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Tuesday
August 11, 1981

Highlights

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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.

Highlights

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Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 410

Training

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This document changes the regulations implementing the Government Employees Training Act with regard to the administration of subsistence payments for extended training assignments. Extended training assignments place employees in a special situation where lodging and meals at reduced rates are generally available from the training institutions themselves or from other nearby facilities. The changes will allow agencies to continue paying for all or a part of subsistence expenses during such assignments but will now require that agencies justify any payment greater than 55 percent of either full per diem or of the prescribed maximum daily rate for high rate geographical areas.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Kurup, Training Policy Division, Workforce Effectiveness and Development Group, (202) 653-6171.

SUPPLEMENTARY INFORMATION: The Government Employees Training Act (5 U.S.C. 4101–4118) authorizes agencies to pay for all or a part of the subsistence expenses of employees assigned to training at a temporary duty station. Under this regulation agencies have the following options for making subsistence payments for training assignments lasting more than 30 days:

1. If an agency chooses to pay a standardized rate, it may pay either:

(a) 55 percent of the full per diem rate—or, if the training facility is in a designated high rate geographical area, 55 percent of the prescribed maximum daily rate for that area—as specified by the Federal Travel Regulations; or

(b) Another standardized payment determined by the agency and based on survey data of actual subsistence expenses for a geographical area if the agency has a large number of employees trained in that area.

2. If an agency chooses to make other than standardized payments, it may pay all or a part of actual subsistence expenses, provided that any payment greater than the 55-percent rate of 1(a) above is made only after documentation of the unusual circumstances leading the agency to the conclusion that a higher payment would be in the public interest.

Comments received after publication of the proposed regulation in the **Federal Register** of October 14, 1980, showed the following two major concerns of agencies with the proposed regulation:

1. That the "6-percent" figure proposed for Miscellaneous Subsistence Expenses (MSE) would be insufficient (concern stated by several agencies).

In response we have dropped the reference to that specific rate even though extensive surveys by GSA show that to be the most appropriate rate. Each agency which provides residential training will continue to set its own MSE rate.

2. One agency which has a large number of employees trained in a single geographical area suggested that agencies ought to be allowed to set their own rates if they have data to justify those rates.

We have made changes to the final regulation (new paragraph (b)(2)) clearly stating that agencies may set their own rates where they have large numbers of employees trained in a single geographical area provided that the rates are based on surveys that show them to be appropriate.

These other changes in the final regulation have also been made:

Reference to a "training per diem" has been dropped in order to avoid possible confusion with the "per diem" payment prescribed by the Federal Travel Regulations. Therefore "training subsistence payments" rather than "training per diem" is used.

The phrase "or otherwise provided for" which appeared in section 410.603(b) of our proposed rulemaking has been dropped because there is adequate provision elsewhere in the Federal Travel Regulations for circumstances which would have been covered by that phrase.

Other concerns (and our responses) are:

—Whether or not an agency may negotiate with an employee to share expenses.

Agencies do have that authority.

—Whether the 55-percent figure is mandatory.

It is not mandatory. An agency may pay any amount up to the maximum allowed by law but it must justify any payment above the 55-percent rate.

—One suggestion for modifying a phrase in section 410.603(b) was rendered moot by our action (explained above) in dropping that phrase.

—Whether there is a ceiling on the amount of actual subsistence expenses which may be paid.

There is a ceiling imposed by 5 U.S.C. 5702(c).

—That the regulation state that employees must first seek lodging and meals through the training facility.

This is not precluded by the regulation and can be an agency's policy at its own discretion.

—That specific proportions be allocated to lodging, meals and MSE cost in the regulation.

The GSA's figures show that lodging costs account for 52 percent, meals for 42 percent and MSE for 6 percent of subsistence expenses. Including these figures in the regulation will unnecessarily complicate the regulation. In any case these proportions may change over time.

—The clause "agreed to by the employee" may restrict agency actions.

It may. The clause applies only to those cases where employees are paid for less than the cost of acceptable lodging and meals. Employees then share in the expenses if they agree to training under those conditions.

Finally, at the suggestion of the General Services Administration two clauses have been added providing (1) that an agency may adjust subsistence payments at any time (including retroactively) when circumstances which justify the change are brought to its attention, and (2) an example of a circumstance which would justify payments above the 55-percent rate.

(The Federal Travel Regulations are to be amended accordingly.)

E.O. 12291, Federal Regulation

The Office of Personnel Management has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance Systems Manager.

Accordingly, the Office of Personnel Management amends 5 CFR Part 410 as follows:

PART 410—TRAINING

Current §§ 410.603 and 410.604 are redesignated 410.604 and 410.605 respectively. A new § 410.603 is added to read as follows:

§ 410.603 Subsistence payments for extended training assignments.

(a) An agency has the authority to pay all or—if agreed to by the employee—a part of actual subsistence expenses of an employee assigned to training at a temporary duty station. If an agency makes such payments during an assignment lasting more than 30 calendar days, paragraph (b) or (c) of this section shall apply. The agreed rate of payment shall be applicable from the first day of the assignment. An agency may adjust an agreed rate of payment when circumstances so justify provided any decrease in the rate of payment is agreed to by the employee. If lodging or meal costs are included in the fees paid to the training institution an appropriate reduction shall be made from any standardized subsistence payments.

(b) When standardized subsistence payments are made:

(1) An agency may pay 55 percent of the full per diem rate specified by the Federal Travel Regulations or, if the training facility is in a designated high rate geographical area (HRGA), 55 percent of the prescribed maximum daily rate specified for that area by the Federal Travel Regulations; or

(2) Where an agency has large numbers of employees trained at facilities in a single area, the agency may make a standardized payment determined by the agency and based on survey data of actual subsistence expenses for that area, not exceeding the full per diem or the prescribed maximum HRGA rate specified for that area by the Federal Travel Regulations.

(c) When an agency decides to make other than standardized payments, it may pay all or a part of actual subsistence expenses including the cost of acceptable lodging and meals provided by the training facility or other nearby facility plus a Miscellaneous Subsistence Expenses payment. Any payment greater than the 55-percent rate authorized in paragraph (b)(1) may be made only after documentation of the circumstances (e.g., unavailability of acceptable lower cost lodging) leading the agency to the conclusion that the higher payment would be in the public interest. An agency shall not make any payment above the ceiling imposed by 5 U.S.C. 5702(c).

(5 U.S.C. 4101 et seq.)

[FR Doc. 81-23278 Filed 8-10-81; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL LABOR RELATIONS AUTHORITY; GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY; AND FEDERAL SERVICE IMPASSES PANEL

5 CFR Parts 2422, 2423, 2424, 2425, and 2429

Processing of Cases: Amendment to Rules

AGENCY: Federal Labor Relations Authority and General Counsel of the Federal Labor Relations Authority.

ACTION: Final amendment of rules and regulations.

SUMMARY: These amendments provide that in unfair labor practice cases where exceptions to an Administrative Law Judge's decision are not filed with the Authority within the time limit provided and as otherwise prescribed, the findings, conclusions and recommendations of the Administrative Law Judge shall become, without precedential significance, those of the Authority, and all objections and exceptions thereto shall be deemed to have been waived. The Authority's experience has indicated that, while a significant percentage of the Authority's case processing time and effort is necessarily expended in reviewing decisions and orders of Administrative Law Judges, such time and effort is unwarranted where no exceptions disputing the Administrative Law Judge's decision are filed with the Authority. Furthermore, the Authority's expanding caseload, budgetary constraints, and consequent need to streamline procedures make imperative the expediting of cases where disputes have been substantially resolved among the parties. Thus, the Authority believes that the positive benefits that would result from such an amendment will enable the Authority to accomplish better its statutory duties.

These amendments also formalize provisions for the filing of requests for reconsideration of decisions and orders of the Authority; and otherwise clarify provisions in the existing rules related to such matters as the filing of documents in various proceedings, particularly provisions related to time limits, requests for extensions of those time limits, and the numbers of copies of documents required to be filed.

EFFECTIVE DATE: September 10, 1981.

FOR FURTHER INFORMATION CONTACT:

Jerome P. Hardiman, Director, Office of Operations and Technical Assistance, Authority (202) 254-7362.

S. Jesse Reuben, Deputy General Counsel, (202) 254-8305.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority, the General Counsel of the Authority and the Federal Service Impasses Panel published, beginning at 45 FR 3482, final rules and regulations principally to govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code. The rules and regulations are required by 5 U.S.C. 7134.

The parts of the final rules and regulations affected by the amendments promulgated here are: Parts 2422, 2423, 2424 and 2425, which, respectively, govern the processing of representation, unfair labor practice, negotiability and arbitration cases by the Authority and the General Counsel of the Authority; and Part 2429, which establishes the miscellaneous and general procedural requirements for parties in cases before the Authority.

Proposed amendments to the Authority's rules were published on pages 26488–26491 of the **Federal Register** of May 13, 1981, inviting written comments within 30 days ending June

12, 1981. Eight written comments were received regarding the proposed amendments: two from labor organizations and six from agencies.

A number of comments received concerned the proposed amendment to § 2423.29 of the Authority's rules and regulations. That amendment provides that in the absence of exceptions filed timely and in accordance with § 2423.27 of the rules and regulations, the findings, conclusions, and recommendations in an Administrative Law Judge's decision shall, without precedential significance, become the findings, conclusions, and decision and order of the Authority. In general, the comments reflected a concern that the amendment proposed would lead to an increase in the number of exceptions filed, would hinder the clear development of Authority case law, and would deprive the parties of useful and valuable precedent developed in litigation before the Administrative Law Judges.

The Authority's experience has indicated that, while a significant percentage of the Authority's case processing time and effort is necessarily expended in reviewing decisions and orders of Administrative Law Judges, such time and effort is unwarranted where no exceptions disputing the Administrative Law Judge's decision are filed with the Authority. Furthermore, the Authority's expanding caseload, budgetary constraints, and consequent need to streamline procedures make imperative the expediting of cases where disputes have been substantially resolved among the parties. Thus, the Authority believes that the positive benefits that would result from such an amendment will enable the Authority to accomplish better its statutory duties. However, the Authority also recognizes that Administrative Law Judge decisions can serve an informational function. The proposed amendment was not intended to detract from this function.

The two labor organizations that submitted comments indicated a concern that the Authority's proposed amendment of § 2424.4, requiring that the exclusive representative include as part of a negotiability appeal an explicit statement of its intent in making a proposal, imposed a requirement that was either (1) irrelevant to the resolution of a negotiability issue, to the extent that it sought information on the representative's "motive" in proposing the matter appealed, or (2) would restrict an exclusive representative's ability to refine its expression of the intent behind a proposal, in response to an agency's objections in the course of such a proceeding. As to the first comment, the amendment was designed to secure for the Authority an unambiguous statement in the papers submitted in a case of the meaning attributed to a proposal by the initiating party, rather than to elicit information concerning the motive the party had in making the proposal during negotiations. The amendment has been changed to reflect this. As to the second comment, efficient processing of negotiability cases by the Authority requires that the petition for review filed by the exclusive representative clearly frame the matter in dispute, in terms both of its explicit language and its meaning, so as to allow the parties in their subsequent pleadings to focus on the matter that the exclusive representative actually seeks to negotiate. Such a need does not preclude an exclusive representative from clarifying the meaning of its proposal when it files its response, should it find misconstructions of the proposal in the agency's statement filed in the case. However, the need to provide in the petition for review a clear basis for the subsequent submissions of the parties and the decision of the Authority as to whether the matter in dispute is within the duty to bargain under the Statute does call for the exclusive representative to establish the proposal's intended meaning in the initial appeal.

All of the comments submitted supported the revision of the Authority's regulations adding a new § 2429.17, which establishes a formal procedure for requesting reconsideration. One comment suggested that the party moving for reconsideration should only be required to establish good cause in support of the motion, rather than the extraordinary circumstances required by the proposed amendment. Comments also suggested that the filing of a motion for reconsideration should automatically stay the effectiveness of the Authority's action, and that the time limit for filing such a request be 30 rather than the amendment's 10 days.

After careful consideration of these comments, the Authority reaffirms the amendment as proposed. The promulgation of a formal procedure for seeking reconsideration of Authority decisions is not intended to detract from the finality of Authority decisions, except where extraordinary circumstances are established which warrant reconsideration by the Authority. In this regard, the Authority does not intend to change its practice with respect to granting or denying such requests. Hence, the granting of motions for reconsideration will continue to be the exception rather than the rule. The need for finality of the Authority's decisional processes dictates that such motions be promptly filed and that the filing of a request for reconsideration not result in an automatic stay.

Other comments were submitted concerning the proposed amendments, which amendments, in addition to those discussed above, clarify provisions pertaining to the filing of documents in various proceedings, particularly those related to time limits and the filing of requests for extensions of time; or otherwise modify provisions consonant with Authority policy determinations, interpretations of the Statute and established practice since promulgation of the final rules in January 1980. Included in the latter category are amendments to: § 2423.22(a), to establish a more stringent standard for motions to change hearing dates before Administrative Law Judges, and § 2429.1(a), to emphasize that the Authority may, in its sole discretion, remand cases which have been transferred to the Authority by Regional Directors upon stipulation by the parties. After careful consideration of all comments, the Authority decided that no revisions of these proposed amendments are warranted.

Accordingly, Parts 2422, 2423, 2424, 2425 and 2429 of the rules and regulations are amended to read as follows:

PART 2422—REPRESENTATION PROCEEDINGS

1. Section 2422.6 is amended by revising paragraph (d) to read as follows:

§ 2422.6 Withdrawal, dismissal or deferral of petitions; consolidation of cases; denial of intervention; review of action by regional director.

* * * * *

(d) The petitioner or party requesting intervention may obtain a review of such dismissal and/or denial by filing a request for review with the Authority within twenty-five (25) days after service of the notice of such action. Copies of the request for review shall be served on the Regional Director and the other parties, and a statement of service shall be filed with the request for review. Requests for extensions of time pursuant to § 2429.23(a) shall be in writing and received by the Authority not later than five (5) days before the date the request for review is due. The request for review shall contain a complete statement setting forth facts and reasons upon which the request is based. Any party may file an opposition to a request for review with the

Authority within ten (10) days after service of the request for review. Copies of the opposition to the request for review shall be served on the Regional Director and the other parties, and a statement of service shall be filed with the opposition to the request for review. The Authority may issue a decision or ruling affirming or reversing the Regional Director in whole or in part or making any other disposition of the matter as it deems appropriate.

* * * * *

2. Section 2422.14 is revised to read as follows:

§ 2422.14 Filing of briefs.

A party desiring to file a brief with the Authority shall file the original and four (4) copies within thirty (30) days from the close of the hearing. Copies thereof shall be served on all other parties to the proceeding. Requests for extensions of time pursuant to § 2429.23(a) to file briefs shall be submitted to the Regional Director, in writing, and copies thereof shall be served on the other parties and a statement of such service shall be filed with the Regional Director. Requests for extensions of time shall be in writing and received by the Regional Director not later than five (5) days before the date such briefs are due. No reply brief may be filed in any proceeding except by special permission of the Authority.

PART 2423—UNFAIR LABOR PRACTICE PROCEEDINGS

3. Section 2423.22 is amended by revising paragraph (a)(1) to read as follows:

§ 2423.22 Motions.

(a) *Filing of Motions.* (1) Motions made prior to a hearing and any response thereto shall be made in writing and filed with the Regional Director: *Provided, however,* That after the issuance of a complaint by the Regional Director any motion to change the date of the hearing shall be filed with the Chief Administrative Law Judge immediately upon discovery of the circumstance which in the judgment of the moving party warrants a change in the date of the hearing. The moving party shall attempt to contact the other parties and shall inform the Chief Administrative Law Judge of the positions of the other parties on the motion. Only in extraordinary circumstances will such a motion be granted where filed less than ten (10) days prior to the scheduled hearing. Motions made after the hearing opens and prior to the transmittal of the case to the Authority shall be made in writing to the Administrative Law Judge or orally on the record. After the transmittal of the case to the Authority, motions and any response thereto shall be filed in writing with the Authority: *Provided, however,* That a motion to correct the transcript shall be filed with the Administrative Law Judge.

* * * * *

4. Section 2423.25 is revised to read as follows:

§ 2423.25 Filing of briefs.

Any party desiring to submit a brief to the Administrative Law Judge shall file the original and four (4) copies within a reasonable time fixed by the Administrative Law Judge, but not in excess of thirty (30) days from the close of the hearing. Copies of any brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the Administrative Law Judge. Requests for extensions of time pursuant to § 2429.23(a) to file briefs shall be made to the Chief Administrative Law Judge, in writing, and copies thereof shall be served on the other parties. A statement of such service shall be furnished. Requests for extensions of time must be received not later than five (5) days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

5. Section 2423.26 is amended by revising paragraphs (a) and (c) to read as follows:

§ 2423.26 Transmittal of the Administrative Law Judge's decision to the Authority; exceptions.

(a) After the close of the hearing, and the receipt of briefs, if any, the Administrative Law Judge shall prepare the decision expeditiously. The Administrative Law Judge shall prepare a decision even when the parties enter into a stipulation of fact at the hearing. The decision shall contain findings of fact, conclusions of law, and the reasons or basis therefore, including any necessary credibility determinations, and conclusions as to the disposition of the case including, where appropriate, the remedial action to be taken and notices to be posted.

* * * * *

(c) An original and four (4) copies of any exception to the Administrative Law Judge's decision and briefs in support of exceptions may be filed by any party with the Authority within twenty-five (25) days after service of the decision: *Provided, however,* That the Authority may for good cause shown extend the time for filing such exceptions. Requests for extensions of time pursuant to § 2429.23(a) to file exceptions must be received by the Authority not later than five (5) days before the date the exceptions are due. Copies of such exceptions and any supporting briefs shall be served on all other parties, and a statement of such service shall be furnished to the Authority.

* * * * *

6. Section 2423.28 is amended by revising paragraph (b) to read as follows:

§ 2423.28 Briefs in support of exceptions; oppositions to exceptions; cross-exceptions.

* * * * *

(b) Any party may file an opposition to exceptions, and/or cross-exceptions, and a supporting brief with the Authority within ten (10) days after service of any exceptions to an Administrative Law Judge's decision. Copies of any opposition and/or cross-exceptions and of any supporting briefs shall be served on all other parties, and a statement of such service shall be submitted with the documents filed with the Authority.

* * * * *

7. Section 2423.29 is amended by revising paragraph (a) to read as follows:

§ 2423.29 Action by the Authority.

(a) After considering the Administrative Law Judge's decision, the record, and any exceptions and related submissions filed, the Authority shall issue its decision affirming or reversing the Administrative Law Judge, in whole, or in part, or making such other disposition of the matter as it deems appropriate: *Provided, however,* That in the absence of exceptions filed timely and in accordance with § 2423.27, the findings, conclusions, and recommendations in the decision of the Administrative Law Judge shall, without precedential significance, become the findings, conclusions, decision and order of the Authority, and all objections and exceptions thereto shall be deemed waived for all purposes.

* * * * *

PART 2424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

8. Section 2424.4 is amended by revising paragraph (a) to read as follows:

§ 2424.4 Content of petition; service.

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the express language of the proposal sought

to be negotiated as submitted to the agency;

(2) An explicit statement of the meaning attributed to the proposal by the exclusive representative;

(3) A copy of all pertinent material, including the agency's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(4) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under Part 2423 of this subchapter and pending before the General Counsel.

* * * * *

PART 2425—REVIEW OF ARBITRATION AWARDS

9. Section 2425.1 is amended by revising paragraph (b) to read as follows:

§ 2425.1 Who may file an exception; time limits for filing; opposition; service.

* * * * *

(b) The time limit for filing an exception to an arbitration award is thirty (30) days beginning on and including the date of the award.

* * * * *

PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS

10. Section 2429.1 is amended by revising paragraph (a) to read as follows:

§ 2429.1 Transfer of cases to the Authority.

(a) In any representation case under Part 2422 of this subchapter in which the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists, the Regional Director may transfer the case to the Authority; and the Authority may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Authority within thirty (30) days from the date of the Regional Director's order transferring the case to the Authority. In any unfair labor practice case under Part 2423 of this subchapter in which, after the issuance of a complaint, the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists, the Regional Director may upon agreement of all parties transfer the case to the Authority; and the Authority may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Authority within thirty (30) days from the date of the Regional Director's order transferring the case to the Authority. The Authority may also remand any such case to the Regional Director for further processing. Orders of transfer and remand shall be served on all parties.

* * * * *

11. Part 2429 is amended by adding a new § 2429.17 to read as follows:

§ 2429.17 Reconsideration.

After a final decision or order of the Authority has been issued, a party to the proceeding before the Authority who can establish in its moving papers extraordinary circumstances for so doing, may move for reconsideration of such final decision or order. The motion shall be filed within ten (10) days after service of the Authority's decision or order. A motion for reconsideration shall state with particularity the extraordinary circumstances claimed and shall be supported by appropriate citations. The filing and pendency of a motion under this provision shall not operate to stay the effectiveness of the action of the Authority, unless so ordered by the Authority. A motion for reconsideration need not be filed in order to exhaust administrative remedies.

12. Section 2429.22 is revised to read as follows:

§ 2429.22 Additional time after service by mail.

Whenever a party has the right or is required to do some act pursuant to this subchapter within a prescribed period after service of a notice or other paper upon such party, and the notice or paper is served on such party by mail, five (5) days shall be added to the prescribed period: *Provided, however,* That five (5) days shall not be added in any instance where an extension of time has been granted.

13. Section 2429.23 is amended by revising paragraph (d) to read as follows:

§ 2429.23 Extension; waiver.

* * * * *

(d) Time limits established in 5 U.S.C. 7117(c)(2) and 7122(b) may not be extended or waived under this section.

* * * * *

14. Section 2429.25 is revised to read as follows:

§ 2429.25 Number of copies.

Unless otherwise provided by the Authority or the General Counsel, or their designated representatives, as appropriate, or under this subchapter, any document or paper filed with the Authority, General Counsel, Administrative Law Judge, Regional Director, or Hearing Officer, as appropriate, under this subchapter, together with any enclosure filed therewith, shall be submitted in an original and four (4) copies. A clean copy capable of being used as an original for purposes such as further reproduction may be substituted for the original.

* * * * *

Note.—In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, the Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority have determined that this document does not require preparation of a Regulatory Flexibility Analysis. Furthermore, the amendments do not significantly affect the environment so as to require the preparation of an environmental impact statement.

Dated: August 5, 1981.

Ronald W. Haughton,
Chairman.

Henry B. Frazier III,
Member.

Leon B. Applewhaite,
Member.

H. Stephan Gordon,
General Counsel.

Federal Labor Relations Authority.

[FR Doc. 81-23328 Filed 8-10-81; 8:45 am]
BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revisions of Delegation of Authority; Correction

AGENCY: Department of Agriculture.

ACTION: Final rule; correction.

SUMMARY: Notice is hereby given that the same final rule revising delegations of authority to the Chief, Forest Service, by rescinding the reservation to the Assistant Secretary for Natural Resources and Environment to approve the use of certain pesticides inadvertently appeared in the **Federal Register** on Monday, June 22, 1981, (Volume 46, Number 119, page 32227) and again on June 25, 1981 (Volume 46, Number 122, page 32853). The effective date of this final rule is June 22, 1981, and references to June 25 are to be disregarded.

FOR FURTHER INFORMATION CONTACT: Mr. James L. Stewart, Director, Forest Pest Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (703) 235-1560.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources and Environment.

August 5, 1981.

[FR Doc. 81-23355 Filed 8-10-81; 8:45 am]

BILLING CODE 3410-11-M

Federal Grain Inspection Service

7 CFR Part 801

Grain Inspection Equipment Tolerances

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Interim final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is changing certain nomenclature, relaxing tolerances, and changing certain methods of applying tolerances for the following official grain inspection equipment: balances, barley pearlers, sieves (accuracy of perforation only), test weight apparatuses, and dividers. The Service is taking this action because the current regulations are more stringent than necessary and this action will bring the regulations more closely in line with current commercial standards for certain kinds of grain inspection equipment. This action relaxes certain requirements relating to inspection equipment.

DATES: Effective date: August 11, 1981. Comment date: Comments are due on or before October 13, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127 Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 447-3910. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: This interim action is issued in conformance with Executive Order 12291 and has been determined to be "nonmajor" because this action will bring the regulations more closely in line with current commercial standards for certain kinds of inspection equipment, and it will impose no new requirements on the grain industry in that it clarifies certain nomenclature, relaxes tolerances, and changes certain methods of applying tolerances. The agency has followed the procedures of Executive Order 12291 with respect to this rule.

Kenneth A. Gilles, Administrator, FGIS, has determined that this interim action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164-1170), because this action applies only to FGIS and to those limited number of private and State grain inspection and weighing agencies which are delegated or designated under the Act.

Further, the Administrator has determined that a situation exists which warrants publication of this action without prior opportunity for a public comment period. This is because the regulations under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the Act) concerning certain grain inspection equipment nonmenclature require clarification; and the tolerances and/or the method of applying the tolerances to some devices are not practicable, at this time, and thereby necessitate an immediate change.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this interim final action are impracticable, unnecessary, and contrary to the public interest since the action provides needed clarification of regulations, immediate relaxation of tolerances, changes to methods of applying tolerances; and good cause is found for making this action effective upon publication of this document in the **Federal Register**.

Comments are solicited for 60 days after publication of this interim document. A final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Consideration will be given to submitted comments and to all other information available to the U.S. Department of Agriculture before making a final determination with respect to these revisions.

Under the authority in Section 16(a) of the Act (7 U.S.C. 87e(a)), notice is hereby given that the Administrator of FGIS is amending:

1. Sections 801.2, 801.3, 801.4, 801.5, 801.6, 801.7, 801.8, 801.9, 801.10, 801.11, and 801.12 of the regulations to eliminate all references to minimum tolerances and acceptance tolerances. The present inspection equipment tolerances provided in the regulations are maximum allowable maintenance tolerances. The terms "minimum" and "acceptance" do not clearly reflect the true nature of the tolerances.

2. Section 801.2 of the regulations to provide for a definition of "deviation from standard." Certain inspection equipment will be tested in the future using a deviation from standard procedure. The definition explains the fundamental concept on which the procedure is based.

3. Section 801.3 of the regulations to provide for:

(a) A classification of balances and corresponding tolerances which coincides more closely with the current classification system used commercially. The new classification is based on the type and usage of the balances.

(b) A method of testing balances for accuracy which specifies use of the deviation from standard procedure, not the mean deviation from standard method which is currently specified in the regulations. The mean deviation from standard method has proven not to be practicable for evaluating the accuracy of linear indicating instruments (clocks, balances, and the like).

4. Section 801.4 of the regulations for testing barley pearlers (timer switch test) and section 801.10 of the regulations for testing test weight apparatuses (beam accuracy test) to provide for the use of the deviation from standard method instead of the mean deviation from standard method. The mean deviation from standard method has proven not to be practicable for evaluating the accuracy of linear indicating instruments (clocks, balances, and the like) currently specified in the regulations.

5. Section 801.9(b) of the regulations to provide for a sieve perforation accuracy tolerance that will be applicable to all sieves authorized by FGIS for use in performing official inspection services. The value ± 0.0005 inch specified in the current regulations is too strict for general use. A value of ± 0.001 inch will more adequately serve the purposes for official inspection services.

6. Section 801.11 of the regulations to provide for stating the tolerance as ± 5 grams for laboratory and modified (cargo) dividers and eliminating the phrase "as specified in the instructions." The phrase is necessary for correctly interpreting the present tolerances. However, by restating the tolerances as simple deviations, inclusion of the phrase is not necessary.

PART 801—OFFICIAL PERFORMANCE REQUIREMENTS FOR GRAIN INSPECTION EQUIPMENT

Accordingly, 7 CFR Part 801 is amended as indicated below.

1. Section 801.2(b) (4)-(13) are revised to read as follows:

§ 801.2 Meaning of terms.

* * * * *

(b) * * *

(4) *Deviation from standard.* In testing inspection equipment for accuracy, the variation between (i) the individual test results from the equipment that is being tested and (ii) the individual test results from the standard or master equipment, as applicable.

(5) *Direct comparison method.* An equipment testing procedure wherein samples are tested at the same time and place to compare the performance of two or more units of the same inspection equipment. One unit of the equipment used in the test shall be standard inspection equipment. (See also sample exchange method.)

(6) *Diverter-type mechanical sampler (primary).* An approved heavy-duty device used in accordance with the instructions to obtain representative portions from a flowing stream of grain.

(7) *Diverter-type mechanical sampler (secondary).* An approved heavy-duty device used in accordance with the instructions to subdivide the portions of grain obtained with a diverter-type mechanical sampler (primary).

(8) *Dockage tester.* An approved laboratory device used in accordance with the instructions to mechanically separate dockage and/or foreign material from grain.

(9) *Grain divider.* An approved laboratory device used in accordance with the instructions to mechanically divide a sample of grain into two or more representative portions.

(10) *Maintenance tolerance.* An allowance established by regulation, by the Service, for use in determining whether inspection equipment should be approved for use in performing official inspection services.

(11) *Master inspection equipment.* An approved unit of inspection equipment that is designated by the Service for use in determining the accuracy of standard inspection equipment.

(12) *Mean deviation from standard.* In testing inspection equipment for accuracy, the variation between (i) the average of the test results from the equipment that is being tested and (ii) the average of the test results from the standard or master equipment, as applicable.

(13) *Metric weight.* A unit of weight based on the kilogram of 1,000 grams.

* * * * *

2. Section 801.3 is revised to read as follows:

§ 801.3 Tolerances for balances.

The maintenance tolerances for balances used in performing official inspection services shall be:

Kind of balance	Tolerance [1] (gram)
(a) Precision (for weighing samples of 120 grams or less)	±0.02
(b) Moisture (for weighing moisture samples of 200–300 grams)	±0.20
(c) General (for weighing samples, other than moisture samples, of more than 120 grams)	±1.0

[1] Deviation from standard weight.

3. Section 801.4 is revised to read as follows:

§ 801.4 Tolerances for barley pearlers.

The maintenance tolerances for barley pearlers used in performing official inspection services shall be:

Item	Tolerance [1]
(a) Timer switch	0 to 60 seconds ±5 seconds. 61 seconds to 90 seconds ±7 seconds. Over 90 seconds ±10 seconds.
(b) Pearled portion	±1.0 gram (mean deviation from standard).

[1] Deviation from standard-time.

4. Section 801.5 is revised to read as follows:

§ 801.5 Tolerances for dockage testers.

The maintenace tolerances for dockage testers used in performing official inspection services shall be:

Item	Tolerance [1]
Air separation	±0.10
Riddle separation	±10.10
Sieve separation	±0.10
Total separation	±0.15

[1] Mean deviation from standard—percent.

5. Section 801.6 is revised to read as follows:

§ 801.6 Tolerance for diverter-type mechanical samplers.

The maintenance tolerance for diverter-type mechanical samplers (primary, or primary and secondary in combination) used in performing official inspection services shall be ±10 percent mean deviation from standard.

6. Section 801.7 is revised to read as follows:

§ 801.7 Tolerances for moisture meters.

The maintenance tolerances for moisture meters used in performing official inspection services shall be:

(a) Federal Grain Inspection Service—Master/Standard meters.

Dial setting	Tolerance [1]	
	Direct comparison	Sample exchange
25	±0.05	
50	±0.05	
75	±0.05	

(b) All other than FGIS Master/Standard meters.

25	±0.15	±0.20
50	±10.10	±0.15
75	±0.15	±0.20

[1] Mean deviation from standard—percent moisture.

7. Section 801.8 is revised to read as follows:

§ 801.8 Tolerances for near-infrared reflectance (NIR) analyzers and Kjeldahl analyses.

(a) *NIR.* The maintenance tolerances for NIR analyzers used in performing official inspection services shall be:

Test	Tolerance [1]	
	Direct comparison	Sample exchange
Protein (wheat)		
Same ground and packed portion	±0.1	
Different portions from same whole grain sample:		
4 sample average		±0.35
20 sample average		±0.20

[1] Mean deviation from standard—percent.

(b) *Kjeldahl.* The maintenance tolerance for Kjeldahl analyses used in performing official inspection services shall be ±0.30 percent mean deviation from standard, 10 samples average.

8. Section 801.9 is revised to read as follows:

§ 801.9 Tolerances for sieve devices.

The maintenance tolerances for sieves used in performing official inspection services shall be:

(a) Thickness of metal: ±0.0015 inch

(b) Accuracy of perforation: ±0.001 inch

(c) Sieving accuracy:

Sieve description	Tolerance [1]	
	Direct comparison	Sample exchange
.064 x 3/8 inch oblong	±0.2	±0.3
5/64 x 3/4 inch slotted	±0.3	±0.5
5 1/2/64 x 3/4 inch slotted	±0.5	±0.7
6/64 x 3/4 inch slotted	±0.7	±1.0

[1] Mean deviation from standard—percent.

9. Section 801.10 is revised to read as follows:

§ 801.10 Tolerances for test weight apparatuses.

The maintenance tolerances for test weight per bushel apparatuses shall be:

Item	Tolerance [1]
(a) Beam accuracy	±0.10 pound at any reading.
(b) Weighing accuracy	±0.15 pound (mean deviation from standard).

[1] Deviation from standard—pounds.

10. Section 801.11 is revised to read as follows:

§ 801.11 Tolerances for dividers.

The maintenance tolerances for dividers shall be: Laboratory ±5 grams (mean deviation from standard). Modified (Cargo) ±5 grams (mean deviation from standard).

11. Section 801.12 paragraph (c)(1) is revised to read as follows:

§ 801.12 Related design requirements.

* * * * *

(c) *Identification and Marking.* (1) Identification. Each item of official sampling and inspection equipment for which tolerances have been established shall be permanently marked to show (i) the manufacturer's name, initials, or trademark; (ii) the serial number of the equipment; and (iii) the identification of the model, the type, and the design or pattern of the equipment.

* * * * *

(Section 8 and 18, Pub. L. 95-582, 90 Stat. 2870 and 2884 (7 U.S.C. 79b and 87e))

Done in Washington, D.C. on August 4, 1981.

Kenneth A. Gillis,

Administrator.

[FR Doc. 81-23336 Filed 8-10-81; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins; Correction

AGENCY: Rural Electrification Administration.

ACTION: Final rule: Correction.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to issue a "File With" for Bulletin 345-82, REA Specification for Wood Telephone Pedestal Stubs, PE-82, to correct errors incorporated during the printing. The announcement of the Final Rule was published in the **Federal Register** on June 13, 1980 (45 FR 40098).

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3827.

Dated: August 3, 1981.

John H. Arnesen,

Assistant Administrator, Telephone.

[FR Doc. 81-23322 Filed 8-10-81; 8:45 am]

BILLING CODE 3410-15-M

Agricultural Marketing Service

Food Safety and Quality Service

7 CFR Part 2856

[Docket No. 80-025F]

Revision of Shell Egg Standards and Grades

Correction

In FR Doc. 81-2237, appearing at page 39566 in the issue for Tuesday, August 4, 1981, make the following corrections:

1. On page 39571, first column, last paragraph, line 12, the word "wattery" should read "watery".

2. On page 39572, first column, second paragraph, line 15, the word "Leaders" should read "Leakers".

3. On page 39572, in the second column in Table 1, between "Grade B" and "Grade AA" make the following insert in the table.

U.S. consumer grade (destination)	Quality required [1]	Tolerance permitted [2]	
		Percent	Quality

4. On page 39572, third column, in the heading marked "§§ 2856.221, 2856.222, 2856.223" insert the word "and" between "2856.222", "2856.223".

5. On page 39572, third column, last paragraph, line 5, insert the word "the" between "in grade".

6. On page 39573, in column one, the last paragraph, the number "5" should be moved to read [5].

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 436

Federal Energy Management and Planning Programs; Federal Photovoltaic Utilization Program

AGENCY: Department of Energy.

ACTION: Removal of Regulations.

SUMMARY: The Department of Energy today gives notice of the removal of Federal Photovoltaic Utilization Program rules (10 CFR Part 436, Subpart E) setting forth monitoring and reporting requirements with respect to solar photovoltaic electric systems installed in Federal facilities under Title V, Part 4, of the National Energy Conservation Policy Act. The rules are being removed because there is no longer any necessity for them.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Elaine C. Smith, Federal Photovoltaic Utilization Program Manager, Office of Conservation and Renewable Energy, Department of Energy, Room 5B-052, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-1695.
Neal J. Strauss, Carol A. Cowgill, Office of General Counsel, Department of Energy, Room 6B158, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-9513.

SUPPLEMENTARY INFORMATION: A three-year Federal Photovoltaic Utilization Program (FPUP) administered by the Department of Energy (DOE), was established in 1978 with the enactment of the National Energy Conservation Policy Act, Pub. L. 95-619, Title V, Part 4 (the Act). The FPUP involved installation of solar photovoltaic electric systems in Federal facilities. The Act provided for authorization for appropriations through fiscal year 1981 which ends on September 30, 1981.

Pursuant to specific requirements of the Act, the FPUP rule was promulgated on November 7, 1979 (44 FR 64776). It is codified at 10 CFR Part 436, Subpart E. The FPUP rule provides for each participating Federal agency to collect data about installation experience, systems operation, significant problems encountered and unscheduled system outages. These data must be summarized and reported to DOE. The report on installation experience data is due within 60 days of the completion of project installation. Reports on systems operations are due semi-annually. In the event of an unscheduled outage, a report, due within 30 days of the completion of corrective action, describing the reason for the outage and the corrective action taken, is required. In addition, a final report indicating the agency's assessment of the overall performance of their systems is to be submitted to DOE within three years of system installation.

On June 30, 1980, the President signed the Energy Security Act (ESA) (Pub. L. 96–294) into law. Section 407 of the ESA amended section 506 of Title V, Part 4 of the Act by providing: "Notwithstanding any other provision of law, the Secretary shall not be subject to the requirements of section 553 of Title 5, United States Code, in the performance of his function under this part." This amendment permits easier administration of the FPUP by dispensing with the necessity for notice and comment rulemaking.

All appropriated FPUP funds have been committed by DOE and transferred to participating agencies. The interagency agreements with each participant contain the same reporting requirements set forth in the FPUP rule. These agreements will remain in effect until DOE accepts the agencies' final reports.

DOE has made no recommendation to the Congress that the statutory authorization for the FPUP be extended. No legislation has been introduced which would authorize appropriations after September 30, 1981.

Inasmuch as there is no longer any need for the FPUP rule and given that notice and comment rulemaking is not necessary, a revocation of the rule is appropriate.

In consideration of the foregoing, Subpart E of Part 436 of Title 10 of the Code of Federal Regulations is hereby removed and reserved.

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

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

§§ 436.90–436.94 (Subpart E) [Removed and reserved]

For the reasons set out in the preamble, Part 436, Subpart E, of Title 10 of the Code of Federal Regulations is hereby removed and reserved.

[FR Doc. 81–23345 Filed 8-10-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R-0350]

Home Mortgage Disclosure; Revision of Regulation C

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is adopting in final form a revised version of Regulation C. Regulation C implements the Home Mortgage Disclosure Act and requires depository institutions with offices in standard metropolitan statistical areas (SMSAs) to disclose data about their home mortgage and home improvement loans each year. Institutions with less than $10 million in assets are exempt from coverage.

The revision implements certain amendments to the act made by the Housing and Community Development Act of 1980, and simplifies the regulation generally. The proposed revision was published for comment at 46 FR 11780 (February 10, 1981).

EFFECTIVE DATES: The regulation takes effect August 11, 1981, except that § 203.5(d) which requires a lobby notice requirement takes effect on September 30, 1981.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Senior Attorney, or Claudia Yarus, Jesse Filkins, or Lynn Goldfaden, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3867).

SUPPLEMENTARY INFORMATION: (1) *General.* Regulation C implements the Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801 *et seq.*, and requires depository institutions over $10 million in assets that have offices in SMSAs to make annual disclosure of their mortgage lending activity. On October 8, 1980, provisions of the Housing and Community Development Act of 1980 (Pub. L. 96–399) amended HMDA and extended it for a five-year period. The amendments require (1) that depository institutions change their data compilation and disclosures from a fiscal to a calendar year basis, beginning with 1980 data; (2) that disclosures be made by census tract and county, rather than by census tract and ZIP code; (3) that the Federal Reserve Board prescribe a standard format for disclosures; (4) that disclosure statements be made available at central data repositories in each SMSA; and (5) that aggregate data tables, covering all institutions in each SMSA, be prepared and made available by the Federal Financial Institutions Examination Council (FFIEC). On December 8, 1980, the Board published an amendment to Regulation C to implement calendar year disclosures for 1980 and subsequent years (45 FR 80813).

On February 10, 1981, the Board published a proposed revision of Regulation C to implement the remaining statutory changes (46 FR 11780), and received approximately 225 comments. The Board is now adopting a revised Regulation C in final form.

The Board also adopted mortgage loan disclosure form HMDA-1 whose use will be mandatory for the reporting of 1981 loan data. This form has been submitted to the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act. The Board will issue it in final form as Appendix C to Part 203 once the OMB review procedures have been completed.

Under 5 U.S.C. 553(d), the general requirement to delay the effective date of a rule until 30 days or more after its publication does not apply where, as in this case, the rule relieves restrictions. Accordingly, the regulation is effective immediately, with the exception of a lobby notice requirement which becomes effective on September 30, 1981, to allow time for achieving compliance.

(2) *Revised regulation.* The Board has taken this opportunity to redraft the regulation in a simplified, more concise form, in keeping with the objectives of its Regulatory Improvement Project. The revised regulation is approximately 30 percent shorter than the original version, and should be easier to use and comply with. Some of the principal changes in the revised regulation are as follows. First, disclosures are no longer required at a branch office in the SMSA where the institution's home office is located, a disclosure statement will continue to be available at the home office; it will contain complete data for all SMSAs in which the institution has offices. Second, disclosures at other branch offices are only required to give data about loans on property in the SMSA where the branch is located.

Third, the "total residential mortgage loans" category (that is, the sum of the FHA/FmHA/VA loan category and the conventional loan category) is no longer required. Fourth, geographic breakdowns are to be given in terms of census tracts or counties; ZIP codes are no longer used. Fifth, an institution may use either 1970 or 1980 census tract boundaries in geocoding loans, until the

1980 census tract outline maps for the SMSA are issued by the Census Bureau. Sixth, a lobby notice is required regarding the availability of HMDA data. Finally, an institution that has exempt status and that subsequently loses its exemption must begin to compile and report data only, in general, for the calendar year *following* the loss of exemption (rather than for the preceding year, as in the present regulation).

These changes are discussed in greater detail below, along with other changes contained in the revised regulation.

§ *203.1 Authority, purpose and scope.*

Section 203.1 corresponds to § 203.1(a) of the existing regulation. (Existing § 203.1(b) now appears in § 203.6.) It gives users of the regulation a brief overview of the purpose, coverage, and requirements of the act and regulation. It does not, however provide definitive answers on matters of coverage and regulatory requirements; these are found in the remainder of the regulation.

Paragraph (d) references the system of central data repositories and data aggregation mandated by the amended act. The Board believes that including it here may help explain some of the regulatory requirements and make the regulation easier to use.

§ *203.2 Definitions.*

A number of the definitions differ from the existing regulation. Several of the defined terms in the existing regulation have been deleted and incorporated into other definitions.

Branch office. The definition continues to define branch office in terms of approval as a branch by a supervisory agency. A specific exclusion has been added for automated teller machines and other electronic terminals. Although such machines may require approval as branches, they are not branch offices for purposes of this regulation. Administrative offices, data processing offices, and loan production offices are not covered because they are not approved as branches.

Depository institution. The definition conditions coverage on the making of federally related mortgage loans. "Federally related mortgage loan" is defined in a footnote (it appears as a separately defined term in the existing regulation) and is similar to the definition in the Real Estate Settlement Procedures Act. An institution qualifies as a depository institution for Regulation C purposes if (1) it makes first-lien mortgage loans on 1-to-4 family dwellings in the United States or Puerto Rico, and (2) it is federally insured or regulated, or originates loans that are insured or guaranteed by HUD, VA, or another federal agency, or that are intended to be sold to FNMA, GNMA, or FHLMC.

The revised definition incorporates Board Interpretation §203.001, concerning the treatment of majority-owned subsidiaries (both depository and non-depository) of an institution. (Since Board Interpretation § 203.001, is now redundant, it is rescinded.)

Federal Housing Authority (FHA), Farmers Home Administration (FmHA), or Veterans Administration (VA) loans. These loans are defined by reference to the authority in federal law for their insurance or guarantee. The definition is virtually unchanged from the existing regulation.

Home improvement loan. This definition has been changed in several ways. The existing regulation required that a secured home improvement loan be secured by collateral other than a first lien on residential real property. The February proposal would have required classification of any loan made for home improvement purposes—including a loan secured by a first lien—as a home improvement loan. Under the revised regulation, institutions may treat first-lien loans for home improvement purposes in the same way they normally record them. Thus, they may classify them either as home improvement loans or as home purchases. Footnote 2 directs attention to this special rule, which is set forth in footnote 3.

A refinancing for home improvement purposes is to be reported as a home improvement loan whether the original loan was for home improvement, purchase of a dwelling, or some other purpose. An exclusion for certain types of refinanced loans is contained in § 203.4(c)(3).

Like the existing definition, the revised version requires both that the loan be for home improvement purposes (as stated by the borrower) *and* that the loan be recorded as a home improvement loan on the institution's books. The recording requirement is satisfied even if the institution uses some other term—such as "modernization loans"—to identify loans that fall within the definition of home improvement loans. The word "application" replaces the word "transaction" because the Board believes that it more precisely defines the time at which the intent of the borrower is expressed.

Home purchase loan. This definiton corresponds to the existing definition of residential mortgage loan. It has been substantially rewritten.

The existing definition covered *any* loan secured by a first lien on residential real property. The revised regulation gives institutions the option to classify first-lien home improvement loans as home improvement loans if that is the way the institution normally records them. Footnote 3 to the revised home purchase loan definition sets forth this option.

Any secured home purchase loan is covered by the definition, regardless of the type of lien. The requirement that it be secured by a first lien has been eliminated. Similarly, the revised definition includes all refinancings for home purchase purposes (other than those expressly excluded under § 203.4(c)(3)).

The revised definition clarifies the exclusion applicable to other than permanent financing, by a parenthetical reference to construction and bridge loans. These are to be excluded whether or not there is a firm takeout commitment for permanent financing. It also incorporates the definition of residential real property, which appears as a separate definition in the existing regulation.

§ *203.3 Exemptions.*

The categories of depository institutions eligible for exemption from Regulation C are the same as in the existing regulation.

In paragraph (a)(1), the only difference in the asset size exemption from existing § 203.3(a)(1) is the use of December 31 as the date for determining an institution's asset size; the existing regulation used the phrase "the last day of its last full fiscal year."

In paragraph (a)(2), the substitution of the U.S. Department of Commerce for the Office of Management and Budget (OMB) reflects an amendment to the act.

The state law exemption set forth in paragraph (b) is available to state-chartered depository institutions that are subject to state laws containing requirements substantially similar to those of Regulation C, if there is also adequate provision for enforcement of the state law. The procedures to be followed in applying to the Board for an exemption appear in Appendix B to the revised regulation.

A new provision in the revised regulation implements certain amendments to the act. These amendments require that loan data for all depository institutions, including those that are subject to state law in place of the federal law, be aggregated and that disclosure statements be made available at the central repository in each SMSA. Institutions exempt under the terms of this provision must submit the data required by their state law to their state supervisory agencies. These agencies will then forward the data for transmittal to the appropriate central respository and to the Board for aggregation.

Paragraph (c) corresponds to existing § 203.3(b), covering loss of exemption. The existing rule required that an institution compile and disclose data beginning with the last full fiscal year *preceding* the year in which the exemption was lost. The new rule requires an institution that becomes subject to the reporting requirements during a calendar year to compile loan data beginning with the calendar year *following* the year in which the institution became subject to the regulation. This rule does not apply to an institution exempt under the state law emption. If such an institution loses its exemption, it must compile loan data beginning with the first calendar year for which it does not file a report under state law.

Some examples may help to illustrate how the new rule works. First, if an institution opens a home or branch office in an SMSA on April 1, 1982, thereby losing its exempt status, it must compile and report its 1983 data. (The report would have to be available by March 31, 1984.)

On the other hand, if an institution has been exempt because it is subject to a state disclosure law, and the institution loses that exemption on April 1, 1982, the result is different. Assuming the institution has made its state-required report covering 1981, and does not have to make a state report for 1982, then it must begin compiling and reporting data under Regulation C for 1982, making it available by March 31, 1983.

Finally, if on December 31, 1982, an institution's assets exceed $10 million dollars for the first time, the institution must compile and report its 1983 data and make it available by March 31, 1984.

The rule in paragraph (c) covers not only an institution that loses its exemption, but also a newly covered institution that was not previously subject to the regulation. For example, an institution that does not make federally related mortgage loans as defined in footnote 1 under § 203.2 is not subject to the regulation. If the institution then begins making such loans, the rule in paragraph (c)(1) applies.

Although not expressly stated in the regulation, new exemptions will become effective immediately. Thus, a newly exempt institution need not report loan data for the year in which it becomes exempt or for subsequent years, so long as it remains exempt.

The new rules on change of status make existing Board Interpretation § 203.002 no longer applicable; this interpretation is therefore rescinded.

§ 203.4 Compilation of loan data.

Section 203.4 sets forth the rules for the compilation of loan data and describes what data are included. It contains some substantive changes from the existing regulation and also has been significantly rewritten.

Paragraph (a) describes the mortgage loan data to be compiled on a calendar year basis. The changeover from fiscal year compilation reflects one of the amendments to the act; the existing regulation was amended last year to implement this change (45 FR 80813, December 8, 1980).

The revised regulation (like the existing regulation) requires that loan data be shown in terms of the number of loans and the total dollar amount of loans. The definition of "total dollar amount," set forth in existing § 203.4(a)(3), appears as footnote 4. The existing regulation essentially defined total dollar amount as the principal balance due on a loan (either the original balance or the balance due at the time the loan was purchased from another lender). The regulation permitted inclusion of unpaid finance charges in the case of purchased home improvement loans. The option to include unpaid finance charges now extends to originated as well as purchased home improvement loans.

Paragraph (b), concerning format and itemization of data, incorporates portions of existing § 203.4(a) and (c) and contains a number of changes. It requires that data be compiled separately for originations and purchases (as does the existing regulation), and requires institutions to use a standard disclosure format prescribed by the Board, in keeping with a statutory amendment.

The Board has adopted a standard form and accompanying instructions, but is not publishing them today because they must be submitted to OMB for review. After the review procedure, the final form and instructions will be published in the **Federal Register**, and they will become Appendix C to the regulation.

Paragraph (b)(1) describes the required geographic itemization of data. As in the existing regulation, data generally must be broken down by the SMSA within which the property that secures the loan (or that is to be improved) is located. Within each SMSA, the data is to be further itemized by the census tract in which the property is located.

Paragraph (b)(1)(i) sets forth two exceptions to census tract reporting; these differ to some extent from the existing regulation. First, loans relating to property in any county having a population of 30,000 or less must be itemized by county rather than by census tract. (The term "county" includes similar state political subdivisions such as parishes.) This exception implements an amendment to the act.

The revised regulation specifies that the 1980 census count is to be used for determining whether a county has a population of 30,000 or less. In order to provide a simple rule, the regulation does not require adjustment of the 1980 census figures in later years. For example, if according to the 1980 census the county had a population of 28,000, an institution may disclose loans on property in that county by the county name (rather than census tract) for 1981 and later years, even if the population of the county subsequently surpasses 30,000.

The second exception to census tract reporting is that an institution must also itemize loans by county if the property is in an area that has not been assigned census tract numbers on the maps in the "CENSUS TRACTS, PHC80-2" series (or on the corresponding 1970 series). This rule applies even to counties with populations over 30,000. It corresponds to the current provision in Regulation C permitting compilation on the basis of ZIP code for untracted areas.

The rule set forth in paragraph (b)(1)(ii) is unchanged from the existing regulation: the data need not be broken down at all for loans on property located *outside any* SMSA in which the institution has a home or branch office. The institution may simply report all such loans as a lump sum figure. This rule applies both to loans on property outside any SMSA and to loans on property in an SMSA where the institution has no home or branch office.

Paragraph (b)(2) requires that loan data for each geographic category (census tract, county, etc.) be further itemized by type of loan. The loan categories are substantively unchanged from those in the existing regulation except that the "all residential mortgage loans" category, described in existing § 203.4(a)(1)(iii), has been deleted. That category represented the sum of the preceding two home purchase categories (FHA/FmHA/VA loans and conventional mortgage loans); it did not provide new or different information, and hence is unnecessary. Deletion of this category will mean immediate cost savings for many institutions and ultimately will result in savings even to institutions that must reprogram their computers because of this deletion.

Paragraph (b)(2)(v) requires an institution to present, as an addendum item, data about loans made to non-occupant borrowers (those who did not intend—at the time of loan application—to use the property as a principal dwelling). This requirement, however, does not apply to loan data in the outside-SMSA category.

Footnote 6 incorporates part of existing § 203.4(c). The footnote permits an institution to assume, unless its records on a particular loan contain information to the contrary, that a purchased loan was to an occupant borrower. The phrase in existing § 203.4(c) limiting this presumption to loans on 1-to-4 family dwellings has been deleted as unnecessary, since paragraph (b)(2)(v) applies only to such loans.

Paragraph (c), listing certain mortgage loan data that are to be excluded from data compilation, corresponds to existing § 203.4(a)(4)(i). Paragraphs (c)(1) and (3), regarding loans on which the institution acts in a fiduciary capacity and certain refinancings that involve no increase in the outstanding principal balance, are carried over without change from the existing regulation. Paragraph (c)(2) specifically excludes loans on unimproved land, and corresponds to a limitation to improved real property contained in the existing definition of "residential real property."

Paragraph (d), defining geographic units for compilation purposes, parallels § 203.4(b) of the existing regulation. The reference to the Office of Management and Budget, as the agency responsible for defining SMSA boundaries, has been replaced by a reference to the U.S. Department of Commerce, reflecting an amendment to the act.

Paragraph (d)(1) provides that for compilation purposes, SMSA boundaries are those in effect on January 1 of the year in which the loans are made, reflecting the statutory change from fiscal to calendar year compilation. Thus, even if a county becomes part of an SMSA during the reporting year, all loans made in the county in that year are to be reported as being outside the SMSA. For the succeeding year, loans made in that county will be reported as being within the SMSA.

The existing regulation permitted a depository institution to use maps, directories, or computer programs that contained more recent definitions of SMSA areas than those in effect on the first day of the reporting year. Because of the need for uniformity in aggregation, the Board has eliminated this option. As noted above, the regulation requires that depository institutions all use the SMSA definition in effect on January 1 of the calendar year to which the disclosure statement relates, so that all the reports for a given SMSA will be consistent with each other. A depository institution may still use directories or computer programs instead of maps to tabulate loans by SMSA, census tract, or county, provided the correct SMSA and census tract definitions have been incorporated into the directory or program.

Paragraph (d)(2) requires, in general, that 1980 census tract maps be used for compilation purposes. Because the complete series of tract maps for the 1980 census is not yet available footnote 7 provides flexibility for an interim period. An institution may continue to use the 1970 census tracts until the 1980 series maps are available for its SMSA. Institutions that report loans in several SMSAs may continue to use the 1970 census tracts, switching to the 1980 series maps for any given SMSA when that series becomes available. This differs from the proposal, which would have required institutions to use the 1970 census tract maps until the complete series of 1980 maps for all SMSAs became available.

Institutions are not required to switch to the 1980 series maps mid-year. Once the 1980 series maps are issued by the Bureau of the Census for any given SMSA, institutions must use those maps for that SMSA beginning with January 1 of the next calendar year. The Board believes that allowing use of either 1970 or 1980 census tracts, pending availability of the 1980 series, provides needed flexibility. Some institutions have already begun to geocode loans on the basis of 1980 census tracts, using street address indexes which are currently available for the urban areas of many SMSAs. Mandating an immediate changeover to 1980 tracts for all institutions is not feasible in the absence of the complete series of 1980 census tract maps.

Section 203.4(b)(3) of the existing regulation, dealing with applicable ZIP codes, has been deleted as obsolete.

§ *203.5 Disclosure and reporting requirements.*

The title of revised § 203.5 reflects the fact that, under the amended act, depository institutions are required not only to disclose mortgage loan data at certain offices, but also to report the data—for purposes of availability at central data repositories and for multi-institutional data aggregation by the Federal Financial Institutions Examination Council. This section contains several changes from existing § 203.5.

Paragraph (a) reflects the change in basis for compilation from fiscal year to calendar year. It sets March 31 as the due date for the annual disclosure statements, thus retaining the 90-day interval provided by the existing regulation. The five-year retention period applies only to disclosure statements at an institution's offices. The act and regulation do not set a retention period for data on file at the central data repositories.

Paragraph (b) represents a substantial revision of its counterpart in the existing regulation. It requires availability of the entire disclosure statement at the home office, but permits a branch office disclosure statement to omit all the data relating to property located outside the SMSA where that branch office is located. A branch office disclosure under the revised regulation need only contain data concerning loans on property located in that branch's SMSA. This data must, of course, be broken down by census tract (or by county, if one of the available exceptions applies). Institutions may provide more than the minimum disclosures required, if they wish—such as total figures by SMSA for other SMSAs in which the institution has offices, and a total figure for all loans outside such SMSAs. Institutions also continue to have the option of making the entire disclosure statement available at branch offices.

Paragraph (b)(2) also differs from existing § 203.5(b)(1)(ii) in that it no longer requires that a disclosure statement be made available at a branch office that is in the *same* SMSA as the home office. The Board believes that this requirement is not mandated by the statute, and is unnecessary, given the new provision for central data repositories.

Paragraph (b)(3), like existing § 203.5(b)(4), requires an institution to respond promptly to requests for information about the offices where its disclosure statements are available.

Existing § 203.5(b)(2) has been deleted. It dealt with the availability of disclosure statements at institutions (such as some credit unions) whose offices are inaccessible to the general public. The Board believes that if an institution does not accept deposits from the general public, it is less essential to make its statements available in a public place. These institutions remain subject, of course, to the requirements regarding availability of disclosure statements at home and branch offices.

In addition, the disclosure statements of these institutions will now be available to the general public at the central data repositories.

Paragraph (c), concerning photocopying and hours of availability, incorporates minor language changes for clarification but is substantively unchanged from § 203.5(c) of the existing regulation.

Notification of the availability of mortgage loan data, required by existing § 203.5(b)(3), had been deleted by the proposal. After consideration of the comments, the Board believes that the notice serves the useful purpose of advising interested parties about the availability of the data. Section 203.5(d) of the revised regulation requires a lobby notice.

This new requirement differs from the existing regulation, which required notice and listed three examples of methods that satisfied the requirement: notice in an account statement to depositors, publication in a newspaper, and notice posted in lobbies of the institution's offices.

A simple poster giving notice of the availability of the institution's HMDA data will suffice. There are no special format or type-size requirements, and no required terminology. To minimize the costs to institutions, the Board will provide posters that institutions may use if they wish.

Paragraph (e) is new. It requires that a depository institution send two copies of its entire disclosure statement—the same statement that it makes available at its home office—to the appropriate regional office of its supervisory agency (as listed in Appendix A). This transmittal to the supervisory agency will be the first step in the process by which disclosure statements will become available at central data repositories and data will be aggregated to cover all reporting institutions in each SMSA. The due date for reporting to the supervisory agency is the same as that for disclosure at home and branch offices.

§ 203.6 Administrative enforcement and sanctions for violations.

Paragraph (a), which corresponds to existing § 203.1(b) and lists the agencies responsible for enforcing the act and regulation, has been relocated to this section for consistency in format with other regulations issued by the Board.

Paragraph (b) corresponds to § 203.6 of the existing regulation. It states that depository institutions found to be in violation are subject to administrative sanctions set forth in § 305 of the act. It also provides relief for an unintentional error in compilation or disclosure resulting from a *bona fide* mistake as long as the depository institution maintains procedures reasonably adapted to avoid any such error.

Appendix A—Federal enforcement agencies. Appendix A lists the federal enforcement agencies for the various types of depository institutions subject to Regulation C.

Appendix B—State exemptions. Appendix B describes the procedures for seeking a Board determination of exemption in accordance with § 203.3(b). If the Board determines that certain state-chartered depository insitutions are subject to state laws that are substantially similar to the federal law and that provide adequate provision for enforcement, the Board may exempt these institutions from the requirements of the federal law.

The procedures set forth in Appendix B correspond to those found in the state exemption supplement to the existing regulation, with editorial revisions and a few additional provisions. Paragraph (d) contains a parenthetical reference to § 203.3(b) to note the requirement that exempt institutions send the state-required loan data to their state supervisory agencies.

Paragraph (e) corresponds to original paragraphs (d)(2) and (e). Paragraph (e)(1) clarifies that the Board may require a reapplication for an exemption because of amendments to the act or regulation. Depending upon the extent of the amendments, the Board may require a complete application or simply updating of information in areas affected by the amendment.

In the case of the most recent amendments to the act, which required the Board to promulgate this revised regulation, the Board will require a complete reapplication by the currently exempt states.

Paragraph (e)(5) was added to the supplement to address situations when certain of the revocation procedures might be inappropriate.

Appendix C—Mortgage Loan Disclosure Form (HMDA-1). The Board has adopted a revised version of the mortgage loan disclosure form HMDA-1, which institutions must use to report loan data for 1981 and subsequent years. This form is not being published at this time. It is being submitted to the Office of Management and Budget for review, in keeping with the requirements of the Paperwork Reduction Act. The Board will publish it in final form once the OMB review procedures have been completed.

(3) *Regulatory analysis.* A regulatory analysis was published with the proposed regulation in February, to comply both with the expanded rulemaking procedures set forth in the Board's policy statement of January 19, 1979 (44 FR 3957), and with the requirements of the Regulatory Flexibility Act (Pub. L. 96-354). A final regulatory analysis has been prepared, but is not being published in the **Federal Register.** Copies may be obtained from the Consumer Affairs office of any Federal Reserve Bank or from the Board's Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(4) *FFIEC's aggregation tables.* The 1980 amendments to HMDA require that the FFIEC aggregate the loan data covering all institutions in each SMSA, and that it publish tables showing lending patterns on the basis of location, income level, age of housing stock, and racial characteristics. The Board published proposed formats for the tables, on behalf of the FFIEC, when it published the proposed revision of the regulation in February. The comments received concerning the proposed tables have been transmitted to the FFIEC for its consideration. No further versions of the tables are being published at this time.

(5) *Text of revised regulation.* In consideration of the foregoing and pursuant to the authority granted in 12 U.S.C. 2804(a), the Board hereby revises Regulation C (12 CFR Part 203) to read as follows:

PART 203—HOME MORTGAGE DISCLOSURE

Authority: Home Mortgage Disclosure Act of 1975, as amended, Title III, Pub. L. 94-200, 89 Stat. 1125, et seq. (12 U.S.C. 2801-2811).

§ 203.1 Authority, purpose and scope.

(a) *Authority.* This regulation is issued by the Board of Governors of the Federal Reserve System pursuant to the Home Mortgage Disclosure Act of 1975, as amended (Title 12, §§ 2801 through 2811 of the United States Code).

(b) *Purpose.* The purpose of this regulation is to provide the public with loan data to determine whether depository institutions are serving the housing needs of the communities and neighborhoods in which they are located. The purpose is also to assist public officials in distributing public sector investments so as to attract private investment to neighborhoods where it is needed. This regulation is not intended to encourage unsound lending practices or the allocation of credit.

(c) *Scope.* This regulation applies to depository institutions that make federally related mortgage loans. It requires a covered depository institution to disclose loan data at certain of its offices and to report the data to its supervisory agency.

(d) *Central data repositories.* The act requires that the loan data be made available at central data repositories located within each standard metropolitan statistical area. It also requires the Federal Financial Institutions Examination Council to aggregate mortgage loan data for all institutions in each standard metropolitan statistical area, showing lending patterns by location, age of housing stock, income level, and racial characteristics. A listing of central data repositories can be obtained from the Department of Housing and Urban Development, Washington, D.C. 20410, or from any of the agencies listed in Appendix A.

§203.2 Definitions.

For the purposes of this regulation, the following definitions apply:

(a) *Act* means the Home Mortgage Disclosure Act of 1975 (Title III of Public Law 94–200), as amended in 1980 (Title III of Public Law 96–399), codified in Title 12, §§2801 through 2811 of the United States Code.

(b) *Branch office* means an office approved as a branch of the depository institution by its federal or state supervisory agency, but excludes freestanding automated teller machines and other electronic terminals.

(c) *Depository institution* means a commercial bank, savings bank, savings and loan association, building and loan association, homestead association (including a cooperative bank), or credit union, that makes federally related mortgage loans.[1] A majority-owned non-depository subsidiary is deemed to be part of its parent depository institution for the purposes of this regulation. A majority-owned depository subsidiary may, at the parent depository institution's option, be treated as part of its parent or as a distinct entity.

(d) *Federal Housing Authority (FHA), Farmers Home Administration (FmHA), or Veterans Administration (VA) loans* means mortgage loans insured under Title II of the National Housing Act or under Title V of the Housing Act of 1949 or guaranteed under Chapter 37 of Title 38 of the United States Code.

(e) *Home improvement loan* means any loan, including a refinancing, (i) whose proceeds, as stated by the borrower to the lender at the time of the loan application, are to be used for repairing, rehabilitating, or remodeling a residential dwelling located in a state; and (ii) that is recorded on the depository institution's books as a home improvement loan.[2]

(f) *Home purchase loan* means any loan, including a refinancing, secured by and made for the purpose of purchasing residential real property located in a state (including single-family homes, dwellings for from 2 to 4 families, other multi-family dwellings, and individual units of condominiums or cooperatives).[3] The term does not include temporary financing (such as a bridge loan or a construction loan) or the purchase of an interest in a pool of mortgage loans (such as mortgage participation certificates issued or guaranteed by the Federal Home Loan Morgage Corporation, the Government National Mortgage Association, or the Farmers Home Administration).

(g) *State* means any state of the United States of America, the district of Columbia, and the Commonwealth of Puerto Rico.

§ 203.3 Exemptions.

(a) *Asset size and location.* A depository institution is exempt from all requirements of this regulation

(1) If its total assets on December 31 are $10,000,000 or less; or

(2) If it has neither a home office nor a branch office in a standard metropolitan statistical area (SMSA) as defined by the U.S. Department of Commerce.

(b) *State law.* A state-chartered depository institution is exempt from the requirements of this regulation if it is subject to state laws that contain, as determined by the Board in accordance with Appendix B, (1) requirements substantially similar to those imposed by this regulation, and (2) adequate provisions for enforcement. For purposes of data aggregation, however, an institution exempted under this paragraph shall submit the data required by the disclosure laws of its state to its state supervisory agency.

(c) *Change of status.* (1) An institution that becomes subject to the requirements of this regulation shall compile loan data beginning with the calendar year following the year in which it becomes subject, except that:

(2) An institution that is exempt under § 203.3(b) and that subsequently loses its exemption shall compile loan data in compliance with this regulation beginning with the calendar year following the year for which it last reported loan data under the state disclosure law.

§ 203.4 Compilation of loan data.

(a) *Data to be included.* A depository institution shall compile data on the number and total dollar amount[4] of home purchase and home improvement loans that it originates and purchases, for each calendar year beginning with calendar year 1981.

(b) *Format.* The loan data shall be compiled separately for originations and purchases, using the form set forth in Appendix C, and shall be itemized as follows:

(1) *Geographic itemization.* The loan data shall be itemized by standard metropolitan statistical area (SMSA). Within each SMSA, the data shall be further itemized by the census tract in which the property to be purchased or improved is located, except that

(i) If the property is located in a county with a population[5] of 30,000 or

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[1] "Federally related mortgage loan" means any loan (other than temporary financing such as a construction loan) that

(i) Is secured by a first lien on residential real property (including individual units of condominiums and cooperatives) that is designed principally for the occupancy of from 1 to 4 families and is located in a state; and

(ii)(A) Is made in whole or in part by a depository institution the deposits or accounts of which are insured by an agency of the federal government, or by a depository institution that is regulated by an agency of the federal government; or

(B) Is made in whole or in part, or is insured, guaranteed, supplemented or assisted in any way, by the Secretary of Housing and Urban Development or any other officer or agency of the federal government or under or in connection with a housing or urban development program administered by any such officer or agency; or

(C) Is intended to be sold by the depository institution that originates the loan to the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or to a financial institution from which it is to be purchased by the Federal Home Loan Mortgage Corporation.

[2] See footnote 3.

[3] An institution may categorize a first-lien loan made for home improvement purposes as a home purchase loan if that is the manner in which it normally records first-lien loans.

[4] "Total dollar amount" means (i) the original principal amount of loans originated by the depository institution (to the extent of its ownership interest, when the loan is made jointly or cooperatively) and (ii) the unpaid balance of loans purchased by the depository institution (to the extent of its ownership interest in such purchased loans). For home improvement loans, whether originated or purchased, the amount to be reported may include unpaid finance charges.

[5] The population is to be determined by reference to the "1980 Census of Population. NUMBER OF

Continued

less or in an area that has not been assigned census tracts, itemization by county shall be used instead of itemization by census tract.

(ii) If the property is located outside any SMSA, or is located in an SMSA in which the institution has neither a home nor a branch office, no itemization (by SMSA, county, or census tract) is required and the data for all such loans shall instead be listed as an aggregate sum.

(2) *Type-of-loan itemization.* The loan data within each geographic category described in paragraph (b)(1) of this section shall be further itemized as follows:

(i) FHA, FmHA, and VA loans on 1-to-4 family dwellings;

(ii) Other home purchase (conventional) loans on 1-to-4 family dwellings;

(iii) Home improvement loans on 1-to-4 family dwellings;

(iv) Total home purchase and home improvement loans on dwellings for more than 4 families; and

(v) Total home purchase and home improvement loans on 1-to-4 family dwellings (from categories (i), (ii), and (iii) above) made to any borrower who did *not*, at the time of the loan application, intend to use the property as a principal dwelling.[6] This addendum item is not required for loans on property in the outside-SMSAs category described in paragraph (b)(1)(ii) of this section.

(c) *Excluded data.* A depository institution shall not disclose loan data for

(1) Loans originated and purchased by the depository institution acting as trustee or in some other fiduciary capacity;

(2) Loans on unimproved land; or

(3) Refinancings that the depository institution originates, if there is no increase in the principal that is outstanding on the existing loan at the time of the refinancing and if the institution and the borrower are the same parties on the existing loan and the refinancing.

(d) *SMSAs and census tracts.* For purposes of geographic itemization

(1) A depository institution shall use the SMSA boundaries defined by the U.S. Department of Commerce, Washington, D.C. 20233, as of the first day of the calendar year for which the data are compiled.

(2) A depository institution shall use the census tract numbers and boundaries on the census tract maps in the "1980 Census of Population and Housing, CENSUS TRACTS, PHC80-2" series prepared by the Bureau of the Census.[7] If a census tract number is duplicated within an SMSA, then the census tract shall also be identified by county, city, or town name.

§ 203.5 Disclosure and reporting requirements.

(a) *Time requirements for disclosure statements.* A depository institution shall make its loan data disclosure statements available to the public by March 31 following the calendar year for which the data were compiled, and shall continue to make them available for five years from that date.

(b) *Offices at which disclosure statements are to be made available.* (1) A depository institution shall make a complete disclosure statement available at its home office.

(2) A depository institution shall also make a disclosure statement available in at least one branch office in each SMSA where it has offices, other than the SMSA in which the home office is located. The statement at a branch office may omit, at the option of the institution, all data other than the data relating to property located in the SMSA where that branch is located.

(3) Upon request, a depository institution shall promptly provide information regarding the office(s) of the institution where its disclosure statements are available.

(c) *Manner of making disclosure statements available.* A depository institution shall make its loan data disclosure statements available to anyone requesting them for inspection or copying during the hours the office is normally open to the public for business. A depository institution that provides photocopying facilities may impose a reasonable charge for this service.

(d) *Notice of availability.* A depository institution shall provide notice of the availability of its mortgage loan data by posting a notice in the lobbies of its home and branch offices that are located in SMSAs.

(e) *Reporting requirements.* For purposes of data aggregation, a depository institution shall send two copies of its complete disclosure statement to the regional office of its enforcement agency by March 31 following the calendar year for which the data were compiled.

§ 203.6 Administrative enforcement and sanctions for violations.

(a) *Administrative enforcement.* As set forth more fully in §§ 305(b) and 306(b) of the act, compliance with the act and this regulation is enforced by the Comptroller of the Currency, the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration.

(b) *Sanctions for violations.* (1) A violation of the act or this regulation is subject to administrative sanctions as provided in § 305(c) of the act.

(2) An error in compiling or disclosing required data is not considered a violation of the act or this regulation if the error was unintentional and resulted from a *bona fide* mistake despite the maintenance of procedures reasonably adapted to avoid such an error.

Appendix A.—Federal Enforcement Agencies

The following list indicates which federal agency enforces Regulation C for particular classes of institutions. Any questions concerning compliance by a particular institution should be directed to the appropriate enforcing agency.

National Banks

Comptroller of the Currency, Office of Customer and Community Programs, Washington, D.C. 20219

State Member Banks

Federal Reserve Bank Serving the district in which the state member bank is located.

Nonmember Insured Banks and Mutual Savings Banks

Federal Deposit Insurance Corporation Regional Director for the region in which the bank is located.

Savings Institutions Insured by the FSLIC and Members of the FHLB System (except for Savings Banks insured by FDIC)

The Federal Home Loan Bank Board Supervisory Agency in the district in which the institution is located.

Credit Unions

Office of Consumer Affairs, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456

Other Depository Institutions

Federal Deposit Insurance Corporation Regional Director for the region in which the institution is located.

INHABITANTS, PC80-1-A" series prepared by the Bureau of the Census, U.S. Department of Commerce, Washington, D.C. 20233. Until this publication becomes available, county population shall be determined using the "1980 Census of Population and Housing, FINAL POPULATION AND HOUSING UNIT COUNTS (Advance Reports), PHC80-V" series, also prepared by the Bureau of the Census.

[6] A depository institution may assume, unless its records contain information to the contrary, that a loan that it purchases does not fall within this category.

[7] An institution may use either 1970 or 1980 census tract boundaries in geocoding loans in an SMSA until the 1980 census tract outline maps for that SMSA become available from the Bureau of the Census.

Appendix B.—State Exemptions

(a) *Application.* Any state,[1] state-chartered depository institution, or association of such depository institutions may apply to the Board pursuant to this appendix and the Board's Rules of Procedure (12 CFR 262) for an exemption under § 203.3(b). Such an exemption requires a determination that a state-chartered depository institution is subject to state law requirements[2] substantially similar to those imposed by this regulation, and that there is adequate provision for enforcement of those requirements.

(b) *Supporting documents.* The application, which may be made by letter, shall include:

(1) A copy of the full text of the relevant state law, including provisions for enforcement;

(2) A statement of reasons why the state requirements are substantially similar to those imposed by the act and this regulation, including an explanation why any differences are not significant; and

(3) An undertaking to inform the Board within 30 days of the occurrence of any change in the relevant state law.

(c) *Public notice of filing.* The Board will publish in the **Federal Register** notice of the filing of an application that complies with the above requirements. A copy of the application will be made available for examination during business hours at the Board and at the Federal Reserve Bank of each Federal Reserve District in which the applicant is situated. The Board will provide a period of time for interested persons to submit written comments. For multiple applications concerning the same state law, the Board may (1) consolidate the notice of receipt of all such applications in one **Federal Register** notice, and (2) dispense with publication of notice of applications subsequently received.

(d) *Grant of exemption.* If the Board determines that some or all state-chartered depository institutions are subject to requirements substantially similar to those imnposed by this regulation, and that there is adequate provision for enforcement, the Board will exempt such institution(s) from the requirements of this regulation (except as specified in § 203.3(b) by publishing notice of the exemption in the **Federal Register**. The Board also will furnish a copy of the notice to the applicant, to each state authority responsible for administrative enforcement of the state law, to the regulatory authorities specified in § 305(b) of the act, and to each participant in the proceeding.

(e) *Subsequent amendments; revocation of exemption.* (1) The Board will inform the appropriate state official of any subsequent amendments to this regulation (including published interpretations of the Board) that might require amendment of the state law. The Board may require reapplication for an exemption.

(2) The Board reserves the right to revoke an exemption if at any time it determines that state law does not in fact impose requirements substantially similar to those imposed by this regulation, or that there is not in fact adequate provision for enforcement.

(3) The Board will publish notice of its intent to revoke an exemption in the **Federal Register** and will send the notice to the appropriate state official. The Board will allow time after publication for interested persons to submit written comments.

(4) If an exemption is revoked, the Board will publish notice of the revocation in the **Federal Register** and will send a copy of the notice to the appropriate state official and to the regulatory authorities specified in § 305(b) of the act.

(5) The Board may dispense with the procedures set forth in this section in any case in which it finds such procedures unnecessary.

Appendix C.—[Reserved for Disclosure Form and Instructions]

By order of the Board of Governors, August 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-23381 Filed 8-10-81; 8:45 am]

BILLING CODE 6210-01-M

[1] "State" includes any subdivision of a state.

[2] "State law" includes any regulations which implement the law, any official interpretations of the law, and regulations of a state agency or department that has jurisdiction over a class(es) of depository institutions.

DEPARTMENT OF JUSTICE

28 CFR Part 41

45 CFR Part 85

Redesignation and Transfer of Section 504 Guidelines

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule would transfer the guidelines issued by the Department of Health, Education and Welfare to coordinate the implementation and enforcement of Section 504 of the Rehabilitation Act of 1973, and designate them as part of the Attorney General's civil rights coordination regulations under Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws."

This publication redesignates the guidelines and transfers them to Title 28. They will be published in title 28 after the effective date of this document.

EFFECTIVE DATE: This regulation is effective August 11, 1981.

ADDRESS: Civil Rights Division, Department of Justice, Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, United States Department of Justice, Washington, D.C. 20530, phone: (202) 724-6757. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 504 of the Rehabilitation Act of 1973, as amended, (29 U.S.C., 794) prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance. Executive Order 11914 (3 CFR 117 (1977)) authorized the Department of Health, Education, and Welfare (HEW) to coordinate enforcement of Section 504. This authority was later transferred to the Department of Health and Human Services (HHS). On November 2, 1980, this authority was transferred to the Attorney General by Executive Order 12250 (45 FR 72995). Section 1–502 of the Order provides that the HEW (later HHS) guidelines "shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General."

This rule is issued pursuant to section 1–303 of Executive Order 12250 which provides that in carrying out his functions under the Order the Attorney General shall issue such regulations "as he deems necessary". The rule will retitle the present guidelines at 45 CFR Part 85, transfer them to 28 CFR Part 41, and make necessary nomenclature changes.

Publication of this rule as a proposal for public comment is unnecessary since it is solely a redesignation of existing regulations.

Executive Order 12291; Environmental Impact Statement; Regulatory Flexibility Analysis

The Department of Justice has determined that because this rule is solely a redesignation of existing regulations, it is not a major rule for purposes of E.O. 12291, no environmental impact analysis is required, and no regulatory flexibility analysis is required.

Authority: Sec. 504, Pub. L. No. 93-112, 87 Stat. 394 (29 U.S.C. 794) as amended by Pub. L. No. 93-516, 88 Stat. 1617 and Pub. L. No. 95-602, 92 Stat. 2955; Executive Order 12250 (45 FR 72995).

Redesignation of Regulations

45 CFR Part 85 [Redesignated as 28 CFR Part 41]

1. Title 45 Part 85 of the Code of Federal Regulations is transferred and redesignated as Title 28 Part 41.

2. All references to Executive Order 11914 in newly designated Part 41 of Title 28 are changed to Executive Order 12250.

3. The Authority citation for newly designated Part 41 is amended by removing "41 FR 17871" and inserting in its place "45 FR 72995".

§ 41.1 [Amended]

4. Newly designated § 41.1 is amended by removing the words "Health and Human Services" and inserting in their place "Justice."

5. Newly designated paragraph 41.3(a) is revised to read as follows:

§ 41.3 Definitions.

(a) "Executive Order" means Executive Order 12250, titled "Leadership and Coordination of Nondiscrimination Laws," issued November 2, 1980.

* * * * *

§ 41.4 [Amended]

6. Newly designated paragraph 41.4(b) is amended by removing the words "Director of the Office for Civil Rights, HHS" and inserting in their place "Assistant Attorney General, Civil Rights Division, Department of Justice."

§ 41.55 [Amended]

7. Newly designated § 41.55 is amended by removing the reference to "45 CFR 84.41" and inserting in its place "28 CFR 42.513."

Dated: August 4, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-23325 Filed 8-10-81; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 41

Nondiscrimination on the Basis of Handicap in Federally Assisted Programs—Suspension of Guidelines With Respect to Mass Transportation

AGENCY: Department of Justice.

ACTION: Suspension of guidelines and request for comments.

SUMMARY: The Department of Justice is suspending its guidelines for prohibiting discrimination on the basis of handicap in transportation programs and activities receiving Federal financial assistance. This action affects guidelines issued in 1978 by the Department of Health, Education, and Welfare which were transferred to the Department of Justice by Executive Order 12250. The guidelines currently require that all transportation systems receiving Federal financial assistance be made accessible to handicapped persons, including wheelchair users, within a reasonable and definite period of time. A recent court decision has raised some question regarding the legal basis of the guidelines as they relate to mass transportation. In addition, the Department of Transportation has recently promulgated an interim final rule revising its regulation governing access by handicapped persons to transportation systems receiving Federal financial assistance. Suspension of the Department of Justice's guidelines will facilitate reconsideration of those guidelines and will ensure that the Department of Transportation's rule is not inconsistent with the coordination guidelines issued by the Department of Justice pursuant to Executive Order 12250.

DATES: This suspension is effective on August 11, 1981. To be assured of consideration, comments must be in writing and must be submitted on or before October 13, 1981.

ADDRESSES: Comments regarding the Justice Department's planned revision of its guidelines may be mailed to James P. Turner, Acting Assistant Attorney General, Civil Rights Division, United States Department of Justice, Washington, D.C. 20530. *Attention:* Stewart B. Oneglia. Comments received may be inspected at Room 408, 521 12th Street, N.W., Washington, D.C. 20004 between 9:00 A.M. and 5:30 P.M. Monday through Friday, except on Federal holidays. Persons wishing to have receipt of comments acknowledged must send a stamped, self-addressed post card with their comments. The docket clerk will return those post cards when the comments are docketed.

FOR FURTHER INFORMATION CONTACT: Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, United States Department of Justice, Washington, D.C. 20004, phone: (202) 724-6757. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance. Executive Order 11914 authorized the Department of Health, Education, and Welfare (HEW) to coordinate enforcement of Section 504. This authority was later transferred to the Department of Health and Human Services (HHS). On November 2, 1980, this authority was transferred to the Department of Justice by Executive Order 12250 (45 FR 72995, November 4, 1980, 3 CFR, 1981 Comp., p. 298). E.O. 12250 provides that the HEW (later HHS) guidelines "shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General." (Section 1-502.)

On April 30, 1976, the Department of Transportation (DOT) issued regulations implementing, *inter alia,* Section 504 (41 FR 18234 *et seq.*). Those regulations required recipients providing transportation services to make special efforts to meet the transportation needs of handicapped persons.

On January 13, 1978, HEW issued its Section 504 guidelines (43 FR 2132 *et seq.*, 45 CFR Part 85). Those guidelines required recipients to make all programs and activities accessible to handicapped persons within a reasonable and definite period. The guidelines were redesignated 28 CFR Part 41 by final rule published elsewhere in this issue.

On May 31, 1979, DOT issued a regulation, pursuant, *inter alia,* to Section 504 and the HEW guidelines, requiring recipients which provide federally assisted transportation services to make each mode of transportation provided accessible to handicapped persons, including wheelchair users (44 FR 31442 *et seq.*, 49 CFR Part 27).

The Presidential Task Force on Regulatory Relief and the Department of Transportation requested that the Department of Justice revise the HEW guidelines to be consistent with the Administration's policy of reducing regulatory burdens and increasing local control over local programs.

On May 26, 1981, the Court of Appeals for the District of Columbia Circuit entered its opinion in *American Public Transit Association* v. *Lewis,* No. 79-1697 (D.C. Cir.). The Court held that DOT's regulation exceeded its authority under Section 504, and remanded the case to the District Court for a determination of whether authority for the regulation might be found in some other statute. Because DOT's regulation was issued pursuant to the HEW guidelines, the decision raised some question as to the legal basis of guidelines as they relate to mass transportation.

On July 20, 1981, DOT issued an interim final rule revising its 1979 regulation to provide for greater local control over transportation decisions (46 FR 37488, July 20, 1981). A question existed whether this revised regulation was in technical compliance with the existing guidelines. However, the Department of Justice advised DOT that its interim final rule was proper in light of the decision in *American Public Transit Association* v. *Lewis* and the fact that the Justice Department intended to suspend the guidelines as they related to mass transportation. The suspension of the guidelines effective today eliminates any technical noncompliance of DOT's interim final rule with the requirements of the guidelines.

The Department of Justice will consider whether the provisions of the guidelines applicable to mass transportation services should be replaced by a revised guideline relating to transportation services, and is today requesting public comment on that question. Until such a revised guideline is issued, the Department of Justice will review proposed regulations relating to such services on a case-by-case.

Because this action is a suspension of application of a rule, and because there is involved a matter relating to grants, benefits, or contracts, the Department of Justice has determined that the suspension shall be effective upon publication. Because this action is a suspension of the application of an existing rule, the Department of Justice has determined that it is not a major rule as defined by Section 1(b) of E.O. 12291. For the same reason no environmental impact statement is required, and no regulatory flexibility analysis is required.

Accordingly, under the authority vested in me as Attorney General by E.O. 12250, application of Part 41 of Title 28 of the Code of Federal Regulations to mass transportation programs and activities receiving Federal financial assistance is hereby suspended.

Dated: August 4, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-23326 Filed 8-10-81; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1893-2]

Approval and Promulgation of Implementation Plans; Revision to the Massachusetts State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Massachusetts State Implementation Plan (SIP) submitted by the Massachusetts Department of Environmental Quality Engineering on November 25, 1980 and proposed for approval by EPA on April 28, 1981 (46 FR 23768). This revision will relax Regulation 310 CMR 7.05(1)(d)(2) for a thirty (30) month period to allow Unit 7 of Boston Edison's Mystic Generating Station in Everett, Massachusetts, to burn up to 2.2 % sulfur content residual oil. This variance will provide a significant fuel cost saving to the Company and therefore also to its customers. Two public comments were received on the proposed rulemaking.

DATE: August 11, 1981.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; the Division of Air Pollution Control, One Winter Street, Boston, Massachusetts 02110 and the Office of the Federal Register, 1180 L Street, N.W., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Brian Hennessey, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

SUPPLEMENTARY INFORMATION: On April 28, 1981, EPA proposed approval in the **Federal Register** (46 FR 23768) of a variance to Massachusetts' SIP submitted to EPA on November 25, 1980, by the Commissioner of the Massachusetts Department of Environmental Quality Engineering (DEQE). The SIP revision, which EPA is approving today, represents a variance approved by DEQE pursuant to 310 CMR 7.50 of the Regulations for the Control of Air Pollution in the Metropolitan Boston Air Pollution Control District. The variance, which would allow the burning of up to 2.2% sulfur content residual oil instead of the present maximum of 1%, applies to Unit 7 at Boston Edison's Mystic Generating Station in Everett, Massachusetts.

The rationale for EPA's approval and the effect on air quality resulting from this action were fully described in the Notice of Proposed Rulemaking cited above and they will not be restated here.

EPA received two comments, both of which were fully supportive of EPA's proposed approval. Each commenter cited the substantial annual savings the purchase of higher sulfur content fuel would represent (approximately $25 million) and noted that the Company's customers would be the beneficiaries of such an action.

Final Action

EPA is approving a variance to Regulation 310 CMR 7.05(1)(d)(2), for a 30-month period commencing upon publication of this Notice, allowing Unit 7 of Boston Edison's Mystic Generating Station in Everett, Massachusetts to burn up to 2.2% sulfur content residual oil.

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

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that this regulation will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions and imposes no new requirements. In addition, this action only applies to one facility.

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 and 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.

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

(Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601)

Dated: August 5, 1981.

Anne M. Gorsuch,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

1. Section 52.1120, paragraph (c) is amended by adding subparagraph (38) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(38) A variance of Regulation 310 CMR 7.05(1)(d)(2) "Sulfur Control of Fuels and Control Thereof" for the Metropolitan Boston Air Pollution Control District, submitted on November 25, 1980, by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

[FR Doc. 81-23353 Filed 8-10-81; 8:45 am]

BILLING CODE 6560-38-M

[SW-7-FRL-1895-2]

40 CFR Part 123

Iowa; Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Approval of amendment to previously authorized State program.

SUMMARY: The Environmental Protection Agency is approving changes to the Phase I Interim Authorization in Iowa. The changes are based on two modifications in the Iowa hazardous waste management program that have been submitted to the EPA by the Iowa Department of Environmental Quality (IDEQ).

The first of these modifications removes a categorical exclusion of sewage sludge generated by publicly-owned treatment works (POTW's) from regulation as a hazardous waste in Iowa. The second modification includes amendments to Iowa regulations (Chapter 45, Iowa Administrative Code) adopted by the State on April 20, 1981, which became effective July 23, 1981. Through this second modification the State has now adopted all relevant amendments to the Federal regulations by reference through January 23, 1981. A main goal of the Iowa amendments was to improve consistency with Federal rules and to prepare for submittal of a Phase II application.

EFFECTIVE DATE: July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby, Chief, Hazardous Materials Branch, U.S. EPA, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, 816/374-3307.

SUPPLEMENTARY INFORMATION: The Iowa Department of Environmental Quality (IDEQ) received interim authorization to operate its hazardous waste management program in lieu of Phase I of the Federal program on January 26, 1981. The Iowa application for Phase I interim authorization was based on Federal regulations as promulgated May 19, 1980.

Both modifications to Iowa's program bring that program into further equivalence with the corresponding Federal program. The IDEQ held formal public comment periods on both changes prior to State adoption.

The federally authorized Phase I hazardous waste management program in Iowa is now modified at two points. The categorical exclusion of sewage sludge generated by POTW's from regulation as a hazardous waste in Iowa has now been eliminated. Additionally, the State has adopted by reference all relevant amendments to Phase I Federal hazardous waste management regulations at 40 CFR 261 through 265 as promulgated through January 23, 1981. All such regulations excluding those of January 12, 1981 (46 FR 2848–2888) and January 23, 1981 (46 FR 7678–7683), which are a part of the Phase II Federal program, are now a part of the federally authorized Phase I program in Iowa.

Iowa's enabling legislation for the development of a hazardous waste management program initially included a definition for hazardous waste virtually synonymous with the definition found in RCRA as amended, with one exception. The Iowa legislation categorically excluded sewage sludge from POTW's from consideration as hazardous wastes (Chapter 111, Section (2)"b"(2) of the Iowa Hazardous Waste Management Act, 1979 Session, 68th General Assembly). A similar categorical exclusion was not found in the Federal statute or regulations. In granting Phase I interim authorization the State and EPA agreed that the POTW sewage sludge exclusion would be removed. Failure of the State Legislature to remove the exemption by June 30, 1981, would have been justification for immediate withdrawal of the State Interim Authorization for Phase I unless the State demonstrated to EPA's satisfaction that no sewage sludge falling within the exemption was hazardous waste in accordance with the 40 CFR, Part 261 identification and listing criteria.

The 69th General Assembly of the State of Iowa passed hazardous waste management legislation which was signed into law on May 14, 1981, by the Governor of Iowa and which became effective on July 1, 1981. A portion of this legislation removed the sewage sludge exclusion by striking the exclusion (Section 455B.130(2)"b"(2), Code of Iowa, 1981) from State law. As a result of this legislative action, the State can now regulate POTW-generated sludge as a hazardous waste. An addendum has been added to the State's Phase I interim authorization application regarding this issue. Today's action makes that amendment part of the Phase I program the State is authorized to operate in lieu of the Federal program.

In developing a comprehensive set of regulations to protect human health and the environment from the improper management of hazardous wastes, the State of Iowa adopted Federal hazardous waste management regulations at 40 CFR Parts 261 through 265 by reference as published on May 19, 1981 (See Chapter 45, Hazardous Wastes, IAC). The May 19, 1980 (45 FR 33063) Federal regulations contained the elements of Phase I of the Federal hazardous waste management program. On January 26, 1981, the State received interim authorization to operate its hazardous waste management program in lieu of Phase I of the Federal program.

Since initial promulgation on May 19, 1980, the Federal regulations at 40 CFR Parts 261 through 265 have been amended on several occasions. On April 20, 1981, the State adopted the amendments to Federal regulations at 40 CFR Parts 261 through 265 by reference as published through January 23, 1981. The adopted amendments will become effective on July 23, 1981. The State adopted these revisions to improve consistency with the Federal rules and to prepare for Iowa's Phase II interim authorization application. The State submitted an addendum to its Phase I interim authorization application to EPA to incorporate these amendments into its authorized Phase I program. This addendum has been accepted by EPA and included in the Iowa Phase I interim authorization.

It should be noted that in adopting Federal hazardous waste management regulations through January 23, 1981, by reference, the State has adopted regulations corresponding to Phase II, Components A and B of the Federal program. Phase II, Components A and B of the Federal program consist of regulations published in the **Federal Register** January 12, 1981 (46 FR 2802) and January 23, 1981 (46 FR 7666), respectively. The Environmental Protection Agency will continue to operate Phase II of the Federal program until the State applies for and receives Phase II interim authorization. As a result, Federal regulations published on January 12, 1980 (46 FR 2802) and January 23, 1981 (46 FR 7666) have not been incorporated into the authorized Phase I program in Iowa and are not considered a part of this approval. The State and EPA will operate Phase II programs in Iowa until the State applies for and receives Phase II interim authorization.

Compliance With Executive Order 12291

Under Executive Order 12291, EPA must prepare a Regulatory Impact Analysis on "major regulations." A "major regulation" is defined as any regulation that is likely to result in:

1. An annual effect on the economy of $100 million or more;

2. A major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or

3. Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Agency's decision to approve amendments to Iowa's Phase I Hazardous Waste Program is not a major regulation because its effect is to suspend corresponding Federal regulations in the State of Iowa. In the absence of this decision, persons handling hazardous waste in Iowa would have to comply with current amendments to Parts 261–263 and 265 of Title 40 of the Code of Federal Regulations in addition to all Iowa hazardous waste management regulations. For this reason, it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major regulation."

Dated: July 14, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-23320 Filed 8-10-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR TEMP. Reg. A-19]

Use of Contract Airline Service Between Selected City-Pairs

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: The General Services Administration (GSA), Transportation and Public Utilities Service has increased the number of city-pairs and airlines under the contract airline program. This regulation prescribes policies, procedures, and requirements that apply to Federal agencies when contract airline passenger transportation is provided. The attachment in this regulation includes city-pair routes and carriers.

DATES: Effective date: July 1, 1981; Expiration date: June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Ed. Hochard, Federal Travel Management Division, Transportation and Public Utilities Service (202–275–0651).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

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

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter A to read as follows:

July 22, 1981.

Federal Property Management Regulations—Temporary Regulation A–19

Use of Contract Airline Service Between Selected City-Pairs

1. *Purpose.* This regulation prescribes policies, procedures, and requirements applicable to Federal agencies when scheduled airline passenger transportation service is needed for official travel between selected cities (city-pairs).

2. *Effective date.* This regulation is effective on July 1, 1981.

3. *Expiration date.* This regulation expires on June 30, 1982, unless superseded or canceled.

4. *Backgrond.*

a. The General Services Administration, Transportation and Public Utilities Service (TPUS), has increased the number of city-pairs and has expanded the scope of airline contracts with certificated air carriers to furnish air passenger transportation for official Government travel at reduced fares.

b. Except for the travel conditions indicated in paragraph 10b, the Government has agreed to place all of its official air travel with the contractor air carriers providing scheduled service between the city-pairs listed in attachment A.

5. *Scope.*

a. This regulation applies to executive and other Federal agencies to the extent specified in the Federal Property and Administrative Services Act of 1949, as amended, and 5 U.S.C. 5701, et seq.

b. The Department of Defense (DOD) shall follow the procedures established in the Military Traffic Management Regulation (AR 55–355/NAVSUP 4600.70/MCO P4600.14A/DLAR 4500.3).

c. Uniformed members of the Public Health Service, the National Oceanic and Atmospheric Administration, and the U.S. Coast Guard; employees of the Judicial Branch of the Government; the U.S. Postal Service; Foreign Service Officers; cost-reimbursable contractors working for the Government; and employees of any agency having independent statutory authority to prescribe travel allowances and who are not subject to 5 U.S.C. 5701–5709 are exempt from the mandatory use of this contract. However, all exempt personnel are authorized and encouraged to obtain contract services when acceptable to the contract airline.

6. *Applicability.* The provisions of this regulation are mandatory for all official travel by air between the city-pairs listed in attachment A.

7. *Carrier requirements.* The contractor shall not be required to furnish services if, at the time of the request for services, the scheduled aircraft is fully booked, nor shall the contractor be required to furnish any additional aircraft to satisfy the transportation requirements. However, the contractor will provide the official Government traveler with the same services, including meals, as provided to its commercial passengers in scheduled jet coach service or better, subject to the rules and procedures published in the air carrier's tariffs on file with the Civil Aeronautics Board. The carrier will make reservations for Government travelers on the same basis as for regular coach service travelers and shall not discriminate in favor of the commercial traveler.

8. *Procedures for obtaining service.*

a. Contract air service shall be ordered by the issuance of Standard Form 1169, U.S. Government Transportation Request (GTR). If cash is used instead of a GTR under the provisions of FPMR 101–41.203–2, participating airline carriers may furnish contract fares at their option. If the contract carriers do not provide contract fares with the use of cash, the required service shall be procured at the noncontract fare. Cash or personal credit cards shall not be used to circumvent the Government's contracts with the airlines listed in attachment A.

b. When requesting reservations, the trip shall be identified as official Government business and the carrier's ticket agent shall be instructed to apply the appropriate contract fare. Agencies using teletype ticketing equipment shall examine airline tickets to determine whether the correct contract fare has been applied. Improperly rated or fared tickets should be canceled and new tickets shall be issued. Tickets picked up at airline ticket offices shall be verified to ensure that the proper contract air fare basis symbol is shown on the ticket.

c. When the contract carrier offers a fare lower than the contract Jet Coach (Y) fare between the listed city-pairs, the ordering agency may elect to use the lower fare instead of the contract fare. These lower fares may be used provided they do not alter the position of the contract airlines with respect to their use in progressive order as specified in e. below.

d. Contract fares apply only between the cities named and are not applicable to or from intermediate points; however, the Government may use the contract fare in conjunction with other published fares, including other contract fares. Under this provision, carriers will provide through ticketing and service.

e. Agencies shall request reservations from the contract airline offering the lowest contract fare for the appropriate city-pair, as shown in attachment A. If that carrier cannot provide the required service, the carrier(s) offering the next higher fare in progressive order shall be used. For example, carriers A and B offer service at $65 and $70 respectively. If carrier A cannot provide transportation service at $65, carrier B will be requested to furnish service at $70.

f. The use of connecting flights is encouraged where contract carriers do not provide through service and where connections produce lower transportation costs than direct flights using noncontract carriers. However, agencies are cautioned that lower transportation costs may be offset by increased travel costs, such as per diem, subsistence, allowable overtime, or lost productive time due to layovers. For example, if direct service from San Francisco, CA, to Washington, DC, is not available from a contract carrier, a noncontract carrier may be used to the closest connecting city offering service (i.e., Salt Lake City, UT; Denver, CO; or Los Angeles, CA); then, a contract carrier may be used to Washington, DC. In these cases, when making reservations with a noncontract carrier, the ticket agent should be advised of the portion(s) of the trip that will be taken at the reduced contract fare.

g. If service by contract carriers is provided at different airports but still between the same city-pair listed in attachment A, the lowest overall cost, including the contract fare, lost productive time, and ground transportation will determine which carrier will be used.

9. *Fare-basis identification.* The contract fare basis designated by each contract carrier as shown in attachment A shall be shown on all Standard Forms 1169, U.S. Government Transportation Request, and airline tickets.

10. *Airline service using noncontract carriers instead of contract carriers.*

a. Heads of agencies may delegate authority to authorize or approve the use of noncontract air carriers when justified under the conditions listed in b. below. This authority shall be held to as high an administrative level as practicable to ensure adequate consideration and review of the circumstances of the travel assignment and to ensure compliance with this regulation.

b. Justification for the use of air carriers other than those shown in attachment A is limited to the following conditions, which shall be authorized on individual travel orders (if known before travel begins) or approved on vouchers (if not known before travel begins):

(1) Airline seating capacity on any scheduled flight of the contract carrier is not available in sufficient time to accomplish the purpose of the travel;

(2) The use of the carrier's flight would require additional overnight lodging;

(3) The scheduled flight of the contract carrier is not compatible with the agency policies and practices regarding travel during regularly scheduled workhours. (For further information, see the Federal Personnel Manual, Supplement 990-2.);

(4) On a basis of a comparison of total costs for each individual trip, the use of a jet coach fare ("Y" class of service) is less than the contract fare at the time the reservation is made considering such cost factors as actual transportation costs, subsistence, allowable overtime, or lost productive time; or

(5) Exigency or other requirements of the mission necessitate the use of another airline carrier or mode of transportation.

Note.—The basis for making a cost comparison has been changed. (See b(4), above.)

11. *Construction and publication of contract airline fares.* The Standard Industry Fare Level (SIFL), as provided by the Civil Aeronautics Board, may be increased or decreased during the period of these contracts. The contract fare, which reflects changes in the SIFL, will be adjusted accordingly by the contract airlines. To prevent errors from delayed listings, the fares will not be published in this regulation. However, GSA will publish the current contract airline fares by other methods, such as messages to agencies and departments and the Federal Contract Air Service and Travel Directory. Agencies are reminded to verify the contract fare with the contract airline at the time reservations are confirmed.

12. *Collective agreements.* This regulation shall not be interpreted to nullify any valid, negotiated agreement between management and a union covering any provision of employee travel in effect on the effective date of this regulation. Upon the expiration of agreements exempted, the provisions of this regulation shall apply.

13. *Comments.* Comments and recommendations concerning the use of this regulation and its provisions may be submitted to the General Services Administration, Office of Transportation and Travel Management (TT), Washington, DC 20406.

14. *Cancellations.* FPMR Temporary Regulation A-17, dated December 31, 1980, is canceled.

15. *Effect on other directives.* In supplement 10 to FPMR Temporary Regulation A-11, all references to FPMR Temporary Regulation A-17 shall be changed to A-19.

Gerald Carmen,

Administrator of General Services.

Attachment A

City-pairs (between)	Contract airline (see note)
Albany, NY; and:	
New York, NY	BN, EA.
Albuquerque, NM; and:	
Dallas/Fort Worth, TX	TI.
Washington, DC	TI.
Anchorage, AK; and:	
Fairbanks, AK	NW, AS.

Attachment A—Continued

City-pairs (between)	Contract airline (see note)
Seattle/Tacoma, WA	NW, WA, WC, AS.
Atlanta, GA; and:	
Chicago, IL	RC, EA.
Dallas/Fort Worth, TX	BN, EA.
Jacksonville, FL	RC, EA.
Memphis, TN	RC.
Miami, FL	EA.
Mobile-Pascagoula, MS	RC, EA.
Nashville, TN	RC, EA.
New York, NY	EA.
Norfolk, VA	EA.
Raleigh/Durham, NC	EA.
Tallahassee, FL	RC, EA.
Washington, DC	EA.
Austin, TX; and:	
Dallas/Fort Worth, TX	TI, BN.
Birmingham, AL; and:	
Washington, DC	EA.
Boise, ID; and:	
Seattle/Tacoma, WA	RW.
Boston, MA; and:	
New York, NY	NY, EA.
Washington, DC	BN, NY, NW.
Charleston, SC; and:	
Norfolk, VA	EA.
Chicago, IL; and:	
Cleveland, OH	NW, ML.
Dallas/Fort Worth, TX	BN.
Detroit, MI	NW, ML.
Kansas City, MO	BN, ML.
Los Angeles, CA	CL, BN, NW.
Minneapolis/St. Paul, MN	NW
New York, NY	CL, NW.
Oklahoma City, OK	BN.
Philadelphia, PA	ML.
St. Louis, MO	ML.
Washington, DC	NW, ML.
Cincinnati, OH; and:	
Detroit, MI	RC.
Cleveland, OH; and:	
Washington, DC	NW.
Dallas/Fort Worth, TX; and:	
El Paso, TX	TI.
Houston, TX	TI.
Little Rock, AR	TI.
New Orleans, LA	BN.
New York, NY	BN.
Oklahoma City, OK	TI, BN.
San Antonio, TX	BN, TI.
Washington, DC	TI, BN.
Denver, CO; and:	
Las Vegas, NV	RW.
Los Angeles, CA	WA, RW.
Salt Lake City, UT	BN, TI.
San Antonio, TX	TI, BN.
San Francisco/Oakland, CA	WA.
Washington, DC	BN, RC, EA.
Des Moines, IA; and:	
Kansas City, MO	BN.
Detroit, MI; and:	
San Antonio, TX	OZ, EA.
Washington, DC	RC, NW.
Eglin AFB (Pensacola), FL; and:	
Los Angeles, CA	EA.
Washington, DC	RC, EA.
Fresno, CA; and:	
San Francisco, CA	OC.
Honolulu, HI; and:	
Los Angeles, CA	NW, WA.
San Diego, CA	WA.
San Francisco/Oakland, CA	NW, WA.
Houston, TX; and:	
Las Vegas, NV	BN.
Los Angeles, CA	RW.
Washington, DC	TI, PA, BN.
Huntsville, AL; and:	
Washington, DC	RC.
Jacksonville, FL; and:	
Washington, DC	AK, EA.
Kansas City, MO; and:	
Omaha, NE	TI, BN.
St. Louis, MO	OZ.
Washington, DC	ML.

Attachment A—Continued

City-pairs (between)	Contract airline (see note)
Las Vegas, NV; and:	
Los Angeles, CA	RW.
Phoenix, AZ	NW, RW.
Reno, NV	BN, OC.
San Francisco/Oakland, CA	PA, NW.
Los Angeles, CA; and:	
Phoenix, AZ	[1] PA, RW, WA.
St. Louis, MO	NW.
San Antonio, TX	BN.
San Francisco/Oakland, CA	[1] RW, OC, WA.
San Jose, CA	RW, OC.
Seattle/Tacoma, WA	NW, AS.
Washington, DC	TI, BN, NW, WO.
Memphis, TN; and:	
Washington, DC	BN.
Miami, FL; and:	
Washington, DC	[1] EA, PA.
Minneapolis-St. Paul, MN; and:	
Washington, DC	RC, WA, NW.
Nashville, TN; and:	
Washington, DC	BN, EA.
New Orleans, LA; and:	
Washington, DC	TI, EA.
New York, NY; and:	
Norfolk, VA	EA, PA.
San Antonio, TX	EA, BN.
San Francisco/Oakland, CA	[1] WO, EA, NW.
San Juan, PR	CL, EA.
Washington, DC[2]	[1] BN, NY, EA.
Oklahoma City, OK; and:	
Washington, DC	BN.
Orlando, FL; and:	
Washington, DC	EA, PA.
Philadelphia, PA; and:	
San Antonio, TX	BN, EA.
Phoenix, AZ; and:	
Los Angeles, CA	RW, WA.
Reno, NV	RW.
San Francisco/Oakland, CA	RW, WA.
Tucson, AZ	BN, EA.
Washington, DC	NW, EA, BN.
Pittsburgh, PA; and:	
Washington, DC	NW.
Portland, OR; and:	
San Francisco/Oakland, CA	[1] NW, OC, WA.
Seattle/Tacoma, WA	EA, BN, NW.
Washington, DC	NW, BN, EA.
Providence, RI; and:	
Washington, DC	EA.
Raleigh/Durham, NC; and:	
Washington, DC	EA.
St. Louis, MO; and:	
San Antonio, TX	TI, OZ.
San Francisco/Oakland, CA	NW.
Washington, DC	ML, OZ.
Salt Lake City, UT; and:	
Washington, DC	BN, EA.
San Antonio, TX; and:	
Washington, DC	TI, BN.
San Diego, CA; and:	
San Francisco/Oakland, CA	WA.
Washington, DC	WA.
San Francisco/Oakland, CA; and:	
Seattle/Tacoma, WA	[1] NW, OC, AS.
Washington, DC	WA, NW, EA.
Seattle/Tacoma, WA; and:	
Spokane, WA	NW.
Washington, DC	NW, BN.
Tucson, AZ; and:	
Washington, DC	EA, BN.

NOTE.—The contract airlines are listed by priority of use. Service shall be requested from the carrier shown first; then, the carrier shown second, etc.

[1] Equal bids.

[2] AMTRAK Metroliner coach service has been determined to be advantageous between Washington, DC and New York, NY and agencies may select either mode (AMTRAK or contract airline). If the selected mode cannot provide the required service, travel by the other mode is mandatory, except as provided in subpar. 10b of this temporary regulation. Use of AMTRAK is mandatory between intermediate points in the Northeast Corridor (Northbound: Washington, DC, to Trenton, NJ, Southbound: New York, NY, to Baltimore, MD).

Contract Airline Code, Airline Names and Fare Basis Code

AK Altair Airlines, Inc.
AS Alaska Airlines
BN Braniff International Airways
CL Capitol International Airways, Inc.
EA Eastern Airlines, Inc.
ML Midway Airlines, Inc.
NW Northwest Airlines, Inc.
NY New York Air
OC Air California
OZ Ozark Airlines, Inc.
PA Pan American World Airways, Inc.
RC or RW Republic Airlines, Inc.
TI Texas International Airlines
WA Western Airlines, Inc.
WC Wein Air Alaska
WO World Airways, Inc.

Fare Basis Code: YCA

[FR Doc. 81-23321 Filed 8-10-81; 8:45 am]
BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 36

Indian Health

AGENCY: Public Health Service.

ACTION: Final rule.

SUMMARY: This rule makes technical revisions to Subparts A and B of 42 CFR Part 36 (except for § 36.12 governing eligibility for services). Part 36 contains the regulations governing Indian Health. The revisions are being made to remove extraneous language and to update the regulations by deleting obsolete provisions (Subpart D, Contagious and Infectious Disease, and § 36.13 governing charges for services rendered in Indian Health Service (IHS) facilities).

EFFECTIVE DATE: September 10, 1981.

FOR FURTHER INFORMATION CONTACT: Richard J. McCloskey (301) 443-1116.

SUPPLEMENTARY INFORMATION: On November 19, 1980, a notice of proposed rulemaking was published in the **Federal Register** (45 FR 76497 et seq.) proposing to make "common sense" revisions affecting Subparts A, B and D of 42 CFR Part 36 as part of the Department of Health and Human Services (HHS) response to Executive Order No. 12044, "Improving Government Regulations."

Interested persons were given until January 5, 1981, to submit written comments, suggestions or objections. No comments were received. On February 17, 1981, Executive Order No. 12044 was revoked. Nevertheless, the Department believes it should publish these final regulations to simplify the language, revoke unused sections, and update one section to reflect the current procedures for setting rates charged ineligible individuals for emergency care at IHS facilities. The final regulations are the same as those proposed in the November 18, 1980, notice.

This is not a major regulation and a regulatory impact analysis is not required.

Accordingly, the HHS revises Part 36 of Title 42, Code of Federal Regulations, by revising Subparts A, B and D as set out below.

Dated: May 22, 1981.

Edward N. Brandt, Jr.,
Assistant Secretary for Health.

Approved: July 20, 1981.

Richard S. Schweiker,
Secretary.

The table of contents of Part 36, Title 42 of the Code of Federal Regulations is amended to read as follows:

PART 36—INDIAN HEALTH

Subpart A of Part 36, Title 42 of the Code of Federal Regulations is amended to read as follows:

Subpart A—Purpose and Definitions

§ 36.1 Definitions.

When used in this part:

"Bureau of Indian Affairs" means the Bureau of Indian Affairs, Department of the Interior;

"Indian" includes Indians in the Continental United States, and Indians, Aleuts and Eskimos in Alaska;

"Indian health program" means the health services program for Indians administered by the Indian Health Service within the Department of Health and Human Services.

"Jurisdiction" has the same geographical meaning as in Bureau of Indian Affairs usage;

"Service" means the Indian Health Service.

§ 36.2 **Purpose of the regulations.**

These regulations establish general principles and program requirements for carrying out the Indian health program.

§ 36.3 **Administrative instructions.**

The Service periodically issues administrative instructions to its officers and employees which are primarily found in the Indian Health Service Manual and the Area Office and Program Office supplements. These instructions are operating procedures to assist officers and employees in carrying out their responsibilities, and are not regulations establishing program requirements which are binding upon members of the general public.

Subpart B of Part 36, Title 42 of the Code of Federal Regulations is amended by revising §§ 36.11 and 36.14 as follows. Section 36.12 remains unchanged. Section 36.13 is removed and reserved.

Subpart B—What Services are Available and Who is Eligible to Receive Care?

§ 36.11 **Services available.**

(a) Type of services that may be available. Services for the Indian community served by the local facilities and program may include hospital and medical care, dental care, public health nursing and preventive care including immunizations, and health examination of special groups such as school children.

(b) Where services are available. Available services will be provided at hospitals and clinics of the Service, and at contract facilities (including tribal facilities under contract with the Service).

(c) Determination of what services are available. The Service does not provide the same health services in each area served. The services provided to any particular Indian community will depend upon the facilities and services available from sources other than the Service and the financial and personnel resources made available to the Service.

§ 36.13 **[Reserved]**

§ 36.14 **Care and treatment of ineligible individuals.**

(a) In case of emergency, as an act of humanity, individuals not eligible under §36.12 may be provided temporary care and treatment in Service facilities.

(b) Charging ineligible individuals. Where the Service Unit Director determines that an ineligible individual is able to defray the cost of care and treatment, the individual shall be charged at rates approved by the Assistant Secretary for Health and Surgeon General published in the **Federal Register**. Reimbursement from third party payors may be arranged by the patient or by the Service on behalf of the patient.

§§ 36.30–36.34 **[Reserved]**

Subpart D of Part 36, Title 42 of the Code of Federal Regulations is removed and reserved.

[FR Doc. 81-23380 Filed 8-10-81; 8:45 am]
BILLING CODE 4110-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6123]

List of Communities Eligible for Sale of Insurance Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fifth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 755-5581 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Alabama:				
Mobile	Mobile, city of	015007D	July 2, 1981, suspension withdrawn	May 7, 1976, Oct. 20, 1978, and June 15, 1980 and Apr 1, 1981
Madison	Unincorporated areas.	010151B	do	July 1, 1977
Florida:				
Bay	Unincorporated areas	120004B	do	Jan. 17, 1975 and Aug. 12, 1977
Clay	Unincorporated areas	120064B	do	Jan. 17, 1975 and Dec. 24, 1976
St. Johns	Hastings, town of	120282A	do	July 19, 1974.
Osceola	Kissmee, city of	120190B	do	Apr 30, 1976.Georgia:
Georgia:				
Chattam	Bloomingdale, city of	130452A	do	Oct. 15, 1976.
McIntosch	Darien, city of	130131B	do	May 10, 1974 and Feb. 13, 1976
Illinois:				
Lake	Lake Villa, village of	170375B	do	May 3, 1974 and Sept. 19, 1975
Lake	Mundelein, village of	170382B	do	June 28, 1974 and Sept. 12, 1975.
Indiana: Adams	Decatur, city of	180001C	do	Nov 23, 1973, Aug. 13, 1976, and Feb. 16, 1979.
Iowa:				
Des Moines	Burlington, city of	190114C	do	May 18, 1974, Feb. 27, 1976, and Oct. 18, 1977.
Page	Clarinda, city of	190219B	do	June 28, 1974 and Jan. 2, 1976.
Kentucky:				
Franklin	Frankford, city of	210075B	do	June 7, 1974 and Aug. 20, 1976.
Kenton	Unincorporated areas	210128B	do	Oct. 18, 1974 and July 1, 1977.
Bell	Middlesboro, city of	215190B	do	May 27, 1971, July 1, 1974, and Nov. 14, 1975.
Louisiana: Assumption Parish	Unincorporated areas	220017B	do	Apr 8, 1977.
Massachusetts:				
Plymouth	East Bridgewater, town of	250264B	do	Sept. 6, 1974 and Oct. 22, 1976.
Berkshire	Hinsdale, town of	250026B	do	Aug. 20, 1974 and Aug. 6, 1976.
do	New Marlboro, town of	250033B	do	June 28, 1974 and Aug. 27, 1976.
do	North Adams, city of	250034B	do	Mar. 8, 1974 and Sept. 6, 1977.
Norfolk	Plainville, town of	250249B	do	Aug. 16, 1974 and July 30, 1976.
Worcester	Princeton, town of	250329B	do	Aug. 30, 1974 and Dec. 17, 1976.
Middlesex	Reading, town of	250211B	do	June 21, 1977.
Worcester	Spencer, town of	250335B	do	Sept. 13, 1974 and Oct. 22, 1976.
Middlesex	Tewksbury, town of	250218B	do	Aug. 2, 1974 and July 18, 1977.
Hampden	Wales, town of	250152B	do	Nov. 19, 1976.
Worcester	West Boylston, town of	250345B	do	July 26, 1974 and Apr 8, 1977.
Plymouth	Whitman, town of	250285B	do	Oct. 18, 1974 and June 11, 1976.
Michigan:				
Kent	Caledonia, township of	260693B	do	Mar 24, 1978.
Eaton	Charlotte, city of	260065B	do	May 24, 1974 and June 11, 1976.
Wayne	Detroit, city of	260222B	do	July 26, 1974 and Feb. 7, 1975.
Minnesota:				
Ramsey	Arden Hills, city of	270375B	do	Apr. 5, 1974 and June 4, 1976.
Leseur	Waterville, city of	270251C	do	May 17, 1974, Oct. 22, 1976, and Sept. 9, 1977.
New Jersey:				
Passaic	Glen Rock, borough of	340038B	do	June 28, 1974 and Jan. 30, 1976.
do	North Haledon, borough of	340402B	do	May 31, 1974 and Apr. 2, 1976.
North Dakota:				
Pembia	Cavalier, city of	380081B	do	May 24, 1974 and Apr. 23, 1976.
Cass	Horace, city of	380022A	do	Nov. 29, 1974.
do	Mapleton, city of	380023B	do	Nov. 1, 1974 and Jan. 16, 1976.
Oklahoma: Tulsa	Owasso, city of	400210C	do	Jan. 16, 1974, Jan. 4, 1977, and Aug. 9, 1977.
Texas: Brazos	College Station city of	480083B	do	May 31, 1974 and Sept. 12, 1975.
Washington:				
Klickitat	Unincorporated areas	530099B	do	Sept. 6, 1974 and Oct. 25, 1977.
King	Skykomish, town of	530236A	do	Feb. 14, 1975.
Wisconsin:				
Brown	Depere, city of	550021C	do	Dec. 28, 1973, June 4, 1976, and Feb. 23, 1979.
Outagamie	Hortonville, village of	550529A	do	Nov. 29, 1974.
Minnesota:				
Sherburne	Unincorporated Areas	270435C	May 16, 1974, emergency, May 19, 1981, regular, May 19, 1981, suspended, July 1, 1981, reinstated.	Nov. 29, 1974 and Sept. 16, 1977.
Texas: Hidalgo	Alton,[1] city of	481571 New	July 1, 1981, emergency, July 1, 1981, regular	May 23, 1978 and Jan. 2, 1981
Kansas: Pottawatomie	Louisville, city of	200272	July 2, 1981, emergency	Dec. 6, 1974.
New York: Allegany	Bolivar, town of	361097A	do	Oct. 29, 1976.
Illinois: St. Clair	Fayetteville, village of	170628B	May 12, 1976, emergency, June 15, 1981, regular, June 15, 1981, suspended, July 2, 1981, reinstated.	Feb. 22, 1974 and June 4, 1976.
Ohio: Holmes	Glenmont, village of	390277A	July 8, 1981, emergency	Oct. 29, 1976.
Alabama: Colbert	Unincorporated areas	010318B	July 9, 1981, emergency, July 9, 1981, regular	Feb. 24, 1978.
Tennessee: Davidson and Sumner	Goodlettsville, city of	470287A	April 21, 1975, emergency, June 15, 1981, regular, June 15, 1981, suspended, July 9, 1981, reinstated.	Aug. 15, 1975.
New York: Allegany	Independence, town of	361008A	July 15, 1981, emergency	Sept. 6, 1974 and June 19, 1976.
Oklahoma:				
Grant	Lamont, town of	400215	do	Apr 9, 1976.
Wagoner	Unincorporated areas	400215	do	

[1] This is a newly incorporated community which was formerly contained entirely in Hidalgo County, Texas. Since the community is compliant and was part of a Regular program community, it is being entered directly into the Regular Program and will use the Hidalgo County, Texas map in the interim for insurance and flood plain management purposes.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 20, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-23195 Filed 8-10-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6125]

Suspension of Community Eligibility Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program, (202) 755-5581 or EDS Toll Free Line 800-638-6620 for the Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and County	Location	Community	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Arizona: Pinal	Kearny, town of	040085B	Aug. 15, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Nov. 30, 1973, and May 21, 1976.	Aug. 17, 1981
Florida:					
Pasco	Dade City, city of	120231B	Jan. 16, 1974, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Jan. 4, 1974, and Aug. 6, 1976.	Do.
Do	Port Richey, city of	120234A	Aug. 30, 1974, emergency; Aug. 17, 1981; regular; Aug. 17, 1981, suspended.	Jan. 16, 1974	Do.
Do	New Port Richey, city of	120232C;	Dec. 12, 1974, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Jan. 16, 1974, June 18, 1976, and Mar. 18, 1977	Do.
St. Lucie	Unincorporated areas	120285A	May 31, 1974, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Jan. 24, 1975	Do.
Bay	Springfield, city of	120014B	May 1, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	July 19, 1974, and Feb. 27, 1976.	Do
Illinois: Kane	Carpentersville, village of	170322B	Sept. 25, 1974, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Mar 22, 1974, and Jan. 9, 1976.	Do.
Indiana: St. Joseph	Mishawaka, city of	180227B	Feb. 24, 1975; emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Dec. 28, 1973, and May 28, 1976.	Do.
Iowa: Polk	Des Moines, city of	190227B	Sept. 6, 1974, emergency; Feb. 4, 1981, regular; Aug. 17, 1981, suspended.	Feb. 4, 1981	Do.

State and County	Location	Community	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Kansas: Sedgwick	Haysville, city of	200324C	Jan. 17, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	June 28, 1974, Nov. 7, 1975, and Mar. 14, 1978.	Do.
Massachusetts: Hampshire.	Ware, town of	250172B	Jan. 27, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	June 28, 1974 and Dec. 17, 1976.	Do.
Michigan: Wayne	Trenton, city of	260244B	Mar. 30, 1973, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	May 10, 1974 and Mar. 7, 1975.	Do.
Minnesota: Rice	Unincorporated areas	270646B	May 30, 1974, emergency; Feb. 4, 1981, regular; Aug. 17, 1981, suspended.	Oct. 21, 1977 and Feb. 4, 1981.	Do.
Mississippi: Hinds	Clinton, city of	280071C	Jan. 15, 1974, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	June 14, 1974, Nov. 12, 1976, and July 11, 1980.	Do.
Missouri:					
New Madrid	Lilbourn, city of	290252B	June 25, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	May 17, 1975 and Nov. 7, 1975.	Do.
Do	Marston, city of	290253B	Aug. 8, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	May 24, 1974 and Nov. 14, 1975.	Do.
Nebraska:					
Dodge	Unincorporated areas	310068B	Apr. 18, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Aug. 16, 1977	Do.
Adams	Hastings, city of	310001B	July 24, 1974 emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	May 10, 1974 and Jan. 9, 1976.	Do.
New Jersey: Passaic	Little Falls, township of	340401B	July 6, 1973, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Dec. 28, 1973 and June 18, 1976.	Do.
New York: Broome	Chenango, town of	360040C	July 16, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Mar. 8, 1974, Feb. 7, 1975, and Dec. 26, 1975.	Do.
Westchester	North Tarrytown, village of	361515A	Sept. 12, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Dec. 13, 1974	Do.
Ohio:					
Cuyahoga	Euclid, city of	390107B	July 3, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Apr. 5, 1974 and June 18, 1976.	Do.
Do	Pepper Pike, city of	390125B	Jan. 29, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Apr. 5, 1974 and Aug. 6, 1976	Do.
Do	South Euclid, city of	390131B	Aug. 5, 1974, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Mar. 22, 1974 and Oct. 3, 1975.	Do.
Do	Warrensville Heights, city of	390135B	July 7, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Mar. 15, 1974 and Oct. 10, 1975.	Do.
Erie	Kelleys Island, village of	390738A	Apr. 30, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Apr. 18, 1975	Do.
Pennsylvania:					
Montgomery	Upper Frederick, township of	421916A	Nov. 15, 1974, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Dec. 20, 1974	Do.
Adams	Straban, township of	421259A	Jan. 13, 1975, emergency; Jan. 3, 1975, regular; Aug. 17, 1981, suspended.	Jan. 3, 1975	Do.
Rhode Island: Newport.	Little Compton, town of	440035B	May 9, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	July 19, 1974 and Dec. 24, 1976.	Do.
Texas:					
Navarro	Corsicana, city of	480498A	Dec. 19, 1974, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, regular.	Dec. 27, 1974	Do.
Kleberg	Kingsville, City of	480424C	Feb. 26, 1971, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Feb. 26, 1971, July 1, 1974, and Dec. 10, 1976.	Do.
Utah: Davis	Farmington, city of	490044B	May 13, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	June 28, 1974 and Oct. 31, 1975.	Do.
Washington:					
Klickitat	Goldendale, city of	530101B	Aug. 5, 1974, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	May 24, 1975 and Jan. 16, 1976.	Do.
Clark	Vancouver, city of	530027B	June 2, 1972, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Aug. 2, 1974 and Nov. 14, 1975.	Do.
West Virginia: Wayne and Cabell.	Huntington, city of	540018B	Sept. 27, 1973, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	May 6, 1977	Do.
Wisconsin:					
Washington	Jackson, village of	550530C	Apr. 2, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	Dec. 28, 1973, May 21, 1976, and Mar. 30, 1979.	Do.
Monroe	Tomah, city of	550291B	May 27, 1975, emergency; Aug. 17, 1981, regular; Aug. 17, 1981, suspended.	May 31, 1974 and June 16, 1976.	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 30, 1981.

Wallace Towe,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-23197 Filed 8-10-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 85

Redesignation and Transfer of Section 504 Guidelines

Cross Reference

For a document relating to the redesignation and transfer of Section 504 handicap guidelines from Title 45 to Title 28 of the Code of Federal Regulations, published by the Department of Justice, see FR Doc. 81-23325 appearing in the Rules section of this issue. For the page number of this document, see the table of contents under the Justice Department.

FEDERAL MARITIME COMMISSION

46 CFR Part 524

[General Order 23, Revised; Docket No. 81-3]

Exemption of Certain Agreements From Requirements of Section 15, Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This exempts agreements which provide for joint cargo inspection or self-policing services, or both, from the filing and approval requirements of section 15 of the Shipping Act, 1916 (46 U.S.C. 814). This exemption will not substantially impair effective regulation, result in unjust discrimination, or be detrimental to commerce. It should encourage the use of cargo inspection services which complement self-policing and also strengthen compliance with the provisions of carrier tariffs.

EFFECTIVE DATE: September 10, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 35 of the Shipping Act, 1916 (46 U.S.C. 833a) allows the Commission to exempt any class of agreements between persons subject to the Act, where it finds that such exemption will not substantially impair effective regulation, be unjustly discriminatory, or be detrimental to commerce. Pursuant to this authority, the Commission has proposed (46 FR 5008) to amend 46 CFR 524 (Commission General Order 23) by exempting agreements which provide for joint cargo inspection or self-policing services, or both, from the filing and approval requirements of section 15 of the Act.

Comments on this proposal have been received from: (1) the U.S.-Flag Far East Discussion Agreement, (2) several North European Conferences (NEC), (3) the Inter-American Freight Conference (IAFC), (4) Sea-Land Service, Inc., (5) three Pacific conferences—the Pacific Westbound Conference, the Pacific-Straits Conference, and the Pacific/Indonesian Conference, and (6) a group of 12 other conferences and rate agreements (Group of 12).

The Pacific Conferences and the Group of 12 support the proposed rule without reservation.[1] NEC and the IAFC support the proposed rule in principle but suggest certain revisions to clarify the application of the exemption. Both would expand the proposed definition of joint cargo inspection or self-policing agreements to include a broader range of activities associated with self-policing and cargo inspection services. In addition, IAFC recommends that agreements of this type which are filed for approval be handled under delegated authority and a timetable for prompt approval be established.

While Sea-Land believes that joint self-policing/cargo inspection agreements have minimal impact, it does not support their exemption. Sea-Land urges that they continue to be filed, but that they be approved upon filing as presumptively approvable. Sea-Land also suggests that the rule be amended to specifically include within its scope agreements between independent carriers or between an independent carrier or carriers on the one hand and the members of conferences or rate agreements, on the other hand.

The U.S.-Flag Far East Discussion Agreement does not support the proposed rule. It believes that the rule would subject it to unreasonable risks of antitrust exposure because the filing option provided would rarely be exercised under the agreements to which the U.S.-flag carriers are party. This result is anticipated because the U.S.-flag carriers in the several U.S./Far East conferences are minority members, and the majority, foreign-flag members may not be that concerned about the potential application of U.S. antitrust laws and thus would not vote to file the agreements for the optional approval provided. The Commission is, therefore, urged to continue to require the filing of such agreements and adopt a simplified processing procedure so that they can be handled under delegated authority or approved by notation.

After having thoroughly reviewed the comments received, the Commission continues to believe that full section 15 regulation of these agreements serves no substantive purpose and that the proposed exemption will not significantly affect the overall design of regulation contemplated by the Shipping Act, 1916.

The comments submitted by Sea-Land and the U.S.-Flag Far East Discussion Agreement do not convince us that there is a regulatory need for continued Commission approval for all such arrangements. As mentioned before, filing of such agreements for approval will remain optional under the current rule to which this exemption will be added (46 CFR 524.7). Moreover, it is unlikely that coordinated activity under such agreements will result in violations of the antitrust laws. However, if problems arise because of the filing option, then this matter should be brought to the Commission's attention for such further action as may be necessary or warranted.

Some changes in the proposed rule are warranted, however. The exemption has been expanded to include carrier associations operating under section 15 agreements which are neither conferences nor other ratemaking bodies, and arrangements between individual carriers or an individual carrier and a carrier association. The anticompetitive effect of such agreements is equally minimal whether the signatory is an independent carrier or a member of an association of carriers approved under section 15. The final rule also clarifies the type of cargo inspection and self-policing activities which will warrant an exemption.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that the proposed rule will not, if adopted, have a significant economic impact on a substantial number of small entities. The proposed exemption will not impose any reporting or record keeping requirements which might result in a compliance or reporting burden on small entities. The exemption will primarily benefit carriers. The shipping public, some of whom undoubtedly are small entities may enjoy a secondary benefit from this exemption but it is not foreseen that this benefit will amount to a "significant economic impact," within the meaning of 5 U.S.C. 605(b).

Therefore, pursuant to 5 U.S.C. 553 and sections 15, 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a and 841a), 46 CFR 524 is amended by adding a new paragraph (c) to § 524.2, as follows:

§ 524.2 Definitions.

* * * * *

(c) A joint policing agreement is an agreement between or among:

(1) two or more individual common carriers by water,

(2) two or more associations of common carriers by water each operating pursuant to an approved section 15 agreement, or

(3) one or more individual common carriers by water and one or more such associations;

which provides that its parties may discuss and agree upon any of the

[1] The group of 12 does suggest that the rule be amended to clearly state that optional approval is available. This is unnecessary, because the rule to which this exemption would be added already provides for optional section 15 approval for exempted agreements (46 CFR 524.7).

following activities concerning cargo inspection and/or self-policing services: (i) negotiations for and employment of such services, (ii) establishment of rules and procedures relating thereto (including the collection of delinquent freight and other tariff charges), (iii) allocation of the costs of such services, and (iv) the administration and management of such arrangements.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-23344 Filed 8-10-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-33; RM-3663]

FM Broadcast Station Kingwood, W. Va.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 241A to Kingwood, West Virginia, as that community's first FM assignment, in response to a petition filed by Preston Communications.

DATE: Effective October 6, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Kingwood, West Virginia; Report and Order (Proceeding Terminated)).

Adopted: July 30, 1981.

Released: August 4, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 10772, published February 4, 1981, proposing the assignment of Channel 244A to Kingwood, West Virginia, as that community's first FM assignment, at the request of Preston Communications ("petitioner"). Supporting comments were filed by the petitioner in which it reaffirms its intent to file for the channel if assigned. No oppositions to the proposal were received. The assignment can be made in compliance with the minimum distance mileage separation requirements of § 73.207.

2. Kingwood (population 2,550), the seat of Preston County (population 25,455),[1] is located 208 kilometers (130 miles) northeast of Charleston, West Virginia. Kingwood currently has no local aural broadcast service.

3. Petitioner has submitted information with respect to Kingwood which is persuasive as to its need for a first local FM assignment.

4. We believe the public interest would be served by the assignment of Channel 244A to Kingwood, West Virginia. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local service.

5. The Canadian Government has given its concurrence to the assignment of Channel 244A to Kingwood, West Virginia.

6. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. Accordingly, it is ordered, that effective October 6, 1981, Section 73.202(b) is amended with regard to the following community:

City	Channel No.
Kingwood, W. Va.	244A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-23316 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 81-83; RM-3679]

FM Broadcast Station in Owenton, Ky.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action dismisses a request from Charles N. Cutler to assign FM Channel 288A to Owenton, Kentucky. Cutler indicates that the imposition of a site restriction renders his proposal impractical for the small market proposed to be served.

DATE: Effective October 6, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Owenton, Kentucky); Report and order (Proceeding Terminated).

Adopted: July 30, 1981.

Released: August 6, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 46 FR 13738, published Feburary 24, 1981, in response to a petition filed by Charles N. Cutler ("petitioner"), proposing the assignment of FM Channel 288A to Owenton, Kentucky,[1] as that community's first FM assignment.

2. In supplementary comments filed March 16, 1981, petitioner indicated that he is no longer interested in operating a station to serve Owenton, and requested that his proposal be dismissed, since the Commission determined in the *Notice* that the assignment of Channel 288A to Owenton would require a site restriction of 12.3 kilometers (7.7 miles) northwest of the community to avoid short-spacing to Station WMST-FM (Channel 288A) in Mt. Sterling, Kentucky. Petitioner states that the imposition of a site restriction renders his proposal impractical and too costly for the small market proposed to be served. Petitioner states that he may file for an assignment to Warsaw, Kentucky (see footnote 1), should a suitable site ever be located that could meet the Commission's mileage separation requirements.

3. In view of the above, we have concluded that it would be in the public interest to grant the requested dismissal. No other party has expressed an interest in the proposed Owenton assignment.

4. Accordingly, it is ordered, pursuant to Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, That the request

[1] Petitioner filed this request for an Owenton assignment only after it was determined that its initial community of interest, Warsaw, Kentucky, could not accommodate a suitable transmitter site to comply with the Commission's present minimum mileage separation requirements.

filed by Charles N. Cutler for dismissal of his petition is granted.

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7702.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-23315 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-429; RM-3514]

FM Broadcast Station in Ogallala, Nebr.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes Class C FM Channels 259 and 286 for Channels 224A and 228A at Ogallala, Nebraska, in response to a petition filed by Ogallala Broadcasting Co., Inc. The licenses of Stations KOGA-FM and KMCX (FM), Ogallala, are modified to specify operation on Channels 259 and 286, respectively.

DATE: Effective October 6, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ogallala, Nebraska); Report and order (Proceeding Terminated).

Adopted: July 30, 1981.

Released: August 6, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making and Order to Show Cause,* 45 FR 52845, published August 8, 1980, proposing a substitution of Channel 259 for Channel 224A in Ogallalo, Nebraska, and modification of the license of Station KOGA-FM, Ogallala, to specify operation on Channel 259 at the request of Ogallala Broadcasting Company ("petitioner"), the licensee of Station KOGA-FM. In order to avoid intermixture with the second Class A station in Ogallala, the Commission also proposed the substitution of Channel 286 for Channel 228A at Ogallala and modification of the license of Station KMCX, Ogallala, to specify operation on Channel 286. Comments in response to the *Notice* were submitted by petitioner and by Connell Radiowest, Inc. ("Connell"), the licensee of Station KMCX. Both parties filed reply comments.

2. In its comments, petitioner generally supports the proposals made in the *Notice.* However, in response to the portion of the *Notice* in which the Commission asks petitioner whether it is willing to reimburse Connell for its expenses in changing operating frequencies, petitioner states that reimbursement is inappropriate in this case. Petitioner acknowledges that when a proposal necessitates that another licensee change frequencies, reimbursement by the proponent of the proposal is generally required. According to petitioner, there is nothing in its proposal to require Station KMCX to change channels. Rather, the change in frequencies for Station KMCX was proposed by the Commission to avoid intermixture. Petitioner contends that this factor distinguishes this case from other situations in which reimbursement has been required.

3. Connell also supports the proposals presented in the *Notice* and states that it does not object to having its license modified to specify operation on the Class C channel. Connell agrees to the switch provided that petitioner be required to reimburse Station KMCX for the reasonable expenses incurred in connection with the frequency modification.

4. The bulk of both parties' reply comments addresses the question of reimbursement to Connell for changing frequencies. Petitioner states that Connell showed no interest in the proceeding from time that the original petition was filed until the *Notice* was issued. Petitioner implies that Connell should have requested a second Class C assignment in response to the petition rather than relying on the Commission to make the proposal on its own motion. Petitioner also avers that the rationale of reimbusement as set out in the *Circleville, Ohio* [1] case does not apply to this situation. Petitioner reads *Circleville* to require reimbursement when an existing station is required to change frequencies for the direct benefit of the petitioner. Here, Connell is not required to change frequencies. Rather, the Commission is allowing Connell to change frequencies merely to avoid the economic disadvantage of intermixture. In another case similar to the present situation, *Mitchell, South Dakota,* [2] reimbursement was ordered for a station which had actively participated in the entire rule making and which had only recently begun operations. Petitioner submits that the equities present in the *Circleville* and *Mitchell* cases are not present here. Petitioner states that it has already gone to considerable expense in presenting the rule making petition; to reimburse its competitor who has done nothing would be unreasonable and inequitable. Petitioner concludes that requiring reimbursement in the instant situation would have a "chilling effect" on those interested in bringing better service to the public by penalizing them with reimbursement requirements.

5. In its reply, Connell states that petitioner is seeking to evade the consequences of its own actions by opposing reimbursement. In order to survive competitively, Connell states that is has no other alternative but to acquiesce in petitioner's proposal. According to Connell, it would be entirely unfair to require it to bear the expense of a channel change which was precipitated at the urging of its competitor. Connell further argues that this case is virtually on "all fours" with the *Mitchell, South Dakota* case in that Connell has been operating KMCX for less than six months. Connell concludes that if petitioner refuses to reimburse it for its channel change, the Commission should deny all of the amendments proposed and leave the status quo undisturbed.

6. Ogallala (population 4,976),[3] seat of Keith County (population 8,487), is located in western Nebraska approximately 483 kilometers (300 miles) west of Omaha, and 322 kilometers (200) miles) northwest of Denver, Colorado. Ogallala is presently served by two Class A FM stations and one full-time AM station.

7. We have determined that the public interest would be well served by substituting the two Class C channels for the existing Class A stations at Ogallala. As stated in the *Notice,* a Class C facility at Ogallala would provide first FM service to 3,494 persons in a 2,846 square kilometer (1,099 square mile) area; a first nighttime aural service to 931 persons in a 1,484 square kilometer (573 square mile) area; and a second nighttime aural service to 2,563 persons in a 1,362 square kilometer (526 square mile) area. Likewise, a second Class C operation would provide significant second FM and nighttime

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[1] 8 F.C.C. 2d 159 (1967).

[2] 52 F.C.C. 2d 70 (1976).

[3] All population figures are taken from the 1970 U.S. Cenus.

aural service. None of the communities suffering preclusion by the proposals have objected to the assignments and it appears that alternative channels are available.[4] Therefore, we shall assign Channels 259 and 286 to Ogallala and modify the licenses of Station KOGA-FM and Station KMCX to specify operation on those channels, respectively.[5]

8. Having determined to assign the Class C channels to Ogallala and modify the licenses of the stations there, the sole remaining issue concerns the question of reimbursement. After considering the comments and reviewing Commission precedent, we believe that the reimbursement is clearly justified in this instance. Absent unusual or special circumstances, the Commission will not intermix FM stations in the same community.[6] Thus, in the present case, the addition of a second FM channel and modification of Station KMCX's license was necessary to prevent intermixture. Without the upgrading of Connell's station (or Connell's stated desire to remain on a Class A channel), we would not have granted petitioner's request for its Class C channel. Contrary to petitioner's assertions, Commission precedent supports the proposition that reimbursement is required when two Class C channels are added to a market and a Class A operation is required to change frequencies to avoid intermixture. *See, e.g., Iron Mountain, Michigan*, 46 R.R. 2d 861 (Broadcast Bureau 1979); *Ashland, Oregon*, 45 FR 23483 (NPRM, 1980). Furthermore, the fact that Connell did not participate in the proceeding, until the *Notice* was issued, in no way represents a forfeiture of Connell's right to reimbursement. Therefore, petitioner shall reimburse Connell for its expenses in changing operating frequencies. *See* also *McCook, Nebraska* (Docket 80-569). No compensation is required for the expenses necessary for Connell to expand its facilities to comply with the Commission's minimum requirements for a Class C station.

9. Accordingly, it is ordered, that effective October 6, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules is amended as follows:

City	Channel No.
Ogallala, Nebr	259, 286

10. It is further ordered, pursuant to the authority contained in § 316 of the Communications Act of 1934, as amended, that the licenses of Station KOGA-FM and Station KMCX, Ogallala, Nebraska, are modified, to specify operations on Channel 259 and Channel 286 respectively, subject to the following conditions:

(a) At least 30 days before operating on the newly specified channel, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit;

(b) At least 10 days prior to commencing operation on the newly specified channel, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license;

(c) The licensee shall not commence operation on the newly specified channel without prior Commission authorization; and,

(d) Nothing contained herein shall be construed to authorize a major change in transmitter location or the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's rules.

11. Authority for the action taken herein is found in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

12. It is further ordered, that the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Order* to Ogallala Broadcasting Co., Inc., P.O. Box 509, Ogallala, NE 69153 and to Connell Radiowest, Inc., c/o John L. Tierney, Suite 304, 1925 K Street, N.W., Washington, D.C. 20006.

13. It is further ordered, that this proceeding is terminated.

14. For further information, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-23314 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

[4] We requested the proponent of the second assignment to submit a preclusion study for that channel. However, each party assumed that the other was the proponent. In view of our imprecise language and the apparent lack of significant preclusion, we shall overlook the parties' failure to submit the requested study.

[5] Because no other party expressed an interest in the Class C channels at Ogallala, we may modify the licenses without requiring the parties to submit applications for the channels. *See, Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

[6] Intermixture has been permitted when a Class C assignment provides a substantial amount of first and second service. *Fayetteville, Arkansas*, 43 R.R. 2d 1345 (1978), or when an existing Class A licensee cannot be upgraded to Class C status due to multiple ownership considerations, *Lewiston, Idaho*, 46 R.R. 2d 1525 (1980).

47 CFR Part 73

[BC Docket No. 81-30; RM-3701]

FM Broadcast Station in Carthage, N.Y.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 276A to Carthage, New York, as that community's first FM assignment in response to a petition filed by Inter-County Broadcasting Corporation.

DATE: Effective October 6, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b) FM Table of Assignments, FM Broadcast Stations. (Carthage, New York); Report and order (Proceeding Terminated).

Adopted: July 30, 1981.

Released: August 4, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 13782, published February 4, 1981, proposing the assignment of FM Channel 276A to Carthage, New York, as that community's first FM assignment at the request of Inter-County Broadcasting Corporation. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No comments opposing the proposal were received. The assignment can be made in compliance with the applicable minimum distance mileage separation requirements.

2. Carthage (population 3,999) [1] is located in Jefferson County (population 88,508) approximately 384 kilometers (240 miles) north of New York, New York. Carthage currently has no local aural service.

3. Petitioner has submitted information that suggests that the community of Carthage would benefit

[1] Population figures are taken from the 1970 U.S. Census.

from the assignment of a first FM channel.

4. We believe the public interest would be served by the assignment of Channel 276A to Carthage, New York. The petitioner has shown interest in its use, and such an assignment would provide Carthage with a first FM station.

5. The Canadian Government has given its approval to the assignment of Channel 276A to Carthage, New York.

6. Authority for the adoption of the amendment herein is contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. Accordingly, it is ordered, that effective October 6, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community.

City	Channel No.
Carthage, N.Y	276A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-23313 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

High Seas Salmon Fishery

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

ACTION: Extension of emergency interim rule.

SUMMARY: This notice extends the emergency interim rule implementing Amendment No. 2 to the fishery management plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175 Degrees East Longitude through September 24, 1981. The Assistant Administrator for Fisheries, NOAA, has determined that the emergency situations stated in the original announcement of the emergency interim rule (46 FR 33041) continue to exist and that an extension for 45 days is necessary.

EFFECTIVE DATE: The emergency interim rule is extended from August 11, 1981, through September 24, 1981.

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

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Regional Coordinator for Salmon), 907-586-7229.

SUPPLEMENTARY INFORMATION: On July 26, 1981, an emergency interim rule implementing Amendment No. 2 to the Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175 Degrees East Longitude (FMP) was published in the **Federal Register** (46 FR 33041) with a request for public comments to be submitted in writing by August 10, 1981. The emergency interim rule will expire on August 10, 1981, and is hereby extended effective August 11, 1981, in order to provide time to evaluate public comments and prepare a final rule implementing the FMP.

It has been determined that the emergency, as described at 46 FR 33042, continues to exist. Failure to extend the emergency interim rule would disrupt current management of the fishery and could cause irreparable economic damage in the future to the Southeast Alaska fishing community and biological harm to Pacific salmon resources. Continuity of this rule is necessary to achieve the chinook and coho salmon optimum yields as mandated by National Standard One of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Under authority of Section 305(e) of the Magnuson Act, an emergency rule may be repromulgated for an additional 45 days. For the reasons set forth above and in the notice of June 26, 1981, it is determined that this rule should continue in force for an additional 45-day period or until replaced by a final rule whichever occurs first.

(16 U.S.C. 1801 *et seq.*)

Dated: August 6, 1981.

E. Craig Felber

Acting Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-23330 Filed 8-10-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 154
Tuesday, August 11, 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.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

[Public Comment No. 2]

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This rule would distinguish the penalties the Board may impose for Hatch Act violations under 5 U.S.C. 7325 from the range of penalties available to the Board in other disciplinary actions under 5 U.S.C. 1207(b)

DATE: Comment date: September 10, 1981.

ADDRESS: Comments should be submitted in writing indicating the above-referenced public comment number to the Office of the Secretary, Room 220, Merit Systems Protecton Board, 1717 H Street, N.W. Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: Jane M. Edmisten, (202) 653-7162.

SUPPLEMENTARY INFORMATION: The Merit Systems Protecton Board is authorized under 5 U.S.C. 7325 to impose disciplinary penalties upon employees who engage in political activities prohibited by the Hatch Act, 5 U.S.C. 7324 *et seq.* The Act's penalty provision, 5 U.S.C. 7325, provides:

An employee or individual who violates section 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit Systems Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days suspension without pay shall be imposed by direction of the Board.

The Board's current regulations at section 1201.126(c) authorize the Board to impose in Hatch Act cases the range of penalties applicable to disciplinary actions prescribed by 5 U.S.C. 1207. Under section 1207(b) the Board may order against any employee, against whom the Special Counsel has presented a complaint under section 1206(g), disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed $1,000. Under section 7325, however, as provided above, the Board is required to remove an employee or individual found to have violated the Hatch Act unless it determines that a lesser penalty of not less than a 30-day suspension without pay is appropriate.

Since the penalties prescribed under section 7325 for Hatch Act violations have not been modified by Congress since 1962, the Board has concluded that Congress, in enacting the Civil Service Reform Act, did not intend to alter that scheme by providing in 5 U.S.C. 1206 (d)(1)(A) and (g) for Special Counsel prosecution of Hatch Act cases or by specifying in 5 U.S.C. 1207(a) the procedural rights of employees charged with Hatch Act violations or other prohibited activities. There is no indication that the broader range of penalties the Board may impose under section 1207(b) in employee discipline cases generally was meant to override the long-standing, specific penalties provided for in section 7325.

Therefore, this proposed rule would amend 5 CFR 1201.126 by distinguishing the penalties the Board may impose for Hatch Act violations under 5 U.S.C. 7325 from the range of penalties available to the Board in other disciplinary actions under 5 U.S.C. 1207(b). It would delete from § 1201.126(c) its reference to enforcement actions under the Hatch Act, 5 U.S.C. 7324. A new paragraph (f) would specify the penalties the Board may impose in accordance with 5 U.S.C. 7325.

Regulatory Flexibility Act

The Vice Chair, Merit Systems Protection Board, certifies that the Board is not required to prepare an initial or final regulatory analysis of this proposed rule, pursuant to section 603 or 604 of the Regulatory Flexibility Act, because of her determination that this rule would not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Accordingly, MSPB proposes to amend 5 CFR 1201.126 by revising paragraphs (c) and (e) and by adding paragraph (f). As revised, 5 CFR 1201.126 would read as follows:

§ 1201.126 Final orders of the Board.

(a) In any action seeking correction of a prohibited personnel practice, the Board may order such corrective actions as it considers appropriate after providing an opportunity for comment by the agency and OPM (5 U.S.C. 1206(c)(1)(B)).

(b) In any action seeking correction of a pattern of prohibited personnel practices not otherwise appealable to the Board, the Board may order an agency or employee to take whatever measures the Board may determine to be necessary or appropriate (5 U.S.C. 1206(h)).

(c) In any action to discipline an employee except as provided in paragraphs (e) and (f), the Board may order a removal, reduction in grade, debarment (not to exceed five years), suspension, reprimand, or an assessment of civil penalty not to exceed $1,000 (5 U.S.C. 1207).

(d) In any action seeking the withholding of Federal funds under 5 U.S.C. 1506(a)(2) in which a State or local employee has engaged in prohibited political activities, the Board may order the Federal agency administering loans or grants to a State or local agency that reappoints the offending employee within a period of 18 months to withhold a sum not to exceed two years' pay of the offending employee at the rate he/she was receiving at the time of the violation.

(e) In any action to discipline an employee under the Federal Employees Flexible and Compressed Work Schedule Act, 5 U.S.C. 6101 Note, a final order of the Board may impose disciplinary action consisting of:

(1) Removal from Federal employment for any period of time the Board may prescribe;

(2) Suspension; or

(3) Such other discipline as the Board shall deem appropriate.

(f) In any action to discipline an employee for violation of 5 U.S.C. 7324, the Board shall order the employee's removal, unless it finds by unanimous vote that the violation does not warrant removal and imposes instead a penalty of not less than 30 days suspension without pay.

Dated: July 30, 1981.

Merit Systems Protection Board.

Ersa H. Poston,

Vice Chair.

[FR Doc. 81-23335 Filed 8-10-81; 8:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1079

Milk in the Iowa Marketing Area; Temporary Revision of Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revision of rule.

SUMMARY: This notice invites written comments on a proposal that the supply plant shipping requirements under the Iowa order be decreased temporarily for the months of September, October, and November 1981. This action was requested by a pool supply plant handler who ships milk to several distributing plants regulated under the order.

DATE: Comments are due on or before August 18, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the potential need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the procedure in time to give interested parties timely notice that supply plant shipping requirements for September 1981 would be modified. The initial request for the action was received on July 30, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure that the market would be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1079.7(b)(1) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Iowa marketing area is being considered for the months of September, October and November 1981.

All persons who desire to submit written data, views or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 not later than 7 days after publication in the **Federal Register.** Please submit two copies of the documents filed. The period for filing views is being somewhat limited to enable the timely consideration of the matter since the proposed action would be applicable to milk shipments made during September. Further, the proposed change provides some reduction of pooling standards and will not require extensive preparation or substantial alteration in the method of operation for handlers.

All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are the supply plant shipping percentages set forth in § 1079.7(b) that are applicable during the months of September, October, and November 1981. It has been requested that they be temporarily reduced 10 percentage points from the present 35 percent to 25 percent during each respective month.

Pursuant to the provisions of § 1079.7(b)(1) the supply plant shipping percentages set forth in § 1079.7(b) may be increased or decreased by up to 10 percentage points during any month to encourage additional milk shipments to pool distributing plants or to remove the need for milk shipments to such plants merely to qualify a supply plant under the order.

The handler requesting the temporary revision indicated that with the increase in milk production for the market, there will be more than an adequate supply of milk for Class I use. In the handler's view, if the shipping percentage is not reduced, he will be forced to haul milk to pool distributing plants, unload it, then reload the milk and haul it back to his supply plant. The proposed reduction in shipping percentages may prevent uneconomic movement of milk merely for purposes of pool plant qualification.

Producer milk receipts in the Iowa market during January through June 1981 were about 17.1 percent over such receipts a year ago, while Class I sales were up about 5.8 percent. With increased mik supplies for the market that are not matched by greater Class I sales, a lesser percentage of supply plant milk may be needed to meet the fluid requirements of distributing plants. Accordingly, it may be appropriate to reduce the pool supply plant shipping percentages for the months of September, October and November 1981.

Signed at Washington, D.C. on August 6, 1981.

H. L. Forest,

Director, Dairy Division.

[FR Doc. 81-23331 Filed 8-10-81; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 221 and 250

[Economic Regulation Docket Nos. 38348, 38021]

Elimination of Rules Tariffs; Notice to Passengers of Conditions of Carriage for Tariffs; Oversales

Dated: August 6, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The CAB is extending for 2 days the comment period in its rulemaking proceeding to eliminate domestic rules tariffs and most Board-prescribed notices to passengers in domestic and foreign air transportation. The extension is at the request of the American Society of Travel Agents. The Board is denying the International Air Transport Association's request for a 90-day extension.

DATES: Comments by August 26, 1981. Reply Comments by September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Rules and Legislation, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In EDR-404B, 46 FR 35936, July 13, 1981, the Board proposed to eliminate passenger rules tariffs in interstate and overseas air transportation and to eliminate most of the Board-prescribed notices to passengers in domestic and foreign air transportation.

On July 31, 1981, the American Society of Travel Agents (ASTA) asked that the date for filing initial comments be extended from August 24 to August 26, 1981. ASTA made the request in order to permit the simultaneous filing and service of comments in EDR-404B and EDR-429, which also involves tariff issues. ASTA suggested that the current comment schedule would require separate filings and separate service of such filings, and that it would deprive ASTA of several days necessary to prepare comments that are allotted in the EDR-429 schedule. There have been no previous extensions granted in this proceeding. Because the current schedule may cause unnecessary practical problems for some commenters and the requested extension is brief, ASTA's petition is granted.

Also on July 31, 1981, the International Air Transport Association (IATA) requested a 90-day extension of the comment period. It stated that because of mail stoppage in Canada and the resultant overburdening of private courier services, it did not receive a copy of EDR-404B until July 31, 1981. IATA claimed that it could not circulate the notice of proposed rulemaking, receive carrier comments, and make a meaningful presentation to the Board by August 24.

The Board proposed these changes in passenger information systems at this time so that we can observe the operation of the altered system, if adopted, for a significant interval before the changes scheduled by statute take place. It is therefore important to adhere to the established schedule unless very weighty reasons are presented to the contrary. The rulemaking does not propose any significant changes in foreign air transportation. IATA's New York and Montreal office, as well as many IATA members, were served on July 13, 1981, becase they were already on the service list for Dockets 38348 and 38021. In a proceeding where time is of the essence, the Board does not consider the internal communication problems of one association necessarily to be of decisive importance, especially where many of the individual member carriers received timely direct notice. In any event, reply comments are not due until September 14, 1981, and any interested person may fully utilize that period to submit original documents if they wish. The Board will, moreover, consider any comments filed after September 14, 1981 to the extent practicable. The IATA request for extension is therefore denied.

Accordingly, good cause is found to extend the time for preparation of initial comments for 2 days. Under authority delegated by the Board in 14 CFR 385.20(d), the time for filing initial comments is extended to August 26, 1981.

(Secs. 204, 403, 411, and 1002 of Pub. L. 85-726, as amended; 72 Stat. 743, 758, 769, 788; 49 U.S.C. 1324, 1373, 1381, 1482)

By the Civil Aeronautics Board.

Richard B. Dyson,

Associate General Counsel, Rules and Legislation.

[FR Doc. 81-23333 Filed 8-10-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF LABOR

Occupational Safety And Health Administration

29 CFR Part 1910

[Docket No. H-049A]

Occupational Exposure to Lead; Quantitative Fit Testing Provision; Notice of Hearing

AGENCY: Occupational Safety And Health Administration (OSHA), Labor.

ACTION: Proposed rule; notice of hearing.

SUMMARY: On May 19, 1981 (46 FR 27358), OSHA issued a notice of proposed rulemaking for an interim rule to permit the use of specified forms of qualitative fit testing to determine the adequacy of negative pressure respirators under the occupational health standard regulating exposure to lead, 29 CFR 1910.1025 (f)(3)(ii). On July 10, 1981 (46 FR 35683), OSHA extended the comment period to Aug. 4, 1981. By this notice, an informal public hearing is announced.

DATES: The hearing will begin at 9:30 a.m. on September 22, 1981 and may be continued, convening at the same time, on September 23, 24, 25. Notices of intent to appear and written testimony must be received by September 11, 1981.

ADDRESSES: The hearing will begin at 9:30 a.m. at the auditorium of the Frances Perkins Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C.

Notices of intent to appear and written testimony should be sent to Mr. Thomas Hall, Division of Consumer Affairs, Room N-3635, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone 202-523-8024.

Notices of intent to appear and testimony and exhibits submitted to the Consumer Affairs Office, as well as all material in the record, will be available for inspection and copying at the OSHA Docket Office, Docket H-049A, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone 202-523-7894.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Tipton, Room N3718, OSHA, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone 202-523-7174.

SUPPLEMENTARY INFORMATION: On May 19, 1981 (46 FR 27358), OSHA issued a notice of proposed rulemaking for an interim rule to permit the use of specified forms of qualitative fit testing (QLFT) to determine the adequacy of the fit of negative pressure respirators under the occupational health standard regulating exposure to lead. The standard now requires that quantitative fit testing (QNFT) be performed for such respirators, 29 CFR 1910.1025 (f)(3)((ii). On July 10, 1981, (46 FR 35683) OSHA extended the comment period to Aug. 4, 1981. OSHA has received several requests for a hearing on the interim rule and the agency believes a hearing will provide a useful forum to examine recent data related to this proposal and to hear opposing views on the complex issues involved. Therefore an informal public hearing under section 6 (b)(3) of the Occupational Safety and Health Act of 1970 is hereby announced for September 22, 1981 to be held at the auditorium of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. for the purpose of receiving testimony and documentation relating to all issues relevant to the proposed rule.

The hearing is scheduled to begin on September 22, 1981. It may continue on September 23, 24, 25 if sufficient interest warrants, as demonstrated by the notices of intent to appear.

OSHA encourages all interested parties to refer to the original notice of May 19, 1981 (46 FR 27358), for a complete discussion of the issues involved. To facilitate preparation of testimony, the questions included in that notice are repeated below:

1. Will the implementation of these (the 3M and DuPont) protcols for QLFT

in lieu of QNFT in the lead industries provide less, more, or the same assurance of employee health protection as QNFT? Provide data and rationale to the extent possible.

2. How likely is it that the use of such QLFT protocols will result in the assignment of an inadequate respirator?

3. Are these improved QLFT protocols sufficiently precise to assure that the protection factors of assigned respirators will be in excess of the cut-off points assumed by the protocols?

4. will the designed cut-off point assure that the in-use protection factors of assigned respirators are at least 10 for half mask facepieces and at least 50 for full facepiece respirators, as required by the lead standard?

5. Is the validation data now available on each of these improved QLFT protocols sufficient to establish that each protocol reliably distinguishes acceptable from unacceptable respirator fits?

6. Should the interim rule permit other protocols to be used that are deemed equivalent to the methods specified in the proposal by (a) the employer, (b) OSHA, (c) other specified organizations?

7. In view of the fact that concern has been raised about the use of DEHP in QNFT because of an NCI study that showed DEHP to be a potential carcinogen, is it advisable to employ saccharin in a subsitute test method? What is the comparative health hazard posed by these agents? (OSHA will provide for the record the information on the probable exposure levels of the two agents.) (See exh. 4.)

8. What reasons are there to support the position that QNFT should not, or need not, be used for respirator fit testing under the lead standard?

9. What reasons are there against such a position?

10. One of the major benefits of QNFT is the ability to select the best fitting facepiece. Can the improved QLFT also provide this capability?

11. Should the protocols specify a particular number of models (of respirators) from which employee may choose? If so, how many?

In addition the following questions should be considered.

1. Some commenters (e.g. Armco, exh 6-37, and ASARCO, exh 6-49) have suggested using a QLFT protocol employing irritant smoke as the test agent.

a. Should a protocol be used that relies on irritant smoke?

b. Is the irritant smoke an appropriate and effective test agent for particulate filter respirators?

c. Is the irritant smoke introduced in a high enough concentration to avoid the necessity of specifically performing a sensitivity check and still provide an apparent protection factor of at least 100?

d. Should test subjects be screened to ensure responsiveness to the irritant smoke?

e. What means or methods can be used to generate relatively stable and repeatable concentrations of the irritant smoke?

2. The DuPont and 3M protocols were included in the May 19 notice only as examples of the possible contents of a modified rule and to help focus comments.

a. Are there any modifications to these protocols that would improve performance or streamline the procedure without sacrifice of performance?

b. Are there any other QLFT protocols that OSHA should consider, either in addition to or instead of these two, for inclusion in an interim rule?

3. What are the net costs in time and expenses in performing each of these protocols (3M, DuPont, or others) per employee tested, per company, and for all those subject to paragraph (f)(3)(ii) of the lead standard?

4. Should OSHA consider adopting the recommendation of ANSI-Z88.2-1980, that higher protection factors than those reflected in the respirator table of the lead standard may be assumed when respirator fitting and selection is performed using QNFT? What data support ANSI's recommendation?

5. To what extent should the content of any interim rule allowing QLFT be affected by paragraph (f)(3)(ii) of the lead standard which states: "The employer shall assure that the respirator isued to the employee exhibits *minimum facepiece leakage* and that the respirator is fitted properly" (Italics added)?

Notice of Intent to Appear

Persons desiring to participate at the hearing, including those who previously requested that a public hearing be held, must file a notice of intent to appear, which must be received by September 11, 1981, with Tom Hall, OSHA Division of Consumer Affairs, Room N3635, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone 202-523-8024.

The notices of intent to appear must contain the following information:

1. The name, address, and telephone number of each person to appear;

2. The capacity in which the person will appear;

3. The approximate amount of time required for the presentation;

4. The specific issues that will be addressed;

5. A detailed statement of the position that will be taken with respect to each issue addressed; and

6. Whether the party intends to submit documentary evidence, and if so, a detailed summary of the evidence.

Filing of Testimony and Evidence Before Hearing

Any party requesting more than 15 minutes for presentation at the hearing must provide in quadruplicate the complete text of its testimony, including all documentary evidence to be presented at the hearing, to the OSHA Division of Consumer Affairs. All materials submitted will be available for inspection and copying in the OSHA Docket Office, Docket H-049A, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone 202-523-7894. This material must be received by September 11, 1981.

Each submission will be reviewed in light of the amount of time requested in the notice of intent to appear. In instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with the above requirement may be limited to a 15 minute presentation or may be requested to return for questioning. Any party who has not filed a notice of intent to appear may be allowed to testify, as time permits, at the discretion of the Administrative Law Judge.

Conduct of the Hearing

The hearing will commence at 9:30 a.m. on September 22, 1981 with the resolution of any procedural matters relating to the preceeding.The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary or appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911, including the powers:

1. To regulate the course of the proceedings;

2. To dispose of procedural requests, objections, and comparable matters;

3. To confine the presentation to matters pertinent to the proposed interim rule;

4. To regulate the conduct of those present at the hearing by appropriate means;

5. In the Judge's discretion, to question and permit questioning of any witness; and

6. In the Judge's discretion, to keep the record open for a reasonable stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health. The proposed interim rule on the use of qualitative fit testing will be reviewed in light of all testimony, written submissions, and other material in the record and a determination will be made whether and how to amend the standard.

Signed at Washington, D.C., this 7th day of August 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-23437 Filed 8-10-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Ch. II

Arctic National Wildlife Refuge Oil and Gas Exploration; Correction and Additional Information

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of Intent to Propose Rulemaking, Prepare an Environmental Impact Statement (EIS), and Notice of Public Meetings; Correction

SUMMARY: This document corrects meeting dates and adds meeting times and places to a Notice of Intent to Propose Rulemaking, Prepare an Environmental Impact Statement, and Notice of Public meetings concerning oil and gas exploration within the Coastal Plain of the Arctic National Wildlife Refuge, which was published July 14, 1981 (46 FR 36212). The corrected time changes were made at the request of village officials.

FOR FURTHER INFORMATION CONTACT: John Haugh (703) 860-7531 or FTS 928-7531; Joe Dygas (907) 271-4356; or Gerald Gardner (907) 452-1951.

In FR Doc. 81-20527, make the following changes in the "Dates" section and the "Addresses" section respectively:

In column two of the original document (46 FR 36212), the meeting date for Kaktovik, Alaska, was shown as August 19, 1981. This meeting date is corrected to read August 18, 1981.

Also in column two of the original document (46 FR 36212), the meeting date for Barrow, Alaska, was shown as August 20-27, 1981. This meeting date is corrected to read August 24, 1981.

The last sentence under the heading "Public Meeting Locations" in column two of the original document (46 FR 36212) reads as follows: "Additional public meetings are scheduled to be conducted at Kaktovik on August 19, 1981, at a location and time to be announced later and at Arctic Village and Barrow from August 20 to August 27, 1981." This sentence is corrected to read as follows: Additional public meetings are scheduled to be conducted on August 18, 1981, at Kaktovik in the Community Building at 7 p.m.; on August 24, 1981, at Barrow in the North Slope Borough Assembly Room at 8 p.m.; and on August 20 to August 27, 1981, at Arctic Village at an address and hour to be announced later.

Dated: August 3, 1981.

Gary W. Horton,

Acting Deputy Division Chief, Onshore Minerals Regulation.

[FR Doc. 81-23272 Filed 8-10-81; 8:45 am]

BILLING CODE 4310-31-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 730, 731 and 732

Permanent Regulatory Programs for Non-Federal and Non-Indian Lands

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

ACTION: Extension of public comment period.

SUMMARY: OSM is extending the period for review and comment on proposed rules that would amend 30 CFR 730.5, 731.13 and 732.15 to give the States more flexibility in the development, issuance and enforcement of regulations for surface coal mining and reclamation operations within their borders.

DATE: Written comments must be received by August 12, 1981, not later than 5:00 p.m. at the address below.

ADDRESS: Written comments must be mailed or hand-delivered to: Administrative Record, Office of Surface Mining, Room 153, South Interior Building, 1951 Constitution Avenue N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, Room 130, South Interior Building, 1951 Constitution Avenue N.W., Washington, D.C. 20240, Telephone (202) 343-4225.

SUPPLEMENTARY INFORMATION: On July 1, 1981, at 46 FR 34348-34351, the Deputy Assistant Secretary for Energy and Minerals, U.S. Department of the Interior, published proposed rules to amend 30 CFR 730, 731 and 732 to give States more flexibility in the development, issuance and enforcement of regulations for surface coal mining and reclamation operations within their borders. The notice established a public comment period which was to close at 5:00 p.m. on July 31, 1981. Since this publication, OSM has been advised by the House Committee on Interior and Insular Affairs that the Subcommittee on Energy and Environment intends to include discussion of the proposed rule on the agenda of the Committee's oversight hearings scheduled for August 5 and 6, 1981. In order to accomodate the request of the Subcommittee's Chairman for such discussion without violating standards regarding ex parte communications, the Secretary of the Interior has directed OSM to extend the comment period until 5:00 p.m. on August 12, 1981. All written comments received, transcripts of the public hearing held on July 28, 1981, and notes from the House Committee's discussions of the proposed rule will be made available for public review during regular business hours at the above address.

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

Dated: August 6, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

[FR Doc. 81-23324 Filed 8-10-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 221

Timber Management Planning

AGENCY: USDA, Forest Service.

ACTION: Proposed rule.

SUMMARY: The Forest Service proposes to amend 36 CFR 221 to state that timber management planning regulations apply to Timber Management plans developed prior to September 1979. These regulations will be in effect until these

plans are updated in accordance with new land management planning regulations found in 36 CFR 219.

DATE: Comments must be received by October 13, 1981.

ADDRESS: Send comments to: R. Max Peterson, Chief, Forest Service, USDA (2400), P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Robert C. Van Aken, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, Telephone: (202) 447-8716.

SUPPLEMENTARY INFORMATION: The Forest Service listed 36 CFR 221 for regulatory review on the semiannual agenda published in **Federal Register**, Volume 45, Number 96, page 32215, of May 15, 1980. An environmental assessment was prepared; comments received were related to how these regulations should be handled—whether they should be abolished, amended, or kept intact. There were four responses. Two recommended major revision of Part 221 to explain the interrelationship with land management planning. One recommended a revision to point out that timber management planning is a part of integrated forest planning and that it may be appropriate to drop Part 221 at this time. One respondent felt that it should be retained intact.

The Assistant Secretary for Natural Resources and Environment has determined that this proposed rule is not a major rule or regulation as defined in Executive Order 12291. Specifically, the change would have an impact on the economy of less than $100 million; no increase in cost or prices for consumers, individual industries, Federal, state, or local government agencies of geographic regions; any adverse effect on competition, employment, investment productivity, innovation or the ability of United States-based enterprise to compete with foreign-based enterprises in domestic or export based markets would not be significant. Therefore, this proposed rule is not subject to the regulatory impact analysis requirements of Executive Order 12291.

It has been determined that this action will not have a significant economic impact on a substantial number of small entities because direct and indirect costs of compliance with the rule will not impact small entities and direct and indirect costs of completing paperwork or records will not impact small entities. The proposed rule will not affect the competitive position of small entities in relation to large entities and will not affect small entity's cash flow and liquidity. The proposed rule will not require the small entity to have professional assistance to meet regulatory requirements.

It is hereby determined that the publication of this proposed reduction is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102.2(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(c)) is not required.

Therefore, it is proposed to amend 36 CFR 221.3 by adding paragraph (c) to read as follows:

§ 221.3 Disposal of national forest timber according to management plans.

* * * * *

(c) This part applies to timber planning begun prior to September 17, 1979. Planning for the timber resource begun on or after September 17, 1979, will be performed in accordance with the direction in Part 219.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources & Environment.

August 5, 1981.

[FR Doc. 81-23356 Filed 8-11-81; 8:45 am]

BILLING CODE 3410-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 80-286; FCC 81-345]

Federal-State Joint Board; Order Appointing New Member

AGENCY: Federal Communications Commission.

ACTION: Order appointing new member to Joint Board.

SUMMARY: Chairman Mark S. Fowler, is appointed as a member and Chairman of The Joint Board in this proceeding to fill the vacancy created by the retirement of Chairman Robert E. Lee.

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

FOR FURTHER INFORMATION CONTACT: Albert Halprin, Policy and Program Planning Division, Common Carrier Bureau, Room 544 (202-632-9342).

In the matter of amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, Docket No. CC 80-286, FCC 81-345.

Order.

Adopted: July 29, 1981.

Released: July 31, 1981.

By the Commission.

1. Commissioner Robert E. Lee, who previously had served as Chairman of the Commission and of the Federal-State Joint Board in CC Docket No. 80-286 (45 FR 41459; June 19, 1980), retired from the Federal Communication Commission on June 30, 1981. This created a vacancy on this Federal-State Joint Board. Mark S. Fowler, who has succeeded Robert E. Lee as Chairman of the FCC, is hereby appointed a Member and Chairman of the Joint Board to fill this vacancy.

2. Accordingly, it is ordered that Chairman Mark S. Fowler is appointed as a member of the Federal-State Joint Board convened in CC Docket No. 80-286.

3. It is further ordered, That pursuant to Section 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 410(c), Chairman Mark S. Fowler SHALL serve as Chairman of the Federal-State Joint Board.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-23312 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-488; RM-3903]

TV Broadcast Station in Fort Walton Beach, Fla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute UHF Television Channel 53 for Channel 52 in Fort Walton Beach, Florida, in response to a petition filed by Fort Walton Beach Broadcasting Corporation. The substitution could permit flexibility in site selection consistent with air safety requirements.

DATES: Comments must be filed on or before October 5, 1981, and reply comments on or before October 26, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Fort Walton Beach, Florida); Notice of proposed rule making.

Adopted: July 28, 1981.

Released: August 4, 1981.

By the Chief, Policy and Rules Division.

1. A petition for rule making [1] with a request for expedited action was filed by Fort Walton Beach Broadcasting Corporation ("petitioner"), proposing the substitution of UHF television Channel 53 for Channel 52 at Fort Walton Beach, Florida.

2. This Notice stems from a Report and Order released February 10, 1981, 46 FR 13722, published February 24, 1981, in BC Docket No. 80-519 (RM-3642), wherein the Commission assigned Channel 52+ to Fort Walton Beach, in response to a petition for rule making filed by the petitioner herein. Petitioner initially requested that Channel 50 be substituted for Channel 35 at Fort Walton Beach because of limitations caused by close mileage separation tolerances and air hazard considerations due primarily to the proximity of Eglin Air Force Base. After receiving opposing comments, the Commission determined that Channel 35 would remain assigned to Fort Walton Beach. Since Channels 35 and 50 could not both be assigned to that community due to the minimum distance separation requirement of 75 miles for UHF assignments 15 channels apart, petitioner had to select an alternate channel. It was then advised by its consulting engineer that any channels between 52-56 could be utilized as a suitable selection in terms of affording site flexibility. The Commission selected Channel 52 and assigned it as indicated above.

3. Petitioner advises that Channel 52 has proved to be unsatisfactory in terms of locating a suitable transmitter site. An engineering study indicates that such assignment requires the imposition of a minumum mileage separation from an unused allocation on Channel 44 in Pensacola, Florida, and such restriction would present substantially the same impediment as did the Channel 35 restriction. Further, it advises that the substitution of Channel 53 for Channel 52 would permit the desired flexibility in site selection consistent with the air safety requirements which was its original intent. Finally, it states that if Channel 53 is assigned as proposed, it will apply for a construction permit to build and operate a station on that channel.

4. In view of the foregoing, the Commission believes that consideration of the proposed channel substitution would be in the public interest. There would be greater site selection flexibility for a Channel 53 assignment than there currently is for the Channel 52 assignment. Channel 53 may be assigned in compliance with the minimum distance separation requirements.

5. Accordingly, we propose to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as it pertains to Fort Walton Beach, Florida, as follows:

City	Channel No.	
	Present	Proposed
Fort Walton Beach, Fla	35, 52+	35, 53

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before October 5, 1981, and reply comments on or before October 26, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitoner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed.

[1] Public Notice of the petition was given June 4, 1981, Report No. 1290.

Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or othe documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-23319 Filed 8-10-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-492; RM-3802]

FM Broadcast Station in Vernal, Utah; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 290 to Vernal, Utah, in lieu of Channel 224A and modify the license accordingly, in response to a petition filed by KYEL, Inc. This assignment would provide substantial first and second FM service.

DATE: Comments October 6, 1981 and Reply Comments October 26, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Vernal, Utah); Notice of proposed rule making.

Adopted: July 30, 1981.

Released: August 4, 1981.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by KVEL, Inc., licensee of FM Station KUIN and AM Station KVEL, Vernal, Utah, proposing the substitution of Class C Channel 290 for Channel 224A in Vernal and modifying its license for Channel 224A to specify Channel 290.

(b) The proposed channel can be assigned to Vernal in compliance with the minimum distance separation requirements.

2. *Demographic Data:*

(a) *Location:* Vernal, the seat of Uintah County, is located approximately 200 kilometers (125 miles) east of Salt Lake City, Utah.

(b) *Population:* Vernal—3,655; Uintah County 12,684 [2]

(c) *Local Aural Broadcast Service:* Vernal is presently served by Class A FM Station KUIN, AM Station KVEL (both licensed to petitioner), and noncommercial FM Station KUIB.

3. *Economic Considerations:* According to the petitioner, Vernal's population, in 1978, was 7,000 The area's economy is supported primarily by oil and natural gas production. Petitioner claims that with future developments in shale oil production, Vernal and Uintah County will become a populous and economically important area of Utah.

4. Petitioner demonstrated that the assignment of Channel 290 would provide a first FM service to 8,980 square kilometers (3,508 square miles) and a second FM service to a 217 square kilometer (85 square mile) area. Thus, petitioner believes that due to its location in northeastern Utah, and the lack of service in this area, a Class C assignment in Vernal is needed.

5. *Preclusion Study:* The assignment of Channel 290 to Vernal would cause preclusion on Channel 288A within 65 miles, 289 within 150 miles, Channel 288A within 65 miles, 289 within 150 miles, Channel 290 within 180 miles, Channel 291 within 150 miles, Channel 292A within 65 miles, and Channel 293 within 65 miles. Eight communities with populations greater than 2,000 would sustain preclusion on one or more of these channels. Of these eight, six have existing FM assignments.

6. In another proceeding, Channel 290 was one of three channels proposed for assignment to Tremonton, Utah (Docket 80-512). That assignment would have conflicted with the spacing requirements to a Channel 290 assignment to Vernal. However, there are other Class C channels available for Tremonton, Utah, and we shall coordinate these proceedings to avoid a conflict.

7. At the present time, no other person has expressed an interest in the proposed assignment at Vernal. Therefore, we are proposing to modify the license of Station KUIN to specify operation on Channel 290. *See, Cheyenne, Wyoming,* 62 F.C.C. 2d 63 (1976).

8. An *Order to Show Cause* to the petitioner is not necessary since consent to modification of its license is indicated by its request for a Class C channel.

9. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission Rules as to Vernal, Utah, as follows:

City	Channel No. Present	Channel No. Proposed
Vernal, Utah	224A	290

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

11. Interested parties may file comments on or before October 6, 1981, and reply comments on or before October 26, 1981.

12. For further information concerning the proceeding, contact Mark N. Lipp, Broadcast Bureau (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued, until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule other than comments officially filed at the Commission or oral presentation required by the Commission.

13. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend. Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 Fed. Reg., published February 9, 1981.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS

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[1] *Public Notice* of the petition was given on December 5, 1980, Report No 1261.

[2] Population figures are taken from the 1970 U.S. Census.

PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Comission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-23318 Filed 8-10-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-489; RM-3814]

TV Broadcast Station in Houston, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes two optional assignment plans regarding dereservation of Channel *14 in Houston, Texas, and substitution of Channel 61 therefore, in response to a petition filed by The K-RAM Corporation. The proposal could provide Houston with a seventh commercial television allocation.

DATE: Comments must be filed on or before October 5, 1981, and reply comments on or before October 26, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Houston, Texas); Notice of proposed rule making.

Adopted: July 28, 1981.

Released: August 6, 1981.

By the Chief, Policy and Rules Division:

1. A petition for rule making [1] was filed by The K-RAM Corporation ("petitioner"), proposing the dereservation of noncommercial educational Channel *14 for its use in Houston, Texas, and substitution of Channel *61 [2] in lieu thereof, as that community's seventh commercial television assignment. The petitioner states that it will apply for the channel, if assigned as proposed. An opposition was filed by the National Association of Public Television Stations ("NAPTS"),[3] to which the petitioner responded.

2. Houston (population 1,232,740),[4] is located in Harris County (population 1,741,912). It is currently served by five operating commercial television stations, KPRC-TV, Channel 2 (NBC), KHOU-TV, Channel 11 (CBS), KTRK-TV, Channel 13 (ABC), KRIV-TV, Channel 26 (Ind.); and KHTV-TV, Channel 39 (Ind.). Additionally, a third UHF television station, KEON (Channel 20), has been authorized for subscription television service. Also, it is served by KUHT-TV Channel *8 (PBS).

3. Petitioner states that Houston is the nation's fifth largest city, and has developed into a major trade, finance, energy and manufacturing center, while retaining its role as the key international shipping and air transportation hub of the southwest. It states that manufacturing and high technology industries, among others, are significant elements of it economy. Further, it adds that Houston continues to experience a tremendous growth rate, and for the past five years has averaged a yearly gain in employment of 6.1 percent. Petitioner has submitted a comprehensive community profile to demonstrate its need for the proposed assignment.

4. Petitioner seeks to substitute Channel *61 for Channel *14 and dereserve Channel *14 for commercial use at Houston to serve the "unfulfilled needs" of its Black and Hispanic residents. It asserts that its corporation is comprised of a majority of minority stockholders, all of whom reside in Houston. Further, it adds that a minority-owned and operated commercial television station could provide, a meaningful and viable outlet of local self-expression for the community's minority population. And, it states, there is presently a scarcity of regular minority-oriented programming in its community which it intends to remedy if it is awarded the proposed channel.

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[1] Public Notice of the petition was given December 31, 1980, Report No. 1264.

[2] A potentially conflicting proposal to assign Channel 61 to Alvin, Texas, was filed in RM-3895. However, a staff engineering study indicates that another channel may be assigned to Alvin, thus allowing the individual consideration of the two proceedings.

[3] NAPT's oppositions was filed three days after the cut-off date for receipt of responses to the Public Notice, and thus is untimely filed. However, we will treat it as an informal objection since no party will be prejudiced and the petitioner responded to the merits of the filing.

[4] Population figures are extracted from the 1970 U.S. Census.

5. Petitioner requests the dereservation of Channel *14 since it has been allocated but unapplied for at Houston for a number of years. It states that it has "sought to obtain the 'best' available television channel with a technically superior signal, maximized coverage, and the highest probability for economic success," and that proposed Channel *61 could preserve the opportunity for entry of an educational television service in Houston.

6. Petitioner's engineering statement reveals that Channel *61 is available without a site restriction. Also, it indicates that ten other channels (51, 56, 57, 58, 64, 65, 66, 67, 68 or 69) are also available, but that Channel *61 would be the lowest available one with the least restrictive site limitation.

7. In justification of its proposal, petitioner lists the following reasons for the proposed dereservation on Channel *14 and substitution of Channel *61 in lieu thereof:

"(a). A new commercial station on Channel 14 would be within the current channel range of existing stations in Houston (*i.e.*, VHF 2–13 and UHF 14–39);

"(b). The propagation (sic) characteristics of Channel 14 are more efficient than Channel 61. Thus, lower installation and energy costs can be effected; and,

"(c). The signal of Channel 14 is easier to receive at fringe areas than that of Channel 61, resulting in improved picture quality in those areas."

In furtherance of its proposal, petitioner includes letters from various educational institution representatives in the area which it states implies there is no *present* interest in applying for Channel *14. (Emphasis supplied.)

8. In its informal objection, NAPTS indicates that while it has no desire to impede the inauguration of new commercial television service, the reservation of Channel *14 should be preserved. It points out that with respect to petitioner's assertion of a lack of programming by the area stations to meet the needs of the minority communities, that numerous low power television applications have been filed for Houston, at least one of which states an intention to provide programming of interest primarily to Houston's minorities. (Application of Applied Communications Technologies, Inc., filed September 24, 1980.) It further opposes the proposal to operate on a lower UHF channel based on petitioner's assertion that such would have better propagation characteristics than a higher UHF channel. NAPTS cites the Commission's established policy which does not acknowledge any significant difference between lower and higher UHF channels and has held that where an alternate channel exists which can be assigned for commercial purposes, a reserved one will not be set aside for such usage. See, *Vancouver, Washington*, 44 RR 2d 1498 (1980).

9. As a final matter, NAPTS disputes the petitioner's statement that the area's leaders of educational institutions have indicated a disinterest in applying for Channel *14. It states that such assertion is not clear and that, in any event, the fact that there is no application pending for the reserved channel is no justification for its dereservation, as such would be contrary to the purposes of the reservation system. Therefore, it urges that Channel 61 assigned for commercial usage and the reservation on Channel *14 be retained.

10. Petitioner responded to the objection and, in essence, reasserted its initial statements in support of its proposal. It urges that usage of a dereserved Channel *14 as opposed to Channel 61 will add to the eventual success and viability of Houston's first minority-owned commercial television outlet.

11. In light of the above, we have set forth *infra*, as Option I, the petitioner's initial proposal to deserve Channel *14 and substitute Channel *61 therefor. Since we have previously disallowed requested dereservation of educational channels, absent sufficient justification,[5] we propose, as Option II, to retain the *status quo* of Channel *14 and assign Channel 61 as Houston's seventh commercial television assignment. Petitioner has attempted to distinguish the prior cases that illustrate our policy to reserve channels for future noncommercial educational use. We can understand that Channel 14 is the more attractive channel for a prospective commerical broadcaster, but for the same reasons, a noncommercial broadcaster would find Channel 14 more desirable. Nevertheless, we shall propose the commercial use of Channel 14 so as to determine what noncommercial educational interests exist, if any, since we have already protected this channel for 15 years.[6]

[5] See, *High Point, North Carolina*, 44 FR 67665 (1979) (BC Docket No. 79-127); *Kalamazoo, Michigan*, 44 FR 67667 (1979) (BC Docket No. 79-170); *Vancouver, Washington, 46 RR 2d 1498 (1980)*; and *Mansfield and Marion, Ohio*, 45 FR 81203, (1980) (BC Docket No. 80-69).

[6] See also *Seaford, Delaware*, 43 FR 38390, (1980) (BC Docket No. 78-159).

12. In view of the foregoing, comments are invited on the following optional proposals to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with regard to the listed community:

Option I

City	Channel No. Present	Channel No. Proposed
Houston Texas.	2–, *8–, 11+, 13–, *14, 20, 26, 39–.	2–, *8–, 11+, 13–, 14, 20, 26, 39–, *61

Option II

City	Channel No. Present	Channel No. Proposed
Houston Texas.	2–, *8–, 11+, 13–, *14, 20, 26, 39–.	2–, *8–, 11+, 13–, *14, 20, 26, 39–, 61

13. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

14. Interested parties may file comments on or before October 5, 1981, and reply comments on or before October 26, 1981.

15. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that §§ 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

16. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons action on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-23317 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 154
Tuesday, August 11, 1981

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

DEPARTMENT OF AGRICULTURE

Forest Service

Proposed Land and Resource Management Plan; Eastern Region; Revised Notice of Intent To Prepare Environmental Impact Statement

A Notice of Intent to prepare an Enviromental Impact Statement on the Proposed Land and Resource Management Plan for the Eastern Region was published in the **Federal Register**, Vol. 44, No. 191, p. 56392, October 1, 1979. The Draft Environmental Impact Statement will be available in September 1981 for a 90-day review. Following the review, all comments will be analyzed and a Final Plan and Environmental Impact Statement will be prepared and made available in February 1982.

The Regional Plan will:

(1) Display the regional 1980 RPA Program along with its distribution among the Forests, States, and Research Stations.

(2) Provide planning direction for developing Forest Plans, including the range of alternatives to be considered.

(3) Provide standards and guidelines for the management of the National Forests as required by Section 6 of the National Forest Management Act of 1976 and the implementing regulations.

The Draft Environmental Impact Statement will describe and evaluate eight alternatives for achieving nine management goals of the Regional Plan. Each alternative describes managment direction that can be used to provide a particular combination or mix of goods, services, and uses over time. This direction also ensures that a particular condition of the land and resources will be provided.

The general public has been involved in the planning process, initially through the distribution of the Eastern Regional Planner newsletter to over 4,000 individuals, organizations, and government agencies. Over 640 responses to a request for input provided valuable information leading to the identification of public issues. Five public meetings were held and five universities participated in public issue generation. Twenty-one citizen volunteers assisted the Regional Interdisciplinary Planning Team in various phases of the process. In addition there have been discussions with interested Federal agencies, organizations, and special interest groups.

R. Max Peterson, Forest Service Chief, is the responsible official for the Regional Plan and Environmental Impact Statement, and Jack Craven (404-291-4125) is the Regional Interdisciplinary Team Leader.

Comments on this revised Notice of Intent or on the proposal should be sent to: Regional Forester, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

Dated: August 3, 1981.

Douglas Leisz,

Acting Chief.

[FR Doc. 81-23337 Filed 8-10-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Medina Electric Cooperative, Inc., Hondo, Tex.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact in connection with the proposed financing assistance to Medina Electric Cooperative, Inc., (Medina Electric) of Hondo, Texas, for constructing 61 km (38 mi) of 138 kV transmission line and a new distribution substation.

The 138 kV transmission line will connect the existing Pearsall Substation, Frio County, Texas, with the proposed Batesville Substation, Zavala County, Texas. Medina Electric has prepared a Borrower's Environmental Report (BER) concerning the proposed project. An Environmental Assessment was prepared by REA to evaluate the environmental impacts.

The proposed project will traverse a combined total of about 3.5 km (2 mi) of wetland areas associated with crossing the Frio and Leona Rivers. There is no practical alternative to completely avoid crossing these wetlands.

Alternatives to the proposed project included no action, energy conservation, constructing the transmission line from other existing substations in the area, and underground construction. After examining these alternatives, REA determined that the proposed 138 kV transmission line and associated substation is the best available practical alternative for providing power for present and projected electrical energy demands in the area.

REA's evaluation of the environmental effects concludes that the construction of this project does not represent a major Federal action significantly affecting the quality of the human environment. A Finding of No Significant Impact was reached by REA in accordance with REA Bulletin 20-21:320-21, Part 1.

REA's Finding of No Significant Impact, the Environmental Assessment and the BER may be obtained from or reviewed at the office of the Director, Distribution Systems Division, Room 3304, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 447-4413, or at the office of Medina Electric Cooperative, Inc., 2308 18th Street, Hondo, Texas 78861, telephone (512) 426-3334.

The program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C. this 4th day of August 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-23253 Filed 8-10-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Application of Evergreen for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81-8-28 applications of Evergreen Helicopters of Alaska under Subpart Q for a certificate of public convenience and necessity for 69 Alaska points, Docket 39574, and for approval of the change in control relationships involved in its becoming a certificated air carrier, Docket 39575.

SUMMARY: The Board is proposing to grant a certificate of public convenience

and necessity to Evergreen Helicopters of Alaska to authorize it to provide service to the 69 Alaska points listed in its application, is tentatively determining that it is fit, willing, and able to provide this service, and is tentatively approving the change in control relationships resulting from its gaining certificated status.

DATES: Objections: All interested persons having objections to the Board's issuing the proposed authority or to its tentative finding of fitness, or to its tentative approval of the change in control relationships, shall file, and serve upon all persons listed below no later than September 10, 1981, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Dockets 39574 and 39575, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Thomas Chew, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5056.

SUPPLEMENTARY INFORMATION: Objections should be served upon the persons listed in paragraph 5 of Order 81-8-28. The complete text of Order 81-8-28 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a post card request for Order 81-8-28 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

August 6, 1981.

[FR Doc. 81-23351 Filed 8-10-81; 8:45 am]

BILLING CODE 6320-01-M

Fitness Determination of Colgan Airways Corp.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-8-27, order to show cause.

SUMMARY: The Board is proposing to find that Colgan Airways Corporation is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 25, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Service Division, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-8-27.

FOR FURTHER INFORMATION CONTACT: Gerard N. Boller, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5330.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-8-27 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-8-27 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

August 6, 1981.

[FR Doc. 81-23350 Filed 8-10-81; 8:45 am]

BILLING CODE 6320-01-M

Fitness Determination of Golden Eagle Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-8-26, order to show cause.

SUMMARY: The Board is proposing to find that Golden Eagle Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 25, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-8-26.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-8-26 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-8-26 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phillis T. Kaylor,

Secretary.

August 6, 1981.

[FR Doc. 81-23349 Filed 8-10-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39654; Order No. 81-8-19]

Passenger Baggage Rules Proposed by Pan American World Airways, Inc.; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of August 1981.

By tariff revisions filed for effectiveness July 13, 1981, to apply to travel beginning on or after October 1, 1981, Pan American World Airways purposes significant, systemwide charges in its baggage rules. Pan Am will not accept any item weighing more than 50 pounds as free baggage, and will require advance arrangements for its carriage as excess baggage. (The carrier's current maximum free weight per bag is 70 pounds.) Passengers paying the normal first class, business class, economy or coach fare will still be allowed two free checked bags, but discount fare passengers will only be entitled to one free checked bag. All passengers are still allowed one free carry-on piece which will fit under the seat. [1]

[1] Pan Am originally filed its new baggage rules for effect April 1, 1981 but the Board's staff rejected the filing because it did not clearly indicate how the new provisions would apply to interline transportation. In its refiling, Pan Am added a provision which states the revised conditions apply for interline transportation where it is involved in the routing. The carrier also dropped a feature of its original proposal which would have allowed economy class passengers to tender only one piece

Continued

In support of its proposal, Pan Am states that the board should permit the proposal to become effective, consistent with the Board's policy of leaving operating decisions to carrier management; Pan Am has experienced serious problems accommodating mail and freight loads on many international sectors because of excessive baggage loads, due mainly to weight limitations, [2] and the expected service improvement from being able to carry more mail and freight will be especially beneficial in markets which cannot support all-cargo service; the proposed limitations will not inconvenience the vast majority of its passengers; [3] reducing the weight per piece carried, and the free allowance for all promotional fare passengers, should result in savings in fuel consumption; reducing the average weight per bag should reduce employee injuries and equipment break-down and accompanying service disrupton; [4] under special procedures consistent with its tariff, Pan Am will notify passengers, primarily through a ticket stuffer, that new baggage limits apply and there may be times when some of the passenger's excess baggage will not be loaded on the same flight as the passenger due to excessive baggage loads; and when Pan Am expects insufficient baggage space, travelers arriving at the passenger terminal with extraordinary amounts of baggage will have some pieces tagged with the special form already in use for the baggage of standby and late arrival passengers, and the affected passengers will be informed that such baggage may not be on the same flight with them.

A complaint requesting suspension and investigation, or rejection, of the proposal has been filed by DHL Corporation. DHL alleges that its personnel often travel at normal economy or discount fares, frequently carry more than the two or three bags which have historically been free, and often tender bags of between 50 and 70 pounds; in general Pan Am's proposal is an unjustified departure from standard industry practice, and competition does not control carriers' behavior on baggage rules; the division of baggage into two weight classes (over and under 50 pounds) is an "unjust and unreasonable classification" in violation of sections 404 and 1002 of the Act; [5] the charge imposed by the new rules is unreasonably high, and not demonstrably related to cost; Pan Am's "raw figures" on employee back injuries and equipment breakdown do not show what proportion of such problems is caused by bags weighing between 50 and 70 pounds; Pan Am has not adequately described how prior arrangements for bags over 70 pounds will work; "denied boarding" of one's suitcase as is serious to be passenger as a Part 250 denied boarding of his person, and Pan Am should at least be required to summarize its baggage restrictions in all its advertising; the reduction in the free baggage allowance for discount fare passengers coupled with the amorphous stand-by excess baggage proposal may be unjustly discriminatory and unreasonable; Pan Am's data, on the discommoding of mail and freight due to preemption of space or payload by excess baggage, is unclear and insufficient to justify systemwide application of its rules; Pan Am's notice procedures are inadequate, especially for interline and foreign-origin passengers, and its rules will probably not be even-handedly applied; and Pan Am's proposed rule on baggage damage claims would, in practice, deny passengers their rights and impose an evidentiary presumption on them with respect to concealed damage. [6]

Answers in support of DHL's complaint have been submitted by the Aviation Consumer Action Project (ACAP), and Donald L. Pevsner, Esq.

An answer in support of Pan American has been filed by the U.S. Postal Service (USPS). USPS states that it has experienced difficulty boarding mail due to excessive baggage loads on San Francisco-Honolulu-Guam-Manila sectors, and in Pan Am's African and South American markets; Pan Am's proposal will go a long way to alleviating this problem; in its opinion Pan Am has adequately justified its proposal; and while DHL complains that the proposal is discriminatory and unjust toward passengers, if Pan Am's existing rules are left unchanged the U.S. mail will be unreasonably treated and discriminated against. [7]

In answer to DHL's complaint, Pan Am asserts that rather than passing the economic burden of excessive baggage tender along to all its passengers by raising fares, it chose to target the remedies at the abusers, modeled on systems and procedures already implemented by other carriers; DHL has failed to support its burden of proof in seeking suspension of the tariff proposal; DHL's allegation that Pan Am's proposal represents a departure from industry practice provides no basis for suspension, and in any event the Board encourages new approaches to difficult problems; [8] and there is no logical or factual basis for DHL's assumption that Pan Am is willing to jeopardize the good will of all its patrons by publishing burdensome rules which it would then enforce unfairly.

We have decided to dismiss DHL's complaint, which does not set forth facts warranting investigation. We will also deny the request for suspension, and will permit Pan American's tariff revisions to take effect as proposed. [9]

DHL's allegations essentially fall into three broad categories: (1) Pan Am's proposal is an unjustified departure from standard industry practice, and competition is not sufficient to protect the public from unreasonable baggage rules; (2) the reclassification of "overweight" baggage from 70 to 50 pounds is unreasonable and unjust; and (3) Pan Am's standby baggage procedures are unclear in application. [10]

We agree with Pan American that there is no clear "standard industry practice" with regard to weight limits and many other aspects of baggage service. Even if there were, a proposed departure from it would not warrant

of excess baggage at the passenger terminal; additional excess bags were to be accepted only at Pan Am's cargo terminal.

[2] Pan Am has listed 41 sectors where its combination aircraft are weight-limited.

[3] Pan Am states that on flights to and from the United States, passengers check an average of 1.7 pieces, and its systemwide weight per bag averages 33 lbs.

[4] At its four major U.S. cities alone, Pan Am states its employees handling baggage had back injuries during 1980 resulting in 1629 lost work days worth at least $250,000.

[5] DHL cites an example of two full normal economy fare passengers with roughly the same total weight of baggage, one of whom packs one bag which weighs 60 lbs., while the other packs the same materials in two bags at 32 lbs. each; under Pan Am's proposal the first passenger would pay an excess charge because his single bag exceeds 50 lbs., and the second passenger would pay nothing because each of his two bags (which are both covered by the free allowance) weighs less than 50 lbs.

[6] Pan Am is including in its domestics baggage rules a provision already in effect in its international rules, that "Acceptance of baggage by the bearer of the baggage (claim) tag(s) without written complaint at the time of delivery is presumptive evidence that the baggage has been delivered in good condition and in accordance with the contract of carriage."

[7] In reply to USPS, DHL contends that it has not presented any factual details to support its allegations of difficulties in boarding mail on a few flights. USPS' answer supporting Pan Am, and DHL's reply, were both untimely. We will grant their motions for late filing.

[8] Pan Am states that there is no standard "industry practice" on weight limits, and other carriers have adopted varying procedures for limiting pieces and accommodating excess baggage.

[9] Pan Am has corrected the technical deficiency of its original proposal which led to rejection. (See footnote 1.)

[10] We note that Pan Am's new rules will have an immediate impact on DHL only in cases where its personnel and contractors are traveling on company business but *not* acting in their capacity as couriers. As DHL itself states, the lawfulness of Pan Am's courier baggage rules is now pending before the U.S. Court of Appeals for the Ninth Circuit. (DHL v. CAB, 9th Cir., No. 79-7416.)

suspension or investigation in the absence of a showing that the proposal is likely to be found unreasonable or unjustly discriminatory after investigation, and competition will not adequately protect the public. No such showing has been made here. The carrier correctly notes that the Board actively encourages novel approaches to difficult problems such as excessive baggage tender by a minority of passengers which can burden many other travelers.[11] There is an abundance of competition in Pan Am's domestic markets, as well as many of its international markets. With respect to international markets, we have the authority to undertake an investigation after the tariffs become effective, with or without suspension, if it appears that Pan Am's new rules are, in practice, working a severe hardship on passengers. For the present, Pan Am's proposal appears to be consistent with our policy favoring "unbundling" of fares, charges and services in the interests of economic efficiency. Such an approach is clearly preferable to raising fares for all passengers to compensate for costs imposed on the system by only a limited class of users. Of course, a mathematically precise allocation of costs to each buyer is usually not administratively or economically feasible. In this case, Pan Am believes its revised baggage handling procedures and limits must be applied to all its customers due to the impossibility of applying different rules to different passengers at each station based on their ticketed destinations. The carrier's proposal seems to reflect operational feasibility and cost principles. Experience, not suspension and investigation *ab initio* will provide the clearest insight into whether Pan American's proposal is practical and reasonable.

The only support for DHL's claim that the reduction in the weight limit for free bags from 70 to 50 pounds is unreasonable, is its theoretical example of different charges for two passengers with identical baggage weights, where one passenger packs his material in one bag and the other packs it in two bags. Such a situation could occur under any combination of piece and weight limits. Pan Am's free baggage limits are based primarily on the number of pieces, not weight, consistent with the Board's decision in the *Excess Baggage Case*, and several carriers already have weight limits of less than Pan Am's current 70 pounds.

[11] We recently affirmed revised baggage rules of several other carriers designed to deal with the same type of problem Pan Am seeks to correct here. (Order 81-4-23, April 3, 1981.)

Similarly, existing tariff rules of Pan American and other carriers provide no guarantee that any passenger's checked baggage will be carried in the same aircraft as the passenger; when the carrier deems it impractical to provide such carriage, it is accommodated in the immediately preceding or subsequent flight where space is available, and there is no reason to believe that Pan Am will administer its "standby" procedures for excessive baggage in a discriminatory or capricious manner. As DHL itself states, "carriers desire to avoid insurrections at the check-in counter."

We will not formally impose any specific conditions regarding advance notice to passengers or agents at this time. The Board has not found it necessary to require inclusion of detailed baggage rule information in advertising or reservations procedures thus far, and we do not believe it to be necessary here. Pan Am's new rules will not apply to travel beginning before October 1, which should afford ample time for the carrier to insure that its agents and field offices are fully informed of the new baggage allowances and procedures, and we trust the carrier will act responsibly in informing passengers individually. One method of providing such information is the use of ticket stuffer notices, to which Pan Am has already committed itself.

We do recognize, as the complainants note, that the new requirements represent a substantial change, and we are concerned that all Pan Am's customers, including interline passengers, be adequately informed of the new limits and procedures. Therefore we are instructing the Bureau of Compliance and Consumer Protection to meet with Pan American and review its notice programs within the next 30 days, and to report back to the Board at the end of that period.

The complaint against the rule on baggage damage claims has little merit. The same provision has been included in international baggage tariffs at least since 1974, ans has not caused any apparent problem. There is no reason to prevent its inclusion in Pan American's domestic tariff.

Accordingly,

1. We dismiss the complaint of DHL Corporation in Docket 39654;

2. We grant the motions of DHL Corporation and the United States Postal Service to file otherwise unauthorized documents in Docket 39654; and

3. We shall serve copies of this order on DHL Corporation, Pan American World Airways, Inc., Aviation Consumer Action Project, and Donald L. Pevsner, Esq.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-23346 Filed 8-10-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Consideration of Annual Surveys in Manufacturing Area

Notice is hereby given that the Bureau of the Census is considering a proposal to initiate or to continue the annual surveys listed below for the year 1981 and for each year thereafter under the authority of title 13, United States Code, sections 131, 182, 224, and 225. These surveys, most of which have been conducted for many years, are significant in the manufacturing area. On the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from nongovernmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary for an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have requested such data in the interest of business efficiency and stability.

These surveys, if conducted, shall begin not earlier than October 13, 1981.

Most of the following commodity or product surveys provide data on shipments and/or production; some provide data on stocks, unfilled orders, orders booked, consumption, and so forth. Reports will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. These surveys have been arranged under major group headings based on the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for the use of Federal Government statistical agencies.

Major Group 20—Food and Kindred Products

Confectionery

Major Group 22—Textile Mill Products
Broadwoven goods finished
Narrow fabrics
Yarn production
Stocks of wool and related fibers
Knit fabric production
Major Group 23—Apparel and Other Finished Products Made From Fabrics and Similar Materials
Men's and boys' outerwear
Women's and children's outerwear
Underwear and nightwear
Brassieres, girdles, and allied garments
Gloves and mittens
Major Group 24—Lumber and Wood Products, Except Furniture
Hardwood plywood
Softwood plywood
Lumber
Major Group 26—Paper and Allied Products
Pulp, paper, and board
Major Group 28—Chemicals and Allied Products
Industrial gases
Inorganic chemicals
Pharmaceutical preparations, except biologicals
Surfuric acic
Paints and allied products
Major Group 29—Petroleum Refining and Related Industries
Asphalt and tar roofing and siding products
Major Group 30—Rubber and Miscellanous Plastics Products
Rubber
Plastic products
Major Group 31—Leather and Leather Products
Shoes and slippers (by method of construction)
Major Group 32—Stone, Clay, and Glass
Consumer, scientific, technical, and industrial glassware
Fibrous glass
Major Group 33—Primary Metal Industries
Steel mill products
Insulated wire and cable
Magnesium mill products
Nonferrous castings
Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment
Commercial steel forgings
Steel power boilers
Selected heating equipment
Metal cans
Major Group 35—Machinery, Except Electrical
Internal combusion engines
Tractors, except garden tractors
Farm machinery and law and garden equipment
Mining machinery and mineral processing equipment
Air-conditioning and refrigeration equipment, including warm air furnaces
Computers and office and accounting machines
Pumps and compressors
Selected industrial air pollution control equipment
Construction machinery
Anti-friction bearings
Fluid power products (including aerospace)
Major Group 36—Electrical Machinery, Equipment, and Supplies
Radios, televisions, and phonographs
Motors and generators
Wiring devices and supplies
Switchgear, switchboard apparatus, relays, and industrial controls
Selected electronic and associated products, including telephone and telegraph apparatus
Electric housewares and fans
Electric lighting fixtures
Major household appliances
Transformers
Major Group 37—Transportation Equipment
Aircraft propellers
Major Group 38—Professional, Scientific, and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks
Selected instruments and related products
Atomic energy products and services

The following survey represents an annual supplement of a monthly survey and will cover the same establishments canvassed monthly. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected monthly.

Major Group 32—Stone, Clay, and Glass
Glass containers

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

Major Group 20—Food and Kindred Products
Flour milling products
Major Group 22—Textile Mill Products
Broadwoven fabric (gray)
Consumption of wool and other fibers, and production of tops and noils
Carpet and rugs
Major Group 23—Apparel and Other Finished Products Made From Fabrics and Similar Materials
Sheets, pillowcases, and towels
Major Group 26—Paper and Allied Products
Converted flexible packaging products
Major Group 28—Chemicals and Allied Products
Phosphatic fertilizer materials
Major Group 30—Rubber and Miscellaneous Products
Plastics bottles
Major Group 32—Stone, Clay, and Glass
Glass containers
Refractories
Clay construction products
Flat glass
Major Group 33—Primary Metal Industries
Nonferrous castings
Iron and steel foundries
Aluminum producers and importers
Titanium ingot, mill products, and castings
Inventories of steel mill shapes
Inventories of brass and copper wire mill shapes
Copper controlled materials
Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment
Plumbing fixtures
Steel shipping drums and pails
Closures for containers
Major Group 35—Machinery, Except Electrical
Construction machinery
Metalworking machinery
Major Group 36—Electrical Machinery, Equipment, and Supplies
Fluorescent lamp ballasts
Electric lamps
Major Group 37—Transportation Equipment
Complete aircraft and aircraft engines, except military
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts
Truck trailers

The annual survey of manufactures will collect general statistical data such as total value of shipments, shipments by product class, employment, payroll, work hours, capital expenditures, cost of materials consumed, gross book value of assets, retirements, and depreciation of fixed assets, rental payments, supplemental labor costs, information on the quantity of fuels used, and so forth. This survey, while conducted on a sample basis, will cover all manfacturing industries, including data on plants under construction but not yet in operation.

A survey of research and development (R&D) activities will be conducted. The major data to be obtained in this survey will include total R&D expenditures by source of funds, the number of scientists and engineers employed, the amounts spent for pollution abatement and energy R&D, and, for comparative purposes, the total net sales and receipts and the total employment of the company.

A survey of shipments to the Federal Government is planned to provide information on the impact of federal procurement on selected industries and geographic areas by Federal Government agencies.

The annual survey of oil and gas will canvass the industry which provides most of the fuel produced in the United States as well as a substantial portion of the hydrocarbon raw material requirements of many industries. The survey will collect information on exploration, development, and production costs; sales volumes and values; drilling activity; and assets in the crude petroleum and natural gas industry.

The annual survey of the use of selected hydrocarbon, coal, and coke materials by manufacturers will obtain information on the consumption of fuel commodities for nonenergy purposes from chemical plants, blast furnaces, and refineries. Inquiries concerning hydrocarbon raw material consumption, produced and consumed fuels, fuel oil stocks, and coal and coke stocks appear on the forms as applicable.

The annual survey of pollution abatement expenditures is designed to collect from manufacturers the total expenditures by industry and geographic area to abate pollutant emissions. The survey covers current operating costs and capital expenditures to reduce pollution in its air, water, or solid forms. It will also obtain the costs recovered from abatement activities and quantities of pollutants abated.

The annual survey of plant capacity will obtain information such as the amount of time a plant is in operation; operating rates as related to preferred levels and practical capacity; the value of production and other statistics for actual, preferrred, and practical capacity operating levels; and the reasons for operating at less than capacity. The survey will be done on a sample basis and will cover all manfacturing industries.

Copies of the proposed forms will be made available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Bureau of the Census on or before October 13, 1981.

Dated: August 5, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-23297 Filed 8-10-81; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Order No. 178]

Resolution and Order Approving the Application of the Foreign-Trade Zone of Wisconsin, Ltd., to Expand Foreign-Trade Zone No. 41, and for Subzones in Kenosha and Manitowoc, Wisconsin

(Proceedings of the Foreign-Trade Zones Board, Washington, D.C.)

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Foreign-Trade Zone of Wisconsin, Ltd., a Wisconsin corporation and grantee of Foreign-Trade Zone No. 41, filed with the Foreign-Trade Zones Board (the Board) on November 25, 1980, requesting a grant of authority to expand its general-purpose foreign-trade zone in Milwaukee, within the Milwaukee Customs port of entry, and to establish special-purpose subzones in Kenosha and Manitowoc, Wisconsin, within the Racine and Manitowoc Customs ports of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Foreign-Trade Zones Board, Washington, D.C., Grant of Authority to Expand Foreign-Trade Zone No. 41, Milwaukee, and to Establish Foreign-Trade Subzones in Kenosha and Manitowoc, Wisconsin

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board is empowered to authorize the expansion of zones when additional space is needed (15 CFR 400.607);

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, Foreign-Trade Zone of Wisconsin, Ltd., Grantee of Foreign-Trade Zone No. 41, Milwaukee, Wisconsin (the Grantee), has made application (filed November 25, 1980) in due and proper form to the Board for authority to expand its general-purpose zone in the City's Northwestern Industrial Park, Milwaukee, and to establish special-purpose subzones at the American Motors Corporation's automobile assembly plant in Kenosha, Wisconsin, and at the Muskegon Piston Ring Company manufacturing facility in Manitowoc, Wisconsin;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, therefore, in accordance with the application filed November 25, 1980, the Board hereby authorizes the expansion of Foreign-Trade Zone No. 41, Milwaukee, and the establishment of subzones in Kenosha and Manitowoc, Wisconsin, designated on the records of the Board as Foreign-Trade Subzones No. 41A and 41B, respectively, at the locations mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the subzones shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necesary permits shall be obtained from Federal, State, and municipal authorties.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzones in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzones, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 4th day of August 1981 pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

Attest.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-23346 Filed 8-10-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Steel Units for Electrical Transmission Towers From Italy; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On April 28, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on steel units for electrical transmission towers from Italy. The review covered the period January 1, 1980 through December 31, 1980.

Interested parties were invited to comment on the preliminary results, and we received new information concerning one of the exporting firms. Nonetheless, we have determined the net amount of the subsidy to be the full value of the rebate for this product under Italian Law 639.

EFFECTIVE DATE: August 11, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On Arpil 21, 1967, a final countervailing duty determiniation on steel units for electrical transmission towers from Italy, T.D. 67-102, was published in the **Federal Register** (32 FR 6274). The effective date was May 21, 1967.

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date.

On April 28, 1981, the Department published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" on steel units for electrical transmission towers from Italy (46 FR 23782). The Department has now completed its administrative review of that countervailing duty order.

Scope of the Review

Imports covered by this review are galvanized fabricated structural steel units for the erection of electrical transmission towers imported directly or indirectly from Italy. This merchandise is imported as complete towers or made up into structural units, or as individual or similar pieces. These imports are currently classifiable under item numbers 609.84, 646.54, 646.65, 646.70, 646.72, 652.94, 653.00, 657.25 and 923.51, Tariff Schedules of the United States (TSUS).

The notice of preliminary results of administrative review listed TSUS item numbers 652.94 and 652.96 as the current classification. One of these, 652.96, was incorrect because it is for allow steel. In addition, our listing was incomplete because 652.94 only covers structural units and not complete towers or individual pieces. Accordingly, the above list supersedes our preliminary notice.

The review covered the period January 1, 1980 through December 31, 1980, and was limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the final determination.

Final Results of the Review

During the comment period, the Government of Italy supplied us with new data on behalf of the leading exporter to the U.S. market of this merchandise. We have not considered this information because it represents an untimely response to our original questionnaire.

The final results of our review are the same as those presented in the preliminary results of the review. The stated purpose of Italian Law 639 is to rebate customs duties and certain indirect taxes on the export of products containing iron and steel. No evidence was presented in this case to demonstrate the requisite linkage between the incidence of customs duties and certain indirect taxes on various inputs of this merchandise and the amount of the rebate.

Therefore, we determine that the full value of the rebate for this product, which is 18 lire per kilogram, is the rate of net subsidy conferred upon producers exporting to the United States for the period January 1, 1980 through December 31, 1980.

The U.S. Customs Service shall assess countervailing duties of 18 lire per kilogram on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980.

The provisions of T.D. 67-102 and of section 303(a)(5) of the Tariff Act of 1930 ("the Tariff Act"), prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Customs Service shall assess countervailing duties of 13.67 lire per kilogram, the amount set forth in T.D. 67-102, on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980.

In addition, should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties of 18 lire per kilogram on all unliquidated entries of steel units for electrical transmission towers entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980. Liquidation shall continue to be suspended on entries made on or after April 3, 1980 until the Department is notified of a determination by the ITC.

Further, as required by section 751(a)(1) of the Tariff Act, the Customs Service shall collect a cash deposit of estimated countervailing duties of 18 lire per kilogram on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

This deposit requirement will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of May, 1982.

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

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 6, 1981.

[FR Doc. 81-23366 Filed 8-10-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council and its Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee (SSC). The Council and its SSC will hold separate public meetings. The Council will meet to review status reports on the development of fishery management plans (FMP's), consider foreign fishing applications, if any, and conduct other fishery management business. The SSC will meet to review the draft Coral FMP and the revised Shrimp FMP.

DATES: The Council public meeting will convene on Tuesday, September 1, 1981, at approximately 1:30 p.m., and will adjourn at approximately 5 p.m.; reconvene on Wednesday, September 2, 1981, at approximately 8:30 a.m., and adjourn at approximately noon. The SSC public meeting will convene on Monday, August 31, 1981, at approximately 1:30 p.m., and will adjourn at approximately 5 p.m.; reconvene on Tuesday, September 1, 1981, at approximately 8:30 a.m., and adjourn at approximately noon.

ADDRESS: The Council and SSC public meetings will take place at the Chart Room West, Bay Harbor Inn, 7700 Courtney Campbell Causeway, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: August 6, 1981.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

[FR. Doc. 81-23329 Filed 8-10-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF ENERGY

National Petroleum Council Coordinating Subcommittee of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Coordinating Subcommittee of the Committee on Arctic Oil and Gas Resources will meet in September 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Coordinating Subcommittee meeting follows:

The seventh meeting of the Coordinating Subcommittee will be held on Tuesday and Wednesday, September 1 and 2, 1981, starting at 9:00 a.m. each day, in the East Gold Room, Travelers' Inn, 823 Noble Street, Fairbanks, Alaska.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review and discussion of the Subcommittee's draft.
3. Discussion of the overall timetable for completion of the study.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Oil, Gas and Shale Resources Development Division, Fossil Energy, 202/633-8395, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 8:0 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on August 4, 1981.

August 4, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 81-23361 Filed 8-10-81; 8:45 am]

BILLING CODE 6450-01-M

Contract Awards

AGENCY: Department of Energy.

ACTION: Notice of proposed contract award.

SUMMARY: In accordance with the Department of Energy (DOE) Procurement Regulations, DOE gives Public Notice that it intends to approve a contract award with Petroleum Economics Ltd. (PEL), after taking into account the existence of potential organizational conflicts of interest. DOE considers award of this contract to be in the best interest of the United States.

FOR FUTHER INFORMATION CONTACT: Mr. Guy Caruso, Office of Market Analysis, International Affairs, Room, 7A-029, Department of Energy, Forrestal Building, Washington, D.C. 20585 (202) 252-5893.

Findings Mitigation, and Determinations: Based upon the following findings and determination, the proposed approval of the contract described below is being given after taking into account the existence of potential organizational conflicts of interest, because this action is determined to be in the best interest of the United States, pursuant to the authority of Department of Energy Procurement Regulations 41 CFR 9-1.5409(a)(3).

Findings: (1) The Department of Energy (DOE), Office of Market Analysis, International Affairs, is engaged in analyzing and forecasting trends and developments in world energy markets. PEL, an independent consulting organization, with expert knowledge and skilled world oil market analysts, is uniquely qualified to provide timely information, and astute professional analysis of current oil and energy market developments, essential to this critical IA function. Similar information, available directly from the oil companies and valuable as "reference", is not comprehensive, detailed or objective enough to meet DOE's requirements.

(2) Under the proposed contract, PEL will prepare and submit periodic reports on several key international oil industry operations, including an analysis of the short-term outlook for energy and oil markets as well as a 12-month oil

market projection emphasizing the demand for OPEC oil; a refinery throughput survey of five major European markets, Japan and the U.S.; a revision of international oil product movements and price relationships, with emphasis on the Rotterdam market; and international crude oil price report; and periodic oil industry developments reports. Also, at IA's request PEL will develop specific analyses on areas of interest, as appropriate.

(3) In accordance with 41 CFR 9-1.5405, PEL has provided a statement disclosing relevant information concerning their interests related to the work performance for DOE and bearing on whether they have possible organizational conflicts of interest (a) with respect to being able to render impartial, technically sound and objective assistance or advice, or (b) which may give it an unfair competitive advantage. Numerous questions were asked of PEL regarding the relationship of their clients and business activities to the scope of the work to be performed under the contract.

(4) Based on an evaluation of the facts contained in the disclosure statement, it has been determined that PEL has potential organizational conflicts of interest with regard to the work required by International Affairs or activities in the international energy/oil industry.

(5) Due to PEL's unique analytic qualifications and the valuable contribution they have made to IA's analysis of world oil markets, it has been determined that only PEL has the capability and experienced personnel to perform the required effort.

Mitigation: (1) The contract will include the Organizational Conflicts of Interest Special Clause (41 CFR 9-1.5408-2(b)). The primary purpose of this clause is aid in insuring that the Contractor is not biased because of its past, present, or currently planned interests (financial, contractual, organizational or otherwise) which relate to the work under the contract, and does not obtain any unfair competitive advantage over other parties by virtue of its performance of this contract.

(2) Mitigation, to the extent feasible will be obtained by independent staff review by DOE officials.

Determination: In light of the above Findings and Mitigation, and in accordance with 41 CFR 9-1.5409(a)(3), the proposed contract award is in the best interests of the United States.

Dated: August 31, 1981.

Peter Borre,

Acting Assistant Secretary for International Affairs.

[FR Doc. 81-23300 Filed 8-10-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decision and Order; Week of July 27 Through July 31, 1981

During the week of July 27 through July 31, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrived party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any future proceeding involving the exception matter.

A copy of the full text of this proposed decision and order is available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: August 4, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Ideal B G Associates, New York, New York, BEE-1644, crude oil

Ideal B G Associates filed an Application for Exception from the provisions of 10 CFR 212.131. The exception request, if granted, would permit Ideal B G Associates to retroactively classify certain volumes of crude oil during May, June, and August 1980 as newly discovered crude oil. On July 29, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

[FR Doc. 81-23296 Filed 8-10-81; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Mead-Phoenix Area Electrical Transmission Line, Arizona and Nevada; Intent To Conduct Public Scoping Meetings

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Notice of intent to conduct public scoping meetings.

SUMMARY: Notice is hereby given that in accordance with the National Environmental Policy Act (NEPA) of 1969, the Western Area Power Administration (Western) intends to conduct public scoping meetings to gather information and obtain assistance in defining the range of issues and concerns for the preparation of an environmental impact statement (EIS) for a proposed Western action to construct, operate, and maintain, in conjunction with the Salt River Project and the Southern California Public Power Authority, new transmission facilities from the Boulder City, Nevada, area to the Phoenix, Arizona, area.

Public scoping meetings will be held as follows: August 24, 1981, 7:30 p.m., Goodyear Community Center, 410 East Loma Linda Boulevard, Goodyear, Arizona; August 25, 1981, 7:30 p.m., City Council Chambers, Lake Havasu City Civic Center, 1795 Civic Center Boulevard, Lake Havasu City, Arizona; August 26, 1981, 7:30 p.m., City Council Chambers, Kingman City Complex, 310 North Fourth, Kingman, Arizona; August 27, 1981, 7:30 p.m., First Western Savings Association Conference Room, 1000 Nevada Highway, Boulder City, Nevada.

All interested agencies, organizations, and individuals are invited to attend the public scoping meetings and submit suggestions on the proposed scope of the EIS, including significant issues and alternatives to be analyzed in depth. Written as well as oral statements will be accepted.

FOR FURTHER INFORMATION CONTACT:

Gary W. Frey, Environmental Manager, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401 (303) 231-1527; or

Area Manager, R. A. Olson, Boulder City Area Office, Western Area Power Administration, Department of

Energy, P.O. Box 200, Boulder City, NV 89005.

Issued in Golden, Colorado August 3, 1981.

William H. Clagett,

Deputy Administrator.

[FR Doc. 81-23359 Filed 8-10-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

Establishment of Advisory Committee for 1985 Space WARC

August 5, 1981.

The Commission has received GSA approval for the creation of the Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Service Utilizing It (Space WARC). This Committee will provide advice to FCC staff participating in the Conference.

Advice by interested agencies, institutions, organizations, and industry sectors will be needed on the wide-ranging matters to be dealt with by the Conference, including:

1. The kinds and quantities of services to be expected of the geostationary satellites before the end of the century;
2. The scope of U.S. interests affected by the Conference;
3. Forecasts of equipment and network development;
4. Analysis of international arrangements appropriate for fostering anticipated developments; and
5. Recommendations concerning available U.S. options and strategies for the Conference.

The advisory committee's first meeting will be scheduled in September, and prospective participants should give early consideration to their involvement in the Committee's meetings. The Commission accordingly invites submission of the names of persons who could contribute usefully to the work of advising FCC staff responsible for articipation in the 1985 Space WARC.

The Committee will have an open membership and will provide balanced representation of the entities having experience and expertise in the various technical and operating fields involved in the Committee's areas of responsibility. it is important that its membership be so constituted as to afford balanced representation of diverse interests, views, and experience, and that monorities and women be represented.

All suggestions on potential participants in the Committee will be welcome. They should be addressed to: Federal Communications Commission, Office of Science and Technolohy, Washington, D.C. 20554 Attention: Anthony M. Rutkowski.

For further information, contact Mr. Rutkowski or Thomas S. Tycz of the Office of Science and Technology, at (202)632-7019 or (202)653-8102.

William J. Tricarico,

Secretary.

[FR DOC. 81-23304 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-481, File No. 50046-CM-P-74, et al.]

Digital Paging Systems, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In the matter of Digital Paging Systems, Inc., CC Docket No. 81-481, File No. 50046-CM-P-74; and RCC of Virginia, Inc., CC Docket No. 81-482, File No. 50164-CM-P-74; and KC Corporation, CC Docket No. 81-483, File No. 50167-CM-P-74; for construction permits in the Multipoint Distribution Service for a New Station at Norfolk, Virginia.

Memorandum Opinion and Order

Adopted: July 22, 1981.

Released: August 4, 1981.

By the Common Carrier Bureau:

1. For consideration are the above-referenced applications. [1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 in Norfolk, Virginia. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information, and no petitions to deny or other objections to the applications have been filed.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they proposed, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [2]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Digital Paging System, Inc.; RCC of Virginia, KC Corporation and the Chief, Common Carrier Bureau are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-23306 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

[1] File No. 50167-CM-P-74 was amended on May 23, 1977 to change applicant's name from Howard S. Klotz and William Corbus to KC Corporation. This was a minor change from individuals to corporation with each individual retaining 50% ownership.

[2] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

[CC Docket No. 81-469, File No. 5513-CM-P-80 and CC Docket No. 81-470, File No. 10386-CM-P-80]

Northstar Communications and Kravetz Media Corporation; Applications for Construction Permits in the Multipoint Distribution Service for a New Station at Coos Bay, Oregon; Memorandum Opinion and Order

Adopted: July 23, 1981.

Released: August 4, 1981.

By the Common Carrier Bureau:

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Coos Bay, Oregon. The applications are therefore mutually exclusive and,

under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and section 0.291 of the Commission's Rules, 47 CFR 0.291 the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Northstar Communications, Kravetz Media Corporation and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc 81-23306 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

[PR Docket No. 81-490]

Marsha R. Traumann; Application for Amateur Radio Station and Technician Class Operator Licenses; Designation Order

Adopted: July 30, 1981.

Issued: August 6, 1981.

1. The Comission has information from its monitoring personnel that you apparently operated Amateur radio station KA6KXF [1] in violation of the Rules specified below. We sent you a Notice of Violation about this matter on June 9, 1980.

2. The Commission is required by Section 309(e) of the Communications Act of 1934, as amended, to designate an application for hearing if it cannot determine that the grant of application would serve the public interest, convenience and necessity. Therefore, your captioned application is designated for hearing. If you wish to present evidence at an evidentiary hearing before an Administrative Law Judge, you must file within 20 days of this Order a Notice stating your intention to appear. If you fail to file a Notice of Appearance, your application will be dismissed with prejudice. If you do file a Notice, the time, place and Presiding Judge for hearing will be set by a later Order. Forms and envelopes are enclosed for your reply.[2]

3. This action is taken under Section 309(e) of the Act, pursuant to delegated authority and your case will be decided upon the following issues:

(1) To determine whether Marsha R. Traumann, 7525 Belle View, Sebastapol, California 95472, operated Amateur radio station KA6KXF in willful violation of § 97.7 (exceeding privileges of Novice Class license by making voice transmissions and by transmitting on the frequencies 146.10 and 146.22 MHz, reserved for higher class licenses), 97.84(a) (failure to identify by assigned call sign) and/or 97.121(a) (identification by false call sign) of the Commission's Rules on the night of May 21–22, 1980.

(2) To determine whether Marsha R. Traumann willfully violated §§ 97.82 (failure to have license or photocopy available at inspection) and/or 97.103 (failure to maintain station log) of the Commission's Rules on May 22, 1980.

(3) To determine whether Marsha R. Traumann, fraudulently obtained an Interim Amateur Permit on March 11, 1981, by presenting a license whose grant had been set aside, in willful violation of § 97.129 of the Commission's Rules.

(4) To determine whether Marsha R. Traumann is qualified to be an Amateur licensee.

(5) To determine whether Traumann's pending application should be granted.

4. Any questions about this should be directed to the Compliance Division of the Private Radio Bureau at (202) 632-7197. This order is being sent by Certified Mail—Return Receipt Requested and Regular Mail.

Chief, Private Radio Bureau.

Raymond A. Kowalski,

Chief, Compliance Division.

[FR Doc. 81-23307 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Your license for Amateur radio station KA6KXF and your Novice Class Operator license were granted on May 6, 1980. However, on May 29, 1980, the Commission set the grant of these licenses aside and returned your application on pending status. That application has now been superseded by your application for an Amateur radio station license and a Technician Class Operator license. This second application was granted on April 7, 1981, but the grant was set aside on May 7, 1981, and the application was returned to pending status.

[2] Use the enclosed preaddressed envelopes to return your reply to the Compliance Division and to send a copy of that reply to the Chief, Administrative Law Judge.

[BC Docket No. 81-484, File No. BP-20,675]

Rockland Broadcasters; Hearing Designation Order Designating Application for Hearing on Stated Issues

In the matter of Betty Ramey, tr/as Rockland Broadcasters, WRKL, New City, New York, Has: 910 kHz, 1 kW, DA, Day; Req: 910kHz, 1 kW, DA-2, U, for construction permit.

Adopted: July 22, 1981.

Released: August 6, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (a) the above-captioned application for a construction permit to add nighttime facilities for station WRKL; (b) a petition to deny it, filed by Capital Cities Communications, Inc. (Capital), licensee of AM station WPAT, Paterson, New Jersey; and (c) related pleadings. [1]

2. Because Capital contends that Rockland's proposal would cause electrical interference to Capital's WPAT, petitioner has standing as a party in interest within the meaning of Section 309(d) of the Communications

[1] The pleadings include an engineering report filed by Capital, Rockland's motion to strike, and Capital's opposition. Rockland's argument that certain of Capital's measurements violate an agreement between the parties is unfounded, and is therefore denied and the study accepted. Various unopposed petitions for extensions of time are hereby granted.

Act of 1934, as amended. *FCC* v. *National Broadcasting Co., 319 U.S. 239 (1943).*

3. Applicant and petitioner dispute the locations of the nightime 2 and 25 mV/m groundwave contours of station WPAT, which operates on the second-adjacent channel from WRKL; consequently, they also dispute the existence or absence of prohibited overlap with the proposed nighttime 25 and 2 mV/m contours of WRKL. See § 73.37(a) of the Commission's Rules. They support their contentions with measurement data showing wide differences in ground conductivity along radials from WPAT toward WRKL. We are unable to resolve these differences on the basis of the measurements in the record, and must therefore designate the Rockland application for hearing. The applicant is otherwise qualified to construct and operate as proposed.

4. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the proposed operation would cause contour overlap with station WPAT, Paterson, New Jersey, in violation of § 73.37(a) of the Commission's Rules.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, whether grant of the application would serve the public interest, convenience, and necessity.

5. It is further ordered, that the petition to deny filed by Capital Cities Communications, Inc. is granted to the extent indicated above, and is denied in all other respects, and that Capital Cities Communications, Inc. is made a party to this proceeding.

6. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the parties shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, That pursuant to Section 311(a) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, Rockland shall give notice of the hearing within the time and in the manner prescribed in the rule, and shall advise the Commission of the publication of its notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-23310 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-471, File No. 2973-CM-P-79, et al.]

Telecommunications Systems, Inc., et al., Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of Telecommunications Systems, Inc., CC Docket No. 81-471, File No. 2973-CM-P-79; and Microband Corporation of America, CC Docket No. 81-472, File No. 4217-CM-P-79; and San Juan MDS, Inc., CC Docket No. 81-473, File No. 4374-CM-P-79; for construction permits in the Multipoint Distribution Service for a New Station at Ponce, Puerto Rico.

Memorandum Opinion and Order

Adopted: July 24, 1981.

Released: August 4, 1981.

By the Common Carrier Bureau:

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Ponce, Puerto Rico. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2 3]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[4]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Telecommunications Systems, Inc., Microband Corporation of America, San Juan MDS, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-23305 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] On August 18, 1980, Tymshare, Inc., (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *See* Application for Transfer of Control *Memorandum Opinion, Order and Authorization*, File Nos. 11-76-CM-TC-(69)-80, 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] San Juan MDS, Inc.'s (SJM) application (File No. 4375-CM-P-79) was returned as unacceptable for filing on November 21, 1979 pursuant to § 0.291 of Commission's Rules due to non-compliance of the condition set forth on the September 10, 1979 Public Notice. An application for informal Request for Reconsideration was filed December 21, 1979. SJM's request was unopposed. The Commission reinstated *nunc pro tunc* application File No. 4375-CM-P-79 by Memorandum Opinion and Order, adopted on July 7, 1980 and released July 8, 1980.

[CC Docket No. 81-474, File No. 2975-CM,-P-79, et al.]

Telecommunications Systems, Inc., et al. Memorandum Opinion and Order. Designating Applications for Consolidated Hearing on Stated Issues

In matter of Telecommunications Systems, Inc., CC Docket No. 81-474, File No. 2975-CM-P-79; and Microband Corporation of America, CC Docket No. 81-475, File No. 4218-CM-P-79; and San

Juan MDS, Inc., CC Docket No. 81-476, File No. 4375-CM-P-79; for construction permits in the Multipoint Distribution Service for a New Station at Mayaquez, Puerto Rico.

Memorandum Opinion and Order

Adopted: July 24, 1981.

Released: August 6, 1981.

By the Common Carrier Bureau:

1. For consideration are the above-referenced applications. [1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Mayaquez, Puerto Rico. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration. [2,3]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [4]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Telecommunications Systems, Inc., Microband Corporation of America, San Juan MDS, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-23306 Filed 8-10-81; 8:45 am]

BILLING CODE 6712-01-M

[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *See* Application for Transfer of Control *Memorandum Opinion, Order and Authorization,* File Nos. 11-78-CM-TC-(69)-80, 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001883, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] San Juan MDS, Inc.'s (SJM) application (File No. 4375-CM-P-79) was returned as unacceptable for filing on November 21, 1979 pursuant to Section 0.291 of Commission's Rules due to non-compliance of the condition set forth on the September 10, 1979 Public Notice. An application for informal Request for Reconsideration was filed December 21, 1979. SJM's request was unopposed. The Commission reinstated *nunc pro tunc* application File No 4375-CM-P-79 by Memorandum Opinion and Order, adopted on July 7, 1980 and released July 8, 1980.

[4] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain,* 77 FCC 2d 20 (1980).

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by September 1, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-1757-A.

Filing Party: E. A. Shaw, Registered Practitioner, Jacksonville Port Authority, 2831 Talleyrand Avenue, Jacksonville, Florida 32206.

Summary: Agreement No. T.1757-A, between the Jacksonville Port Authority and Sea-Land Service, Inc. (Sea-Land), provides for Sea-Land's lease of certain developed land adjacent to the facility leased under Agreement No. T-1757. The leased area consists of three parcels aggregating 4.62 acres and will be used for the storage of Sea-Land's containers. As compensation, Sea-Land shall pay a monthly rental of $3,850. In addition, Sea-Land shall have the option to lease up to five additional acres as specified in the agreement. The initial term of the lease shall expire on July 1, 1986, with options for extensions provided. The parties further agree to conditions of maintenance, indemnification, taxes and provisions of termination of the agreement.

Agreement No.: T-3967-1.

Filing Party: Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, P.O. Box 60046, New Orleans, Louisiana 70160.

Summary: Agreement No. T-3967-1, between the Board of Commissioners of the Port of New Orleans (Board) and Ryan-Walsh Stevedoring Company, Inc. (Lessee), supplements the parties' basic Agreement No. T-3967, which provides for the lease of bulk terminal facilities and related equipment, located at the Mississippi River-Gulf Outlet, Orleans Parish, Louisiana. The purpose of the supplement is to add to the present lease agreement 28.65 acres of land to be used for the constructing and operating of an open yard facility for the handling and storage of coal and other bulk commodities. Lessee shall pay a rent for the additional acres of $5,900 per acre per annum. In the event the lease of the bulk terminal is renewed, in accordance with section 2 of the basic agreement, the rent for the additional acreage will be adjusted by the Board.

Agreements Nos.: 150-71 and 3103-71.

Filing Party: Charles F. Warren, Esquire, Warren and Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreements Nos. 150–71 and 3103–71 modify respectively the basic agreements of the Trans-Pacific Freight conference of Japan/Korea and the Japan/Korea-Atlantic and Gulf Freight Conference by amending Articles 24 and 25 to comply with the self-policing provisions of General Order 7.

Agreement No.: 10425.

Filing Party: John M. Dillon, Vice President, Traffic, Chilean Line Inc., One World Trade Center, Suite 3861–3869, New York, New York 10048.

Summary: Agreement No. 10425, an Equal Access and Discussion Agreement between Compania Sud Americana de Vapores in ports of the U.S. Gulf of Mexico and Lykes Bros. Steamship Co., Inc. in ports of the Republic of Chile, will permit each party to have equal and free access to the total import and export cargo available and each party will secure for the other party the benefits of its nation's decrees, legislation and/or administrative rules, and regulation of cargo for its nation's merchant marine.

By Order of the Federal Maritime Commission.

Dated: August 6, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–23193 Filed 8–10–81; 8:45 am]

BILLING CODE 6730-01-M

United States Lines, Inc.; Application for Permission to Submit Alternative Data

The Federal Maritime Commission (Commission) hereby gives notice that United States Lines, Inc. (U.S. Lines) has filed an application with the Commission for permission to submit alternative data pursuant to 46 CFR 512.2(d).

In support of general rate changes, carriers are required by the Commission's General Order 11, Revised, to submit actual financial data for a twelve-month period commencing not more than fourteen months prior to the filing date. If the filing is within 150 days of the end of its fiscal year, the actual data requirement may be satisfied by the submission of the carrier's General Order 11, Revised, report for its fiscal year. The Order also requires carriers to submit projected financial data for a twelve-month period commencing on the first day of the month following the effective date of such rate changes.

U.S. Lines proposes a general rate increase applying to the stripping of cargo loaded at ports on the East Coast, United States and at U.S. Lines Container Freight Station in Honolulu, Hawaii. This rate increase involves raising the changes for stripping to $15 per revenue ton from the present $13 per revenue ton. The changes to the affected tariffs (FMC F–62 and FMC F–66) were filed on July 27 and August 2, 1981, respectively. Although more than 150 days has expired between December 31, 1980 and filing dates, U.S. Lines proposes to use its fiscal year-end submission as the actual twelve-months financial and operating data in support of its general rate increase. Also, to satisfy the Order's projected data requirement, U.S. Lines has submitted a detailed analysis of the effects of the proposed rate change on cargo and revenue during the forecast period.

Interested parties may inspect the data submitted in support of the application at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W. Washington, D.C. Interested parties may submit comments on the application to the Secretary, Federal Maritime Commission, Washington, D.C. 20573.

A copy of any comments should also be forwarded to United States Lines, Inc., 27 Commerce, Cranford, New Jersey 07016, and the comments should indicate that this has been done.

Francis C. Hurney,

Secretary.

[FR Doc. 81–23373 Filed 8–11–81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Caribank Corp.; Acquisition of Bank

Caribank Corporation, Dania, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99 percent of the voting shares of The Dania Bank, Dania, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–23292 Filed 8–10–81; 8:45 am]

BILLING CODE 6210-01-M

Centrabank Corp.; Formation of Bank Holding Company

Centrabank Corporation, Waco, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 74 percent of the voting shares of Central National Bank of Woodway-Hewitt, Waco, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–23293 Filed 8–10–81; 8:45 am]

BILLING CODE 6210-01-M

Founders Bancorporation, Inc.; Formation of Bank Holding Company

Founders Bancorporation, Inc., Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Founders Bank & Trust Company, Oklahoma City, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23294 Filed 8-10-81; 8:45 am]

BILLING CODE 6210-01-M

Pacesetter Financial Corp.; Acquisition of Bank

Pacesetter Financial Corporation, Grand Rapids, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Pacesetter Bank-Grand Rapids, Grand Rapids, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23295 Filed 8-10-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares, Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The First National Bank of Euless, Euless, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23296 Filed 8-10-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

In Vitro Tests for Workplace Cocarcinogens; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

In Vitro Tests for Workplace Cocarcinogens

Date: September 2, 1981

Time: 9 a.m. to 4 p.m.

Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, Room B-38, Cincinnati, Ohio 45226

Purpose: To discuss details of a project concerning the assessment of the reliability in employing short term *in vitro* method(s) to assess and analyze potential cocarcinogens in the workplace.

Additional information may be obtained from: Jeffrey S. Bohrman, Ph.D., Division of Biomedical and Behavioral Science, National Institute for Occupationial Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Room C-23, Cincinnati, Ohio 45226; Telephone: (513) 684-8394 or 684-8357.

Dated: August 4, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-23352 Filed 8-10-81; 8:45 am]

BILLING CODE 4110-87-M

Health Resources Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of August 1981:

Name: NATIONAL COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

Date and Time: August 17 or 18, 1981—for specific date and time, contact Mrs. S. Judy Silsbee

Place: Room 6-22, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782

(Meeting by Conference Call)

Due to the special purpose of this meeting and Departmental deadlines for the funding of health systems agencies, this meeting will be held by conference call.

Open for entire meeting.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Public Law 93-641, (2) the implementation and administration of Title XV and XVI of Pub. L. 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: This conference call is for the purpose of consulting with the National Council on Health Planning and Development on the proposal not to renew the designation agreement with the Houston-Galveston Area Council as the Health Systems for Texas Health Service Area 11. Persons wishing to attend must contact Colin C. Rorrie, Jr., Ph.D., Director, Bureau of Health Planning, Room 6-22, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone (301) 436–6850. Attendance by the public will be limited to space available.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone (301) 436–7175.

Agenda items are subject to change as priorities dictate.

Dated: August 7, 1981.

Note.—This notice is late because of the difficulty in scheduling a convenient time for the members of the National Council on Health Planning and Development.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 81–23456 Filed 8–10–81; 9:21 am]

BILLING CODE 4110–83–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Nevada; Realty Action—Non-Competitive Sale Public Lands in Nye County, Nevada

August 8, 1981.

The following lands have been examined and determined suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) at not less than the appraised fair market value:

Mount Diablo Meridian, Nevada

N–32251

T. 10 N., R. 43 E.,
Secs. 10 and 11.
Approximately 1,280 acres.

N–32252

T. 2 N., R. 43 E.,
Sec. 2, E½;
Sec. 11, E½;
Sec. 12, W½, SE¼.
T. 3 N., R. 43 E.,
Sec. 35, S½S½NE¼, SE¼SE¼NW¼, E½SW¼SE¼NW¼, S½SW¼NW¼, and S½.
Approximately 1,515 acres.

The above-described lands are being offered for direct sale to the Nye County Board of County Commissioners at fair market value to allow for community expansion. Parcel N–32251 is to allow for the orderly growth of the communities of Round Mountain and Carver's Station, Nevada. Parcel N–32252 is to allow the orderly growth of the town of Tonopah, Nevada.

The sales are consistent with the Bureau's planning system and with the Nye County master plan. Nye County will make the land available for private residences, businesses and recreational development. The public interest would be served by offering this land for sale. The land will not be offered for sale for at least 60 days after the date of this notice.

The patents, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The patents will also be subject to all valid existing rights including but not limited to the following reservations, conditions and limitations:

Sale Parcel N–32251

1. Those rights for highway purposes granted to the Nevada State Highway Department, its successors or assigns, under the Act of November 9, 1921, 42 Stat. 212. (CC–020778)

2. Those rights for material site purposes granted to the Nevada State Highway Department, its successors or assigns, under the Act of November 9, 1921, 42 Stat. 212. (CC–022612)

Sale Parcel N–32252

1. Those rights for highway purposes granted to the Nevada State Highway Department, its successors or assigns, under the Act of November 9, 1921, 42 Stat. 212. (CC–019568)

2. Those rights for highway purposes granted to the Nevada State Highway Department, its successors or assigns, under the Act of November 9, 1921, 42 Stat. 212. (CC–020085)

3. Those rights for powerline purposes granted to California Electric Power Company, its successors or assigns, under the Act of March 4, 1911, 36 Stat. 1253. (CC–021253)

Detailed information concerning the sale, including the land report and environmental assessment is available for review at the Tonopah Resource Area Office, Building 102, Military Circle, Tonopah, Nevada 89049, and at the Battle Mountain District Office, 2nd and Scott Streets, Battle Mountain, Nevada 89820.

For a period of 45 days from the date of this notice interested parties may submit comments to the Secretary of the Interior, BLM (320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81–23360 Filed 8–11–81; 8:45 am]

BILLING CODE 4310–84–M

Intent to Prepare an Environmental Impact Statement for Clark County, Nevada

AGENCY: Bureau of Land Management.

ACTION: Notice of intent to prepare an enviromental impact statement (EIS).

SUMMARY: This notice is to advise the public that the Bureau of Land Management intends to gather information and seek assistance in defining the range of issues to be addressed in the EIS for the grazing management program proposed for Clark County, Las Vegas District, Nevada. The proposed grazing program, affecting approximately three million acres of public land, has been developed through the Bureau's management framework planning (MFP) system. The final EIS must be ready to file with EPA by September 30, 1982. Written comments or suggestions are solicited as part of the EIS scoping process. Interested individuals are invited to identify issues that they consider significant for inclusion in the EIS or, conversely, issues that are not significant and need not be analyzed in this EIS. Interested persons who desire to be heard on issues pertinent to the Clark County Grazing EIS should call, write, or visit the District Manager, Las Vegas, Nevada, at the address given below. A public scoping meeting will be held on September 2, 1981, at 7:00 p.m. in the Las Vegas District BLM Office.

This notice is made in accordance with the National Environmental Policy Act (NEPA) and the regulations (40 CFR 1501.7) of the Council on Environmental Quality.

DATES: Written comments or suggestions concerning issues pertinent to the scoping of the Clark County Grazing EIS will be accepted through September 16, 1981.

ADDRESSES: Comments should be addressed to Kemp Conn, District Manager, Bureau of Land Management, P.O. Box 5400, Las Vegas, Nevada 89102.

FOR FURTHER INFORMATION CONTACT: Ed Ciliberti, Chief, Division of Planning and Environmental Assistance, 3rd and Stewart St., Las Vegas, Nevada 89101 (702) 385-6463.

SUPPLEMENTARY INFORMATION: The proposed action for the Clark County Grazing EIS will analyze the reclassification of certain allotments from ephermeral to ephemeral-perennial, and the continuation of other allotments as ephermeral. Management intensity on all allotments will be evaluated.

The Clark County Grazing EIS will also analyze a No Action alternative, a Natural Resource protection alternative, and a No Livestock Grazing alternative. The No Action alternative, required by NEPA, will analyze the impacts of continuation of existing uses. The Natural Resource Protection alternative will analyze the impacts of stressing protection and/or intensive management of critical habitat and sensitive areas. The No Livestock Grazing alternative will analyze the impacts of excluding livestock from grazing public lands, and improving commercial harvest of vegetation resources through wildlife.

Dated: July 31, 1981.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 81-23366 Filed 8-11-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 31, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by August 26, 1981.

Carol Shull,

Acting Keeper of the National Register.

IOWA

Howard County

Cresco, *Cresco Opera House,* 115 2nd Ave. W.

Keokuk County

What Cheer, *What Cheer City Hall,* Barnes and Washington Sts.

Tama County

Toledo, *Tama County Jail,* Broadway and State Sts.

MASSACHUSETTS

Barnstable County

Bourne, *Briggs, George L., House,* Sandwich Rd.

West Yarmouth, *Baxter Mill,* MA 28

Essex County

Rockport, *Granite Keystone Bridge,* Granite St.

Middlesex County

Malden, *Common Burying Ground at Sandy Bank,* Green St.

Medford, *Salem Street Burying Ground,* Medford Sq.

Norfolk County

Wellesley Hills, *Intermediate Building,* 324 Washington St.

NEW YORK

Chenango County

Oxford, *Burr, Theodore, House,* Fort Hill Sq.

[FR Doc. 81-23009 Filed 8-10-81; 8:45 am]

BILLING CODE 4310-70-M

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 8:30 a.m. (EDT), on Thursday, August 27, 1981, at Happy Days Visitor Center located on State Route 303 (Streetsboro Road), 1 mile west of State Route 8 near Peninsula, Ohio. Parking is on the north side of Route 303 and a pedestrian tunnel leads to the building on the south side of the highway.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff-4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Tommie Patty (Chairperson)
Mr. John Craig
Mr. Norman A. Godwin
Mrs. William Hutchison
Mr. James S. Jackson
Mrs. George Klein
Mr. Stanley Mottershead
Mr. C. W. Eliot Paine
Mr. Melvin J. Rebholz
Mr. F. Eugene Smith
Ms. Robbie Stillman
Mr. Barry K. Sugden
Dr. Robert W. Teater

Matters to be discussed at this meeting include:

1. Discussion of alternatives for Everett Road covered bridge restoration.

2. Discussion of land acquisition policy.

3. Update on Park operations.

The meeting will be open to the public. It is expected that about 200 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 650-4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Date: July 28, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81-23301 Filed 8-10-81; 8:45 am]

BILLING CODE 4310-70-M

Availability of Plan of Operations and Environmental Assessment for the Purpose of Drilling an Exploratory Oil Well; Visa Exploration Corporation, Big Thicket National Preserve, Texas

Notice is hereby given in accordance with Section 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Visa Exploration corporation a plan of operations for the purpose of drilling an exploratory oil well in the Lance Rosier Unit of Big Thicket National Preserve, Hardin County, Texas.

The Plan of Operations and Environmental Assessment are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Big Thicket National Preserve, 8185 Eastex Freeway, Post Office Box 7408, Beaumont, Texas 77706; and the Southwest Regional Office, National Park Service 1100 Old Santa Fe Trail, Santa Fe, New Mexico 87501. Copies of the document are available from Big Thicket National Preserve and will be sent upon request.

Dated: July 30, 1981.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-23300 Filed 8-10-81; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program, West Virginia; Availability of Finding of No Significant Impact

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM).

ACTION: Notice of availability of Finding of No Significant Impact (FONSI) addressing Environmental Assessments (EA's) for development of eleven (11) abandoned mine land projects under the West Virginia Abandoned Mine Lands Reclamation Plan which was approved January 23, 1981.

SUMMARY: OSM, Region I, has prepared an Environmental Assessment on a Federal Grant Application submitted by the State of West Virginia to the Office of Surface Mining Region I office located in Charleston, West Virginia.

A Finding of No Significant Impact (FONSI) was made on the eleven (11) reclamation projects included in the great application to be developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231-1234. A decision is anticipated by August 14, 1981.

ADDRESS: Copies of the FONSI's are available for inspection or may be obtained at the following location between the hours of 8:00 a.m and 4:00 p.m.: Office of Surface Mining, Region I, U.S. Department of the Interior, 603 Morris Street, Charleston, West Virginia 25301.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Assistant Regional Director, Division of Abandoned Mine Lands, Office of Surface Mining, U.S. Department of the Interior, 603 Morris Street, Charleston, West Virginia 25301; Telephone: 304/342-8125.

Approved: July 30, 1981.

David N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

[FR Doc. 81-23365 Filed 8-10-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[AB 35 SDM]

Amended System Diagram Map; Los Angeles & Salt Lake Railroad Co.

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Los Angeles & Salt Lake Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 35 SDM. The Commission on June 23, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 35 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23276 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 153 SDM]

Amended System Diagram Map; Mount Hood Railway

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Mount Hood Railway has filed with the Commission its amended color-coded system diagram map in docket No. AB 153 SDM. The Commission on June 23, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 153 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23275 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 36 SDM]

Amended System Diagram Map; Oregon Short Line Railroad

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Oregon Short Line Railroad has filed with the Commission its amended color-coded system diagram map in docket No. AB 36 SDM. The Commission on June 23, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 36 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23284 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 37 SDM]

Amended System Diagram Map; Oregon-Washington Railroad & Navigation Co.

Notice is heregy given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Oregon-Washington Railroad & Navigation Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 37 SDM. The Commission on June 23, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 37 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23265 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 121 SDM]

Amended System Diagram Map; Spokane International Railroad

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Spokane International Railroad has filed with the Commission its amended color-coded system diagram map in docket No. AB 121 SDM. The Commission on June 23, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 121 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23273 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 34 SDM]

Amended System Diagram Map; St. Joseph & Grand Island Railroad Co.

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the St. Joseph & Grand Island Railroad Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 34 SDM. The Commission on June 23, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 34 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23277 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 33 SDM]

Amended System Diagram Map; Union Pacific Railroad Co.

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Union Pacific Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 33 SDM. The Commission on June 23, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 33 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23279 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 131 SDM]

Amended System Diagram Map; Yakima Valley Transportation Co.

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Yakima Valley Transportation Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 131 SDM. The Commission on June 23, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 131 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23274 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 229 (Sub-1); No. 36874]

Increases in Freight Rates and Charges of the Long Island Railroad Co. To Offset Retirement Tax Increase—1973; Intent To File Divisions Complaint by the Long Island Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final decision.

SUMMARY: The Commission in docket No. 36874 has determined that the Long Island Railroad has failed to domonstrate, consistent with the criteria contained in 49 U.S.C. 10705, that its divisions of joint rates are unreasonable and that new divisions should be prescribed. The Commission in Ex Parte No. 299 (Sub-No. 1) has determined on remand that the Long Island surcharge has not been shown to be lawful, refunds with interest have been ordered.

EFFECTIVE DATE: August 7, 1981.

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

SUPPLEMENTARY INFORMATION: Following passage of the Railroad Retirement Amendments of 1973, Public Law 93-69, the Long Island Railroad established a 3.5 percent surcharge on its joint-line traffic, effective October 8, 1973. An additional 2 percent became effective on January 1, 1974, and effective December 19, 1974, the surcharge was raised to the current level of 12.5 percent.

In the prior Commission decision, *Increase in Freight Rates and Charges—1973,* 350 I.C.C. 673 (1975), the 12.5 percent surcharge was found lawful and ordered incorporated into the joint-rate divisions structure. This decision was remanded to the Commission for further explanation in *Aberdeen & Rockfish R. Co.* v. *United States,* 565 F. 2d 327 (5th Cir. 1977). The Commission has completed hearings and issued a final decision in the remanded proceeding and subsequently filed and consolidated divisions complaint.

On remand, the Commission has determined that the surcharge was not shown to be lawful under criteria of the Railroad Retirement Amendments and the provisions of the Interstate Commerce Act. Pursuant to former section 15a(4)(c) of the Act, the Long

Island is ordered to make refunds with interest. To the extent recordation exists, the Long Island is directed to initiate refunds. Pursuant to 49 U.S.C. 11706(e), the shippers have one year from the service date of the decision to bring a civil action on claims not paid. Shippers shall use the claims procedure provided in 49 CFR 1100.95. All surcharge revenues not refunded are to be divided between joint-line participants according to existing divisions. The Long Island is directed to cancel its surcharge within 35 days from the service date of the decision.

This decision does not significantly affect the quality of the human environment or energy consumption.

Dated: August 4, 1981.

By The Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23281 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Applications for Relief (Formerly Fourth Section Applications)

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

No. 43926, Elgin, Joliet and Eastern Railway Company reduced local rates applying on all commodities at and between all stations on the EJE Railway Company. Rates to be published in a new tariff EJE 4193, ICC EJE 4193. Grounds for relief—unregulated motor carrier competition.

No. 43931, Southwestern Freight Bureau, Agent, (No. B-133), rates on Iron or Steel Articles, from Mentor, OH to stations in Louisiana and Texas, in Supplement 631 to its tariff ICC SWFB 4850, effective September 2, 1981. Grounds for relief—Market Competition and Rate Relationship.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23280 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-2-142]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: August 3, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 F.R. 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statues and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members, Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless note otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 153442, filed July 20, 1981. Applicant: TEXAS EASTERN TRANSPORT COMPANY, INC., 2500 Spence, Lufkin, TX 75901. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, 713-437-1768. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157103, filed July 7, 1981. Applicant: AMERICAN DISPATCH CORP., 11750 Westline Industrial Dr., St. Louis, MO 63141. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St., Louis, MO 63105, 314-727-0777. Transporting *Shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 157222, filed July 20, 1981. Applicant: SPECIALIZED TRANSPORTATION SALES, INC., P.O. Box 375, 220 Park Rd. North, Wyomissing, PA 19610. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. As a *broker* of *general commodities* (except household goods), between points in the U.S. CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 2, Room 2379.

MC 157303, filed July 24, 1981. Applicant: NEAL D. HARTZ, 216 Lincoln, Lemont, IL 60439.

Representative: William R. Penn, 68 North Chicago St., Suite 211, Joliet, IL 60431, (815) 723-0601. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-23262 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, Williams (Williams not participating).

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-4-300

Decided: July 29, 1981.

MC 141597 (Sub-14), filed July 16, 1981. Applicant: RIVERSIDE TRUCK LINE, INC., 919 4th Ave. S., Denison, IA 51442. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting (1) *food and related products*, (2) *chemicals and related products*, (3) *metal products*, (4) *furniture and fixtures*, (5) *farm products*, and (6) *machinery*, between points in Jackson County, OR, on the one hand, and, on the other, points in the U.S.

MC 144687 (Sub-4), filed July 16, 1981. Applicant: CURTIS R. McPEAK, Box 35, Dalton City, IL 61925. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 67201, (217) 544-5468. Transporting (1) *chemicals and related products*, and (2) *fertilizer application and storage equipment*, between points in the U.S., under continuing contract(s) with P.C. Limited and Perkinson Company, both of Decatur, IL.

MC 146807 (Sub-30), filed July 16, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes-Barre, PA 18702. Representative: Paul Seleski (same address as applicant), (717) 735-0188. Transporting *tires, tubes, rims, valves, and wire* used in steel belted radial tires, between points in PA, OH, VA, WV, KY, IL, IN, LA, TX, OK, AL, GA, TN, NC, SC, MO, CO, MS, NY, NJ, KS, IA, CT, and FL.

MC 157117 (Sub-1), filed July 20, 1981. Applicant: JAFAK TRANSPORT, INC., P.O. Box 54, Brillion, WI 54110. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *electrical machinery or equipment or supplies*, between points in the U.S., under continuing contract(s) with Miller Electric Mfg. Company, of Appelton, WI.

MC 150937 (Sub-1), filed July 20, 1981. Applicant: R & R DISTRIBUTING, INC., 1355 Abbott St., Salinas, CA 93901. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, 213/945-2745. Transporting (1) *such commodities* as are dealt in by wholesale foodstuffs distributors, (a) between points in CA, ID, OR, and WA, on the one hand, and, on the other, points in the U.S., and (b) between points in DE, FL, GA, IL, IA, KS, MO, NJ, OH, SD, TX, UT, and WI, on the one hand, and, on the other, points in VA, and (2) *foods and related products*, between points in Clark County, NV, on the one hand, and, on the other, points in NJ.

Volume No. OPY-4-301

Decided: July 29, 1981.

MC 34227 (Sub-25), filed July 20, 1981. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, 15190 E. Colfax, Aurora, CO 80011. Representative: James P. Beck, 717 17th St., Ste. 2600, Denver, CO 80202, (303) 892-6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Co., of St. Louis, MO.

MC 42487 (Sub-1042), filed July 21, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Church & Dwight Co., of Piscataway, NJ.

MC 144757 (Sub-10), filed July 20, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 412 Oshkosh, Rapid City, SD 57701. Representative: J. Maurice Andre, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343-4036. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Edward Hines Lumber Co., of Chicago, IL.

MC 144117 (Sub-77), filed July 21, 1981. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200-A, Park Ridge, IL 60068, (312) 698-2235. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 151707 (Sub-12), filed July 20, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis Kupchik (same address as applicant). Transporting *agricultural machinery and lighting fixtures*, between points in the U.S., under continuing contract(s) with Lilliston Corporation of Albany, GA, and Metalux Corporation, of Americus, GA.

MC 153997, filed July 20, 1981. Applicant: ANMAC SERVICES, INC., 705 Grandville Rd., Franklin, TN 37064. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244-8100. Transporting *carpeting and floor covering materials*, between points in Bartow, Gilmer, Catoosa, Whitfield, Gordon, and Murray Counties, GA, on the one hand, and, on the other, points in TN.

MC 156897, filed July 13, 1981. Applicant: DARRYL L. BARKER and ROBERT M. BARKER, d.b.a. MILE-HI LEASING, a partnership, P.O. Box 2000, Sheridan, WY 82801. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839-5856. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 157267, filed July 22, 1981. Applicant: ACADEMIC TRAVEL ABROAD, INC., 1346 Connecticut Ave. N.W., Washington, DC 20036. Representative: Mark Pestronk, 805 King St., Box 1417 A-40, Alexandria, VA 22313, (703) 549-8666. To engage in operations, in interstate or foreign commerce, as a *broker*, at Washington, DC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, between points in the U.S.

[FR Doc. 81-23286 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtanied from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations documents (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members, Carleton, Fisher, Williams (Williams not participating).

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-4-302

Decided: July 29, 1981.

MC 8457 (Sub-12), filed July 20, 1981. Applicant: MILWAUKIE TRANSFER & FUEL CO., P.O. Box 522, Clackamas, OR 97015. Representative: Lawrence V. Smart, Jr., 419 NW 23d Ave., Portland, OR 97210, (503) 226-3755. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-4-303

Decided: July 29, 1981.

MC 157247, filed July 20, 1981. Applicant: MINTAR SERVICE, INC., 401 E. Edgar Rd., Linden, NJ 07036. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, (212) 941-9291. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 148877 (Sub-3), filed July 13, 1981. Applicant: LEON'S TRUCKING CO., 1511 Brooklyn Ave., Eugene, OR 97403. Representative. Frederick DeLeon, (same address as applicant), (503) 344-5081. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *food and other edible products and byproducts intended for human consumption*, (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-23287 Filed 8-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers: Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrer dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long at the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–221

Decided: August 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 69901 (Sub-44), filed July 20, 1981. Applicant: COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, IN 47201. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603, (312)–236–9375. Transporting *general commodities* (except classes A and B explosives), serving all points in IN as intermediate or off-route points in connection with carrier's otherwise authorized regular-route authority.

MC 106010 (Sub-2), filed July 17, 1981. Applicant: RAIDERS EXPRESS, INC., 265 Broadway, Jersey City, NJ 07036. Representative: Ken Wilson, 167 Sylvan Road, Bloomfield, NJ 07003, (201) 338–5753. Transporting *general commodities* (except classes A and B explosives), between points in NJ, on the one hand, and, on the other, points in PA, NY, DE, MD, CT, MA, and NJ.

MC 111941 (Sub-39), filed July 23, 1981. Applicant: PIERCETON TRUCKING COMPANY, INC., Box 233, Laketon, IN 46943. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638–1301. Transporting *petroleum, natural gas and their products*, between points in IN, on the one hand, and, on the other, points in IA, MO, WI, IL, MI, KY, TN, MS, AL, OH, WV, VA, NC, SC, GA, FL, PA, NJ, MD, DE, and DC.

MC 119791 (Sub-3), filed July 20, 1981. Applicant: R. J. TRUCKING, INC., 1220 Roosevelt Ave., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, (202) 783–7900. Transporting *chemicals and related products*, between points in Schuyler and Onondaga Counties, NY, on the one hand, and, on the other, points in PA.

MC 120060 (Sub-4), filed July 20, 1981. Applicant: THE PARK TRUCKING COMPANY, 333 Park Ave., East Hartford, CT 06108. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *such merchandise* as is dealt in by grocery and food house, between points in CT, MA, NJ and NY, on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY and NJ.

MC 120371 (Sub-16), filed July 22, 1981. Applicant: CENTRAL OKLAHOMA FREIGHT LINES, INC., 2945 North Toledo, Tulsa, OK 74115. Representative: Greg E. Summy, P.O. Box, Edmond, OK 73034. Transporting *general commodities* (except classes A and B explosives), (1) between Bartlesville, OK and Odessa, TX: from Bartlesville over U.S. Hwy 75 to Tulsa, then over Interstate Hwy 44 to Oklahoma City, then over H. E. Bailey Turnpike to junction U.S. Hwy 277, then over U.S. Hwy 277 to Abilene, TX, then over interstate Hwy 20 to Odessa and return over the same route, serving all intermediate points; and (2) serving all points in OK as off-route points.

MC 123640 (Sub-35), filed May 4, 1981, previously noticed in the **Fedreal Register** issue of May 21, 1981. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Ft. Wayne, IN 46803. Representative: Irving Klein, 371 Seventh Ave., New York, NY 10001, (212) 270–3050 Transporting *such commodities* as are dealt in by wholesale hardware stores, between points in the U.S., under continuing contract(s) with Hardware Wholesalers, Inc., of Dixon, IL.

Note.—This republication clarifies the commodity description.

MC 125800, filed July 24, 1981. Applicant: BOROVEC TRUCKING, INC., 1945 South Market Blvd., Chehalis, WA 98532. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting (1) *machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of oil, water or gas, (2) *metal products*, (3) *lumber and wood products*, and (4) *waste or scrap materials not identified by industry producing*, between points in OR and WA.

MC 138570 (Sub-3), filed July 20, 1981. Applicant: JOHN B. LAMBERT TRUCKING COMPANY, a corporation, 8 McIntosh St., P.O. Box 219, Newnan, GA 30263. Representative: John B. Lambert (same address as applicant), (404) 253–5140. Transporting *salt cake*, between points in the U.S., under continuing contract(s) with William L. Bonnell Company, of Newnan, GA.

MC 139151 (Sub-5), filed July 17, 1981. Applicant: CANUS TRUCKING, LTD., 782 Main St., Winnipeg, Manitoba Canada R2W 3N4. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005, (202) 296-3555. In foreign commerce only, transporting *pulp, paper and related products,* between points on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in WA, OR, ID, MT, ND, SD, MN, WI, MI, PA, NY, MA, ME, IA, IN, MO, OH, and IL.

MC 139380 (Sub-10), filed July 22, 1981. Applicant: STIDHAM TRUCKING, INC., P.O. Box 308, Yreka, CA 96097. Representative: Marci Gebhardt (same address as applicant), (916) 842-4161. Transporting *metal products,* between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 142821 (Sub-3), filed July 23, 1981. Applicant: ROY M. BROWN, R.R. #2, Galatia, IL 62935. Representative: Michael W., O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting (1) *ores and minerals,* between points in Hardin County, Il, on the one hand, and, on the other those points in the U.S. in and east of MN, IA, MO, AR and LA, and (2) *coal and coal products,* between points in AR, IL, IN, KY, MO and TN.

MC 150951 (Sub-3), filed July 21, 1981. Applicant: CRANSTON TRUCKING COMPANY (Division of CRANSTON PRINT WORKS COMPANY), a corporation, 1381 Cranston St., Cranston, RI 02920. Representative: A. Joseph Mega, 175 Forbes St., East Providence, RI 02915, (401) 437-1481. Transporting *textile mill products,* between points in the U.S., under continuing contract(s) with Weiner & Bauer, Inc., of New York, NY.

MC 152400, filed July 17, 1981. Applicant: ANDERSON TRUCK RENTAL CORPORATION, d.b.a. A B H, R.F.D. 1, E. Kingston, Kensington, NH 03827. Representative: Kenneth E. Anderson, Jr. (same address as applicant), (603) 394-7814. Transporting *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Borden Chemical, Division of Borden, Inc., of Columbus, OH.

MC 157300, filed July 24, 1981. Applicant: GRANDA TRAVEL, INC., 67-22 Roosevelt Ave., Woodside, NY 11377. Representative: Julio C. Castro (same address as applicant), (212) 898-7720-1. Transporting *passengers and their baggage,* beginning and ending at poins in NY, and extending to Washington, DC, and points in NJ and CT.

MC 157301, filed July 24, 1981. Applicant: TRIPLE CROWN TRUCKING, 2436 29th Ave. W., Seattle, WA 98199. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. Transporting (1) *lumber and wood products,* (2) *construction materials,* and (3) *such commodities* as are dealt in or used by commercial fishing processors, between points in the U.S., under continuing contract(s) with (a) Tyee Lumber and Manufacturing Company, of Seattle, WA, in (1) above, (b) Uresco Construction Materials, Inc., of Seattle, WA, in (2) above, and (c) Sable Fish, of Friday Harbor, WA, in (3) above.

Vol No. OPY-4-277

Decided: July 31, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 111637 (Sub-4), filed July 14, 1981. Applicant: SANSONE MOTORS, INC., d.b.a. NORWOOD MOTOR TOURS, 100 Broadway, Norwood, MA 02062. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732-1136. Transporting *passengers and their baggage,* in charter and special operations, beginning and ending at points in Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, MA, and Kent and Providence Counties, RI, and extending to points in the U.S.

MC 121517 (Sub-20), filed July 14, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161 E. Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same address as applicant), (918) 438-0550. Transporting *chemicals and related products,* between points in Reno County, KS and Rogers County, OK, on the one hand, and, on the other, points in AR, CO, KS, LA, MO, NM, OK, TN, and TX.

MC 144117 (Sub-76), filed July 15, 1981. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Bernard J. Kompare, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *such commodities* as are dealt in or used by manufacturers of foodstuffs and pharmaceuticals, between points in Vanderburgh and Posey Counties, IN, and Greene County, MO, on the one hand, and, on the other, points in the U.S.

MC 144667 (Sub-25), filed July 13, 1981. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *food and related products,* between Denver, CO, on the one hand, and, on the other, points in the U.S.

MC 150017 (Sub-2), filed July 13, 1981. Applicant: DELICIOUS FOODS CARRIERS, INC., 2629 No. Broadwell, P.O. Box 730, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *food and related products,* between the facilities of Delicious Foods Company, and Mann's International Meat Specialties, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 156497, filed June 12, 1981, previously noticed in the **Federal Register** issue of July 1, 1981, and republished this issue. Applicant: AAA GEORGIA MOTOR CLUB, d. b. a. AAA WORLD WIDE TRAVEL AGENCY, 1100 Spring St. NW., Atlanta, GA 30367. Representative: John L. Girard (same address as applicant), (404) 875-7171. As a broker, at Atlanta, GA, to arrange for the transportation by motor vehicle, of *passengers and their baggage,* in special or charter operations, between points in the U.S. including AK and HI.

Note.—The purpose of this republication is to correctly state the territorial description.

MC 157157, filed July 15, 1981. Applicant: RUCKER-THOMPSON PROMOTIONS, P.O. Box 41711, Atlanta, GA 30331. Representative: J. Larry Thompson, 5161 Heather Rd., Smyrna, GA 30080, (404) 432-1701. To engage in operations, in interstate or foreign commerce as a broker, at Atlanta, GA, in arranging for the transportation of *passengers,* between points in the U.S.

Volume No. OPY-4-304

Decided: August 5, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 60066 (Sub-32), filed July 7, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Transporting (1) *food,* and (2) *such commodities* as are dealt in by manufacturers of paper and plastic products, between points in IL, on the one hand, and, on the other, points in KS, MN, IA, and NE.

MC 87966 (Sub-23), filed June 26, 1981, previously noticed in the **Federal Register** of July 14, 1981. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 S. 76th Ave., Hickory Hills, IL 60457. Representative: Terry G. Fewell, P.O. Box 4403, Chicago, Il 60680, (312) 681-8375. Transporting (1) *furniture, fixtures, appliances, furnishings, and equipment,* and (2) *such commodities* as are dealt in by department, discount, and speciality stores, between points in the U.S.

Note.—The purpose of this republication is to include furnishings and equipment in (1) above.

MC 115826 (Sub-604), filed July 17, 1981. Applicant: W. J. DIGBY, INC., 6015 E. 58th St., Commerce City, CO 80022. Representative: Charles J. Kimball, 1600 Sherman St. No. 665, Denver, CO 80203, (303) 839-5856. transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with ABC-Trans National Transport and Acme Fast Freight, Inc., both of Los Angeles, CA, and Freight Forwarders, Inc., of Denver, CO.

MC 156076, filed June 22, 1981, previously noticed in the *Federal Register* of July 10, 1981. Applicant: ARTHUR A. ROLLER, d.b.a. ROLLER TRUCKING, P.O. Box 379, Beebe, AR 72012. Representative: James M. Duckett, 221 W. Second St., Little Rock, AR 72201, (501) 882-3568. Transporting *lumber and wood products*, between points in Pulaski County, AR, on the one hand, and, on the other, points in CO, OK, MO, NE, ND, SD, IA, and KA.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23288 Filed 8-14-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

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Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verifed statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

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Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-3-134

Decided: August 3, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 9914 (Sub-18), Filed July 24, 1981. Applicant: WARREN TRUCKING CO., INC., P.O. Box 2038, Martinsville, VA 24112. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790-2510. Transporting *furniture and fixtures*, between points in GA, on the one hand, and, on the other, points in NY and PA.

MC 52704 (Sub-294), Filed July 27, 1981. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Pkwy., Atlanta, GA 30345, (404) 321-1765. Transporting *beverages*, between points in the U.S.

MC 87855 (Sub-4), Filed July 24, 1981. Applicant: J. V. MOTOR LINES, INC., 69 Thomas St., East Hartford, CT 06108. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 241-8296. Transporting *general commodities* (except classes A and B explosives), between points in MA, on the one hand, and, on the other, points in CT, RI, ME VT, NH, NJ, and NY.

MC 105774 (Sub-13), Filed July 27, 1981. Applicant: JOHNSON TRUCK LINE, INC., P.O. Box 140, Osborne, KS 67473. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting *metal products*, between the facilities of Nucor Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC-110325 (Sub-179), filed July 24, 1981. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, 1221 Baltimore Ave., Kansas City, MO 64105. (816) 221-1464. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Baton Rouge, LA and Atlanta, GA: (a) From Baton Rouge over Interstate Hwy 10 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 85, then over Interstate Hwy 85 to Atlanta, and return over the same route; and (b) From Baton Rouge over U.S. Hwy 61 to junction U.S. Hwy 90, then over U.S. Hwy 90 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Atlanta, and return over the same route; (2) Between Lake Charles, LA and Kansas City, MO: From Lake Charles over U.S. Hwy 171 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Kansas City, and return over the same route; (3) Between Shreveport, LA and Montgomery, AL, over U.S. Hwy 80; (4) Between junction Interstate Hwys 10 and 55 near La Place, LA and Memphis, TN, over Interstate Hwy 55; (5) Between junction U.S. Hwy 51 and Interstate Hwy 10 near La Place, LA and Memphis, TN over U.S. Hwy 51; (6) Between Shreveport and Baton Rouge, LA: From Shreveport over U.S. Hwy 71 to junction U.S. Hwy 190, then over U.S. Hwy 190 to Baton Rouge, and return over the same route: (7) Between Lake Charles, LA and Des Moines, IA: From Lake Charles over U.S. Hwy 90 to junction U.S. Hwy 165, then over U.S. Hwy 165 to junction U.S. Hwy 65, then over U.S. Hwy 65 to Des Moines, and return over the same route; (8) Between Texarkana, AR and Savannah, GA: From Texarkana over U.S. Hwy 82 to junction U.S. Hwy 17, then over U.S. Hwy 17 to Savannah, and return over the same route; (9) Between Baton Rouge, LA and Memphis, TN, over U.S. Hwy 61; (10) Between Mobile, AL and Tupelo, MS, over U.S. Hwy 45; (11) Between Mobile, AL and Jacksonville, FL, (a) over Interstate Hwy 10, and (b) over U.S. Hwy 90; (12) Between Athens, AL and Panama City, FL: From Athens over U.S. Hwy 31 to junction U.S. Hwy 231, then over U.S. Hwy 231 to Panama City, and return over the same route; (13) Between Corinth, MS and Anniston, AL: From Corinth over U.S. Hwy 72 to junction U.S. Hwy 431, then over U.S. Hwy 431 to Anniston, and return over the same route; (14) Between Tupelo, MS and Tallahasee, FL: From Tupelo over U.S. Hwy 78 to junction U.S. Hwy 280, then over U.S. Hwy 280 to junction U.S. Hwy 19, then over U.S. Hwy 19 to junction U.S. Hwy 319, then over U.S. Hwy 319 to Tallahassee, and return over the same route; (15) Between Natchitoches, LA and Waycross, GA over U.S. Hwy 84; (16) Between Tampa, FL and Atlanta, GA, (a) over Interstate Hwy 75; and (b) over U.S. Hwy 41; (17) Between Tampa, FL and Columbia, SC: From Tampa over U.S. Hwy 92 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction U.S. Hwy 17, then over U.S. Hwy 17 to junction U.S. Hwy 21, then over U.S. Hwy 21 to Columbia, and return over the same route; (18) Between Savannah and Columbus, GA, over U.S. Hwy 80; (19) Between Macon and Gainesville, GA, over U.S. Hwy 129; (20) Between Athens and Atlanta, GA, over U.S. Hwy 29; (21) Between Brunswick and Barnesville, GA, over U.S. Hwy 341; (22) Between Americus and Griffin, GA, over U.S. Hwy 19; (23) Between Jacksonville, FL and Augusta, GA, over U.S. Hwy 1; (24) Between North Augusta, SC and Atlanta, GA, over U.S. Hwy 278; (25) Between Tampa and Miami, FL: From Tampa over U.S. Hwy 92 to junction U.S. Hwy 19, then over U.S. Hwy 19 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Miami, and return over the same route; (26) Between Miami and Daytona Beach, FL, over U.S. Hwy 1; (27) Between Bunkie and New Orleans, LA: From Bunkie over LA Hwy 29 to junction U.S. Hwy 167, then over U.S. Hwy 167 to junction U.S. Hwy 90, then over U.S. Hwy 90 to junction LA Hwy 182, then over LA Hwy 182 to junction U.S. Hwy 90, then over U.S. Hwy 90 to New Orleans, and return over the same route, serving in (1) through (27) points in AL, AR, FL, GA, LA, MS, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 118044 (Sub-4), filed July 22, 1981. Applicant: KEESHIN CHARTER SERVICE, INC., 705 S. Jefferson St., Chicago, IL 60607. Representative: Alan E. Serby, 3390 Peachtree Rd., N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326, (404) 262-7855. Transporting *passengers and their baggage*, in special and charter operations, between those points in FL in and south of Penellas, Hillisborough, Polk, Osceola, and Brevard Counties, FL, on the one hand, and, on the other, points in the U.S. (except HI).

MC 124045 (Sub-5), filed July 27, 1981. Applicant: RAYMOND G. WISHARD, d.b.a. WISHARD TRUCKING, 657 Clay Hill Rd., Chambersburg, PA 17201. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *clay, concrete, glass or stone products*, between points in Huntingdon County, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, OH, VA, WV, MI, MO, WI, TX, IN, and IL.

MC 125254 (Sub-83), filed July 24, 1981. Applicant: MORGAN TRUCKING CO., 1201 E. 5th St., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *food and related products*, between in the facilities of H. J. Heinz Co. and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 1130245 (Sub-2), filed July 24, 1981. Applicant: SCHEFFLER'S FOUR SEASONS TOURS, INC., P.O. Box 1341, Saginaw, MI 48605. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. As a *broker* at Saginaw, MI, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, between points in the U.S.

MC 141135 (Sub-6), filed July 20, 1981. Applicant: VARRA COMPANIES, INC., 2130 S. 96th St., Broomfield, CO 80020. Representative: Pasquale Varra (same address as applicant), (303) 666-6657. Transporting *general commodities*, between points in CO and WY, on the one hand, and, on the other, those points in the U.S. on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada.

MC 144115 (Sub-23), filed July 23, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 6670 11th Ave. SW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677-2586. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Foods Corporation of Oklahoma City, OK, and Swift Independent Packing Company of Chicago, IL.

MC 145955 (Sub-26), filed July 24, 1981. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transportng *general commodities* (except classes A and B explosives and hazardous waste), between Fort Worth, TX, Chatanooga, TN, and points in Chickasaw County, IA, and IL, on the the one hand, and, on the the other, points in the U.S.

MC 149484 (Sub-2), filed July 23, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintraub, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442-8330. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 150954 (Sub-36), filed July 24, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 4429 Rittiman Rd., P.O. Box 39430, San Antonio, TX 78218. Representative: Robert J. Birnbaum, 3636 Executive Center Drive, Suite 151, Austin, TX 78731, (512) 346-4800. Transporting *foodstuffs*, between points in the U.S. under continuing contract (s) with N.V. Multi-Foods, Inc., of Dallas, TX.

MC 155864, filed July 27, 1981. Applicant: NOLA DELIVERY INC., 830 Robert E. Lee, New Orleans, LA 70113. Representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, LA 70130, (504) 522-7284. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sears, Roebuck & Company, of Atlanta, GA.

MC 156354 (Sub-1), filed July 23, 1981. Applicant: FICEL SALES, INC., P.O. Box 1984, Blasdell, NY 14219. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716) 845-

6066. Transporting *metal products*, between the facilities of Bethlehem Steel Corporation, at points in Cambria, Dauphin, Lebanon, Lycoming, and Northampton Counties, PA, Baltimore County, MD, Porter County, IN, and Erie County, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, MA, MD, ME, MI, MO, NH, NJ, NY, OH, PA, RI, and DC.

MC 157244, filed July 21, 1981. Applicant: H & J TRUCKING, INC., P.O. Box 1004, Mt. Pleasant, SC 29464. Representative: H. Keith Johnson, (same address as applicant), (803) 881-1333. Transporting *general commodities* (except classes A and B explosives), in containers or trailers, having an immediately prior or subsequent movement by water, between points in AL, FL, GA, KY, MS, NC, SC, TN, and VA.

MC 157255, filed July 24, 1981. Applicant: RANGER EXPRESS CO., 1616 West 47th Street, Ashtabula, OH 44004. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215, (614) 228-8575. Transporting *pulp, paper and related products*, between points in Ashtabula County, OH, on the one hand, and, on the other, points in IN, KY, MI, NY, PA, WV, MD, TN, IL, NJ, VA, DE, NC, and MA.

MC 157284, filed July 23, 1981. Applicant: PACIFIC CARRIERS, 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard C. Lougee, P.O.B. 10061, Palo Alto, CA 94303, (415) 856-0117. Transporting *meat, meat products, meat by-products, and articles distributed by meat packinghouses*, between points in the U.S., under continuing contract(s) with Dubuque Packing Company, of Denison, IA, Country Pride Foods, Ltd., of West Sacramento, CA, and Packers Exchange Co., Inc., of West Minster, CA.

MC 157295, filed July 24, 1981. Applicant: MICHAEL KINEBREW ASSOCIATES, INC., 25 W. Sharpnack St., Philadelphia, PA 19119. Representative: Michael Kinebrew (same address as applicant), (215) 849-0123. Transporting *passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Philadelphia, PA, and extending to points in PA, NJ, VT, FL, GA, IA, MD, NY, CT, NC, WV, LA, KY, DE, TX, MA, VA, and DC.

MC 157304, filed July 24, 1981. Applicant: AZS CORPORATION, 762 Marietta Blvd., NW., Atlanta, GA 30318. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477-1525. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contracts with (1) AZS Chemical Company, of Atlanta, GA, (2) AZ Products Company, of Lakeland, FL, (3) Lancaster Chemical Company, of Newark, NJ, (4) Seydel-Woolley & Company, of Greenville, SC, (5) American Industrial Chemical Corporation, of Smyrna, GA, and (6) Van Waters & Rogers, of Atlanta, GA.

MC 157314, filed July 24, 1981. Applicant: MAHEU TRANSPORT, INC., C. P. 120 St-Stanislas-DeKosta, Quebec, Canada JOS 1WO. Representative: Irving Klein, 371 Seventh Ave., New York, NY 10001, (212) 279-3050. Transporting *general commodities* (except classes A and B explosives), in foreign commerce only, between ports of entry on the international boundary line, between the United States and Canada, on the one hand, and, on the other, Trout River, Syracuse, Malone, Albany, Champlain, Rouses Point, Plattsburgh, and Massena, NY.

MC 157315, filed July 24, 1981. Applicant: AMERICA TRAVEL, INC., 328 Warren Ave., East Providence, RI 02914. Representative: L. John Osborn, 1660 L St., N.W., Suite 1100, Washington, DC 20036, (202) 452-1692). As a *broker*, at East Providence and East Greenwich, RI, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in RI and Bristol County, MA, and extending to points in the U.S.

MC 157334, filed July 24, 1981. Applicant: WAYNE G. HANNA, 492 David St., Fall River, MA 02720. Representative: Robert A. Mega, 25 Esten Ave., Pawtucket, RI 02860. Transporting *cloth, dry goods, and fabrics*, between points in the U.S. under continuing contract(s) with Louis Hand, Division of Aberdeen Manufacturing Corporation, of Fall River, MA.

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Decided: July 31, 1981.

By the Commission, review Board No. 1, members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 153 (Sub-5), filed July 22, 1981. Applicant: SCHENCK TOURS, INC., 372 Jericho Turnpike, Floral Park, NY 11002. Representative: David E. Schwab II, 1185 Avenue of the Americas, New York, NY 10036, (212) 575-8150. Transporting *passengers and their baggage, in the same vehicle with passengers*, in special round-trip and charter operations, beginning and ending at New York, NY, and points in Nassau and Suffolk Counties, NY, and extending to points in the U.S.

MC 263 (Sub-241), filed July 13, 1981. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI, 48226; 313-965-2577. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S. in and east of MN, IA, NE, KS, OK, AR, and LA.

Note.—Applicant intends to tack with existing regular and irregular route authority.

MC 58903 (Sub-2), filed July 24, 1981. Applicant: JERSEY DAILY EXPRESS, 66 Central Ave., East Orange, NJ 07018. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048; 212-466-0220. Transporting *general commodities* (except classes A and B explosives), between New York, NY, on the one hand, and, on the other, points in CT, NJ, NY, and PA.

MC 72243 (Sub-74), filed July 24, 1981. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Rd., SE., P.O. Box 350, Warren, OH 44482. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215 (614) 228-8575. Transporting (1) *those commodities which because of their size or weight require the use of special handling or equipment*, (2) *self-propelled articles, each weighing 15,000 pounds or more*, and (3) *metal products*, between points in TX, NM, OK, and KS, on the one hand, and, on the other, Richmond, VA, points in AL, AR, CO, CT, DE, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NM, NY, OH, OK, PA, SD, TN, TX, WV, WI, WY, DC, and those in Accomac and Northampton Counties, VA.

MC 79583 (Sub-1), filed July 24, 1981. Applicant: EDWARD J. JOSSELYN, d.b.a. A.P.E. TRANSPORTATION CO., 38 Fulkerson St., East Cambridge, MA 02141. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841 (617) 241-8296. Transporting *general commodities*, between points in MA, ME, and NH. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 92692 (Sub-9), filed July 24, 1981. Applicant: FREEPORT FAST FREIGHT, INCORPORATED, 4109 West 52nd Place, Chicago, IL 60632. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603 (312) 236-9375. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KY, MI, MO, OH, and WI.

MC 108453 (Sub-44), filed July 21, 1981. Applicant: G & A TRUCK LINE, INC., 404 W. Peck Ave., White Pigeon, MI

49099. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Duo Therm Division, Motor Wheel Corporation, of Lansing, MI.

MC 119192 (Sub-18), filed July 13, 1981. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Ave., Bridgeport, CT 06607. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103. Transporting *such commodities* as are dealt in and used by department stores, between the facilities of W.J. Sloane at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 120523 (Sub-3F), filed July 16, 1981. Applicant: AURORA FAST FREIGHT, INC., 1859 Plain Ave., Aurora, IL 60505. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in IL, IA, IN, WI, MO, and KY.

MC 125533 (Sub-50), filed July 24, 1981. Applicant: GEORGE W. KUGLER, INC., 2800 E. Waterloo Rd., Akron, OH 44312. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *lumber and wood products*, between points in GA, NC, and SC, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 134453 (Sub-24), filed July 27, 1981. Applicant: STERNLITE TRANSPORTATION COMPANY, Winsted, MN 55395. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *metal products*, between points in Schylkill County, PA, on the one hand, and, on the other, points in the U.S.

MC 136512 (Sub-26), filed July 24, 1981. Applicant: SPACE CARRIERS, INC., 444 Lafayette Rd., St. Paul, MN 55101. Representative: Harold D. Anderson (same address as applicant) 612–222–7792. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of soap products, detergents, fabric softeners, and bleach, between points in OH, IL, MN, MO, and CA, on the one hand, and, on the other, points in the U.S.

MC 142672 (Sub-178), filed July 23, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702 (501) 521–8121. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of appliances, between Ft. Smith, AR, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MO, OH, and TN.

MC 144503 (Sub-42), filed July 24, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Bldg., La Crosse, WI 54601 (608) 784–5860. Transporting *pulp, paper and related products*, between points in the U.S.

MC 146402 (Sub-37), filed July 27, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske, (same address as applicant) 901–423–2408. Transporting *food and related products*, and *machinery*, between the facilities used by Blevens Popcorn Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146723 (Sub-4), filed July 23, 1981. Applicant: J. C. BANGERTER & SONS, INC., 1265 North Main St., Bountiful, UT 84010. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108 (801) 581–0322. Transporting (1) *such commodities* as are dealt in or used by food stores, and (2) *building materials*, between points in the U.S., under continuing contract(s) with Old West Foods, Inc., of Honneyville, UT.

MC 147712 (Sub-30), filed July 24, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita, Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant) (213) 921–7474. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Shaklee Corporation of San Francisco, CA.

MC 148423 (Sub-17), 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; 404–321–1765. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lime, between points in Shelby County, AL, and Glynn County, GA, on the one hand, and, on the other, points in FL, GA, and SC.

MC 151173 (Sub-8), filed July 16, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr. (same address as applicant) 404–478–4115. Transporting *such commodities* as are dealt in and used by food business houses, between points in the U.S.

MC 151463 (Sub-2F), filed July 13, 1981. Applicant: BIGBEE TRANSPORTATION, INC., P.O. Box 32; Columbus, MS 39701. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205; (601) 948–8820. Transporting (1) *lumber and wood products* and (2) *building materials*: (1) between points in AL, AR, GA, LA, MS, NC, SC, and TX, on the one hand, and, on the other, points in IL, IN, IA, KY, MA, MI, MN, MO, OH, PA, SD, TN, and WI; and (2) between points in Lamar County, AL, Perry, Calhoun and Neshoba Counties, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI.

MC 152213, filed July 20, 1981. Applicant: MISSISSIPPI RIVER TRUCKING, INC., 1424 Lamar Ave., Memphis, TN 38104. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103; 901–526–4114. Transporting *such commodities* as are dealt in and used by grocery stores, between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 152672 (Sub-4), filed July 23, 1981. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Rd., Coraopolis, PA 15108. Representative: Barry Weintraub, 8133 Leesburg Pike, Vienna, VA 22180; 703–442–8330. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Papercraft Corporation, of Pittsburgh, PA, Le Page's, Inc., of Glouster, MA, Knomark, Inc., of Jamaica, NY, and American Technical Industries, Inc., of Mount Vernon, NY.

MC 153483 (Sub-2F), filed July 10, 1981. Applicant: ANTWEILER TRUCKING CO., INC., Star Route, Montgomery City, MO 63361. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102; (314) 635–7166. Transporting *pulp, paper and paper products*, between the facilities used by Tri-Wall Containers, at or near Mexico, MO, on the one hand, and, on the other, points in the U.S.

MC 153883 (Sub-2F), filed July 20, 1981. Applicant: HARNIC TRUCKING, INC., 3340 Calumet Avenue, Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501; (515) 682–8154. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing with (1) ITT Grinnell Corporation of Chicago, IL; (2) R. Lavin & Sons, Inc., of Chicago, IL; (3)

Schulze and Burch Biscuit Co., of Chicago IL; (4) Otto Wolff America, Inc., of Houston, TX; (5) Golden Dipt Company, Division of DCA Foods Industries, Inc., of Millstadt, IL; and (6) Johns-Manville Sales Corporation of Denver, CO.

MC 154382 (Sub-2), filed July 17, 1981. Applicant: R WAY, INC., 107 Ellison St., Fountain Inn, SC 29644. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328; 404–256–4320. Transporting *textile mill products*, between points in AL, CT, DE, GA, MD, MA, NJ, NY, NC, PA, RI, SC, TN, and VA, and (2) *chemicals and related products*, between points in Los Angeles County, CA, Baltimore County, MD, Philadelphia County, PA, Montgomery County, OH, and Greenville County, SC, on the one hand, and, on the other, points in the U.S.

MC 154462, filed July 17, 1981. Applicant: WRIGHT & BECKER FARMS, INC., 1225 Johnston Rd., Dade City, FL 33525. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601; 813–223–2411. Transporting *food and related products*, between points in FL.

MC 154492 (Sub-2), filed July 24, 1981. Applicant: FIRST TRUCK LINES, INC., 10 Kelly Ave., Dayton, OH 45404. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017; 614–889–2531. Transportating *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Harvester Company, of Chicago, IL.

MC 154512, filed July 23, 1981. Applicant: HOWARD MACKNETT, d.b.a. B. J. TRUCKING CO., 606 Old Baltimore Pike, Newark, DE 19702. Representative: Perry F. Goldlust, P.O. Box 2094, Wilmington, DE 19899; (302) 575–0500. Transportating *malt beverages*, between points in the U.S., under continuing contract(s) with NKS Distributors, Inc., of New Castle, DE.

MC 154963 (Sub-1), filed June 29, 1981. Applicant: BLACK FOX TRANSIT LINES, INC., 2615 Guthrie St., N.W., Cleveland, TN 37311. Representative: J. L. Sandidge (same address as applicant) 615–892–4882. Transportating *passengers and their baggage* in round trip and chartered operations, beginning and ending at Bradley County, TN, and extending to points in Knox, Hamilton and Davidson Counties, TN, DeKalb, Walker, Whitfield, Catoosa, Chatham and Muscogee Counties, GA, Curritiuch and Wake Counties, NC, Rowan County, KY, Baldwin and Mobile Counties, AL, Chesterfield and Loudon Counties, VA, Dade and Sarasota Counties, FL, Pickens and Howry Counties, SC, Dade and Sarasota Counties, FL, Contra Cesta and Bel Norte Counties, CA, Whatcom and Clark Counties, WA, Penolescot, MA, Emmett and St. Clair Counties, ME, Terre Bonne Parish, LA, Larimer and Mesa Counties, CO, Pembina, County, ND, and El Paso County, TX.

MC 155082F, filed July 13, 1981. Applicant: JAMES C. AGNER, JR., Route 1, Box 201, Lee, FL 32059. Representative: Felix A. Johnston, Jr., 1030 E. LaFayette St., Suite 112, Tallahassee, FL 32301; (904) 877–7191. Transportating *such commodities* as are dealt in and used by manufacturers and distributors of dry fertilizer, fertilizer products, feed and seed, between points in GA and points in Madison, Taylor, Jefferson and Hamilton Counties, FL.

MC 155513, filed July 20, 1981. Applicant: TEX–GOOBER TRUCKING, INC., Rt. 1, Box 140, Naples, TX 75568. Representative: Wm. R. Garrett, P.O. Box 1050, Omaha, TX 75571; (214) 884–2312. Transportating *food and related products* between points in the U.S., under continuing contract(s) with Swift & Company, of Chicago, IL.

MC 156123F, filed July 13, 1981. Applicant: CALCIUM CHLORIDE SALES, INC., 713 West Main St., Grove City, PA 16127. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburh, PA 15219; (412) 471–1800. Transporting *clay, concrete, glass, or stone products*, between points in the U.S., under continuing contract(s) with Flo-Con Systems, Inc., of Champaign, IL.

MC 156603, filed July 16, 1981. Applicant: JAMES H. VINCENT, d.b.a. PARKERSBURG DELIVERY SERVICE, 3500 Camden Ave., Parkersburg, WV 26101. Representative: Robert J. McCloy, 402 Juliana St., P.O. Box 611, Parkersburg, WV 26101; 304–485–0607. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Borg Warner Chemical Corp., of Parkersburg, WV, (b) E.I. Dupont deNemours & Co., Inc., of Wilimington, DE, and (c) Union Carbide Corporation, of New York, NY.

MC 156642F, filed July 13, 1981. Applicant: ANKER TRUCKING INC., 19800 Rose St., Lynwood, IL 60411. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603; (312) 236–0548. Transporting *Clay, concrete, glass or stone products*, between points in IL, on the one hand, and, on the other, points in WI.

MC 156942, filed July 23, 1981. Applicant: RAYMOND M. CHENOWETH AND SAMUEL A BRUNI d.b.a. BEST WEST EXPRESS, 1900 Westland Dr., Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting (1) *construction materials*, between points in WA, OR, CA, NV, UT, CO, NM, AZ, ID, and WY, on the one hand, and, on the other, points in Clark, Lincoln, and Nye Counties, NV, and (2) *waste or scrap materials not identified by industry producing*, between points in NV, on the one hand, and, on the other points in CA.

MC 157083F, filed July 10, 1981. Applicant: TRAVEL ADVISORS, INC., 2020 F St., N.W., Rm. 711, Washington, DC 20006. Representative: Carlos Rodriguez, National Press Bldg., Suite 243, Washington, DC 20045. As a broker, at Washington, D.C. to arrange for the trasportation of *passengers and their baggage*, between points in the U.S.

MC 157132, filed July 14, 1981. Applicant: FREEDOM TRANSPORT, INC., 2106 N.E. Saratoga, Portland, OR 97211. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *chemicals and related products*, between points in OR, WA, ID, MT and CA.

MC 157153, filed July 21, 1981. Applicant: LYNNHAVEN TRAVEL CENTER, 2872 Virginia Beach Boulevard, Virginia Beach, VA 23452. Representative: Ray Allen Wood Jr. (same as applicant) (804) 486–1911. Transporting *passengers and their baggage, in the same vehicle with passengers*, in special round-trip and charter operations beginning and ending at Norfolk, VA, and extending to points in the U.S.

MC 157173, filed July 16, 1981. Applicant: INDUSTRIAL MACHINE TRANSPORT, CO., 2054 Lake Rd., Akron, OH 44312. Representative: Lynn R. Delnoce, 10219 Brecksville Rd., Brecksville, OH 44141; 216–526–2718. Transporting *those commodities* which because of size or weight require the use of special handling or equipment, between points in the U.S.

MC 157262, filed July 22, 1981. Applicant: SOUTHWEST TRAVEL, INC., 111 South Main St., Room 709, Greensburg, PA 15601. Representative: James A. Nicola (same as applicant) (412) 836–2929. As a *broker* at Greensburg, PA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in round-trip, special and charter operations, between points in Westmoreland and Allegheny Counties, PA, on the one hand, and, on the other, between points in the U.S.

MC 157263, filed July 20, 1981. Applicant: EDWARD HUGH

COLTHARP, 850 Green Valley Drive, Abilene, TX 79604. Representative: Glenda Elliott Coltharp (same as applicant) (915) 672–1244. As a *Broker* at Abilene, TX, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in round trip special and charter operations, between Abilene, Terrell, Brownwood, San Angelo, Midland, Odessa, Sweetwater, Lubbock, Wichita Falls, Vernon, Amarillo and Alpine, TX, on the one hand, and, on the other, points in the U.S.

MC 157282, filed July 23, 1981. Applicant: L.E. & E. TRANSPORTATION, INC., P.O. Box 464, Jeffersonville, NY 12748. Representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, NY 11743; (516) 427–0100. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building materials, salt, and chloride, between points in CT, DE, GA, KY, ME, MD, MA, NH, NK, NY, NC, OH, PA, RI, SC, TN, VA, VT, WV, and DC.

MC 157333, filed July 27, 1981. Applicant: INLAND RIGGING & TRUCKING, INC., Black Horse Pk. and Industrial Dr., Cecil, NJ 08094. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 South 12th St., Philadelphia, PA 19107; 215–922–1400. Transporting *construction machinery* and *those commodities which because of their size or weight require the use of special handling or equipment,* between points in NJ, NY, PA, DE, MD, VA, WV, CT, NC, SC, TN, GA, FL, AL, MS, LA, AR, MO, TX, OK, OH, IN, MI, IL, WI, IA, and DC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–23283 Filed 8–10–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP1–222]

Motor Carriers; Permanent Authority Decisions; Decision

Decided: August 4, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. (Fortier not participating).

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

MC 1940 (Sub-44), filed July 24, 1981. Applicant: TRAILWAYS OF NEW ENGLAND, INC., 625 Eighth Ave., New York, NY 10018. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201 (214)–655–7937. Over regular routes, transporting *passengers and their baggage and express and newspapers, in the same vehicle with passengers,* (1) between New York, NY and Springfield, MA: from New York over Interstate Hwy 95 to New Haven, CT, then over Interstate Hwy 91 to Springfield, MA, and return over the same route, serving all intermediate points; (2) between Hartford, CT and Boston, MA: from Hartford over Interstate Hwy 86 to junction Interstate Hwy 90 (near Sturbridge, MA), then over Interstate Hwy 90 to Boston, MA, and return over the same route, serving all intermediate points; (3) between junction Interstate Hwy 90 and Interstate Hwy 290 (near Auburn, MA) and junction of Interstate Hwy 90 and MA Hwy 122 (near Milbury, MA): from junction.

MC 85621 (Sub-12), filed July 7, 1981. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Representative: R. Kent Henslee, 754 Chestnut Street, P.O. Box 246, Gadsden, AL 35902. Transporting over regular routes *general commodities* (except classes A and B explosives), (1) between Birmingham and Athens, AL, over U.S. Hwy 31 and Interstate Hwy 65, (2) between Cullman and Piedmont, AL, over U.S. Hwy 278, (3) between Cullman and Guntersville, AL, over AL Hwy 69, (4) between Decatur, AL, and junction AL Hwy 67 and U.S. Hwy 231, over AL Hwy 67, (5) between Huntsville and Pell City, AL, over U.S. Hwy 231, (6) between Athens and Scottsboro, AL, over U.S. Hwy 72, (7) between Decatur and Huntsville, AL, over Alternate U.S. Hwy 72, (8) between Scottsboro and Gaylesville, AL, over AL Hwy 35, (9) between junction AL Hwy 75 and AL Hwy 68 and Gaylesville, AL, over AL Hwy 68, (10) between Gadsden and Leesburg, AL, over U.S. Hwy 411, (11) between Birmingham and Oxford, AL, over U.S. Hwy 78 and Interstate Hwy 20, (12) between Eastaboga and Anniston, AL, over AL Hwy 202, (13) between Attalla and Talladega, AL, over AL Hwy 77, (14) between Talladega and Piedmont, AL, over AL Hwy 21, (15) between Piedmont and Centre, AL, over AL Hwy 9, (16) between Huntsville and Guntersville, AL, over U.S. Hwy 431, and (17) between Gadsden and

Anniston, AL, over U.S. Hwy 431, serving all intermediate points and serving all off-route points within 10 miles of routes (1) through (17).

MC 88370 (Sub-8), filed July 28, 1981. Applicant: LANDA MOTOR LINES, a corporation, 114 West 11th St., Kansas City, MO 64105. Representative: William J. Wochner (same address as applicant) (816)–556–0324. Transporting *food and related products*, between points in Grayson and Hunt Counties, TX.

MC 114301 (Sub-115), filed July 28, 1981. Applicant: DELAWARE EXPRESS CO., a corporation, P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street, NW., Washington, DC 20005 (202) 783–7900. Transporting *such commodities* as are dealt in or used by manufacturers of chemicals and plastic products, between the facilities used by Hooker Chemicals & Plastics Corp., PVC Division at those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 128521 (Sub-16), filed July 29, 1981. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., P.O. Box 100417, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., 315 Union St., Nashville, TN 37201 (615) 244–2926. Transporting *pulp, paper and related products*, between points in Cleburne and Calhoun Counties, AL, on the one hand, and, on the other, points in AL and TN.

Note.—Applicant intends to tack this authority with its existing regular-route operations.

MC 136511 (Sub-109), filed June 16, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517 (804) 369–5661. Transporting (1) *chemicals and related products*, (2) *petroleum, and petroleum products*, and (3) *rubber and plastic products*, between Little Rock, AR, Buffalo, NY and points in Orange County, CA, Montgomery County, TX, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correct the commodity description in part (2) above, and to delete the condition limiting the certificate to a 5 year time period.

MC 142470 (Sub-4), filed July 15, 1981. Applicant: FLEET TRANSIT, INC., 3225 Tate Street, Baltimore, MD 212226. Representative: Marie Loepp Hasson, 1600 S. Joyce Street, B710, Arlington, VA 22202 (703) 521–3435. Transporting *hazardous waste*, between points in DE, MD, NC, NJ, NY, OH, PA, VA, WV and DC. Condition: To the extent that this certificate authorizes the transportation of hazardous waste, it shall expire 5 years from date of issuance.

MC 142680 (Sub-17), filed July 29, 1981. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, AL 36907. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349 (404)–996–6266. Transporting *lumber and wood products, and pallets*, (1) between points in AL; (2) between points in MS, AL, GA and FL; (3) between points in AL, on the one hand, and, on the other, points in MS, LA, TX, AR, FL, OH, TN, KY, IN, MO, NC, SC and OK; and (4) between points in MS, on the one hand, and, on the other, points in NC, SC, IL, MO, OH, IN, TN, KY, OK and AL.

MC 144461 (Sub-5), filed July 28, 1981. Applicant: BILLY M. EDMONDSON d.b.a. EDMONSON SWIFT MEAT TRANSPORT, a corporation P.O. Box 86, Georgetown, GA 31754. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101 (703)–893–4924. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with R.P. Packaging, Inc., and its affiliates, of Columbus, GA.

MC 146850 (Sub-2), filed July 24, 1981. Applicant: G. KUHN & SONS TRUCKING, a corporation, 5245 E. Marginal Way S., Seattle, WA 98134. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228–3807. Transporting *metal products and foundry supplies*, between points in the U.S., under continuing contract(s) with Olympic Foundry Company and United Western Supply Co., Inc., both of Seattle, WA.

MC 149570 (Sub-3), filed July 28, 1981. Applicant: KMD, INC., P.O. Box 88832, Tukwila Station, Seattle, WA 98188. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235–1111. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) A. O. Smith Corp.; (2) Merlino Fine Foods; (3) A. E. Erickson Enterprises; (4) Farwest Shippers Assn., Inc.; and (5) Anixter Pruzan, all of Seattle, WA.

MC 150310 (Sub-2), filed July 13, 1981. Applicant: LOADLINE, LTD., P.O. Box 8009, Pittsburgh, PA 15216. Representative: Stanley E. Levine, 220 Grant St., Pittsburgh, PA 15219 (412) 261–0310. Transporting *general commodities* (except classes A and B explosives), between points in Allegheny, Beaver, Butler, and Lawrence Counties, PA, Bergen, Essex, Morris, Passaic, and Union Counties, NJ, Boyd, Wayne, and Kanawaha Counties, KY, and Cabell County, WV, on the one hand, and, on the other, points in the U.S.

MC 151660 (Sub-7), filed July 13, 1981. Applicant: IMPALA TRANSPORTATION SERVICES INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same address as applicant) (214) 438–2851. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company of St. Louis, MO.

MC 154861 (Sub-2), filed July 27, 1981. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, 1029 Vermont Ave., N.W., Washington, DC 20005 (202) 347–9332. Transporting *textile mill products and chemicals and related products*, between points in Spartanburg County, SC, New Castle County, DE, and Mecklenburg and Gaston Counties, NC, on the one hand, and, on the other, points in the U.S.

MC 156191 (Sub-1), filed July 29, 1981. Applicant: RAYMOND COSSETTE TRUCKING, 2202 5th Ave. North, Fargo, ND 58102. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612)–457–6889. Transporting (1) *building materials;* and (2) *metal products*, between points in and north of OH, IN, IL, MO, KS, NE, WY, UT, NV and CA.

MC 157140 filed July 13, 1981. Applicant: TRICO EQUIPMENT INCORPORATED, Hwy 13 South, P.O. Box 669, Ahoskie, NC 27910. Representative: Sterling G. Parker (same address as applicant) (919) 332–8033. Transporting *lumber and wood products*, between points in Hertford County, NC, on the one hand, and, on the other, Norfolk and Virginia Beach, VA.

MC 157151, filed July 15, 1981. Applicant: BALTIC CORPORATION, 14120 Woodwell Terrace, Silver Spring, MD 20906. Representative: Jeffery M. Cohen (same address as applicant) (301) 871–8957. Transporting *such commodities* as are dealt in by a distributor of (1) electronic products and (2) appliances, between points in the U.S., under continuing contract(s) with D & H distributing Company of Harrisburg, PA.

MC 157371, filed July 28, 1981. Applicant: CHEM-WASTE INCORPORATED, 4435 Washington Rd., P.O. Box 250, Evans, GA 30809. Representative: Robert M. Haynie (same address as applicant) (404)–863–8685. Transporting *hazardous waste*, between points in Richmond and Columbia

Counties, GA and Aiken County, SC, on the one hand, and, on the other, points in Sumter County, AL and Florence County, SC.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

[FR Doc. 81-23374 Filed 8-11-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Advisory Council on Employee Welfare and Pension Benefit Plans; Announcement of Vacancies; Request for Nominations

Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 88 Stat. 895, 29 U.S.C. 1142, provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" (the Council) which is to consist of 15 members to be appointed by the Secretary of Labor (the Secretary) as follows: three representatives of employee organizations (at least one of whom shall be representative of an organization whose members are participants in a multiemployer plan); three representatives of employers (at least one of whom shall be representative of employers maintaining or contributing to multiemployer plans); one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counceling, investment management, and accounting; and three representatives from the general public (one of whom shall be a person representing those receiving benefits from a pension plan). Not more than eight members of the Council shall be members of the same political party.

Members shall be persons qualified to appraise the programs instituted under ERISA. Appointments are for terms of three years.

The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under ERISA, and to submit to the Secretary recommendations with respect thereto. The Council will meet at least four times each year, and recommendations of the Council to the Secretary will be included in the Secretary's annual report to the Congress on ERISA.

The terms of five members of the Council expire on November 14, 1981. The groups or fields represented are as follows: employee organizations, employers (representing employers maintaining or contributing to multiemployer plans), corporate trust, investment management, and the general public.

Accordingly, notice is hereby given that any person or organization desiring to recommend one or more individuals for appointment to the ERISA Advisory Council on Employee Welfare and Pension Benefit Plans to represent any of the groups or fields specified in the preceding paragraph may submit recommendations to the Secretary of Labor, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Recommendations must be delivered or mailed by October 5, 1981. Recommendations may be in the form of a letter, resolution, or petition, signed by the person making the recommendation, or, in the case of a recommendation by an organization, by an authorized representative or the organization. Each recommendation shall identify the candidate by name, occupation or position, and address. It shall include a brief description of the candidate's qualifications and shall specify the group or field which the candidate would represent for the purposes of Section 512 of ERISA, the candidates' political party affiliation, and whether the candidate is available and would accept.

Signed at Washington, D.C. this 3rd day of August 1981.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs.

[FR Doc. 81-23358 Filed 8-10-81; 8:45 am]

BILLING CODE 4510-23-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-68; Exemption Application No. D-2464]

Exemption From the Prohibitions for Certain Transactions Involving the RREEF MidAmerica Fund-II Located in Chicago, Illinois

AGENCY: Department of Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This exemption exempts the purchase of a shopping center by RREEF MidAmerica Fund-II (the Fund) from an unrelated party, and the assumption by the Fund of an existing lease to J. C. Penney Company, Inc. (Penney), a party in interest with respect to one of the employee benefit plans participating in the Fund.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 12, 1981, notice was published in the **Federal Register** (46 FR 31110) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (D) of the Code, for transactions described in an application filed on behalf of RREEF MidAmerica, the Fund's investment manager. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency. Two comments were received by the Department. One comment was submitted by the applicant to correct two errors that appear in the notice of pendency. The Fund is located in Chicago, Illinois, not San Francisco, California. In addition, paragraph number 6 in the Summary of Facts and Representations at 46 FR 3111 states that the Penney's Pension Plan Trust (the Plan) has invested $23,700,000 in other funds managed by RREEF Corporation and RREEF USA Partners. The applicant in its comment letter states that the Plan has not invested in any funds managed by RREEF USA Partners, but has invested in both RREEF MidAmerica Fund-I and the Fund in addition to funds managed by RREEF Corporation. These changes are incorporated into this exemption. The other comment, submitted on behalf of a participant in the Fund, supported the granting of the exemption.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Fund and of its participants and beneficiaries, and

(c) It is protective of the rights of the participants and beneficiaries of the Fund.

Accordingly the restrictions of sections 406(a) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the sale by Columbia Square Corporation to the Fund of the Cambridge Square Shopping Center (the Shopping Center), located in Atlanta, Georgia, and the lease of a portion of the Shopping Center to Penney, which commenced on August 27, 1980, provided the sale and lease terms are no less favorable to the Fund than those available in arm's-length transactions with unrelated parties.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 6th day of August 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-23357 Filed 8-10-81; 8:45 am]

BILLING CODE 4510-29-M

Tripartite Advisory Panel on International Labor Standards; Meeting

In accordance with Section 10(a) of the Federal Advisory Committee Act (Pub.L. 92-463), announcement is hereby given of a meeting of the Tripartite Advisory Panel on International Labor Standards, which is a subcommittee of the President's Committee on the International Labor Organization.

NAME: Tripartite Advisory Panel on International Labor Standards
DATE: August 27, 1981
TIME: 2:00 PM
PLACE: Department of Labor, 3rd and Constitution Ave., N.W., Room C-5515, Washington, D.C. 20210

This meeting will be closed to the public under authority of Section 10(d) of the Federal Advisory Committee Act, as amended. The meeting will involve discussion of information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action. It is not practicable to segregate a portion of the meeting to permit public participation.

All communications regarding this subcommittee should be addressed to Ronald G. Whiting, Deputy Solicitor, U.S. Department of Labor, 3rd and Constitution Ave., N.W., Washington, D.C. 20210, telephone (202) 523-7705.

T. Timothy Ryan, Jr.

Solicitor of Labor.

[FR Doc. 81-23483 Filed 8-10-81; 11:20 am]

BILLING CODE 4510-28-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Design Arts Panel. (Design Communication Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel, Design Communication Section, to the National Council on the Arts will be held on August 25-26, 1981, from 9:00 a.m.-6:00 p.m. in Room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-23362 Filed 8-10-81; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Panel (Design Exploration/Research); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Exploration/Research Section of the Design Arts Advisory Panel to the National Council on the Arts will be held on September 8-9, 1981, from 9:00 a.m.-6:00 p.m., in Room 1426 of the

Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be close to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 4, 1981.

[FR Doc. 81-23364 Filed 8-10-81; 8:45 am]

BILLING CODE 7537-01-M

Office for Partnership (State Programs Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the State Programs Section of the Office for Partnership Advisory Panel to the National Council on the Arts will be held on August 31, 1981, from 9:00 a.m.-5:00 p.m. in Room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on the applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 8, 1981.

[FR Doc. 81-23363 Filed 8-10-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-155]

Consumers Power Co. (Big Rock Point Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

Consumers Power Company (the licensee) is the holder of Facility Operating License No. DPR-6, which authorizes the operation of the Big Rock Point Plant (the facility) at steady-state reactor power levels not in excess of 240 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Charlevoix County, Michigan.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modification, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981.[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittal dated December 19, 1981, as supplemented February 18, 1981, and March 31, 1981 (Probabilistic Risk Assessment), which is incorporated herein by reference, committed to implement each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by th staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal of information will not alter the implementation of plant modification. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order [2] (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing September 10, 1981. Any request for a hearing shall be addressed to the Executive Legal Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a

[1] Copies of NUREG-0737 Requirements are available in the NRC Public Document Room.

[2] Attachment: NUREG-0737 Requirements available in the NRC Public Document Room.

hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for infromation was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 4th day of August, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR DOC. 81-23339 Filed 8-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-6, issued to the Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance. However, the approved technical specification change is to be implemented at a convenient outage but not later than the next refueling outage (currently scheduled for first quarter of 1982).

The amendment authorizes modification to the minimum containment pressure setpoint, TMI Action Plan Item II.E.4.2(5).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 23, 1981, (2) Amendment No. 45 to License No. DPR-6, including the Commission's letter of transmittal, and (3) the Commission's related Safety Evaluation, in addition to a supporting Technical Evaluation, SRO-239, dated May 1981, prepared by the Commission's consultant, EG&G. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

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 5th day of August, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc. 81-23340 Filed 8-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 71 to Facility Operating License No DPR-31, and Amendment No. 64 to Facility Operating License DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit No. 3 and 4 (the facilities) located in Date County, Florida. The amendments are effective as of the date of issuance.

The amendments temporarily modify the Technical Specifications to permit thirty six fuel assemblies from Unit 3 region 10 to be moved after a 95 day decay period.

The application for the amendmentnts complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connectiion with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 23, 1981, (2) Amendment Nos. 71 and 64 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of August, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-23341 Filed 8-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company and

Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin, County, Pennsylvania. The amendment is effective as of its date of issuance.

This amendment adds license conditions for the implementation of the inservice testing of ASME Code Class 2 and Class 3 pumps and valves considered as the Inservice Test Program (IST).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings 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 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 July 1, 1977, as revised August 17, September 30, 1977, December 13, 1978, October 26, 1979 and January 31, 1980, (2) Amendment No. 71 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of August 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-23342 Filed 8-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric & Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment revises the Radiological Technical Specifications to modify the composition of the Nuclear Review Board.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 24, 1981, (2) Amendment No. 38 to License No. DPR-70, and (3) the Commission's letter to Public Service Electric and Gas Company dated July 31, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) 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 31st day of July 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch. No. 1, Division of Licensing.

[FR Doc. 81-23343 Filed 8-10-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11884; 812-4864]

Federal Life Insurance Co. et al.; Filing of Application

August 4, 1981.

In the matter of Federal Life Insurance Company (Mutal), Federal Life Variable Annuity Account A and FED Mutual Financial Services, Inc., 3703 West Lake Avenue, Glenview, Illinois 60025 (812-4864).

Notice is hereby given that Federal Life Insurance Company (Mutual) ("Federal Life"), Federal Life Variable Annuity Account A ("Account A"), and FED Mutual Financial Services, Inc. ("FED Mutual") (collectively, "Applicants"), filed an application on April 23, 1981, for an amended order pursuant to Section 11 of the Investment Company Act of 1940 ("Act") approving certain offers of exchange and pursuant to Section 6(c) of the Act for exemption from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 22(d), 26(a), 27(a)(3), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rules 22c-1 and 22d-3 thereunder. Federal Life is a mutual life insurance company organized under the laws of Illinois; Account A is a separate account of Federal Life and is registered as a unit investment trust under the Act; and FED Mutual, a wholly-owned subsidiary of Federal Life, is a registered broker-dealer and the principal underwriter for Account A. The first order issued to Applicants (except FED Mutual) was granted pursuant to Section 11 of the Act approving certain offers of exchange, and pursuant to Section 6(c) of the Act allowing exemptions from the provisions of Sections 26(a) and 27(c)(2) (Investment Company Act Release No. 9341). The second order issued to Applicants amended the original order (Investment Company Act Release No. 10869). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Account A presently consists of eight series ("Account Divisions"), each of which is invested solely in the shares of one of eight diversified, open-end, management investment companies

("Funds"), which are registered under the Act.

Applicants propose to create two new Account Divisions in Account A, each invested solely in the shares of different portfolios of one of the Funds.

Old Contracts

Federal Life presently isues both immediate and deferred annuity contracts funded by Account A ("Old Contracts"). Under an immediate Old Contract, witten only on an individual basis and issued only in consideration of a single purchase payment of at least $2,500, annuity payments begin one month after date of issue. Under a deferred Old Contract, written on either an individual or group basis and issued in consideration of either a single purchase payment of at least $2,500 or a series of periodic purchase payments of at least $25 each, annuity payments begin on a selected future date.

Each purchase payment under an Old Contract is subject to deductions for (i) any applicable state or local government premium tax and (ii) sales and administrative expenses, the latter deduction decreasing in relation to total purchase payments made. Purchasers of an Old Contract may allocate all or a portion of net purchase payments made (*i.e.*, the amount after deduction of premium taxes, if any, and sales and administrative expenses) between any of the Account Divisions, limited to two Account Divisions at any one time. Both during the accumulation phase and during the annuity payout period, the value of the interest of a participant in the Old Contract will vary in accordance with the investment performance of the Fund shares of the Account Division(s) in which the Old Contract is invested.

During the accumulation period of the Old Contract, a participant may transfer (i) all or part of his interest in an Account Division to another Account Division or to the fixed accumulation account or (ii) all or part of his interest in the fixed accumulation account to an Account Division or Divisions, subject to certain conditions. Each transfer will be made at the relative net asset values of the Funds in the Account Divisions affected without the imposition of additional sales and administrative expense charges, at the next valuation succeeding Federal Life's receipt of written directions from the participant. During the annuity payout period, a participant may transfer (i) the entire value of the fixed accumulation account to an Account Division, or (ii) the entire value of an Account Division to the fixed accumulation account, or (iii) the entire value of one Account Division to another, provided certain conditions are met, including that no additional sales and administrative expense charges will be imposed.

No annual administrative fees are assessed against Old Contract values. However, the Old Contracts do provide for the deduction of certain actuarial risk charges from the assets of each underlying Account Division. The rate of deduction for such actuarial risk is presently .85% annually. It may be increased or decreased from time to time by Federal Life, although it may not exceed .85% annually. A portion of the actuarial risk fee (.60%) is for mortality risks and .25% is for expense risks assumed by Federal Life. To the extent that the actuarial risk fee proves insufficient to cover the actual cost of assuming the risks, Federal Life will bear the resulting expense. Federal Life will profit, however, should the fee prove more than sufficient. Applicants represent that no part of the annual actuarial risk charge is used to recoup distribution expenses incurred in connection with the offer and sale of the Old Contracts.

New Contracts

Federal Life proposes to issue a new group deferred variable annuity contract ("New Contract") funded in Account A. Purchase payments for the New Contract, when purchased on a tax-qualified basis, must be at least $500 for a single premium or $25 each for periodic payments. When purchased on a non-qualified basis, a minimum single premium of $2,500 is required. No minimum payment is required, however, when the premium is derived from the redemption of Fund shares. Each premium payment under a New Contract would be subject to applicable premium taxes. No deduction for sales and administrative expenses would be imposed upon premium payments when received by Federal Life. A participant holding a New Contract would be permitted to allocate all or a portion of net premium payments made among any of the Account Divisions, limited to two at any one time. Both during the accumulation phase and the annuity payout period the value of a participant's interest in the New Contract would vary in accordance with the investment performance of the fund shares of the Account Division(s) in which the contract was invested.

During the accumulation phase of a New Contract, a participant could at any time transfer all or part of his interest in an Account Division to another Account Division or Divisions, subject to certain conditions. Each transfer would be made at the relative net asset values of the Funds' shares in the Account Divisions, effected without the imposition of any charges upon the amount transferred, at the next valuation succeeding Federal Life's receipt of written directions from the participant. A participant would also be permitted to surrender his interest in a New Contract in whole or in part at any time prior to annuitization. Any such surrender would be effected on the basis of the New Contract's then-accumulated value, subject to certain conditions, including the possible imposition of a contingent deferred sales load. Partial surrenders during any certificate year (a period of twelve consecutive months starting with the effective date of the certificate of participation in the New Contract or any anniversary of such date) which in the aggregate did not exceed 10 percent of the value of the participant's interest in the New Contract at the beginning of the certificate year could be made free of charge. The aggregate amount of any surrender(s) exceeding that free amount would be subject to deduction of a contingent deferred sales load with respect to that portion attributable to premium payments made within the most recent six certificate years. The sales load ranges from 6% with respect to excess surrender amounts relating to premium payments made in the current certificate year, determined on a first-in first-out basis, to 1 percent with respect to excess surrender amounts relating to premium payments made in the fifth certificate year prior thereto. Assessment of the contingent deferred sales load could be waived in cases where the amount surrendered was attributable to premium payments derived from the redemption of Fund shares. Applicants state that the sales load may never exceed 9 percent of the premium payment to which it relates. During the annuity payout period of a New Contract, a participant would be permitted to transfer the entire value of one Account Division to another Account Division or to the fixed accumulation account, subject to certain conditions.

Under a New Contract, Federal Life would assess an annual administrative fee of $25 against the value of each participant's certification. Additionally, a percentage charge would be assessed against each participant's Account Division values, at the rate of .95 percent annually. While this rate could be increased or decreased from time to time by Federal Life, it could never exceed .95 percent annually. Of the percentage charge, .25 percent would be to recoup distribution expenses incurred in the offer and sale of the New Contract and .70 percent would be an actuarial risk charge to cover mortality risks and expense risks. To the extent that the acturial risk charge is insufficient to cover the actual cost of assuming those risks, Federal Life will bear the resulting expense. Federal Life will profit, however, should the fee prove more than sufficient. Applicants represent that no part of the annual acturial risk charge will be used to recoup distribution expenses in connection with the offer and sale of the New Contracts.

Amended Order Requested Pursuant to Section 11

As discussed above, Applicants propose to create two new Account Divisions. They wish to expand the transfer rights under the Old Contracts to encompass all ten Account Divisions of Account A. Similarly, Applicants intend to offer, in connection with the New Contracts, transfer rights among all ten Account Divisions of Account A. Applicants also propose to conduct, by direct mail, a limited offer of exchange pursuant to which, during a period of 120 days, shareholders of each fund in the Account Divisions would be given an opportunity to exchange their Fund shares for interests in the New Contracts. Applicants state that with respect to New Contracts acquired under this limited offer, Federal Life would waive impostiton of any contingent deferred sales load on any surrender. Applicants request that the Commission's previously issued order be amended to approve, in connection with both the Old and New Contracts funded in Account A and with respect to the eight existing and two proposed Account Divisions, the transfer rights described in the application and that the Commission also approve the proposed limited 120-day offer of exchange described therein.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end investment company or principal underwriter therefor to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act further provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of a registered unit trust for the securities of any other investment company. With respect to transfer rights under the Old and New Contracts, Applicants assert that these rights would be consistent with the protection of participants in the contracts and with the purposes clearly intended by the policy and provisions of the Act. Applicants represent that all transfers under the Old and New Contracts would be made at the relative net asset values of the Fund(s) in the Account Division(s) effected without imposition of any charge based upon the amount transferred. Furthermore, Applicants state that the proposed transfers would provide participants with greater flexibility in their financial planning. Applicants also assert that the limited 120-day offer of exchange would be consistent with the protection of participants and with the purposes clearly intended by the policy and provisions of the Act. Applicants represent that the limited 120-day offer of exchange would be effected at the relative net asset values of the Funds involved, and suggest that Fund shareholders acquiring an interest in a New Contract would acquire greater flexibility in their financial planning as a result of the offer. Applicants represent that no transfer or offer of exchange would be effected until a participant or prospective participant had been furnished with a currently effective prospectus under the Securities Act of 1933 for the Fund(s) underlying any Account Division(s) in which an interest was to be acquired, and, in the case of the limited 120-day offer of exchange, with a currently effective prospectus under the Securities Act of 1933 describing Federal Life, Account A and the New Contract interests to be acquired.

Amended Order Requested Pursuant to Section 6(c)

Section 6(c) of the Act authorizes the Commission to exempt, conditionally or unconditionally, any person, security or transaction, or classes of persons, securities or transactions, from any provision or provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request exemption pursuant to Section 6(c) from certain provisions of the Act as summarized below.

Applicants assert that granting each of the requested exemptions would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provision of the Act

Section 22(d) and Rule 22d-3

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. Rule 22d-3 thereunder, in substance, permits the sale of variable annuity contracts at variations in the sales load deductions, provided that the prospectus for such variable annuity discloses the variations in sales load and the basis therefor, and further provided that such variations are not unfairly discriminatory.

Applicants assert that it is in the best interests of investors to permit the Old and New Contracts to be sold contemporaneously with differing sales load structures because it permits potential investors to have a choice between the two types of contracts. Applicants also state that the contingent deferred sales load properly apportions distribution expenses and is not unfairly discriminatory. Applicants assert that it has been actuarially calculated to complement the .25% annual asset charge for distribution expenses. Therefore, Applicants request that the Commission's previous order be amended as, to grant such exemptions from Section 22(d) as may be necessary to permit the contemporaneous sale of both Old and New Contracts as described in the application.

Sections 26(a) and 27(c)(2)

Section 27(c)(2), in relevant part, prohibits the issuer of a periodic payment plan certificate and any depositor or underwriter for such issuer from selling such periodic payment plan certificate unless the proceeds of all payments (other than any sales load) are deposited with a qualified bank acting as trustee or custodian, and held under an indenture or agreement containing specified provisions. Section 26(a) of the Act requires that such indenture or custodianship agreement must provide, *inter alia*, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B) and (C) of that section until distribution to the security holders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed; (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services provided for in the agreement; (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself. Applicants state that Account A presently acts as its own custodian with respect to Old Contracts funded in the separate account, pursuant to the exemptive order granted in Investment Company Act Release No. 10869. Applicants request that that exemption be amended as follows: (a) as regards the Old Contracts, to the extent necessary to permit Account A, in connection with the two new Account Divisions, to act as custodian for its own assets and to accept "book shares" issued by the Funds in open account in lieu of actual share certificates; (b) as regards the New Contracts, to the extent necessary to permit Account A, in connection with all ten Account Divisions, to act as custodian for its own assets and to accept "book shares" as described above; (c) as regards the New Contracts, to permit Federal Life to deduct a flat annual administrative fee of $25 per participant to reimburse it for bookkeeping and other administrative expenses performed by it which would normally be performed by the custodian or trustee; and (d) as regards the New Contracts, to the extent necessary to permit Federal Life to deduct the expenses of distributing such contracts from the .25% annual charge for this purpose and, where applicable, from assessment of the contingent deferred sales load.

Applicants assert that the assets of the ten Account Divisions of Account A will consist solely of the shares of the Fund in which each particular Account Division invests and that the assets of each Account Division will be kept physically segregated by Federal Life and held separate from the assets of Federal Life. Applicants also assert that Federal Life is subject to extensive supervision and control by the Insurance Commissioner of Illinois and comparable state officials of each state in which it does business. Applicants aver the reasonableness of the flat annual administrative fee. Applicants submit all the foregoing factors, taken together, provide substantial assurance that all obligations under the contracts in Account A will be performed, and that none of the dangers against which Sections 26(a) and 27(c)(2) are directed would be present.

Applicants have consented that their request for the foregoing exemptions may be made subject to the following conditions: (1) that the deductions for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and the Commission may reserve jurisdiction for such purpose, and (2) that the payment of sums and charges out of the assets of the separate account shall not be determined to be exempted from regulation by the Commission by reason of the requested amended order, provided that the Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and that the Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants submit that the imposition of the contingent deferred sales load and the use of part of the annual asset charge to reimburse Federal Life for distribution expenses do not violate these sections. However, Applicants request exemption from Sections 2(a)(32) and 27(d) to the extent necessary or appropriate to permit the offer and sale of the New Contracts with the deduction of both periodic and contingent deferred sales loads in the manner described in the application. Applicants assert that deferring the imposition of the sales load does not restrict a participant from receiving, within the meaning fairly intended by the Act, his proportionate share or the value of his account upon redemption.

Section 2(a)(35)

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Although acknowledging that Section 2(a)(35) contemplates that a sales load will be charged when gross purchase payments are received, Applicants submit that the proposed pricing under the New Contract is consistent with the intent of the definition of sales load in the Act. Thus, Applicants request, to the extent necessary, an exemption from the provisions of Section 2(a)(35) to permit the offer and sale of the New Contracts with the deduction of periodic and contingent deferred sales loads in the manner described in the application.

Section 22(c) and Rule 22c-1

Rule 22c-1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming, or repurchasing any such security except at a price based upon the current net asset value of such security. Applicants submit that the deduction of a contingent deferred sales load at a time when all or part of a participant's interest under a New Contract is surrendered, in contrast to the deduction of such sales load when the investment was made, does not result in receipt by the participant of less than a price based upon the current net asset value of his interest under the New Contract. However, Applicants have requested an exemption from the provisions of Section 22(c) and Rule 22c-1 thereunder to the extent necessary to permit the offer and sale of the New Contracts with a contingent deferred sales load.

Section 27(a)(3)

Section 27(a)(3) of the Act prohibits any registered investment company issuing periodic payment plan certificates, or any depositor or underwriter of such company, from selling any such certificate if the deduction for sales charges on any first payment proportionately exceeds the amount deducted on any other such payment, or the deduction for sales charges on any subsequent payment proportionately exceeds the amount of the deduction on any other subsequent payment. Applicants assert that the New Contract's contingent deferred sales load is not the type of disproportionate sales charge at which Section 27(a)(3) was directed and therefore request exemption from the provisions of that section to the extent necessary to permit the offer and sale of the New Contracts.

Section 27(c)(1)

Section 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company issuing periodic payment plan certificates, or any depositor or underwriter thereof, to sell any such certificate unless it is a redeemable security. Applicants submit that the imposition of a contingent deferred sales load under the New Contracts is not a restriction on redemption and request an exemption from the provisions of Section 27(c)(l), to the extent necessary, in order to permit the offer and sale of the proposed New Contracts with a contingent deferred sales load.

Notice is further given that any interested person may, not later than August 28, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-23311 Filed 8-10-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 22-81]

Treasury Notes Designated Series L-1984

August 5, 1981

The Secretary announced on August 4, 1981, that the interst rate on the notes designated Series L–1984, described in Department Circular—Public Debt Series—No. 22–81, dated July 30, 1981, will be 16 percent. Interest on the notes will be payable at the rate of 16 percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-23367 Filed 8-10-81; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 154

Tuesday, August 11, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

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FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Thursday, August 13, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Reports of committees and officers:

Report of the Director, Office of Corporate Audits:

Audit Report re: Examiner Support Packages Program

Report of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Releases of Collateral for Fair Market Value

Discussion Agenda:

Notice of acquisition of control:

Boston Safe Deposit and Trust Company, Boston, Massachusetts.

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,870-L—Reserves for Losses—93 Open Liquidation Cases

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Grievance Officer's report and recommendation with respect to the formal grievance of a Corporation employee:

Name of employee authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: August 6, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1207-81 Filed 8-7-81; 11:31 am]

BILLING CODE 6714-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Thursday, August 13, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Village Bank & Trust Company, a proposed new bank, to be located at the intersection of Gilford Avenue (Route 11-A) and Country Club Road, Gilford, New Hampshire.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandums and Resolutions re: The Rochelle Bank and Trust Company, Rochelle, Illinois (two cases)

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Controller regarding the Corporation's securities portfolio inventory as of June 30, 1981.

Report of the Director of the Office of Personnel Management regarding Quarterly Summary of Personnel Activities.

Discussion Agenda:

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed merger of Southeast First National Bank of Miami, Miami, Florida, and Community Bank of Pinellas, Seminole, Florida.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: August 6, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1206-81 Filed 8-7-81; 11:32 am]

BILLING CODE 6714-01-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 40131; Thursday, August 6, 1981.

PREVIOUSLY ANNOUCED TIME AND DATE OF MEETING: Thursday, August 13 1981, at 10 a.m.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled for Thursday, August 13, 1981.

Treatment of Goodwill Acquired in Mergers

Ownership of NOW Accounts

Equal Access to Justice Regulations

Treatment of Gains and Losses from the Sale of Mortgage Assets

No. 527, August 7, 1981.

[S-1210-81 Filed 8-7-81; 3:23 pm]

BILLING CODE 6720-01-M

4

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-29]

TIME AND DATE: 9 a.m., Tueday, August 18, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* Air California Flight 336, Boeing 737-293, N468AC, Santa Ana, California, February 17, 1981.

2. *Aircraft Accident Report:* Texasgulf Lockheed JetStar N50S, Westchester County Airport, White Plains, New York, February 11, 1981.

3. *Recommendation* to the Federal Aviation Administration regarding Supplemental Type Certificate SA-1596CE.

4. *Pipeline Accident Report:* Four Corners Pipe Line Company, Pipeline Rupture and Fire, Long Beach, California, December, 1980; *Recommendations* to Four Corners Pipe Line Company; Aminoil USA, Inc.; Union Oil Company of California; Marlex Oil and Refining, Inc.; Atlantic Richfield Co., Watson Refinery; Research and Special Program Administration (DOT); and American Society of Mechanical Engineers' Gas Piping Standards Committee.

5. *Railroad Accident Report:* Rear-end Collision of Union Pacific Railroad Company Freight Trains Extra 3119 West and Extra 8044 West, near Kelso, California, on November 17, 1980; and *Recommendations* to the Union Pacific Railroad Company and to the Federal Railroad Administration.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-382-6525.

August 7, 1981.

[S-4910-58 Filed 8-7-81; 12:23 pm]

BILLING CODE 4910-58-M

5

POSTAL RATE COMMISSION.

TIME AND DATE: 10:30 a.m., Wednesday, August 12, 1981.

PLACE: Conference Room, Room 500, 2000 L Street, N.W., Washington, DC 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket MC 81-3 (ZIP+4) .....Certification to the Commission regarding an Order of the Residing Officer.

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254-3614.

[S-1206-81 Filed 8-6-81; 4:30 pm]

BILLING CODE 7715-01-M

6

POSTAL RATE COMMISSION.

TIME AND DATE: Following the 10:30 a.m., Closed Meeting, on Wednesday, August 12, 1981.

PLACE: Conference Room, Room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Election of Vice Chairman.

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254-5614

[S-1211-81 Filed 8-7-81; 3:31 pm]

BILLING CODE 7715-01-M

federal register

Tuesday
August 11, 1981

Part II

Department of Agriculture

Food and Nutrition Service

Food Stamp Administrative Matching Grant

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 277

[Amendment No. 201]

Food Stamp Administrative Matching Grants

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed Rulemaking.

SUMMARY: This proposed rulemaking contains requirements for the claiming of Federal financial participation (FFP) in Food Stamp Administrative Grants. Reductions in error rates and other improvements toward efficient and effective administration of the Food Stamp Program may be achieved by States through computerization and use of systems for monitoring operations. Accordingly, incentive for States who computerize food stamp operations is being offered by raising the FFP for developing these systems to 75 percent.

DATE: Comments on the proposed rulemaking must be received on or before October 13, 1981.

ADDRESS: Comments should be submitted to Alberta C. Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written comments will be open to public inspection at the offices of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at Room 692, 500 12th Street, S.W., Washington, D.C. 20250. Phone (202) 447–8137.

FOR FURTHER INFORMATION CONTACT: Joan G. McAndrew, Chief, Analysis Section, Program Policy and Analysis Branch, State Operations Division, at the above address. Phone (202) 447–8137. The Draft Impact Analysis, describing the issues addressed and the expected impact of implementing this proposed rule, is available on request.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Executive Order 12291 and has been classified "not major." The proposed rule will not have an effect upon the economy of $100 million, will not result in major increase in costs or prices, and will not have significant adverse effects on competition, employment, investment, productivity, innovation or foreign trade.

The proposal has also been reviewed with regard to the requirements of Public Law 96–354. G. William Hoagland, Administrator of the Food and Nutrition Service, has certified that the proposal does not have significant economic impact on a substantial number of small entities. The proposal includes State and local planning requirements but only at the option of the State or local area. It establishes conditions under which, at their option, State and local areas may apply for an enhanced level of Federal funding (75 percent) for the planning, design, development, and installation of automatic data processing and information retrieval systems for use in the administration of the Food Stamp Program. The trend at this time is toward Statewide systems development projects, and away from county or local area systems. Therefore, the impact of the requirements of this rule should be felt by only a small number of local jurisdictions, and again, only at their option.

Background

Effective October 1, 1974, FFP at 50 percent of all State agency administrative costs was initiated. The Food Stamp Act of 1977 provided enhanced funding (above 50 percent) of State agency administrative costs for lower error rates (e.g., cumulative allotment error rates that are less than 5 percent can be funded (FFP) at 60 percent of their allowable costs).

The 1980 Amendments (Pub. L. 96–249) expanded the provisions for encouraging lower error rates. A further provision in the 1980 Amendments extends an incentive for States to computerize their food stamp operations by raising the FFP to 75 percent for developing new systems which provide for more effective or efficient program management.

Approval of FFP at the 75 percent rate for new automatic data processing (ADP) systems requires (a) FNS approval of the State Plan of Operation; and (b) FNS approval of proposed ADP equipment or systems funding.

Procedures for both approval processes have been in place as an operational requirement for several years.

It is proposed that § 277.4(b)(1) be amended to authorize State Administrative Grant funding at the higher levels as authorized in the Food Stamp Act Amendments of 1980. The effective date of the higher level of cost sharing would be October 1, 1980 for ADP systems and related costs when approved and incurred after that date.

Funding for ADP Development Costs

The increase of FNS funding to 75 percent for computerization would apply only to new ADP equipment, services, or systems. Cost sharing at the current minimum percent rate is applicable to all other administrative costs for existing ADP system utilization or modification expenses. The 75 percent rate applies only to planning, design, development, and installation of computerization and not to the continued operation once development ends. Only those expenditures budgeted and approved for higher level funding in the FNS approval process will be shared at the 75 percent level. The boost in cost-sharing is intended to be a one-time infusion of Federal funds limited to initial developmental costs. These developmental costs are referred to as the "threshold costs of planning, designing, developing, or installing ADP equipment, services, or systems." All reference to compatible ADP and information retrieval systems stems directly from legislation which requires that the increased level of cost support provide more efficient and effective administration of the Food Stamp Program and result in a computerized system compatible with other such systems used in the administration of State plans under the Aid to Families with Dependent Children (AFDC) within Title IV of the Social Security Act.

The legislation further provides that: (a) there shall be no such payments to the extent that a State agency is reimbursed for such costs under any other Federal program; (b) there can be no uses of such systems for purposes not connected with the Food Stamp Program; and (c) any costs so matched shall be excluded in determining FNS payments for other State agency administrative costs.

A new Section 18 is added to Part 277 to provide policy: (a) to describe ways by which ADP systems' efficiency and effectiveness may be enhanced in the administration of the Food Stamp Program; and (b) to provide cost principles for guidance in approving ADP budgets and costs and to identify costs allowed at 75 percent funding (as compared to the current allowable rate).

Functional Standards

These regulations propose to establish a comprehensive set of functional standards against which State proposals for systems development will be measured. The standards proposed describe a complete system, divided into those applicable to certification and those applicable to issuance of benefits. Systems proposed for use in certifying households would be required to process and store; all information pertinent to the eligibility determination, including calculating the level of benefits (or validating the eligibility worker's calculation). Other requirements include the ability to generate notices to households (or notify the certification unit to do so), provide for an automatic cut-off of participation after certification expires, allow for computer crosschecks for income verification and duplicate participation, effect mass changes resulting from both Federal and State level changes, and calculate varying allotments due to restored benefits or claims collection. The system would also be required to track various household circumstances which may have a bearing on eligibility such as alien status, work registration, presence of an elderly person, strikers or disqualified individuals.

Issuance systems would have to store all information required for the Household Issuance Record (HIR) (name and address of household, household size, period of certification, amount of allotment, case type, name and address of authorized representative, and racial/ethnic data) and generate authorizations for benefits accordingly. Issuance systems would be required to prevent new HIR's from being established for households already participating. They must allow for authorized under or over issuance due to claims collection or restored benefits after a program-wide benefit reduction, and finally, provide benefits on an expedited basis to households which qualify.

Standards for timeliness requirements, management reporting, security and limited access, and routine casefile maintenance are also proposed.

Initiative for developing systems to meet these standards would be left to individual States so that the system ultimately designed will meet the unique needs of that State for computerization.

Proposals for totally new systems or for major upgrades designed to bring an existing system into line with the functional standards would be eligible for funding at the enhanced 75 percent level. Minor modifications, programming changes and ongoing operational costs would be funded at the usual 50 percent level.

States intending to develop computer systems with 75 percent funding would have to indicate this intention in their State Plan of Operations as required in § 272.2. Approval of the State Plan containing this statement, however, would not constitute approval of the proposed systems for funding.

In developing these regulations, a major concern was preserving the flexibility afforded by the legislation (Section 129, Pub. L. 96–249) to prescribe standards by which a proposed system would be judged eligible. Other programs, such as AFDC, are more limited by legislation providing enhanced levels of funding.

In the case of AFDC, systems funded at the enhanced level must be Statewide. The Office of Family Assistance (OFA), which is responsible for administering AFDC on the Federal level, has taken this step further and designed a model system, Family Assistance Management Information System (FAMIS).

Although we considered a similar approach of designing a single model, we decided this was not appropriate to the Food Stamp Program. The Program began, expanded, and in some cases, still operates, on a county or local basis. To mandate a Statewide system would not be in the best interest of State agencies' administration of the Program. Since such a requirement was not included in our legislation, it would be unnecessarily restrictive to add such a requirement to the conditions of eligibility for enhanced funding.

From an accountability standpoint, indiscriminately funding any systems proposal at the 75 percent level would also not be in the best interest of the Program. It is clear from the legislative history that Congress intended this enhanced level of funding to be used only for systems which meet specific standards and demonstrate the capacity to subtantially improve States' administration of the Program.

Compatibility

A further requirement of the Act as mandated is that any system developed with 75 percent FFP must be compatible with any system used in administration of AFDC. As stated above, we did not feel that designing a model food stamp component for AFDC's model system, FAMIS, presented the single best solution to the compatability requirement. AFDC is limited by legislation to funding Statewide systems. To mandate a Statewide food stamp computer system would create undue hardship on those States which traditionally operate with substantial local autonomy. Therefore, we are proposing that compatibility with AFDC be defined as the capability to exchange information concerning participation, eligibility, benefits and changes at some mechanized level.

Budget Approval

Budget approvals for proposed systems will depend upon FNS determination that the proposed system will meet the standards for performance and other principles set forth in the new section. The standards will be used by State agencies in their preparation of Advance Planning Documents (APD) and by FNS personnel who conduct post-installation site analysis for determining whether the system is meeting the requirements for which approved. Proposed systems' budgets must be approved by FNS for 75 percent funding prior to States' claims for payment of these costs. Costs claimed must be reconcilable to the approved budget.

Cost Allocation Principles

Proposals must include cost distribution presented in a clear fashion so that costs may be associated with developmental acitivites or functions. Allocation of budgeted amounts will be made to each Federal or State program which will benefit from the new system.

Once systems development is in progress, changes which are not within the scope or context of the original approval and which will result in increased costs are to be summarized and forwarded to FNS for approval promptly, prior to States' claims in FNS payment for these costs. There is no requirement for annual or periodic resubmission of an original APD as long as it remains substantially accurate in defining the scope, schedule and plan for the proposed system.

Should a State choose to take advantage of the 75 percent match and establish and operate a compatible ADP system, that choice would be reflected in the State Plan of Operation.

Accordingly, it is proposed to amend 7 CFR Part 277 as follows:

1. In § 277.4, paragraph (b)(1) is revised to read as follows:

§ 277.4 Funding.

* * * * *

(b) *Federal Reimbursement Rate(s).*

(1) A 75 percent Federal reimbursement is payable for Food Stamp Program allowable costs incurred for:

(i) State fraud investigations, prosecutions, and fraud hearings upon presentation and approval of a State Plan Addendum as outlined § 277.15.

(ii) State agency planning, designing, developing, or installing computerized systems as approved by FNS and outlined in Section 277.18.

* * * * *

A new § 277.18 is added to Part 277 to read as follows:

§ 277.18 Establishment of an Automatic Data Processing (ADP) and Information Retrieval System.

(a) *General.* A State agency may, at its option, receive Federal reimbursement at a 75 percent payment rate for the planning, design, or installation of equipment or development of automatic data processing and information retrieval systems. Such systems, in order to be eligible for Federal reimbursement, must receive prior FNS approval. When expected costs meet the maximum cost limitations in FNS Handbook 151, FNS approval will be in response to submission of an Advance Planning Document (APD) as required in Appendix A. The 75 percent funding level will be approved FNS if the proposed system will:

(1) Assist the State agency in meeting the requirements of the Act;

(2) Be likely to provide more efficient and effective administration of the program;

(3) Be compatible with other ADP systems utilized in the State's administration of the AFDC program; and

(4) Substantially enhance State administration of the program by meeting the standards or principles listed below. States seeking funding for less than complete Statewide systems, will also be subject to the applicable standards listed below.

(b) *Functional Standards.* In order to meet the requirements of the Act and ensure the efficient and effective administration of the program, the proposed system, to receive 75 percent funding, must, at a minimum perform the following applicable functions:

(1) *Certification.*

(i) Determine eligiblity and calculate benefits or validate the eligibility worker's calculations by processing and storing all casefile information necessary for the eligibility determination and benefit computation, (including but not limited to names, addresses, date of birth, Social Security numbers, household members' income: earned and unearned, deductions, resources and household size). Redetermine or revalidate eligibility and benefits based on notices of change in the household's circumstances.

(ii) Identify other elements that affect the eligiblity of household members such as alien status, presence of an elderly person in the household, or status of periodic work registration.

(iii) Provide for an automatic cut-off participation for households which are not be recertified at the end of their certification period.

(iv) Notify the certification unit (or generate notices to households) of cases requiring Notices of (A) case disposition, (B) Adverse Action and Mass Change, and/or (C) Expiration.

(v) Provide for verification of income by means of comparison with records of other programs (AFDC, Medicaid, SDX BENDEX—benefits and wage data).

(vi) Prior to certification, crosscheck for duplicate cases for all household members by means of comparison with food stamp records within the jurisdiction.

(vii) Provide the capability to effect mass changes: those initiated at the State level, as well as those initiated from changes at the Federal level (eligibility standards, allotments, deductions, utility standards, SSI, AFDC, SSA benefits).

(viii) Identify cases where action is pending or follow-up must be pursued; for example, households with verification pending or households containing a disqualified individual or a striker.

(ix) Calculate or validate benefits based on restored benefits or claims collection.

(x) Provide for compatibility with systems used in administration of the AFDC Program.

(A) State agencies proposing to develop Statewide integrated systems for use in administering both the AFDC and Food Stamp Programs will be subject to a coordinated approval process by the Department of Health and Human Services and USDA.

(B) States proposing systems not subject to such a coordinated approval process must demonstrate, at a minimum, that the proposed system will be able to exchange information concerning participation, eligibility, benefits and changes, at some mechanized level with any system used in the administration of the AFDC Program.

(2) *Issuance.*

(i) Generate authorizations for benefits in issuance systems employing ATP's, direct mail, or online issuance. The system shall provide for storage of all Household Issuance Record (HIR) information: name and address of household, household size, period of certification, amount of allotment, case type (PA or NA), name, address of authorized representative, and racial/ethnic data.

(ii) Prevent a duplicate HIR from being established for presently participating or disqualified households.

(iii) Allow for authorized under or over issuance due to claims collection or restored benefits.

(iv) Provide for reconciliation of all transacted ATP's to the masterfile of authorized issuances. Identify cases of unauthorized and duplicate participation.

(v) Generate data necessary to meet Federal issuance and reconciliation reporting requirements, including:

(A) *Issuance.*

(*1*) FNS-259—Summary of mail issuance and replacements;

(*2*) FNS-250—Reconciliation of redeemed ATP's with reported authorized coupon issuance.

(B) Reconciliation; for FNS-46 the system must identify:

(*1*) Blank ATP's lost or stolen from the State agency,

(*2*) Expired ATP's,

(*3*) Out-of-State ATP's,

(*4*) Duplicate ATP transactions caused by State agency error,

(*5*) Duplicate ATP transactions in which both original and replacement were transacted,

(*6*) Counterfeit ATP's, and

(*7*) Altered ATP's.

(vi) Generate data necessary to meet other reporting requirements:

(A) FNS-256—Report of coupon issuance and participation,

(B) FNS-388—Coupon issuance and participation estimates.

(vii) Allow for sample selection for quality control reviews of casefiles.

(viii) Provide restored benefits to households following a program-wide benefit reduction if benefits again become available.

(ix) Provide for expedited issuance of benefits within designated timeframes.

(3) *General.* The following functions apply to all proposed systems:

(i) Perform all functions necessary to meet the various timeliness requirements established by FNS.

(ii) Allow for reprogramming to implement regulatory and other changes including a testing phase to meet implementation deadlines, generally within 90 days.

(iii) Generate whatever data is necessary to provide management information for the State's or county's own use, such as caseload, participation and actions data.

(iv) Provide procedures to limit access to all data in the system to authorized personnel and to maintain the security of the system.

(v) Provide for routine purging of casefiles and file maintenance.

(c) *Prior Approval Process.* A State agency wishing to receive 75 percent FNS funding for all or part of an ADP system which benefits the Food Stamp Program and meets the standards in Section 277.18(b), must submit a request for such funding to the appropriate FNS Regional Office. The request must, at a minimum, indicate the project's scope, objectives, schedule, costs and benefits to be achieved. Where the cost meets the maximum limitations in FNS Handbook 151, an Advance Planning Document must be submitted meeting the requirements of the handbook. The approval process, regardless of cost, is also outlined in FNS Handbook 151.

(1) Any costs for which 75 percent FNS payment will be requested must receive prior FNS approval. Approval of 75 percent FNS payment will be limited to costs of planning, designing, developing and installing systems as specified in Section 277.18(c)(4). Allowable costs of ADP systems other than those approved at the 75 percent rate, which meet the requirements of Appendix A, are chargeable at the levels of payment specified in Section 277.4(b).

(2) Requests for 75 percent payment must include budgets which identify all developmental costs separately from any ongoing operational costs. Costs must be distinguished by development projects and developmental time periods. Actual costs claimed must be reconcilable to the FNS approved budget.

(3) FNS approval of requests for 75 percent funding will provide notification to the grantee of the budget authority under which these costs may be claimed. FNS will provide this amount as a total authorization for this funding which may not be exceeded unless amended FNS. FNS's determination of the approved amount of this authorization will be based on the budget submitted by the grantee. Activities not included in the approved budget which result in costs chargeable at 75 percent, as well as continuation of approved activities beyond schedule deadlines in the approved plan, will also require FNS approval of an amendment to the budget authority. Requests to amend the budget authorization approved by FNS must be submitted to the appropriate FNS Regional Office prior to claiming these costs at the 75 percent level.

(4) Activities which may be included in the proposal for 75 percent funding of systems which meet the standards in Section 277.18(b) include:

(i) Research to define systems requirements including feasibility studies, systems design or review of existing technology for applications which improve food stamp ADP or related performance.

(ii) Testing or evaluation of products or alternative processes for application to improve food stamp ADP or related operations.

(iii) Design, construction, and pre-production testing of systems model(s) for food stamp use.

(iv) Design, development and operation of pilot(s) ADP systems for evaluation of eventual application to Food Stamp Program operations.

(v) Management of food stamp ADP systems development or implementation activities including quality control, scheduling, planning, and supervision.

(vi) Training of staff through testing and final implementation of food stamp ADP systems.

(vii) Contracted services similar to those listed above.

(viii) Development of software including programming and testing directed to products or processes for use in food stamp ADP systems meeting the requirements in this Section.

(d) *Cost Elements Claimable at 75 Percent FNS Funding.* Within the activities listed in Paragraph (c) of this section, a grantee may include charges for the following at 75 percent FNS funding:

(1) Personnel. Salaries, wages, and benefits of personnel to the extent that they are actually engaged in design, development or installation of FNS approved food stamp ADP systems.

(2) Materials, Equipment, Facilities, and Supplies. Costs of materials, equipment, facilities, and supplies used in design, development or installation of FNS approved food stamp ADP systems. Only the proportionate share of the costs of capital assets assignable to the period of time or prorated for usage may be claimed during the period of design, development or implementation of these systems. This share must be determined based on depreciation, use allowance or usage rates (e.g., machine wear, hours, etc.) as approved by FNS and should be submitted with the request for funding.

(3) Contracted Services. Services obtained by contracts which meet the procurement standards of this Section for the design, development or implementation of FNS approved food stamp ADP systems may be claimed.

(4) Overhead. Costs of overhead clearly related to the design, development, or implementation efforts, except ongoing costs of these efforts, may be claimed.

(e) *Cost Determination.* Actual costs must be determined in compliance with an approved budget and Appendix A. They must be reconcilable with the budget authorization for the 75 percent FNS funding level. There shall be no payments to the extent that a State agency is reimbursed for such costs pursuant to any other Federal program or uses such systems for purposes not connected with the Food Stamp Program. Since a higher reimbursement rate (i.e., 75 percent) may be claimed for these ADP expenses than for routine or ongoing costs of ADP systems, the cost allocation plan must be amended to disclose the methods which will be used to identify and classify costs to be claimed at the 75 percent rate. This methodology must be submitted to the appropriate FNS Regional Office as part of the request for FNS approval of funding at the 75 percent rate. Any costs matched pursuant to these regulations shall be excluded in determining the State agency's administrative costs under any other section of these regulations.

(f) *Specification for System Hardware.* Specifications for system hardware components, software, and services purchased from commercial suppliers or individuals will be submitted to FNS for review as part of the ADP. The management of contracting and contract administration procedures is to be accomplished according to a State's own policies and the provisions of Section 277.14. Procurement actions not in accordance with the Procurement Standards set forth in Section 277.14 may not be funded at the 75 percent level.

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Programs No. 10.551 Food Stamps)

Dated: August 6, 1981.

G. William Hoagland,

Administrator.

[FR Doc. 81-23334 Filed 8-10-81; 8:45 am]

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Reader Aids

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Tuesday, August 11, 1981

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FEDERAL REGISTER PAGES AND DATES, AUGUST

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing August 10, 1981