrier's representative: George Hanthorn, 1500 Jackson St., Rm. 415, Dallas, TX 75201. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Cleveland, OH, over Interstate Hwy 90 to junction Interstate Hwy 80, then over Interstate Hwys 80/90 to junction Interstate Hwy 280, then over Interstate Hwy 280 to Toledo, OH, and retun over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertient service route as follows: From Cleveland, OH, over OH Hwy 254, then over OH Hwy 254 to junction OH Hwy 57, then over OH 57 to Lorain, OH, then over OH Hwy 2 to Toledo, OH, and return over the same route.

MC 57298 (Deviation No. 1), TRAILWAYS TEXAS, INC., 315 Continental Ave., Dallas, TX 75207, filed June 1, 1981. Applicant's representative: George W. Hanthorn, 1500 Jackson St., Rm. 415, Dallas, TX 75201. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers, and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction US Hwy 281 and Interstate Hwy 37 (north of Three

Rivers, TX) over Interstate Hwy 37 to San Antonio, TX, and return over the same route for operating convenience only, with the right of access wherever there is an interchange at a junction with applicant's presently certificated routes. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction US Hwy 281 and Interstate Hwy 37 (north of Three Rivers, TX) over US Hwy 281 to San Antonio, TX and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

South Carolina Docket No. 81-221-T, filed June 25, 1981. Applicant: CHARLESTON CARTAGE CO., INC., d.b.a. AIR FREIGHT DELIVERY, P.O. Box 558, West Columbia, SC 29171. Representative: William L. Ogletree, III, President, Charleston Cartage Co., Inc., d.b.a. Air Freight Delivery, P.O. Box 558, West Columbia, SC 29171. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Commodities in general (usual exceptions): Between points and places in South Carolina, except Abbeville, Anderson, Chester, Cherokee, Greenville, Lancaster, Laurens, Oconee, Pickens, Spartanburg, Union, and York Counties. Restricted: So as not to permit the transportation of coin, currency, platinum, jewelry, or precious stones, in armored vehicles under the protection of armed guards. Restricted: So that tractor trailer trucks cannot be used under this authority. Restricted: So that no pick up or delivery service will be performed for retail stores, department stores, specialty shops, or warehouses and branches of such stores. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to South Carolina Public Service Commission, P.O. Drawer 11649, Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23189 Filed 8-7-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 137]

Motor Carriers; Permanent Authority decisions; Restriction Removals, Decision-Notice

Decided: August 5, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 8457 (Sub-13)X, filed July 21, 1981. Applicant: MILWAUKIE TRANSFER & FUEL CO., P.O. Box 522, Clackamas, OR 97015. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 5, 8, 10F and 11F certificates to (1) broaden the commodity descriptions from (a) general commodities (with usual exceptions and those injurious or contaminating to other lading) to "general commodities, except classes A and B explosives", in the lead, (b) laminated wood products (except plywood sheets), and timbers, trusses, and beams, fabricated or unfabricated and hardware used in the installation of, and moving in connection with such commodities to "lumber and wood products and metal products", in Sub-No. 2, (c) precast concrete products to "clay, concrete, glass or stone products", in Sub-No. 5, (d) prestressed concrete and concrete products to "clay, concrete, glass or stone products", in Sub-No. 8, (e) iron and steel articles" to "metal products", in Sub-No. 10F, and (f) heating, ventilating and air conditioning equipment to "metal products and machinery", in Sub-No. 11F; (2) replace facilities or city-wide authority with county-wide authority: (a) Milwaukie, OR and points within three miles thereof, with Clackamas and Multnomah Counties, OR, in the lead, (b) plantsite at or near Clackamas, OR, with Clackamas County, OR, in Sub-Nos. 2 and 5, and (c) Portland, OR, with Multnomah, Washington, Clackamas and Columbia Counties, OR and Clark County, WA; and (3) authorize radial authority to replace existing one-way authority.

MC 8771 (Sub-80)X, filed July 28, 1981. Applicant: S M TRANSPORT INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., Robert B. Walker, 915-Pennsylvania Bldg., 425-13th St. N.W., Washington, D.C. 20004. Applicant seeks to remove restrictions in part of its Sub-No. 76X certificate to broaden the commodity description from electrical antipollution systems and mechanical antipollution systems to "metal products and machinery."

MC 61440 (Sub-215)X, filed July 24, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, Esq., P.O. Box 12750, Oklahoma City, OK 73157. Applicant seeks to remove restrictions in its lead and Sub-Nos. 36, 37, 42, 43, 44, 46, 47, 48, 52, 53, 54, 56, 57, 58, 59, 60, 63, 65, 66, 67, 70, 74, 76, 79, 84, 86, 87, 88, 89, 92, 93, 94, 96, 97, 99, 100, 102, 103, 105, 108, 110, 111, 116, 118, 119, 120, 122, 123, 125, 126, 128, 129, 131, 132, 134, 135, 136, 137, 138, 140, 142, 143, 144, 145, 147, 148, 149, 151, 153, 154, 155, 157, 159, 161, 162F, 163F, 164, 165F, 166F, 167F, 168F, 170F, 172F, 178F, 179F, 180F, 181F, 182F, 183F, 185F, 187F, 190, 191F,

192F, 193F, 194F, 196F, 198F, 199F, and 203F certificates to (1) remove all exceptions to its general commodities authority, except classes A and B explosives wherever they appear in each certificate; (2) allow service at all intermediate points on its regular-route authorities; (3) authorize round-trip authority where only one-way exists; (4) delete exceptions to "in tank vehicles", "commodities in bulk" and size or weight; (5) change specified facilities at Columbiana, AL to Shelby County, AL in Sub-No. 194F; (6) eliminate facilities limitation in Sub-No. 199F; and (7) remove miscellaneous restrictions such as "restricted to delivery only"; "pickup only"; "restricted to pick up of specified commodities destined to specific points"; "for use as a connecting route only"; "for purposes of joinder only"; "restricted against rendition of service between specified points"; "originating at and destined to" specified points; "restricted to traffic moving from, to, or through specified points"; "serving a specified point for the purpose of interlining"; "tacking, interchanging and interling" restrictions; and "restricted against service between specified off-route points".

MC 86247 (Sub-32)X, filed July 23, 1981. Applicant: I. C. L. INTERNATIONAL CARRIERS LTD., 1333 College Avenue, Windsor, Ontario, Canada. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its Sub-Nos. 26F, 27, 28F and 29F certificates to (1) broaden the commodity description from dry commodities in bulk to "commodities in bulk" and from scrap metal to "metal products", in Sub-No. 26F; from lime and limestone products to "clay, concrete, glass or stone products", in Sub-No. 27; from silica sand, magnesite and refractory sand to "ores and minerals", in Sub-No 28F and from steel bars and billets to "metal articles" and from used refractory brick to "clay, concrete, glass and stone products", in Sub-No. 29F, (2) remove the "in-bulk" and "in dump vehicles" restrictions, in Sub-Nos. 27, 28F and 29F, (3) expand named ports of entry in MI to all ports of entry in MI, in all subs, (4) remove restrictions to foreign commerce only, in Sub-Nos. 27, 28F and 29F, (5) replace one-way authority with radial authority, in Sub-No. 27 and (6) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: Eaton County, MI (for Charlotte, MI), in Sub-No. 27; LaSalle County, IL (for Ottawa, IL), in Sub-No. 28F, and Cook County, IL (for Chicago, IL) and Lake County, IN (for Gary, IN), in Sub-No. 29F.

MC 95876 (Sub-404)X, filed July 17, 1981. Applicant: ANDERSON TRUCKING SERVICE, 203 Cooper Ave. N., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 370F certificate to (1) remove the "in bulk" restriction, (2) repalce one-way authority with radial authority and (3) broaden the territorial description by substituting county-wide authority for city-wide authority and facilities as follows: Racine, Marathon and Kenosha Counties, WI (for facilities at or near Racine and Wausau, WI); Virgo County, IN (for facilities at or near Terre Haute, IN); Des Moines and Scott Counties, IA and Rock Island and Henderson Counties, IL (for facilities at or near Burlington and Bettendorf, IA) and Sedgwick County (for facilities at or near Wichita, KS).

MC 110166 (Sub-30)X, filed July 23, 1981. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., P.O. Box 100943; Nashville, TN 37210. Representative: Albert L. Johnson (same address as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 10, 17, 22, 27F and 28X certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; and (2) authorize service at all intermediate points on its described regular routes between points in GA, IL, IN, KS, KY, NC, SC, and TN, in all certificates.

MC 111856 (Sub-17)X, filed July 21, 1981. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Road, Prichard, AL 36610. Representative: John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Applicant seeks to remove restrictions in its Sub-Nos. 6, 9F, 11F, 12F, 14F, and 15F certificates to (A) broaden the commodity descriptions to (1) "general commodities, except classes A and B explosives", from general commodities, with usual exceptions, in Sub-Nos. 11F and 12F, (2) "chemicals and related products", from agricultural chemicals, in bulk, in containers, in Sub-No. 6, (3) "pulp, paper and related products", from paper and paper products, in Sub-No. 9F, (4) "wood pulp and such commodities as are produced or dealt in by manufacturers of paper, paper products and plastic articles, plastic lined metal containers, metal containers and metal container ends, in Sub-No. 14F, and (5) "chemicals and related products, textile mill products, lumber and wood products, and pulp, paper and related products", from such commodities as are dealt in or used by manufacturers of chemicals, textiles, wood products, and paper and paper products, in Sub-No. 15F; (B) broaden the territorial description to authorize service at all intermediate points on its described regular route between Mobile and Chatam, AL, in Sub-No. 12F; (C) broaden the off-route point authority to county-wide authority: (1) Century and Cantonment, FL, to Escambia County, FL, in Sub-No. 11F, and (2) Bladon Springs, Frankville, Kenton and St. Stephens, AL, to Choctaw and Washington Counties, AL, in Sub-No. 12F, (part 1); and Lisman and Riderwood, AL, to Choctaw County AL, in Sub-No. 12F, (part 3); (D) eliminate the facilities restriction, in Sub-No. 6; (E) eliminate the restriction limiting service to the transportation of traffic having an immediately subsequent movement by water, in Sub-No. 6; (F) eliminate the "commodities in bulk" restriction, in Sub-No. 14F; and (G) authorize radial authority to replace existing one-way service between Le Moyne, AL and Mobile, AL, in Sub-No. 6.

MC 124170 (Sub-178), filed July 20, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 128F and 135F certificates to (1) broaden the commodity description from meats, meat products and meat byproducts, and articles distributed by meat-packing houses, in Sub-No. 128F and from foodstuffs, in Sub-No. 135F to "food and related products", (2) remove the "except hides and commodities in bulk" restriction in Sub-No. 128F, (3) remove the "in vehicles equipped with mechanical refrigeration" restriction, in Sub-No. 135F, (4) remove the originating at and/or destined to restrictions in Sub-Nos. 128F and 135F, (5) replace one-way authority with radial authority and (6) broaden the territorial description by substituting county-wide authority for city-wide authority and facilities as follows: Defiance, Miami and Fulton Counties, OH (for Defiance, Troy and Archbold, OH), Franklin County, OH (for facilities at or near Columbus, OH).

MC 125996 (Sub-101)X, filed July 16, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. Applicant seeks to remove restrictions from its Sub-Nos. 50F, 56F

and 72F certificates to (1) broaden commodity descriptions to "food and related products" from (a) meat, meat products, meat by-products, and articles distributed by meat packinghouses in Sub-No. 50F; (b) foodstuffs and pet foods in Sub-No. 56F; and (c) frozen potato products in Sub-No. 72F; and to "general commodities (except classes A and B explosives)" from general commodities with the usual exceptions in Sub-No. 56; (2) remove facilities limitation in Sub-No. 50F and replace Crete, NE; with Saline County, NE; (3) change city to county-wide authority (a) in Sub-No. 56 from Des Moines, IA to Polk County, IA and (b) from Nampa, ID, Hermiston, OR and Connell and Moses Lake, WA to Canyon County, ID, Umatilla County, OR and Franklin and Grant Counties, WA in Sub-No. 72, (4) remove the mixed loads restriction in Sub-No. 56, (5) remove the restriction limiting transportation to traffic moving from and to named facilities at named points and the restriction to shipments moving on freight forwarders' bills of lading in Sub-No. 56; (6) remove the "originating at and destined to" named points restriction in Sub-No. 50, (7) remove the except hides and commodities in bulk restriction in Sub-No. 50, and (8) change one-way to radial authority.

MC 128400 (Sub-3)X, filed July 23, 1981. Applicant: ZINKE DRAY LINE, INC., 109 East Albert Street, Portage, WI 53901. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (2) broaden the territorial description by substituting county-wide authority for city-wide authority Columbia County, WI (for Portage, WI) and (3) eliminate the restriction limiting service to the transportation of traffic having a prior or subsequent movement by rail.

MC 142464 (Sub-8)X, filed July 28, 1981. Applicant: JOHN M. CHRISTOPHER, 3444 McCarty Lane, Lafayette, IN 47905. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description from iron and steel articles (except in dump trucks) to "metal products" and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 142879 (Sub-1)X, filed July 20, 1981. Applicant: C & C CONTRACT CARRIERS, INC., 1345 Mayson Turner Rd. NW., Atlanta, GA 30314. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. Applicant seeks to remove restrictions in its lead permit, authorizing the transportation of (a) such merchandise as is sold, used or dealt in by building supply houses (except commodities in bulk), and (b) pallets, by broadening the territorial scope to between points in the U.S., under continuing contract(s) with named shippers.

MC 145950 (Sub-93)X, filed April 23, 1981, previously noticed in the **Federal Register** of May 6, 1981, republished as corrected this issue. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions from its Sub-Nos. 11F, 14F, 15F, 22F, 27F, 37F, 40F, 50F, 52F, 53F, 54F, 55F, 56F, 64F and 84F certificates to (1) broaden the commodity description from specified foodstuffs and foodstuffs to "food and related products" in Sub-Nos. 11F, 14F, 15F, 27F, 37F, 50F, 52F, 53F, 54F, 56F, 64F, and 84F; from soy products, paste and flour products and dairy based products to "food and related products" in part (1) (b) of Sub-No. 22F; from glass containers and fiberboard materials to "clay, concrete, glass or stone products and pulp, paper and related products" in Sub-No. 40F; from foodstuffs and paper and paper products to "food and related products and pulp, paper and related products" in Sub-No. 55F; (2) remove the facilities limitations in Sub-Nos. 11F, 14F, 15F, 22F, 27F, 40F, 50F, 52F, 53F, 54F, 55F, 56F, and 64F; (3) replace specific point authority with countywide authority as follows: Elizabeth, NJ with Essex, Hudson, Union, and Middlesex Counties, NJ and Richmond County, NY, Denver, CO with Denver, Adams, Arapahoe, Douglas, Jefferson, and Boulder Counties, CO, Arlington, TX with Dallas and Tarrant Counties, TX, Waco, TX with McLennan County, TX, Salt Lake City, UT with Salt Lake, Davis, and Morgan Counties, UT, Vernon, CA with Los Angeles County, CA, Milpitas, CA with Santa Clara County, CA, Detroit, MI with Macomb, Oakland, Wayne and Monroe Counties, MI, Foxboro, MA with Norfolk County, MA, Morrow, GA, with Clayton County, GA, and Albany, GA, with Dougherty and Lee Counties, GA in Sub-Nos. 14 and 15; San Diego, CA with San Diego County, CA, Sparks, NV with Washoe County, NV, Denver, CO, with Denver, Adams, Arapahoe, Douglas, Jefferson and Boulder Counties, CO, Flagstaff, AZ with Coconino County, AZ, Oklahoma City, OK with Oklahoma and Cleveland Counties, OK, in Sub-No. 22; Ontario, CA with San Bernardino and Los Angeles Counties, CA, in Sub-No. 27; Tampa, FL with Hillsborough, Pinellas and Pasco Counties, FL in Sub-No. 37; Waco, TX with McLennan County, TX in Sub-No. 40; Sherman, TX with Grayson County, TX in Sub-No. 50F; Fresno, CA with Fresno County, CA in Sub-No. 52F; Humboldt, TN with Gibson County, TN in Sub-No. 53F; Ft. Worth, TX with Tarrant County, TX in Sub-No. 54F; Dallas, TX with Dallas, Tarrant, Denton, Collin, Rockwall and Kaufman Counties, TX, Lithonia with De Kalb County, GA in Sub-No. 55F; Mayville with Dodge County, WI in Sub-No. 57F; Oak Creek with Milwaukee and Racine Counties, WI in Sub-No. 64F; Mobile with Mobile and Baldwin Counties, AL, Gulfport with Harrison County, MS, Charleston with Charleston, Berkeley and Dorchester Counties, SC, and Galveston with Galveston County, TX in Sub-No. 84F; (4) remove all restrictions on the commodity descriptions such as "except commodities in bulk, and in vehicles equipped with mechanical refrigeration" wherever they appear in each of the above numbered certificates; (5) eliminate the restrictions against service to "AK and HI" wherever they appear in each of the above numbered certificates; (6) remove the "originating at and/or destined to" restrictions wherever they appear in each of the above numbered certificates; (7) remove the restriction limiting service to the transportation of traffic having a prior movement by water in Sub-No. 37F and 84F; and (8) expand its one-way authority to radial authority between combinations of points throughout the U.S. The purpose of this republication is to correct the broadening of specific point authority to county-wide authority in part (3) above.

MC 146290 (Sub-12)X, filed July 17, 1981. Applicant: DON THREDE TRUCKING COMPANY, 1777 Arnold Industrial Highway, Concord, CA 94520. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Applicant seeks to remove restrictions from its Sub-Nos. 1F, 3F, 5F and 6F permits to broaden the territorial description to between points in the U.S., under continuing contracts with named shippers in all Subs.

MC 147142 (Sub-1)X, filed July 21, 1981. Applicant: MERIC TRUCKING & LEASING CORP., 300 Winston Drive,

Cliffside Park, NJ 07010. Representative: Kenneth M. Piken, Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from expanded foam, plastic articles and materials used in the manufacture and distribution of expanded foam (except commodities in bulk) to "commodities as are delt in or used by manufacturers of plastic and plastic articles and chemicals", and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 148705 (Sub-6)X, filed July 22, 1981. Applicant: TWIN CONTINENTAL TRANSPORT CORPORATION, 5738 Olson Highway, Minneapolis, MN 55422. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from meats, meat products, meat byproducts, and articles distributed by meat-packing houses to "food and related products" and (2) authorize county-wide authority to replace existing city-wide authority: Washington, Douglas, and Sarpy Counties, NE and Pottawattamie and Mills Counties, IA (for Omaha, NE); Dodge County, NE (for Fremont, NE); Minnehaha, Turner and Lincoln Counties, SD and Lyone County, IA (for Sioux Falls, SD); Cook, Will, DuPage and Lake Counties, IL and Lake and Porter Counties, IN (for Chicago, IL); Woodbury and Plymouth Counties, IA, Union County, SD and Dakota County, NE (for Sioux City, IA).

MC 150578 (Sub-23)X, filed July 24, 1981. Applicant: STEVENS TRANSPORT, a division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 6F, 9F and 10F certificates to broaden the commodity description from meats, meat products, meat byporducts, and articles distributed by meat-packing houses in Sub-Nos. 6F and 9F, and from alcoholic beverages and wine in Sub-No. 10F, to "food and related products".

[FR Doc. 81-23184 Filed 8-7-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the applications is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and-type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-143

The following applications were filed in region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 75543 (Sub-1-2TA), filed July 28, 1981. Applicant: VALLERIE'S TRANSPORTATION SERVICE, INC., 465 Connecticut Avenue, Norwalk, CT 06852. Representative: Raymond R. Vallerie, c/o Vallerie's Transportation, P.O. Box 880, Norwalk, CT 06852. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between (1) Norwalk, CT and Wayne, Lackawanna, Pike, Luzerne, Monroe, Carbon, Northampton, Schuylkill, Lehigh, Lebanon, Berks, Bucks, Montgomery, Philiadelphia, Lancaster, Chester, and Delaware Counties, PA (2) between Norwalk, CT and New Castle and Kent Counties DE (3) between Norwalk, CT and Bennington and Windham Counties, VT (4) between Norwalk, CT and Cheshire, Merrimack, Hillsborough, Strafford, and Rockingham Counties, NH. Supporting shipper(s): Warner-Lambert Co., 201 Tabor Rd., Morris Plains, NJ 07950; Jenkins Bros., 1 Frank St., Fairfield, CT 06430; MK Laboratories, Inc., 424 Grasmere Ave., Fairfield, CT 06430; Federal Business Products, Inc., Pinewood Industrial Park, P.O. Box 689, Torrington, CT 06790; UARCO, Inc., 5 Bridge St., Deep River, CT 06417.

MC 152663 (Sub-1-1TA), filed July 27, 1981. Applicant: ISC TRANSYSTEMS, INC., 100 Jericho Quadrangel, Jericho, NY 11753. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney, 555 Madison Avenue, New York, NY 10022. *Contract carrier:* irregular routes: *Metal Products as defined in STCC Code Nos. 33 and 34* between all points in the U.S. (except AK and HI), under continuing contract(s) with Laribee Wire, Inc., Farmingdale, NY. Supporting shipper(s): Laribee Wire, Inc., 101 Central Ave., Farmingdale, NY 11735.

MC 148893 (Sub-1-11TA), filed July 27, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Machinery, machine parts and machine tools* between all points in the U.S. (except AK and HI). Supporting shipper: Roberts Machinery Corporation, 5361 East River Road, Grand Island, NY 14072.

MC 148893 (Sub-1-10TA), filed July 27, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Industrial machinery and equipment* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities and/or customers of Syracuse Supply of Syracuse, NY. Supporting shipper: Syracuse Supply Company, P.O. Box 4814, Syracuse, NY 13221.

MC 14972 (Sub-1-2TA), filed July 27, 1981. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110 *Contract carrier:* irregular routes: *Food and related products and personal care products* between points in the U.S. under continuing contract(s) with Lever Brothers Company of New York, NY. Supporting shipper: Lever Brothers

Company, 390 Park Avenue, New York, NY 10022.

MC 134806 (Sub-1-14TA), filed July 27, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Wood-burning stoves made of iron, and/or steel, and/or soapstone, and accessories,* from Morrisville, VT to points in AZ, CA, CO, ID, MT, NV, MN, OR, UT, WA, and WY, under continuing contract(s) with Hearthstone Corp., Morrisville, VT. Supporting shipper: Hearthstone Corp., RFD #1, Morrisville, VT 05661.

MC 134806 (Sub-1-15TA), filed July 28, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Footwear,* from Newmarket, NH, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, under continuing contract(s) with The Timberland Company of Newmarket, NH. Supporting shipper: The Timberland Company, P.O. Box 370, Main Street, Newmarket, NH 03857.

MC 128866 (Sub-1-2TA), filed July 28, 1981. Applicant: B & B TRUCKING, INC., P.O. Box 128, 9 Brade Lane, Cherry Hill, NJ 08034. Representative: James A. Caulfield, 4801 Massachusetts Avenue, N.W., Washington, DC 20016. *Contract carrier:* irregular routes: *Frozen foods, pre-packaged ready-to-eat frozen foods* between points in the U.S. under continuing contract with Banquet Foods Corporation of St. Louis, MO. Supporting shipper: Banquet Foods Corporation, 100 North Broadway, St. Louis, MO 63102.

MC 138861 (Sub-1-25TA), filed July 28, 1981. Applicant: C-LINE INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, DC 20036. *Contract carrier:* Irregular routes: *Chemicals* from Quality, GA, Watkins Glen, NY, Memphis and Nashville, TN and Portsmouth, VA, to Warwick, RI, under continuing contract(s) with T. H. Baylis Company, Inc., Warwick, RI. Supporting shipper: T. H. Baylis Company, Inc., 61 Glenham Avenue, Warwick RI 02886.

MC 151337 (Sub-1-1TA), filed July 24, 1981. Applicant: PROFIT BY AIR, INC., P.O. Box 388, Valley Stream, NY 11528. Representative: Edward D. Greenberg, Galland, Kharasch, Calkins & Short, P.C., 1054 Thirty-first Street, N.W., Washington, DC 20007. *General commodities (except Class A and B explosives and hazardous wastes)* between points in the US. Supporting shipper(s): There are 15 statements in support of this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 98832 (Sub-1-1TA), filed July 23, 1981. Applicant: THE HARBOR TRANSPORTATION CO., INC., 30 Waterfront Street, New Haven, CT 06511. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06510. *General commodities, (except Class A and B explosives and hazardous waste)* between points in New London County, CT, on the one hand, and, on the other hand, points in CT, MA, RI, and Duchess, Putnam, Westchester and Albany Counties, NY. Supporting shipper: New Haven Terminal, Inc., 30 Waterfront St., New Haven, CT 06511.

MC 151193 (Sub-1-21TA), filed July 23, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same as applicant). *Contract carrier:* irregular routes: *General commodities (except commodities in bulk, household goods as defined by the Commission, hazardous waste, explosives, articles of unusual value and articles, because of size or weight, require special equipment)* from NY, to CA, FL, IL, LA, MO, MN, NV, OR, TX, UT and WA, under continuing contract(s) with Interstate Express Inc., Brooklyn, NY. Supporting shipper: Interstate Express Inc., 120 Apollo Street, Brooklyn, NY 11222.

MC 143575 (Sub-1-2TA), filed July 24, 1981. Applicant: CENTRAL TRANSIT LINES, INC., 115 Passaic Street, Rochelle Park, NJ 07662. Representative: Chandler L. van Orman, Wheeler & Wheeler, 1729 H Street, NW., Washington, DC 20006. *Passengers and their baggage in special and charter operations* between Philadelphia, PA and points in its commercial zoze, on the one hand, and, on the other, points in Atlantic and Cape May Counties, NJ. Supporting shipper(s): There are 7 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 157290 (Sub-1-1TA), filed July 24, 1981. Applicant: LYON INDUSTRIES, INC. 21 Orchard Place, East Hanover, NJ 07936. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Metal and metal products,* from Sparrow Point, MD; Lackawanna, NY; Martins Ferry, Mingo Junction, and Steubenville, OH; Aliquippa, Allenport, and Sharon, PA; and Follensbee and Weirton, WV, to points in Bergen County, NJ under continuing contract(s) with Shaffer Steel Corp., Parsippany, NJ. Supporting shipper: Shaffer Steel Corp., 1300 Route 46, Parsippany, NJ 07054.

MC 142603 (Sub-1-23TA), filed July 21, 1981. Applicant: CONTRACT CARRIRES OF AMERICA, INC, P.O. Box 179, 1071 Dwight St., Springfield, MA 01101. Representative: Susan E. Mitchell (same as applicant). *Contract carrier:* irregular routes: *Metal products and waste or scrap materials not identified by industry producing* between all points in MI, PA, MO, IL, OH, TX and IN, under continuing contract(s) with Resources Alloys & Metals, Detroit, MI. Supporting shipper: Resources Alloys & Metals, 1891 Trombly Street, Detroit, MI 48211.

MC 133660 (Sub-1-3TA), filed July 24, 1981. Applicant: PAUL JONES, INC., 847 Flora Street, Elizabeth, NJ 07201. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Chemicals, chemical compounds, equipment, materials and supplies used in the manufacture and sale thereof, except in bulk* between points in IL, NJ and TX on the one hand, and, on the other, points in the U.S. except AK and HI. Supporting shipper: Drew Chemical Corporation, One Drew Chemical Plaza, Boonton, NJ 07005.

MC 144710 (Sub-1-2TA), filed July 23, 1981. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Road, Rochester, NY 14625. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Heavy merchandise, which because of their size or weight require the use of special handling or equipment,* between points in New York on and west of Interstate Hwy. 81 on the one hand, and, on the other, all points in the U.S. Supporting shippers: Pfaudler Co. Div. of Sybron Corp., 1000 West Avenue, Rochester, NY 14611; Indian Creek Products, Ltd., 2112 Empire Blvd, PO Box 225, Webster, NY 14580.

The following applications were filed in region 2: Send protests to: ICC, Federal Reserve Bank Building; 101 N. 7th St., Rm. 620, Philadelphia, Pa 19106.

MC 146820 (Sub-II-11TA), filed July 29, 1981. Applicant: B & G TRUCKING, INC., P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular, plastic and plastic articles,* between Franklin, IN; Dundee, MI; Columbus, OH and Georgetown, KY, on the one hand, and, on the other, points in MI, PA, OH, KY, WV, IL, IN, MN, MI, WI, MS, MO, AR, LA and MD, for 270 days. Supporting shipper: Hoover

Universal, Route 2, Tri Port Rd., Georgetown, KY 40324.

MC 150511 (Sub-II-9-TA), filed July 29, 1981. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Contract carrier, irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, restricted to residential deliveries*, between Bridgeport, NJ, on the one hand and, on the other, points in DE and MD, and points in PA on and east of U.S. Hwy. 15, under continuing contract(s) with Abraham & Straus, Div. of Federated Stores for 270 days. Supporting shipper: Abraham & Straus, 420 Fulton St., Brooklyn, NY 11201.

MC 113106 (Sub-II-10-TA), filed July 30, 1981. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Ave., Baltimore, MD 21224.Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. *Carbonated beverages*, from Silver Spring and Capitol Heights, MD, Richmond, Norfolk and Alexandria, VA, to Suffolk, Norfolk, Richmond, Fredericksburg and Alexandria, VA, Elizabeth City, NC, and Sunbury, Lancaster, Harrisburg and Cleona, PA, and points in their respective commerical zones, for 270 days, an underlying ETA seeks 120 days authority. Supporting shipper: Middle Atlantic Coca Cola, Inc., Capitol Heights, MD 20027.

MC 86690 (Sub-II-3-TA) filed July 29, 1981. Applicant: BOND TRANSFER COMPANY, INC., 1301 Towson St., Baltimore, MD 21230. Representative: Leonard W. Smith, III (same as applicant). Contract, irregular: *Such commodities as are dealt in by wholesale, retail, and chain grocery and food houses, and materials, supplies and equipment used in the conduct of such business*, between pts. in the U.S., under continuing contract with Safeway Stores, Inc., Landover, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Safeway Stores, Inc., 1501 Cabin Branch Rd., Landover, MD 20785.

MC 152509 (Sub-II-15-TA), filed July 29, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). Contract Irregular: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities of unusual value, commodities in bulk and those requiring the use of special equipment). Between, Cleveland, Oh., Somerset, Pa., Glendale, Az., Dallas, Tx., Oklahoma City, Ok., Henderson, NC., North Augusta, S.C., and Knoxville Tn., on the one hand, and on the other, points in the U.S., under continuing contracts with Revco D.S., Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Revco D.S., Inc., 1925 Enterprise Parkway, Twinsburg, OH 44087

MC 152509 (Sub-II-16-TA), filed July 29, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEM CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). Contract Irregular: *Machinery, chemicals, clay and containers*, between points in Ga., Il., Pa., N.J., N.Y., S.C., Tn., Wy., Oh., and Wi., on the one hand and points in the U.S. on the other, under continuing contracts with the Cary Company for 270 days. Supporting shipper: The Cary Company, 1555 Wrightwood Court, Addison, IL 60101.

MC 152509 (Sub-II-17-TA), filed July 30, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEM CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). Contract Irregular: *General commodities* (except A and B explosives and household goods), between all points in the U.S. (except AK and HI) under continuing contracts with National Transportation Consultants, Inc. for 270 days. Supporting shipper: National Transportation Consultants, 7650 Chippeqa Rd., Brecksville, OH 44141.

MC 145235 (Sub-II-4TA), filed July 29, 1981. Applicant: DUTCH MAID PRODUCE, INC., Route 2, Willard, Oh 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *(1) Wooden and plastic containers and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk)* between the facilities of General Box Company at pts in the U.S., on the one hand, and, on the other, pts in the U.S. (except AK and HI) for 270 days. Supporting shipper: General Box Company, 5451 Enterprise Blvd., Toledo, OH 43612.

MC 107012 (Sub-II-179 TA), filed July 30, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Paper products* from Flagstaff, AZ; LaPalma, CA; Pryor, OK; and St. Helens, OR, to points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Orchids Paper Company, 5911 Fresca Drive, LaPalma, CA 90623.

Note:—Common control may be involved.

MC 157396 (Sub-II-1 TA), filed July 29, 1981. Applicant: H. MELVIN WILLIAMSON, Rt. 1, Box 128, Hurlock, MD 21643. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. *Lumber or wood products (except furniture)*, between Somerset, Carolina, Wicomico, and Anne Arundel Counties, MD, and Baltimore, MD, and points in its commercial zone, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Long Life Treated Wood, Inc., Baltimore, MD 21227. Great Northern Fence Co., Inc., Central Islip, NY 11780. Reliance Wood Preserving Co., Federalsburg, MD 21632. Chesapeake Plywood Co., Pocomoke City, MD 21851.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 35807 (Sub-3-4TA), filed July 24, 1981. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy (same address as applicant). *Contract:* irregular; *coin, currency, securities and other valuables* between Springfield, MO and Little Rock, AR. Supporting shipper: Boatmen's Union National Bank, 117 Park Central Square, Springfield, MO 65805.

MC 121677 (Sub-3-1TA), filed July 24, 1981. Applicant: WARREN COUNTY FREIGHT LINES, INC., 601 Red Rd., McMinnville, TN 37110. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Contract Carrier:* Irregular Routes: *(1) Electric motors, parts, and equipment and (2) materials, supplies and equipment used in the manufacture, sale and distribution of same*, between points in the U.S. under continuing contract(s) with Gould, Inc., Electric Motors Division. Supporting Shipper(s): Gould, Inc., Electric Motors Division, 1831 Chestnut St., St. Louis, MO 63116.

MC 151916 (Sub-3-3TA), filed July 24, 1981. Applicant: BARON TRANSPORT, INC., One Perimeter Way, Suite 455, Atlanta, GA 30339. Representative: Eugene D. Anderson, 910 17th Street, N.W., Suite 428, Washington, DC 20006. *Wine and Wine Concentrate* from Atlanta and Marshallville, GA to points in and East of IL, MO, OK, and TX. Supporting Shipper: Monarch Wine

Company, 41 Sawtell Avenue, Atlanta, GA 30315.

MC 155816 (Sub-3-1TA), filed July 27, 1981. Applicant: D & W TRUCKING SERVICE, Route One Box 96B, Abbeville, AL 36310. Representative: Wayne Money (same as applicant). *Lumber-Plywood and Wood Products* between AL, GA, FL, MS, and TN. Supporting Shipper: St. Regis Paper Company, Allied Operations, P.O. Box 249 Abbeville, AL 36310, C & B Plywood P.O. Box 546, Abbeville, AL 36310, Great Southern Wood Preserving, Inc., P.O. Box 458, Abbeville, AL 36310.

Note.—Applicant intends to tack with existing authority MC-155816.

MC 107934 (Sub-3-12TA), filed July 28, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Petroleum and petroleum products*, between SC, GA and NC. Supporting shipper(s): Hill Oil Co., Inc., P.O. Box 367, Lexington, DC 27292.

MC 17000 (Sub-3-4TA), filed July 28, 1981. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, TN 38462. Representative: Robert L. Baker, 619 United American Bank Building, Nashville, TN 37219. *General Commodities (except classes A and B explosives)*, between Decaturville and Scotts Hill, TN and their commercial zone on the one hand, and, on the other, points in the U.S. in and east of TX, OK, KS, MO, IL and WI. Applicant proposes to tack this authority with its Sub-26X Certificate and interline at all service points. Supporting shipper: Kolpak Industries, Inc., P.O. Box 217, Parsons, TN, 37647. A list of applicant's proposed interline points may be examined at the Atlanta Regional Authority Center.

MC 17000 (Sub-3-5TA), filed July 28, 1981. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, TN 38462. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. *General Commodities (except classes A and B explosives)*, between Hohenwald, Tenn., and its commercial zone, on the one hand, and on the other, points in the U.S. in and east of TX, OK, KS, MO, IL, and WI. Applicant proposes to tack this authority with its Sub 26X certificate and interline at all service points. There are six supporting shipper statements attached to this application. The supporting shipper statements and list of applicant's proposed interline points may be examined at the Atlanta Regional Authority Center.

MC 154105 (Sub-3-6TA), filed July 28, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., P.O. Box 1728, Concord, NC 28025. Representative: Frank E. Lord, Jr., P.O. Box 1728, Concord, NC 28025. *Contract:* Irregular: *Cotton yarn, on beams* from Thomaston, GA to Monroe, NC under continuing contract(s) with Thomaston Mills, Inc. of Thomaston, GA. Supporting shipper: Thomaston Mills, Inc., P.O. Box 311, Thomaston, GA 30286.

MC 140902 (Sub-3-6TA), filed July 28, 1981. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract:* irregular; *electronic equipment* between Portland, OR (and its commercial zone) on the one hand, and, on the other, Chicago, IL and New York, NY (and their commercial zones). Supporting shipper: Tektronix, Inc., Post Office Box 1600, Beaverton, OR 97077.

MC 85819 (Sub-3-1TA), filed July 28, 1981. Applicant: GULF COAST MOTOR LINE, INC., P.O. Box 145, St. Petersburg, FL 33731. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601. *Common carrier*, regular routes: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers*, (1) between Weeki Wachee, FL, and Tallahassee, FL: from Weeki Wachee over U.S. Hwy 19 to Capps, FL, then over U.S. Hwy 27 to Tallahassee, and return over the same route, serving all intermediate points, (2) between Chiefland, FL, and Gainesville, FL: from Chiefland over U.S. Hwy Alt. 27 to Bronson, FL, then over FL Hwy 24 to Gainesville, and return over the same route, serving all intermediate points. Applicant intends to tack this authority with authority it presently holds in MC 85819 and to interline with other carriers at Tallahassee, Gainesville and St. Petersburg, FL. There are 38 supporting statements attached to the application, which may be examined at the ICC Regional Office in Atlantic, GA.

MC 156615 (Sub-3-1TA), filed July 8, 1981. Republication—originally published in **Federal Register** of July 20, 1981, page 37361, volume 46, No. 138. Applicant: LAWSON LINES, INC., 170 Hillsdale Drive, Fayetteville, GA 30214. Representative: John E. Lee (same as above). *Contract:* Irregular: *Materials, plastic film and sheeting material, equipment and supplies related thereto and items used in the sale, manufacture and distribution thereof* between the facilities of Borden Chemical Company, Division of Borden, Inc., and all points in the continental U.S. Supporting shipper: Borden Chemical Company, Division of Borden, Inc., 1 Clark Street, North Andover, MA 01845.

MC 157305 (Sub-3-1TA), filed July 23, 1981. Applicant: FREEDOM EXPRESS, INC., Battleship Parkway, P.O. Box 851, Spanish Fort, AL 36527. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract*, irregular: *Meat, food products, restaurant supplies, in mechanically refrigerated vehicles*, from Chicago, IL to points in AL, CT, FL, GA, IN, IA, KS, KY, LA, MI, MN, MS, MO, NJ, OH, TN, TX and WI. Restricted to traffic moving under continuing contract with Rymer/Munic Packing Co., Inc. Supporting shipper: Rymer/Munic Packing Co., Inc., 4600 So. Packers Ave., Chicago, IL 60609.

MC 146496 (Sub-3-7TA), filed July 23, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Thomas H. Davis, 5724 New Peachtree Rd., Chamblee, GA 30341. *Contract:* irregular: *paint and paint related products (except in bulk, in tank vehicles)* under continuing contract or contracts with Sherwin Williams Company between points in AL, FL, GA, KY, LA, MS, NC, OH, SC, TN and WV. Supporting shipper: Sherwin Williams Company, 6795 South Main Street, Morrow, GA 30260.

MC 146496 (Sub-3-8TA), filed July 23, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Thomas H. Davis, 5724 New Peachtree Rd., Chamblee, GA 30341. *Contract:* irregular: *(1) such commodities as are dealt in by retail, discount department or variety stores, (except in bulk), and (2) materials, equipment, and supplies used in the conduct of business by Richway, a division of Federated Department Stores, Inc.*, under continuing contract(s) with Richway between points in AL, MA, CT, RI, NH, AR, MS, LA, VA, IL, MI, OH, IN, KY, PA, NJ, DE, NY, MD, WV, TX, GA, NC, SC, TN and FL. Supporting shipper: Richway, a division of Federated Department Stores, Inc., P.O. Box 50359, Atlanta, GA 30302.

MC 152763 (Sub-3-5TA), filed July 23, 1981. Applicant: EXPRESSCO, INC., 105 Rhine Street, Madison, TN 37115. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Shoring nd scaffolding*, between Nashville, TN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Anthes, Inc., Southern Division, 185 Warf Street, Nashville, TN 37217.

MC 157193 (Sub-3-1TA), filed July 22, 1981. Applicant: THE MUNZENRIEDER

CORPORATION, d.b.a. UNITED FURNITURE SALES, P.O. Box 280, Pinellas Park, FL 33565. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601. *Contract carrier*, irregular routes: *air filters, insulation tubing, refrigerant oil and chemicals, and related filtration products*, between St. Petersburg, FL, Charlotte, NC, Atlanta, GA, Harahan, LA, and Dallas, TX, on the one hand and, on the other, points in the U.S. (except AK and HI) under continuing contract with Precisionaire, Inc. Supporting shipper: Precisionaire, Inc., P.O. Box 7568, St. Petersburg, FL 33713.

MC 146389 (Sub-3-1TA), filed July 23, 1981. Applicant: RENO & SON, INC., Route 1, Box 324, Warrior, AL 35180 Representative: John W. Cooper, Attorney at Law, P.O. Box 56, Mentone, AL 35984. *Contract carrier:* irregular: *Raw and Finished Refractory Materials* between all points in the U.S. (except AK and HI) under continuing contract with Inferno Refractory Corp. Supporting shipper: Inferno Refractory Corp., Suite 200 E, 2102 Cahaba Road, Birmingham, AL 35223.

MC 157302 (Sub-3-1TA), filed July 23, 1981. Applicant: OLD SOUTH FREIGHT SERVICE, INC., 2805 Foster Avenue, Suite 202, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201. *Metal products* between Davidson County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Allen Iron & Steel Co., Suite 202, 329 Main St., Franklin, TN 37064.

MC 75567 (Sub-3-1TA), filed July 23, 1981. Applicant: SHAW WAREHOUSE CO., INC., 2700 Second Avenue, South, Birmingham, AL 35233. Representative: James W. Porter II, 1725-8 City Federal Building, Birmingham, AL 35203. *General Commodities [Except A and B Explosives]*, restricted to movements in refrigerated equipment, to, from the between all points and places in AL. Applicant intends to interline at Birmingham and Montgomery, AL. Supporting shippper: Southern Bonded Warehouse, 1491 Mt. Zion Road, Morrow, GA 30260

MC 157305 (Sub-3-2TA), filed July 23, 1981. Applicant: FREEDOM EXPRESS, INC., Battleship Parkway, P.O. Box 851, Spanish Fort, AL 36527. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract*, irregular: *Household appliances, luggage, out-door power equipment, lawn and garden tractors, garden tiller, attachments for tractors and tillers, chain saws, snow removal equipment, accessories and parts for said commodities, goods, materials and supplies used in the manufacture and distribution of said commodities*, between points in the U.S. Restricted to traffic moving under continuing contract with Roper Corporation. Supporting shipper: Roper Corporation, Kankakee, IL.

MC 157306 (Sub-3-1TA), filed July 23, 1981. Applicant: HARRY T. SMITH, d.b.a. HARRY T. SMITH TRUCKING, P.O. Box 88, Icard, NC 28666. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Contract* carrier; irregular routes; *furniture and fixtures and materials and supplies used in the manufacture, sale, and distribution of furniture and fixtures* between Conover, NC, on the one hand, and, on the other, points in CA, OR, WA, and AZ. Under continuing contract(s) with Pemkay Furniture Co., Inc. Supporting shipper: Pemkay Furniture Co., Inc., P.O. Box 595, Conover, NC 28613.

MC 134921 (Sub-3-1TA), filed July 23, 1981. Applicant: MID-AMERICA TRANSPORT, INC., P.O. Box 370, Madisonville, KY 42431. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *Contract* carrier: irregular routes: *Metal containers, container ends and packaging materials*, between Cincinnati, OH and Madisonville, KY under a continuing contract with the Continental Group, Inc. Supporting shipper: Continental Group, Inc., 11550 Mosteller Road, Cincinnati, OH 45241.

MC 110410 (Sub-3-4TA), filed July 21, 1981. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 723 Forrest Road, NE, Atlanta, GA 30312. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Printed matter*, between Simpsonville, SC, on the one hand, and, on the other, Jacksonville, FL. Supporting shipper: Triangle Publications, Inc., P.O. Box 500, Radnor, PA 19087.

MC 142064 (Sub-3-3TA), filed July 23, 1981. Applicant: CAROLINA CARPET CARRIERS, INC., P.O. Box 6, Williamston, SC 29697. Representative: Mitchell King, Jr., Esq., P.O. Box 5711, Greenville, SC 29606. *Contract carrier:* Irregular routes: *general commodities (except classes A and B explosives)* between points in the U.S. (except AK and HI) under continuing contract(s) with Parke-Davis Co., Inc. Supporting shipper: Parke-Davis Co., Inc., P.O. Box 368, Greenwood, SC 29646.

MC 154382 (Sub-3-2TA), filed July 22, 1981. Applicant: R WAY, INC., 107 Ellison Street, Fountain Inn, SC 29644. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. (1) *Adhesives; liquid cements; washing compounds; and liquid latex* (except in bulk) from Simpsonville, SC; Baltimore, MD; Dayton, OH; Santa Fe Springs, CA; and Philadelphia, PA to all points in the U.S., (2) *materials and supplies used in the manufacture and distribution of above named commodities* from all points in the U.S. to Simpsonville, SC; Baltimore, MD; Dayton, OH; Santa Fe Springs, CA; and Philadelphia, PA; and, (3) *synthetic fiber yarns* between Danville, VA, on the one hand, and, on the other, points in TN, SC, NC, DE, NJ, NY, and PA. Supporting shippers: Brawer Bros., Inc., 250 Belmont Avenue, Haledon, NJ 07508; Para-Chem Southern, Inc., P.O. Box 127, Simpsonville, SC 29681.

MC 107934 (Sub-3-11TA), filed July 23, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425—13th Street, NW., Washington, DC 20004. *Furniture and Fixtures*, between points in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, points in NC and VA. Supporting shipper(s): Thomasville Furniture Ind., Inc., 401 East Main Street, Thomasville, NC 27360.

MC 151822 (Sub-3-3TA), filed July 23, 1981. Applicant: FREIGHT DIRECT, INC., P.O. Box 10707, 554 University Ave., SW, Atlanta, GA 30310. Representative: J. David Odom, P.O. Box 10707, Atlanta, GA 30310. *Rubber pheumatic tires and related products* between Atlanta, GA and points in its commercial zone, on the one hand, and, on the other, points in SC, NC, TN, FL, AL and MS. Supporting shipper: Expando Distribution Warehousing System, Inc., P.O. Box 10684, Atlanta, GA 30310.

MC 141187 (Sub-3-6TA), filed July 22, 1981. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Clarence R. Haar (same as above). *Contract:* irregular routes; *Machinery and clay, concrete, glass, leather, metal, plastic, rubber, stone and wood products*, between points in the US, under a continuing contract(s) with Nichols-Kusan, Inc., of Jacksonville, TX. Supporting shipper: Nichols-Kusan, Inc., P.O. Box 1191, Jacksonville, TX 75766.

MC 146496 (Sub-3-9TA), filed July 23, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Thomas H. Davis, 5724 New Peachtree Rd., Chamblee, GA 30341. *Contract* irregular: *general*

commodities (except classes A & B explosives), under continuing contracts with Handy City Division, W. R. Grace and Company, between points in AL, FL, GA, KY, MS, NC, SC, TN and VA. Supporting Shipper: Handy City Division, W. R. Grace and Company, 2175 Parklake Dr., Atlanta, GA 30045.

MC 156883 (Sub-3-1TA), filed July 22, 1981. Applicant: MARVIN SWAFFORD, Owner, 911 N. Sanctuary Road, Chattanooga, TN 37421. Representative: M. C. Ellis, Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Contract carrier;* irregular routes; *sand and gravel, in bulk*, from Chattanooga, TN to Trenton, GA under a continuing contract(s) with Concrete Service Company of Chattanooga, TN. Supporting shipper: Concrete Service Company, Quintus Loop, P.O. Box 21381, Chattanooga, TN, 37421.

MC 156749 (Sub-3-1TA), filed July 23, 1981. Applicant: H & H EXPRESS, 2913 Skyland Drive, Snellville, GA 30278. Representative: H. F. Allen, Jr., same as applicant. *Food and related products* from (1) Montgomery, AL to points in CT, DE, DC, GA, ME, MD, MA, NJ, NH, NY, NC, PA, RI, SC, VT, IL, VA, IN, MI & WV and (2) Dothan, AL to points in IA, IL, CO, MO, KS, TN, KY, TX, LA, MS, GA, SC, NC, VA, DC, MD, DE, PA, NJ, NY, CT, RI & MA. Supporting shippers: John Morrell & Co., P.O. Box 4009, Montgomery, AL 36108 and Sunnyland Foods, Inc., 900 N. Oates St., Dothan, AL 36301.

MC 139006 (Sub-3-8TA), filed July 22, 1981. Applicant: RAPIER SMITH, Rural Route 5, Loretto Road, Bardstown, KY 40004. Representative: William P. Whitney, Jr. (same address as applicant). *Contract:* Irregular: *Men's and Women's Footwear and related accessories and materials, equipment, and supplies used in the manufacturing thereof*, between Boyle County, KY and Chicago, IL and its commercial zone. Supporting shipper: Alliance Shippers, Inc., 8440 Archer Road, Willow Springs, KY 60480.

MC 152763 (Sub-3-6TA), filed July 22, 1981. Appliant: EXPRESSCO, INC., 105 Rhine Street, Madison, TN 37215. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Air conditioning equipment, furnaces, parts, accessories, materials, and supplies used in the manufacture, sale and distribution of said commodities*, between points in Warren, Rutherford and Davidson Counties, TN, on the one hand, and, on the other, points in WA, OR, CA, AZ, NV, UT, ID, MT, WY, CO, NM, and TX. Supporting shipper: Carrier Air Conditioning Divisions of Carrier Corporation, P.O. Box 4808, Syracuse, NY 13221.

MC 141187 (Sub-3-5TA), filed July 22, 1981. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Clarence R. Haar (same as above). *(1) Malt beverages and related advertising materials, and (2) empty used beverage containers and materials and supplies used in and dealt with by breweries*, from (1) Jefferson County, CO, to AR, LA, MS, TN and TX points and from (2) points in AR, LA, MS, TN and TX to Jefferson County, CO. Supporting Shipper: Adolph Coors Company, Golden, CO 80401.

MC 108676 (Sub-3-8TA), filed July 23, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Michael S. Teets (same address as applicant). *Machinery, transportation equipment and metal products* between facilities of Wu's Agricultural Machinery, Inc., on the one hand, and, on the other, points in the U.S. Supporting shipper: Wu's Agricultural Machinery, Inc., 16514 Voss Road, Dallas, TX 75252.

MC 144922 (Sub-3-5TA), filed July 22, 1981. Applicant: A.T.F. TRUCKING CO., INC., Route 11, Box 507-B, Birmingham, AL 35210. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Regular apparatus electric control, printed paper forms (Noibn), chemicals (Noibn), thermocouples as thermostats, electrical instruments or appliances, metal hearing furnace, metal heating furnace parts, zircon ore (crude zircon silicate) not further processed than ground, crucibles or abrasives-material by analogy, fire brick, wire-type, batteries, hardware, thermocouples, molten metal heat measuring, disposable or expendable, machinery-gear reducing and the parts, materials, machinery, equipment and supplies used in the manufacture, sale and distribution of the above comodities* between points in the U.S. restricted to shipments originating or destined to the facilities of Leeds & Northrup. Supporting Shipper: Leeds & Northrup, #1 Underwood Industrial Park, Irondale, AL 35210.

MC 107002 (Sub-3-23TA), filed July 23, 1981. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Larry M. Ford (same address as applicant). *Arsenic acid, in bulk, in tank vehicles* from Laramie, WY to points in the US (except AK and HI). Supporting shipper: Silvachem Corp., 320 Grant St., P.O. Box C, Cabool, MO 65689.

MC 156944 (Sub-3-1TA), filed July 21, 1981. Applicant: LARRY E. MORGAN d.b.a. MORGAN TRUCKING, Route #1, Box 419-D, Arden, NC 28704. Representative: John W. Alexander, P.O. Box 7216, Asheville, NC 28801. *Contract carrier*, irregular routes, *Spring water, bottled and in bulk*, and *Orange Juice, bottled*, from Avery's Creek, NC, including commercial zone, to points in FL, GA, TN, KY, VA, SC, and NC, and return. *Orange Juice Concentrate, in bulk*, from Lake Wales, FL, including commercial zone, to Avery's Creek, NC, including commercial zone. Under continuing contract with Arcadia Dairy Farms, Inc., Rt. #1, Arden, NC 28704. Supporting shipper: Arcadia Dairy Farms, Inc., Rt. #1, Arden, NC 28704.

MC 52704 (Sub-3-17TA), filed July 31, 1981. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth and John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Carbonated and noncarbonated beverages*, from Collierville, TN to points in AR, IL and TX; and (2) *Malt beverages and malt beverage containers*, between Clayton County, GA, on the one hand, and, on the other, points in AL, FL, LA, MS, NC, SC, TN and VA. Supporting shippers: Miss-Ark-Tenn Packaging Corporation, P.O. Box 369, Collierville, TN 38017 and The Stroh Brewery Co., One Stroh Drive, Detroit, MI 43226.

MC 146447 (Sub-3-8TA), filed July 31, 1981. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. *Contract carrier*, irregular route: *Metal products* between points in the U.S. under continuing contract(s) with The Bilco Company, New Haven, CT. Supporting shipper: The Bilco Company, P.O. Box 1203, New Haven, CT 06105.

MC 157424 (Sub-3-1TA), filed July 30, 1981. Applicant: KOPELAND DAVIS, M. L. DAVIS, AND ALBERT GREEN, d.b.a. DAVIS BROTHERS CONTRACTORS, Route 1, Box 66, Shubuta, MS 39360. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Oil field machinery, equipment, or parts*, between points in AL, FL, LA, MS, and TX. Supporting Shipper: Getty Oil Co., P.O. Box 177, Satsuma, AL 36572.

MC 146992 (Sub-3-2TA), filed July 21, 1981. Applicant: PHIL-MART TRANSPORTATION, INC., P.O. Box 126, Braselton, GA 30517. Representative: William J. Boyd, 2021

Midwest Road, Suite 205, Oak Brook, IL 60521. *Contract carrier*, Irregular Routes: *General commodities (except Classes A and B explosives)* between points in the US under continuing contract(s) with Prime Packing Co., Chicago, IL and Servbest Foods, Inc., Highland Park, IL. Supporting shippers: Prime Packing Co. and Servbest Foods, Inc., 1256 Old Skokie Road, Highland Park, IL 60035.

MC 157402 (Sub-3-1TA), filed July 29, 1981. Applicant: MAGIC CITY TRANSPORTATION, 1681-19th Place, S.W., Birmingham, AL 35211. Representative: Howard Pickett, same address as above. *Passengers and their baggage, in round-trip special and charter operations*, beginning and ending at points in Jefferson County, AL, and extending to New Orleans, LA; Atlanta, GA and points in FL. Supporting shippers: There are nine statements in support which may be examined at the ICC office in Atlanta, GA.

MC 157108 (Sub-3-1TA), filed July 27, 1981. Applicant: REVCO, INC., Rt. 1, Box 366-A, Amory, MS 38821. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103. (1) *Forest products, lumber and wood products, and plywood* from Hamilton, AL to AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, OH, OK, SC, TN, and TX, restricted to the facilities of W. T. Vick Lumber Company, P.O. Box 340, Hamilton, AL 35570; (2) *woodworking machinery, supplies, and parts* from Greenwood, MS to AL, AR, KY, LA, MI, PA, TN, and WI, restricted to the facilities of Rose Machinery, Inc., Highway 82 East, Greenwood, MS 38930; (3) *primary metal products and fabricated metal products* from Shannon, MS to AL, AR, FL, GA, LA, MI, OH, PA, TN, and TX, restricted to the facilities of Shannon Steel Service, Inc., P.O. Box 45, Shannon, MS 38868; (4) *dump trailers and dump bodies* from Amory, MS to AL, AR, LA, and TN, restricted to the facilities of Palmer Machine Works, Inc., 100 and Fourth Street, P.O. Box 359, Amory, MS 38821; (5) *such materials and supplies as are used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products* from Houston, TX to IA, IL, LA, MO, ND, NM, NV, OK, SD, and WY, restricted to the facilities of Arwell Oil Field Chemicals, 2620 Fountainview, Suite 400, Houston, TX 77057; (6) *general commodities (except Class A and Class B explosives)* from points in the U.S. in and east of MT, WY, CO, NM, and TX, to Marion County, AL, Leflore, Lee and Monroe Counties, MS. Supporting shippers: W. T. Vick Lumber Company, P.O. Box 340, Hamilton, AL 35570; Rose Machinery, Inc., Highway 82 East, Greenwood, MS 38930; Shannon Steel Service, Inc., P.O. Box 45, Shannon, MS 38868; Palmer Machine Works, Inc., 100 and Fourth Street, P.O. Box 359, Amory, MS 38821; and Arwell Oil Field Chemicals, 2620 Fountainview, Suite 400, Houston, TX 77057.

MC 124154 (Sub-3-29TA), filed July 27, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, GA 31703. Representative: W. D. Wingate (same address as applicant). *General commodities (except classes A and B explosives)* between those points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas and Texas, on the one hand, and, on the other, points in the United States. There are 16 supporting shippers' statements attached to this application which may be examined at the I.C.C. Regional Office, Atlanta, Ga.

MC 140010 (Sub-3-10TA), filed July 27, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Thomas H. Davis, 5724 New Peachtree Rd., Chamblee, GA 30341. *Contract*; irregular; *small electric appliances as are dealt with by retail appliance and electronic specialty stores (except commodities in bulk)*, between points in AL, FL, GA, KY, LA, MS, NC, SC and TN under continuing contract(s) with General Electric Housewares and Audio Division. Supporting shipper: General Electric Housewares and Audio Division, 1285 Boston Ave., Bridgeport, CT 06602.

MC 140902 (Sub-3-7TA), filed July 27, 1981. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract*, irregular; *Plastic and paper products and materials equipment and supplies used in the distribution thereof* between Chicago, Illinois (and its commercial zone) on the one hand and on the other points in IN and WI. Supporting shipper: North American Paper Company, 10525 W. Waveland, Franklin Park, IL 60131.

MC 157137 (Sub-3-1TA), filed July 27, 1981. Applicant: W. L. TURNER TRUCKING, INC., P.O. Box 16589, Memphis, TN 38116. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Fertilizer and fertilizer ingredients, dry; nitrogen solution (UAN); anhydrous ammonia*, between points in AR, MS and TN. Supporting shipper: U.S.S. Agri-Chemicals, A Division of United States Steel Corporation, P.O. Box 1685, Atlanta, GA 30301.

MC 157304 (Sub-3-1TA), filed July 27, 1981. Applicant: AZS CORPORATION, 762 Marietta Blvd., N.W., Atlanta, GA 30318. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Contract*: irregular: *General Commodities (except Classes A and B explosives)*, between points in the U.S., under continuing contracts with AZS Chemical Co., Atlanta, GA, AZ Products Co.; Lakeland, FL, Lancaster Chemical Co., Newark, NJ, Seydel-Woolley & Co., Greenville, SC, American Industrial Chemical Corp., Smyrna, GA and Van Waters & Rogers, Atlanta, GA. Supporting shippers: AZS Chemical Co., 762 Marietta Blvd., N.W., Atlanta, GA 30318, AZ Products Co., 2525 South Combee Road, Lakeland, FL 33801, Lancaster Chemical Co., 660 Frelinghuysen Ave., Newark, NJ 07114, Seydel-Woolley & Co., P & N Drive, Route 10, Greenville, SC 29604, American Industrial Chemical Corp., 1819 South Cobb Industrial Drive, Smyrna, GA 30080, Van Waters & Rogers, 3670 Browns Mill Road, S.E., Atlanta, GA 30354.

MC 107002 (Sub-3-24TA), filed July 27, 1981. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Larry M. Ford (same address as applicant). *Contract* carrier: irregular: *Chemicals and related products*, from Baton Rouge and DeRidder, LA; Jacksonville, FL; Riceboro, GA; St. Louis, MO; Chocolate Bayou, TX; and Charleston, SC to the facilities of Southern Resins Division, Lawter International at or near Moundville, AL. Supporting shipper: Southern Resins, Division of Lawter International, P.O. Box 128, Moundville, AL 35474.

MC 147333 (Sub-3-4TA), filed July 27, 1981. Applicant: McGEE TRUCKING COMPANY, INC., P.O. Box 297, Bostic, NC 28018. Representative: Judy B. McGee, P.O. Box 297, Bostic, NC 28018. *Contract*, irregular routes, *business and office furniture and replacement parts for same*, between the facilities of GF Business Equipment, Inc., located at or near Forest City, NC, Gallatin, TN, and Youngtown, OH, on one hand, and points in the US, expect AK and HI, and the other hand, under a continuing contract with GF Business Equipment, Inc., P.O. Box 260, Forest City, NC.

MC 151916 (Sub-3-4TA), filed July 27, 1981. Applicant: BARON TRANSPORT, INC., One Perimeter Way, Suite 455, Atlanta, GA 30339. Representative: Eugene D. Anderson, 910 17th Street,

N.W., Suite 428, Washington, D.C. 20006. *Plastic articles, tape, cloth products, and products used in manufacture thereof* between Lowell, Peabody, Salem, MA; Montgomery, Annistion, Columbiana, AL; Macoomb, IL; Charlotte NC; Huntington, WV; Pawtucket, RI; Hemingway, SC; Lawrenceburg, TN. Supporting Shipper: Webster Industries, 58 Pulaski Street, P.O. Box 3119, Peabody, MA 10960.

MC 147494 (Sub-3-2TA), filed July 27, 1981. Applicant: BOBBY KITCHENS, INC., P.O. Box 616, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Contract; irregular;* (1) *metal products,* between points in the U.S. under continuing contract(s) with Anel Engineering Industries, Inc., of Winona, MS; (2) *metal products, synthetic bagging materials, and just bagging,* between Florence, AL; Selma, CA; Jacksonville, FL; Atlanta and Nashville, GA; Greenville, MS; Memphis, TN; and, Houston, TX, on the one hand, and, on the other, points in AL, AZ, AR, CA, LA, MS, MO, TN, and TX, under continuing contract(s) with L. P. Brown Company, Inc., of Memphis, TN. Supporting Shippers: Anel Engineering Industries, Inc., P.O. Box 570, Winona, MS 39867, L. P. Brown Company, Inc., P.O. Box 11545, Memphis, TN 38111.

MC 147494 (Sub-3-3TA), filed July 28, 1981. Applicant: BOBBY KITCHENS, INC., P.O. Box 6161, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Contract;* irregular; *building materials,* between the facilities of Apache Building Products, Inc., at or near Jackson, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MI, NC, OK, SC, TN, TX, and IL, under continuing contract(s) with Apache Building Products, Inc. of Jackson, MS. Supporting Shipper(s): Apache Building Products, Inc., P.O. Box 7111, Jackson, MS 39212.

MC 156838 (Sub-3-1TA), filed July 27, 1981, Applicant: WILLIE RICHARD, JR. AND WALTER RICHARD, d.b.a. R & R Trucking Company, 911 Parkview, Cleveland MS 38732. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue Memphis, TN 38103. *Primary metal products and fabricated metal products* from Cleveland, MS to points in AK, AL, AR, AZ, CA, CO, FL, GA, IL, IA, IN, LA, MI, MD, MO, NC, NE, ND, NY, OH, OK, OR, PA, TN, TX, VA, WA, WI; and from the port of Rosedale, MS to Cleveland, MS restricted to the facilities of Duo-Fast Corporation. Supporting shipper: Duo-Fast Corporation 800 N. Pearman Road, Cleveland, MS, 38732.

MC 145559 (Sub-3-6TA), filed July 27, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., Post Office Box 38, Ider, AL 35981 Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contract;* irregular routes, *General commodities (except Classes A and B explosives),* between the facilities of Standard Brands Paint Co. Inc., in AZ, CA, NV, NM, OR, TX, UT and WA, on the one hand, and, on the other, points in the U.S. Restriction: Restricted to transportation provided under contract(s) with Standard Brands Paint Co. Inc. Supporting shipper: Standard Brands Paint Co. Inc., 4300 West 190th Street, Torrance, CA 90509.

MC 91306 (Sub-3-12TA), filed July 27, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue, N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, D.C. 20005. *General commodities (except classes A & B explosives),* between the facilities of General Electric Co., at points in the U.S. in and east of MN, IA MO, AR, and LA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA. Supporting shipper(s): General Electric Co., P.O. Box 2188, Hickory, NC 28601.

MC 91306 (Sub-3-13TA), filed July 27, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue, N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, D.C. 20005. *General commodities (except classes A & B explosives),* between the facilities of Lowe's Companies, Inc., at points in the U.S. in and east of MN, IA MO, AR, and LA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA. Supporting shipper(s): Lowe's Companies, Inc., P.O. Box 1111, North Wilkesboro, NC 28656.

MC 143786 (Sub-3-2TA), filed July 24, 1981. Applicant: HAL MAST TRUCKING COMPANY, INC., Route 1, Box 259, Sugar Grove, NC 28679. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Beef and beef products,* from Kenosha, WI; Dodge City, KS; Amarillo, TX; Omaha and Sioux City, NE; Des Moines, IA; and Plainwell, MI to Charlotte, No. Supporting shipper: Harris-Teeter Super Markets, Inc., P.O. Box 33129, Charlotte, NC 28233.

MC 148697 (Sub-3-2TA), filed July 24, 1981. Applicant: TRINITY, INC., P.O. Box 327, Lenoir, NC 28645. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Furniture and fixtures,* from the facilities of Bernhardt Furniture Co. in Cleveland, Iredell and Caldwell Counties, NC, to points in WA, OR, CA, NV, UT and AZ. Supporting shipper: Bernhardt Furniture Co., P.O. Box 740, Lenoir, NC 28645.

MC 157384 (Sub-3-1TA), filed July 24, 1981. Applicant: BENNY WHITEHEAD, Rt. 1, Box 359A, Eufaula, AL 36027. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract:* Irregular: *Foodstuffs, nonalcoholic beverages, materials, equipment and supplies used in the preparation and manufacture of foodstuffs and nonalcoholic beverages,* between Lakewell, FL; Kenosha, WI; Montgomery, AL; Sulphur Springs, TX; Eau Clair, MI; and Chicago, IL, including their respective commercial zones, on the one hand, and, on the other, points in CO, NM, TX, OK, KS, AR, LA, MS, TN, KY, GA, NC, SC, FL, AL, WI, IL, IA and MO. Supporting shipper: Ocean Spray Cranberries, Inc., 7800 South 60th Avenue, Kenosha, WI 53142.

MC 157381 (Sub-3-1TA), filed July 28, 1981. Applicant: ARVIN STIDHAM AND FRED BAYRD, d.b.a. S & B TRUCKING, P.O. Box 262, Hamilton, AL 35570. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35020. (1) *Window Glass,* from Tulsa, OK, and Kingsport, TN, to points in Marion County, AL; (2) *Aluminum Extrusions,* from Dallas, TX, and Wichita Falls, TX, to points in Marion County, AL; and (3) *Lumber and Forest Products,* from points in Marion County, AL, to points in the states of FL, IL, IN, KY, MI, MO, MS, OH and WI. Supporting shippers: Krestmark, Inc., P.O. Box 820, Hamilton, AL 35570 and W. T. Vick Lumber Company, P.O. Box 340, Hamilton, AL 35570.

MC 107934 (Sub-3-13TA), filed July 28, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425—13th Street, N.W., Washington, DC 20004. *Textiles and materials used in the manufacturing of textiles,* between points in Lincoln County, NC, on the one hand, and, on the other, points in VA, WV, OH, MI, IN, KY, TN, IL, WI, MN, MO, KS, AR, TX, LA, MS, AL, FL, GA, SC and NC. Supporting shipper(s): Frank Ix & Sons, P.O. Box 857, 321 ByPass North, Lincolnton, NC 28092.

MC 152045 (Sub-3-1TA), filed July 24, 1981. Applicant: CASON COMPANIES, INC., d.b.a. CASON BUILDERS SUPPLY, 1880 Spartanburg Highway,

Hendersonville, NC 28734. Representative: Charles Ephraim, 406 World Center Building, 918—16th Street, N.W., Washington, D.C. 20006. *Contract,* irregular; *General commodities (except classes A and B explosives)* between points in the U.S. pursuant to a continuing contract(s) with United Freight, Inc. and Distribution Services of America, Inc. Supporting shippers: Distribution Services of America, Inc., 666 Summer Street, Boston, MA 02210 and United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

MC 107934 (Sub-3-14TA), filed July 24, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425—13th Street, N.W., Washington, DC 20004. *New cartoned furniture and accessories,* between the plantsites of Broyhill Furniture Manufacturing in NC, and the facilities of Hallmark Furniture in FL. Supporting shipper(s): Burnett Corp. d.b.a. Hallmark Furniture, 112 South Alabama, Deland, FL 32720.

MC 144503 (Sub-3-15TA), filed July 24, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Building, La Crosse, WI 54601. *Pulp, Paper and Related Products and Materials Equipment and Supplies Used by Manufacturers of Paper and Related Products* between points in the U.S. Supporting shippers: Sloan Paper Co., P.O. Box 48200, Atlanta, GA 30362, Austell Box Board Corp., P.O. Box 157, Austell, GA 30001, and Gilman Paper Company, P.O. Box 520, St. Marys, GA 31558.

MC 116254, (Sub-3-30TA), filed July 24, 1981. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35631. Representative: M. D. Miller (same address as applicant). *Dimension Lumber and Wood Products,* from FL, GA, NC, NY, SC, TN, VA, and WV to all points in and East of MN, IA, MO, AR, and LA. Supporting shipper: Carolina Canadian Lumber Sales, Inc., P.O. Box 2929, Spartanburg, SC 29304.

MC 148423 (Sub-3-11TA), filed July 24, 1981. Applicant: AVANT TRUCKING COMPANY, INC., P.O. Box 216, Gray, GA 31032. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Common lime, hydrated, quick or slaked.* From Saginaw, AL and Brunswick, GA, to points in FL, GA and SC. Supporting shipper: SI Lime Company, P.O. Box 2947, Mobile, AL 36652.

MC 119349 (Sub-3-1TA), filed July 24, 1981. Applicant: STARLING TRANSPORT LINES, INC., 3620 S. U.S. L Federal Hwy., Fort Pierce, FL 33450. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Food and related products,* between points in St. Lucie County, FL, on the one hand, and, on the other, points in MI, IN, OH, PA, DE, NJ, NY, CT, RI, MA, VT, NH, ME, and TX. Supporting shipper: Tree Sweet Products Co., 1000 Bell Avenue, FT. Pierce, FL 33454.

MC 143061 (Sub-3-9TA), filed July 24, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same as applicant). *Such commodities as are dealt in or used by a manufacturer of electronic equipment,* between Salt Lake and Davis Counties, UT, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Sperry Univac, Inc., 322 N. 2200 West, Salt Lake City, Utah 84116.

MC 157383 (Sub-3-1TA), filed July 24, 1981. Applicant: GUILFORD TRANSPORT COMPANY, INC., No. 5 Wendy Court, Greensboro, NC 27409. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New Furniture and materials, supplies and equipment used in the manufacture, sale and distribution of new furniture,* between points in Davidson and Guilford Counties, NC, on the one hand, and, on the other, points in OK and TX and points in the US in and east of MN, IA, MO, AR, and LA. Supporting shippers: Tysinger Furniture House Inc., 609 National Highway, Thomasville, NC 27360, Young's Furniture & Rug Co., P.O. Box 5002, High Point, NC 27262, Priba Furniture Sales, Inc., P.O. Box 13295, Greensboro, NC 27405.

MC 149563 (Sub-3-17TA), filed July 28, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Metal products* between the facilities of Pacesetter Steel Service, Inc. and its suppliers at Atlanta, GA, East Chicago, IN and Springfield, OH, on the one hand, and, on the other, points in the U.S. Supporting shipper: Pacesetter Steel Service, Inc., P.O. Box 6865, Marietta, GA 30065.

MC 156672 (Sub-3-1TA), filed July 28, 1981. Applicant: COMMERCIAL TRUCKING COMPANY, INC., 1939 Herbert Ave., Laurel, MS 39440. Representative: Jerry H. Blount, 213 S. Lamar St.—Suite 200, Jackson, MS 39201. *Steel storage tanks* between Laurel, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, TN, TX and WV, restricted to shipments from the facilities of Commercial Construction Co. Supporting shipper: Commercial Construction Co., Inc., 1939 Herbert Ave., Laurel, MS 39440.

MC 124835 (Sub-3-13TA), filed July 28, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Salt and Salt Products,* from Charlotte, NC and Wilmington, NC to all points in the U.S. Supporting shipper: International Salt Co., Clarks Summitt, PA 18411.

MC 157388 (Sub-3-1TA), filed July 28, 1981. Applicant: FREEMAN CONTRACT SERVICE, INC., 426 Springview Court, Concord, NC 28025. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract:* irregular: *steel and aluminum products,* between all points in the U.S., under continuing contract with Edgcomb Metals Company. Supporting shipper: Edgcomb Metals Company, 624 Black Satchel Drive, Charlotte, NC 28216.

MC 153615 (Sub-3-1TA), filed July 28, 1981. Applicant: SMITH TRANSFER COMPANY, INC., Post Office Box 531, Wilson, NC 27893. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, DC 20014. *Wood baskets and hampers and wire-bound crates* from Murfreesboro, NC to points in DE, MD, VA, NJ, PA, and NY. Supporting shipper: Georgia Pacific Corporation, P.O. Box 1808, Augusta, GA 30903.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 150341 (Sub-4-6), filed July 28, 1981. Applicant: HOOVESTOL, INC., 3110 Mike Collins Drive, St. Paul, MN 55121. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Meats, meat products, meat byproducts, and such articles dealt in or used by meat packing houses (except commodities in bulk),* between points in the US (except AK and HI). An underlying ETA seeks 120-day authority. Supporting shippers: Ellison Meat Company, Minneapolis, MN; Meat Sales International/Marketing Specialist International, Minneapolis, MN; Sunstar Foods, Inc., South St. Paul, MN; Lloyds Food Products, West St. Paul, MN.

MC 142464 (Sub-4-1TA), filed July 27, 1981. Applicant: JOHN M. CHRISTOPHER, 3444 McCarty Lane, Lafayette, IN 47905. Representatives: Robert W. Loser II, Esq., 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, and Brent E. Clary, Esq., P.O. Box 469, Lafayette, IN 47902. Contract: *Metal products* and

those commodities which because of their size or weight require the use of special handling or equipment, between points in IL, IN, KY, MI and OH, on the one hand, and, on the other, points in TN and WV, under continuing contract(s) with Shelby Steel, Inc., of Shelbyville, IN. Supporting shipper: Shelby Steel, Inc., Shelbyville, IN.

MC 153196 (Sub-4-4TA), filed July 29, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Sauerkraut and pickles* from the facilities of Flanagan Bros., Inc., located at or near Bear Creek, WI to all points in and west of MN, IA, MO, AR, and LA (excluding AK and HI). Supporting shipper: Flanagan Bros., Inc., 400 Clark Street, Bear Lake, WI 54922.

MC 145246 (Sub-4-5TA), filed July 27, 1981. Applicant: A. E. SCHULTZ CORPORATION, 901 Lyndale Avenue, Neenah, WI 54956. Representative: Frank M. Coyne, 25 West Main Street, Madison, WI 53703. *Paper and Paper Products*, from points in Winnebago, Brown and Outagamie Counties, WI to points in WY, MI, ID, UT, ND, SD, NE, MN, NI, and Co. Supporting shipper: Hoffmaster Company, Inc., 2920 N. Main Street, Oshkosh, WI 54901.

MC 156727 (Sub-4-1TA), filed July 27, 1981. Applicant: SERCOMBE TRUCKING COMPANY, 2371 Windsmere Drive, Jackson, MI 49202. Representative: Eugene D. Anderson, 910 17th Street, N.W., Washington, DC 20006. *Auto parts and accessories, machinery, castings, and tools* between Jackson, MI and Laredo, TX. Supporting shipper: Michigan Export Company, P.O. Box 887, Jackson, MI 49204.

MC 720 (Sub-4-9TA), filed July 27, 1981. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman, P.O. Box 227, Waupun, WI 53963. *Paper and paper products including, but not limited to furniture parts, edge protectors, cores, tubes and scrap paper*, between Neenah, WI on the one hand, and, on the other, points in and East of ND, SD, NE, CO, OK, and TX, restricted to shipments origination at or destined to the facilities of Laminations Corporation. Supporting shipper: Laminations Corporation, 1431 Harrison Rd, Neenah, WI 54956.

MC 152439 (Sub-4-3TA), filed July 28, 1981. Applicant: WILLETT INTERSTATE SYSTEM, INC., 3901 South Ashland Avenue, Chicago, IL 60609. Representative: Carl L. Steiner, 39 South LaSalle Street, Suite 600, Chicago, IL 60603. *General commodities (except classes A & B explosives and household goods as defined by the Commission)*, between all points in the U.S. restricted to traffic originating at or destined to the facilities of or used by Venture Stores, Inc. Supporting shipper: Venture Stores, Inc., 615 Northwest Plaza, St. Ann, MO 63074.

MC 157074 (Sub-4-1TA), filed July 28, 1981. Applicant: BREMEN TRANSFER & STORAGE, INC., 1403 West Dewey Street, Bremen, IN 46506. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *General Commodities (except Classes A and B explosives)*, between points in LaPorte, St. Joseph, Elkhart, Starke, Marshall, Kosciusko, Pulaski, Fulton, and Allen Counties. Supporting shippers: Bender and Loudon, 823 Carberry Road, Niles, MI 49120.

MC 154432 (Sub-4-2 TA), filed July 29, 1981. Applicant: FORTY EIGHT TRANSPORT, INC., 17135 Westview, South Holland, IL 60473. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Foundry facings; ground coal, petroleum pitch & coal tar pitch; bagging machines; iron wire; glass units, not in sash and related commodities; ranges; ovens; cookers; stoves; and water coolers; sound warning signals; horns; auto lamps & fixtures; electric controllers; bell & fire alarms and cleaning compounds & related commodities* throughout points and places within the U.S. excluding HI & AK., with an origin or destination point of Chicago, So. Holland, Blue Island and Chicago Hts., IL. Supporting shippers: There are six supporting shippers.

MC 157229 (Sub-4-2 TA), filed July 27, 1981. Applicant: H & A CARTAGE & TRUCKING CO. INC., 6940 N. 76 St., Milwaukee, WI 53223. Representative: C. B. Henschel Mfg. Co., 15805 West Overland Dr., New Berlin, WI 53151. *Printed book covers and publication stock and supplies*, between New Berlin, WI and Lake Forest and Northfield, IL Supporting shipper: C. B. Henschel Mfg. Co., 15805 West Overland Dr., New Berlin, WI 53151.

MC 157231 (Sub-4-2 TA), filed July 27, 1981. Applicant: HENRY A. RIPPLE and ARLAN R. VAHLENKAMP, d.b.a. R & V TRUCKING, W279 N2233 Highway SS, Pewaukee, WI 53027. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract; irregular: Such commodities as are dealt in or used by a manufacturer or distributor of printed matter* between the facilities of Columbian Art Works, Inc., at Milwaukee, WI, and Memphis, TN, on the one hand, and, on the other, points in the U.S., under continuing contracts with Columbian Art Works, Inc., of Milwaukee, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Columbian Art Works, Inc., 5700 West Bender Court, Milwaukee, WI 53218.

MC 156133 (Sub-4-5 TA), filed July 27, 1981. Applicant: TRI STATE TIRE & RUBBER, INC., d.b.a. TANDEM TRANSPORT., 322 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Building and construction materials, and equipment, materials and supplies used in the manufacture and distribution of building and construction materials*, between points in the U.S. in and east of MN, IA, MO, AR and LA, restricted to the transportation of traffic originating at or destined to the facilities of The Celotex Corp. An underlying ETA seeks 30 days authority. Supporting shipper(s): The Celotex Corp. Subsidiary of Jim Walter Corporation, P.O. Box 22601, Tampa, FL 33622.

MC 155447 (Sub-4-2 TA), filed July 27, 1981. Applicant: NEENAH FOUNDRY TRANSPORT, INC., 2121 Brooks Avenue, Neenah, WI 54956. Representative: Norman A. Cooper, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Food and related products and pulp, paper and related products*, between points in Outagamie, and Winnebago Counties, WI and points in the U.S. Supporting shipper: Valley Bakers Association, P.O. Box 526, Neenah, WI 54956.

MC 157444 (Sub-4-1TA), filed July 29, 1981. Applicant: UNITED LEASING SERVICES, INC., 17225 Ellis Court, South Holland, IL 60473. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Contract:* Irregular: *Metal products*, between points in the United States, under continuing contract(s) with Century Steel Corporation, 300 E. Joe Orr Road, Chicago Heights, IL 60411. Supporting shipper: (Same).

MC 157235 (Sub-4-1TA), filed July 29, 1981. Applicant: INDIANA TRUCK LINES, INC., Hwy. 33 & Jct. I-69, P.O. Box 8056, Fort Wayne, IN 46898. Representative: Glenn Voris, Rt. 2 Ogden Road, North Manchester, IN 46962. *Contract* irregular: General Commodities between the facilities of Combined Shippers Corporation, Fort Wayne, IN and its members' facilities throughout the U.S. (Except AK and HI), on the one hand, and, on the other, points to and from its members' facilities within the U.S. (except AK and HI). Restricted to traffic moving under continuing contract with Combined

Shippers Corporation. Supporting shipper: Combined Shippers Corporation. Marketplace of Canterbury, 5675 St. Joe Road, Fort Wayne, IN 46815.

MC 135410 (Sub-4-31TA), filed July 30, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 60068. Representative: Daniel O. Hands, Attorney At Law, Suite 200-A, 205 West Touhy Ave., Park Ridge, IL 60068. *Corrugated paper containers* from the the facilities of Weyerhaeuser Company at or near Cedar Rapids, IA, to Abingdon, and Monmouth, IL, Logansport, IN, Louisville, KY, Detroit, MI, Marshall, St. Joseph and St. Louis, MO and Minneapolis and Worthington, MN, and points in their commercial zones. Supporting shipper: Weyerhaeuser Co., 100 S. Wacker, Chicago, IL 60606.

MC 155096 (Sub-4-1TA), filed July 27, 1981. Applicant: JANSSEN TRANSPORT, P.O. Box 61, 5802 96th Avenue, Zeeland, MI 49464. Representative: James R. Janssen (address same as applicant). *Scrap Iron and Metal* for recycling between Ottawa County, MI and points in IL, IN, and OH. Supporting shipper: Louis Padnos Iron and Metal Co., Inc., P.O. Box 2018, River Ave. at Bay Side Drive, Holland, MI 49423.

MC 144201 (Sub-4-2TA), filed July 30, 1981. Applicant: V.M.P. ENTERPRISES, INC., 10542 West Donges Court, Milwaukee, WI 53224. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Buses*, initial movements, in driveway service, between Lamar, CO, on the one hand, and, on the other, points in CA, GA, IA, IL, KY, MN, MO, OH, OR, VA, WA, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Neoplan USA Corporation, One Gottlob Auwaerter Dr., Lamar, CO 81052.

MC 146133 (Sub-4-2TA), filed 1981. Applicant: HALVOR LINES, INC., 4609 W. First, Duluth, MN 55806. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *General commodities*, between the facilities of American-Canadian Distribution Center, Inc. at Duluth and Minneapolis, MN on the one hand, and, points in the U.S. on the other. Supporting shipper: American-Canadian Distribution Center, Inc., 7801 E. Bush Lake Rd, Minneapolis, MN 55435.

MC 143230 (Sub-4-3TA), filed July 30, 1981. Applicant: LUCK TRUCKING INC., R.R. No. 1, Box 190; Wolcott, IN 47995. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. *Contract;* irregular; *Glass products*, between Jay and Delaware Counties, IN on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Indiana Glass Co., Division Lancaster Colony Corp., 717 E. Street, Dunkirk, IN 47336. Supporting shipper: Indiana Glass Co., 717 E. St., Dunkirk, IN 47336.

MC 96687 (Sub-4-1TA), filed July 30, 1981. Applicant: MORRELL TRANSFER, INC., 809 Jackson Avenue, Elk River, MN 55330. Representative: Timothy H. Butler, Lindquist & Vennum, 4200 IDS Center, 80 South 8th Street, Minneapolis, MN 55402. *General commodities*, between Minneapolis/St. Paul, MN and all points and places in the MN Counties of Sherburne, Benton, Milaca, Isanti, and Anoka. Applicant intends to interline. Supporting shipper: Crystal Cabinet Works, Inc., 1100 Crystal Dr., Princeton, MN.

MC 144822 (Sub-4-5TA), filed July 29, 1981. Applicant: WINTZ TRANSPORTATION CO., 1706 American National Bank Bldg., St. Paul, MN 55101. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. *Contract, irregular. General commodities* (except Classes A and B explosives), between points in the U.S., under a continuing contract(s) with Control Data Corporation. Supporting shipper: Control Data Corporation, 8100 34th Avenue South, Minneapolis, MN 55440.

MC 156205 (Sub-4-1TA), filed July 29, 1981. Applicant: AFFILIATED TRANSPORTS, INC., 17225 Ellis Court, South Holland, IL 60473. Representative: Joel H. Steiner, 39 South LaSalle Street, Suite 600, Chicago, IL 60603. *Metal products and materials, equipment and supplies used in the manufacture, sale or distribution thereof*, between points in IA, IL, IN, KY, MI, MN, MO, OH, TN and WI. Supporting shippers: Churchill Steel Ltd., 100 First National Plaza, Chicago Heights, IL 60411 and Northern Steel Industries, Inc., 100 First National Plaza, Chicago Heights, IL 60411.

MC 148705 (Sub-4-9TA), filed July 29, 1981. Applicant: TWIN CONTINENTAL TRANSPORT CORPORATION, 5738 Olson Highway, MInneapolis, MN 55422 Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Meat, meat products, meat byproducts and articles distributed by meat packing houses*, from Sioux City, IA, South St. Paul and Buffalo Lake, MN and Mitchell, SD to points in AZ, CA, FL, IA, MN, NY, OR, SD, TX, and WA. Supporting shipper: Iowa Pork Industries, 915 E. Havens, Mitchell, SD, 57301.

MC 123445 (Sub-4-1TA), filed July 29, 1981. Applicant: FOURTEENTH AVENUE CARTAGE COMPANY, INC., 1038 21st Street, Detroit, 48216. Representative: John W. Ester, Matheson, Bieneman, Parr, Schuler & Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. *General commodities* (except classes A and B explosives) between points in MI, restricted to traffic having a prior or subsequent movement by rail. Supporting shipper: Auto City Piggyback, Inc., An underlying ETA seeks 120 days authority. 32705 John R. Madison Hgts. MI 48071.

MC 157357 (Sub-4-1TA), filed July 27, 1981. Applicant: DAVE SPANGLE d.b.a. S & S TRUCKING, Rt. 1, Box 333, Bicknell, IN 47512. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Metal products and equipment, materials and supplies used in the manufacture, sale and distribution* between Bicknell, IN, on the one hand, and, on the other, points in the U.S. for 270 days under continuing contract(s) with Apex International Alloys, Inc., Applicant has filed an underlying ETA seeking up to 120 days of operating authority. Supporting shipper: Apex International Alloys, Inc., Hwy 67 South, Bicknell, IN 47512.

MC 156004 (Sub-4-2TA), filed July 30, 1981. Applicant: HARLAN ERDAHL TRUCKING, INC., 1901 Erdahl Road, Stoughton, WI 53589. Representative: James A. Spiegel, Attorney, OLde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *transportation equipment and materials, equipment and supplies* used in the sale and distribution of such commodities between Madison, WI, on the one hand and, on the other, hand, the Chicago, IL, Commercial Zone, Charleston, IL, Kansas City, KS, Minneapolis, MN, Hagerstown and Severn, MD, Bridgewater, NJ, Allentown, PA, and Longview, TX. Restricition: restricted to transportation to be performed under continuing contract(s) with Gilomen Truck & Equipment, Inc., and Gilomen Trailer Sales, Inc. An underlying ETA seeks 120 days authority. Supporting shippers: Gilomen Truck & Equipment, Inc., 4000 Commercial Avenue, Madison, WI 53714; and Gilomen Trailer Sales, Inc., 400 Commercial Avenue, Madison, WI 53714.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center; Interstate Commerce Commission, Post Office Box 17150; Fort Worth, TX 76102.

MC 61231 (Sub-5-11TA), filed July 27, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA

50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Pulp, paper and related products, rubber and plastic products, non-woven articles, metal products, and material and supplies used in the manufacture and distribution of the above commodities,* between Green Bay, WI, and Muskogee, OK, on the one hand, and, on the other, pts in MD, NJ, NY, and PA. Supporting shipper: Fort Howard Paper Company, 1919 South Broadway, Green Bay, WI 54304.

MC 78400 (Sub-5-18TA), filed July 27, 1981. Applicant: BEAUFORT TRANSFER COMPANY, (P.O. Box 151), Gerald, MO 63037. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Hazardous waste* between Jefferson City, MO and its Commercial Zone, on the one hand, and, on the other, St. Louis, MO-East St. Louis, IL and its Commercial Zone. Supporting shippers: Modine Manufacturing Company, 1502 S. Country Club Dr., Jefferson City, MO 65101, and Bench Mark Tool Company, 2601 Industrial Drive, Jefferson City, MO 65101.

MC 121517 (Sub-5-13TA), filed July 27, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 North 161st E. Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same as above). *Filtering Clay* from: Walker and Trinity Counties, TX to: Lincoln County, OK. Supporting Shipper: Allied Materials Corp., Box 12340, Oklahoma City, OK 73112.

MC 121517 (Sub-5-14TA), filed July 27, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 North 161st East Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same as above). *Fly Ash* From: Lacygne, KS; LaDue, and Weston, MO; and Woodward, OK TO: points in OK and AR. Supporting Shippers: Walter N. Handy Co., Inc., 1948-C South Glenstone, Springfield, MO; Midwest Fly Ash Company, P.O. Box 2150, Topeka, KS 66601.

MC 123649 (Sub-5-5TA), filed July 27, 1981. Applicant: MAGILL TRUCK LINES, INC., 211 West 53rd Street North, Wichita, KS 67204. Representative: Eugene W. Hiatt, 207 Casson Building, 603 Topeka Boulevard, Topeka, KS 66603. *Meat, meat by-products, hides, offal products and packing house supplies,* between Jewell County, KS and all points and places in the U.S. Supporting shipper: Dubuque Packing Company, P.O. Box 283, Mankato, KS 66956.

MC 125579 (Sub-5-1TA), filed July 27, 1981. Applicant: TRUCK SERVICE, INC., Post Office Box 15946, Baton Rouge, LA 70895. Representative: Janet Boles Chambers, 8211 Goodwood Blvd. Suite C-1, Baton Rouge, LA 70806. *Machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof,* between all points in the LA Parishes of Lafayette, Vermillion, East Baton Rouge and Livingston on one hand, and on the other, points in the States of TX, AR, MS, AL, GA, FL and OK.

Note.—Applicant intends to tack.

MC 129784 (Sub-5-3TA), filed July 27, 1981. Applicant: DAVISON TRANSPORT, INC., P.O. Drawer 846, Ruston, LA 71270. Representative: Dennis Ledet (same address as applicant). (1) *Containers, Container Closures, Container Components, Glassware and Packaging Products;* (2) *Scrap Materials;* (3) *Materials, Equipment, and Supplies used in the Sale, Manufacture and Distribution of the commodities named in (1) above:* Between Lincoln and Union Parishes, LA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Laurens Glass Co., Laurens, SC.

MC 141865 (Sub-5-21TA), filed July 27, 1981. Applicant: ACTION DELIVERY SERVICE, INC., 2401 West Marshall Drive, Grand Prairie, TX 75051. Representative: Martin White, 2401 West Marshall Dirve, Grand Prairie, TX 75051. Contract; Irregular. *Paper and Paper Products* from points in TX to points in MO, KS, CO, TN, LA and KY. Supporting shipper: Bowater Computer Forms, Inc., 3000 East Plano Parkway, Plano, TX 75074.

MC 143568 (Sub-5-3TA), filed July 27, 1981. Applicant: SIMMONS TRUCKING, INC., P.O. Box 71, Glenwood, MO 63541. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Contract; irregular: *Food and related products* between Kansas City, KS and its Commercial Zone, on the one hand, and, on the other, all points in MO; and between points in MO and IA, on the one hand, and, on the other, points in IL, pursuant to contract with Aldi, Inc. Supporting shipper: Aldi, Inc., 6500 Inland, Kansas City, KS 66106.

MC 145150 (Sub-5-11TA), filed July 27, 1981. Applicant: HAYNES TRANSPORT CO. INC., R. R. 2, Box 9, Salina, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 67401. *ANHYDROUS AMMONIA,* From Hutchinson County, TX to points in UT. Supporting shipper: Phillips Petroleum Co., 842 Adams Bldg., Bartlesville, OK 74004.

MC 145797 (Sub-5-4TA), filed July 27, 1981. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Drive, Chesterfield, MO 63017. Representative: R. Thomas Grasso, 111 Hilltown Village Center, Chesterfield, MO 63017. *Chemicals, drugs, diagnostic products, food, flavoring, fragrances, laboratory instruments, and supplies and toilet preparations (except in bulk, in tank vehicles)* between points in the states of CA, IL, KY, MO, NJ, NC, OH, PA, and WA, and points in the US. Supporting shipper: Mallinckrodt, Inc., 675 McDonnell Blvd., P.O. Box 5840, St. Louis, MO 63134.

MC 146055 (Sub-5-14TA), filed July 27, 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. *Such commodities as are used, dealt in, or distributed by manufacturers and distributors of pet foods* between points in the U.S. for the account of Kal Kan Foods, Inc. of Vernon, CA. Supporting shipper: Kal Kan Foods, Inc., 3386 East 44th Street, Vernon, CA 90058.

MC 146336 (Sub-5-10TA), filed July 27, 1981. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1606 109th Street, Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Contract, irregular: *chemicals or allied products and clay, concrete, glass or stone products* from Dallas, TX to points in AZ, CA, CO, LA, OR, WA and UT, under continuing contract(s) with L & M—Surco Mfg., Inc. Supporting shipper(s): L & M—Surco Mfg., Inc., 2414 Chalk Hill Road, Dallas, TX 75235.

MC 146730 (Sub-5-4TA), filed July 27, 1981. Applicant: L & W TRANSPORTATION, INC., Route #3, Box 195, Sedalia, MO 65301. Representative: Elvin S. Douglas, Jr., P.O. Box 280, Harrisonville, MO 64701. *Iron, steel and aluminum articles* from Cook and Dupage Counties, IL; Porter and Lake Counties, IN; and City of St. Louis and St. Louis County, MO, to all points in the U.S., and from the States of MO, AR, TN, OK, WI, IA, NE, TX, KY, IN, MI, MN, KS, SD, MS, IL, PA, NJ, CA.

OH, FL, WA, GA, OR, AL, to Cook and DuPage Counties, IL, Porter and Lake Counties, IN, and City of St. Louis and St. Louis County, MO. Supporting shippers: Metron Steel Corporation, 12900 S. Metron Drive, Chicago, IL 60633; Tollway Steel, 25th & Main, Melrose Park, IL 60100; Progressive Fabricators, Inc., 6800 Prescott, St. Louis, MO 63147.

MC 147321 (Sub-5-7TA), filed July 27, 1981. Applicant: BILL STARR TRUCKING, INC., 1041 S. Vista Dr., Independence, MO 64056. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. Contract, irregular; *General commodities, (except Classes A and B explosives and hazardous waste)*, between El Paso, TX, on the one hand, and, on the other, Chicago, IL; Newark, NJ; Atlanta, GA; St. Louis, MO; Louisville, KY; Phoenix, AZ; Los Angeles, CA; San Francisco, CA; Dallas TX; Kansas City, MO (and their respective commercial zones). Supporting shipper: Sun City Warehouses, Inc., 6501 Convair, El Paso, TX.

MC 148186 (Sub-5-2TA), filed July 27, 1981. Applicant: K. K. & T., INC., 2464 South Scenic, Springfield, MO 65807. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are dealt in or used by automotive supply houses (except in bulk)*, between the facilities of Aerosol Company, Inc., at or near Neodesha, KS; the facilities of J. D. Streett & Co., at or near St. Louis and Lemay, MO; and the facilities of Industrial Lubricants Company, Inc., a subsidiary of Sigmore Corp., at or near San Antonio, Houston, and Corpus Christi, TX, on the one hand, and, on the other, points in the U.S. Supporting shippers: Aerosol Company, Inc., 525 N. 11th Street, Neodesha, KS 66757; J. D. Streett & Co., 144 Weldon Parkway, Maryland Heights, MO; and Industrial Lubricants Company, Inc., a subsidiary of Sigmor Corp., Box 20267, San Antonio, TX 78220.

MC 148186 (Sub-5-3TA), filed July 27, 1981. Applicant: K. K. & T., INC., 2464 South Scenic, Springfield, MO 65807. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Lubricating oil and antifreeze (except in bulk)*, between the facilities of Cities Service Company at or near Cicero, IL; West Memphis, AR; Nederland, TX; Atlanta, GA; Witchita, KS; and St. Louis, MO; on the one hand, and, on the other, points in the U.S. Supporting shipper: Cities Service Company, Box 300 (OCB Room 666), Tulsa, OK 74102.

MC 148899 (Sub-5-1TA), filed July 27, 1981. Applicant: BARLOW TRUCK LINES, INC., Box 224, Faucett, 64448. Representative: Patricia F. Scott, Kretsinger & Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, 64068. *Ice cream mix and ingredients used in the manufacture thereof* between Santa Anna, CA and St. Joseph, MO on the one hand, and, on the other, points in and east of AR, IA, LA, MO & MN. Supporting shipper: Star Blends, P.O. Box 133, St. Joseph, MO 64502.

MC 149026 (Sub-5-26TA), filed July 27, 1981. Applicant: TRANS-STATES LINES, INC., 6815 Jenny Lind, Fort Smith, AR 72903. Representative: Larry C. Price, P.O. Box 6645, Fort Smith, AR 72906. *New Furniture and material, equipment and supplies used in the manufacture, assembly and distribution of New Furniture (except commodities in bulk)*; between Dallas, TX (and its commercial zone) and points in the U.S. (except AK & HI). Supporting shipper: Elan Furniture Co., 738 Jupiter Road, Dallas, TX 75042.

MC 150098 (Sub-5-2TA), filed July 27, 1981. Applicant: CHARLES OFFUTT CO., P.O. Box 5065, Bossier City, LA 71111. Representative: Charles Offutt (same as above). *Malt beverages and materials, supplies and equipment used in the production and distribution of malt beverages*, between Bossier City, LA and Fort Worth, TX and San Antonio, TX. Supporting shipper: G & G Distributing Corp., 410 Hamilton Rd., Bossier City, LA 71111.

Note.—Applicant intends to tack.

MC 153061 (Sub-5-2TA), filed July 27, 1981. Applicant: JAMES A. SCHENKER, d.b.a. MERCHANTS DELIVERY SERVICE, 1901 Hawthorne Street, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Contract; Irregular, *Toilet preparations, jewelry, and other products distributed by Avon Products Inc.*, from Dubuque, IA, to pts in Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Dubuque, Jackson, Jones, and Linn Counties, IA; and Crawford, Grant, and Lafayette Counties, WI, under continuing contracts with Avon Products Inc., New York, NY. Supporting shipper: Avon Products Inc., New York, NY.

MC 156893 (Sub-5-1TA), filed July 27, 1981. Applicant: KANSAS CITY COLD STORAGE DISTRIBUTION, INC., 500 East 3rd Street, Kansas City, MO 64106. Representative: Patricia F. Scott, Kretsinger & Kretsinger, P.O. Box 258, Liberty, MO 64068. *Such commodities as are dealt in or used by distributors of foodstuffs* between the Kansas City commercial zone, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, KY, MN, MO, NE, TN, TX and OK. Supporting shippers: Kansas City Cold Storage Corporation, 500 East 3rd Street, Kansas City, MO 64106, South Atlantic Marketing, Inc., 1575 N. Universal Avenue, Kansas City, MO 64120.

MC 157164 (Sub-5-2TA), filed July 27, 1981. Applicant: HOWARD LIGHT, d.b.a. HOWARD'S TRUCKING, Route 2, Box 152, Flint, TX 75762. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Paper and paper articles* between Frankston, TX, on the one hand, and, on the other, points in AL, AR, LA, NM, OK. Restricted to shipments originating at or destined to the facilities of Frankston Paper Box Company of TX, Inc. Supporting shipper: Frankston Paper Box Company of TX, Inc., P.O. Box 368, Frankston, TX 75763.

MC 157164 (Sub-5-3TA), filed July 27, 1981. Applicant: HOWARD LIGHT, d.b.a. HOWARD'S TRUCKING, Route 2, Box 152, Flint, TX 75762. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Building materials*, between Opelousas, LA, on the one hand, and, on the other, points in AR, MS, and TX. Restricted to shipments originating at or destined to the facilities of Elco Forest Products. Supporting shipper: Elco Forest Products, P.O. Box 976, Opelousas, LA 70570.

MC 157324 (Sub-5-1TA), filed July 27, 1981. Applicant: SUNFLOWER FOOD EXPRESS, INC., Box 143, Sedgwick, KS 67135. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Food and related products* between points in AR & KS, on the one hand, and, on the other, points in IN, IL, MD, MI, NY, OH, PA, WI and DC. Supporting shipper: DPM of Kansas, Inc., 800 East 37th Street North, Wichita, KS 67219.

MC 157340 (Sub-5-1TA), filed July 27, 1981. Applicant: DAVID CARLIN, d.b.a. CARLIN UNITED TRUCKING, P.O. Box 344, Round Rock, TX 78664. Representative: George James "Jim" Mallios, 608 Brown Building, 708 Colorado, Austin, TX 78701, (512) 477-9469. *Farm products, ores & minerals, coal, oil, and energy products, concrete and stone, metal products, machinery, transportation equipment, building materials, equipment* between points in NM, CO, KS, OK, CA, MO, AR, LA, AZ, WY, and IL. Supporting shipper: (1) J. C. Evans Construction Co., Inc., Austin, TX, (2) City of Round Rock, TX Round Rock, TX.

MC 119800 (Sub-5-2TA) filed July 29, 1981. Applicant: PHILIP THOMAS TRUCKING, INC., P.O. Box 248, Wynnewood, OK 73098. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *Jet fuel and aviation gasoline,*

in bulk, in tank vehicles, between points in OK, TX, AR, LA, MO, KS, CO, and NM. Supporting shipper: Tech Jet, Inc., Love Field Terminal Bldg., Tulsa, OK 75235.

MC 120750 (Sub-5–1TA), filed July 24, 1981. Applicant: ROUGHNECK TRUCKING, INC., 2611 Albany, Houston, TX 77006. Representative: Wendell J. Traylor (same as applicant). *Machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof* between points in TX on the one hand, and, on the other points in LA, OK, NM, CO, WY, MS and ND. Supporting shippers: 10.

MC 135997 (Sub-3), filed July 29, 1981. Applicant: TEXAS TANK LEASING, INC., Route 5, Box 99, Canroe, TX 77301. Representative: William D. Lynch; P.O. Box 912, Austin, TX 78767. *Roofing, roofing materials, roofing products, roof insulation, insulating material, mineral wool, machinery, equipment or supplies used in the installation and manufacture of the foregoing commodities,* from the facilities of Owens-Corning Fiberglas Corporation in the States of AZ, AR, CO, KS, LA, MS, MO, MN, OK, TN, TX on the one hand, and, on the other hand, all points and places in the States of AZ, AR, CO, KS, LA, MS, MO, NM, OK, TN, TX. Service is restricted to transportation on flatbed trailers only. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659

MC 140033 (Sub-15TA), filed July 29, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: Jackson Salasky, P.O. Box 45538, Dallas TX 75245. *Food and related products* (1) from Logan, UT and Pocatello, ID to Los Angeles, Hayward and San Diego, CA; Phoenix, AZ and Seattle, WA (2) from Monett and Carthage, MO to Denver, CO, St. Louis, MO, Dallas and Houston, TX and (3) from San Diego, CA to Dallas and Houston, TX. Supporting shipper(s): Foodmaker, Inc., 9330 Balboa Avenue, San Diego, CA 92112.

MC 151288 (Sub-5–2TA), filed July 28, 1981. Applicant: IOWA-ILLINOIS EXPRESS, LTD., 960 South Rolff, Davenport, IA 52802. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309. *General commodities (except liquid commodities in bulk, classes A and B explosives, and motor vehicles requiring the use of special equipment)* between pts in Warren County, IL, Knox County, IL, Henry County, IL, Whiteside County, IL, Rock Island County, IL, Clinton County, IA, Muscatine County, IA, Cedar County, IA, and Scott County, IA. Supporting shippers: 5.

MC 151643 (Sub-2TA), filed July 29, 1981. Applicant: LO-HI TRANSPORTATION, INC., P.O. Box 661, Fremont, NE 68025. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. Contract irregular *Household furniture and home furnishings* between pts in the U.S. RESTRICTION: Restricted to a transportation service provided under a continuing contract or contracts with D & D Investment Co., Inc., d/b/a Craftmatic Distributing. Supporting shipper(s): D & D Investment Co., Inc., d/b/a Craftmatic Distributing.

MC 153962 (Sub-5–3TA), filed July 29, 1981. Applicant: NEBRASKALAND CONTRACT CARRIERS, INC., P.O. Box 1190, Kearney, NE 68847. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular: *General commodities,* between pts in the U.S., under a continuing contract(s) with Our Own Hardware Company. Supporting shipper: Our Own Hardware Company, P.O. Box 720, Minneapolis, MN 55440.

MC 156581 (Sub-5–2), filed July 29, 1981. Applicant: METROPLEX FREIGHT SERVICE INC., 1804 Vantage Street, Carrollton, TX 75006. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 70562. Contract: Irregular, *(1) Liquid Plastic (2) Chemical Containers (3) Materials, Equipment and Supplies used in the manufacture and distribution of plastic or rubber articles* between Carrollton, TX, on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to the facilities of International Packaging Systems, Inc. Supporting shipper: International Packaging Systems, Inc., 1804 Vantage St., Carrollton, TX 75006.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 157065 (Sub-6–1TA), filed July 27, 1981. Applicant: PAUL K. BLYE, JR., d.b.a. A & P TRUCKING COMPANY, INC., 5619 W. Sunnyside Ave., Glendale, AZ 85304. Representative: Paul K. Blye, Jr. (same as applicant). *Contract Carrier,* Irregular routes: *Lumber and Wood Products; Building Materials; Insulation and Roofing Products,* between points in CA, AZ, NM, and TX, for the account of Specialty Forest Products, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Specialty Forest Products, 4433 N. 19th Ave., Phoenix, AZ 85015.

MC 156527 (Sub-6–1TA), filed July 23, 1981. Applicant: A.B. TRANSFER, INC., 17031 Green Dr., City of Industry, CA 91745. Representative: Armando M. Bernal (same address as applicant). *Furniture, furniture parts and equipment, materials and supplies used in the manufacture, warehousing or distribution of same;* between points in AZ, CA, NV, OR and WA, for 270 days. Supporting shippers: "There are (11) shippers. Their statements may be examined at the office.

MC 135215 (Sub-6–6TA), filed July 27, 1981. Applicant: BULK TRANSPORTATION, 415 Lemon Ave., Walnut, CA 91789. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier,* irregular routes: *Coal tar emulsion pavement sealer* from Oroville, CA, to points in OR and WA under a continuing contract(s) with Seal King Mfg., a division of Yardley Construction Co., Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Seal King Mfg., a division of Yardley Construction Co., Inc., 6810 Lincoln Blvd., Oroville, CA 95965.

MC 156899 (Sub-6–1TA), filed July 20, 1981. Applicant: CAROL DIXON, d.b.a. CAD BUILDING SUPPLIES, 9715 N. E. Prescott, Portland, OR 97220. Representative: Carol Dixon (same address as applicant). *(1) Lumber and Wood Products; Pulp, Paper and Related Products; Metal Products; and Building Materials,* between points in CA, ID, OR, and WA. *(2) Machinery and Transportation Equipment, and Materials and Supplies used in the manufacture and distribution thereof,* from points in AL, CA, MS, and WA, to points in Multnomah County, OR, and from points in Multnomah County, OR, to points in CA, OR, and WA, for 270 days. There are seven supporting shippers; their statements may be examined at the office listed.

MC 157379 (Sub-6–1TA), filed July 28, 1981. Applicant: DCL Transport, INC., P.O. Box C–002, Vancouver, WA 98661. Representative: David L. Jacques (same address as applicant). *Contract Carrier:* Irregular Routes, *(1) Lumber and Wood Products and Building Materials; (2) Metal and Metal Products,* (1) from points in CA, ID, OR, and WA, to points in AR, AZ, CA, CO, ID, IL, IN, IA, KS,

LA, MI, MN, MO, MS, NE, NM, NV, OK, OR, OH, TX, UT, WA, WI, and WY, and points on the U.S. CANADA border in ID and WA for the account of the Wickes Companies, Inc., and its Divisions and Subsidiaries; (2) between points in AR, AZ, CA, CO, ID, IL, IN, KS, LA, MO, MT, MS, ND, NM, NV, OH, OK, OR, TX, UT, WA, and WY for the account of Jospeh T. Ryerson & Son, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Wickes Companies, Inc., 30160 S.W. Orepac Ave., P.O. Box. 200, Wilsonville, OR 97070; Joseph T. Ryerson & Son, Inc., 65th & Hollis St., Box 8427, Emeryville, CA 94662.

MC 128685 (Sub-6-5TA), filed July 22, 1981. Applicant: DIXON BROS., INC., P.O.D. 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. *Metal products*, between points in Chicago, IL and its Commercial Zone, Whiteside and Madison Counties, IL; St. Louis, MO and its Commercial Zone, Jackson, Clay and Platte Counties, MO; Polk County, IA; and Elkhart County, IN, on the one hand, and, on the other, points in WY and Polk County, IA, for 270 days. Supporting shipper: Pittsburgh-Des Moines Steel Co., 1000 W. First St., Casper, WY 82601.

MC 153215 (Sub-6-2TA), filed July 23, 1981. Applicant: DON'S REFRIGERATED EXPRESS, LTD., 1168 168th St., R.R. #7, White Rock, B.C., CD V4B 5A6. Representative: Michael D. Duppenthaler, 211 S. Washington, St., Seattle, WA 98104. *Contract Carrier*, Irregular Routes: *Pulp, Paper or Allied Products*, between ports of entry on the International Boundary Line between the U.S. and CD in WA on the one hand, and, on the other, points in the Los Angeles, CA Commercial Zone for the account of Field Board, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Field Board, Inc., 8944½ Burton Way, Beverly Hills, CA 90211.

MC 151748 (Sub-6-2TA), filed July 27, 1981. Applicant: GRAPHIC ARTS PUBLISHING CO., INC., d.b.a. GAP TRUCKING, 2285 Warm Springs Ave., Boise, ID 83706. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. *Contract Carrier*: Irregular Routes: *Office furniture, materials, supplies, equipment and related products*, between Boise, ID, on the one hand, and, on the other, points in ID, MT, NV, OR, UT and WA. Supporting shipper: Equipment Distributors, Inc., 389 Benjamin Ln, Boise, ID 83704.

MC 157294 (Sub-6-1TA), filed July 23, 1981. Applicant: GREENACRES BUILDING SUPPLIES, INC., E. 17209 Coach Dr., Greenacres, WA 99016. Representative: Robert A. Bovee (same as Applicant). (1) *Brick and related materials*, From points in Spokane County, WA to points in Weber County, UT, (2) *Scrap Metals*, between points in ID, MT, and WA, (3) *Metal and Metal Products*, from points in CA to points in OR and WA, and From Multnomah County, OR and King County, WA, to points in ID, MT, and WA, (4) *Lumber and Wood Products*, from WA and points on the U.S. Canadian Border in WA and ID, to points in ID, and WA, (5) *Transportation Equipment*, Between points in Multnomah County, OR; King County, WA, and Spokane County, WA, (6) *Roofing Materials, and Materials and Supplies used in the installation of the above*, between points in Spokane County, WA, on the one hand, and, on the other, points in CA, ID, and OR, for 270 days. Supporting shippers: There are six statements of support which may be examined at office listed above.

MC 154996 (Sub-6-2TA), filed July 24, 1981. Applicant: JOHNSTON MEATS, INC., Cabana Rd., Rte. 3, Box 3514, Hermiston, OR 97838. Representative: Earl M. Johnston (same as above). *Building materials, irrigation materials and hazardous waste materials* between points in OR, WA, ID, MT, UT, and CA for 270 days. Supporting shipper(s): Georgia-Pacific Corp., P.O.B. 1180, Pasco, WA 99301; Chem-Security Systems Inc., P.O.B. 1269, Portland, OR 97207; Pendleton Grain Growers, Inc, P.O.B. 8, Hermiston, OR 97838.

MC 156505 (Sub-6-1TA), filed July 22, 1981. Applicant: HAMPTON ENTERPRISE, d.b.a. HAMPTON WATER SERVICE, P.O. Box 389, Sidney, MT 59270. Representative: Dennis R. Lopach, Esq., P.O. Box 514, Helena, MT 59624. *Natural water, brine water, fluids used in drilling for oil and gas*, and *hydrogen sulfide*, between points in MT, ND, WY, and ID, for 270 days. Supporting shippers: There are 7 supporting shippers. Their statements may be examined at the office listed.

MC 157329 (Sub-6-1TA), filed July 24, 1981. Applicant: K. C. HAULERS, 1283 County Rd., Durango, CO 81301. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717-17th St., Denver, CO 80202. *Contract Carrier*, Irregular routes: *Coal and coal products*, between points in LaPlata County, CO, on the one hand, and, on the other, points in AZ, NM, and UT, restricted to a transportation service to be performed under contract(s) with National King Coal, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: National King Coal, Inc., 1015-½ Main Street, Durango, CO 81301.

MC 152247 (Sub-6-2TA), filed July 22, 1981. Applicant: KOHLER TRUCKING, INC., 4521 W Produce Plaza, Suite 14, Los Angeles, CA 90058. Representative: Eldon R. Clawson, 1222 Via Del Sol, San Dimas, CA 91773. *Contract, irregular: meats, meat products, and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in MC Certificates 61 MCC 209 and 706, to Columbus, OH, Gulfport, MS, Kenosha, WI, and Vernon, CA, from Wallula, WA, Denver, CO, Boise and Nampa, ID, Lincoln, Omaha and Madison, NB, Wichita and Emporia, KS, Des Moines, Sioux City, Dubuque and Fort Dodge, IA, and Amarillo, TX, under a continuing contract with Kal Kan Foods, Inc. of Vernon, CA. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kal Kan Foods, Inc., 3386 E 44th St., Vernon, CA 90058.

MC 152247 (Sub-6-3TA), filed July 22, 1981. Applicant: KOHLER TRUCKING, INC., 4521 W Produce Plaza, Suite 14, Los Angeles, CA 90058. Representative: Eldon R. Clawson, 1222 Via Del Sol, San Dimas, CA 91773. *Contract, irregular:* artificial flavored liquid drink products, non-alcoholic from Whittier, CA, to Albuquerque, NM, Colorado Springs, CO, Kansas City, KS, Las Vegas, NV, Omaha, NE, Phoenix, AZ, Portland, OR, Salt Lake City, UT, and Seattle, WA, under a continuing contract with Kisco Products of California, Inc., of Whittier, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kisco Products of California, Inc., 12025 Hadley St., Whittier, CA 90601.

MC 148775 (Sub-6-1TA), filed July 28, 1981. Applicant: ARNIE MAKEEFF, d.b.a. MAKEEFF TRUCKING, 1347 Tillamack, Billings, MT 59101. Representative: Alma L. Longmire, P.O. Box 30351, Billings, MT 59107. *Electric Welders, Electric Welder Parts, Accessories and Supplies*, from points in WI to points in AZ, CA, CO, ID, IA, KS, MN, MO, MT, NE, NM, NV, ND, OK, OR, SD, TX, UT, WA and WY, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Miller Electric Mfg. Co., 718 S. Bounds St., Appleton, WI 54912.

MC 144572 (Sub-6-27TA), filed July 23, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. *Food and related*

products, between the facilities utilized by Banquet Foods Corp., at points in the U.S., on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Banquet Foods Corp., 100 N. Broadway, St. Louis, MO 63102.

MC 151683 (Sub-6-2TA), filed July 23, 1981. Applicant: NAVAJO TRANSIT SYSTEM, DEPARTMENT OF THE NAVAJO TRIBE OF INDIANS, P.O. Box 1330, Window Rock, AZ 86515. Representative: David Bia (same address as applicant). *Passengers and their baggage in charter and special operations:* from Navajo Nation points in AZ and NM to points in AZ, NM, CO, UT, WA, OR, ID, CA, NV, OK, TX, KS, IL, MO, AR, TN, NC, VA, MD and DC, for 180 days. Supporting shipper: There are 11 shippers: their statements may be examined at the office listed.

MC 151650 (Sub-6-2TA), filed July 23, 1981. Applicant: OVERLEY'S INCORPORATED, 650 West Southern Avenue, Mesa, AZ 85202. Representative: Phil B. Hammond, 3003 N. Central Ave, Suite 2201, Phoenix, AZ 85012. *Hazardous waste* (a) from Pima and Maricopa Counties, AZ, to Union County, AR; and (b) from Bernalillo County, NM, to points in CA, for 270 days. Supporting shippers: Hughes Aircraft Company, Nogales Highway, Tucson, AZ 85734; Marathon Steel, Rolling Mill Division, Elliott & Kyrene Roads, Tempe, AZ 85284; and Sparton Southwest, Inc., 9621 Coors Road N.W., Albuquerque, NM 87103. An underlying ETA seeks 120 days authority.

MC 157360 (Sub-6-1TA), filed July 27, 1981. Applicant: ROLAND HAM, d.b.a. PACIFIC LINK, 2120 Waterman Ave., No. 212, San Bernardino, CA 92408. Representative: Donald R. Hedrick, Post Office Box 88, Norwalk, CA 90650. *Contract Carrier*, Irregular routes: (1) *New automobiles*, secondary movements, in truckaway service; (2) *automobile parts and accessories;* between points in the U.S., for the account of Rolls Royce Motors, Inc., for 270 days. Supporting shipper: Rolls Royce Motors, Inc., 1821 DeHavilland Dr., Thousand Oaks, CA 91320.

MC 144957 (Sub-6-7TA), filed July 23, 1981. Applicant: PETERCLIFFE, LTD., 14730 East Valley Blvd., LaPuente, CA 91746. Representative: Patrick H. Smyth, 19 S. LaSalle St., Suite 401, Chicago, IL 60603. *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined, commodities in bulk, and those requiring special equipment), between points in FL and MO, for 270 days. Supporting shipper: Bennett Transportation Services, Inc., 10439 Briarbend Dr., Suite #3, St. Louis, MO 63141.

MC 140163 (Sub-6-5TA), filed July 23, 1981. Applicant: POST & SONS TRANSFER, INC., 2326 Milwaukee Rd., Tacoma, WA 98421. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Pulpboard, paper and plastic articles, lighting fixtures and furniture and materials, supplies and equipment used in the manufacturer of such articles* between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, restricted to traffic moving to and from the plant or storage facilities of Scott Paper Company, for 270 days. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 156607 (Sub-6-1TA), filed July 27, 1981. Applicant: R&L DELIVERY SERVICE, INC., 4411 W. Slauson Ave., Los Angeles, CA 90043. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. *New furniture and fixtures, antiques and objects of art, of unusual nature or value*, between points in the U.S., for 270 days. Supporting shippers: There are six shippers. Their statements may be examined at the Regional office listed.

MC 121623 (Sub-6-1TA), filed July 27, 1981. Applicant: BILL H. SEVERNS AND DENISE SEVERNS, d.b.a. RAVALLI MOTOR FREIGHT, 250 Corvallis Rd., Corvallis, MT. Representative: Bill H. Severns (same as applicant). *Common Carrier* Regular route: *General commodities* (except Classes A & B explosives), having prior or subsequent Interstate movement, between Butte and Darby MT, serving all intermediate points and the off-route points of Anaconda, Jackson, Medicine Hot Springs, Conner, U.S.D.A. Job Corp Center and the West Fork Ranger Station MT, in connection with carriers authorized regular-route operation, from Butte over Interstate Hwy 90 to Junction Interstate Hwy 15, then over Interstate Hwy 15 to Junction MT Hwy 43 then over MT Hwy 43 to Junction U.S. Hwy 93 then over U.S. Hwy 93 to Darby and return over the same route, for 270 days. An underline E.T.A. seeks 120 days authority. Authorization is sought to interlines and tack the above named authority with MC 121623. There are six shippers. Their statements may be examined at the Regional Office.

MC 152609 (Sub-6-3TA), filed July 24, 1981. Applicant: SHIPPERS FREIGHT SERVICES, INC., P.O.B. 1248, Lake Oswego, OR 97034. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210. *Contract carrier*, Irregular routes: (1) *paper and paper articles* and (2) *materials and supplies* used in the manufacture and distribution of paper and paper articles, between Halsey, OR, on the one hand, and points in CA, AZ, CO, WA, MT, NM, NV, WY and TX, on the other, for the account of American Can Company, for 270 days. Supporting shipper: American Can Company, 333 Gellert Bv, Daly City, CA 94105.

MC 150852 (Sub-6-4TA), filed July 23, 1981. Applicant: SKYLINE TRANSPORT, INC., 1469 W. 6720 S., W Jordan, UT 84084. Representative: R. G. Simonian (same as applicant). (1) *Chemical, hazardous and/or toxic wastes* from plant site of National Semi-Conductor Corp. at W Jordan, UT to approved EPA disposal sites at or near West Covina, CA, Beatty, NV, Arlington, or, Houston, TX, Eldarado, AR, Mt Home, ID. (2) *Chemicals (sulphuric acid & costic soda) & related products* from Pittsburgh, CA, Denver, CO, to plant site of National Semi-Conductor Corp at W Jordan, UT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: National Semi-Conductor Corp., 3333 W 9000 S., W Jordan, UT 84084.

MC 151471 (Sub-6-13TA), filed July 23, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: Jack B. Wolfe, 1600 Sherman # 665, Denver, CO 80203. *Contract carrier*, irregular. *Alcoholic beverages and related materials and supplies*, from points in KY, Lawrenceburg, IN, and Jacksonville, FL and points in their commercial zones, to points in KS, under contract with Standard Liquor Corporation for 270 days. Supporting shipper: Standard Liquor Corporation, 3629 North Hydraulic, Wichita, KS, 67219. An underlying ETA seeks 120 days authority.

MC 151471 (Sub-6-14TA), filed July 24, 1981. Applicant: STEINBECKER BROS., INC., P.O.B. 852, Greeley, CO 80632. Representative: Jack B. Wolfe, 1600 Sherman # 665, Denver, CO 80203. *Contract carrier*, irregular routes, *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, from the facilities of Superior Packing Company, Inc., at or near Ellensburg and Seattle, WA and Dixon, CA to points in IN, IA, NE, IL, MN, PA, NY, NJ, MA, OH, CT, RI, MD, DE, VA, NC, SC, GA, FL, and DC, for the account of Superior Packing Company, Inc. for 270 days. Supporting shipper: Superior Packing Company, Inc., P.O.B. 277, Ellensburg, WA 98926.

MC 147978 (Sub-6-4TA), filed July 27, 1981. Applicant: SYSTEM REEFER

SERVICE, INC., 4614 Lincoln Ave., Cypress, CA 90630. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. *Steel and steel products*, from Youngstown and Canton, OH, including their respective commercial zones, to Los Angeles County, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cunningham Building Specialties, 15034 East Proctor Avenue, City of Industry, CA 91744.

MC 123329 (Sub-6-14TA), filed July 27, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O.B. 3500, Calgary, Alberta, CD T2P 2P9. Representative: D. S. Vincent (same as applicant). *Bagged Copper Sulphate* from ports of entry on the International Boundary between the U.S. and CD located in WA to Tigard, OR, Seattle, WA and Spokane, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Great Western Chemical Co., 808 Southwest 15th, Portland, OR 97205.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23186 Filed 8-7-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29635]

Providence and Worcester Co. and Providence and Worcester Rail Systems, Inc.; Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the control by Providence and Worcester Company (P&W Company) of Moshassuck Valley Railroad Company (MV) for the requirement of prior approval under 49 U.S.C. 11343.

DATES: The exemption will be effective on the date of service. Petitions for reconsideration of this decision must be filed within 30 days following **Federal Register** publication.

ADDRESSES: Send petitions for reconsideration to: (1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th Street and Constitution Ave. NW., Washington, DC 20423; and (2) Petitioners' representatives: John L. Richardson and Elizabeth A. Campbell, Suite 1100, 1660 L St. NW., Washington, DC 20036. Pleadings should refer to Finance Docket No. 29635.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION: P&W Company, a non-carrier holding company, owns all the outstanding stock of Providence and Worcester Railroad Company (P&W Railroad). P&W Railroad owns all the outstanding stock of Warwick Railroad Company and 22.8% of the outstanding stock of Vermont and Massachusetts Railroad Company.

Providence and Worcester Rail Systems, Inc. (P&W Systems) is a non-carrier, wholly-owned subsidiary of P&W Company. P&W Systems has contracted with MVR Holding Corporation (MVR), a non-carrier, to purchase all the outstanding stock of MV. As consideration, P&W Sytems will pay MVR $600,000 plus the amount of all indebtedness MVR owes MV (approximately $200,000).[1]

P&W Company and P&W Systems have asked us to exempt this transaction from the regulatory requirements of 49 U.S.C. 11343. We have jurisdiction over the acquisition of control of MV by P&W Company through P&W Systems. See 49 U.S.C. 11343(a)(5).

MV operates 2.9 miles of track between Pawtucket and Lincoln, RI, and handles approximately 30 carloads a week for 35 customers. P&W Railroad operates approximately 166 miles of trackage in Massachusetts, Rhode Island, and Connecticut. MV and P&W Railroad connect at Pawtucket. After the proposed transaction is consummated, MV will be operated as part of the system of carriers controlled by P&W Company. The transaction will not result in any significant change in rail service patterns. Shippers located on the MV line will continue to be served by MV and their traffic interchanged as in the past. Petitioners believe that the transaction will enable its system carriers to provide more responsive service.

MV has 6 employees which P&W Company and P&W Systems intend to protect to the maximum extent feasible. Petitioners agree to be bound by the employee protective provisions developed in *New York Dock—Control—Brooklyn Eastern Dist*, 360 I.C.C. 60 (1979).

By letter dated June 22, 1981, petitioners request that any exemption granted be effective immediately to allow them to respond immediately to shippers' request for repairs and improved service on the MV line.

Statutory Provisions

The acquisition of control of a carrier by a non-carrier that controls one or more other carriers requires our approval under 49 U.S.C. 11343, in accordance with regulations at 49 CFR Part 1111 (1979).

Under 49 U.S.C. 10505, as amended by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96-448), we can exempt certain rail matters as a means of eliminating burdensome regulations of rail carriers. That section directs us to exempt a transaction when we find that (1) continued regulation is not necessary to carry out the rail transportation policy in 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

We believe the proposed transaction satisfies the criteria of 49 U.S.C. 10505. The transaction will not affect the competitive balance among rail carriers, and will have a *de minimis* impact on interstate commerce. Our approval of the purchase is not necessary to carry out any of the 15 objectives of the Rail Transportation Policy. In fact, our exempting this transaction will facilitate at least one of the objectives of section 10101a: to minimize the need for the Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required. (49 U.S.C. 10101a(2).)

The transaction is of limited scope because (1) it involves a very small segment of track within one State, (2) it will not significantly change rail operations, and (3) it will have no impact on any railroad employees, shippers, or the operations of any other rail carrier.

Having concluded that the transaction is of limited scope, we need not determine whether prior approval of the transaction is necessary to protect shippers from the abuse of market power.

Petitioners ask us to make the exemption effective immediately. Under our normal exemption procedures, an exemption would not become effective until 30 days after the decision is published in the **Federal Register**. This allows us to consider petitions for reconsideration of our exemption decision before the parties consummate the transaction. We will provide for a less-than-30-day effective date only where it is shown to be warranted because of extroaordinary circumstances. See *Modification of Procedure For Handling Exemption Filed Under 49 U.S.C. 10505*, 45 FR 85180 (December 24, 1980). Shippers on the

[1] The payment of this debt obligation is essentially a "wash" transaction since this amount will go to MV and in turn back to P&W Systems.

line have asked petitioner to repair the track and other rail properties of MV. Several shippers have also complained about the deterioration of MV's rail service. Repairs to the MV line must commence immediately if they are to be completed prior to the early New England winter. Therefore, this decision will be effective when served.

Labor Protection

In granting this exemption, we may not relieve a carrier of its obligation to protect the interests of its employees. 49 U.S.C. 10505(g)(1). We have determined that the employee protective provisions developed in the *New York Dock case, supra*, satisfy the statutory requirements of 49 U.S.C. 11347 for protection of employees affected by rail transactions for which approval is sought under 49 U.S.C. 11343 in control proceedings. Accordingly, these employee protective provisions will be imposed here as a condition to exemption of the transaction.

This decision will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505, we exempt the control of MV by P&W Company, from 49 U.S.C. 11343, subject to the employee protective conditions imposed in *New York Dock Ry—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

(2) Within 60 days after the transaction is consummated, the parties shall submit three copies of a sworn statement showing all journal entries, if any, required to record the transaction.

(3) The exemption will continue in effect for one year from the effective date of this decision. The parties must consummate the transaction within that time in order to take advantage of this exemption.

(4) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register**, for publication.

(5) This exemption shall be effective on the date of service.

(6) Petitions to reopen this proceeding for reconsideration must be filed no later than from 30 days after the date of publication in the **Federal Register**.

Decided: July 27, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23185 Filed 8-7-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

[Civil No. C-C-81-328]

United States v. The Dickerson Group, Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS) have been filed with the United States District Court for the Western District of North Carolina in *United States* v. *The Dickerson Group, Inc.*, Civil Action No. C-C-81-328. The Complaint in this case alleged that the corporation engaged in three combinations and conspiracies to rig bids on highway construction projects in the State of North Carolina in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The proposed Final Judgment would enjoin the defendant from entering into or maintaining any agreement, understanding, combination or conspiracy with any other person to: raise, fix, establish, stabilize, maintain or adhere to prices, discounts or other term or condition of sale for road building work or the sale of asphalt to any third person; submit noncompetitive, collusive or rigged bids, or refrain from bidding on road building work or the sale of asphalt to any third person; and allocate or divide jobs, markets, customers, contracts or territories for road building work or the sale of asphalt to any third person.

The proposed Final Judgment further would enjoin the defendant from communicating with or requesting from any other person engaged in road building work or the sale of asphalt information about any past, present, future or proposed bid, or the consideration of whether to make any bid, for road building work or the sale of asphalt to any third person, or any past, present, future or proposed price, discount or other term or condition of sale for road building work or the sale of asphalt or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition of sale for road building work or the sale of asphalt.

In addition, the proposed Final Judgment would enjoin the defendant from communicating with or requesting from any other person engaged in road building work or the sale of asphalt information about sales or costs of road building work or asphalt sales, production, or costs. The defendant would be required to notify all employees with bidding or estimating responsibility or any authority over the establishment of prices for road building work or contracts for the sale of asphalt of the requirements any prohibitions of the proposed Final Judgment.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the court. Comments should be directed to Anthony V. Nanni, Chief, Trial Section, Room 3266, Antitrust Division, Department of Justice, Washington, D.C. 20530 (telephone: 202/633-2541).

Joseph H. Widmar,

Director of Operations.

U.S. District Court, Western District of North Carolina, Charlotte Division

United States of America, Plaintiff, v. *The Dickerson Group, Inc.*, Defendant.

Civil Action No. C-C-81-328.

Filed: July 28, 1981.

Stipulation

The parties stipulate and agree that:

1. The court may file and enter a Final Judgment, in the form attached to this Stipulation, on the court's own motion or on motion of any party at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), and without further notice to any party or other proceedings, if the plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice of its withdrawal on the defendant and filing that notice with the court.

2. If the plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, the Stipulation shall be of no effect whatever and the making of it shall be without prejudice to any party in this or any other proceeding.

Dated: ———.

For the plaintiff: William F. Baxter, *Assistant Attorney General;* Joseph H. Widmar, Anthony V. Nanni, Gordon L. Lang, Laura Metcoff Klaus, *Attorneys, U.S. Department of Justice.*

For the defendant: Paul L. Friedman, White & Case, 1747 Pennsylvania Ave., N.W., Washington, D.C. 20006, W. Duvall Spruil, Turner, Padget, Graham & Laney, Federal Land Bank Building, 1401 Hampton St., P.O. Box 1473, Columbia, S.C.

U.S. District Court, Western District of North Carolina, Charlotte Division

United States of America, Plaintiff, v. *The Dickerson Group, Inc.*, Defendant.

Civil Action No. C-C-81-328.

Filed: July 28, 1981.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on ———, —1981 and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law and upon consent of the parties, it is hereby,

Ordered, adjudged and decreed as follows:

I

This court has jurisdiction of the subject matter of this action and of the parties. The Complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment:

(A) "Person" means any natural person, partnership, firm, corporation, association, or other business or legal entity;

(B) "Asphalt" means a paving material consisting of aggregates using asphalt cement or liquid asphalt as the cementing agent; and

(C) "Road building work" means the building, rebuilding, surfacing, resurfacing or maintenance of public and non-public roads, bridges, ramps, grade separation structures, airport runways, taxiways, aprons, parking lots and other paved areas, and includes all services bid or performed in connection therewith, including, but not limited to, grading, paving, earth moving, landscaping and the installing or repair of culverts, and all materials supplied in connection therewith.

III

This Final Judgment applies to the defendant and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is enjoined and restrained from directly or indirectly entering into, adhering to, maintaining, enforcing or furthering any contract, agreement, understanding, plan, program, combination or conspiracy with any person to:

(A) Raise, fix, establish, stabilize, maintain, or adhere to prices, discounts or any other term or condition of sale for road building work or the sale of asphalt to any third person;

(B) Submit noncompetitive, collusive or rigged bids, or refrain from bidding on road building work or the sale of asphalt to any third person; and

(C) Allocate or divide jobs, markets, customers, contracts or territories for road building work or the sale of asphalt to any third person.

V

Defendant is enjoined and restrained from communicating with, or requesting from any other person engaged in road building work or the sale of asphalt, information concerning: (A) any past, present, future or proposed bid, or the consideration of whether to make any bid, for road building work or the sale of asphalt to any third person; (B) any past, present, future or proposed price, discount or other term or condition of sale for road building work or the sale of asphalt or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition of sale for road building work or the sale of asphalt; or (C) sales or cost or road building work or asphalt sales, production, or costs.

VI

This Final Judgment shall not apply to: (A) any necessary communication in connection with formulating or submitting with any person a *bona fide* joint bid or quotation, when the formulation or submission or such joint bid or quotation has been requested by or is known to the purchaser; (B) any necessary communication in connection with a *bona fide* contemplated or actual purchase or sales transaction between the parties to the communication; and (C) any communication that is made to the public or trade generally, but is not made directly to any other person engaged in road building work or the sale of asphalt.

VII

(A) Defendant shall, within 60 days after entry of this Final Judgment, furnish a copy of it to each of its employees who has any responsibility for bidding or estimating road building work or contracts for the sale of asphalt or any authority over the establishment of prices for road building work or asphalt.

(B) Defendant shall furnish a copy of this Final Judgment to each person who becomes an employee described in subsection (A) of this section, within 60 days after the employee assumes the position that brings the employee within that description.

(C) Defendant shall take additional affirmative steps to advise each of its employees described in subsections (A) and (B) of this section of its and of their obligations. These steps shall include distribution to each of them, at least once every two years, of copies of this Final Judgment and of a written directive about the defendant's policy requiring compliance with the Sherman Act and with the judgment. The directive shall include an admonition that noncompliance will result in appropriate disciplinary action, which may include dismissal, and advice that the defendant's legal advisors are available to confer about any compliance questions. The defendant shall require that each of the employees described in subsections (A) and (B) of this section submit to it a signed statement, which it shall retain in its files, acknowledging each receipt of copies of the judgment and the directive, acknowledging that the employee has read them, acknowledging that the employee has been advised and understands that noncompliance will result in appropriate disciplinary action, which may include dismissal, and acknowledging that the employee has been advised and understands that noncompliance with the judgment may also result in conviction for contempt of court and fine or imprisonment, or both.

(D) Defendant shall file with the court and serve on the plaintiff, within 90 days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subsection (A) of this section.

VIII

Defendant shall require in conjunction with the sale or disposition of all, or substantially all, of the total assets of its road building work business or asphalt business, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the court, and serve on the plaintiff, its consent to be bound by this Final Judgment.

IX

For the purpose of determining or securing compliance with this Final Judgment, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division or his or her agent made to the defendant at its principal office, subject to any legally recognized privilege:

(A) On reasonable notice to the defendant, which may have counsel present, duly authorized representatives of the Department of Justice shall be permitted:

1. Access, during office hours of the defendant, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of the defendant relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, directors, employees or agents of the defendant, any of whom may have counsel present, regarding any matters contained in this Final Judgment.

(B) The defendant shall submit such reports in writing, under oath if requested, with respect to any matters contained in the Final Judgment as may be reasonably requested.

No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

(C) If, at the time information or documents are furnished by the defendant to plaintiff, the defendant represents and identifies in writing the material in the information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure and the defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure" then the plaintiff shall give ten days notice to the defendant before divulging the material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

X

Jurisdiction is retained by this court for the purpose of enabling any of the parties to apply to this court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance with it or for the punishment of any violation of it.

XI

This Final Judgment shall be in effect for the period of ten years following the date of its entry.

Entry of this Final Judgment is in the public interest.

Dated: ————.

United States District Judge.

U.S. District Court, Western District of North Carolina, Charlotte Division

United States of America, Plaintiff, v. *The Dickerson Group, Inc.*, Defendant.

Civil Action No. C-C-81-328.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On————, 1981, the United States filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. 4) to enjoin the defendant from continuing or renewing violations of Section 1 of the Sherman Act (15 U.S.C. 1).

Count One of the complaint alleges that beginning in or about October 1976, the defendant and unnamed co-conspirators engaged in a combination and conspiracy to restrain interstate commerce by submitting collusive, noncompetitive and rigged bids on highway construction Project 8.1115105 let by the State of North Carolina on November 2, 1976. Count Two of the complaint alleges that beginning in or about May 1978, the defendant and unnamed co-conspirators engaged in a conspiracy to restrain interstate commerce by submitting collusive, noncompetitive and rigged bids on highway construction Project 6.503019 let by the State of North Carolina on June 27, 1978. Count Three of the complaint alleges that beginning in or about November 1978, the defendant and unnamed co-conspirators engaged in a conspiracy to restrain interstate commerce by submitting collusive, noncompetitive and rigged bids on highway construction Project 5.0411034, let by the State of North Carolina on December 19, 1978. The complaint seeks a judgment by the court that the defendant engaged in the combinations and conspiracies in restraint of trade in violation of Section 1 of the Sherman Act as alleged in Counts One, Two and Three of the complaint and an order to enjoin the defendant from continuing or resuming any conspiracy or other combination having similar purposes or effects.

This proceeding arose as a result of grand jury investigations into the bid-rigging activities of the defendant and others in North Carolina and South Carolina. On December 3, 1980, The Dickerson Group, Inc. was charged in a three-count information in the Western District of North Carolina with conspiring with others to submit collusive, noncompetitive and rigged bids on the three projects which are the subject of the complaint. *United States v. The Dickerson Group, Inc.*, C-CR-80-116. On November 25, 1980, the company also was charged in a one-count information in the district of South Carolina with conspiring with others to submit collusive, noncompetitive and rigged bids on one highway construction project. *United States v. The Dickerson Group, Inc.*, 80-262. Pursuant to plea agreements, the defendant pleaded guilty to both informations and was fined $700,000 in North Carolina and $150,000 in South Carolina.

II

The Terms of the Alleged Conspiracies

During the period of time covered by the complaint, the defendant engaged in the business of highway construction in the State of North Carolina, as well as other states.

The complaint alleges that for each of the three projects, the defendant and unnamed co-conspirators conspired to restrain interstate commerce in violation of Section 1 of the Sherman Act, by submitting collusive, noncompetitive and rigged bids on highway projects that were part of the Federal-Aid highway system in the State of North Carolina. To effectuate the conspiracies, the complaint alleges that the defendant and unnamed co-conspirators discussed the submission of prospective bids, agreed the defendant would be the low bidder on the projects, and submitted intentionally high or complementary bids, or withheld bids on the projects. The complaint further alleges that the conspiracies had the effect of establishing the prices of the three projects at artificial and noncompetitive levels and of denying the State of North Carolina and the United States the benefits of free and open competition.

III

Explanation of the Proposed Final Judgment

The parties have stipulated that the proposed Final Judgment may be entered by the court at any time after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h). The proposed Final Judgment between the parties provides that the entry of the Final Judgment is not an admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, the proposed Final Judgment may not be entered unless the court determines that entry is in the public interest.

The proposed Final Judgment enjoins the defendant from entering into, adhering to, maintaining, enforcing or furthering, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy with any person to: (a) raise, fix, establish, maintain, stabilize or adhere to prices, discounts or any other term or condition of sale for road building work or the sale of asphalt to any third person; (b) submit noncompetitive, collusive or rigged bids or refrain from bidding on any contract for the sale of asphalt or road building work to any third person; and (c) allocate or divide jobs, markets, customers, territories or contracts for the sale of asphalt or road building work to any third person.

The proposed Final Judgment also enjoins the defendant from communicating with or requesting from any other person engaged in road building work or the sale of asphalt information concerning: (a) any past, present, future or proposed bid, or the consideration of whether to make any bid, for the sale of asphalt or road building work to any third person; (b) any past, present, future or proposed price, discount or other term or condition of sale for road building work or the sale of asphalt or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition of sale for road building work or the sale of asphalt; or (c) sales or costs or road building work or asphalt sales, production, or costs. These restrictions on communication do not apply to: (a) any necessary communication in connection with formulating or submitting with any person a *bona fide* joint bid or quotation that has been requested by or is known to the purchaser; (b) any necessary communication in connection with a *bona fide* contemplated or actual purchase or sales transaction between the parties to the communication; and (c) any communciation that is made to the public or trade generally, but not made directly to any other person engaged in road building work or the sale of asphalt.

The proposed Final Judgment requires the defendant to provide a copy of the Final Judgment to each of its employees who has any responsibility for bidding or estimating road building work or contracts for the sale of asphalt or authority over the establishment of prices for road building work or asphalt within 60 days after the judgment is entered. The defendant must also furnish a copy of the Final Judgment to each person who becomes an employee with the responsibilities described above within 60 days after the employee assumes the described position. In addition, the defendant is required to distribute at least once every two years, a copy of the Final Judgment and a written directive about the defendant's compliance policy to each of the described employees. The directive must include a warning that noncompliance will result in disciplinary action, which may include dismissal, and advice that the defendant's legal advisors are available to confer on compliance questions. Upon receipt of the judgment and directive, the employee must submit a signed statement to his or her employer acknowledging that the employee has read the judgment and directive, has been advised and understands that noncompliance with the judgment may result in disciplinary action, which may include dismissal, and has been advised and understands that noncompliance may also result in conviction for contempt of court and fine or imprisonment or both.

The proposed Final Judgment also provides that the defendant require, as a condition of the sale or other disposition of all, or substantially all, of the total assets of its road building work business or asphalt business, that the acquiring party agree to be bound by the provisions of the Final Judgment. The acquiring party must file with the court, and serve on the United States, its consent to be bound by the judgment.

The Department of Justice is given access under the proposed Final Judgment to the files and records of the defendant, subject to reasonable notice requirements, in order to examine such records to determine or secure compliance with the Final Judgment. The Department is also granted access to interview officers, directors, agents or employees of the defendant to determine whether the defendant and its representatives are complying with the Final Judgment. Finally, the defendant, upon the written request of the Department of Justice, shall submit reports in writing, under oath if requested, with respect to any of the matters contained in the Final Judgment.

The Final Judgment is to be in effect for ten years from its date of entry.

IV

Remedies Available to Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. The entry of the proposed Final Judgment will neither impair nor assist any person bringing or prosecuting any treble damage antitrust claim arising out of the combinations and conspiracies charged in the complaint. Under Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this Final Judgment may not be used as *prima facie* evidence in legal proceedings against the defendant.

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Anthony V. Nanni, Chief, Trial Section, Department of Justice, Antitrust Division, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time before its entry if it should determine that some modification is appropriate and necessary to the public interest. The proposed Final Judgment provides that the court retains jurisdiction over this action, and the parties may apply to the court for such orders as may be necessary or appropriate for its modification or enforcement.

VI

Alternatives to the Proposed Final Judgment

The proposed Final Judgment will dispose of the United States' claim for injunctive relief against the defendant. The only alternative available to the Department of Justice is a trial of this case on the merits. Such a tiral would require a substantial expenditure of public funds and judicial time. Since the relief obtained in the proposed Final Judgment is substantially similar to the relief the Department of Justice would expect to obtain after winning a trial on the merits, the United States believes that entry of the proposed Final Judgment is in the public interest.

VII

Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in formulating the proposed Final Judgment.

Respectfully submitted,

Gordon L. Lang, Laura Metcoff Klaus,
Attorneys, United States Department of Justice, Antitrust Division, Room 3248, 10th & Constitution Ave., N.W., Washington, D.C. 20530, (202) 633-2485.

Dated: ————.

[FR Doc. 81-23172 Filed 8-7-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL SCIENCE FOUNDATION

Subcommittee for Ocean Sciences Research Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Ocean Sciences Research
Date and time: August 26 and 27, 1981, 9:00 a.m. to 6:00 p.m. each day
Place: Rooms 338, 536, 628, and 642, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of Meeting: Closed
Contact person: Dr. Robert E. Wall, Head, Oceanography Section, Room 611, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357-7924
Purpose of meeting: To provide advice and recommendations concerning support for research in Oceanography
Agenda: To review and evaluate research proposals as part of the selection process for awards
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.

August 5, 1981.

[FR Doc. 81-23180 Filed 8-7-81; 8:45 am]

BILLING CODE 7550-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on August 28, 1981, at the Monterey Convention Center, Number 1 Portola Plaza, Monterey, CA. The Subcommittee will discuss General Electric's proposed revisions to Appendix K of 10 CFR 50.46, review other apsects of the ECCS Evaluation Models, and discuss various topics related to NRR ECCS licensing matters. Notice of this meeting was published July 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Friday, August 28, 1981—8:30 a.m. until the conclusion of business. During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of General Electric, the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: August 5, 1981

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-23210 Filed 8-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance and is to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendment adds license conditions to include the Commission-approved Security Training and Qualifications Plan as part of the license.

The licensee's filing, which has been handled by the Commission as an application, 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 August 17, 1979, as supplemented May 19, 1981, (2) Amendment No. 58 to License No. DPR-23, and (3) the Commission's related letter dated August 3, 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 Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. 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 3rd day of August, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-23211 Filed 8-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-373]

Commonwealth Edison Co., La Salle County Station, Unit No. 1; Order Extending Construction Completion Date

Commonwealth Edison Company is the holder of Provisional Construction Permit No. CPPR-99, issued by the Atomic Energy Commission [1] on September 10, 1973 for construction of La Salle County Station Unit No. 1. The plant is presently under construction at a site located in the agricultural area of Brookfield Township, La Salle County, approximately five miles south-southwest of Seneca, Illinois.

[1] Effective January 19, 1975, the regulatory functions of the Atomic Energy Commission were assumed by the Nuclear Regulatory Commission and permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

On May 20, 1981, the applicant requested an extension of the latest completion date because construction has been delayed by the following events:

1. Design verification of piping supports as required by NRC Office of Inspection and Enforcement Bulletin 79-14 entitled, "Seismic Analyses for As-Build Safety-Related Piping Systems.

2. Accommodation of additional NRC criteria related to preoperational testing in numerous areas including vibration monitoring, leak rate testing and electrical system load verification.

3. Potential construction schedule delays resulting from unforeseen equipment delivery difficulties which could affect critical path preoperatonal testing.

4. Uncertainty attributable to potential expansion of NRC requirements beyond that presently identified in the La Salle County Station Safety Evaluation Report, NUREG-0519 dated March 1981. Augmentation of regulatory guidance in many areas could potentially affect construction completion. This is substantiated by recent experience on operating licenses issued since March 1978 where acknowledged delays were reported by the NRC on license applications.

This action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The NRC staff evaluation of the request for extension of the construction permit is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois.

It is hereby ordered that the latest completion date for Construction Permit No. CPPR-99 is extended from June 30, 1981 to April 30, 1982.

Date of Issuance: August 3, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-23212 Filed 8-7-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

August 5, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504(h) of Pub. L. 96-511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Economics and Statistics Service
Distributional Effects of Rural Economic Development
Nonrecurring
Individuals or households/State or local governments/businesses or other in hsehlds., estab., and Gov't. agen. in sample area
SIC: Multiple
Small businesses or organizations
Agricultural research and services: 2,168 responses; 1,874 hours; $604,000 Federal cost; 2 forms; $29,984 public cost; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standards, 202-673-7974

Provides data for a study of effects economic development has had on a 10 county area in Georgia. Study will provide information on how individuals, households and employers influence the distributive impact of growth in a rural area. Federal and State agencies will use data for economic policy planning.

• Farmers Home Administration
7 CFR 1822, Section 502 Rural Housing Loan Policies, Procedures, and Authorizations (FMHA Instruction 444.1)
On occasion
Businesses or other institutions
Banks, savings and loans, and mortgage institutions
SIC: 602, 611, 612, 616
Small businesses or organizations
Mortgage credit and thrift insurance: 500 responses; 375 hours; $9,600 Federal cost; 1 form; $1,875 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Title V of the Housing Act of 1949, as amended, authorizes rural housing loans to low- and moderate-income applicants. Information collected is used to process applicants request for refinancing.

• Food and Nutrition Service
Food Stamp Monthly Reporting/Retrospective Accounting Demonstration Project
Monthly
Individuals or households/State or local governments
Ill., Dept. of Pub. Air, AFDC hsehlds. appl. or cert., etc.
SIC: 832, 881, 943
Food and nutrition assistance: 192,000 responses; 30,285 hours; $1,300,000 Federal cost; 1 form; $65,593 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

This submission requests clearance of reporting requirements in the MR/RA demonstration project—specifically, use of monthly status reports (by which certain food stamp households will report their circumstances monthly), benefit explanation sheets (to explain each month's benefit calculations to these households), supplemental benefit request forms, and State agency notices concerning supplemental benefit requests.

Revisions

• Agricultural Cooperatives Service
Phase III—Performance of Cooperative and Proprietary Firms

Nonrecurring
Businesses or other institutions
Agricultural credit institutions
SIC: 602 603 613
Small businesses or organizations
Agricultural research and services: 119 responses; 119 hours; $20,825 Federal cost; 1 form; $2,500 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Comparative performance of cooperative and proprietary firms is needed to evaluate the impact of public policies designed to promote cooperatives. ACS, USDA will use the information in program planning and evaluation, in analyzing proposed changes in regulation and legislation, and in technical assistance studies.

• Economics and Statistics Service
Farm Real Estate Taxes
Annually
State or local governments, businesses or other institutions
Selected tax experts and local tax officials
SIC: 931
Agricultural research and services: 3,234 responses; 1,193 hours; $20,000 Federal cost; 1 form; $19,088 public cost; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

Obtains data on taxes levied on representative size and types of farms in county. Data used to calculate an average tax per acre, total taxes levied, tax per real estate value and taxes as a percentage of personal income. Estimates used by agency in index of prices paid by farmers, parity prices for agricultural products and other statistical series.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

Extensions (Burden Change)

Department of the Army
Performance Monitoring System (PMS) Waterway Traffic Report
ENG 3102 C & ENG 3102 D
Other—See SF83
Businesses or other institutions
All oper. or comm. vessels using Corps owned and maintained locks
SIC: 444 445 446 091
Water resources: 1,100,000 responses; 91,360 hours; $500,000 Federal cost; 2 forms; not applicable under 3504(h)
Andy Uscher, 202-395-4814

Title 33, Code of Federal Regulations, part 207, (26 Stat 766) requires that statistics be gathered from users of navigable waters. Statistics gathered relate to vessels, passengers, freight and tonnage. The data are used to conduct system-wide planning and management of navigable waterways.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

• Office of Postsecondary Education
Performance and Financial Status Reports for the Strengthening Developing Institutions Program
ED 1049-2
Annually
Businesses or other institutions
Institutions of higher education
SIC: 822 829
Higher education: 500 responses; 4,500 hours; $50,000 Federal cost; 2 forms; $42,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The reports are needed to fill the requirements of section 304(c)(1) of P.L. 92-318 and the technical and financial reporting. The division will use the information to determine that adequate progress is being made toward achieving the goals of the grants, to monitor the rate of grantee expenditures, and to identify potential budgetary problems.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

New

• Departmental and Others
Direct Loan Application for Bid or Proposal Preparation by Minority Business Enterprises
MI-754
On occasion
Businesses or other institutions
Minority business enterprises
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation: 25 responses; 8,400 hours; $55,975 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Data are required in order for DOE to make reasoned decisions concerning loan requests under this program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Stenad—202-245-7488

New

• Social Security Administration
CHEP—Cuban/Haitian Entrant Unaccompanied Minor Placement Report
OS-3-81
On occasion, semiannually
State or local governments
State child welfare agencies
SIC: 944
Public assistance and other income supplements: 4,174 responses; 904 hours; $15,000 Federal cost; 1 form; $9,040 public cost; not applicable under 3504(h)
Barbara F. Young, 202-395-6880

As required in title IV of the Immigration and Nationality Act, the director of ORR must prepare and maintain a list of all unaccompanied children, including the name and last known residence of their parents, and each child's location, status, and progress. Information will be retrieved by the name of the child.

Revisions

• Alcohol, Drug Abuse, and Mental Health Administration
Survey of Facilities and Programs for Mentally Disordered Offenders
Nonrecurring
State or local governments/businesses or other institutions
State and local public mental health and correctional offices.
SIC: 922, 943
Health: 296 responses; 511 hours; $146,740 Federal cost; 1 form; $5,110 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

The survey will update, and assess changes in, the characteristics of facilities/programs for mentally disordered offenders, ascertain what impact case-law and statutory changes have had on facilities/programs, and what major problems/needs have thereby developed, and ascertain successful approaches or innovations for addressing those problems or changes.

Extensions (Burden Change)

• Alcohol, Drug Abuse, and Mental Health Administration
Project DAWN (Drug Abuse Warning Network)
Monthly
Businesses or other institutions
Hospital emergency rooms and medical examiners/coroners
SIC: 806
Federal law enforcement activities: 126,144 responses; 21,534 hours; $2,166,652 Federal cost; 2 forms; $215,340 public cost; not applicable under 3504(h)

Gwendolyn Pia, 202-395-6880

DAWN is an epidemiologic system to identify licit and illicit drugs and substances associated with drug abuse morbidity and mortality, to monitor drug abuse trends and patterns and to provide drug specific data useful for national and local drug abuse policy planning and for assessment of public health hazards associated with drug abuse.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

New

• National Park Service
National Register of Historic Places Inventory—Nomination
Form, 36 CFR 60 National Register of Historic Places
FHR-8-300
Other—See SF83
Individuals or households
Owners of elig. historic prop. and State histories pres., etc.
Recreational resources: 3,021 responses; 12,084 hours; $192,781 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202-395-7340

This information is collected in the process of nominating properties to the National Register in accordance with the National Historic Preservation Act and is the minimum information necessary to conform to the requirements of the act. These emergency regulations are necessary to respond to the 1980 amendments to the act which require major changes in the nominating process.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New

• Immigration and Naturalization Service
Adjustment-of-Status Data
I-643
Nonrecurring
Individuals or households
Refugees at the time of appl. for adjust. of their immig.
Federal law enforcement activities: 150,000 responses; 29,722 hours; $49,000 Federal cost; 1 form; $297,220 public cost; not applicable under 3504(h)
Andy Uscher, 202-395-4814

Information collection as required by section 412(a)(8) of the Immigration and Nationality Act added by the Refugee Act of 1980, on the situation of refugees at the time they become permanent resident aliens. Primary purpose is for use in ORR's report to Congress, as required by law.

• Immigration and Naturalization Service
Supplemental Qualifications Statement Immigration Inspector, GS-5
G-777
On occasion
Individuals or households
Nonstatus candidates for entry level inspector positions
Federal law enforcement activites: 4,000 responses; 4,000 hours; $113,500 Federal cost; 1 form; $40,000 public cost; not applicable under 3504(H)
Andy Uscher, 202-395-4814

Office of personnel management has requested INS to conduct the competitive examinations for GS-5 immigration inspectors positions. Nonstatus candidates for these positions will be required to take this exam in lieu of the PACE exam.

Extensions (Burden Change)

• Drug Enforcement Administration
Application for Registration, Renewal (Type A), and Delinquency (Type A)
DEA-224, 224A, 224B
On occasion
Individuals or households/businesses or other institutions
Registrants under the Controlled Substances Act
SIC: 801
Federal law enforcement activities: 624,000 responses; 208,000 hours; $2,261,000 Federal cost; 3 forms; not applicable under 3504(H)
Andy Uscher, 202-395-4814

Section 1301.32, CFR 21, Requires that persons who are to conduct instructional activities with controlled substances listed in schedules I through V, apply for registration on DEA form 224. The information is used by the Drug Enforcement Administration for issuing registrations and exercising control over disposing of controlled substances.

• Drug Enforcement Administration
Application for Registration and Renewal (Type B)
DEA-225, DEA-225A
On occasion
Businesses or other institutions
Registrants under the Controlled Substances Act
SIC: 801
Small Businesses or Organizations
Federal law enforcement activities: 8,400 responses; 4,200 hours; $95,200 Federal cost; 2 forms; $42,000 public cost; not applicable under 3504(H)
Andy Uscher, 202-395-4814

Section 1301.32, CFR 21, requires individuals who manufacture, distribute or dispense controlled substances listed in schedules II through V, to apply for registration on DEA form 225 or 225A. The information is used by the Drug Enforcement Administration for leasing registrations and exercising control over the manufacture distribution and dispensing of controlled substances.

• Drug Enforcement Administration
Application for Registration—Narcotic Treatment Program
DEA-363 DEA-363A
On occasion
Businesses or other institutions
Registrants under Narcotic Treatment Act
SIC: 801
Small Businesses or organizations: 850 responses; 340 hours; $23,800 Federal Cost; 2 forms; $3,400 public cost; not applicable under 3504(H)
Andy Uscher,

Section 1301.32 CFR 21, requires that persons who are to conduct a narcotic treatment program, apply for registration on DEA form 363. The information is used by the drug enforcement administration for issuing registrations and exercising control over the dispensing of controlled substances to individuals for maintenance and detoxification treatment.

• Drug Enforcement Administratioin
Application for Permit to Import Controlled Substances for Domestic and/or Scientific Purposes
DEA-357
On occasion
Business or other institutions
Large pharmaceutical firms
SIC: 801
Small Businesses or organizations
Federal law enforcement activites: 220 responses; 55 hours; $10,142 Federal cost; 1 form; $550 public cost; not applicable under 3504(H)
Andy Uscher, 202-395-4814

Section 1312.12, CFR 21, requires individuals to apply on DEA form 357 (formerly DEA form 85) for a permit to import controlled substances. The information is used by the Drug Enforcement Administration for leasing import permits and exercising control over the importation of controlled substances.

• Drug Enforcement Administration
Notification of Suspension or Revocation of License of a Practitioner
DEA-276
On occasion
State or local governments
State regulatory agencies
SIC: 801
Small Businesses or organizations

Federal law enforcement activities: 4,000 responses; 680 hours; $18,460 Federal cost; 1 form; $6,800 public cost; not applicable under 3504(H)
Andy Uscher, 202-395-4814

Pursuant to section 304(A), Pub. L. 91-513, the Attorney General may revoke or suspend a registration upon finding that a registrant's State license or registration was suspended or revoked by a State authority. The information is used by the Drug Enforcement Administration to preclude issuing a registration certificate to registrants who have had their State license to manufacture, distribute or dispense controlled substances suspended or revoked.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

New

• National Highway Traffic Safety Administration
Study to assess the child safety seat program child restraint questionnaire
Nonrecurring
Individuals or households
A samp. of league gen. auto insur. policyhld ch. ages 0-4
Ground transportation: 800 responses; 400 hours; $52,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

League general insurance company has initated a program of free distribution of child safety seats to its policyholders in Michigan. Over 6,000 seats have been distributed to date. This information collection is necessary to determine whether the program has resulted in greater seat usage, reduction in injuries, and reduced morbidity.

• National Highway Traffic Safety Administration
Baseline data for management of DOT safety belt program
Nonrecurring
Individuals or households
Individual adults (18 years old & older)
Ground transportation: 1,200 responses; 400 hours; $24,900 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

Collection of data regarding knowledge of safety belts. Will be used to plan, develop and manage the department's forthcoming seat belt usage campaign. Will provide baseline data for future evaluation of the campaign.

• Urban Mass Transportation Administration
Property records/annual certification of use of project facilities
Annually
State or local governments
Local transit authorities and local gov. agencies/depts.
SIC: 411
Ground transportation: 300 responses; 153,000 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

Property records are required by OMB circular A-102, attachment N, as well as shown in UMTA circular 5010.1. Annual certificate is based on records and certifies use of property.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

• Internal Revenue Service
Error in computation—refund was issued for correct amount
34C
Nonrecurring
Individuals or households/farms/businesses or other institutions
All taxpayers (individuals or business) who file returns
SIC: All
Small businesses or organizations
Central fiscal operations: 1,431 responses; 477 hours; $12,005 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. section 6011 requires that any person liable for tax must file a return. During the processing of the return, adjustments are made when errors are found. This letter advises the taxpayer that we made changes and requests information if they do not agree with these changes.

• Internal Revenue Service
Bond purchase plan for self-employed individuals
4578
Nonrecurring
Individuals or households/State or local governments/farms/businesses or other institutions
Self-employed individuals—mainly farmers and retail stores
SIC: 011 013 016 021 025 541 542 544 546 549
Small businesses or organizations
Central fiscal operations: 500 responses; 245 hours; $6,173 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Used by self-employed individuals to provide their employees with a pension plan or profit-sharing plan funded by U.S. retirement plan bonds. When the self-employed individual's business tax return is examined, the examiner uses the information to ensure the plan qualifies.

• Internal Revenue Service
Trace Payment
167C
Nonrecurring
Individuals or households/State or local governments/farms/businesses or other institutions
Any taxpaying entity
SIC: All
Small businesses or organizations
Central fiscal operations: 23,215 responses; 11,608 hours; $192,139 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

A multiple choice letter used to request additional information from the taxpayer so that we can either locate his payment or definitely establish that it was never received by the Internal Revenue Service. Taxpayers are required to file returns and provide payment to the Government under IRC section 6011.

• Internal Revenue Service
Signature of Wife Requested for Joint Return
123C
Nonrecurring
Individuals or households
All taxpayers who may qualify to file joint returns
Central fiscal operations: 85 responses; 21 hours; $603 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. section 6013 provides that husbands and wives can file a joint return or as separate individuals. If the return is jointly filed, the signatures of both husband and wife are required per section 6061. This letter requests the missing signature of the wife which is necessary to process the return.

• Internal Revenue Service
Requesting Information to Determine EIC Qualifications
32C
Nonrecurring
Individuals or households
All taxpayers who may qualify for the earned income credit
Central fiscal operations: 1,265 responses; 422 hours; $8,462 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. section 43 allows a special credit for low income taxpayers who are supporting a household which includes a child. The information requested by this letter is necessary in order to determine if the taxpayer is eligible for the earned income credit.

• Internal Revenue Service
Trace Payment
169C
Nonrecurring
Individuals or households/State or local governments/farms/businesses or other institutions
Any taxpaying entity
SIC: All
Small businesses or organizations
Central fiscal operations: 2,182 responses; 1,091 hours; $19,369 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

A multiple choice letter used to request photocopies of money orders so that we can either locate the payment or establish that it was never received by the Internal Revenue Service. Taxpayers are required to file returns and provide payment to the Government under IRC section 6011.

• Internal Revenue Service
Additional Information Needed to Process TCE Application
215C
Nonrecurring
Individuals or households/farms/businesses or other institutions
Taxpayer Filing Tentative Carryback Claims
SIC: All
Small businesses or organizations
Central fiscal operations: 2,194 responses; 914 hours; $15,580 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. section 6411 requires IRS to process tentative carryback claims filed by taxpayers. When submitting the claim, taxpayers may not provide all information needed, this letter is used to request the necessary information to complete the processing of the claim.

• Internal Revenue Service
Order for Reproduction Proofs
6747
Annually
Individuals for households/State or local governments/farms/businesses or other institutions
Printers, tax preparers, publishers, State/local gov't
SIC: 602, 919, 072, 912, 275, 931, 272, 822, 729, 551
Small businesses or organizations
Central fiscal operations: 750 responses; 250 hours; $23,544 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 6747 is used to order reproduction proofs of various Internal Revenue Service printed products. Information provided will be used to fill orders and process invoices.

Extensions (Burden Change)

• Internal Revenue Service
Computation of Credit for Federal Tax on Gasoline, special fuels, and lubricating oil
4136
Annually
Individuals or households/farms/businesses or other institutions
Bus. ent., farms, estates, trusts & indiv. use gasol., etc.
SIC: All
Small businesses or organizations
Central fiscal operations: 1,697,000 responses; 1,307,000 hours; $300,280 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 certain gasoline, special fuels, and lubricating oil used. This form is used to figure the amount of credit. Data is used to verify of claim.

• Bureau of Alcohol, Tobacco and Firearms
Withdrawal of Spirits, Specially Denatured Spirits or Wines for Exportation
ATF F 5100.11
On occasion
Businesses or other institutions
Bonded wine cellars
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 200 responses; 200 hours; $10,000 Federal cost; 1 form; NPRM under 3504 (h)
Kevin Broderick; 202-395-6880

This form is used to detemine that a shipment of wine has been lawfully exported. It describes the shipper, the person to whom shipped, the reason for export or use outside the U.S., details of the shipment for tax purposes, and certification by a U.S. Government agent showing exportation or use outside the U.S. Shipment is made in bond (without collection of tax).

• Internal Revenue Service
Farm Rental Income and Expenses and Summary of Gross Income From Farming or Fishing
4835
Annually
Individuals or households/farms/businesses or other institutions
Farmers, businesses, individuals
SIC: 019, 029
Small businesses or organizations
Central fiscal operations: 407,719 responses; 308, 521 hours; $85,210 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Attached to form 1040 for use by landowners (or sub-lessors) to report farm rental income based on crops or livestock produced by the tenant where the landowners (or sublessors) do not materially participate in the operation or management of the farm. The data is used to determine whether the proper amount of rental income has been reported.

• Internal Revenue Service
Special 10-year Averaging Method
4972
Annually
Individuals or households/businesses or other institutions indiv. trusts, estates receiving lump-sum dist. emplys plan
SIC: 673
Small businesses or organizations
Central fiscal operations: 275,000 responses; 217,000 hours; $70,717 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

RC section 402(e) allows taxpayers to compute a separate tax on the ordinary income portion of a lump-sum distribution from a qualified employees' plan. Form 4972 is used to correctly figure the separate tax. The data is used to verify the correctness of the separate tax.

• Internal Revenue Service
Energy Credits
5695
Annually
Individuals or households
Individuals qualifying for energy saving property
Central fiscal operation: 4,905,000 responses; 5,589,000 hours; $828,224 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Used by individual taxpayers to claim a credit against their tax for qualified energy saving property. IRC section 44C allows the credit for qualified energy conservation expenditures, plus qualified renewable energy source expenditures. The information collected is used to determine the validity of the claimed credit.

• Internal Revenue Service
Information Return by Persons Receiving Program Payments From the U.S. Department of Agriculture
4347
Annually
Businesses or other institutions/farms
Persons receiving cash payments from Dept. Agriculture
SIC: 011, 013, 016, 017, 018, 019, 021, 024, 025, 027
Small businesses or organizations
Central fiscal operations: 371,774 responses; 59,157 hours; $12,708

Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Persons ("payees of record") who receive cash payments from the Department of Agriculture on behalf of other persons may use form 4347 to report the acutal owners of the payments. The service uses the information on form 4347 to identify the actual owners, who should report the income.

• Internal Revenue Service
Application for Extension of Time to File U.S. Individual Income Tax Return
2688
Annually
Individuals or households
Extension for tax rtrn.
Central fiscal operation: 987,000 responses; 591,410 hours; $1,654,377 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. 6081 permits the Secretary to grant a reasonable extension of time for filing any return, declaration, statement, or other document. Form 2688 is used to request an extension of time to file form 1040. The information is necessary to determine if the extension should be granted.

• Internal Revenue Service
U.S. Fiduciary Income Tax Return and Schs. on Cap. Gains and Losses, Trust Alloc. of Accum. Dist., Beneficiary Share of Inc. etc.
1041 Sch D (1041), Sch J (1041)
Annually
Businesses or other institutions/ individuals or households
Fiduciaries for estates and trusts
SIC: 673
Small businesses or organizations
Central fiscal operations: 5,941,984 responses; 10,349,713 hours; $5,369,206 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

IRC Section 6012 requires that an annual income tax return be filed for estates and trusts. Section 6041 requires a return be filed reporting payments to recipients. The data is used to determine that the estates, trusts, and beneficiaries filed the proper returns and paid the correct tax.

• Internal Revenue Service
U.S. Individual Income Tax Return
1040A
Annually
Individuals or households
Individuals report their income subject to income tax
Central fiscal operations: 40,040,000 responses; 36,548,770 hours; $78,760,024 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

This form is used by individuals to report their income subject to income tax and compute their correct tax liability. The data is used to verfiy that the items reported on the form are correct and also for general statistics use.

• Internal Revenue Service
Application for Approval of Prototype Simplified Employee Pension—SEP
5306-SEP
Nonrecurring
Businesses or other institutions
Financial institutions
SIC: 602, 631
Central fiscal operations: 619 responses; 509 hours; $18,597 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Used by banks, credit unions, insurance companies, and trade or professional associations to apply for approval of a simplified employee pension plan to be used by more than one employer. The data collected is used to determine if the prototype plan submitted is an approved plan.

• Internal Revenue Service
Tax on Accumulation Distribution of Trusts
4970
Annually
Individuals or households/farms/ businesses or other institutions
Indiv. corps. estates/trusts receiving accum. distributions
SIC: all
Small businesses or organizations
Central fiscal operations: 5,000 responses; 15,000 hours; $21,038 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 4970 is used by a beneficiary of a domestic or foreign trust to compute the tax adjustment attributable to an accumulation distribution from the trust. The form is used to verify whether the correct tax has been paid on the accumulation distribution.

• Internal Revenue Service
Special Tax Return and Application for Registry
11
Nonrecurring
Businesses or other institutions
Brewers, retail or wholesale dealer in alcoh. bevgs. etc.
SIC: 208, 348, 504, 518, 581, 591, 592, 594, 596, 701
Small businesses or organizations
Central fiscal operations: 362,531 responses; 763,229 hours; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Various IRC excise tax sections (see attached form) require persons to register and/or pay a special occupational tax before conducting a business in certain alcohol or firearms categories. These are ATF categories but IRS processes the forms and collects the tax for ATF. Form 11 is used both to compute and report the tax, and as an application for registry as required by law. Upon receipt of the tax a special tax stamp is issued. The data is used to verify tax reported.

• Internal Revenue Service
Ownership Certificate
1000
On occasion
Individuals or households/farms/ businesses or other institutions
Citizens, indiv. fidu., partners. or nonres. partnership
SIC: all
Small businesses or organizations
Central fiscal operations: 2,000 responses; 1,000 hours; $5,319 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 1000 is used in connection with interest on bonds of a domestic or resident corporation containing a tax-free covenant and issued before January 1, 1934. IRS uses the information to verify that the correct amount was withheld.

Extensions (no change)

• Comptroller of the Currency
Fair Housing Home Loan Data System monitoring information
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: 4,425 responses; 13,275 hours; $5,000 Federal cost; 1 form; not applicable under 3504 (h)
• Kevin Broderick, 202-395-6880

OCC's fair housing home loan data regulation (12 CFR 27) requires that each national bank maintain in its home loan files information on the property location, the disposition of the loan application, the terms offered and information on race/national origin and sex which was formerly maintained under Federal reserve regulation B (12 CFR 202).

• Internal Revenue Service
U.S. departing alien income tax return
1040A

On occasion
Individuals or households
Aliens departing the U.S.
Central fiscal operations: 8,000 responses; 36,000 hours; $31,682 Federal cost; 1 form; not applicable under 3504 (h)
• Kevin Broderick, 202-395-6880

Form 1040C is used by aliens departing the U.S. to report income received or expected to be received for the entire taxable year determined as nearly as possible by the date of intended departure. The data collected is used to insure that the departing alien has no outstanding U.S. tax liability.

COMMODITY FUTURES TRADING COMMISSION

Agency Clearance Officer—Joseph G. Salazar—202-254-9735

New

• Withdrawal from Registration
Nonrecurring
Businesses or other institutions
Comm. regist. req. withdrawal of regist. prior to expir., etc.
SIC: 622
other advancement and regulation of commerce: 60 responses; 45 hours; $4,320 Federal cost; 1 form; $900 public cost; not applicable under 3504 (h)
Robert Veeder, 202-395-4814

The information collection requirement in rule 1.10 F is intended to provide the commission with information concerning the identity and status of the registrant requesting withdrawal from registration and with sufficient information to enable the commission to prevent unwarranted withdrawals to the detriment of the public.

• Large Trader Reports
01-60 thru 01-69, 01-73, 01-74, 01-77, 01-78, 102- 40, 203 thru 803, 1003
Other-See SF83
Individuals or households/farms/ businesses or other institutions
Fut. Comm. Merch., frgn brkrs, clearing mbrs of exchg., etc.
SIC: 011 013 021 602 612 515 221 204
Other—advancement and regulation of commerce; 438,000 responses; 46,060 hours; $1,067,000 Federal cost; 42 forms; not applicable under 3504 (h)
Robert Veeder, 202-395-4814

Large trader data is used to detect and prevent attempted or actual price manipulation or market congestion. The data is also used for enforcement of speculative position limits and provides a basis for periodic publications of the commission.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202-287-0793

New

• Coordination with other programs
Nonrecurring
State or local governments
Directors of State hazardous waste programs
SIC: Multiple
Pollution control and abatement: 1 response; 1 hour; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7304

State directors of hazardous waste programs must consult with agencies responsible for State solid waste management plans in order to serve statutory goals of comprehensive planning and cooperation in the solid waste field. (See, 42 USC section 6941).

Reinstatements

• Annual Report
On occasion
Businesses or other institutions/State or local governments
Treatment, storage and disposal facilities
Small businesses or organizations
Pollution control and abatement: 2,141,100 responses; 2,678,520 hours; 15 forms; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

To comply with section 3004 of RCRA, hazardous waste treatment storage and disposal facilities must fulfill specific reporting and recordkeeping requirements to account for their handling of wastes covered by the act. EPA will use this information to control the disposition of toxic wastes.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas-202-389-4481

Extensions (No Change)

• Fair Housing Lending Monitoring System
FDIC 6500/70 6500/75
On occasion
Businesses or other institutions
Insured commercial & mutual savings banks nonmembers FRS.
SIC: 602, 603
Small businesses or organizations
Mortgage credit and thrift insurance: 951,770 responses; 309,808 hours; $103,700 Federal cost; 1 form; $4,875,500 public cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

In order to facilitate FDIC review of compliance with the fair housing lending proscriptions of title VIII of the Civil Rights Act of 1968, insured State non-member commercial and mutual savings banks are required by FDIC regulations to maintain various data on home loan applicants and inquirers. Selected bank (based primarily on the volume of their mortgage lending and the number of rejections of applications minorities and women) are req'd to submit data computerized analysis.

• Community Reinvestment Monitoring System
On occasion
Businesses or other institutions
Insured banks not members of the FRS. (commercial/mutual)
SIC: 602, 603
Small businesses or organizations
Mortgage credit and thrift insurance: 6,000 responses; 11,683 hours; $28,100 Federal cost; 0 form; $238,026 public cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form consists of a questionnaire containing the bank's responses to questions regarding efforts made by the bank to serve the credit needs of its community. Utilized by FDIC examiners in making an overall assessment of the bank's performance under the Community Reinvestment Act.

FEDERAL TRADE COMMISSION

Agency Clearance Officer—Carl Hevener—202-523-3373

New

• Federal Trade Commission Survey of Lawyers
Nonrecurring
Businesses or other institutions
Attorneys in private practice
SIC: 811
Small businesses or organizations
Other advacement and regulation of commerce: 2,500 responses; 833 hours; $132,171 Federal cost; 2 forms; not applicable under 3504(h)
Paula Daigneault, 202-395-7340

The Federal Trade Commission lawyer survey is an important part of the Commission's ongoing investigation of the impact of regulations of the legal profession on the price and availability of legal services to consumers. Data collection will begin immediately following OMB clearance and will be completed within a seventy-day period. A final report containing the data analysis is scheduled for completion within 7 months thereafter.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301-492-8585

Revisions

- 10 CFR 50, Domestic Licensing of Production and Utilization Facilities
Nonrecurring, on occasion, monthly, semiannually, annually, biennially, other—see SF83
Businesses or other institutions
NRC applicants and licensees:
SIC: 483
Energy information, policy, and regulation: 8,100 responses; 5,738,050 hours; $14,545,350 Federal cost; 4 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

10 CFR 50 contains the reporting, recordkeeping and application items associated with domestic licensing of production and utilization facilities.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance officer—George G. Kundahl—202-272-2142

New

- Rule 171 under the 1933 Act and rule 0-6 under the 1934 act, disclosure detrimental to the national defense or foreign policy
On occasion
Businesses or other institutions
Issuers, regis. sec. under the 1933 act & all issuers, etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of Commerce: 12 responses; 60 hours; $1,990 Federal cost; 2 forms; $2,760 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

The rules are necessary to provide a basis for exluding information which might be detrimental to the national defense of foreign policy from materials filed with the Commission.

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81-23261 Filed 8-7-81; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding Application of Certain International Agreements

August. 4, 1981.

This notice modifies the determination published in the **Federal Register** of January 4, 1980 (45 FR 1181), as amended.

The determinations herein are made pursuant to the functions of the President under section 2(b) of the Trade Agreements Act of 1979 ("the Act"), delegated to the United States Trade Representative by section 1-103 of Executive Order No. 12188 of January 2, 1980.

Now therefore, I, William E. Brock, United States Trade Representative, in conformity with the provisions of Section 2 of the Act (19 U.S.C. 2503), and section 1-103 of Executive Order No. 12188, do hereby determine effective on the date of signature of this Notice that:

1. With respect to the Agreement on Technical Barriers to Trade, the following countries have accepted the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement:

Pakistan, Spain, Yugoslavia

2. With respect to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade and the Protocol to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, the following additional countries have accepted the Agreement and the Protocol with respect to the United States and should not otherwise be denied the benefits of the Agreement or the Protocol:

Austria, Brazil, Spain, Switzerland

3. With respect to the Agreement on Import Licensing Procedures, Pakistan and the Philippines have accepted the Agreement and should not otherwise be denied the benefits of the Agreement.

4. With respect to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, the following additional countries have accepted the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement:

Pakistan, Poland, Spain

William E. Brock,

United States Trade Representative.

[FR Doc. 81-23156 Filed 8-7-81; 8:45 am]

BILLING CODE 3190-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2005]

Indiana; Declaration of Disaster Loan Area

Fulton County and adjacent counties within the State of Indiana constitute a disaster area as a result of damage caused by heavy rains and flooding which occurred on June 9-17, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 1, 1981, and for economic injury until the close of business on April 30, 1982, at: Small Business Administration, District Office, New Federal Building, 5th Floor, 575 North Pennsylvania Street, Indianapolis, Indiana 46204, or other locally announced locations.

For recent changes in disaster loan eligibility see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 31, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-23213 Filed 8-7-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2004]

Indiana; Declaration of Disaster Loan Area

Lake County and adjacent counties within the State of Indiana constitute a disaster area as a result of damage caused by heavy rains and flooding which occurred on June 13-14, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 5, 1981, and for economic injury until the close of business on May 4, 1982, at: Small Business Administration, District Office, New Federal Building, 5th Floor, 575 North Pennsylvania Street, Indianapolis, Indiana 46204, or other locally announced locations.

For recent changes in disaster loan eligibility see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 4, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-23214 Filed 8-7-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2000]

Kansas; Amendment No. 1; Declaration of Disaster Loan Area

As a result of the President's major declaration of July 18, 1981, the above numbered Small Business Administration declaration (see 45 FR 37586) is hereby amended to include Barton and Douglas Counties and

adjacent counties within the State of Kansas, as a result of severe storms, tornadoes and flooding beginning on or about June 14, 1981. All other information remains the same; i.e., the termination dates for filing applications for physical damage is the close of business on September 14, 1981, and for economic injury until April 15, 1982.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 31, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-23215 Filed 8-7-81; 8:45 am]

BILLING CODE 6025-01-M

[Declaration of Disaster Loan Area No. 2006]

Tennessee; Declaration of Disaster Loan Area

Houston County, Tennessee, constitutes a disaster area as a result of physical damage caused by flooding which occurred on June 6, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 2, 1981, and for economic injury until the close of business on May 3, 1982, at: Small Business Administration, District Office, 404 James Robertson Parkway, Suite 1012, Nashville, Tennessee 37219, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 4, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-23216 Filed 8-7-81; 8:45 am]

BILLING CODE 6025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-060]

Towing safety Advisory Committee Meeting; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: In the Thursday, July 30, 1981 issue of the **Federal Register** at page 39073 the Coast Guard published the planned agenda for the Towing Safety Advisory Committee Meeting to be held on August 25 and 26. A late submission has been received for that agenda that could not be included in the July 30 notice. The following agenda items should be added:

13. Discussion on the current status of the Title 46 USC update.

14. Discussion of the ramifications of the dicision of the U.S. District court for the District of Columbia concerning Moran Maritime Associates, Et Al. vs USCG, No 80-3008 Civil (D.D.C. 1981) (Pilots on Tankbarges).

Dated: August 5, 1981.

A. D. Utara,

Commander, U.S. Coast Guard, Executive Secretary Marine Safety Council.

[FR Doc. 81-23259 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-14-M

Office of the Secretary

[OST Notice No. 80-7]

Termination of Advisory Committees

Notice is hereby given that the following advisory committees of the Department of Transportation were terminated, effective May 1, 1981.

- Automobile Advisory Committee
- Biomechanics Advisory Committee
- Nafional Accident Sampling System (NASS) Advisory Committee
- National Advisory Committee for Outdoor Advertising and Motorist Information

Issued in Washington, D.C. on August 3, 1981.

Katherine M. Anderson,

Executive Secretary S-10, Department of Transportation.

[FR Doc. 81-23249 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-62-M

Privacy Act of 1974; Additions, Changes, and Deletions to Notices of Systems of Records

The Department of Transportation herewith deletes 25 systems for records previously published, renames two, publishes a change to General Routine Use number 6 regarding access by Congress, republishes DOT/FAA 846 "Airport Solicitation Permit Application File" in the final along with comments from the public and responses by FAA, and lastly publishes one newly proposed System of Records, DOT/FAA 847, "Generally Air Transportation Records on Individuals".

Any person or agency may submit written comments on the proposed additions, changes or deletions of systems to the Privacy Officer (M-341), Room 7109, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. Comments must be received by August 28, 1981, to be considered.

If no comments are received, the proposed new system and the other changes will become effective on August 28, 1981. If comments are received, the comments will be considered and where adopted, the document will be republished with the changes.

Issued in Washington, D.C. on July 28, 1981.

Robert L. Fairman,

Assistant Secretary for Administration.

Deletions of Systems of Records

The following systems of records are deleted permanently. The reasons for deletion are that the publication of OPM/GOVT 1 replaces the need for several FAA Systems, the development of DOT/ALL 1, 2, and 3 as Departmental systems eliminates the need for several, and some programs were completed or discontinued. The development of DOT/FAA 847 resulted from a combination of several separate FAA systems of records:

DOT/OST 001	DOT/FAA 842
DOT/CG 501	DOT/FHWA 208
DOT/FAA 809	DOT/FHWA 221
DOT/FAA 812	DOT/FRA 103
DOT/FAA 817	DOT/FRA 109
DOT/FAA 818	DOT/NHTSA 421
DOT/FAA 819	DOT/NHTSA 438
DOT/FAA 823	DOT/NHTSA 442
DOT/FAA 829	DOT/NHTSA 443
DOT/FAA 835	DOT/SLS 156
DOT/FAA 838	DOT/SLS 157
DOT/FAA 840	DOT/UMTA 179
DOT/FAA 841	

Rename Two Systems of Records

DOT/OST 039 Safety Management Information Files becomes DOT/ALL 2.

DOT/OST 055 Applications for U.S. Government Vehicle Operator's License becomes DOT/ALL 3.

Revision of General Routine Use of Number 6

Change Prefatory Statement of General Routine Uses number 6 45 FR 11688 to read as follows:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In such cases, however, the Congressional office does not have any greater right to records than the individual. Thus, the disclosure may be withheld from delivery to the individual where the file contains investigative or factual imformation or to other materials which are being used, or are expected to be used, to support prosecution or fines against the individual for violations of a statute, or of regulations of the Department based on statutory authority. No such limitations apply to records requested for Congressional

oversight or legislative purposes; release is authorized under 49 CFR 10.35(9).

Final Notice DOT/FAA 846 Airport Solicitation Permit Application

Summary: The Department of Transportation (DOT) herewith publishes the final notice of a new system of records, the Airport Soliciation Permit Application File, DOT/FAA 846.

The proposed notice of this system of records (45 FR 60104, September 11, 1980) provided that the system would become effective on October 26, 1980, unless comments were received. Adverse comments were received within 60 days of the proposed notice. Implementation of the system was therefore deferred pending consideration of the comments and publication of a final notice.

Background Information

The Airport Solicitation Permit Application File will contain information collected from applicants for Solicitation Permits at Washington National Airport and Dulles Airport. Permits for soliciting and leafletting are issued by the Operations Office of each airport pursuant to regulations issued by the Federal Aviation Administration (FAA) on May 20, 1980. 14 CFR Sections 159.91, 159.93, and 159.94. (45 FR 35306, May 27, 1980; amended 45 FR 45578, July 7, 1980, effective date deferred 45 FR 49917, July 28, 1980; amended 45 FR 70237, October 23, 1980.) The final rule became effective on October 26, 1980. However, implementation of the parts of the rule requiring the use of the Solicitation Permit Application were deferred pending consideration of the comments received in response to the Proposed Systems Notice published on September 11, 1980, (45 FR 60104).

The Airport Solicitation Permit Application will be used to collect information from persons desiring to solicit funds and/or sell literature for noncommercial purposes at National and Dulles Airports. A Solicitation Permit, if available, will be issued to the applicant upon submission of a completed application form. (A person desiring to distribute literature without the collection of funds may do so by requesting a leafletting Permit, for which no written application form is required.) The system of records for which notice is hereby given consists of completed Airport Solicitation Permit Applications and any supporting documentation submitted by applicants.

The only comments received on the proposed system of record were submitted jointly by the Aviation Consumer Action Project and the American Civil Liberties Union Fund of the National Capital Area (herein referred to jointly as "ACAP"). These comments originally were filed with OMB in connection with that agency's review and approval of the application form under the Federal Reports Act, 44 U.S.C. sections 3501 *et seq.*, and subsequently were filed with the FAA in Docket No. 20200. The comments allege that the Airport Solicitation Permit Application form proposed by FAA violates the Federal Reports Act, the Privacy Act, and the First Amendment of the Constitution. Following consideration of ACAP's comments, Office of Management and Budget (OMB) on October 27, 1980, approved the application form for use by FAA subject to minor modifications which are, for the most part, unrelated to ACAP's comments. This Notice therefore considers only the part of ACAP's comments alleging that the use of the forms will violate the Privacy Act. ACAP contends that the proposed system of records does not fulfill the requirements of the Privacy Act, 5 U.S.C. 552a, for reasons which may be summarized as follows:

1. Much of the information requested was irrelevant or unnecessary to the purposes of the application form, and therefore in violation of 5 U.S.C. 552a (e)(1).

2. The Privacy Act Statement printed on the application form failed to meet the notice requirements of 5 U.S.C. 552a (e)(3).

3. FAA failed to publish advance notice of a recordkeeping system provided by the Act and by OMB Circular A-108.

ACAP's first contention, that the form violates 5 U.S.C. 552 (e)(1), is essentially a recapitulation of comments submitted by ACAP in response to FAA NPRM No. 80-5, 45 FR 20424, FAA Rules Docket No. 20200. These comments were addressed by FAA in the preamble to the final rule as published May 27, 1980. Similar comments submitted by ACAP to FAA in a Petition for Reconsideration, published in full at 45 FR 59897, September 11, 1980, will be adressed in detail in the FAA's separate response to that petition. Basically, the application form serves to establish the identity of the solicitor, to ascertain the authority of the solicitor to act for the cause which he or she purports to represent, and to determine whether the solicitor's organization is noncommercial or commercial in nature. Supreme Court decisions have upheld the right of municipality to obtain this information, and FAA's authority as airport operator is no less than that of a municipality in this respect.

The purposes served by the form are further authorized and required by Title V of Pub. L. 96-193 enacted February 18, 1980. Each of the items of information requested on the form relates directly to one of the above purposes. DOT therefore considers the information obtained by use of the application form to satisfy fully the requirements of 5 U.S.C. 552a (e)(1).

ACAP's second contention, that the Privacy Act Statement contained in the form is insufficient to meet the requirements of 5 U.S.C. 552a (e)(3), is based on five distinct arguments. First, ACAP argues that the notice of authority incomplete inasmuch as the statement refers only to Pub. L. 96-193 and not to other Acts relating to the administration of National and Dulles Airports (54 Stat. 686 as amended by 61 Stat. 94, 64, Stat. 770), Which are included in the final rule as additional authority for the promulgation of the rule. As noted in the preamble to the final rule, DOT considers either the Airport Acts or Pub. L. 96-193 as sufficient authority for the regulation, and the listing of both in the Privacy Act statement would be redundant. ACAP's contention is that it is especially important to include the Airport Acts because of the fine and imprisonment penalties contained therein. However, the applicant receives notice of the penalties elsewhere on the face of the form by reference to 14 CFR Section 159.191, which by the terms of the form is immediately available to the applicant on request. The applicants notice of and access to the penalty provisions would not be improved by a legal citation to the U.S. Statutes at Large.

The second reason offerd by ACAP for the insufficiency of the Privacy Act Statement is that the Statement fails to list the prevention of fraud as a purpose of collecting the information. While the prevention of fraud is indeed a policy behind the regulation and its authorizing legislation, the immediate purpose of obtaining the information is the issuance of a permit identifying the solicitor's noncommercial status. This purpose is sufficiently described by the present language of the Statement.

Third, ACAP argues that the Statement fails to state that the information collected may be used as evidence in civil and criminal proceedings. The final version for the form has been amended to add the following language to the Privacy Act Statement: "Information collection may be used as evidence in civil and criminal proceedings arising under the regulation."

Fourth, ACAP asserts that the Statement misstates the implication of the failure to fill out the form, alleging a discrepancy between the final rule, which does not require certain information if not applicable, and the form's Statement, which states, that a permit will not be issued unless "all information" (ACAP's term) is provided. The actual language on the form is: "failure to complete this form will result in denial of an Airport Solicitation Permit." It is clear from the provisions of the regulation that the form may be "complete" without the filling in of all blanks, in certain circumstances. (14 CFR 159.93(c)(2). DOT believes that the rule is clear that the optional omission of one item of information, if that item is not applicable to the applicant's organization, will not render the application incomplete. Title 5 U.S.C. 552A(e)(3)(D) does not require the reprinting in the Privacy Act Statement of every condition and detail of the regulation. The present language of the Privacy Act Statement is therefore both accurate and complete for the purpose required.

Finally, ACAP notes that it is unaware of the advance notices of a record keeping system required by the Privacy Act and by OMB Circular A-108. As noted above, a Proposed Notice of System of Records for the Airport Solicitation Permit Application file, DOT/FAA 846, was published in the **Federal Register** on September 11, 1980, at 45 FR 60104.

In consideration of the foregoing, DOT has not further delayed or amended the Airport Solicitation Permit Application from or Systems Notice in response to the ACAP comments except as specifically stated above. However, several amendments were made to the form and the Notice as condition of OMB approval of the use of the form:

1. Under "Organization Person Responsible for Activities at Airport," "Telephone #" is changed to "Title."
2. The certification block is amended to read, in relevant part: "I understand that Federal Aviation Regulations Part 159, Sections 159.91, 159.93, 159.943, and 159.191 are available for my review."
3. The Privacy Act Statement is amended to add the following statement: "Information collected may be used as evidence in civil and criminal proceedings arising under the regulation."
4. The statement of routine uses in the Systems Notice is amended to include the use of the information as evidence in civil and criminal proceedings.
5. The statement of categories of users in the Systems Notice is amended to include a list of agencies which may be expected to have an interest to obtaining the information collected.

Final Notice

The following systems of records will become effective on publication and on that date should be added to the DOT Annual Publication of Systems of Records, February 21, 1981, 45 FR 11686:

DOT/FAA 846

SYSTEM NAME:

Airport Solicitation Permit Application File, DOT/FAA.

SYSTEM LOCATION:

Federal Aviation Administration, Operations Office, Washington National Airport, Washington, D.C. 20001.

Federal Aviation Administration, Operations Office, Washington National Airport, Washington, D.C. 20041.

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed applications for Airport Solicitation Permits; documentation of each solicitor's authority to represent the organization for which he or she claims to be soliciting.

AUTHORITY:

Authority for the operation of this system is Pub. L. 96-193, enacted Feburary 18, 1980. This system would also be authorized by 54 Stat. 686, 61 Stat. 94, and 64 Stat. 770.

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

Preparation and issuance of Airport Solicitation Permits, which indicate the solicitor's name and the organization for which he or she is soliciting. Permits will be issued by airport operations personnel.

Disclosure to members of the public upon request, to permit the public to be informed as to who is soliciting at the airport and for what cause.

Use as evidence in civil or criminal proceedings. It is expected that only DOT, the Department of Justice, and the Attorney General of Virginia would use the information collected as evidence in civil or criminal proceedings. Other agencies which might be expected to have an interest in the information include the Internal Revenue Service, the operating authorities of other public airports, and state and local law enforcement agencies.

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

STORAGE:

Application forms and any attached documentation are retained at the Operations Offices of National and Dulles Airports.

RETRIEVABILITY:

Applications are maintained in chronological order, not by name. There is no means for retrieval of records pertaining to a particular individual other than manual search of the entire file.

SAFEGUARD:

The file is in the custody of the Duty Operations Officer.

RETENTION AND DISPOSITION:

Applications will normally be destroyed within 60 days of the date submitted.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Operations, Division, Washington National Airport, Federal Aviation Administration, Washington, D.C. 20001.

Chief, Operations, Division, Dulles International Airport, Federal Aviation Administration, Washington, D.C. 20041.

NOTIFICATION PROCEDURES:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures." Record source categories: Application forms and related documentation furnished by airport solicitors.

RECORD SOURCE CATEGORIES:

Application forms and related documentation furnished by airport solicitors.

New System of Records DOT/FAA 847

SYSTEM NAME:

General Air Transportation Records on Individuals, DOT/FAA.

SYSTEM LOCATION:

Records are maintained primarily at: Department of Transportation (DOT),

Federal Aviation Administration (FAA), Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Portions of these records are located in: Department of Transportation, Federal Aviation administration, 800 Independence avenue, S.W., Washington, D.C. 20591; General Aviation District Offices (GADO's); Air Carrier District Offices (ACDO's); Civil Aviation Security Field Offices (CASFO's); and FAA regional offices. (Contact your nearest FAA office for location.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current certificated airmen, airmen whose certificates have expired, airmen rejected for medical certification, airmen with special certification, airmen who are deceased, and other requiring medical certification.

Air traffic controllers in air route traffic control centers, terminals, and flight service stations and applicants for these positions.

Applicants for airmen certificates, airmen seeking additional certifications or additional ratings, individuals denied certification, airmen holding inactive certificates, airmen who have had certificates revoked, and airmen and flight attendants engaged in international air transportation.

Persons who are involved in aircraft accidents or incidents: pilots crew members, passengers, persons on the ground, and witnesses.

Individuals against whom the Federal aviation Administration has taken administrative action or legal enforcement action for violation of certain Federal Aviation Regulations (FAR) or Department of Transportation Hazardous Materials Regulations (HMR). These include individuals or companies holding Federal Aviation Administration certificates, persons charged with violating FAR's and/or HMR's, and persons allegedly violating FAR's who have appealed to the National Transportation Safety Board (NTSB) or the courts.

CATEGORIES OF RECORDS IN THE SYSTEM:

All categories of records include identifying information such as name(s), date of birth, place of residence, mailing address, social security number, airman certificate number, home telephone number. Other records in this system are:

General Air Transportation Records on Individuals files are the official repository of records, documents, and papers required in connection with the issuance of airmen certificates by the Federal Aviation Administration. Additionally, the records in the system are on individuals against whom the FAA has taken administrative action or legal enforcement action for violation of certain Federal Aviation Regulations or Hazardous Materials Regulations. (These files are maintained in local district or field offices, regional offices, the Aeronautical Center and the FAA headquarters in Washington, D.C., depending on the kind of action being undertaken.)

Records that are required to determine the physical condition of an individual with respect to the medical standards established by FAA.

Records concerning applications for certification, written examinations, applications for written examinations, results of written tests, applications for inspection authority, certifications held, ratings, stop orders, and requests for duplicate certificates.

Reports of fatal accidents, autopsies, toxological studies, aviation medical examiner reports, medical record printouts, nonfatal reports, injury reports, accident name cards, magnetic tape records of fatal accidents, physiological autopsy, and consulting pathologists's summary of findings.

Records of accident investigations, preliminary notices of accident, injury reports, engineering analyses, witness statements, investigators analyses, pictures of accident scenes.

Records concerning safety compliance notices, letters of warning, letters of correction, final action legal documents in enforcement cases, enforcement airmen medical denial cases on appeal to NTSB, investigations of alleged violations and reports of enforcement cases, violation reports on alleged FAA certificate violations other than medical certificates.

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

These records and information in these records may be used:

To provide information for Federal, state, foreign and local agencies maintaining civil, criminal, or other relevant information; or other pertinent operational purposes such as validating airmen qualifications by supplying relevant information to an agency concerning the hiring or retention of employee or the issuance of a grant or other benefit.

To provide statistical reports for internal use, to Congress, other Federal agencies, and the public.

To local specific individuals for a variety of personnel management functions.

To serve as a repository of documents used by individual and potential employers to determine validity of airmen qualifications.

To verify U.S. Citizenship, certify qualified applicants, and provide them with a crew member certificate to be used in lieu of a passport in International Civil Aviation Organization member countries.

To supply data to the National Transportation Safety Board (NTSB) under requirements of the FAA accident investigation authority delegated to it by the Board.

To serve as a repository of legal documents that relate to individuals' physical status or condition used to determine statistically the validity of FAA medical standards.

To develop professional papers that are distributed to various aviation and medical groups of evaluation and study.

To inform airmen of meetings and seminars conducted by the FAA regarding aviation safety.

To provide information for determining eligibility for airman medical certification, for review of requests for exemptions from medical requirements, and for review of certificate denials.

To provide information concerning administrative and legal enforcement actions of alleged violations of certain Federal Aviation Regulations and Hazardous Materials Regulations to government agencies, the aviation industry, and the public upon request.

The general routine uses in the prefatory statement apply to all of these files.

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

STORAGE:

These records are maintained in file folders, on lists and forms, and in computer processable storage media. Records are also stored on microfiche.

RETRIEVABILITY:

These records are retrieved by various combinations of name, birth date, social security account number, airman certificate number, or other identification number of the individual of whom the records are maintained. Records are also indexed by sex. Records are also filed by accident number and/or incident number, and administrative action or legal enforcement numbers.

SAFEGUARD:

Personal information in this system of records is processed in both hard copy

and digital environments. Applicable safeguards for each are described in the following subparagraphs:

Manual Records: Strict information handling procedures have been developed to cover the use, transmission, storage, and destination of personal data in hard copy form. These are periodically reviewed for compliance.

Automated Processing (FAA Systems): Computer processing of personal information is conducted within established FAA computer security regulations. A risk assessment of the FAA computer facility used to process this system of records has been accomplished.

Automated Processing (Commercial Time Sharing Contractor): A limited amount of personal information covered by this system of records will be processed at a commercial facility. This data is of low sensitivity to disclosure. A comprehensive security review of the contractor installation was accomplished by the FAA security organization. Computer programs operated on commercial time share systems that contain data on individuals have multiple security levels and records element restrictions to prevent release of data to unauthorized parties.

RETENTION AND DISPOSAL:

All records and files are retained and/or disposed of in accordance with the provisions of Order 1350.15A, Records Organization, Transfer, and Destruction Standards.

SYSTEM MANAGER(S) AND ADDRESS:

Records Concerning Aviation Medical Certification: Chief, Aeromedical Certification Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Records Form Regional Files: Regional Flight Surgeon within the region where examination was conducted.

FAA Certification Records and General Airmen Records: Chief, Airmen Certification Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125. Requests for assistance may be made to the originating GADO, ACDO, or FSDO.

Records Concerning General Aviation Accidents and Incidents and Air Carrier Incidents: Flight Standards National Field Office, Attn: Chief, Safety Data Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Records Concerning Administrative and Legal Enforcement Action:

FAA Enforcement Information System Data Bases for Administrative and Legal Enforcement Actions: Flight Standards National Field Office, Attn: Chief, Safety Data Branch (AFO-580), Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Official FAA Enforcement Files: The Office of the Chief Counsel, the Office of the Regional Counsel, or the investigating FAA field office, as appropriated. (The address of the appropriate FAA legal or field office maintaining the official agency enforcement file may be obtained from AFO-580.)

(See or call your local FAA office in the area in which you reside for any proper address not specifically listed above.)

NOTIFICATION PROCEDURES:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the system manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about themselves in this system of records should contact or address their inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Associate Administrator for Administration or his delegate at the following address: Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

RECORD SOURCE CATEGORIES:

Medical Information: Information is obtained from Aviation medical Examiners, individuals themselves, consultants, hospitals, treating or examining physicians, other Government agencies, tests taken by the individual, special studies such as blood test, and in some rare cases, records are supplied by other persons or other agencies.

Airmen Certification Records: The individual to whom the records pertain. Written test scores are supplied by other persons or other agencies.

General Aviation Accident/Incident Records and Air Carrier Incident Records: Information is obtained from Aviation Medical Examiners, pathologists, accident investigations, medical laboratories, law enforcement officials, and FAA employees. Data is also collected from manufacturers of aircraft, maintenance inspectors, accident investigators, witnesses to accidents, and involved passengers.

Administrative Action and Legal Enforcement Records: Regional Counsels, National Transportation Safety Board, Civil Aviation Security personnel, Flight Standards personnel, Aeronautical Center personnel, and the Office of Chief Counsel.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of the records are exempted from certain subsections of the Privacy Act. The purpose of these exemptions is to protect investigatory materials compiled for law enforcement purposes. Disclosure of such material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and evidential basis for possible enforcement actions. The exemption rule may be found on page 8999 of the February 11, 1980, issue of the **Federal Register.**

[FR Doc. 81-23303 Filed 8-7-81; 8:07 am]

BILLING CODE 4910-62-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 153
Monday, August 10, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ELECTION COMMISSION.

[FR No. 1198]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, August 13, 1981 at 10 a.m.

CHANGE IN MEETING: The following items have been added:

Contracts

a. Reallocation of $100,000 to Support Contracts Part I-F from Agenda Document 81-130 Continued from July 30, 1981.

b. Review of Office of General Counsel.

c. Agency Staffing Pattern Review.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-1203-81 Filed 8-6-81; 2:39 pm]

BILLING CODE 6715-01-M

2

INTERNATIONAL TRADE COMMISSION.

[USITC SE-81-24]

TIME AND DATE: 3 p.m., Tuesday, August 18, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
a. Press line (Docket No. 751).
5. Investigation 731-TA-30 [Final] (Montan Wax from East Germany)—vote.
6. Any items left over from previous agenda.

Portions closed to the public:

5. Investigation 731-TA-30 [Final] (Montan Wax from East Germany)—briefing.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1204-81 Filed 8-6-81; 3:21 pm]

BILLING CODE 7020-02-M

3

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, August 13, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Proposed amendments to Part 720 of the NCUA Rules and Regulations regarding description of offices, disclosure of official records, availability of information and promulgation of regulations.
3. Reports of action taken under delegations of authority.
4. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Thursday, August 13, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed policy to delegate authority under Section 206 of the Federal Credit Union Act and clarification of delegated authority under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
2. Proposed modification to delegated authority under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Charter application. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Administrative action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Administrative action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
7. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
8. Budget considerations for FY 1983. Closed pursuant to exemption (9)(B).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant; telephone (202) 357-1100.

[S-1201-81 Filed 8-6-81; 1:19 pm]

BILLING CODE 7535-01-M

4

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of Previously Held Emergency Meeting

TIME AND DATE: 11a.m., Wednesday, August 5, 1981.

PLACE: 7th floor board room, 1776 G Street, N.W., Washington, D.C.

STATUS: Closed.

MATTER CONSIDERED:

1. Request from a Federally insured credit union for special assistance under Section 208 of the Federal Credit Union Act.

BACKGROUND: The Board voted that the agency business required that a meeting be held with less than seven days advance notice.

The Board unanimously voted to close the meeting under exemptions (8) and (9)(A)(ii). The General Counsel certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT: Beatrix Fields, Acting Secretary of the Board; telephone (202) 357-1100.

[S-1202-81 Filed 8-6-81; 1:20 pm]

BILLING CODE 7535-01-M

5

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-28]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 39724, August 4, 1981.

"PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, August 11, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was

possible. The agenda as now revised is set forth below:

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report:* Grounding of the S.S. CONCHO, Constable Hook Reach of Kill Van Kull, Upper New York Harbor, January 19, 1981, and *Recommendations* to the Sabine Towing and Transportation Company, the American Bureau of Shipping, and the U.S. Coast Guard.

2. *Special Investigation Report:* Railroad Accidents Caused by Overheated Journal Bearings Previously Detected by Trackside Hot Journal Detection Equipment, and *Recommendations* to the Chicago and Northwestern Transportation Company; Chicago Milwaukee, St. Paul, and Pacific Railroad Company; Burlington Northern Railroad; Louisville and Nashville Railroad; Illinois Central Gulf Railroad; Grand Trunk Western Railroad Company, and the Association of American Railroads.

3. *Special Study:* Review of Rotorcraft Accidents, 1977 through 1979.

4. *Special Investigation Report:* Search and Rescue Procedures and Arming of Emergency Locator Transmitter: Michigan City, Indiana, December 7, 1980, and *Recommendations* to the Federal Aaviation Administration.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

August 6, 1981.

[S-1205-81 Filed 8-6-81; 3:46 pm]

BILLING CODE 4910-58-M

federal register

Monday
August 10, 1981

Part II

Department of Transportation

Federal Aviation Administration

Certification: Pilots and Flight Instructors; Proposed Amendment of Instrument Rating Requirements

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 61

[Docket No. 22051; Notice No. 81-11]

Certification: Pilots and Flight Instructors; Proposed Amendment of Instrument Rating Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend the rules governing the requirements for the issuance of an original or additional instrument rating added to an airman certificate. The proposal would delete the requirement that cross-country experience be gained in a specific category of aircraft. Under this proposal, cross-country time gained in powered aircraft could be applied toward meeting the experience requirements for the rating. The proposed amendment is intended to relieve applicants from unnecessary duplication of experience. It is needed to relieve the public of an undue economic burden and prevent the waste of aviation fuel.

DATES: Comments must be received on or before October 12, 1981.

ADDRESSES: Send comments on this proposal in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22051, 800 Independence Avenue, SW., Washington, D.C. 20591

OR deliver comments in duplicate to:

FAA Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C.

Comments may be examined in the Rules Docket on weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Dan Keenan, Regulatory Review Branch (AVS-22), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8196.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the regulatory docket or notice number and be submitted in duplicate 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 Docket No. 22051." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered by the Administrator 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 NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, 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 NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background

Part 61, Certification: Pilots and Flight Instructors, of the Federal Aviation Regulations (14 CFR Part 61) prescribes the requirements for issuing pilot and flight instructor certificates and ratings. Part 61 also prescribes the conditions under which those certificates and ratings are necessary and the privileges and limitations of those certificates and ratings. In 1973, Part 61 was revised to update the standards for issuing pilot and flight instructor certificates and ratings, and to adopt recent experience and proficiency check requirements. Amendment 61-60 (38 FR 1356; February 1, 1973) reflected the increased activity in aviation as well as the growing sophistication of aircraft and equipment being utilized in the national airspace system.

As part of this revision effort, the requirements for the issuance of a helicopter instrument rating were revised. These new requirements stemmed from, and were in recognition of, the increased interest and activity in the world-wide application of the helicopter.

Section 61.65(e)(1) required an applicant for an instrument rating to have at least a total of 200 hours of pilot flight time, including 100 hours as pilot in command, of which 50 hours are cross-country in the category of aircraft for which an instrument rating is sought.

Need for Regulation

When § 61.65(e)(1) was adopted, it was uncommon for a person to apply for an instrument rating in more than one category of aircraft. Compliance with the 50 hours of cross-country flight time in a single category of aircraft did not present a problem. However, with the increased demand for economic efficiency of corporate flight departments, more and more individuals must be qualified in both airplanes and helicopters. The increased cross-utilization of flight personnel has focused attention to the burden imposed on individuals seeking an additional instrument rating in another aircraft category, because of the cross-country flight experience requirements in § 61.65(e)(1).

Since this section was adopted, over 105,000 instrument ratings have been issued which required individuals to acquire cross-country flight experience in either an airplane or a helicopter. However, other individuals have had to repeat this flight experience in another category of aircraft in order to be eligible for an instrument rating for that category. This has been an unnecessary burden in view of the fact that the cross-country experience gained in operating airplanes and helicopters is quite similar and not unique to the category of aircraft. This proposal is intended to relieve the unnecessary requirement that airmen obtain cross-country flight experience in the category of aircraft (airplane or helicopter) in order to be eligible for an instrument rating. A rule change deleting the category requirement would permit individuals to combine the flight experience without compromising safety, as well as eliminating the unnecessary waste of aviation fuel, and the undue economic burden on the public.

Economic Evaluation

The FAA has determined that this proposed regulation involves no additional costs and relieves an economic burden. The dollar extent of the cost savings benefit depends on the number of additional pilot instrument ratings obtained per year. For the class of aircraft typically used to meet such training requirements for the cross-country flight experience stipulated in § 61.65(e)(1), the operating cost per hour would range from $30 to $50 for fixed wing airplanes and $100 to $125 for rotorcraft. These costs multiplied by 50 hours, because of the deletion of the requirement for cross-country in the category of aircraft for which an added instrument rating is sought, could provide a savings to individuals of $1,500 to $2,500 and $5,000 to $6,250 for fixed wing and rotorcraft, respectively.

A copy of the draft regulatory evaluation of this proposed rule is contained in the docket. The FAA invites specific comments concerning the extent and magnitude of the cost savings or other benefits that can accrue to individuals seeking an additional instrument rating under proposed rule change.

The Proposed Amendment

Accordingly, it is proposed to revise Part 61 of the Federal Aviation Regulations (14 CFR Part 61) by revising § 61.65(e)(1) to read as follows:

§ 61.65 Instrument rating requirements.

* * * * *

(e) *Flight Experience.* An applicant for an instrument rating must have at least the following flight time as a pilot:

(1) A total of 200 hours of pilot flight time, including 100 hours as pilot in command, of which 50 hours are cross-country in a powered aircraft.

* * * * *

(Secs. 313(a), 601, and 602, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1422.); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(2))

Note.—Since compliance with this proposal would not impose any cost or other economic burden on airmen, it has been determined that this is not a major regulation under Executive Order 12291 and is not a significant rule pursuant to the Department of Transporation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, under the criteria of the Regulatory Flexibility Act, this revision would not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C., on July 22, 1981

Kenneth S. Hunt,

Director, Office of Flight Operations.

[FR Doc. 81-23050 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-13-M

federal register

Monday
August 10, 1981

Part III

Department of the Interior

Office of Surface Mining and Reclamation Enforcement

Permanent and Interim Program Modifications; Two-Acre Exemption; Final Rule Withdrawal and Notice of Intent To Propose Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 700

Permanent and Interim Program Modifications; Two-Acre Exemption

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

ACTION: Withdrawal of final rule.

SUMMARY: The Surface Mining Control and Reclamation Act of 1977 exempts from regulation surface coal mining operations which affect two acres or less. OSM has determined to withdraw the final two-acre exemption published January 23, 1981, at 46 FR 7902, and to announce its intent to propose a revised two-acre exemption to replace the current exemption, which is published at 30 CFR 700.11(b).

OSM is taking this action in part because it believes that the January 23, 1981, rule may unnecessarily restrict the availability of the exemption to underground mines by including all land above underground mine workings in determining the size of a mine. In addition, OSM does not believe the rule adequately addresses the important "related sites" issue and the complex issues involved in counting haul roads and access roads as part of a mine. OSM intends to address these and other issues in proposing a revised two-acre exemption.

EFFECTIVE DATE: August 10, 1981.

ADDRESSES: Director, Office of Surface Mining, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Stanford Zeccolo, Office of Surface Mining, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, phone number: 343-5365.

SUPPLEMENTARY INFORMATION: On February 6, 1980, OSM proposed a revision to 30 CFR 700.11(b), the so-called two-acre exemption. 45 FR 8241. This provision implements Section 528(2) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), which exempts from the provisions of SMCRA "the extraction of coal for commercial purposes where the surface mining operation affects two acres or less." A hearing was held on the proposal in Washington, D.C. on February 25, 1980. Public comment on the proposal extended from February 6, 1980, to March 7, 1980. On January 23, 1981, OSM issued a final two-acre exemption effective February 23, 1981. 46 FR 7902.

On January 28, 1981, the Secretary of the Interior initiated a program to reevaluate the Department's existing rules to determine where they might be excessive, burdensome or counterproductive. The two-acre exemption rule was among those being evaluated. On February 4, 1981 in accordance with the President's memorandum of January 29, 1981, the Department extended until March 30, 1981, the effective date of numerous rules, including the two-acre exemption rule. 46 FR 10707. On April 3, 1981, OSM extended until May 4, 1981, the effective date of the two-acre exemption rule and solicited comments as to whether the rule should be suspended indefinitely pending the outcome of rulemaking to consider modifications of the exemption. 46 FR 20211. On April 29, 1981, OSM further extended the effective date until June 16, 1981, and reopened the comment period on the suspension issue. 46 FR 23924. Finally, on June 15, 1981, OSM deferred until August 15, 1981, the effective date of the two-acre exemption rule. 46 FR 31258. Today OSM announces its withdrawal of the rule published January 23, 1981, and notices its intent to propose a revised two-acre exemption.

OSM is taking this action in part because it believes that the January 23, 1981, rule may unnecessarily restrict the availability of the exemption to underground mines by including all land above underground mine workings in determining the size of a mine. In addition, OSM does not believe the rule adequately addresses the important "related sites" issue and the complex isues involved in counting haul roads and access roads as part of a mine. OSM intends to address these and other issues in proposing a revised two-acre exemption.

Withdrawal of the January 23, 1981, rule will not affect enforcement of the two-acre exemption. The rule implementing the exemption that was published March 13, 1979, at 44 FR 15311, as amended November 27, 1979, at 44 FR 67942, has continued in effect during the rulemaking resulting in the January 23, 1981, exemption and will continue in effect pending adoption of a final revised two-acre exemption. OSM is also in the process of drafting enforcement directives on two-acre exemption issues that will clarify and make consistent enforcement of the exemption. This process will be correlated with development of the revised two-acre exemption rule.

Response to Public Comment

OSM has reviewed all comments received after the **Federal Register** notice dated April 20, 1981, extending the comment period and providing notice to withdraw, suspend or modify the two-acre exemption rule published on January 23, 1981. OSM responds below to comments relating to withdrawal of the January 23, 1981, rule. Comments relating to the substance of the two-acre exemption and to other issues not concerned with withdrawal of the January 23, 1981, rule will be considered together with comments received on the revised exemption that OSM intends to publish in the future.

1. Two comments requested that the rule be suspended. These comments have been accepted insofar as the January 23, 1981, rule is being withdrawn and OSM intends to propose a revised rule.

2. Several commenters requested immediate implementation of the January 23, 1981, rule. These comments have been rejected because OSM believes this rule must be withdrawn for the reasons described above. OSM intends, however, to propose a revised two-acre exemption that will remedy problems that may exist with the current rule.

3. Two commenters requested additional time to respond to the April 3, 1981, request for comments. These request were granted.

4. One commenter claimed that deferral of the effective date of the January 23, 1981, rule was illegal. OSM rejects this comment because it believes it was within OSM's legal authority to defer the effective date of the rule pending an evaluation of the adequacy of the rule.

OSM has evaluated the withdrawal of the January 23, 1981, rule according to the criteria of Executive Order 12291 (February 17, 1981) and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* OSM has determined that the withdrawal is not a major rule and that it will not have a significant impact on a substantial number of several entities, primarily because the effect of the withdrawal is to continue in effect the current two-acre exemption rule. OSM previously analyzed the impacts of the two-acre exemption currently in effect and of the January 23, 1981, exemption and has determined that neither constituted a major federal action having a significant impact on the human environment. Accordingly, the withdrawal is exempt from the requirement to prepare a detailed statement pursuant to Section

102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C).

Dated: August 3, 1981.

Approved:

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

§ 700.11 [Amended]

Accordingly, the revision of § 700.11(b) published on January 23, 1981, at 46 FR 7902 is withdrawn.

[FR Doc. 81-23255 Filed 8-7-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 700

Permanent and Interim Program Modifications; Two-Acre Exemption; Notice of Intent To Propose Rule

Cross Reference

For a document announcing the withdrawal of a final rule on exemptions of surface coal mining operations which affect two acres or less (originally published at 46 FR 7902, January 23, 1981) and providing notice of intent to propose a revised rule, see FR Doc. 81-23255 also published in Part III of this issue. Refer to the table of contents for the appropriate page number.

federal register

Monday
August 10, 1981

Part IV

Department of Transportation

Federal Aviation Administration

National Airspace Review

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace Review

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed plan for public review and comment.

SUMMARY: The FAA is proposing a National Airspace Review encompassing airspace and procedural aspects of the air traffic system. This will be a joint FAA-aviation industry venture to improve the efficiency and effectiveness of the present ATC system incorporating existing technological improvements. To accomplish this, a comprehensive plan has been developed containing an administrative structure and detailed task assignments which when acted upon will result in recommendations to the FAA on those identified assignments. The proposed review is intended to be a vehicle that will drive the implementation of valid recommendations for changes to airspace and procedures within the ATC system.

DATE: Comments must be received on or before September 21, 1981.

ADDRESS: Send comments on the proposal to: Karl Trautmann, Chief, EnRoute Procedures Branch, AAT-330, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Anthony Borden, Ron R. Haggerty, or L. Jack Overman, Program Management Staff, National Airspace Review, AAT-330.10, (202) 755-9018.

SUPPLEMENTARY INFORMATION: A review of airspace allocations and air traffic procedures, on a national level, has been made necessary for a number of reasons.

1. Changing ATC service requirements.
2. The need to simplify the air traffic system.
3. The need to consider the increasing cost of fuel in airspace design and procedural changes.
4. A continuing need to refine and improve air traffic flow management.
5. Changing civil user demands must be address such as, sophistication and growth of general aviation, increase in commuter/air carrier operations as a result of deregulation, and increasing helicopter activities.
6. Changing military training requirements must be accommodated in the air traffic system.

After evaluation of these factors, it became evident that a review of airspace and procedures of the air traffic system should be conducted.

Therefore, the FAA drafted a strawman plan for a national review of airspace and ATC procedures and presented it to the aviation community at an informal meeting held at FAA Headquarters on May 27 and 28, 1981.

The proposed plan as presented here was developed as a result of comments received from that meeting and from within the FAA. The National Airspace Review will include participation of representatives from aviation industry, DOD, FAA, labor, and state aviation organizations, who will study and make recommendations on identified task assignments.

Although Research and Development projects identify long term goals, this study must address near term resolutions that will improve our current ATC system using existing technology while matching R&D efforts.

In order to remain within the confines of the Federal Advisory Committee Act (Pub. L. 92-463) which governs the creation and operation of advisory committees, a charter is required. The charter describes the organizational structure, responsibilities of participants, and public notification requirements of meetings under the National Airspace Review program.

The intent of the National Airspace Review is to be a vehicle that will drive the implementation of valid recommendations for changes to airspace and procedures within the ATC system.

We believe recommendations relative to each task assignment should represent a balance of views between users and the FAA because of the joint participation aspect of the plan.

National Airspace Review Proposed Plan

Purpose

The purpose of the National Airspace Review (NAR) is to conduct an in-depth study of airspace and procedural aspects of the existing air traffic system. This will enable us to identify and implement changes which will promote greater efficiency for all airspace users and simplify our system. Additionally, the NAR will match airspace allocations and air traffic procedures to technological improvements and fuel efficiency programs.

Recommended changes to the present air traffic system as a result of National Airspace Review studies will also be integrated into associated Research and Development efforts.

The duration of this review program will be approximately 42 months.

Objectives

There are three main objectives of the National Airspace Review.

Objective 1 is to develop and incorporate into the air traffic system a more efficient relationship between traffic flows, airspace allocation, and system capacity. This will involve the use of improved air traffic flow management to maximize system capacity and improved airspace management.

Objective 2 is to review and eliminate, wherever possible, governmental restraints to system efficiency levied by FAR's and FAA Handbooks. The intent is to reduce complexity and simplify the ATC system.

Objective 3 is to revalidate air traffic control services within the National Airspace System with respect to state-of-the-art and future technological improvements. This will entail a complete review of separation criteria, TCA/TRSA requirements, IFR/VFR services to the pilot, etc.

Around these objectives evolved the proposed list of task areas to be studied.

Administrative Structure

To effectively manage a program of this magnitude, an organizational structure was developed to provide the necessary direction and coordination. It consists of an: (1) Executive Steering Committee, (2) a Program Manager, (3) a Program Management Staff, and (4) Task Groups. A brief description of the role and responsibilities of each entity is listed below.

The Executive Steering Committee is composed of a cross section of the aviation industry and chaired by the FAA Deputy Administrator.

Their responsibility will be to:

1. Review staff studies/progress reports on task group activities to insure that recommendations meet the intent and purpose of the National Airspace Review.
2. Provide guidance by recommending further study in areas where, in the opinion of the committee, task group recommendation fall short of stated program objectives.
3. Recommend to the FAA Administrator, adoption or non-adoption of task group proposals associated with the National Airspace Review.

The Program Manager is a joint position composed of:

1. Williard Reazin, Chief, ATC Procedures Division, AAT-300.
2. B. Keith Potts, Chief, Airspace and Air Traffic Rules Division, AAT-200.

The function of the Program Manager is to:

1. Supervise program development and implementation.

2. Provide direction, as necessary, to the Program Management Staff to insure a system approach is taken as development and implementation progresses.

The Program Manager will report directly to the Executive Steering Committee providing staff studies and status reports on task group activities.

The Program Management Staff Directors are:

Karl D. Trautmann (Primary), Chief, EnRoute Procedures Branch, AAT-330
Sid Wugalter (Alternate), Chief, Airspace and Obstructions Branch, AAT-230.

The Program Management Staff is composed of 3 full time members:

Anthony Borden—AAT-320, Terminal Procedures Branch
Ron Haggerty—AAT-330, EnRoute Procedures Branch
L. J. Overman—AAT-230, Airspace and Obstructions Branch.

In addition, selected representatives from all other FAA Headquarters Air Traffic Divisions will serve for short periods of time as their specific area of expertise is required.

The function of the Program Management Staff is to:

1. Develop the plan and coordinate subsequent actions.

2. Establish task group goals and time constraints.

3. Recommend task group chairmen.

4. Monitor task group progress.

5. Provide regular status reports to the Program Manager.

6. Provide interface between task groups to insure compatibility of recommendations.

7. Provide technical expertise, as necessary, to task groups.

8. Coordinate all program activities to insure a smooth transition occurs from one task group to the next.

9. Schedule implementation efforts so as to have minimal system impact.

Task group members will be selected from the aviation industry (management/labor), federal, and state government aviation agencies. Personnel selected will possess expertise related to the specific task assignment. The responsibilities of each task group will be to:

1. Review and analyze data related to the task assignment.

2. Identify system impact of recommended changes.

3. Provide regular reports to the Program Management Staff on task group progress.

4. Submit final recommendations, via staff study, to the Program Management Staff.

Task group composition should be limited to not more than 10 members; however, the exact number will be determined by the Program Management Staff depending on task assignment and length of study time.

National Airspace Review Schedule

August 10, 1981—Proposed plan published in the **Federal Register.**
September 21, 1981—Receive user comments from **Federal Register.**
September 29, 1981—Present National Airspace Review plan and charter to FAA Administrator for signature.
September 30, 1981—Publish plan in **Federal Register.** Arrange for press release of plan.
October 1, 1981—Begin implementation of plan.

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Task Groups (TG)

TG 1-1

Study Location—FAA Headquarters, Washington, D.C.

Random Routes—Study date Oct. 12–Dec. 5, 1981.

The FAA's 'Operation Free Flight' data has been analyzed and results indicate considerable fuel savings will result if a program of this nature is implemented. This task group will study the concept of Random Routes in both the low and high altitude structure for implementation on a national basis.

Airway Realignment—Study date Apr. 19–Jun. 4, 1982

Jet routes and low altitude airways provide airspace protection, charted courses, and altitude information. A review of these routes is necessary to insure that they conform to existing traffic flows. Establishment and retention criteria of airways and jet routes should also be studied.

Alternate Airway Reduction and Re-Identification—Study date Apr. 19–Jun. 4, 1982

The present alternate airway structure is still based largely on non-radar separation standards. With the increased use of radar, an evaluation is needed to eliminate unnecessary alternate airways, and reidentify remaining routes taking into consideration ICAO standards. This would contribute to a reduction in chart clutter.

Preferential Arrival/Departure, IFR Routes—Study date Jun. 28–Jul. 30, 1982

These routes are designed to segregate traffic flows. This area should be evaluated for changes which will increase system efficiency and simplify the program while making this information available to the pilot.

SID/STAR Evalution—Study date Jun. 28–Jul. 30, 1982

While these routes and charts are of value to both pilot and controller, the concept needs further study and evaluation with regard to traffic flows and information depiction. A review is necessary to:

1. Determine their need.

2. Reduce complexity.

3. Simplify development criteria.

4. Insure system compatibility.

5. Evaluate the possibility of including the depiction profile descents on the current STARs chart.

Fixed Routes (RNAV) Evaluation—Study date Sept. 20–Oct. 15, 1982

The concept and use of area navigation opens many avenues for flight in the Random Route area. An evaluation of the fixed route concept for RNAV use is needed to determine continued justification.

Participants

FAA, EnRoute Procedures Branch, AAT-330
FAA, Southern Region, ASO-530
New York Center
Cleveland Center
Minneapolis Center
Air Transport Association
National Business Aircraft Association
Aircraft Owners and Pilots Association
National Association of State Aviation Officials

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TG 1-2

Study Location—FAA, Southern Region Headquarters Atlanta, Georgia

Enroute Metering (ERM)—Study date Jan. 4–Feb. 26, 1982

Although the enroute metering function is ready to be implemented, a study is necessary to determine:

1. How ARTCC boundary changes nationwide will be effected.

2. The feasibility of an interface of ERM with Central Flow Control on an interim basis until the Integrated Flow Management Program evolves.

System Delay Information Dissemination—Study date May 10–Jun. 11, 1982

A review of our present method of disseminating delay information dissemination process is necessary to determine if more effective means can be adopted.

Severe Weather Avoidance Plan Evaluation—Study date May 10–Jun. 11, 1982

A review, on a national basis, of the concept of the Severe Weather Avoidance Plan is necessary to determine.

1. The effectiveness of the present plan.

2. Changes that may be necessary for improvement.

3. The continued need for the plan.

Automation Interface—Study date Jul. 5–30, 1982

Participation is needed with ICAO representatives in the establishment of standards for an international computer interface. Also, a need exists for terminal-terminal ARTS III interface to expedite data exchange on tower enroute traffic. This review would study existing and future programs and recommend the best approach.

Participants

FAA, Southern Region, ASO–530
FAA, Southwest Region, ASW–530
FAA, Automation Division, AAT–500
Central Flow Control Facility
Air Transport Association
National Business Aircraft Association
Department of Defense
Commuter Airlines Association of America
Professional Air Traffic Controllers Organization

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TG 1–3

Study Location—Houston ARTCC, Houston, Texas

Weather Dissemation—Study date Jan. 4–Feb. 26, 1982

A long standing area of concern for the FAA and aviation community is the accurate and timely dissemination of real-time weather. Although future enhancements are being developed, studies must be done to improve existing methods of disseminating aviation weather.

Participants

FAA, Flight Service Procedures Branch, AAT–360
FAA, Southwest Region, ASW–530
Central Flow Control Facility
Aircraft Owners and Pilots Association
Airline Pilots Association
Air Transport Association
National Business Aircraft Association

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TG 1–4

Study Location—FAA Headquarters, Washington, D.C.

Terminal Control Areas—Study Date Oct. 12.–Nov. 27, 1981

Terminal control areas are presently under review with regard to an ATCA report on the subject. Our intent is to review that study, along with others, and develop recommdations for the TCA concept. Criteria, design, and simplicity will be studied.

Terminal Radar Service Area Evaluation—Study Date Mar. 8–May 16, 1982

TRSA's are also under review with regard to the ATCA report. This evaluation should include establishement criteria, design, services provided, and the TRSA concept with regard to user benefit.

Mandatory Communication Areas—Study Date Jun. 7–Jul. 2, 1982

The concept of mandatory communication areas should be evaluated as a possible substitution for some TCA's and TRSA's, along with separation/service requirements.

Control Zones, Transition Areas, Airport Traffic Area Evaluation—Study Date Sep. 20–Oct. 29, 1982

There is growing concern over the present complexities of airspace assignments, including redundancies and overlap. An evaluation in this area should be conducted to simplify the entire concept.

Stage II/III Services Evaluation—Study Date Aug. 2–Sep. 10, 1982

Present ATC services in terminal areas are divided into Basic, Stage II, and Stage III services. This concept should be studied for validation of pilot/controller understanding, requirements placed on both, and its relationship to TCA's and TRSA's.

VFR Terminal Routes—Study Date May 3–Jun. 11, 1983

There has been much concern in the area of VFR flight paths in and around metropolitan areas having large volumes of traffic. These routes should be evaluated for concept, VFR flyway depiction, and services provided.

Traffic Patterns (Altitude-Size)—Study Date May 3–Jun. 11, 1983

Traffic patterns, including horizontal and vertical limits, lack definition and uniformity. We recognize that performance characteristics of individual aircraft create this situation. However, an evaluation to standardize traffic patterns should be implemented to help simplify the system and define airspace responsibility.

Part 93 Review—Study Date Jan. 3–Feb. 19, 1983

These special air traffic rules are in need of review. This is especially true for those procedures and regulations tailored for specific locations. Airspace restructure based on the National Airspace Review may require amendment or elimination of some rules under Part 93.

Part 1 Review—Study Date Mar. 1–Apr. 2, 1983

The present FAR's and ATC system have increased in complexity over the past decade. This has caused a need to review existing definitions to insure adequate guidance and reduce the possibility of misinterpretation. Deletion or changes to current definitions may be required based on recommendations of the National Airspace Review.

Participants

FAA, Western Region, AWE–530
FAA, Airspace and Air Traffic Rules Division, AAT–200
Aircraft Owners and Pilots Association
Air Transport Association
Commuter Airline Association of America
Airline Pilots Association
Department of Defense
National Business Aircraft Association
Air Traffic Control Association

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TG 1–5

Study Location—Chicago, Illinois

Facility Shutdown Agreement—Study Date Oct. 12–Nov. 20, 1981

More dependence has been placed on non-domestic facilities for use in the ATC system. However, no formal agreement is in effect that insures notification of shutdown of these facilities in sufficient time to allow for adjustment in airspace designation and procedures. This group would develop a formal memorandum of agreement between non-domestic facilities to cover planned navigational facility shutdowns.

Common Airspace and Procedures Integration—Study Location Feb. 1–Mar. 5, 1982

Present airspace and procedural applications are different along US border areas. This causes confusion among the flying public as well as control agencies. A study for simplication and commonality should be conducted.

Canadian Airspace Category Redefinition—Study Date May 10–Jun. 25, 1982

Canada is in the process of redefining its airspace by category to simplify their present system. A review of this action is needed to determine compatability with the U.S. system or for possible U.S. adoption.

Participants

FAA, EnRoute Procedures Branch, AAT–330
FAA, Airspace Regualtions Branch, AAT–230
FAA, Airway Facilities Service
FAA, Western Pacific Region, AWP–530
FAA, Midwest Region, AMW–530
Transport Canada

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TG 1-6

Study Location—FAA, Headquarters, Washington, D.C.

Part 189 Elimination—Study Date Mar. 1–Apr. 9, 1982

As is the case with all government regulations, content review is needed to insure minimal restraints. Part 189, 'The Use of FAA Communications Systems,' is an area which may no longer be applicable.

Part 77 Rewrite—Study Date Apr. 19–May 7, 1982

Part 77, 'Objects Affecting Navigable Airspace,' is an area which should be analyzed and rewritten for simplification and clarity.

Part 91 Reorganization—Study Date Jun. 7–25, 1982

Due to the addition of numerous regulations to Part 91 over the past 18 years, this Part has become disjointed and complex. Realignment by subject material is necessary.

Part 91 Subpart B Evaluation—Study Date Aug. 2–Sept. 17, 1982

Subpart B, 'Flight Rules,' of Part 91 needs review for simplification and reduction of regulations. This would include associated equipment requirements.

Participants

FAA, Regulations and Enforcement Division, AGC-200
FAA, Airspace and Air Traffic Rules Division, AAT-200
FAA, Southern Region, ASO-530
Aircraft Owners and Pilots Association
Air Transport Association
Department of Defense
Commuter Airline Association of America
National Association of State Aviation Officials
Naitonal Business Aircraft Association

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TG 2-1

Study Location—Southern Region Headquarters, Atlanta, Georgia

Military Training Routes—Study Date Nov. 1, 1982–Jan. 7, 1983

The Military Training Route program should be reviewed, on a national basis, to determine the adequancy of route depiction and information dissemination. An overall review of existing procedures for both DOD and FAA should be conducted in light of experience gained since the program began in 1978.

Temporary Special Use Airspace—Study Date Apr. 5–29, 1983

Temporary Special Use Airspace should be studied for possible changes to increase efficiency of airspace usage. Areas to be reviewed are lead time requirements for charting and a means to accommodate composite training.

Special Use Airspace Requirement Review—Study Date Jun. 21–Jul. 30, 1983

Special Use Airspace should be reviewed on a national level to validate items such as establishment criteria, usage rates, and retention critieria.

Real-Time Joint Use—Study Date Sept. 6–Oct. 8, 1983

The joint use of designated Special Use Airspace requires close coordination and cooperation between using and controlling agencies. The concept of real-time joint use requires a study to develop a means to effectively and efficiently administer its use.

National Security Areas—Study Date Oct. 18–Nov. 12, 1983

The concept of National Security Areas is to provide protective airspace in areas which presently do not qualify for special use airspace designation. This concept should be investigated with regard to need, criteria, charting, application, and relationship to special use airspace.

Flight Test Areas—Study Date Nov. 22–Dec. 17, 1983

Flight test areas are presently not charted. A review of this type of activity should be accomplished to determine the need for charting and the best method to depict these areas.

Separation from Special Use Airspace—Study Date Jan. 3–28, 1984

Special use airspace is usually controlled by the using agency and released to them to conduct their activities. This has created concern over 'buffer zones' and separation from special use airspace boundaries. A study is necessary to determine what, if any, separation requirements should be in effect around these designated areas.

Part 73 Evaluation—Study Date Feb. 7–Mar. 17, 1984

The FAR's in Part 73 concern special use airspace. This area should be reviewed for adequacy, redefinition, and simplification.

Participants

FAA, Southern Region, ASO-530
FAA, Airspace Regulations, Branch, AAT-230
FAA, Flight Service Procedures Branch, AAT-360
Los Angeles ARTCC
Department of Defense
National Association of State Aviation Officials
Aircraft Owners and Pilots Association
Experimental Aircraft Association

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TG 2-2

Study Location—FAA Headquarters, Washington, D.C.

Part 75 Elimination—Study Date Nov. 1–Dec. 10, 1982

FAR Part 75, 'Establishment of Jet Routes and Area High Routes,' describes specific fixed routes from FL180 through FL450. This area should be reviewed for possible exclusion from the regulatory process since the associated airspace is already delegated in Part 71.

Part 71 Reduction—Study Date Feb. 22–Apr. 2, 1983

This Part deals with designation of controlled airspace assignments. Over the past few years, redundancies have developed due to system requirements on airspace. This area should be studied for reduction or possible elimination from the regulatory process.

Waivers/Exemption Process Review—Study Date May 3–Jun. 11, 1983

Simplification of the processing of waiver and exemption applications, along with its delegation of authority, should be reviewed. This effort would be in conjunction with Part 91 reorganization to help identify waiverable rules.

Participants

FAA, Southern Region, ASO-530
FAA, Operations Law Branch, AGC-220
FAA, Southwest Region, ASW-530
FAA, Airspace and Air Traffic Rules Division, AAT-200
FAA, General Aviation and Commercial Division, AFO-800

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TG 2-3

Study Location—FAA Headquarters, Washington, D.C.

VFR Charting—Study Date Jan. 3–Feb. 19, 1983

Efforts are under way to improve information depicted on VFR Charts. While a prototype series is planned, requirements and specifications need to be reviewed through the Interagency Cartographic Committee for evaluation.

Profile Descent Chart Elimination—Study Date Aug. 2–20, 1983

There are presently only six charted profile descent procedures in the U.S. There are plans to move these charts into the STAR publication. Profile descent charted procedures should be reviewed for:

1. Combination within the STAR procedures and charting program.
2. Elimination of the profile descent charts.

RF Charts—Study Date Oct. 11–Nov. 19, 1983

The present low and high altitude enroute charts need review.

Simplification and combination with military charting requirements should be considered. This would be in conjunction with Interagency Cartographic Committee efforts.

Visual Approach Charts—Study Date Nov. 22–Dec. 17, 1983

There are an increasing number of visual approach procedures being developed, along with associated charts. This concept should be reviewed with regard to purpose, procedural application, and charting requirements.

RNAV Chart Elimination—Study Date Feb. 7–Mar. 3, 1984

The present concept of the fixed route RNAV system for high altitude application is under review. With this in mind, the need for Area High RNAV Charts should be studied. This would entail transfer of certain RNAV information to other publications.

Participants

FAA, Airspace and Air Traffic Rules Division, AAT–200
FAA, Southern Region, AAT–530
Aircraft Owners and Pilots Association
Experimental Aircraft Association
Airline Pilots Association
National Business Aircraft Association
Department of Defense
National Association of State Aviation Officials

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TG 2–4

Study Location—FAA, Southern Region Headquarters, Atlanta, Georgia

IFR Separation Review—Study Date Mar. 1–Apr. 23, 1983

As new equipment and technological improvements are brought into service, accuracy of navigation and control is increased. A review of all ATC separation criteria is necesary to insure maximum, yet safe, utilization of available airspace.

Special VFR/Special IFR Separation Review—Study Date Aug. 2–Sept. 3, 1983

A close look is required at Special VFR/Special IFR procedures and their application at high density airports. This review should include regulatory and/or procedural requirements.

Wake Turbulence Criteria—Study Date Jan. 3–Feb. 11, 1984

Wake turbulence has been the subject of many studies. This review would concentrate on separation requirements and an evaluation of present criteria.

Simultaneous ILS Approach Criteria Evaluation—Study Date Mar. 6–Apr. 14, 1984

This task assignment will encompass ILS approaches to parallel runways and simultaneous approaches to non-parallel runways; not necessarily full ILS approaches. A look at approach minima and distance between runway criteria is planned.

Traffic Segregation by Category—Study Date May 1–Jun. 2, 1984

A look at the feasibility of separating aircraft and runway use by specific aircraft categories is needed. Procedures may be developed for some airports using this concept.

Terminal Sequencing and Spacing—Study Date Jun. 12–Jul. 8, 1984

A study is necessary to evaluate the fully automated Terminal Sequencing and Spacing program to determine:

1. How to implement the program.
2. How to integrate with Enroute Metering.

Participants
FAA, Southern Region, ASO-530
FAA, Atlanta ARTCC
FAA, Miami International Tower
Department of Defense
Commuter Airline Association of America
Aircraft Owners and Pilots Association
Air Transport Association
Air Traffic Control Association

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TG 2–5

Study Location–FAA, Southwest Region Headquarters, Fort Worth, Texas

Helicopter Separation—Study Date Nov. 1–Dec. 10, 1982

The unique operating characteristics of helicopters and their increased use in the ATC system require a review of separation criteria presently employed with the possibility of reduction in some instances.

Helicopter Route—Study Date May 3–June 11, 1983

The possibility of special routes into and out of major terminals that would avoid the standard flow of traffic should be evaluated. This would provide the needed flexibility to make maximum use of terminal airspace while meeting the needs of the helicopter community.

Helicopter Charts—Study Date June 21–Jul. 23, 1983

The concept of separate charts for helicopters should be evaluated to provide the specialized information required to meet their needs. This group would make recommendations on:

1. The need for separate charts.
2. What should be depicted.

Helicopter Instrument Approach Procedures—Study Date Sept. 6–Oct. 8, 1983

The possibility of special helicopter instrument approach procedures with reduced development criteria and minima should be evaluated.

Participants

FAA, Northeast Region, ANE–530
FAA, ATC Procedures Division, AAT–300
FAA, Southwest Region, ASW–530
FAA, Air Transport Division, AFO–200
FAA, Aircraft Programs Division, AFO–700
Department of Defense
Helicopter Association International

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TG 2–6

Study Location—FAA Headquarters, Washington, D.C.

ARTCC Boundary Review—Study Date Jan. 3–Feb. 26, 1983

With the implementation of Enroute Metering and Random Routes, a need will exist to revise ARTCC boundaries to accommodate traffic flow changes. This task group will evaluate the possibility of establishing criteria for ARTCC boundary placement to most effectively match traffic flows and reduce the need for altitude/route restrictions caused by present alignment.

National Beacon Code Allocation Plan (NBCAP)—Study Date Mar. 15–Apr. 9, 1983

A review should be conducted with regard to the concept of NBCAP, its adequacy for providing code allocation, and operational effectiveness.

Participants

FAA, ATC Procedures Division, AAT–300
FAA, Airspace and Air traffic Rules Division, AAT–200
FAA, Northeast Region, ANE–530
FAA, Southern Region, ASO–530
FAA, Southwest Region, ASW–530

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TG 3–1

Study Location—FAA, Central Region Headquarters, Kansas City, Missouri

Additional Services IFR/VFR—Study Date Mar. 20–May 28, 1984

The ATC system provides many additional services to users such as traffic advisories, weather information, etc. This area should be reviewed to determine if services provided are sufficient to meet the needs of the aviation community. The task group would be expected to make recommendations as to specific improvements that may be necessary.

Parachute and Glide Operations—Study Date June 5–July. 14, 1984

Parachute and glider operations are increasing in number and are having

more effect on the ATC system. These areas need review with regard to impact, information dissemination, and advisory/flight following services.

Airport Information Service—Study Date July 31–Aug. 25, 1984

A review of the use and content of airport information service broadcasts is necessary. There is a need to identify essential and non-essential information to keep these broadcasts short and concise.

Participants

FAA, Central Region, ACE–530
FAA, Flight Service Procedures Branch, AAT–360
Chicago ARTCC
Experimental Aircraft Association
Aircraft Owners and Pilots Association
Department of Defense
Soaring Society of America
Parachute Association of America

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TG 3–2

Study Location—FAA, Western Pacific Region Headquarters, Seattle, Washington

NOTAM Evaluation—Study Date Apr. 17–May 26, 1984

The Notice to Airmen system has grown complex and large. It should be reviewed for simplification, recategorization, and dissemination improvement.

Flight Plan Format—Study Date July 31–Sept. 15, 1984

There are presently separate requirements and format for international, military, and civil flight planning. Each Flight plan requirement should be studied for commonality and possible combination into one, simple, uniform format.

Flight Data Dissemination—Study Date Sept. 25–Oct. 3, 1984

The amount of information available to the flying public is growing at an increasing rate. This area needs study to determine adequacy and priority in regard to user requirements. It should also include military activity and airport information.

Participants

FAA, Alaskan Region, AAL–530
FAA, Western-Pacific Region, AWP–530
FAA, Flight Service Procedures Branch, AAT–360
FAA, Oakland Flight Service Station
Commuter Airline Association of America
Aircraft Owners and Pilots Association
Department of Defense

Air Transport Association

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TG 3–3

Study Location—FAA Headquarters, Washington, D.C.

International Delegated Airspace—Study Date Nov. 22, 1983—Jan. 21, 1984

The area from the continental limits to the Flight Information Region (FIR)/Control Area (CTA) lacks commonality and creates confusion in airspace designation and procedural application. This area needs review for simplification and to reduce redundancies.

Consoliation of U.S. Oceanic ATC Control Centers—Study Date Oct. 23–Dec. 1, 1984

There are presently seven ARTCC's in the U.S. which exercise oceanic control. Consolidation should be studied to simplify and provide uniformity in application of oceanic procedures in the ATC system.

Continental Airspace Expansion—Study Date Jan. 7–Feb. 15, 1985—In conjunction with the International Civil Aviation Organization (ICAO), a request has been received to expand the U.S. continental limits from its present 3-mile limit to a 12-mile limit offshore. This area needs study to determine the impact on civil and military operations.

Participants

FAA, Airspace and Air Traffic Rules Division, AAT–200
FAA, ATC Procedures Division, AAT–300
FAA, Office of International Affairs
FAA, Southern Region, ASO–530
FAA, Northeast Region, ANE–530
Department of Defense
Air Transport Association
Helicopter Association International

* * * * *

TG 3–4

Study Location—FAA Headquarters, Washington, D.C.

The organizational structure of the following FAA handbooks should be reviewed and recommendations made to make data easier to find. The direction of this study is more towards structure than content.

FAAH 7210.3—Facility Operations and Administration
Study Date Jan. 31–Mar. 17, 1984.

FAAH 7110.10—Flight Services
Study Date July. 31–Sept. 15, 1984.

FAAH 7930.02—NOTAM System
Study Date Oct. 23–Dec. 8, 1984.

FAAH 7110.80—Data Communications
Study Date Feb. 25–Apr. 11, 1985.

Participants

FAA Southwest Region, ASW–530
FAA, Flight Service Procedures Branch, AAT–360
FAA, Northeast Region, ANE–530
FAA, Enroute Procedure Branch, AAT–330
FAA, FSS and Leased Services Communications Requirements Branch, AAT–140
Professional Air Traffic Controllers Organization

* * * * *

TG 3–5

Study Location—FAA Headquarters, Washington, D.C.

The organizational structure of the following FAA handbooks should be reviewed and recommendations made to make data easier to find. The direction of this study is more towards structure than content.

FAAH 7110.65—Air Traffic Control
Study Date Mar. 20–May 5, 1984.

FAAH 7610.4—Special Military Operations
Study Date Aug. 28–Oct. 13, 1984.

FAAH 7110.83—Oceanic Air Traffic Control
Study Date Jan. 7–Feb. 22, 1985.

FAAH 7210.7—Flow Control Procedures
Study Date Feb. 25–Apr. 11, 1985.

Participants

FAA, Southern Region, ASW–530
FAA, ATC Procedures Division, AAT–300
FAA, ATC Operations Division AAT–400
Department of Defense
Professional Air Traffic Controllers Organization

* * * * *

TG 3–6

Study Location—FAA Headquarters, Washington, D.C.

The handbooks and manuals contained within this group should be updated and reorganized. They should be reviewed with regard to state-of-the-art improvments in airborne and ground based equipment.

Airmen's Information Manual
Study Date May 8–June. 23, 1984.

FAAH 7130.3—Holding Pattern Criteria
Study Date Sept. 25–Nov. 10, 1984.

FAAH 7400.2—Airspace Matters
Study Date Nov. 13–Dec. 22, 1984.

Participants

FAA, Airspace and Air Traffic Rules Division, AAT–200

FAA, Office of Flight Operations
FAA, ATC Procedures Division, AAT–300

* * * * *

Dated: August 5, 1981.

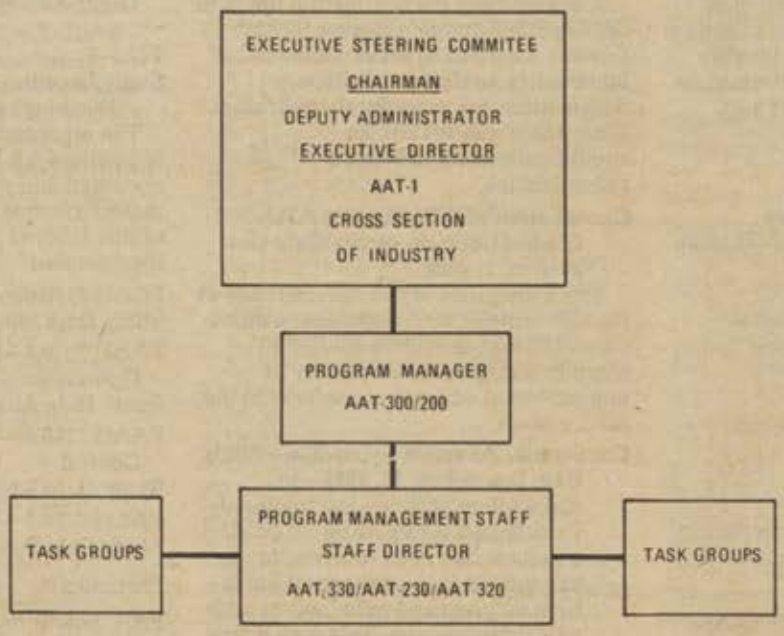
R. J. Van Vuren,

Director, Air Traffic Service, Federal Aviation Administration.

BILLING CODE 4910-13-M

NATIONAL AIRSPACE REVIEW

ADMINISTRATIVE ORGANIZATION



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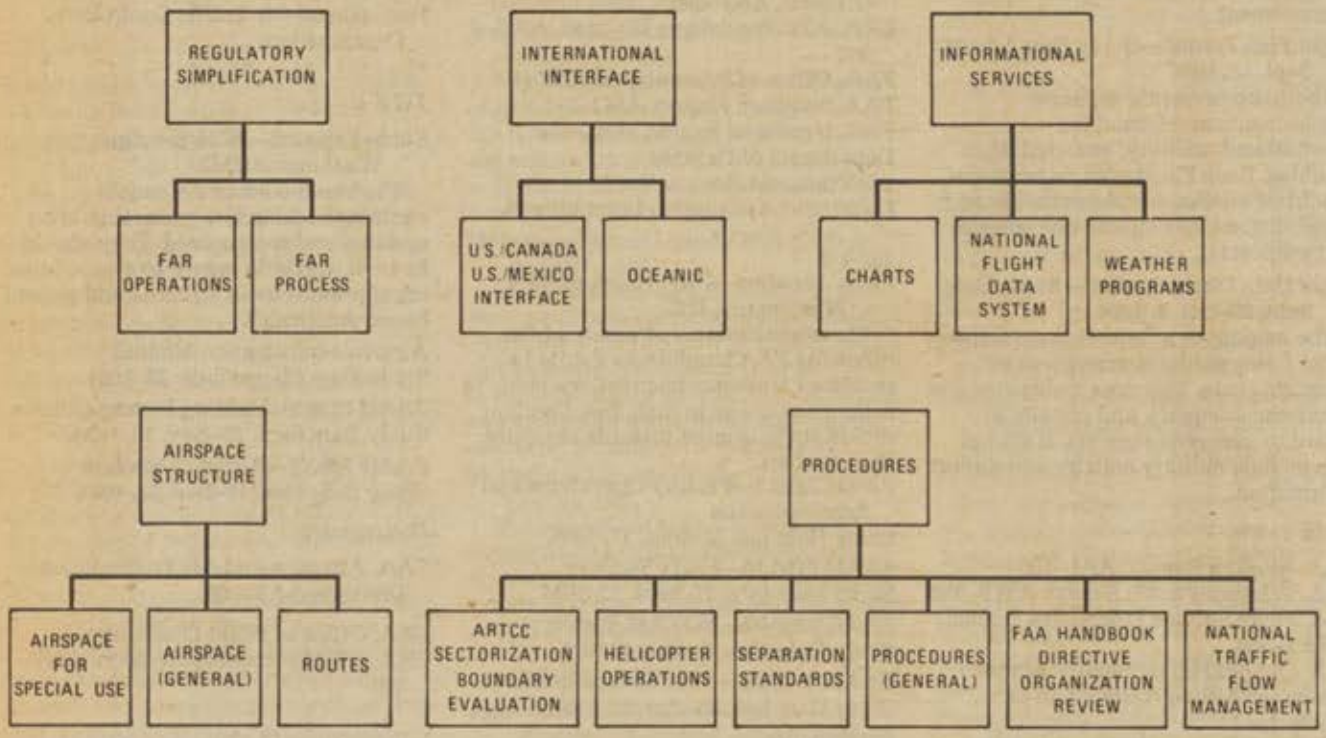

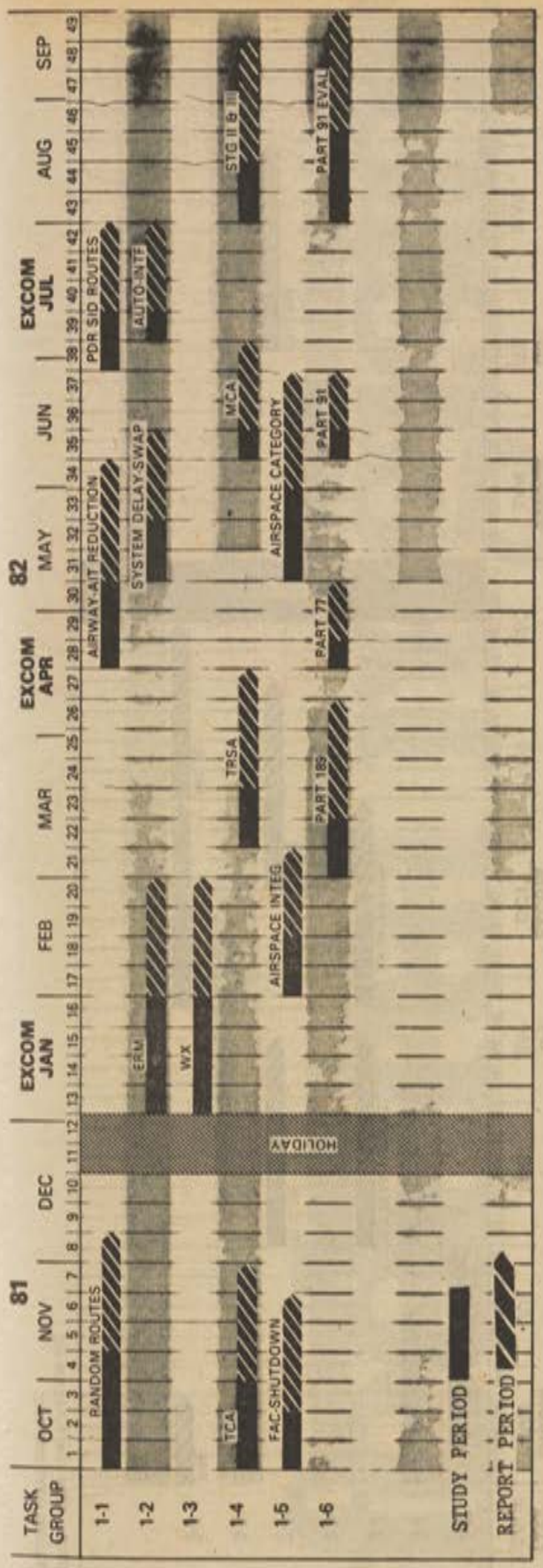
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AIRSPACE CATEGORY
PART 77
AIRWAY-AIT REDUCTION
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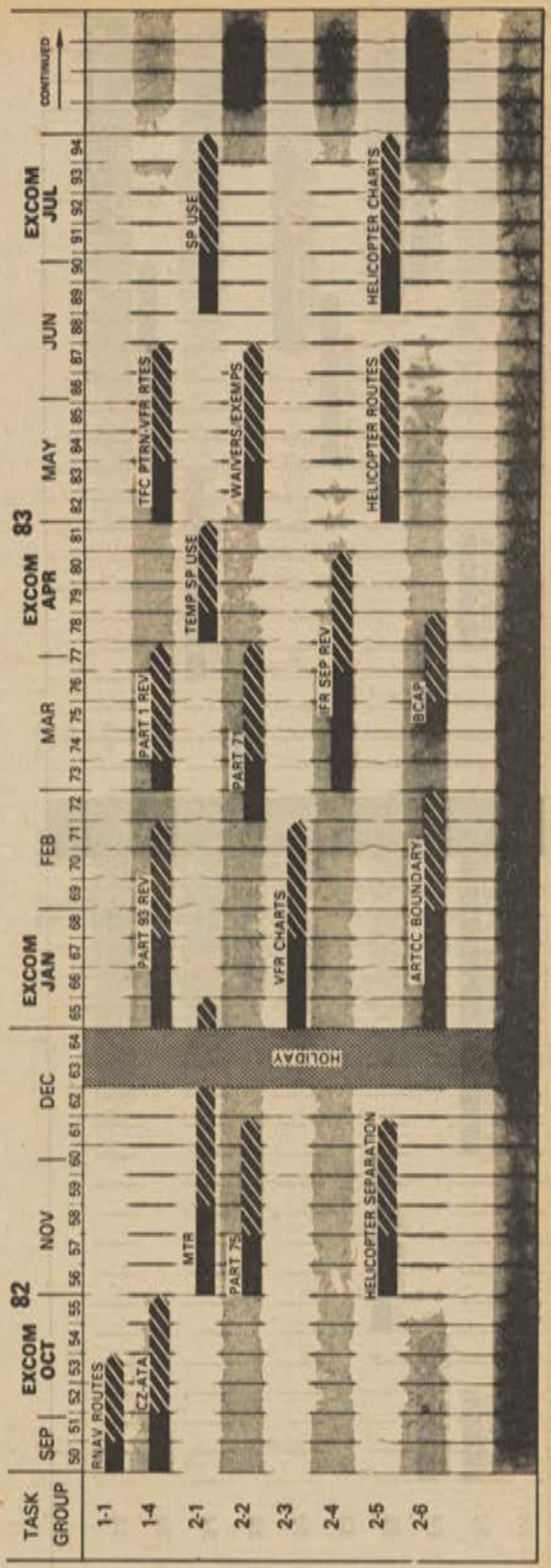
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PART 75
HELICOPTER SEPARATION
HOLIDAY
PART 93 REV
VFR CHARTS
ARTCC BOUNDARY
PART 1 REV
TEMP SP USE
PART 77
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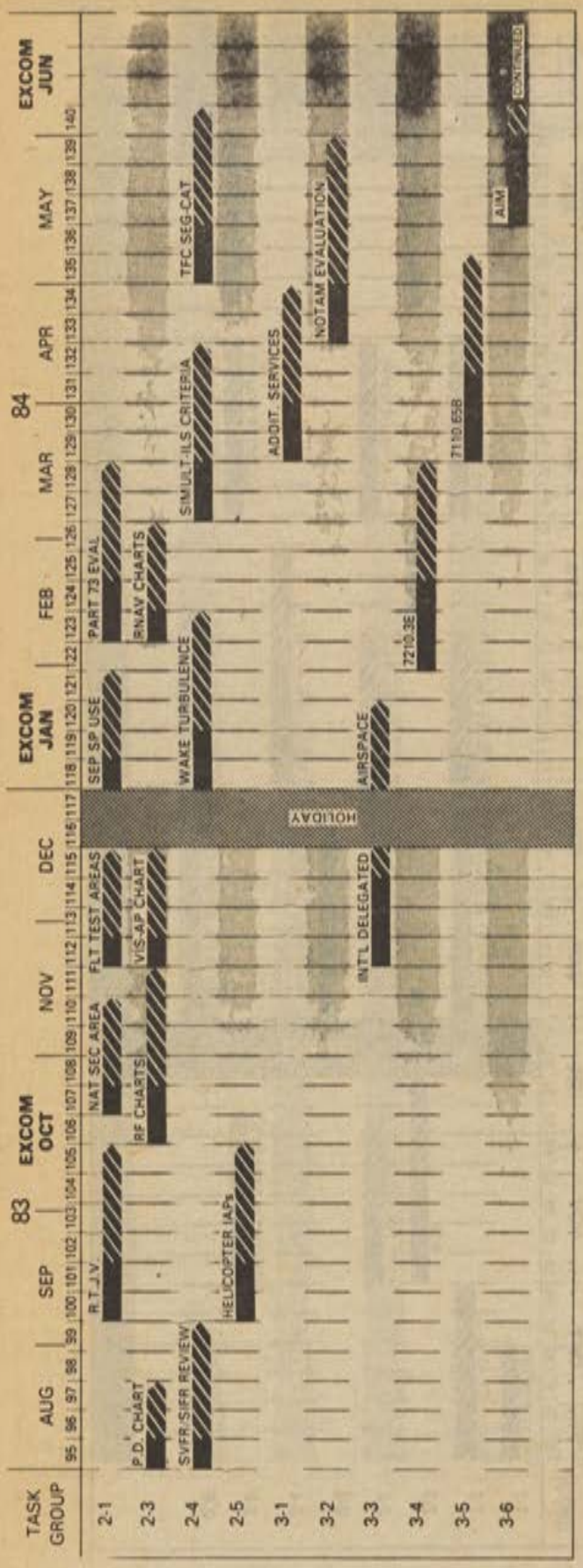

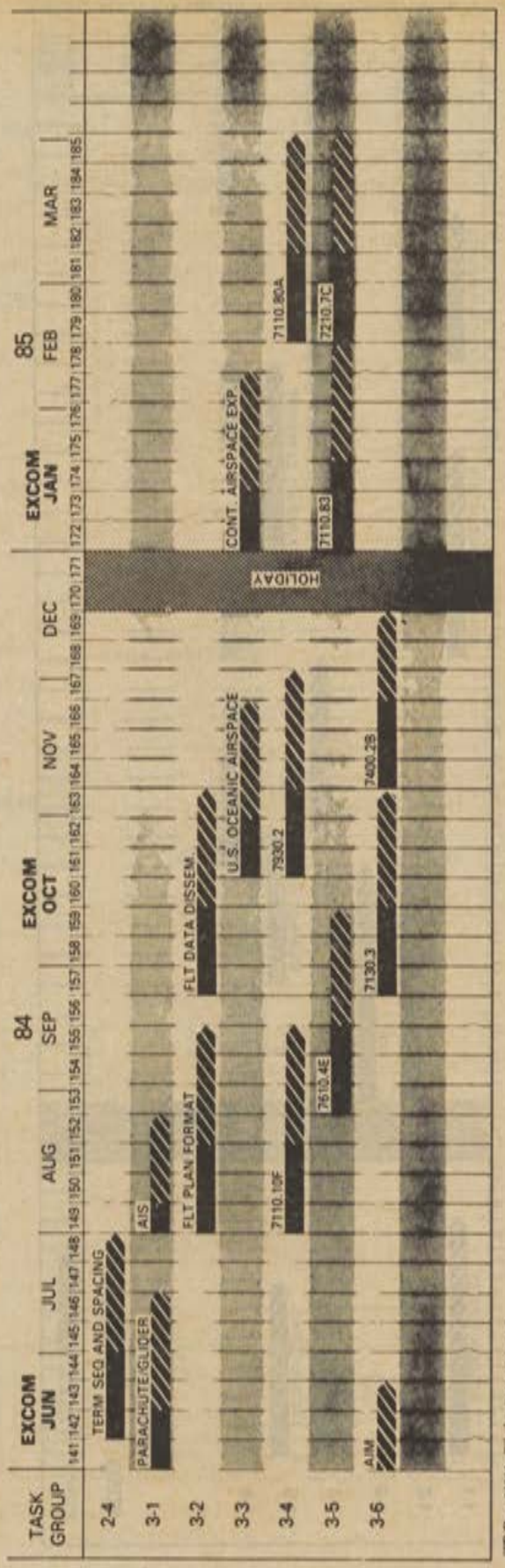

[FR Doc. 22296 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-13-C

federal register

Monday
August 10, 1981

Part V

Department of the Interior

Fish and Wildlife Service

Reclassification of the American Alligator in Louisiana

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Reclassification of the American Alligator in Louisiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service reclassifies the American alligator *(Alligator mississippiensis)* in 52 parishes in Louisiana, where the species is now classified as Endangered or Threatened, to the status of Threatened under the Similarity of Appearance provisions of the Endangered Species Act of 1973, as amended. Alligators in the other 12 Louisiana parishes are already classified as Threatened due to Similarity of Appearance by actions which took place in 1975 and 1979. This change is based on evidence that the species is no longer Endangered or Threatened in the subject area, having recovered from the former low numbers in response to curtailment of excessive harvest as a result of effective enforcement of laws and regulations by the State of Louisiana and the Service. This action is a formal recognition by the Service of biological recovery of the alligator in Louisiana. The State now has an option to institute harvest of alligators on a statewide basis in accordance with the Service's special rule on Threatened alligators and existing State laws. Minor clarifications of the boundary between Endangered and Threatened alligators in South Carolina and Georgia are also being made.

DATES: This rule becomes effective immediately.

ADDRESSES: Questions concerning this action may be addressed to the Area Manager, Jackson Area Office, U.S. Fish and Wildlife Service, 200 East Pascagoula Street, Suite 300, Jackson, Mississippi 39201. Comments and materials relating to this rule will be available for public inspection during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis B. Jordan, Assistant Area Manager, Endangered Species, Jackson Area Office, U.S. Fish and Wildlife Service, Jackson, Mississippi 39201, telephone FTS 490-4900 or commercial 601/960-4900.

SUPPLEMENTARY INFORMATION:

Background

The American alligator (*Alligator mississippiensis*) occurs in varying densities in wetland habitats throughout the Southeast including all or parts of the following States: Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, and Texas.

The alligator was first classified as Endangered throughout its range in 1967 due to a reduction in its numbers from hunting and poaching. Subsequently, in response to strict Federal and State protection, the alligator recovered rapidly in many parts of its range enabling the Service to undertake the following reclassification actions: (1) reclassification to Threatened due to Similarity of Appearance in three coastal parishes of Louisiana reflecting complete recovery, (September 26, 1975—40 FR 44412); (2) reclassification to Threatened, reflecting partial recovery, in all of Florida and certain coastal areas in South Carolina, Georgia, Louisiana, and Texas (January 10, 1977—42 FR 2071); (3) reclassification to Threatened due to Similarity of Appearance, again reflecting complete recovery, in nine additional parishes of Louisiana (June 25, 1979—44 FR 37130). The latter reclassification was based on a July 30, 1976, petition from Governor Edwin Edwards of Louisiana and subsequent supporting data submitted by the State on April 12, 1977; December 7, 1977; and June 14, 1978. The details of these data may be obtained by consulting the proposed rule of October 2, 1978 (43 FR 45513) and the June 25, 1979, final rule cited above.

The parishes now included under the Threatened due to Similarity of Appearance status include: Cameron, Calcasieu, and Vermilion reclassified in 1975, and St. Mary, Terrebonne, Iberia, Lafourche, St. Charles, Jefferson, Plaquemines, St. Bernard, and St. Tammany reclassified in 1979. In a notice of October 2, 1978 (43 FR 45512), and in the June 25, 1979, final rule cited above, the Service stated that it would continue to review the status of the alligator in the remaining parishes of Louisiana. Alligators in these remaining parishes were classified as either Endangered or Threatened, the Endangered and Threatened populations being separated by a dividing line prescribed in the Service's special rule on Threatened alligators, 50 CFR 17.42(a)(1), as follows:

> From the Mississippi-Louisiana border at the Gulf of Mexico north along this border to its junction with U.S. Interstate Highway 10; thence west on U.S. Highway 10 to junction with U.S. Interstate Highway 12; thence west of U.S. Highway 12 to Baton Rouge, Louisiana; thence north and west along corporate limits of Baton Rouge to U.S. Highway 190; thence west on U.S. Highway 190 to junction with Louisiana State Highway 12 at Ragley, Louisiana; thence west on Louisiana State Highway 12 to the Beauregard-Calcasieu Parish border, thence north and west along this border to the Texas-Louisiana State border.

In June 1979, the Service's Jackson, Mississippi, Area Office contracted with Dr. R. H. Chabreck of Louisiana State University to compile a status review of existing scientific and commercial data on the species in Louisiana. Chabreck's report recommends reclassification of the alligator throughout the State of Louisiana in view of current protection, numbers of alligators, and an abundance of alligator habitat. Chabreck's report also states that his original 1965 estimate of 35,000–40,000 animals within the State was extremely conservative, and that "a more realistic estimate of the 1966 statewide population would be about 100,000 animals."

To further enhance understanding of alligator population biology, in June 1980 the Service began working with Dave Taylor, Wildlife Biologist with the Louisiana Department of Wildlife and Fisheries, who prepared an additional report which outlines a new alligator population analysis concentrating on the central and northern portions of the State. This report and a previous one prepared in 1978 provide a biological analysis of alligator populations in non-marsh habitats (Taylor, 1978 and Taylor, 1980). Most importantly, Taylor's 1980 report provides evidence that alligator population structure is stable, being limited by the support capability of the habitat, and that no further significant increases in alligator numbers can be expected. Furthermore, as discussed later in this rule, alligator habitat within the State is abundant and relatively secure. The Service believes that these data support the conclusion that alligators throughout the State of Louisiana are no longer Endangered or Threatened, and that their status should be changed.

However, because of similarity of appearance, it is still necessary to impose some restrictions on commercial activities involving specimens taken in this State to insure the conservation of other alligator populations as well as other crocodilians that are Threatened or Endangered.

Section 4(e) of the Act authorized the treatment of a species (or subspecies or group of wildlife in common spatial arrangement) as an Endangered or Threatened species even though it is not

otherwise listed as Endangered or Threatened, if it is found: (a) that the species so closely resembles in appearance an Endangered or Threatened species that enforcement personnel would have substantial difficulty in differentiating between listed and unlisted species; (b) that the effect of this substantial difficulty is an additional threat to the Endangered or Threatened species; and (c) that such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of the Act.

The Service currently treats the group of American alligators found in the 12 parishes cited above as Threatened because of their similarity of appearance to other groups of American alligators, as well as other crocodilians, that are listed as Threatened or Endangered. Certain restrictions are imposed on commercial activities involving specimens taken from these parishes, as is discussed below, to insure the conservation of these Endangered or Threatened alligators and other crocodilians. The Service now will treat the group of American alligators found in the remaining parishes as Threatened because of similarity of appearance, and impose similar restrictions on commercial activities involving specimens taken from those parishes.

Review of the boundary between Endangered and Threatened alligators in South Carolina contained in 50 CFR 17.42(a), the American alligator special rule, has revealed a minor 2-mile gap near Walterboro, South Carolina. The Service is closing this gap by inserting a 2-mile stretch of State Highway 63 into the boundary, and adding phrases indicating where the boundary crosses from South Carolina into Georgia on U.S. Interstate Highway 95.

Summary of Comments and Recommendations

In the May 1, 1981, **Federal Register**, proposed rule (46 FR 24607), associated notifications, and news releases, all interested parties were requested to submit comments or suggestions concerning any aspect of the proposed action. Letters soliciting comments and suggestions on the proposed rule were sent to Governors and State Conservation Departments in all States within the historic range of *Alligator mississippiensis*, as well as to various conservation and environmental organizations and local parish boards within the State of Louisiana. All comments received during the period May 1, 1981, through June 30, 1981, are summarized below.

The Governor of Louisiana commented that he concurred with the proposed action. He noted that this action would provide the option for expanding State alligator management to additional areas of Louisiana and that due to the urgent need for such management, the additional 30 day comment period for the Governor would be waived.

The Governor of Arkansas commented that after conference with the Arkansas Game and Fish Commission, he supported the proposed action. He noted further that he did not believe increased volume of alligator exports would be detrimental to the survival of the alligator or other crocodilians.

The Executive Director of the Florida Game and Fresh Water Fish Commission indicated that he supported the proposal. The Director of the Game and Fish Division, Georgia Department of Natural Resources commented that the Service should formally recognize the biological recovery of the alligator in Louisiana.

The St. James Parish Council and the St. Mary Parish Police Jury in Louisiana commented that the rules and regulations set by the Fish and Wildlife Service were acceptable. The latter also recommended that the legal size of alligators (for harvest) be increased from 4 feet to 5 feet and predicted that illegal killing of alligators strictly for meat will cause grave consequences to the alligator population in future years. Service response: The Louisiana Department of Wildlife and Fisheries established size and take limitations. The views pertaining to illegal take strictly for meat are noted. However, the Service believes that existing rules and regulations enforced by the State and Service are sufficient to control all but insignificant levels of illegal activity, and that these levels will not adversely affect population strength.

Dr. Robert A. Thomas, on behalf of the Environmental Quality Committee of the American Society of Ichthyologists and Herpetologists, endorsed the proposal with the understanding that the Louisiana Department of Wildlife and Fisheries and U.S. Fish and Wildlife Service closely monitor the status of the alligator and react promptly to any adverse change in population size and/or structure. Service Response: Monitoring of alligator populations and size class structures is an essential part of the management program of the Louisiana Department of Wildlife and Fisheries. The Service will continue to work closely with the State of Louisiana on this species.

The Chairman of the ICUN/SSC Crocodile Specialist Group, Dr. Howard W. Campbell, commented that alligator populations in Louisiana appear to be in healthy condition and that he suspected that reclassification would not result in any negative effects. Dr. Campbell further stated: "My only reservation is with regard to the relative abundance of the alligator in the areas proposed (for delisting) as compared to areas not included in the proposal. There are many areas in Florida and some in Georgia and Texas which have fully as many 'gators and many of these areas have quite a few more 'gators than do these Louisiana areas. It strikes me as quite inconsistent and not at all to the Service's credit to see the alligator with such a hodge-podge of status areas which bear so little resemblance to the actual abundance of the species in the various areas. I would recommend that the Service cease dealing with the 'gator in this crazy-quilt fashion and prepare a rangewide reclassification that recognizes the actual data available." Service response: The Service has considered Dr. Campbell's recommendation. The Service emphasizes, however, that in addition to the current biological status of alligator populations, consideration must be given to habitat trends and the existence of sufficient regulatory mechanisms to ensure perpetuation of the species in healthy numbers. The status of the alligator in Louisiana was evaluated in terms of all these factors and these factors must be considered during any future status assessments.

The Alligator Recovery Team indicated that the team is in agreement with the proposed change.

A private citizen from Carencro, Louisiana, commented that no new areas of Louisiana should be opened to alligator hunting and that those areas now opened should be closed. He made several further points: (1) that hunting of alligator is extremely cruel and totally unnecessary; (2) wetlands are damaged by hunters and poachers who are merely supplying a luxury item to a wealthy few for personal gain; and (3) as far as its protected status is concerned, it is not necessary to kill an animal in order to protect it. Service response: The Service proposal will make available to Louisiana the option for expanded harvests. The decision to do so rests with the State of Louisiana. The Service reclassification proposal is based upon the biological status of the species. Louisiana's recent harvest programs have demonstrated no effect on year to year numbers of alligators in areas hunted and therefore are considered to

have no effect on biological status. No data was presented which contradicts this conclusion.

A landowner in Ville Platte, Louisiana, commented that he would like to harvest some alligators from two lakes on his property.

Two public meetings were held at 1 p.m. and 7 p.m. on May 28, 1981, at the Louisiana State University Union Colonnade Room, Baton Rouge, Louisiana. A total of 70 people attended the two meetings. Presentations concerning *Alligator mississippiensis* were made by Service personnel. Statements and questions from the audience were then entertained. The Assistant Secretary, Louisiana Department of Wildlife and fisheries, noted that the State of Louisiana had proposed reclassification and return of management authority for the alligator in 1976, and that in his opinion the Service should have acted on this proposal long ago. He encouraged the timely adoption of a final rule effecting the proposed change. He then discussed the State's alligator management program and plans for the future in those areas outside the marsh where harvests may be allowed. Service reponse: Most of the data from which sound biological conclusions could be drawn for non-marsh Louisiana were presented in a 1980 report by Dave Taylor of the Louisiana Department of Wildlife and Fisheries.

Fourteen comments were made at these two public meetings. The only unfavorable comments were made on behalf of the Fund for Animals, Inc. They suggested that the final decision on the proposal should be delayed for 1 year. The Fund found it "unbelievable that the * * * Fish and Wildlife Service is going to take action on such an important issue, based upon data, unchecked by it, which is furnished by the applicant." They further questioned the opening of areas to harvesting in non-marsh areas because of loss of habitat. They concluded that "We believe, and it is the Fund's position, that this proposition is not based on sound data, on verifiable data. We believe that such data should be obtained independently of the applicant before this decision is made." Service reponse: The Fund for Animals is correct in stating that a large part of the data considered essential to the proposed action was provided by the State of Louisiana. However, Service personnel participated in the gathering and analysis of data and the Service decision to proposed reclassification was based upon its independent review and evaluation of data supplied by the State of Louisiana. The Service believes these data were collected in a professional manner and provide a scientifically sound and unbiased assement of alligator status in Louisiana. The question of loss of habitat is discussed in detail below.

The remaining comments supported the proposal. The Commissioner, Louisiana Department of Wildlife and Fisheries; the Director of the National Alligator Association; and representatives of several large landowning corporation as well as several private individuals made comments. However, none of these remaining comments contained data which add to or detract from the Service's assessment of alligator status in Louisiana.

Summary of Status Findings

After a thorough review and consideration of all information available, the Director has determined the status of *Alligator mississippiensis* (American alligator) in 52 parishes in Louisiana, where the species is now classified as Endangered or Threatened, to be Threatened under the Similarity of Appearance provisions of the Endangered Species Act of 1973, as amended.

The Service's listing regulations at 50 CFR 424.11(b) state:

> A species shall be listed if the Director determines on the basis of the best scientific and commercial data available to him after conducting a review of the species' status that the species is Endangered or Threatened because of any one or more combinations of the following factors:
>
> (1) The present or threatened destruction, modification, or curtailment of its habitat or range;
>
> Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it;
>
> (3) Disease or predation;
>
> (4) Absence of regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat; and
>
> (5) Other natural or manmade factors affecting its continued existence.

The regulations further state, in 424.11(d), that:

> The factors for removing a species from the list are those in paragraph (b) of this section. The data to support such removal must be the best scientific and commerical data available to the Director to substantiate that the species is neither Endangered nor Threatened for one or more of the following reasons:
>
> (1) Extinction. Unless each individual of the listed species was previously identified and located, a sufficient period of time must be allowed before delisting to clearly insure that the species is in fact extinct.
>
> (2) Recovery of the species. The principal goal of the Service is to return listed species to a point at which protection under the Act is no longer required. A species may be delisted if evidence shows that it is no longer Endangered or Threatened.
>
> (3) Original data for classification in error. Subsequent investigations may produce data that show that the best scientific or commerical data available at the time the species was listed were in error.

These findings are summarized herein under each of the five criteria of 424.11(b). These factors, and their application to the American alligator in Louisiana, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The total size of alligator populations in the areas which are the subject of this proposal is greatly influenced by the amount of aquatic or wetland habitat available. Examples of these habitat are rivers, bayous, canals, lakes, ponds, marshes, and swamps. The total amount of wetlands in Louisiana, estimated by Chabreck (1980) to be 6,397,272 acres (2,589,988 ha), does not, in total, constitute usable alligator habitat. McNease and Joanen (1978) report that the portion of marshland habitat suitable for alligators is approximately 3.2 million acres (1,295,022 ha) and is made up of fresh, intermediate, and brackish marsh types. Although alligators occur in salinities above 10 parts per thousand, nesting apparently does not occur above this isohaline line (Joanen and McNease, 1972); therefore, the remaining marshlands are not considered as alligator habitat.

Taylor (1980) indicated that in the non-marsh portions of the State, permanently flooded areas with woody and herbaceous cover dominated by bald cypress and tupelo gum apparently produce even higher densities of alligators in many instances than marshland habitats. This cypress-tupelo habitat type is well represented in southeastern Louisiana and in the Atchafalaya Basin, but also includes portions of many natural lakes and man-made reservoirs in the central and northern parts of the State. The estimated 1,500 miles of streams, particularly in middle and northern sections of the State, support alligators only to the extent permited by the presence of cypress-tupelo oxbows and marshlands associated with the streams. Streams without adjacent permanently inundated cypress-tupelo or marshland habitat areas constitute poor quality habitat and support insignificant alligator numbers. A gross minimum estimation for non-marsh alligator habitat in Louisiana was provided by Taylor (1980) and consists of 803,840 acres (325,309 ha) of cypress-tupelo

associations with permanent water levels, and 1,500 linear miles (932 kilometers) of upland streams.

Frugé (1980) cites recent data gathered by the Service's National Coastal Ecosystems Team that indicate a current loss of marshes of approximately 22,000 acres (9,000 ha) per year due to land loss and deterioration caused by salt water intrusion. The land loss is caused by reduction of sediment and overflow deposition due to levee construction and navigation channel excavation, and salt water intrusion is caused by channel excavation. Chabreck (1980) and MacDonald et al (1979) projected bottomland hardwood habitat losses through the years 2000 and 1995, at 13.1 percent and 24 percent, respectively, but these are not losses of productive alligator habitat. As discussed above, seasonally flooded and unflooded bottomlands do not contain all the necessary features of productive alligator habitat. The cypress-tupelo habitat in permanently flooded areas is not projected to change through the year 1995. The high water table in such areas makes drainage and clearing for agricultural and other uses not feasible in these prime alligator habitat areas.

In summary, marshland alligator habitat is currently being reduced at an estimated rate of only 0.7 percent per year, and the permanently flooded cypress-tupelo association and open water acreages are not projected to change. The statewide estimate of good habitat is approximately 4 million acres of high quality marshland and cypress-tupelo swampland. It is concluded, therefore, that habitat alteration and loss pose no serious threat to alligator populations in Louisiana within the foreseeable future.

2. *Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it.* The commercial demand for products from alligators, including hides, teeth, and meat for consumption, is high. This demand and the harvest generated by the demand were responsible for a decline in alligators throughout their range in the early 1960's (with some exceptions such as on sanctuaries and wildlife refuges). This decline was reversed by the following actions: (1) The State of Louisiana closed alligator seasons in 1964; (2) The Lacey Act was amended in 1969 to include control of interstate commerce in reptiles; (3) The Endangered Species Act was passed in 1973. State and Federal authorities vigorously enforced these protective mechanisms.

Taylor (1980) provides evidence that under strict protection, reproductive capability of the species provides for rapid recovery. Size-class frequencies found in night counts and harvests are not statistically different, suggestive of a stable population. A comparison between size-class frequencies found in non-marsh night counts and hide measurements from harvested areas also shows no statistical difference in population structure. Furthermore, a comparison of population structure, based upon time-specific views from each of the years 1975–80, shows no trend toward shrinkage of adult size-class ratios or increasing adult size-class ratios; either of which would be indicative of populations moving away from stability.

These data indicate alligators in the State are not being detrimentally affected by legal harvests in marshland parishes or illegal taking in marsh or non-marsh areas. Some illegal taking undoubtedly continues to occur, but the Service's law enforcement efforts have reduced this to insignificant levels relative to the total population. The inaccessibility of many non-marsh habitats further helps to protect the species in these areas.

In very restricted areas of high recreational and/or residential use, when human-alligator conflicts continue to be a problem, over-utilization for management purposes may be undertaken to achieve reduction in numbers of larger, more dangerous animals if there is no other viable alternative. Such areas represent an insignificant part of statewide alligator habitat.

3. *Disease or predation.* Alligators suffer various types of disease and predation, as do all wildlife species, but these factors are not excessive and are not known to have hindered alligator recovery.

4. *Absence of existing regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat.* Existing regulations for protection and management of the alligator include the following State and Federal laws and regulations: (A) Louisiana statutes governing transport of alligator meat and parts; (B) The 1969 Amendments to the Lacey Act which extended Federal law enforcement authority to include interstate movement of reptiles; (C) The Endangered Species Act of 1973, which provides mandatory protection for Endangered alligators; (D) Special Rules promulgated by the Service for Threatened (including Similarity of Appearance) alligators, which govern taking and commerce in alligator products; (E) The annual findings of the Scientific and Management Authority of the Service, which govern the export of species, including the alligator, listed on Appendix II of the Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (CITES).

The success of efforts by State and Federal agencies to stop illegal activity involving alligators is evidenced by the recovery of populations throughout the State of Louisiana. This example of response to protection is not without precedent. Chabreck's report describes this process as being reported by McIlhenny (1935) on three newly established wildlife refuges that had been previously subjected to excessive harvests.

Controlled harvests have been carried out annually in southwestern Louisiana since 1972, with the exception of 1974 and 1978. Close supervision by the Louisiana Department of Wildlife and Fisheries includes numerous safeguards to keep the alligator harvest within predetermined limits and areas. Within the constraints required by the Service's Special Rules and CITES authorities, the State program in operated along the following guidelines: (1) an annual inventory is conducted to determine population abundance by habitat type within each parish; (2) annual harvest quotas are established based on population abundance by habitat type and parish; (3) harvests are allowed only on lands owned or leased by the hunter; (4) tags are issued upon application by a hunter on a basis of the acreage involved and the predetermined harvest rate for that particular area; (5) all tags are serially numbered, self-locking, and must be accounted for at the end of the season, with one tag issued for each alligator to be harvested; (6) the harvest is conducted in September after incubation is completed; (7) "pole hunting" is prohibited in order to reduce the taking of breeding females in interior marsh habitats; (8) special skinning instructions are issued shortly before the season opens to prohibit previously taken skins from entering commerce; (9) shooting is limited to daytime to facilitate enforcement efforts; (10) at the close of the season all unused tags are collected by State agents, all harvested alligators are inspected, and the tag number and skin size recorded; (11) all hunters, buyers, and dealers must obtain a State license which is subject to annual renewal; (12) all containers used for packaging must be tagged and the contents identified; (13) State enforcement personnel are assigned the task of monitoring the alligator harvest program.

The State is committed under the above-mentioned guidelines and regulations to a similarly regulated program in other areas of the State if it elects to implement further harvest in other portions of the State.

The Service considers those mechanisms adequate at present to protect the alligator population in Louisiana.

5. *Other natural or man-made factors affecting its continued existence.* Although other factors may occasionally have an affect on some alligators—for example freezes and nest flooding—none of these are known to have limited recovery of the alligator in Louisiana nor are they expected to become threatening factors in the future.

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Note.—All cited references, including unpublished reports, are available in the Service's Jackson Area Office, Jackson, Mississippi.

Effects of the Rule

This rule changes the status of the alligator in Louisiana from its current status, which is Endangered or Threatened in all but 12 parishes of the State, to a statewide status of Treatened by reason of Similarity of Appearance. It is a formal recognition by the Service of biological recovery of the American alligator in part of its range. This rule results in a removal of Federal agency responsibilities under Section 7 of the Endangered Species Act. No adverse effects on the status of this species are expected to occur from this removal.

This rule makes available to the State the option for expanding alligator harvests from the present 12 parishes to additional areas. If the State elects to expand its alligator program, harvests will increase at a level commensurate with development and implementation of an expanded management program (and may represent 4 percent of the statewide alligator population estimate). The economic value of the alligator resource under a sustained yield scheme will provide economic benefits to Louisiana trappers and others participating in the commercial process. It has been suggested that legalized harvest of alligators will increase their value, thereby encouraging sound management and reducing indiscriminate, illegal killing by those who believe they may be adversely affected by high alligator populations.

Expanded harvests are expected to increase the work loads of the State Department of Wildlife and Fisheries, the Louisiana Department of Health, and the Service's Division of Law Enforcement. Conversely, expanded harvests are expected to reduce the number of nuisance alligator complaints, resulting in a corresponding reduction in manpower commitment devoted to handling nuisance alligators. Local governments involved in catching and removing nuisance alligators will receive some relief if the number of larger, more dangerous alligators are reduced in areas with human-alligator conflicts.

Increased harvest of alligators in Louisiana will create the potential for an increased volume of alligator exports. The Service has previously expressed its concern about the effects of increased exports on other Endangered crocodilians that occur in international trade. International trade in alligator products is presently subject to the restrictions of the Convention of International Trade of Endangered Species of Wild Fauna and Flora, and general wildlife exportation requirements. A recent determination by the Service (October 12, 1980, 45 FR 69844) on this subject concluded that the export of alligators taken during the 1980–81 season in Florida and the 1980 season in Louisiana would not be detrimental to the survival of the alligator or other Endangered crocodilians. The Service will continue to review this possible impact and will take appropriate action if evidence indicates that restrictions are warranted.

This action is not an irreversible commitment on the part of the Service. The action is reversible and relisting is possible should the State materially change existing management programs or other changes occur which results in new threats to the species' recovery.

The minor boundary change in South Carolina has no significant effect, since it only serves to formalize a 2 mile segment which the Service and the State already are informally using.

Effective Date of This Rule

Because this rule is a substantive rule which grants or recognizes an exemption or relieves a restriction, the Service has determined to make it effective immediately under the authority of 5 U.S.C. 553(d) 1.

National Environmental Policy Act

An Environmental Assessment has been prepared and is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia and in the Jackson, Mississippi, Area Office located at 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201, and may be examined by appointment during regular business hours. This assessment is the basis for a decision that this determination is not a major Federal action that significantly affects the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 and 40 CFR Parts 1500–1508.

Note.—The Department of Interior has determined that this is not a major rule and does not require preparation of a Regulatory Impact Analysis under Executive Order 12291. The Department has also determined, in accordance with the Regulatory Flexibility Act, that this rule will not have a significant economic effect on a substantial number of small entities. While the rule may have an impact on some small entities, that impact is expected to be minimal and beneficial.

Primary Author

The primary author of this rule is Mr. Wendell Neal of the Jackson Area Office, U.S. Fish and Wildlife Service, 200 E. Pascagoula Street, Jackson, Mississippi 39201, FTS 490–4900, or commercial 601/960–4900.

Regulations Promulgation

Accordingly, Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations is amended, as set forth below:

§ 17.11 [Amended]

1. The authority citation for Part 17 is revised to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1241 (16 U.S.C. 1531, *et seq.*).

2. Amend the table in § 17.11(h) by revising the entries of the American alligator under "Reptiles" to read as follows:

* * * * * * *

(h) * * * Reptiles.

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Alligator, American	Alligator *mississippiensis*	Southeastern U.S.A.	Wherever found in wild except those areas where listed as threatened, as set forth below.	E	1, 11, 51, 60, 111	NA	NA
Alligator, American	Alligator *mississippiensis*	Southeastern U.S.A.	U.S.A. (FL and certain areas of GA,SC, and TX, as set forth insec. 17.42(a)(1)).	T	20, 47, 51, 60, 111	NA	17.42(a)
Alligator, American	Alligator *mississippiensis*	Southeastern U.S.A.	U.S.A. (LA)	T(S/A)	11, 47, 51, 60, 111	NA	17.42(a)
Alligator, American	Alligator *mississippiensis*	Southeastern U.S.A.	In captivity wherever found	T(S/A)	11, 47, 51, 111	NA	17.42(a)

* * * * * * *

3. Paragraph (a)(1) of § 17.42 is revised to read as follows:

§ 17.42 Special rules—reptiles.

(a) American alligator *(Alligator mississippiensis).* (1) Definitions. For the purposes of this paragraph (a): "American alligator" shall mean any member of the species *Alligator mississippiensis,* whether alive or dead, and any part, product, egg, or offspring thereof occurring: (i) in captivity wherever found; (ii) in the wild wherever the species is listed under 17.11 as Threatened—Similarity of Appearance (T[S/A]); or (iii) in the wild in Florida and in the coastal areas of Georgia, South Carolina, and Texas, contained within the following boundaries: From Winyah Bay near Georgetown; South Carolina, west on U.S. Highway 17 to Georgetown; thence west and south on U.S. Alternate Highway 17 to junction with South Carolina State Highway 63 south of Walterboro, South Carolina; thence west on State Highway 63 to junction with U.S. Interstate Highway 95; thence south on U.S. Interstate Highway 95 (including incomplete portions) across the South Carolina-Georgia border to junction with U.S. Highway 82 in Liberty County, Georgia; thence southwest on U.S. Highway 82 to junction with U.S. Highway 84 at Waycross, Georgia; thence west on U.S. Highway 84 to the Alabama-Georgia border; thence south along this border to the Florida border and following the Florida border west and south to its termination at the Gulf of Mexico. From the Texas-Louisiana border at the Gulf of Mexico, north along this border to Texas State Highway 12; thence west on State Highway 12 to Vidor, Texas; thence west on U.S. Highway 90 to the Houston, Texas, corporate limits; thence north, west, and south along Houston corporate limits to junction on the west with U.S. Highway 59; thence south and west on U.S. Highway 59 to Victoria, Texas; thence south on U.S. highway 77 to the corporate limits of Corpus Christi, Texas; thence southeast along the southern Corpus Christi corporate limits to Laguna Madre; thence south along the west shore of Laguna Madre to the Nueces-Kleberg County line; thence east along the Nueces-Kleberg County line to the Gulf of Mexico.

"Buyer" shall mean a person engaged in buying a raw, green, salted, or otherwise untanned hide of an American alligator.

"Tanner" shall mean a person engaged in processing a raw, green, salted, or crusted hide of an American alligator into leather.

Dated: July 22, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-23262 Filed 8-7-81; 8:45 am]

BILLING CODE 4310-55-M

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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.
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REMINDERS

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Last Listing August 7, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.J. Res. 191 / Pub. L. 97-29 Designating August 8, 1982, as "National Children's Day" (Aug. 6, 1981; 95 Stat. 149) Price: $1.50.

S. 1040 / Pub. L. 97-30 To amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia (Aug. 6, 1981; 95 Stat. 150) Price: $1.50.

H.R. 4074 / Pub. L. 97-31 Maritime Act of 1981 (Aug. 6, 1981; 95 Stat. 151) Price: $2.

S.J. Res. 64 / Pub. L. 97-32 Designating August 13, 1981, as "National Blinded Veterans Recognition Day" (Aug. 6, 1981; 95 Stat. 169) Price: $1.50.

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