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Monday
August 17, 1981

Highlights

41519 **Citrus Blackfly** USDA/APHIS proposes removal of quarantine from certain counties in Florida and Texas.

41527 **Environmental Impact Statements** DOD/AF proposes analysis procedures.

41496 **Air Pollution Control** EPA lifts construction moratorium on new stationary sources of pollution in nonattainment areas where clean air requirements are being met.

41523 **Small Businesses** SBA proposes amendments to loan policy regulations for small business lending companies.

41702 **Surface Mining** Interior/SMREO modifies interim and permanent regulatory program regulations. (Part II of this issue)

41514 **Tires** DOT/NHTSA permits molding of grades on sidewalls up to six months after introduction of new lines.

41510 DOT/NHTSA adds certain tire size designations to safety standards.

41736 **Hunting** Interior/FWS proposes frameworks for late season migratory bird hunting. (Part IV of this issue)

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

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1423

[Amendment 2]

Processed Agriculture Commodities, Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The interim rule amends the regulations concerning Approval Standards of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils to allow a warehouseman to furnish an irrevocable letter of credit as security to satisfy the standards for approval of the storage or handling of commodities which are owned by the Commodity Credit Corporation (CCC) or which are serving as collateral for a price support loan issued by CCC. The effect of this rule will be to make available additional facilities for the storage of agricultural commodities, both owned by CCC and under price support loan.

DATES: This interim rule shall become effective August 14, 1981. Comments must be received on or before October 16, 1981.

ADDRESS: Interested persons are invited to send written comments to Paul W. King, Director, Inventory Management Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Barry W. Klein, Marketing Specialist, USDA–ASCS, Inventory Management Division, Storage Management Branch, Box 2415, Washington, D.C. 20013. (202) 447–7335. The Final Impact Statement will be available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in accordance with Secretary's Memorandum 1512–1 and Executive Order 12291, and has been classified "nonmajor" since it will not have an annual effect on the economy of $100 million or more.

This action will not have a major impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this interim rule.

The Commodity Credit Corporation Charter Act (15 U.S.C. 714) provides authority for CCC to conduct a number of operations to stabilize, support, and protect farm income and prices. CCC is authorized to carry out such activities as making price support available with respect to various agricultural commodities, removing and disposing of surplus agricultural commodities, exporting or aiding in the exportation of agricultural commodities, and procuring agricultural commodities for sale both in the domestic market and abroad. Section 5 of the CCC Charter Act provides that in carrying out the Corporation's purchasing and selling operations, and in the warehousing, transporting, processing, or handling of agricultural commodities, CCC is directed to use, to the maximum extent practicable, the usual and customary channels, facilities, and arrangements of trade and commerce. Further section 4(h) of the CCC Charter Act provides that the Corporation shall not acquire real property in order to provide storage facilities for agricultural commodities unless CCC determines that private facilities for the storage of such commodities are inadequate.

Accordingly, CCC has set forth standards of approval which must be met by warehousemen before CCC will enter into storage agreements with warehousemen for the storage of agricultural commodities which are owned by CCC or which are serving as collateral for a price support loan issued by CCC.

This subpart relating to Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils, is being amended to permit a warehouseman to furnish an irrevocable letter of credit to CCC in order to meet the net worth requirement as currently provided in the regulations at 7 CFR 1423.2. The net worth requirement is applicable to a warehouseman and each of the warehouses owned and operated by such warehouseman for which CCC approval is sought for the storage or handling of CCC-owned or loan commodities. Section 1423.2 of the regulations provides that among other considerations, a warehouseman is required to have a net worth which is the greater of $25,000 or a calculated net worth based upon certain factors including storage capabilities, as well as the purchase prices and market values of certain commodities. If the calculated net worth exceeds $25,000, the warehouseman may satisfy any deficiency between the $25,000 minimum net worth requirement and the calculated net worth requirement by funishing bonds or acceptable substitute security. The current regulations provide that CCC may accept cash and negotiable securities or a legal liability insurance policy in lieu of the required amount of bond coverage. This interim rule would add an irrevocable letter of credit as an acceptable substitute security in lieu of the equivalent amount of required bond coverage. Such standby irrevocable letter of credit shall be on Form CCC–33A, "Irrevocable Letter of Credit".

Warehousemen have encountered increased costs in obtaining net worth deficiency bonds.

Many bonding companies now require warehousemen to furnish an irrevocable letter of credit as security for the bond.

The additional cost of furnishing an irrevocable letter of credit to the bonding companies has deterred some warehousemen from obtaining the financial security in order to store larger quantities of agriculture commodities. As a result of the inability of some warehousemen to obtain a warehouseman's bond or provide other acceptable security, some warehousemen who would otherwise be able to satisfy the standards for approval for warehouses are unable to receive approval to store CCC-owned or loan commodities. This has resulted in a critical shortage of CCC-approved warehouses for the storage and handling of commodities which are owned by CCC or which serving as collateral for a CCC price support loan. The authorization of an irrevocable letter of credit as an acceptable substitute security would help to alleviate this shortage.

The public is invited to submitted written comments with respect to this interim rule to the Director, Inventory Management Division, ASCS. Comments must be received not later than October 16, 1981 in order to be assured of consideration. The change in the regulations made by this interim rule will be evaluated in view of the comments received and a final rule will be published in the **Federal Register** discussing the comments received and any further amendments to these regulations which may be deemed necessary.

Interim Rule

Accordingly, the regulations at 7 CFR 1423.3 are amended by adding a new subsection (e) to read as follows:

§ 1423.3 Bonding Requirements for Net Worth

* * * * *

(e) An irrevocable letter of credit may be accepted by CCC in lieu of the required amount of bond coverage provide that the issuing bank is an insured commercial bank in the United States with assets of $100 million or more. Such standby letter of credit shall be on Form CCC–33A, "Irrevocable Letter of Credit".

(Pub. L. 80–89, 62 Stat. 1070, as amended (15 U.S.C. 714b))

Signed at Washington, D.C. on August 7, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-23937 Filed 8-14-81; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 11

[Docket No. 22081; Amdt. No. 11-22]

Delegation of Authority To Make Determinations Under the Regulatory Flexibility Act

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment delegates to the heads of the agency's appropriate Regions, Offices, Services, and Centers, the authority to make findings and determinations under the Regulatory Flexibility Act with regard to any rulemaking document for which issuance authority has already been delegated. This amendment is necessary to ensure timely compliance with the Act.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 426–3073.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96–354, which became effective on January 1, 1981, requires consideration of the effect of proposed and final rules on small entities, i.e., small businesses, organizations, and governments. In connection with these considerations, the Act requires agency heads to make findings and determinations in several instances. For example, 5 U.S.C. 608(b), which was added by the Act, permits an agency head to delay the completion of a regulatory flexibility analysis (an analysis of the impact of a rule on small entities) for a final rule being issued in response to an emergency situation.

Much of the rulemaking authority of the agency has been delegated to the heads of the agency's Regions, Offices, and Services. These delegations are specified in 14 CFR Part 11. In order for these rulemaking functions to be carried out efficiently, under this delegated authority, it is necessary for those delegated this authority to also be permitted to carry out the associated responsibilities under the Regulatory Flexibility Act. Accordingly, the authority to carry out Regulatory Flexibility Act responsibilities is being delegated to those officials who have already been delegated rulemaking responsibilities within the agency.

Since this amendment relates to agency management, procedures and practices, notice and public procedure on it are not required and it may be made effective in fewer than 30 days after publication in the **Federal Register.** For the same reasons, it is not subject to the requirements of Executive Order 12291 on Federal Regulations.

The Amendment

Accordingly, Part 11 of the Federal Aviation Regulations (14 CFR Part 11) is amended, effective August 17, 1981, by inserting a new paragraph in the reserved § 11.13 to read as follows:

§ 11.13 Delegation of authority.

All agency officials, with regulatory issuance authority, may exercise the authority of the Administrator to make certifications, findings and determinations under the Regulatory Flexibility Act (Pub. L. 96–354) with regard to any rulemaking document for which issuance authority is delegated by other sections in this Part.

(Sec. 313(a), 314(a), 601 through 610, 1102, the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Washington, DC, on August 7, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-23809 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-45-AD; Amdt. 39-4191]

Airworthiness Directives: McDonnell Douglas Model DC-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive which requires periodic inspection of the aft pressure bulkhead on McDonnell Douglas Model DC–9 series airplanes which are not equipped with a ventral door. This amendment provides operators with an optional modification which, if they choose to install it, allows them to discontinue the repetitive inspections.

DATES: Effective Date August 27, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director,

Publications and Training, Cl–750 (54–60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Michael E. O'Neil, Aerospace Engineer, Airframe Branch, ANW–120L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2826.

SUPPLEMENTARY INFORMATION: AD 79–24–01, Amendment 39–3618 (44 FR 67102, November 23, 1979) as amended by Amendment 39–3741 (45 FR 25047, April 14, 1980) and Amendment 39–3841 (45 FR 47129, July 14, 1980), requires repetitive visual and x-ray inspections to detect fatigue cracks and prevent failure of the aft pressure bulkhead of McDonnell Douglas Model DC–9 series airplanes equipped with the non-ventral door aft pressure bulkhead, P/N 5910163. After issuing Amendment 39–3618 and amendments thereto, the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region, evaluated substantiating data and additional service instructions submitted by the manufacturer. It was determined that the procedures and modifications specified in McDonnell Douglas DC–9 Service Bulletin 53–145, Revision No. 1, dated January 29, 1981, to install a new heavier gage door-jamb assembly, provide an acceptable alternate means of compliance and terminating action for the original AD.

Since this amendment provides an alternate means of compliance, it has no adverse economic impact and imposes no additional burden on any person. Therefore notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 79–24–01, Amendment 39–3618 (44 FR 67102, November 23, 1979), as amended by Amendment 39–3741 (45 FR 25047, April 14, 1980) and Amendment 39–3841 (45 FR 47129, July 14, 1980) by adding a new paragraph (k) to read as follows:

(k) The installation of a J060116–11 Jamb Assembly in accordance with McDonnell Douglas DC–9 Service Bulletin 53–145, Revision No. 1, dated January 29, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region, constitutes terminating action for the repetitive inspections required by paragraphs (a)(3), (a)(4) and (b)(2) of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, Cl–750 (54–60).

These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108 or Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This Amendment becomes effective August 27, 1981.

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

Note.—The FAA has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. This amendment is not major under Executive Order 12291 (46 FR 13193; February 19, 1981), and not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Issued in Seattle, Washington, on August 7, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–23900 Filed 8–14–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 22082; Amdt. 39–4193]

Airworthiness Directives; British Aerospace, Aircraft Group BAC 1–11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that establishes limitations for recharging the airplane oxygen system and requires certain modifications and inspections for those aircraft incorporating a ground charging system on British Aerospace, Aircraft Group, Model BAC 1–11 200 and 400 series airplanes. The AD is prompted by reports of fires that have occurred during ground recharging of the oxygen system.

DATES: Effective August 31, 1981.

Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, DC 20041.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS–110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: It has been reported that oxygen system fires that occurred during ground recharging of British Aerospace, Aircraft Group, Model BAC 1–11 airplanes have been caused by ignition of contaminants trapped in the sintered bronze filter of the nonreturn valve of the ground charging system. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued which establishes certain limitations in the recharging of the oxygen system, and which requires certain modifications to the ground charging system to improve its integrity, thus reducing the possibility of oxygen system fires during ground charging.

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

Adoption of the Amendment

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

British Aerospace Aircraft Group (formerly British Aircraft Corporation): Applies to Model BAC 1-11 200 and 400 series airplanes, certificated in all categories, that incorporate a ground charging system as a part of the airplane oxygen system:

Compliance is required as indicated unless already accomplished.

To minimize the possibility of fire originating in the oxygen system during recharging, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, unless already accomplished, install a placard in clear view of the pilots and at the oxygen filler valve to read as follows: "Remove Oxygen Bottles From Airplane for Charging".

(b) Within the next 50 hours time in service after the effective date of this AD, unless already accomplished, replace the nonreturn valve, P/N WKA 30035 or WKA 30035/1, in accordance with British Aerospace, Aircraft Group, Alert Bulletin 35-A-PM 5541, Issue 2, dated August 31, 1978, (hereinafter referred to as the service bulletin) with a new valve, P/N WKA 30035/1, modified to WKA 37395 configuration in accordance with paragraph 2.4 of section 2, "Accomplishment Instructions" of the service bulletin, or an FAA-approved equivalent.

(c) Prior to October 1, 1981, accomplish British Aerospace, Aircraft Group, Modification PM 5291, or an FAA-approved equivalent.

(d) Prior to October 1, 1981, if equipped with self-sealing charging valve, accomplish British Aerospace, Aircraft Group, Modification PM 5413, or an FAA-approved equivalent.

(e) As an alternative to complying with paragraphs (a), (b), (c), or (d) of this AD, deactivate the ground charging system in accordance with paragraph 2.3.2 of section 2, "Accomplishment Instructions," of the service bulletin, or an FAA-approved equivalent.

(f) For airplanes incorporating oxygen shut-off valves, Normalair P/N OP 6370 or Adams P/N 6D/2313 MK 10 A:

(1) Within the next 300 hours time in service or within the next 60 days after the effective date of this AD, whichever occurs sooner, unless already accomplished within the last 2100 hours time in service or 10 months, whichever is the shorter, and thereafter at intervals not to exceed 2400 hours time in service, or 1 year, whichever occurs sooner, inspect ground charging and passenger and crew supply shut-off valves, in accordance with paragraph 2.2.3 of section 2, "Accomplishment Instructions" of the service bulletin, or an FAA-approved equivalent. Precautions regarding securing and operation of the shut-off valves are outlined in paragraph 2.2.1 of section 2, "Accomplishment Instructions" of the service bulletin.

(2) If, during the inspections required by paragraph (f)(1) of this AD, a valve is determined to be unserviceable in accordance with the criteria established in paragraph 2.2.3 of section 2, "Accomplishment Instructions" of the service bulletin, before further flight, replace the valve with a serviceable part of the same part number, and continue to inspect the valve in accordance with paragraph (f)(1) of this AD, or replace with P/N WKA 30342 valve, in accordance with British Aerospace, Aircraft Group, Modification No. PM 5575, or an FAA-approved equivalent.

(g) Upon satisfactory compliance with paragraphs (b), (c), (d), and (f) of this AD, the placard required by paragraph (a) may be removed.

(h) In accordance with FAR §§ 21.197 and 21.199, the airplane may be flown to a location where the required modification can be made.

(i) For purposes of complying with this AD, an FAA-approved equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, Federal Aviation Administration, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective August 31, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

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

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

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

Issued in Washington, DC, on August 7, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-23896 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-13-M

[Airworthiness Docket No. 77-SW-8; Amdt. 39-4181]

14 CFR Part 39

Mitsubishi MU-2B Series Airplanes (Certificated Under Type Certificate A10SW)

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to certain Mitsubishi MU-2B series airplanes by providing an alternate means of compliance involving an elevator trim tab bracket and rod modification. The amendment is needed to make the AD applicable to additional Model MU-2B series airplanes because the FAA has determined that these airplanes are also susceptible to the trim tab bracket and rod failures to which the AD is directed. Additionally, the amendment will allow further modifications to be made, the effect of which will eliminate repetitive inspections and lubrication requirements.

DATES: Effective August 31, 1981. Compliance required as prescribed in body of AD.

ADDRESSES: The applicable service information may be obtained from Mitsubishi Aircraft International, Inc., P.O. Box 3848, San Angelo, Texas 76901.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: R. T. Weaver, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: This amendment modifies Amendment 39-2841 (42 FR 10842), AD 77-04-07, which currently requires inspection of the elevator trim tab bracket for wear and repair, as necessary, on Mitsubishi Models MU-2B-25, -26, -26A, -35, -36,

-36A airplanes certificated under Type Certificate A10SW. After issuing Amendment 39-2841, the FAA determined that the reasons for issuing AD 77-04-07 are valid for additional Model MU-2B airplanes and that, if a specific modification of the elevator trim tab bracket and rod is accomplished, the repetitive inspections and lubrication required by the AD could be eliminated. As a result, a notice was issued in the **Federal Register** (46 FR 24192) which proposed to amend the existing AD by making the AD applicable to additional Model MU-2B series airplanes and by allowing additional modifications which will eliminate repetitive inspections on Mitsubishi MU-2B series airplanes certificated under Type Certificate A10SW.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

Accordingly, the proposal is adopted as drafted, except that a later applicable Service Bulletin (Service Bulletin SB 031/27-005) which was released June 10, 1981, and which supersedes the originally proposed Service Bulletin SB 019/27-003, is referenced.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-2841 (42 FR 10842) AD 77-04-07, as follows:

By revising the model effectivity to read: Mitsubishi Aircraft International, Inc., applies to MU-2B Series (S/N 313 S.A., 321 S.A., 348 S.A. through 449 S.A., 652 S.A., 661 S.A., 697 S.A. through 1530 S.A.) certificated in all categories.

By revising paragraphs (a), (b), and (c) of the amendment to read as follows:

(a) For Model MU-2B-25, S/N 313 S.A., at the initial inspection, replace the 010A-22119 brackets with 010A-22127 brackets in accordance with Mitsubishi Aircraft International MU-2 Service Bulletin SB 002/27-001 dated December 8, 1976, or SB 031/27-005 dated June 10, 1981; thereafter, inspect the 010A-22127 brackets at intervals not to exceed 300 hours' time in service from the last inspection in accordance with Service Bulletin SB 002-27-001 dated December 8, 1976, or with SB 031/27-005 dated June 10, 1981.

(b) For Models MU-2B-26, MU-2B-26A, and MU-2B-40, S/N 321 S.A., 348 S.A. through 449 S.A., and for Models MU-2B-35, S/N 652 S.A., and MU-2B-36, MU-2B-36A, and MU-2B-60, S/N 661 S.A., 697 S.A. through 1530 S.A., inspect the 010A-22127 bracket in accordance with Mitsubishi Aircraft International MU-2 Service Bulletin SB 002/27-001 dated December 8, 1976, or SB 031/27-005 dated June 10, 1981. After the initial inspection, inspect the 010A-22127 brackets at intervals not to exceed 300 hours' time in service from the last inspection.

(c) For Model MU-2B-25, S/N 313 S.A., and Models MU-2B-26, MU-2B-26A, and MU-2B-40, S/N's 321 S.A., 348 S.A. through 449 S.A., and for Models MU-2B-35, S/N 652 S.A., and MU-2B-36, MU-2B-36A, and MU-2B-60, S/N's 661 S.A., 697 S.A. through 1530 S.A., apply Molycote grease in accordance with Mitsubishi Aircraft International MU-2 Service Bulletin SB 002/27-001 dated December 8, 1976, or SB 031/27-005 dated June 10, 1981, to the inner surface of the bracket bushing and outer surface of the spacer. Apply the grease at intervals not to exceed 100 hours' time in service from the last application.

By adding a new paragraph (d) to read: (d) Replacement of the 010A-22119 brackets and 0XXA-22127 series elevator trim tab brackets with the 035A-22128-1/-2 trim tab bracket in accordance with Parts 3 and 4 of the Mitsubishi Aircraft International Service Bulletin SB 031/27-005 dated June 10, 1981, will remove the requirement for the 300-hour repetitive inspections of paragraphs (a) and (b) and the 100-hour repetitive grease applications of paragraph (c).

This amendment becomes effective August 31, 1981.

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

The FAA has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves parts used on only a few aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Issued in Fort Worth, Texas, on July 28, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-23901 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-13-M

[Airspace Docket No. 81-SO-45]

14 CFR Part 71

Alteration of Transition Area, Burlington, North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Burlington, North Carolina, Transition Area by correcting the geographic location of the Burlington (non-Federal) nondirectional radio beacon (NDB).

EFFECTIVE DATE: 0901 GMT, September 29, 1981.

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

SUPPLEMENTARY INFORMATION:

History

In the Burlington, North Carolina, Transition Area described in § 71.181 (46 FR 540), the Burlington NDB geographic location is shown as (Latitude 36°02'59"N., Longitude 79°28'49"W.). The correct geographic location is (Latitude 36°02'51"N., Longitude 79°28'46"W.). Therefore, it is necessary to alter the Burlington, North Carolina, Transition Area to correct this geographic location. Because of the minute changes, it will not be necessary to change the extension predicated on the 218° bearing from the Burlington NDB. Since this amendment is minor in nature, it is found that notice and public procedure hereon are impracticable and contrary to public interest.

The Rule

The amendment to Part 71 of the Federal Aviation Regulations corrects the geographical coordinates of the Burlington RBN.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation

Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, September 29, 1981, as follows:

§ 71.181 is amended in the description of the Burlington, North Carolina, Transition Area by deleting the words " . . . (Latitude 36°02'59"N., Longitude 79°28'49"W.) . . ." and substituting for them the words ". . . (Latitude 36°02'51"N., Longitude 79°28'46"W.) . . ."

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

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

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

Issued in East Point, Georgia, on August 7, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-23903 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 410

Recovery of Black Lung Overpayments From Benefits Due Survivors

Correction

In FR Doc. 81-22655 appearing on page 39588 in the issue of Tuesday, August 4, 1981, make the following correction:

On page 39589, first column, in the ninth line, ". . . 49 Stat. 624 . . ." should have read ". . . 49 Stat. 624 . . .".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-90; Ref: Notice No. 351]

San Pasqual Valley Viticultural Area

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

ACTION: Final rule, Treasury decision.

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

EFFECTIVE DATE: September 16, 1981.

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

SUPPLEMENTARY INFORMATION:

Background

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

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographic characteristics. Section 4. 25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

A representative of San Pasqual Vineyards submitted a petition to establish a viticultural area in San Diego County, California, to be named "San Pasqual Valley." In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 351, in the **Federal Register** on October 27, 1980 (45 FR 70914), proposing the establishment of San Pasqual Valley as a viticultural area.

Public Hearings

A public hearing was held on this issue on January 26, 1981, in Escondido, California. Although no written comments were received on the notice, three persons testified at the hearing. The evidence gathered at this hearing and the petition was sufficient for ATF to base its final decision concerning San Pasqual Valley.

Evidence Relating to the Name

Historical. Testimony at the hearing established the historical nature of the name "San Pasqual." For instance, a battle between Californians and troops of the U.S. Army in 1846 was named "the Battle of San Pasqual", and a book published in 1887, "Picturesque San Diego", specifically mentioned San Pasqual Valley and the several extensive vineyards present at that time.

Current. At present, the name "San Pasqual" is part of the names of schools and government offices in the area. The portion of the valley lying within the city limits of San Diego is known as the "San Pasqual Agricultural Preserve." In addition, the portion of the valley used as an adjunct of the San Diego Zoo is called the "San Pasqual Wild Animal Park."

ATF believes this testimony establishes the historical and current use of the name San Pasqual Valley as a viticultural area.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural area from surrounding grape-growing areas. The petitioner claimed that the San Pasqual Valley possesses a soil type, climate, and protective setting which provides a singular viticultural identity.

The area is a natural valley located in the Santa Ysabel watershed. The elevation of the valley floor is from 300 to 350 feet above sea level, and the sides of the alluvial plain rise to approximately 500 feet. The valley is surrounded on three sides by low mountain ranges rising to 1,500 feet and higher above sea level. The valley is fed by natural streams, culminating in the San Dieguito River which empties into Lake Hodges on the west side of the valley.

The petitioner stated that San Pasqual Valley is a relatively small, well-defined area with a uniform climate. The valley lies 10 to 15 miles east of the Pacific Ocean and is substantially affected by coastal influences. Temperatures are warm in the summer, but seldom over 95 degrees. Ocean breezes cool the area and nighttime temperatures are normally below 65 degrees. In light of the area's low elevation, several freezes occur in the valley during the winter.

The petitioner noted that the valley climate was substantially different from surrounding areas which have climates ranging from tropical to desert-like to mountainous.

ATF has determined that the San Pasqual Valley is viticulturally distinguishable from the surrounding areas. This is based upon the evidence presented regarding the climatic features (particularly in temperature caused by the physiographic features of the valley) and soil composition (primarily a decomposed granite base). The area, surrounded on three sides by low mountain ranges, provides a setting which differentiates the climate of the valley from that of the surrounding areas.

Boundaries

ATF is using the 500-foot contour line and a man-made boundary, Interstate 15, as the boundaries of the viticultural area. The petitioner stated that Interstate 15 was chosen as the western boundary of the area because no agricultural activity is carried on west of the highway; this particular area is used primarily for home development. The 500-foot contour line was chosen primarily because the alluvial plain rises to approximately this level, thus providing a uniform soil composition.

Based on this testimony, ATF has determined that the proposed boundaries sufficiently delineate the viticultural area from the surrounding areas and, therefore, the boundaries are being adopted as proposed. Furthermore, while ATF believes that viticultural area boundaries based only on man-made features is inappropriate, where such features closely approximate natural features, or where they provide a demarcation line from grape-growing areas as opposed to areas unsuitable for grape-growing, it is acceptable to use these man-made features in describing the boundaries.

Miscellaneous

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

Accordingly, 27 CFR Part 9 is amended as proposed.

Executive Order 12291

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

Disclosure

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

Drafting Information

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

Authority and Issuance

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

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.25.

The new entry in the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.25 San Pasqual Valley.

Par. 2. Subpart C is amended by adding § 9.25 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.25 San Pasqual Valley.

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

(b) *Approved Maps.* The appropriate maps for determining the boundaries are three U.S.G.S. maps. They are entitled:

(1) "Escondido Quadrangle, California—San Diego County", 7.5 minute series;

(2) "San Pasqual Quadrangle, California—San Diego County", 7.5 minute series;

(3) "Valley Center Quadrangle, California—San Diego County", 7.5 minute series.

(c) *Boundaries.* The San Pasqual Valley viticultural area is located in San Diego County, California.

(1) From the beginning point at the intersection of Interstate 15 and the 500-foot contour line, north of the intersection of point of Interstate 15 and T.12 S./T.13 S., the boundary line follows the 500-foot contour line to;

(2) The point nearest San Pasqual Road and the 500-foot contour line, the boundary line follows the Escondido Corporate Boundary line to the 500–foot contour line on the hillock and circumnavigates said hillock back to the Escondido Corporate Boundary line and returns to the 500-foot contour line nearest to San Pasqual Road and;

(3) Continues along the 500-foot contour line completely around San Pasqual Valley to a point where the 500-foot contour line intersects with Pomerado Road, at this point, the boundary line, in a straight, northwesterly direction crosses over to;

(4) The 500-foot contour line of Battle Mountain, following the 500-foot contour line around Battle Mountain to point nearest to Interstate 15, at which point the boundary line crosses over to Interstate 15; and

(5) Continues northward along Interstate 15 to the point of beginning.

Signed: June 30, 1981.

G. R. Dickerson,

Director.

Approved: July 24, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-23642 Filed 8-14-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

Correction

In FR Doc. 81-20266 appearing on page 35637 in the issue of Friday, July 10, 1981, make the following change:

1. On page 35638, third column, § 2.20, Item C of the **Salient Factor Score** should have appeared as set forth below:

* * * * *

Item C: Age at Current Offense/Prior Commitments	☐
Age at commencement of the current offense:	
26 years of age or more	=2***
20-25 years of age	=1***
19 years of age or less	=0

*** Exception: If five or more prior commitments of more than thirty days (adult or juvenile), place an 'x' here —— and score this item=0.

* * * * *

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CCGD3-81-12-R]

Safety Zone: Arthur Kill, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone regulations, establishes a portion of the waters of the Arthur Kill, Staten Island, New York as a safety zone. This safety zone is extended by the Captain of the Port, New York at the direction of the Federal District Court, Southern District of New York. No person or vessel may enter or remain in a Safety Zone without the permission of the Captain of the Port, New York.

EFFECTIVE DATE: This amendment is effective on June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Captain B. E. Joyce, Captain of the Port, New York, Building 109, Governors Island, New York 10004, (212) 668-7917, during normal working hours 8:00 a.m. to 4:30 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rule-making and this amendment is effective in less than 30 days from date of publication because the immediacy of the order of the Federal District Court Southern District of New York. Since this regulation is in response to an unusual situation it is exempt from the procedures for review of regulations contained in Executive Order 12291. It is not a major regulation under the terms of that order. Extensive local public notice has been given.

Drafting Information

The principal persons involved in drafting this rule are: Lieutenant Junior Grade Christopher M. Scarborough, Project Manager, Captain of the Port, New York, New York; and Lieutenant Ronald Nelson, Project Attorney, Legal Office, Third Coast Guard District, New York, New York.

In consideration of the foregoing, Part 165 of Title 33 of the Code of Federal Regulations is amended by adding § 165.327 to read as follows:

§ 165.327 Arthur Kill, New York.

The waters of the Arthur Kill, New York, extending south of Port Reading Reach to the Staten Island shoreline 12 (LLN 1758) to Buoy 18 (LLN 1763) are established as a Safety Zone by the Captain of the Port, New York, at the direction of the Federal District Court, Southern District, of New York.

(92 Stat. 1471, (33 U.S.C. 1225 & 1231); 49 CFR 1.46 (n)(4))

Dated: July 5, 1981.

B. E. Joyce,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 81-23927 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD2 81-01]

Safety Zone, Upper Mississippi River, Mile 633.7 to 636.7

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This is an amendment to the Coast Guard's Safety Zone Regulations which designated the vicinity of Marquette-Joliet Highway 18 Bridge near Prairie Du Chien, Wisconsin, as a safety zone. After creation on the safety zone, bridge repairs made it necessary to change navigational approaches to and from the bridge resulting in a need to amend the Safety Zone Regulations. This amendment will place additional restrictions upon certain vessels transiting the bridge area.

EFFECTIVE DATE: This amendment became effective at 4:46 p.m. (CDST) 24 June 1981.

ADDRESSES: Comments should be mailed to Commander(m), Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103. The comments and other material related to this amendment will be available for inspection or copying at the Office of Commander, Second Coast Guard District, Room 310, 1430 Olive Street, St. Louis, Missouri. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except holidays. Comments may be mailed or hand delivered to this office.

FOR FURTHER INFORMATION CONTACT: Commander L. Z. KATCHARIAN, Project Officer, c/o Marine Safety Office, P.O. Box 3428, St. Paul, MN, telephone (612) 725-7452.

SUPPLEMENTARY INFORMATION: This is an amendment to the Coast Guard's Safety Zone Regulations. On March 23, 1981 the Captain of the Port, Minneapolis/St. Paul, MN under the authority of the Ports and Waterways Safety Act, as amended, established a safety zone (33 CFR 165.211) from Mile 633.7 to Mile 636.7, Upper Mississippi River (UMR) including the Marquette-Joliet Highway Bridge at Mile 634.7, UMR, near Prairie Du Chien, Wisconsin. Notification was published at 42 FR 26055, May 11, 1981. The effect of the Safety Zone was to place certain navigational restictions on tows containing barges loaded with petroleum or hazardous materials, as defined by 46 CFR Table 151.01-10(b) and 46 CFR 151.01-10(d), or anhydrous ammonia while transiting the Safety Zone.

After creation of the Safety Zone, bridge repairs commenced, changing the approaches to and from the horizontal clearance of the bridge. As part of his ongoing review of the imposed restrictions, the Captain of the Port, Minneapolis/St. Paul determined that an amendment to the Safety Zone was necessary. Effective at 8:00 a.m. (CDST) on 18 June 1981, the Safety Zone was amended to impose the prior restrictions on all tows regardless of cargo, to limit transit through the bridge span to one tow at at time, and to require all tows exceeding both 70 feet width and 600 feet length to use the assistance of a helper boat provided by the bridge contractor.

Subsequent to the amendment a day-mark was established at Miles 634.0, right descending bank, UMR. As a result, the Captain of the Port further amended the Safety Zone effective at 4:46 p.m. (CDST), 24 June 1981, limiting the requirement for use of the helper boat to only those downbound tows

meeting the applicable dimensions, restricting the allowable disturbance of the water created by all tows while transiting the bridge span, and defining adverse river conditions in terms of the river flow rate measured at Lock and Dam 9.

Due to the proximity of the effective dates of the amendments this Notice of Final Rulemaking incorporates both amendments. Because of the extensive amendments to the rule and different restrictions to various types of tows and vessels, Subpart 165.211 of 33 CFR, as amended, is published in its entirety. The rules applicable to the Safety Zone which existed on an interim basis between 18 and 24 June 1981 are not being published. Affected mariners were notified by Notice to Mariners broadcasts. Those persons interested in receiving a copy of the text of the broadcast may request a copy from the office listed under "ADDRESSES" in this preamble. Those persons requesting a copy of the text should include their name, addresses and identify the docket number.

This amendment is issued without publication of a Notice of Proposed Rulemaking and is effective in less than 30 days from the date of publication because public procedures are impractical due to the immediate and present hazard posed by the present structural condition of the Marquette-Joliet Highway 18 Bridge. These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major. This amendment has been determined to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5-22-80).

Drafting Information

The principal persons involved in drafting this amendment are Commander Charles G. Hill, USCG, and Lieutenant Richard A. Knee, USCG, Project Attorney, c/o Commander Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri.

Comments

Although this Safety Zone is published as a final rule without prior notice, public comment is nevertheless desirable to ensure that the regulation is both workable and reasonable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESSES" in this preamble. Commenters should include their names and addresses, identify the docket number, and give reasons for their comments. Based upon comments received and experience gained under the rule, the amendment may be changed. Any persons desiring acknowledgment of their written comments should include a self-addressed stamped postcard or envelope. No written comments were received following the original creation of the Safety Zone.

Final Regulations

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by revising 33 CFR 165.211 in its entirety, to read as follows:

§ 165.211 Upper Mississippi River, mile 633.7 to 636.7.

a. *Safety Zone:* All the waters of the Upper Mississippi River from Mile 633.7, to 636.7, including the Marquette-Joliet Highway 18 Bridge at Mile 634.7 are a Safety Zone.

b. *Special Regulations:* (1) All tows must comply with the following regulations when transiting within the Safety Zone.

(i) All towboats and barges shall be inspected by the person-in-charge of the towboat prior to entry into the Safety Zone to ensure cargo integrity, and that all equipment affecting vessel safety, propulsion, and control is operating properly.

(ii) Transit through the bridge span is limited to one tow at a time. All upbound tows in the Safety Zone will hold to the bank until downbound tows in the Safety Zone have cleared the bridge span.

(iii) No person shall navigate a tow within the Safety Zone during adverse weather (severe thunderstorms—tornado warnings).

(iv) No person shall navigate a tow within the Safety Zone when the Upper Mississippi River flow rate measured at Lock and Dam 9 is greater than 75,000 cubic feet per second without the express permission of the Captain of the Port or his on scene representative. The Lock 9 lockmaster should be contacted for current flow information.

(v) No person shall navigate a tow through the bridge span at a speed so as to produce a disturbance of the water endangering bridge construction personnel or equipment.

(vi) All tows less than the dimension requiring compliance with subparagraph (2) of this subpart may use a helper boat. One hour advance notice should be given via Channel 16, VHF-FM.

(2) All tows having dimensions exceeding both 70 feet wide and 600 feet long an/or tows larger than nine standard barges (35 feet wide by 195 feet long) must comply with the following regulations when transiting within the Safety Zone.

(i) All such downbound tows must use the assistance of a helper boat.

(ii) All such upbound tows may use the assistance of a helper boat.

(iii) All downbound tows using the helper boat will give advance notice upon entering Lock 9. All upbound tows using the helper boat will give advance notice upon entering Lock 10. Advance notice may be given by contacting the helper boat on Channel 16, VHF-FM.

(3) All tows containing barges loaded with anhydrous ammonia shall, in addition to the requirements of subparagraph (b)(1) of this subpart:

(i) Notify Coast Guard authority at (612) 725-7453 or (314) 425-4614 at least twenty four (24) hours in advance of the estimated time of arrival at the Marquette-Joliet Highway 18 Bridge.

(ii) Contact Coast Guard authority on Channel 16, VHF-FM and receive positive clearance from said authority prior to entering the Safety Zone.

(iii) Be limited to no more than three barges, in a one barge wide configuration.

(iv) Transit the Safety Zone during daylight hours only.

(4) Coast Guard on scene authority will issue verbal orders via Channel 16, VHF-FM to limit traffic to one way within the entire Safety Zone during those times a tow containing a loaded anhydrous ammonia barge is transiting the Safety Zone. All vessels within the Safety Zone shall comply with such orders.

(92 Stat. 1475 (33 U.S.C. 1225); 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46 (n)(4))

Dated: July 13, 1981.

S. E. Hungness,

Lieutenant Commander, U.S. Coast Guard, Captain of the Port, Minneapolis/St. Paul, MN.

[FR Doc. 81-23828 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 2

Delegation of Authority

AGENCY: Veterans Administration.

ACTION: Final Regulations.

SUMMARY: The Administrator is delegating authority to establish the maximum interest rates for VA guaranteed, insured, and direct loans made for homes, condominiums, and mobile homes to the Chief Benefits

Director, Deputy Chief Benefits Director, or designee. This delegation of authority is considered necessary to assure the timely revision of interest rates. It is expected that this delegation of authority will benefit veterans wishing to purchase a suitable home by assuring availability of loan funds and assist lenders and other persons participating in the program by assuring appropriate VA responses to changes in money market conditions.

EFFECTIVE DATE: August 12, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James P. Kane, Assistant General Counsel, Office of the General Counsel, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202–389–2189).

SUPPLEMENTARY INFORMATION: The Administrator is required by title 38, United States Code, sections 1803(c) and 1819(f) to establish maximum interest rates in accordance with market conditions for VA guaranteed, insured, and direct loans for the purposes of acquiring homes, mobile homes, or condominiums. In recent years, interest rates for all types of loans have fluctuated considerably based on the availability of funds in the various capital markets. This has required numerous changes in the maximum allowable interest rates for loans for the purposes of acquiring homes and condominiums or mobile homes.

The Administrator has determined that it would be more efficient operationally to delegate the authority to establish maximum interest rates for the Loan Guaranty program to the Chief Benefits Director, Deputy Chief Benefits Director, or designee.

The delegation of authority to the Chief Benefits Director or designee is considered appropriate since the Chief Benefits Director is the direct line supervisor of the Central Office Loan Guaranty staff and all Loan Guaranty field activities. Since the Chief Benefits Director is actively involved in all day-to-day activities of the Loan Guaranty program, the incumbent is eminently qualified to make the necessary decisions as to the maximum allowable interest rates.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register** (46 FR 25443), it has previously been determined that final regulations which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612. Since this regulatory amendment is an amendment to a rule governing organizational procedures when changes are made in VA's various maximum allowable interest rates, it has been determined that this regulatory amendment also is not subject to the Regulatory Flexibility Act.

The amendment has also been reviewed pursuant to Executive Order 12291 and has been found to be a nonmajor regulation.

This final regulation comes within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The regulatory amendment revises a rule concerning internal VA procedure and practice. In addition, publication of a proposed regulation would delay by more than 30 days publication in final form. Since this amendment only affects internal operations of the agency, publication in proposed form also is considered unnecessary and the amendment is excepted from the requirement of proposed regulatory development.

The official program numbers and titles of the VA programs affected by this action as set forth in OMB Circular A–89, Catalog of Federal Domestic Assistance are: (1) 64.113, Veterans Housing—Direct Loans and Advances, (2) 64.114, Guaranteed and Insured Loans, and (3) 64.119, Veterans Housing—Mobile Home Loans.

This amendment is adopted under authority granted the Administrator by §§ 210(c), 212(a), 1803(c) and 1819(f) of title 38, United States Code.

The delegation of authority to establish maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, is accomplished by adding § 2.6(b)(3) to title 38, Code of Federal Regulations.

Approved: August 12, 1981.

Robert P. Nimmo,

Administrator.

In § 2.6, paragraph (b)(3) is added to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * *

(b) *Department of Veterans Benefits.*

* * *

(3) *Interest rates on home, condominium and mobile home loans.* Under the provisions of chapter 37 of title 38, United States Code, authority is delegated to the Chief Benefits Director, the Deputy Chief Benefits Director, or those authorized to act for them, to establish such rate or rates of interest applicable to loans guaranteed, insured, or made pursuant to such chapter. This delegation includes the authority to execute all necessary documents including those required to be transmitted to the Office of the Federal Register.

(38 U.S.C. 210(c), 212, 1803(c)(1), 1819(f))

* * * * *

[FR Doc. 81–23938 Filed 8–14–81; 8:45 am]

BILLING CODE 8320–01–M

POSTAL SERVICE

39 CFR 310

Mail to Canada; Revocation of Suspension of Private Express Statutes and Regulations

AGENCY: Postal Service.

ACTION: Revocation of suspension of statutes and regulations.

SUMMARY: In the July 9, 1981, issue of the **Federal Register**, 46 FR 35503, the Postal Service announced, in view of a strike by Canadian postal workers, a suspension of 39 U.S.C. 601(a) (1) through (6) and 39 CFR 310.2(b) (1) through (6) so as to permit the carriage of letters destined for delivery in Canada out of the mails without paying postage or meeting any of the other conditions in such provisions of law and regulation.

The postal strike having ended in Canada, the suspension of the provisions of law and regulation referred to above is hereby revoked, effective August 17, 1981.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Charles D. Hawley, (202) 245–4584.

(39 U.S.C. 401, 404, 601)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81–23829 Filed 8–14–81; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL AD–1825–1]

Approval and Promulgation of Implementation Plans; Statutory Restriction on New Sources Under Certain Circumstances for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is exempting from application of the construction moratorium required by Section 110(a)(2)(I) of the Clean Air Act, sources locating in those clearly defined parts within a nonattainment area (such as a political subdivision) where a State Implementation Plan (SIP) meeting the requirements of Part D of the Act is in effect and being implemented. This action was taken because the Agency believed that it would be more equitable to apply the construction moratorium only to those political subdivisions actually lacking (or refusing to carry out) an approved plan. A broader ban is not needed to serve the purposes of the Act where a political subdivision is in compliance with the Act's requirements for nonattainment areas.

DATE: This rule is effective on August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Nancy Mayer, Control Programs Development Division (MD–15), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, (919) 541–5591. Docket No. A–81–13 containing material relevant to this rulemaking is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. The public may inspect this docket between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

SUPPLEMENTARY INFORMATION: Section 110(a)(2)(I) of the Clean Air Act provides that a moratorium on construction of major stationary sources of air pollution shall be imposed in each area whose air quality is designated as exceeding the applicable National Ambient Air Quality Standard (NAAQS) or "nonattainment area," and where after June 30, 1979 there is no approved plan in place to attain and maintain NAAQS in that area which meets the requirements of Part D of the Act. On July 2, 1979, EPA implemented the construction moratorium by promulgating it into regulatory form. See 44 FR 38471–73. At that time, EPA solicited comment on how the moratorium is to apply if a single nonattainment area covers several political subdivisions of a State, where one subdivision adopts and carries out the necessary SIP provisions while another subdivision refuses.

On May 13, 1980, EPA announced final rules concerning the geographic applicability of the construction moratorium. 44 FR 31307–11. At that time, EPA stated that it believed that it lacked statutory authority to exempt from the moratorium sources locating in a political subdivision where all necessary measures have been adopted and are being carried out and where there is no approved Part D SIP revision covering the nonattainment area as a whole. *See* 45 FR 31308.

EPA reconsidered this position and on September 22, 1980 (45 FR 62850) proposed to exempt such sources from application of the construction moratorium those sources locating in political subdivisions within a designated nonattainment area where a SIP meeting the requirements of Part D of the Act is in effect and is being implemented. This action was taken because the Agency believed that it would be more equitable to apply the construction moratorium only to those political subdivisions actually lacking (or refusing to carry out) an approved plan. A broader ban is not needed to serve the purposes of the Act where a political subdivision is in compliance with the Act's requirements for nonattainment areas. The moratorium is designed to preserve air quality while the State prepares an approvable plan, yet this is unnecessary for those areas which already have an approved plan and are implementing that plan. Therefore, given the economic impact of the moratorium, EPA proposed that the moratorium should not apply to a political subdivision within a nonattainment area if there is an approved Part D plan in effect for the subdivision and the plan is being carried out.

EPA received six comments in response to the proposed rule. All of the comments expressed agreement with the proposed rulemaking, but raised some issues. One commenter suggested that EPA consider a nonattainment plan "approved" when such plans are adopted by local officials and submitted by the State. This suggestion is contrary to the Clean Air Act under which EPA approval of a SIP only occurs after EPA reviews and takes *final* action on that SIP. Therefore, the approval date used to exempt areas from the construction moratorium must be defined as the time that EPA takes final action on a State-submitted nonattainment plan.

Another commenter questioned the effectiveness and equitability of removing the construction moratorium in some portions of a nonattainment area even though there is no approved Part D SIP for the entire nonattainment area. The commenter argued that no one should be forced to breathe air dirtier than necessary, no matter where that person lives. EPA believes that the ban is unnecessary in these limited circumstances where one part of a nonattainment area has an approved Part D plan that is being implemented. The area with an approved plan is improving its air quality and therefore will not interfere with the air quality improvements required in the Clean Air Act.

Three commenters pointed out that the meaning of the term "political subdivision" varies among the States, and that restricting the exemption from the moratorium to "political subdivisions" may not always be appropriate. For example, the boundaries of a political subdivision may be too small and not include the entire "area" where an approved Part D SIP is being carried out. Conversely, a political subdivision may be too large in size and include more than the "area" where the SIP is being properly implemented. The commenter recommended that EPA allow States to show which "areas" are in fact covered by an approved Part D plan.

EPA agrees with these commenters that applying the exemption only to "political subdivisions" within a nonattainment area may be overly restrictive. EPA has changed its proposed rule to provide that where EPA finds that a State has shown that an approved Part D plan is being carried out in a clearly defined part of a nonattainment area, the moratorium will not apply to that part. The showing must include a demonstration that the State or local body involved has authority to carry out the plan and is carrying it out. EPA expects that this ordinarily will involve a political subdivision. However, contrary to one commenter's recommendation, this required demonstration will not involve an air quality modeling analysis. The imposition of the growth moratorium relates only to whether a plan has been approved and whether the steps called for in the plan are actually being implemented for a particular area. While modeling would be used to redesignate a part of a nonattainment area as attainment or unclassifiable under the procedures of Section 107(d) of the Act, it would not be relevant to the demonstration of legal authority and implementation of the plan by the governing body.

After evaluation of the public comments received, EPA has decided to promulgate the rulemaking proposed on September 22, 1980, except that the final rule would exempt "areas" rather than political subdivisions (as noted above). This rulemaking is being made immediately effective because it enables parts of a nonattainment area to apply

for this exemption to lift the existing construction ban. To qualify for this exemption, the State needs to submit a request for a construction moratorium exemption for a particular area that includes the following information: a clear definition of the proposed area, a demonstration that this area has an approved Part D SIP, evidence that the appropriate agency has authority to implement the SIP, and a demonstration that this SIP is being implemented in the proposed area. The Administrator will then take the appropriate action.

This notice is issued under the authority granted in Sections 110(a)(2)(I) and 301 of the Clean Air Act, 42 U.S.C. 7401(a)(2)(I) and 7601.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no new regulatory requirements, but rather removes the construction ban for some nonattainment areas. Thus, it will enable States to facilitate industrial growth while attaining ambient air quality standards. No small entities will need to expend additional resources to meet the revised requirements.

Under Executive Order 12291 EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it relieves some sources from the construction ban and therefore lessens regulatory costs.

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

The following regulatory amendments are nationally applicable, and this action is based upon determinations of nationwide scope and effect. Therefore, under section 307(b)(1) of the Act, judicial review may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for judicial review must be filed on or before October 16, 1981.

Dated: August 5, 1981.

Anne M. Gorsuch,

Administrator.

40 CFR 52.24 is amended by adding a new paragraph (j) to read as follows:

§ 52.24 Statutory restriction on new stationary sources.

* * * * *

(j) This section does not apply to major stationary sources or major modifications locating in a clearly defined part of a nonattainment area (such as a political subdivision of a State), where EPA finds that a plan which meets the requirements of Part D is in effect and is being implemented in that part.

(Sections 110(a)(2)(I) and 301 of the Clean Air Act, 42 U.S.C. 7401(a)(2)(I) and 7601)

[FR Doc. 81-23832 Filed 8-14-81; 8:45 am]

BILLING CODE 6560-25-M

40 CFR Part 52

[A-4-FRL 1889-5]

Approval and Promulgation of Implementation Plans; Georgia: Order on Units 1 and 2 of Georgia Power Company's Plant Bowen

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a State implementation plan revision submitted by the Georgia Environmental Protection Division pursuant to section 110 of the Clean Air Act. The revision consists of a modified order which imposes special operating conditions (including reduced load) and a correlated opacity limit (25% initially) on Units 1 and 2 of Georgia Power Company's Plant Bowen, at Taylorsville, Georgia, until such time as additional control equipment can be installed at the two units. This order is a modification of the previous order in that it requires the company to determine compliance with the visible emission limitation by a modified calculation procedure. The order is designed to assure that these units will remain in compliance with the State's particulate limiting regulations while the new control equipment is being installed. Under the order, installation is to be complete on Unit 1 by January 1, 1982, and on Unit 2 by July 1, 1981.

DATE: These actions are effective September 16, 1981.

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Following notice and public hearing in conformity with 40 CFR 51.4, the Georgia Environmental Protection Division on May 16, 1979, issued an order to the Georgia Power Company for coal-fired Units 1 and 2 of its Plant Bowen; the Company had consented to the order on May 11, 1979. The order was submitted to EPA as a proposed implementation plan revision on the date of its issuance. On January 3, 1980, EPA approved the order (45 FR 781).

On December 18, 1980, the EPD submitted a revised order to EPA for approval. The revised order was signed by Georgia Power Company on November 5, 1980, and issued by EPD on November 17, 1980. The revision modifies the May 16, 1979, order (approved by EPA on January 3, 1980). The modification affects only the method used to calculate the opacity limit and the number of exceedances of the limit. The significant modifications to the order are outlined herein.

The following sentence was in the May 16, 1979, order but was not included in the November 17, 1980, modified order: "Each individual six (6) minute opacity value is to be used for determining compliance with the forty (40) percent six (6) minute period opacity limitation of Reg. 391-3-1-.02(2)(b)."

The word "unexcluded" was added to the following sentence in the November 17, 1980, order: "An hourly period opacity (which shall be used to determine compliance with the applicable correlated opacity limit) shall be determined every six (6) minutes by averaging the last ten (10) unexcluded six (6) minute opacity values."

The following paragraphs from the order explain the method used to determine compliance with the visible emission limit:

For the purpose of determining compliance with the applicable correlated opacity limit, and thus, compliance with Rule 391-3-1-.02(2)(d), a running hourly average of the previous ten (10) six (6) minute opacity values shall be used until a violation of the correlated hourly opacity limit occurs.

After a violation occurs, the maximum six (6) minute opacity value within the hour of the violation will be excluded from all subsequent hourly opacity calculations which would normally include that value. Subsequent hourly opacities shall be based on the ten (10) most recent unexcluded six (6) minute opacity values. With each succeeding violation of the hourly correlated opacity limit, the next highest six (6) minute opacity

value of the ten (10) six (6) minute opacity values used, shall also be excluded from subsequent hourly opacity calculations. This procedure shall be used until ten (10) consecutive six (6) minute opacity values are once again used to determine the hourly opacity.

The Agency has carefully reviewed the November 17, 1980, modified order and has determined its terms are adequate to assure compliance. On May 20, 1981 (46 FR 27503), EPA proposed approval of the plan and no comments were received.

Action

Based on the foregoing, EPA hereby approves Georgia's order on Units 1 and 2 of Georgia Power Company's Plant Bowen. This action is effective September 16, 1981.

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

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It 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 requirement of a Regulatory Impact Analysis. This regulation is not major because it affects only the manner in which a single source is to demonstrate compliance.

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

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

(Secs. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: August 8, 1981.

Anne M. Gorsuch,

Administrator.

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

Subpart L—Georgia

In § 52.570, paragraph (c) is revised by adding subparagraph (24) as follows:

§ 52.570 Identification of plan.

* * * * *

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

* * * * *

(24) Order on Units 1 and 2 of Georgia Power Company's Plant Bowen submitted on December 20, 1980, by the Georgia Department of Natural Resources.

[FR Doc. 81-23890 Filed 8-14-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1895-8]

State of Virginia: Approval and Revision of the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a variance from the Regulations for the Control and Abatement of Air Pollution for preparing cars for overseas shipment at the Exchange Service Station on the Naval Base in Norfolk, Virginia. The variance is approved through December 31, 1982. The Virginia State Air Pollution Control Board has demonstrated to the satisfaction of the Administrator that the increase in emissions allowed by the variance will not significantly affect ambient air quality.

EFFECTIVE DATE: September 16, 1981.

ADDRESSES: Copies of the revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn.: Ms. Patricia Sheridan

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, Attn.: William Meyer, Executive Director

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

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

FOR FURTHER INFORMATION CONTACT:

Charles Miesse (3AH11), U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, telephone number 215/597-8180.

SUPPLEMENTARY INFORMATION:

I. Background

On August 13, 1979, Maurice B. Rowe, Secretary of Commerce and Resources, submitted to EPA, Region III, a revision to the Commonwealth of Virginia's Regulations for the Control and Abatement of Air Pollution. The revision consists of a variance from Part IV, Rule EX-10, Sections 4.100(a) (1), (2), and (3) for preparing cars for overseas shipment at the Exchange Service Station on the Naval Base in Norfolk, Virginia. The Secretary is requesting that the variance be approved through December 31, 1982.

This variance will permit operation of motor vehicles, owned by Department of Defense personnel, without functioning catalytic converters, for a period of seven days before export and after import in order to prevent the poisoning of the catalyst by use of leaded gasoline overseas. EPA believes it is acceptable to allow two days beyond the time (5 days) originally approved by the EPA Office of Enforcement.

The variance order is consistent with the Import Control Program operated by the Department of Defense, which was previously approved by the EPA Office of Enforcement, pursuant to 40 CFR 85.1509. This previous approval permits the operation of certain vehicles without properly installed required emission control equipment for a period of five days before turn-in at port and after pickup from port. EPA believes that this variance is advantageous both in terms of furnishing needed relief to Department of Defense personnel and providing reasonable assurance that emission requirements will be met.

The Commonwealth of Virginia submitted proof that a public hearing with respect to this amendment was held in Virginia Beach, Virginia, on June 14, 1979, in accordance with the rquirements of 40 CFR 51.4.

The Regional Administrator invited comments in the notice published in the **Federal Register** on November 19, 1980, 45 FR 76496, and provided for a 30-day public comment period ending December 20, 1980.

II. Control Strategy Demonstration

A burden analysis performed by the Virginia State Air Polution Control Board indicates that the allowed increase in hydrocarbon emissions will not significantly affect ambient air quality. By assuming that the removal of

the catalyst would result in the emissions observed on uncontrolled (pre-1968) cars, it was determined that the total impact of the variance would increase hydrocarbon emissions by 0.14 tons in 1981 and 0.17 tons in 1982. Since these resultant increases in hydrocarbon emissions represent less than 0.01 percent of the original hydrocarbon emissions from mobile sources it is evident that the variance will have a negligible impact on regional air quality.

III. Public Comments

No comments were received during the 30-day public comment period.

IV. Policy Issues

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

V. EPA Evaluation

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

VI. Final Action

In view of this evaluation, the Administrator approves the above-described amendments to the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution, Part IV, Rule EX-10 which relates to preparing cars for overseas shipment, as a revison to the Virginia State Implementation Plan. The revision permits operation of motor vehicles, owned by Department of Defense Personnel, without functioning catalytic converters, for a period of seven days before export and after import.

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

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

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

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

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

(42 U.S.C. 7401-642)

Dated: August 8, 1981

Anne M. Gorsuch,

Administrator.

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

Subpart VV—Virginia

1. Section 52.2420 is amended by adding paragraph (c)(41) as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(41) A revision submitted by the Commonwealth of Virginia on August 13, 1979 consisting of a variance from Part IV, Rule EX-10, Sections 4.100(a)(1), (2) and (3) for preparing cars for overseas shipment at the Exchange Service Station on the Naval Base in Norfolk, Virginia.

[FR Doc. 81-23782 Filed 8-14-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6127]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program; Texas, et al.

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 sales 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 USC 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
Texas: Fort Bend	Houston, city of	480296B	July 9, 1981, suspension withdrawn	Apr. 8, 1977 and Dec. 11, 1979.
Missouri: Jackson	Unincorporated areas	290492A	do	Sept. 29, 1978.
Alabama: Limestone	Unincorporated areas	010307B	July 16, 1981, suspension withdrawn	Mar. 18, 1977.
Arkansas: Jefferson	Pine Bluff, city of	050109A	do	Feb. 18, 1977.
Connecticut:				
New Haven	Cheshire, town of	090074B	do	Apr. 5, 1974 and June 21, 1977.
Hartford	Southington, town of	090037B	do	May 10, 1974 and Oct. 8, 1976.
Illinois:				
McHenry	Richmond, village of	170484B	do	Apr. 5, 1974 and Apr. 9, 1976.
Cook	South Barrington, village of	170161C	do	Mar. 22, 1974, May 26, 1976 and May 19, 1978.
Kane	South Elgin, village of	170332C	do	Apr. 5, 1974, Apr. 23, 1976, and July 7, 1978.
Will	Wilmington, city of	170715B	do	Apr. 12, 1974 and Sept. 19, 1976.
Indiana:				
Howard	Unincorporated areas	180414B	do	July 29, 1977.
Cass	Logansport, city of	180023B	do	Feb. 1, 1974 and June 11, 1976.
Iowa:				
Dubuque	Durango, city of	190119B	do	Oct. 17, 1978.
Shelby	Irwin, city of	190249A	do	Dec. 20, 1974.
Kentucky:				
Bourbon	Unincorporated areas	210271B	do	June 24, 1977.
Greenup	Flatwoods, city of	210087B	do	Feb. 1, 1974 and Feb. 27, 1976.
Louisiana: Calcasieu	Vinton, town of	220042B	do	May 24, 1974 and May 21, 1976.
Maryland: Hartford	Aberdeen, town of	240041B	do	Dec. 6, 1974 and June 25, 1976.
Michigan: Inghan	Delhi, charter township of	260088B	do	July 26, 1974 and July 16, 1976.
New York: Niagara	Wheatfield, town of	360513B	do	Jan. 16, 1974 and Julu 30, 1976.
North Carolina:				
Randolph	Asheboro, city of	370196B	do	June 15, 1974 and Oct. 15, 1976.
Do	Unincorporated areas	370195B	do	Jan. 3, 1975 and Aug. 18, 1978.
Pennsylvania:				
Washington	Allenport, borough of	420845B	do	June 21, 1974 and May 28, 1976.
Delaware	Aston, township of	421602B	do	Oct. 25, 1974 and June 18, 1976.
Luzerne	Avoca, borough of	420597B	do	July 19, 1974 and June 4, 1976.
Fayette	Belle Vernon, borough of	420457B	do	Jan. 16, 1974 and May 21, 1976.
Allegheny	Ben Avon, borough of	420010B	do	Dec. 28, 1973 and June 4, 1976.
Washington	Charleroi, borough of	420850B	do	Jan. 23, 1974 and May 7, 1976.
Adams	East Berlin, borough of	420001B	do	Mar. 9, 1973 and Oct. 22, 1976.
Washington	East Bethlehem, township of	422140B	do	Aug. 12, 1977.
Chester	East Martborough, township of	421460A	do	Jan. 24, 1975.
Beaver	East Rochester, borough of	420108B	do	Feb. 1, 1974 and Apr. 16, 1976.
Washington	Elco, borough of	420852A	do	Nov. 22, 1974.
Allegheny	Elizabeth, borough of	421263B	do	Jan. 9, 1974 and Apr. 16, 1976.
Do	Green Tree, borough of	420040B	do	June 21, 1974 and May 14, 1976.
Mercer	Greenville, borough of	420674B	do	Aug. 23, 1974 and Aug. 27, 1976.
Chester	Kennett Square, borough of	420280C	do	Dec. 28, 1973, May 21, 1976, and Nov. 12, 1976.
Westmoreland	Monessen, city of	420887B	do	June 21, 1974 and June 18, 1976.
Washington	North Charleroi, borough of	422137A	do	Nov. 1, 1974.
Greene	Rices Landing, borough of	420479B	do	Nov. 8, 1974 and July 9, 1976.
Washington	Speers, borough of	422138A	do	Nov. 1, 1974.
Do	Stockdale, borough of	420859B	do	June 14, 1974 and May 7, 1976.
Adams	Straban, township of	421259B	do	Jan. 3, 1975 and Oct. 24, 1975.
Lancaster	Mountville, borough of	420560B	do	July 19, 1974 and May 7, 1976.
South Carolina: Spartanburg	Landrum, town of	450215A	do	Jan. 8, 1974.
Wisconsin:				
Outagamie	Kaukauna, city of	550305C	do	June 28, 1974, Nov. 7, 1975, and Feb. 13, 1976.
Do	Shiocton, village of	550309B	do	May 31, 1974 and July 23, 1976.
Iowa: Cedar	Unincorporated areas	190050A	July 16, 1981, emergency	June 7, 1977.
North Dakota: Pembina	Calvalier, township of	380274A	July 20, 1981, emergency, July 20, 1981, regular.	June 2, 1981.
Minnesota: Sherburne and Mille Lacs	Princeton, city of	270292B	Mar. 20, 1974, emergency, June 15, 1981, regular, June 15, 1981, suspended, July 21, 1981, reinstated.	May 10, 1974 and Feb. 13, 1976.
Illinois:				
Tazewell	Creve Coeur, village of	170646C	July 23, 1981, emergency, July 23, 1981, regular.	Mar. 1, 1974, Apr. 30, 1976, and July 16, 1980.
Mason	Havana, city of	170465B	July 23, 1981, emergency, July 23, 1981, regular.	Apr. 5, 1974, Jan. 30, 1976, and July 2, 1981.
DuPage	Chicago, city of	170074B	Aug. 23, 1974, emergency, June 1, 1981, regular, June 1, 1981, suspended, July 27, 1981, reinstated.	Aug. 23, 1974 and Dec. 31, 1976.
Michigan: Barry	Middleville, village of	260356	July 28, 1981, emergency	July 18, 1975.
Utah: Duchesne	Myton, city of	490056	July 29, 1981, emergency	Apr. 2, 1976.
Kansas: Pawnee	Unincorporated areas	200566A	July 30, 1981, emergency	Oct. 25, 1977.

(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: August 5, 1981.

Donald L. Collins,

Acting Administrator,
Federal Insurance Administration.

[FR Doc. 81-23733 Filed 8-14-81: 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6126]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program; Texas, et al.

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 DATES: The date listed in the fifth column of the table.

ADDRESSES: 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. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585 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 date of authorization of sale of flood insurance for area	Hazard area identified
Texas: Hidalgo	Alton, city of	481571	810701 emergency, 810701 regular	0
Alabama: Madison	Madison County*	010151	740826 emergency, 810702 regular	770701
California:				
Monterey	Seaside, city of	060203	750213 emergency, 810702 regular	740607
Do.	Monterey, city of	060200	751030 emergency, 810702 regular	741018
Florida:				
Clay	Clay County*	120064	750226 emergency, 810702 regular	750117
Bay	Bay County*	120004	750512 emergency, 810702 regular	750117
St. Johns	Hastings, town of	120282	700925 emergency, 810702 regular	740719
Osceola	Kissimmee, city of	120190	741213 emergency, 810702 regular	740719
Georgia:				
Chatham	Bloomingdale, city of	130452	751006 emergency, 810702 regular	761015
McIntosh	Darien, city of	130131	750424 emergency, 810702 regular	740510
Iowa:				
Page	Clarinda, city of	190219	750414 emergency, 810702 regular	740628
Des Moines	Burlington, city of	190114	750415 emergency, 810702 regular	740517
Illinois:				
Fulton	Banner, village of	170743	751230 emergency, 810702 regular	731228
Lake	Mundelein, village of	170382	730330 emergency, 810702 regular	740628
Do.	Lake Villa, village of	170375	741016 emergency, 810702 regular	740503
Indiana:				
Adams	Decatur, city of	180001	750403 emergency, 810702 regular	731123
Madison	Alexandria, town of	180149	741213 emergency, 810702 regular	741123
Kentucky:				
Franklin	Frankfort, city of	210075	740423 emergency, 810702 regular	740607
Kenton	Kenton County*	210126	741226 emergency, 810702 regular	741018
Louisiana: Red River Parish	Coushatta, town of	220153	750804 emergency, 810702 regular	740412
Massachusetts:				
Berkshire	Hinsdale, town of	250026	750706 emergency, 810702 regular	740630
Plymouth	Whitman, town of	250285	750312 emergency, 810702 regular	741018
Plymouth	East Bridgewater, town of	250264	750723 emergency, 810702 regular	740906

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Norfolk	Plainville, town of	250249	741029 emergency, 810702 regular	740816
Middlesex	Reading, town of	250211	750711 emergency, 810702 regular	770621
Do.	Pepperell, town of	250210	750129 emergency, 810702 regular	740802
Hampden	Wales, town of	250152	750811 emergency, 810702 regular	761119
Berkshire	North Adams, city of	250034	750320 emergency, 810702 regular	740308
Do.	New Marlborough, town of	250033	750728 emergency, 810702 regular	740628
Worcester	West Boylston, town of	250345	751124 emergency, 810702 regular	0
Do.	Spencer, town of	250335	751105 emergency, 810702 regular	740913
Do.	Princeton, town of	250329	751015 emergency, 810702 regular	740830
Do.	Holden, town of	250309	741202 emergency, 810702 regular	740906
Do.	Brookfield, town of	250298	751022 emergency, 810702 regular	740503
Do.	Boylston, town of	250297	750826 emergency, 810702 regular	740823
Maine: Cumberland	North Yarmouth, town of	230202	760309 emergency, 810702 regular	750131
Michigan:				
Wayne	Detroit, city of	260222	730202 emergency, 810702 regular	740726
Eaton	Charlotte, city of	260065	750516 emergency, 810702 regular	740524
Kent	Caledonia, township of	260693	760601 emergency, 810702 regular	760324
Minnesota:				
Le Sueur	Waterville, city of	270251	740423 emergency, 810702 regular	740517
Ramsey	Arden Hills, city of	270375	750121 emergency, 810702 regular	740405
North Dakota:				
Pembina	Cavalier, city of	380081	750618 emergency, 810702 regular	740524
Cass	Mapleton, city of	380023	740626 emergency, 810702 regular	741101
Do.	Horace, city of	380022	751128 emergency, 810702 regular	741129
New Jersey:				
Passaic	North Haledon, borough of	340402	750129 emergency, 810702 regular	740503
Bergen	Glen Rock, borough of	340038	750212 emergency, 810702 regular	740628
Oklahoma:				
Tulsa	Collinsville, city of	400360	751121 emergency, 810702 regular	770225
Do.	Owasso, city of	400210	740426 emergency, 810702 regular	740116
McClain	Purcell, city of	400104	751121 emergency, 810702 regular	740906
Cleveland	Noble, town of	400045	751002 emergency, 810702 regular	740830
Oregon: Linn	Lebanon, city of	410141	750610 emergency, 810702 regular	731130
Texas:				
Gregg	Kilgore, city of	480263	750729 emergency, 810702 regular	740524
Brazos	College Station, city of	480083	740816 emergency, 810702 regular	740531
Washington:				
Klickitat	Klickitat County*	530099	740906 emergency, 810702 regular	740906
King	Skykomish, town of	530236	761220 emergency, 810702 regular	750214
Wisconsin:				
Brown	De Pere, city of	550021	750612 emergency, 810702 regular	731228
Outagamie	Hortonville, village of	550529	750417 emergency, 810702 regular	741129
Calumet	New Holstein, city of	550039	741016 emergency, 810702 regular	740412
Oregon: Polk	Falls City, city of	410188	750710 emergency, 810707 regular	740510
Alabama: Colbert	Colbert County	010318	810709 emergency, 810709 regular	780224

* Unincorporated areas.
* Total 60.

(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: August 5, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-23661 Filed 8-14-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

46 CFR Part 157

[CGD 80-131]

Licensing and Certification of Seamen; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule, correction.

SUMMARY: This document corrects errors contained in a final rule concerning the licensing and manning requirements for merchant vessel personnel. That rule, which was published on October 20, 1980 (45 FR 69242), inadvertently restricted the categories of barges and offshore supply vessels entitled to amended manning standards pursuant to Pub. L. 96-378. It also imposed a new unintended requirement concerning the carriage of chief engineers on inspected, mechanically propelled vessels of 300 gross tons and above. That requirement was not specifically mandated by the statute and therefore not properly a subject of the emergency rulemaking since opportunity for public comment was not provided. This document removes the excessive vessel category restrictions placed upon barges and vessels engaged in support of the offshore energy industry and withdraws, for future rulemaking, the affected rule concerning chief engineer manning requirements.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Commander Scott D. McCowen, Office of Merchant Marine Safety, Vessel Manning Branch (G-MVP-5/14), Room 1400G, Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-2240).

SUPPLEMENTARY INFORMATION: The Act of October 6, 1980, Pub. L. 96-378, mandates the carriage of licensed officers upon all offshore supply vessels and the carriage of certificated seamen on those vessels of 100 gross tons or over. Since the manning requirements became effective with the passage of the Act and registration for temporary licenses or certificates of service was required to be completed within 90 days of its passage, delay of publication of implementing regulations could have resulted in disruption to the mineral and energy industry. It was necessary, therefore, to promulgate a final rule with no opportunity for notice and public comment.

Subsequent to publication of this final rule, Coast Guard field units and

industry sources directed our attention to errors contained in § 157.20-15(c)(1)(iii) and (iv) and further, to the improper promulgation of § 157.20-37(c). The current wording of § 157.20-15(c)(1)(iii) creates an indirect and unintended manning requirement for the carriage of a more qualified category of able seamen on barges operating on protected routes than those which operate on seagoing routes. The language of Pub. L. 96-378 focused on seagoing barges because this category of barge was considered to be of the type most likely to acquire a Coast Guard manning requirement. Although some non-seagoing (and seagoing) barges are manned, the vast majority are "permissively" manned. This permissive manning is provided upon the owner's request to enable the barge to carry additional personnel for maintenance rather than for the safe navigation of the barge. Under these circumstances we consider the carriage of able seamen superfluous because they are not needed to discharge "seaman like duties"; however, the Coast Guard may require able seamen to be assigned to a barge to ensure its safe navigation. The legislative history of Pub. L. 96-378 indicates that it was not intended to revise the application of the prior wording of 46 U.S.C. 672 (Requirements, qualifications, and regulations as to crews) in this area, but to evolve an overall scheme which is more realistic in present day vessel operation, that is, manning requirements which are commensurate with technological advances in vessel design and present day operational scenarios. *See* H.R. Rep. No. 1075, 96th Cong., 2nd Sess. 26 (1980) and S. Rep. No. 886, 96th Cong., 2nd Sess. 19 (1980) reprinted in (1980) U.S. Code Cong. & Admin. News 6218, 6236. In accordance with the expressions of both of these documents and the realistic application of standards, correction of the rule by deletion of the word "seagoing" from § 157.20-15(c)(1)(iii) is necessary to ensure proper application of the rule.

Section 4 of Pub. L. 96-378 allows the total complement of able seamen required for the manning of all vessels of less than 500 gross tons engaged in support of exploration, exploitation, or production of offshore mineral or energy resources, to be made up of individuals holding certificates of service endorsed as Able Seamen—Special (OSV). At the time of rulemaking the Coast Guard interpreted this portion of the Act to be directed only at those vessels defined as Offshore Supply Vessels. Coast Guard field units and industry sources indicated that implementing § 157.20-15(c)(1)(iv) would allow only Offshore Supply Vessels to have an able seaman complement made up completely of Able Seamen—Special (OSV) ratings.

Our subsequent review of the Act's provisions has revealed that the rule, as written, is overly restrictive and does not fulfill the intent of the law. There are numerous categories of vessels, in addition to Offshore Supply Vessels, which meet the applicable criteria of the Act and are therefore eligible for the same able seaman manning requirements as Offshore Supply Vessels but inadvertently are not recognized by the current phraseology of § 157.20-15(c)(1)(iv). Revision of § 157.20-15(c)(1)(iv) is therefore necessary. The revised wording will remove the unwarranted restrictions of the existing rule, and expand the rule's applicability to all vessels covered by Section 4 of the Act.

Section 157.20-37(c), similarly promulgated in 46 FR 69243 under Pub. L. 96-378, contains a manning requirement for the carriage of a licensed chief engineer upon all inspected, mechanically propelled vessels of 300 gross tons or over. Although Pub. L. 96-378 is authority for the rule, it does not specifically mandate a chief engineer versus licensed engineer. Inclusion of this requirement in the emergency rulemaking document is therefore considered improper since no opportunity for public comment was provided prior to its promulgation. Therefore, the Coast Guard is revoking § 157.20-37(c) and will make it the subject of a separate rulemaking.

The following corrections are made in CG Doc. 80-131 appearing at page 69238 in the **Federal Register** issue of October 20, 1980:

1. On page 69242 in the middle of column three, § 157.20-15(c)(1) (iii) and (iv) are corrected to read as follows:

§ 157.20-15 Able seamen.

* * * * *

(c) * * *

(1) * * *

(iii) Any vessel of five hundred gross tons or less, or a barge, tug, or towboat, may be made up of Able Seamen—Special, ratings.

(iv) Any offshore supply vessel, or other vessel of less than five hundred gross tons engaged in support of exploration, exploitation, or production of offshore mineral or energy resources may be made up of Able Seamen—Special (OSV), ratings.

2. On page 69243, column one, § 157.20-37 is corrected to read as follows:

§ 157.20-37 Chief engineer.

A licensed chief engineer shall be carried upon every:

(a) Steam propelled vessel;

(b) Seagoing mechanically propelled vessel of 200 gross tons and above documented under the laws of the United States.

(Act of Oct. 6, 1980, Pub. L. 96-378, § 4, 94 Stat. 1516 (to be codified at 46 U.S.C. 672), (reprinted in (1980) U.S. Code Cong. & AD. News; 49 U.S.C. 1655(b); 49 CFR 1.46(b)))

Dated: August 11, 1981.

L. N. Hein,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 81-23952 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-35; RM-3658]

Radio Broadcast Services, FM Broadcast Station, Augusta, Ga.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 252A to Augusta, Georgia, in response to a petition filed by Santee-Cooper Broadcasting Co. This assignment could provide Augusta with its fifth FM broadcast station.

DATE: Effective October 13, 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, (Augusta, Georgia).

Report and Order

Proceeding Terminated

Adopted: August 5, 1981.

Released: August 12, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 10780, published February 4, 1981, proposing the assignment of FM Channel 252A to Augusta, Georgia, at the request of Santee-Cooper Broadcasting Co. ("petitioner"). The assignment would provide Augusta with a fifth FM

channel. Supporting comments were filed by the petitioner in which it reaffirmed its intent to apply for the channel, if assigned. No oppositions to the proposal were received. In order to comply with Section 73.207 of the Commission's Rules, the minimum distance separation requirements, the transmitter site must be located in small a area 5 kilometers (3 miles) southeast of the city.

2. Augusta (population 49, 864)[1], in Richmond County (population 162,437) is located approximately 224 kilometers (140 miles) east of Atlanta, Georgia. It is served by three daytime-only AM stations (WHGI, WGUS, and WTHB), four fulltime AM stations (WROW, WBBQ, WBIA and WGAC), and four FM stations (WGUS–FM, Channel 272A; WZZW, Channel 276A; WBBQ–FM, Channel 282; and WYMX, Channel 289).

3. Petitioner has submitted information with respect to Augusta which is persuasive as to its need for a fifth local FM assignment. Preclusion will result in a very small area near Augusta affecting no communities over 1,000 population. Therefore, we find the assignment to be an efficient use of the channel.

4. We believe the public interest would be served by the assignment of Channel 252A to Augusta, Georgia. An interest has been shown for its use, and such an assignment would provide this growing metropolis with a fifth commercial FM station which could render an additional local aural broadcast service.

5. Authority for the adoption of the amendment herein is contained in Section 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.

6. Accordingly, it is ordered, That effective October 13, 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.
Augusta, Ga.	252A, 272A, 276A, 282, 289

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

8. 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)

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-23966 Filed 8-14-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-81; RM-3687]

Radio Broadcast Services, FM Broadcast Station in Crockett, Tex.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 228A to Crockett, Texas, in response to a petition filed by Amanda Kelton. This assignment could provide Crockett with its second FM broadcast station.

DATE: Effective October 13, 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, (Crockett, Texas).

Report and Order

Proceeding Terminated

Adopted: August 5, 1981.

Released: August 12, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 13740, published February 24, 1981, proposing the assignment of FM Channel 228A to Crockett, Texas, as that community's second FM assignment, at the request of Amanda Kelton ("petitioner"). Latin American Broadcasting Co. filed comments supporting the assignment. Petitioner filed comments in which she reaffirmed her intent to file for the channel, if assigned. No oppositions to the proposal were received. The assignment can be made in compliance with the Commission's minimum distance separation requirements.

2. Crockett (population 6,616),[1] seat of Houston County (population 17,855) is located approximately 176 kilometers (110 miles) north of Houston, Texas. Crockett is served by daytime-only AM Station KIVY and Station KIVY–FM (Channel 224A).

3. Petitioner has submitted sufficient demographic and economic information to demonstrate the need for a second FM assignment in Crockett.

4. We believe the public interest would be served by the assignment of Channel 228A to Crockett, Texas. An interest has been shown for its use, and such an assignment would provide the community with an additional FM station which could render fulltime broadcast service.

5. Authority for the adoption of the amendment herein is contained 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 of the Commission's Rules.

6. Accordingly, it is ordered, That effective October 13, 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.
Crockett, Tex	224A, 228A

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

8. 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. 81-23970 Filed 8-14-81; 8:45 am]

BILLING CODE 6712-01-M

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

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47 CFR Part 73

[BC Docket No. 81-101; RM-3706]

Radio Broadcast Services, FM Broadcast Station in East Hampton, N.Y.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 244A to East Hampton, New York, as that community's first FM assignment, at the request of Marken Properties, Inc.

DATE: Effective October 13, 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 to § 73.202(b), Table of Assignments, FM Broadcast Stations, (East Hampton, New York).

Report and Order

Proceeding Terminated

Adopted: August 5, 1981.

Released: August 12, 1981.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a *Notice of Proposed Rule Making*, 46 FR 15185, published March 4, 1981, proposing the assignment of FM Channel 244A to East Hampton, New York, as that community's first FM assignment, at the request of Marken Properties, Inc. ("petitioner"). Supporting comments were filed by the petitioner in which it restated its intent to apply for the channel, if assigned. No oppositions to the proposal were received. In order to comply with the Commission's minimum mileage separation requirements, a site restriction of approximately 1 kilometer (.6 mile) southeast of East Hampton is required.[1]

2. East Hampton (population 1,753)[2] is located in Suffolk County (population 1,124,950), approximately 145 kilometers (90 miles) east of New York, New York. It presently has no local aural service.

3. Petitioner has submitted information showing East Hampton not only as a recreation resort, but also as a community with a broad base of small businesses and service firms. This information is persuasive as to East Hampton's need for a first local FM assignment.

4. We believe the public interest would be served by the assignment of FM Channel 244A to East Hampton, New York. 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 full-time local aural broadcast service.

5. Accordingly, it is ordered, That effective October 13, 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.
East Hampton, N.Y.	244A

6. Authority for adoption of the above amendment 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. It is further ordered, That this proceeding is terminated.

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

(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.

[FR Doc. 81-23969 Filed 8-14-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-62; RM-3773]

Radio Broadcast Services, FM Broadcast Station in Marshfield, Wis.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 221A to Marshfield, Wisconsin, at the request of B–K Broadcasting, Inc. This assignment provides Marshfield with its second FM broadcast channel.

DATE: Effective October 13, 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, (Marshfield, Wisconsin).

Report and Order

Proceeding Terminated

Adopted: August 4, 1981.

Released: August 11, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 14361, published February 27, 1981, proposing the assignment of FM Channel 221A to Marshfield, Wisconsin, as that community's second FM assignment, at the request of B–K Broadcasting, Inc. ("petitioner"). Petitioner filed comments reaffirming its intent to apply for the channel, if assigned. No comments opposing the proposed assignment were received. The assignment can be made with a site restriction of 7 kilometers (4.4 miles) north of Marshfield.

2. Marshfield (population 15,619),[1] is located in Wood County (population 65,362), approximately 265 kilometers (160 miles) northwest of Milwaukee, Wisconsin. Marshfield is currently served by fulltime AM Station WDLB and FM Station WLJY (Channel 293).

3. The assignment of Channel 221A to Marshfield would not cause significant preclusion to the surrounding area according to information submitted by petitioner in comments.

4. Petitioner has shown that there is a sufficient need for a second FM assignment to Marshfield.

5. We believe the public interest would be served by the assignment of Channel 221A to Marshfield, Wisconsin. An interest has been shown for its use, and such an assignment would provide the community with a second FM station which could render supplemental local aural broadcast service. As stated in the *Notice*, the intermixture of classes of channels does not present an obstacle to this assignment.

6. The Canadian Government has given its concurrence in the assignment of Channel 221A to Marshfield, Wisconsin.

7. Accordingly, it is ordered, That effective October 13, 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.
Marshfield, Wis.	221A, 293.

8. Authority for the adoption of the amendment herein is contained 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 of the Commission's Rules.

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

(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. 81-23972 Filed 8-14-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] Petitioner stated that the site restriction should be to the southwest of East Hampton. Although there is also site availability to the southwest, the closest possible sites to the community are southeast of East Hampton.

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

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

47 CFR Part 73

[BC Docket No. 81-191; RM-3804]

Radio Broadcast Services, FM Broadcast Station in Powell, Wyo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 281 to Powell, Wyoming, as that community's second FM assignment. The assignment is in response to a petition filed by Broadcast Enterprises.

DATE: Effective October 13, 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, (Powell, Wyoming).

Report and Order

Proceeding Terminated

Adopted: August 4, 1981.

Released: August 11, 1981.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a *Notice of Proposed Rule Making*, 46 F.R. 22011, published April 15, 1981, proposing the assignment of FM Channel 281 to Powell, Wyoming, as that community's second FM assignment, at the request of Broadcast Enterprises ("petitioner").[1] Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received. The channel can be assigned to Powell in compliance with the Commission's minimum mileage separation requirements.

2. Powell (population 4,807),[2] is located in Park County (population 17,752), approximately 512 kilometers (320 miles) northwest of Cheyenne, Wyoming. Powell is currently served locally by full-time AM station KPOW and has three applications pending on unoccupied FM Channel 225, including that of the petitioner.

3. The petitioner has submitted information concerning Powell which indicates its need for a second FM assignment. Petitioner states it will dismiss its current application for Channel 225 if Channel 281 is assigned so that it may apply for Channel 281.

4. We believe the public interest would be served by the assignment of Channel 281 to Powell, Wyoming. An interest has been shown for its use, and such an assignment could provide the community with a second FM broadcast station. Petitioner did not provide information to support its original request for a third FM assignment nor has an interest been shown.

5. 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.

6. Accordingly, it is ordered, That effective October 13, 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.
Powell, Wyo	225, 281

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

8. 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. 81-23973 Filed 8-14-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Petitioner's original request was for the assignment of Channels 281 and 286 to Powell. However, the Commission found that Powell does not meet the population guidelines for three Class C assignments nor was there an expression of interest in a third assignment.

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

47 CFR Part 73

[BC Docket No. 80-540; RM-3476]

Radio Broadcast Services, FM Broadcast Station Richland, Wash.; Changes Made in Table of Assignments

AGENCY: Federal Commuinications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes FM Channel 293 for Channel 292A in Richland, Washington, in response to a petition filed by KUTI Communications, Inc. In addition, the license for Station KXDD (Channel 292A) is modified to specify Channel 293.

DATE: Effective October 13, 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, (Richland, Washington).

Report and Order

Proceeding Terminated

Adopted: August 5, 1981.

Released: August 12, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 59908, published September 11, 1980, proposing the substitution of FM Channel 293 for Channel 292A at Richland, Washington, and to modify the license of Station KXDD on Channel 292A to specify the Class C channel in response to a petition filed by KUTI Communications, Inc. ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were filed. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Richland (population 26,290)[1] is located in Benton County (population 65,540), in the southeastern section of Washington. Richland is presently served by Channels 235, 274 and 292A.

3. Substitution of Channel 293 for Channel 292A would cause new preclusion to eight communities with populations exceeding 1,000 and no present local aural service. Petitioner had listed alternative channels for all of these communities.

4. We believe the public interest would be served by the substitution of Channel 293 for Channel 292A in Richland, Washington. An interest has been shown for its use and such an assignment would provide a first nighttime service to outlying areas due to petitioner's site location. Petitioner's license is modified herein since no other interest was expressed. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

5. The Canadian Government has given its concurrence to the substitution of Channel 293 for Channel 292A at Richland, Washington.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as

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

amended, and § 0.281 of the Commission's Rules.

7. Accordingly, it is ordered, That effective October 13, 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.
Richland, Wash	235, 274, 293

8. It is further ordered, That, pursuant to authority contained in Section 316 of the Communications Act of 1934, as amended, the license for Station KXDD (Channel 292A), Richland, Washington, is modified to specify operation on Channel 293, subject to the following:

(a) At least 30 days before commencing operation on Channel 293, the licensee of Station KXDD(FM) shall submit to the Commission the technical information normally requested of an applicant for Channel 293;

(b) At least 10 days prior to commencing operation on Channel 293, the licensee of Station KXDD shall submit measurement data required of an applicant for a broadcast license;

(c) The licensee of Station KXDD(FM) shall not commence operation on Channel 293 without prior Commission authorization; and

(d) Nothing contained herein shall authorize a major change in transmitter site or the necessity of filing an environmental impact statement where required.

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

10. 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. 81-23971 Filed 8-14-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-82; RM-3686]

Radio Broadcast Services, FM Broadcast Station in Sparks, Nev.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class A FM Channel 221A to Sparks, Nevada, in response to a petition filed by Pepper Schultz. The assignment could provide Sparks with a second local FM service.

DATE: Effective October 13, 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 (Sparks, Nevada).

Report and Order

Proceeding Terminated

Adopted: August 4, 1981.

Released: August 11, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration the *Notice of Proposed Rule Making* herein, 46 FR 13739, published February 24, 1981, in response to a petition filed by Pepper Schultz ("petitioner"), proposing the assignment of FM Channel 221A to Sparks, Nevada, as that community's second FM assignment.[1] Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned as proposed. No oppositions to the proposal were received.

2. Sparks (population 24,187),[2] in Washoe County (population 121,068), is located approximately 40 kilometers (25 miles) north of Carson City. It is served locally by daytime-only AM Station KWRL and channel 252A (see footnote 1). Additionally, Reno, Nevada, which is located within 16 kilometers (10 miles) of Sparks, has four operational FM stations (KNEV, Channel 238; KOZZ, Channel 289; KRNO, Channel 295; and KSRN, Channel 283), which provide at least a 60 dBu signal over Sparks. Channel 221A can be assigned to Sparks in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. In support of its proposal, petitioner submitted information with respect to Sparks which is persuasive as to its need for a second FM channel assignment.

4. In our *Notice* we pointed out that preclusion would occur as a result of this assignment on Channel 221A within 65 miles, on Channel 222 within 105 miles, on Channel 223 within 65 miles, and on Channel 224A within 15 miles. While petitioner listed the communities within the precluded areas, he did not list available alternate channels. Our *Notice* took recognition of this omission, and requested that the petitioner supply the Commission with the information. This the petitioner neglected to do. However, we will waive that requirement in this instance because no other interest has been expressed for a channel in any of those precluded areas and the preclusion impact does not appear, upon our own analysis, to be substantial enough to warrant denial of the proposal. Also, there is merit in the proposal since it could provide Sparks with an additional local FM service and a diverse broadcast voice to serve the needs and issues of the community.

5. In view of the above, we believe that the public interest would be served by the assignment of Channel 221A to Sparks, Nevada, as that community's second FM assignment.

6. Accordingly, it is ordered, That effective October 13, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the following community:

City	Channel No.
Sparks, Nev	221A, 252A

7. Authority for adoption of the above amendment 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.

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. 81-23968 Filed 8-14-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Channel 252A is presently assigned to Sparks but is unoccupied with one application pending.

[2] Population figures are extracted from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-731; RM-3650, RM-3827]

Radio Broadcast Services, FM Broadcast Station in Wiggins and Lumberton, Miss.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 237A to Lumberton, Mississippi, as that community's first

FM assignment, in response to a request filed by James D. Miller. Action denies a conflicting request by Community Broadcasting Co., Inc. to assign the channel to Wiggins, Mississippi.

DATE: Effective October 13, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Wiggins and Lumberton,[1] Mississippi.)

Report and Order

Proceeding Terminated

Adopted: August 4, 1981.

Released: August 12, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 78190, published November 25, 1980, proposing the assignment of FM Channel 237A to Wiggins, Mississippi, at the request of Community Broadcasting Co., Inc. ("Community"), licensee of WIGG(AM) at Wiggins. A counterproposal was submitted by James D. Miller ("Miller") advocating the assignment of Channel 237A to Lumberton, Mississippi.[2] The distance between Lumberton and Wiggins is approximately 34 kilometers (21 miles), and a separation of 104 kilometers (65 miles) is required between Class A stations using the same frequency. A Commission staff study indicates that there are no other channels presently available to these communities, a conclusion concurred in by the parties.

2. Wiggins, population 2,995,[3] is the seat of Stone County, population 8,101. It is located approximately 140 kilometers (90 miles) northeast of New Orleans. Lumberton, population 2,084, is located in Lamar County, population 15,209, approximately 160 kilometers (100 miles) southeast of Jackson, Mississippi. As indicated above, Wiggins is presently served by daytime-only Station WIGG, licensed to Community. Lumberton has no local aural service, and there is no local aural service elsewhere in Lamar County. Channel 237A can be assigned to Wiggins provided the transmitter site is located 4.5 kilometers (2.8 miles) northwest of the city. Assignment of the channel to Lumberton would require a transmitter site 7.5 kilometers (4.7 miles) southeast of that community.

3. Community argues in its reply comments that the 1980 Census indicates Wiggins' population has grown to 3,230 during the past decade, an increase of 7.8 percent over 1970. Lumberton's population, according to the 1980 Census, is now 2,212, an increase of 6.1 percent since 1970. Community argues that Wiggins is significantly larger than Lumberton, and, additionally, that as the county seat of Stone County, Wiggins is "of primary importance to its surrounding area." The county seat of Lamar County, Community observes, is Purvis, approximately 10 miles northeast of Lumberton. Community asserts that Purvis would not receive service from a Lumberton assignment, given the restriction of the transmitter site to a location south of that community. Further, Community states, its engineering study indicates that if the Commission adopts the proposals pending in BC Docket No. 80-90, Channel 295A could be assigned to Lumberton. However, this additional channel would not be available to Wiggins, due to spacing problems. Therefore, community submits, Channel 237A should be assigned to Wiggins immediately, with Channel 295A assigned to Lumberton as soon as the proposal in BC Docket No. 80-90 becomes effective.

4. Miller argues in response that Lumberton's growth increase during the past decade has been similar to that of Wiggins.[4] He further states that "Lumberton should not have to wait for FM service while Wiggins already has AM service." Miller contends that Purvis will receive service from a Lumberton assignment. He further states that he is interested in a present assignment to Lumberton under the present Commission rules, rather than a possible future assignment if the BC Docket No. 80-90 proposals are adopted. Miller also states that he will apply for the assignment regardless of the community to which it is allocated.

5. The Commission is persuaded that the assignment of FM channels to both Wiggins and Lumberton would have public benefits and would in each case serve the need for a first local FM service and a first fulltime local radio service. However, due to their proximity, Channel 237A cannot be assigned to both communities and no other channels are presently available for "drop-in" assignent. We must therefore determine which of these communities most warrants the channel allocation.

6. As to technical considerations and effective use of Channel 237A, there appears to be no basis for preferring either community for the assignment. In both cases, site restrictions are necessary to comply with minimum spacing requirements. However, this does not appear in either case to interfere with the ability to place the required city-grade signal over the community in question. As to FM service received, a Commission staff study indicates that, assuming "reasonable facilities," Lumberton receives service from WHER and WHSY in Hattiesburg, and WRPM in Poplarville. Wiggins receives FM service from the same stations, and, additionally, from WQID in Biloxi. The additional signal received by Wiggins does not appear to us to be of decisional significance.

7. Wiggins is somewhat larger than Lumberton, but the surrounding county in which it is situated is less populous than that in which Lumberton is located. Wiggins is the county seat of Stone County, and, Community states, the only incorporated town or city in the county. Although Purvis is the county seat of Lamar County, in which Lumberton is located, Lumberton is the larger of those two communities. Additionally, a Lumberton assignment may provide some service to the Purvis area. We do not believe that these differences between Wiggins and Lumberton are, when fully considered, sufficient for us to prefer assignment to one community over the other.

8. The key factor distinguishing the two communities is the availability of local braodcast service. Wiggins already has local aural service, albeit through a daytime AM station. As between assignment of a second local service to Wiggins and a first local service to Lumberton, Lumberton must be preferred.[5] This determination is

[1] This community has been added to the caption.

[2] Public notice of the counterproposal was given on January 27, 1981, Report No. 1267.

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

[4] Community has moved to strike Miller's response to its reply comments. Community argues in support of its motion to strike that Miller's response is unauthorized by the Commission's rules and filed out of time. Miller's filing is essentially a reply to new issues raised in Community's reply comments. We are of the view that acceptance of Miller's comments would serve the public interest through development of a more complete record, occasioning neither delay nor prejudice to Community. Accordingly, on the Commission's own motion, and in accordance with §§ 1.3 and 1.415(d) of the Rules, Miller's "Counterproposal Response Reply Comments" will be accepted.

[5] The assignment requires restriction of the transmitter site to a location 4.7 miles southeast of the community in order to comply with minimum spacing to WLIN, Jackson, Mississippi.

consistent with the mandate of Section 307(b) of the Communications Act for a fair, efficient, and equitable distribution of radio service among various communities, and is, further, in accordance with the criteria we have historically utilized to implement Section 307(b)'s requirements. See, in this regard, *Third Report, Memorandum Opinion and Order* in Docket 14185, 40 F.C.C. 747, 758 (1965); *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520, 524 (1974) *South Pittsburg, Tennessee and Stevenson, Alabama*, 37 R.R. 2d 121 (Broadcast Bureau, 1976).

9. In this decision, the Commission has fully taken into account the various arguments raised by Community, including its engineering study indicating that Channel 295A could be assigned to Lumberton (but not to Wiggins) under the rules proposed in BC Docket No. 80–90. The Commission believes that it would be inappropriate to base present action on future speculative possibilities. However, if the BC Docket No. 80–90 proposals are ultimately adopted, Community would be free to petition for substitution of Channel 295A for 237A at Lumberton, and reassignment of Channel 237A to Wiggins.[6]

10. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That, effective October 13, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended, with regard to Lumberton, Mississippi, as follows:

City	Channel No.
Lumberton, Miss.	237A

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

12. For further information concerning this proceeding, contact Steven A. Bookshester, 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. 81-23967 Filed 8-14-81; 8:45 am]

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[6]Such action would, of course, require compensation of any then-existing Lumberton licensee. Additionally, it might well be that further study by Community could identify a reassignment scheme using present standards by which service could be provided to Wiggins, provided the new FM licensee at Wiggins is prepared to compensate existing licensees for frequency modification.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81–08; Notice 1]

Federal Motor Vehicle Safety Standards; New Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: Pursuant to petitions by the Rubber Manufacturers Association (RMA), Michelin Tire Corporation (Michelin), and the European Tyre and Rim Technical Organization (ETRTO), this notice amends Federal Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires-Passenger Cars*, by adding certain tire size designations to Appendix A of that standard. This notice also adds dimensions to Figure 1 for the bead unseating test. This amendment permits the introduction into interstate commerce of the new tire sizes.

EFFECTIVE DATE: September 16, 1981, if objections are not received before that date.

ADDRESS: Comments should refer to Docket No. 81–*08* and be submitted to Docket Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours are 8 a.m. to 4 p.m. Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: John Diehl, Office of Automotive Ratings, telephone 202–426–1740.

SUPPLEMENTARY INFORMATION: According to agency practice, the National Highway Traffic Safety Administration (NHTSA) responds to petitions for adding new tire sizes to Table I of Appendix A of Standard No. 109 by quarterly issuing final rules under an abbreviated rulemaking procedure for expediting such routine amendments. Guidelines for this procedure were published at 33 FR 14964; October 5, 1968, and amended at 36 FR 8298; May 4, 1971; 36 FR 13601; July 22, 1971; and 39 FR 28990; August 13, 1974. Those guidelines provide that these final rules become effective September 16, 1981 if no comments objecting to them are received by NHTSA during this 30-day period. If objections are received, regular rulemaking procedures for issuing and amending motor vehicle safety standards are initiated.

The RMA has petitioned for the establishment of two new tire tables, one with two tire size designations in it and the other with one new tire size designation. Additionally, RMA requested the addition of six new tire sizes to existing tire tables. Michelin requested the addition of 13 tire sizes to existing tables. ETRTO requested the addition of four new tire sizes to an existing table, and correction of dimensional data for another tire size. Three of the ETRTO tire sizes to be added to Table I–OO are for "DL" rims. All three size designations have a blow-by feature to prevent the tires from being mounted on English-unit rims. The Michelin size added to Table I–NN, the seven sizes added to I–PP, and the two sizes added to I–QQ are for TR or JM millimetric rims, and all ten size designations have a blow-by feature to prevent the tires from being mounted on English-unit rims. Additionally, ETRTO requested that five other tire sizes be added to existing tables. Further, eight dimensions are added to Figure 1 to show the bead unseating dimension for those sizes.

The bases for accepting or denying requests to add new tire size designations to the tire tables are set forth in the introductory guidelines to Appendix A. Briefly, the tests are the appropriateness of the information submitted for inclusion in the tire tables and the appropriateness of the location within the tables of the requested tire size. The 31 new tire size designations requested to be added to Standard No. 109 appear to meet these criteria. Accordingly, the RMA, Michelin, and ETRTO petitions are granted, and 31 new tire sizes are added to Table I of Appendix A of the Standard pursuant to

the abbreviated rulemaking procedures. Additionally, Figure 1 is amended to list bead unseating dimensions for eight other wheel sizes.

In consideration of the foregoing, 49 CFR § 571.109 is amended as specified below, subject to the 30-day comment period outlined above.

§ 571.109 New Pneumatic Tires—Passengers Cars.

1. Figure 1 is amended by revising the value for wheel size 13 and by adding the following values:

Figure 1.—*Bead Unseating Fixture Dimensions in Inches*

Wheel size (millimeter)	Dimension A for tires with maximum inflation pressure—Other than 60 lb/in²	60 lb/in²
* * * * *		
13	10.00	8.4
* * * * *		
320	8.50	
340	9.00	
345	9.25	
365	9.75	
370	10.00	
390	11.00	
415	11.50	

2. Table I of Appendix A is amending by adding the following sizes and corresponding values to Tables I–N, I–S, I–W, I–GG, I–JJ, I–KK, I–MM, I–NN, I–OO, I–PP, I–QQ, and I–WW, to read as set forth below:

Table I–N.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for "70" Series Radial Ply Tires*

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (psi)													In inches		
	16	18	20	22	24	26	28	30	32	34	36	38	40	Test rim width	Minimum size factor	Section width [2]
235/70R15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6½	36.83	9.20

[1] The letter "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Table I–S.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for "60" Series Radial Ply Tires*

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (psi)													In inches		
	16	18	20	22	24	26	28	30	32	34	36	38	40	Test rim width	Minimum size factor	Section width [2]
175/60R13	600	640	675	715	750	785	815	850	880	910	940	970	995	5½	27.66	7.01

[1] The letters "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Table I–W.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for "50 Series" Radial Ply Tires*

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (psi)													In inches		
	16	18	20	22	24	26	28	30	32	34	36	38	40	Test rim width	Minimum size factor	Section width [2]
NR50–15	1,500	1,600	1,700	1,790	1,880	1,970	2,050	2,130	2,210	2,280	2,360	2,430	2,500	9	39.65	12.65

[1] The letters "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Table I–GG.—*Tire Load Rating, Test Rims, Minimum Size Factors and Section Widths for "P/80" Series ISO Type Tires*

Tire size [1] designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section [2] width (mm)
	120	140	160	180	200	220	240	260	280			
P145/80R13	275	300	320	340	355	375	390	405	420	4	696	145

[1] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."
[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

Table I–JJ.—*Tire Load Rating, Test Rims, Minimum Size Factors and Section Widths for "P/70" Series ISO Type Tires*

Tire size designation [1]	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section width (mm) [2]
	120	140	160	180	200	220	240	260	280			
P165/70R13	300	325	350	370	390	410	425	445	460	4½	715	165

[1] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."
[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

Table I–KK.—*Tire Load Rating, Test Rims, Minimum Size Factors and Section Widths for "P/60" Series ISO Type Tires*

Tire size [1] designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section [2] width (mm)
	120	140	160	180	200	220	240	260	280			
P275/60B14	660	710	760	805	850	890	930	970	1,005	7½	947	274

[1] The letters "D" for diagonal and "R" for radial ply tires may be used in place of the "B" and applies to this submission only.
[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

Table I–MM.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for "65" Series Radial Ply Tires*

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (psi)													In inches		
	16	18	20	22	24	26	28	30	32	34	36	38	40	Test rim width	Minimum size factor	Section width [2]
155/65R13	535	570	605	635	670	700	730	755	785	810	840	865	890	4½	26.71	6.18
175/65R13	655	700	740	785	820	860	895	930	965	1,000	1,030	1,060	1,095	5	28.47	6.97
185/65R13	730	780	825	870	915	955	1,000	1,035	1,075	1,110	1,150	1,185	1,220	5	29.19	7.24
195/65R14	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5½	31.19	7.72
205/65R14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	31.91	7.99

[1] The letters "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Table I–NN.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for all Millimetric "60" Series Radial Ply TR or JM Rims*

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (psi)													In millimeters		
	16	18	20	22	24	26	28	30	32	34	36	38	40	Test rim width	Minimum size factor	Section width [2]
200/60R390	850	905	960	1,010	1,060	1,105	1,155	1,200	1,240	1,285	1,325	1,365	1,405	150	821	204

[1] The letters "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Table I–OO.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for "65" Series Radial Ply Tires on DL Rims*

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (psi)													In millimeters		
	16	18	20	22	24	26	28	30	32	34	36	38	40	Test rim width	Minimum size factor	Section width [2]
160/65R320	465	505	540	575	615	650	685	720	755	790	825	860	900	110	677	162
190/65R370	700	750	805	860	915	965	1,020	1,075	1,130	1,180	1,235	1,285	1,340	125	796	191
200/65R370	770	830	890	945	1,005	1,065	1,120	1,180	1,240	1,295	1,355	1,415	1,475	125	814	198

[1] The letters "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."
[2] Actual section width and overall width shall not exceed the specified width by more than 7 percent.

Table I–PP.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for all Millimetric '65' Series Radial Ply TR or JM Rims*

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (psi)													In millimeters		
	16	18	20	22	24	26	28	30	32	34	36	38	40	Test rim width	Minimum size factor	Section width [2]
160/65R340	565	600	635	670	705	735	765	795	825	855	880	905	935	120	701	164
170/65R340	635	675	715	755	790	830	865	895	930	960	990	1,020	1,050	120	720	171
180/65R340	670	720	760	800	840	880	915	950	985	1,020	1,050	1,080	1,110	135	745	184
200/65R340	790	845	895	940	990	1,035	1,075	1,120	1,160	1,200	1,235	1,270	1,310	150	790	204
160/65R365	600	640	675	715	750	780	815	845	875	905	935	965	990	120	726	164
170/65R365	670	720	760	800	840	880	915	950	985	1,020	1,050	1,080	1,110	120	745	171

Table I-PP.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for all Millimetric '65' Series Radial Ply TR or JM Rims*—Continued

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (psi)													In millimeters		
	16	18	20	22	24	26	28	30	32	34	36	38	40	Test rim width	Minimum size factor	Section width [2]
210/65R365	890	950	1,005	1,060	1,110	1,160	1,210	1,260	1,300	1,345	1,390	1,430	1,470	165	840	217

[1] The letters "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Table I—QQ.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for All Millimetric "55" Series Tires TR or JM Rims*

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (psi)													In millimeters		
	16	18	20	22	24	26	28	30	32	34	36	38	40	Test rim width	Minimum size factor	Section width [2]
190/55R340	650	695	735	775	810	850	885	920	950	985	1,015	1,045	1,075	150	734	197
190/55R65	670	720	760	800	840	880	915	950	985	1,020	1,050	1,080	1,110	150	759	197

[1] The letters "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Table I—WW.—*Tire Load Rating, Test Rims, Minimum Size Factors and Section Widths for "P/65" Series ISO Type Tires*

Tire size designation [1]	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section [2] width (mm)
	120	140	160	180	200	220	240	260	280			
P215/65R13	440	475	510	540	570	595	625	650	675	6	811	216
P195/65R14	395	425	455	480	505	530	555	580	600	5½	793	196
P225/65R14	500	540	580	615	645	680	710	740	765	6	856	223

[1] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."
[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

3. Table I of Appendix A is amended by adding two new tables, Tables I–AAA and I–AAB, with the following tire sizes included therein:

Table I-AAA.—*Tire Load Rating, Test Rims, Minimum Size Factors and Section Widths for T "80" Series 60 lb/in [2] Tires*

Tire size [1] designation	Maximum tire loads (pounds at 60 psi cold inflation pressure)	In inches		
		Test rim width	Minimum size factor	Section [2] width
T125/80 D16	1609 lbs. at 60 psi	4	28.62	5.16
T145/80 D16	2050 lbs. at 60 psi	4	30.39	5.71
T135/80 R13	1565 lbs. at 60 psi	4	26.30	5.54

[1] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."
[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

Table I-AAB.—*Tire Load Rating, Test Rims, Minimum Size Factors and Section Widths for T"90" Series 60 lb/in [2] Tires*

Tire size [1] designation	Maximum tire loads (pounds at 60 psi cold inflation pressure)	In inches		
		Test rim width	Minimum size factor	Section [2] width
T125/90D16	1642 at 60 psi	4	29.61	5.16

[1] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."
[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

Interested persons are invited to submit comments on these additions. Comments must be limited so as not to exceed 15 pages in length. Necessary attachments may be appended without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion. Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. When the comments are received, the docket supervisor will return the postcard by mail.

The agency has reviewed the impacts of this rule and determined that they are limited to permitting the introduction of the listed tire sizes by those manufacturers wishing to do so. The rule does not impose a regulatory burden on any manufacturer. The rule increases the availability of new tire sizes to the

public. Accordingly, NHTSA had determined that this rule is neither major within the meaning of Executive Order 12291 nor significant within the meaning of the DOT regulatory policies and procedures. Further, the agency had determined that this rule will clearly have no significant effect on the human environment.

The program official and attorney principally responsible for the development of this rule are John Diehl and Stephen Kratzke, respectively.

Authority: Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on July 30, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-23790 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-59-M

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49 CFR Part 575

[Docket No. 25; Notice 45]

Consumer Information Regulations; Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This notice amends the Uniform Tire Quality Grading Standards to permit tire grades to be molded on the tire sidewall beginning at any time up to six months after introduction of a new tire line. This amendment, which was proposed in response to a petition from Atlas Supply Company, is intended to avoid disruption of production while tire grades are determined. The notice also extends the deadline for conversion to new format tire tread labels in order to permit unused supplies of old-format labels to be used up.

EFFECTIVE DATE: August 15, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. F. Cecil Brenner, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1740.

SUPPLEMENTARY INFORMATION:

Background

On January 26, 1981, the National Highway Traffic Safety Administration (NHTSA) published a notice of proposed rulemaking (46 FR 8063; Docket 25, Notice 44) proposing amendment of the sidewall molding and tread labeling requirements of the Uniform Tire Quality Grading (UTQG) Standards (49 CFR 575.104). In response to a petition for rulemaking filed by Atlas Supply Company, NHTSA proposed a four month phase-in period for molding of UTQG grades on the sidewalls of tires of newly introduced tire lines. Under the regulation as originally issued, all covered tires were required to have UTQG grades molded on the sidewall (49 CFR 575.104(d)(1)(i)(A)). Atlas, with support from the Goodyear Tire & Rubber Company and the General Tire & Rubber Company, requested that initial production runs of new tire lines be exempted from the molding requirement pending determination of UTQG grades.

The notice of proposed rulemaking also responded to a petition for rulemaking submitted by Armstrong Rubber Company. Armstrong had requested that the deadline for conversion to the new UTQG tread label format established in Docket 25, Notice 35 (44 FR 68475; November 29, 1979) be extended at least nine months to permit supplies of old-format labels to be used up. In response to Armstrong's petition, NHTSA proposed that the deadline for conversion to the new format be extended from October 1, 1980, until April 1, 1982.

As indicated in the Notice of Intent published by NHTSA on April 9, 1981, (46 FR 21203), NHTSA is currently reviewing the requirements of the Uniform Tire Quality Grading System regulatory program, to determine the degree to which it accurately and clearly provides meaningful information to consumers in accordance with the requirements of 15 U.S.C. 1423. Proposed rulemaking or further action on this question will be published within thirty days of this notice.

Proposed Rulemaking—Decision

NHTSA received several comments from tire and motor vehicle manufacturers on the proposed amendments. After review of these comments, the agency has concluded that, while amendment of the regulation is warranted, several changes in the specifics of the proposal are desirable.

Proposed Rulemaking—Comments

Support for the concept of a temporary exemption from the UTQG molding requirements for new tire lines was indicated by both tire and motor vehicle industry sources. The Rubber Manufacturers Association (RMA) commented that such an exemption would resolve difficulties associated with grading new tire lines, and save costs to manufacturers, while not significantly affecting the distribution of grading information to the public.

Ford Motor Company expressed its opinion that a temporary exemption would make good economic sense by permitting full utilization of production facilities while UTQG grades are determined. Full utilization of equipment was a primary goal of the Atlas petition, which expressed concern that a substantial investment in tire molds would be unproductive while UTQG testing was conducted using a small initial sample of tires.

Goodyear also expressed general support for the proposal, since it would permit UTQG grades to be based on testing of production tires. Goodyear noted that while UTQG testing of prototype tires is possible, testing of production tires is desirable because of the greater variety of sizes available for testing.

While supporting the proposal for a molding exemption period, tire industry commenters uniformly agreed that the four-month period proposed by NHTSA would be inadequate. Goodyear, Atlas, and the RMA agreed that a six-month period would be preferable. These commenters viewed four months as the period in which grades could be determined and molds stamped under optimal conditions. However, these sources pointed out that unexpected delays in tire selection, testing, data analysis, retesting, or stamping could easily extend beyond the four month period. Atlas' comments suggested that the potential for delay is even greater where multiple sources of supply are involved. In order to allow for potential uncontrollable delays of this nature, NHTSA has determined that the period for introduction of molded grades on new tire lines will be extended to six months from the date production commences.

NHTSA's notice of proposed rulemaking on this subject contained a proposed requirement that motor vehicle manufacturers affix to the window of each of their vehicles equipped with tires exempted from the molding requirement a sticker containing tire-specific UTQG information. This proposal was intended to assure that prospective vehicle purchasers have access to UTQG information. Tire-specific grades for original equipment tires are not available on tread labels or in vehicle manufacturers' point of sale information. However, the window sticker proposal was uniformly opposed by motor vehicle and tire industry commenters.

General Motors Corporation, Chrysler Corporation, Volkswagen of America, Inc., and Goodyear all argued that significant assembly line problems would result from adoption of a window sticker requirement. Comments received

from these manufacturers indicated that several lines of tires are frequently used as original equipment on a single vehicle model and, under the proposal, more than one tire line without molded grades could be available for use in an assembly plant at one time.

Given this diversity of tire use, commenters pointed out, assembly line personnel would have to inspect each vehicle and determine whether ungraded tires were being used. These employees would then have to determine the correct UTQG window sticker to be affixed to the vehicle. Under such a system, labeling errors would be likely in the absence of costly and time consuming reinspection. Alternatively, expensive special parts identification and storage programs could be undertaken to track ungraded tires through the plant and affix the appropriate labels when the tires are used.

Several commenters argued that such a labeling program would be unreasonably burdensome and expensive in comparison to the benefits which would be expected from such a program. Ford Motor Company estimated that UTQG window stickers would result in an annual cost to that company of $50,000. General Motors (GM) estimated that window stickers could be affixed at a cost of $.50 per car if used on all cars it produced. According to GM, this cost would be much higher in the limited application contemplated by the proposal, due to increased scheduling and inspection costs.

At the same time, General Motors, Chrysler, and Goodyear argued that the major importance of UTQG is in the replacement market and that tire grades seldom influence new car purchases. GM pointed out that it establishes its own performance criteria for original equipment tires beyond the UTQG performance categories, and that in this way vehicle purchasers are assured of getting suitable tires regardless of molded UTQG grades.

While Ford suggested several alternatives to the window sticker proposal, the other commenters addressing the issue recommended that no accommodation at all is necessary for ungraded original equipment tires. In this regard, Goodyear noted that the estimate used in the notice of proposed rulemaking that no more than five percent of original equipment tires would be ungraded was probably high and the actual figure will likely be considerably below that estimate. NHTSA is also aware that in the event a vehicle purchaser is interested in UTQG information on original equipment tires temporarily exempted from the molding requirement, UTQG information would be readily available from local tire dealers and other sources. In view of the above considerations, NHTSA has determined that the proposed UTQG window sticker is unnecessary and unduly burdensome and the proposal for such a sticker is withdrawn.

NHTSA's notice of proposed rulemaking also proposed a sunset provision for the molding requirement change. This provision would have automatically terminated the molding exemption at the end of three years, unless the agency determined that an extension were necessary. Goodyear and the RMA pointed out in their comments that a sunset provision is unnecessary, since the agency already has the authority to review and amend the regulation at any time, if it appears that the exemption is not working as planned. In fact, Atlas recommended that the agency review the effect of the amendment no later than 18 months after its effective date.

Goodyear noted that, if the sunset provision is adopted, unforeseen delays in completion of NHTSA's review could lead to disruptions in the event the three-year sunset period expires before the review process can be completed and the exemption extended. While NHTSA plans to monitor the effect of the molding exemption and will propose any necessary modifications, the agency has concluded that the proposed sunset provision is unnecessary and potentially disruptive. Therefore, the sunset provision is withdrawn.

Finally, only one commenter expressed an opinion on the proposal to extend the deadline for conversion to the new tread label format. As discussed in Armstrong's petition on this subject, the original October 1, 1980, effective date appeared appropriate at the time it was established. However, a sudden market shift toward radial tires resulted in unused supplies of old-format labels for bias-belted tires. In order to permit existing stocks of labels to be used, NHTSA proposed extension of the deadline for conversion to the new label format until April 1, 1982.

Goodyear complained that it had scrapped unused supplies of old-format labels when the format change took effect and argued that extension of the deadline at this time would not be fair and equitable. Goodyear went on, however, to state its perference that the deadline for conversion be eliminated altogether in the interest of efficient use of available materials.

NHTSA regrets that Goodyear found it necessary to dispose of a quantity of old-format labels which could not be used up prior to the October 1 deadline. However, the agency believes that such economic waste would only be compounded by requiring disposal of labels which may have been retained by other manufacturers. At the same time, complete elimination of the conversion deadline could indefinitely delay conversion to the new label format, which the agency considers superior. For these reasons, the deadline for conversion to the new tread label format is extended until April 1, 1982. Of course, manufacturers and brand name owners wishing to use new-format labels prior to that date are free to do so.

Several commenters stressed the need to act quickly on the proposed amendments in order to avoid production disruptions and economic penalties which may be encountered in the planned introduction of new tire lines. Since the changes outlined above relieve restrictions and have these beneficial effects, they are made effective immediately upon publication.

NHTSA has evaluated these amendments and found that their effect would be to provide minor cost savings for tire manufacturers and brand name owners. Accordingly, the agency has determined that the amendments are not a major rule within the meaning of Executive Order 12291 and are not significant for purposes of Department of Transportation policies and procedures for internal review of proposals. The agency has further determined that the cost savings are not large enough to warrant preparation of a regulatory evaluation under the procedures. The agency has also determined that the amendments, which relieve restrictions and provide minor cost savings, will not significantly affect a substantial number of small entities. Finally, the agency has concluded that the environmental consequences of the amendments will be minimal.

In consideration of the foregoing, 49 CFR 575.104 is amended as follows:

§ 575.104 [Amended]

2. In § 575.104(d)(l)(i)(A) by substitution of the words "Except for a tire of a new tire line, manufactured within the first six months of production of the tire line," in place of the words "Except for a bias-ply tire manufactured prior to October 1, 1979, a bias-belted tire manufactured prior to April 1, 1980, and a radial-ply tire manufactured prior to October 1, 1980," and by addition at the end thereof of the sentences "For purposes of this paragraph, new tire line shall mean a group of tires differing substantially in construction, materials,

or design from those previously sold by the manufacturer or brand name owner of the tires. As used in this paragraph, the term "construction" refers to the internal structure of the tire (e.g., cord angles, number and placement of breakers), "materials" refers to the substances used in manufacture of the tire (e.g., belt fiber, rubber compound), and "design" refers to properties or conditions imposed by the tire mold (e.g., aspect ratio, tread pattern)."

3. In § 575.104(d)(l)(i)(B)(1) by substitution of the words "April 1, 1982" in place of the words "October 1, 1980".

1. In § 575.104(d)(l)(i)(B)(2) by substitution of the words "April 1, 1982" in place of the words "October 1, 1980".

(Sec. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 40 CFR 1.50)

Issued on July 30, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81-23865 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1043

[Ex Parte Nos. MC-5 and 159]

Regulations Governing Minimum Amounts of Cargo Insurance, Bonds or Other Security Required To Be Filed by Motor Common Carriers of Property and Freight Forwarders; Modification of Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is discontinuing this proceeding with respect to the adequacy of current cargo security minimums. From the submissions of parties made in response to the Advance Notice of Proposed Rulemaking it is evident that the average shipper is adequately protected by our present limits, and should not be required to absorb through increased rates any higher costs which carriers may incur by meeting higher cargo security minimums.

The Commission is also amending the list of low value commodities exempt from cargo security requirements to include hazardous and non-hazardous waste transported solely for disposal. Commodities of this type have no economic value. It is unnecessary to require authorized carriers to incur the cost of providing cargo security protection for these commodities, since they are not susceptible to loss or damage claims.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Ray G. Atherton, Jr. (202) 275-7844 or Patricia M. Schulze, (202) 275-7475.

SUPPLEMENTARY INFORMATION: By Advance Notice of Proposed Rulemaking published February 9, 1981 (46 FR 11566) the Commission sought comments concerning its cargo insurance regulations. Numerous submissions were received from carriers, carrier associations, shippers, insurance companies and associations, freight claims collection services, traffic consultants, attorneys and individuals. While some comments are not specifically discussed all were given consideration in this proceeding.

An overwhelming majority of the participants advocated retention of mandatory cargo insurance coverage and filing of evidence of insurance with the Commission. Many participants stressed that collecting valid, unpaid cargo claims would often be more difficult without a source of information as to the identity of the carrier's insurer such as the Commission now offers. These parties also urged that the Commission's BMC 32 Cargo Endorsement Form has been critical in successfully collecting valid cargo claims, especially where the carrier, through insolvency or bankruptcy, is unable to honor such claims. The BMC 32 Cargo Endorsement Form is required by the Commission to be attached to cargo liability policies issued to motor common carriers, and obligates the insurer to pay claims up to the Commission's cargo security minimums for which the carrier is liable, regardless of any limitations such as deductibles, exceptions or exclusions in the policy itself. In view of the strong showing of support, carriers will continue to be required to maintain minimum amounts of cargo security as discussed further herein (unless qualified as a self insurer under our rules), and to file appropriate evidence of insurance with the Commission.

In an effort to determine the adequacy of present cargo security minimums, questions were posed concerning the percent of claims filed in excess of minimums and the percent of claims filed which were uncollectable due to carrier insolvency. Those who addressed these questions generally conceded that the percentages were low. Certain shipper interests estimated the percent of claims filed in excess of present minimums ranges from less than 5 percent to 8 percent based on their claims filing experience. The Department of the Air Force noted that it had 31 claims during fiscal years 1979 and 1980, with adjudicated values in excess of $15,000 most of which were collected from the carrier or its insurer. During fiscal 1980, the Air Force had 46,825 claims totalling $21,981,544, which indicates that less than a fraction of one percent of its claims exceed our minimums. These shipments involve the movement of household goods for Air Force military and civilian personnel. One trade association noted that the average value of cargo claims for the third quarter of 1979 was $195.00.

Carrier interests and certain individuals estimate that claims filed in excess of present minimums range from less than 1 percent to 2¼ percent. Two meatpackers, George A. Hormel & Co., and Oscar Mayer & Co. (Hormel and Mayer), while not quantifying their claims in terms of percentages, stated that they had experienced 97 claims in excess of current minimums during a 5 year period with an aggregate value of approximately 1.4 million dollars.

The American Trucking Associations, Inc., (ATA) stressed that while the percentage when stated in terms of number of claims is low, in terms of dollar amount of total carrier cargo liability, claims in excess of the minimums range from 20 to 34 percent. One general commodity motor common carrier concurred in the 20 percent figure in speaking of its total dollar amount of cargo liability. No statistical data were supplied and the figures advanced by ATA were derived from a poll of the respective memberships of its National Accounting and Finance Council (NAFC) and its National Freight Claims Council (NFCC), which joined in ATA's comments. The number of carriers particpating in this poll is not known, nor are the types of commodities transported by them. No claim is made that a certain proportion or segment of the motor carrier industry is represented in the poll's finding. These factors were taken into consideration in the weight to be accorded this representation.

Shipper experience with uncollectability of cargo claims in excess of the minimums varied considerably. General Mills, Inc., (GMI) a diversified company manufacturing, processing and distributing a wide variety of food products, games and toys, apparel, wallpaper and other commodities, stated that its cargo claims with insolvent motor carriers are generally below $1,000.00, and that it has had no cargo claims with insolvent motor carriers in excess of the present minimums. F.T.S. Claim Service, which

handles cargo claims for 30 shippers of various commodities such as auto parts, wearing apparel, drugs, housewares and printed matter, reports that less than one percent of its clients' claims exceed the cargo security minimums and are uncollectable due to carrier insolvency.

The Air Force asserted that it has 3,676 claims aggregating $684,835.28 accumulated since 1977 which were uncollectable directly from carriers due to bankruptcy. However, this evidence does not disclose the number or percent of those claims in excess of our present cargo security limits nor is it clear as to whether or what portion of these claims are or will be settled by the carrier's insurers.

Hormel and Mayer stated that of the 97 claims in excess of current minimums which they experienced in a 5 year period, 5 claims totalling $86,359.00 remain uncollected due to carrier bankruptcy, insolvency, reorganization or similar reasons. It was not stated whether this amount represents the total dollar amount of the claims or whether any attempt was made to invoke the BMC 32 endorsement. Iowa Beef Processors, Inc. (IBP), a meat producer and shipper, stated that due to the bankruptcy of three large refrigerated carriers, IBP was precluded from collecting $73,000.00 in valid claims due to an exclusion in the policy against covering claims filed against bankrupt carriers. This participant's assertions are entitled to less weight since it is apparently unaware of the BMC 32 Cargo Endorsement Form and thus did not invoke it to mitigate its losses.

The evidence of record demonstrates that the vast majority of freight claims are generally below the Commission's minimum cargo security requirements; that freight claims in excess of our minimums represent an insignificant percentage of the total number of claims filed; that in terms of dollar amounts freight claims in excess of our minimums represent approximately 20 percent of the total dollar cargo liability of general commodities carriers; that shippers of general commodities are not significantly disadvantaged in collecting freight claims from insolvent motor carriers' insurers and; that those shippers which ship truckloads of a high value commodity such as meat, may experience a higher frequency of uncollectable losses due to carrier insolvency and/or failure to avail themselves of the partial protection afforded by our BMC 32 endorsement.

Twelve shippers and seven trade associations advocated increases in our cargo security minimums ranging from $10,000 per vehicle and $20,000 per occurrence to $100,000 across the board. These participants included representatives of the food, drug and toilet preparation, tobacco and glass industries. Of these 19 parties, 6 asserted that they used only motor carriers who maintained cargo insurance at levels far above the Commission's minimum cargo security requirements. Generally, the goods shipped were high value truckloads of freight with relatively high susceptibility to damage or spoilage. Significantly, none of these six complained of any difficulty in finding a sufficient number of carriers willing to meet these shippers' more stringent cargo security requirements.

Four carriers and ATA, together with two of its councils and one conference, and certain shippers, argued that carriers which they characterized as "responsible" or "well-established" maintained higher insurance limits; that new or small carriers might feel the impact of higher cost but only to the extent of "adequately" insured carriers now feeling the impact; and that higher limits would, and should, serve to preclude or eliminate "totally irresponsible," "under capitalized" and "uninsured" carriers from the industry.

Seven parties opposed any departure from our current minimums. The Department of the Air Force voiced concerns that higher minimums might discourage competition. Commercial Union Assurance Companies argue that the majority of carriers have policies in which the required limit are exceeded. It stated that in underwriting cargo policies, the average and maximum values of loads are determined and a policy issued with limits adequate to insure the load's value. It cautioned that companies will not issue policies with limits solely to satisfy the law. Inland Marine Underwriters Associations, a national association of insurance companies, stated that in its view, the present limits are adequate for protection of the public. It would, however, endorse a 50-percent increase to $7,500 per vehicle, $15,000 per occurrence to allow for inflation. It did observe, however, that most new entrants are Class III carriers which are "experience rated" with consideration given to the carrier's financial stability. Thus, new carriers may find their cost for increased cargo security minimums higher than carriers which entered the industry years ago. One meat producer stated that rather than increase the minimums, the Commission should address itself to eliminating exclusions and/or exceptions in policies which bar shippers from recovering cargo losses. Again, this participant appears to be unfamiliar with the BMC 32 Endorsement Form discussed above, which obviates these concerns.

Leonard Schloer, a former Commission employee filed comments as an individual consumer. He expressed the view that the present limits be retained and that any adjustment should be based on complaints made to the ICC about shipper inability to collect a valid cargo claim in excess of the present limits. He also stated that increases would affect adversely those carriers with average value shipments, that truckload shippers of high value commodities carry their own shippers' transit insurance, and that small carriers would be more affected than large carriers as the former have lower deductibles than the latter. Mr. Schloer warned that insurance availability will be less since increased limits shrink the capacity of the insurance market which has only so many dollars to cover the risks.

The majority of those who addressed the question of higher minimums vis-a-vis released rates agreed that higher minimums could have little, if any impact on the availability or terms of such rates. Therefore, this question will not be considered further.

Based on the evidence presented, we conclude that higher cargo minimums are not justified. It has been Commission policy to require those minimums which protect the majority which, from the evidence presented, is composed of those shippers with average claims, rather than to insist that all shippers be protected from all risks of every kind.

To adopt the latter position would mean that average shippers would pay whatever increased rates might result from higher minimums for protection which they may not need, to subsidize the insurance demands of the high value commodity truckload shipper. This would be at best a dubious policy and is made even more so by the representations of certain truckload shippers that they have the capability to successfully demand that carriers of their products are insured in amounts satisfactory to such shippers. On balance, we conclude that the Commission's present cargo insurance minimums are adequate and reasonable to protect the shipping public generally and that no increase is warranted at this time.

Five parties addressed the question concerning loss experience of shippers of cargo-exempt low value commodities. It was generally conceded that the loss experience of these shippers is low. Nine parties expressed views

concerning modifications to the present exempt list. Of these, two parties deferred to the Commission's expertise to determine the scope of the list; one urged that the list not be modified in this proceeding but rather by Insurance Board actions on individual petitions; three trade associations indicated that their members either did not object to the present list or favored elimination of the exemption, but that none of their members wanted any expansion of the exemption. One carrier concurred in this latter view. One insurance company and one carrier of hazardous and toxic waste favored adding those types of commodities to the list.

The majority of those who addressed the question of impact which might be generated by removal of the exemption recognized that higher rates would likely result. Two parties took the position that subjecting low value commodities to our cargo security minimums would place additional insurance burdens on carriers out of proportion to the carriers' transportation charges. The resulting higher freight charges would net little benefit to shippers, since the goods transported are of little or no value. Steam Kat, the only hazardous commodities carrier which participated in this proceeding, states that any premium payment for unnecessary cargo insurance is burdensome. This carrier claims extensive experience in hauling hazardous and toxic waste, and states that over a three-year period, it has never had a claim filed for cargo loss for any contaminated product in its custody. It avers that its customers take the position that once the contaminated commodity is removed from their premises, they make no claim to title nor do they desire to make such a claim. It urges that the low value list be amended to include hazardous and toxic waste either by reference to the Commission's decision in *Joray Trucking Corp.*, 99 M.C.C. 109 (1965), or by reference to 40 CFR Part 261, which contains Environmental Protection Agency regulations entitled "Identification and Listing of Hazardous Waste."

Those opposed to any expansion of the list argued that there are no "low value commodities in today's economy" or that in the event of an accident the shipper may be responsible for repacking the contaminated material. With respect to this latter observation, the proponent offers no reference to either statutory authority or judicial precedent which would impute vicarious liability to a shipper for the negligent behavior of a carrier. In fact, this comment does not assert shipper liability as a certainty. Rather, the concept is advanced more as a possibility than a probability.

We have solicited comments as to whether a class of commodities, i.e., hazardous and non-hazardous waste should be included in the low value commodity list. Due to the policy implications of the question and the fact that its determination will affect more than one carrier, it is appropriately considered as part of this rulemaking.

On the basis of the representations, it is our view that the low value commodity exemption serves a useful purpose in that it affords shippers of those commodities the benefit of rates which do not reflect passed through insurance costs; that these shippers would derive no benefit commensurate with higher rates that might result from subjecting these low value commodities to cargo security requirements; and that the low value commodity exemption should be modified to included hazardous and nonhazardous waste which is transported solely for disposal to the extent that such commodities are subject to the certificate and permit requirements of the Interstate Commerce Act. In this latter connection, waste which cannot or will not be reclaimed through reprocessing or recycling has no economic value. As such, it is not susceptible to loss or damage claims. For this reason it is totally unnecessary to require regulated carriers of these commodities to maintain cargo insurance the only purpose of which is to protect shippers in the event of loss or damage to the commodity transported. We decline to adopt Steam Kat's approach in defining these commodities in terms of the *Joray* decision, *supra*, or by reference to EPA regulations found in 40 CFR Part 261. Neither of these references would be sufficiently inclusive to embrace the entire field of waste disposal transportation. However, we note that those commodities listed in 40 CFR Part 261 are within the scope of waste products exempt from our security minimums when transported exclusively for purposes of disposal.

Since these actions represent a reduction of regulation and adequate notice of the scope of this proceeding and opportunity to participate has been afforded interested parties, no additional comment period is warranted and this decision is issued as a final rule.

Inasmuch as we do not intend to adopt any new or stricter rules, and since we are expanding the list of exemptions which will lessen regulatory burdens, it appears unnecessary to conduct the analysis of economic impact on individuals and small businesses, organizations and governmental entities mandated by the Regulatory Flexibility Act (Pub. L. 96–354). A copy of this decision will be served on the Administrator of the Small Business Administration.

This proceeding is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

§ 1043.1 [Amended]

It is ordered: That the low value commodity list which appears after the proviso in 49 CFR 1043.1(b) be amended by adding a new item preceding the item which reads Water, other than mineral or prepared water. The new item shall read:

Waste, hazardous and nonhazardous, transported solely for purposes of disposal.

This action is taken under the authority of 49 U.S.C. 10321 and 10927, and 5 U.S.C. 553.

Decided: August 5, 1981.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23980 Filed 8-14-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 158
Monday, August 17, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Citrus Blackfly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to remove the citrus blackfly quarantine and regulations and thereby to delete Federal restrictions on the movement of regulated articles from portions of three counties in Florida and from two counties in Texas into or through other States, Territories, or Districts of the United States. The quarantine and regulations were established for the purpose of preventing economic damage to citrus crops. It is proposed to remove the quarantine and regulations because it appears that they are no longer necessary for this purpose.

DATE: Written comments must be received on or before September 16, 1981.

ADDRESSES: Written comments should be submitted to Thomas J. Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Gary E. Moorehead, Staff Officer, Pest Program Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 630 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8745.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and Regulatory Flexibility Act.

This proposed rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." The proposed rule, if adopted, would remove the citrus blackfly quarantine and regulations and thereby remove restrictions on the movement of regulated articles from regulated areas in Florida and Texas. Based on information compiled by the Department, it has been determined that removal of such restrictions would have no significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It appears that the only alternative to this proposed action is to retain the current Federal quarantine and regulations. Based on information compiled by the Department, it is estimated that the cost for effectively administering the Federal quarantine and regulations and corresponding State laws would be at least $4 million annually. The Federal cost would be at least $2 million annually; however, no funds have been apropriated for this purpose for fiscal year 1982. Parasites of citrus blackfly have proven to be effective to prevent economic damage to citrus crops. If the citrus blackfly were to spread interstate from Florida or Texas to other citrus producing areas in the United States, it is anticipated that parasites of the citrus blackfly would be released and established in such areas by affected States or political subdivisions thereof, and thereby prevent economic damage to citrus crops. Parasites could be made available at relatively low cost; however, should it become necessary to establish a parasite rearing and release program on a State-wide basis it is estimated the this could be accomplished by a State or political subdivision thereof at the cost of approximately $100,000 per year for the period of operation. Further, once parasites become established, the parasite program could be discontinued since the parasites are self-perpetuating.

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that, under the circumstances explained above, it is anticipated that the removal of the citrus blackfly quarantine and regulations will not have a significant economic impact on a substantial number of small entities.

Comments

It is the policy of the Department to provide a 60 day comment period for proposed rules unless a shorter period is warranted. Comments are solicited for 30 days after publication of this document in the **Federal Register.** A longer comment period is unwarranted because it appears that there is no longer a need for imposing restrictions on the movement of regulated articles because of the citrus blackfly and that prompt action should be taken to delete the unnecessary restrictions. Further, as indicated above, no funds have been appropriated to continue the current Federal quarantine and program with respect to the citrus blackfly, after September 30, 1981. A shortened comment period is necessary to enable the Department to make a final decision in this matter prior to that date.

Background

This document proposes to revoke the citrus blackfly quarantine and regulations (Subpart-Citrus Blackfly, 7 CFR 301.86 through 301.86–10). The citrus blackfly (*Aleurocanthus woglumi* Ashby), is currently known to occur in the United States only in portions of Florida and Texas. The citrus blackfly quarantine and regulations quarantine Florida and Texas and restrict the interstate movement (movement into other States, Territories, or Districts of the United States) from regulated areas in the quarantined States of articles designated as regulated articles.

The following products, articles, and means of conveyance are designated as regulated articles: (1) leaves, attached or unattached, of black sapote, cherimoya, citrus, coffee, jaboticaba, Japanese persimmon, mango, myrtle, pear, persimmon, quince, Surinam cherry, and sweetsop, and (2) any other products, articles, or means of conveyance, of any character whatsoever, not specified above, when it is determined by an inspector that they present a hazard of spread of the citrus blackfly, and the

person in possession thereof has been so notified.

The quarantine and regulations designate as regulated areas those portions of quarantined States in which citrus blackfly has been found or in which there is reason to believe that citrus blackfly is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas where eradication of the citrus blackfly is undertaken as an objective. Generally infested areas are regulated areas not designated as suppressive areas.

The following areas in Florida and Texas are currently designated as regulated areas, and as suppressive areas or generally infested areas because of the citrus blackfly:

Florida

(1) *Generally infested area.*

Broward County. That portion of the county bounded by a line beginning at a point where the Palm Beach-Broward County line intersects the Atlantic Ocean, thence west along the county line to Levee L-36, thence south along said Levee to its intersection with Levee L–35A, thence southwest along Levee L–35A to its intersection with State Highway 84, thence west along State Highway 84 to State Highway 25 (U.S. 27), thence south along State Highway 25 to the Dade-Broward County line, thence east along said county line to the Atlantic Ocean, thence north along the Atlantic coastline to the point of beginning.

Dade County. That portion of the county bounded by a line beginning at a point where the Broward-Dade County line intersects the Atlantic Ocean, and thence west along said county line to State Highway 25 (U.S. 27), thence south and southwest along said highway to its intersection with State Highway 25A, thence east along Highway 25A to its end, thence continuing east along an imaginary line extending from the end of Highway 25A to the Atlantic Ocean, thence north along the Atlantic coastline to the point of beginning.

Palm Beach County. That portion of the county bounded by a line beginning at a point where the north line of T. 44 S. intersects the Atlantic Ocean, thence west along said line to its intersection with State Road 80 (U.S. 98), thence west along State Road 80 to its intersection with Levee L–40, thence south along Levee L–40 around the Loxahatcheee National Wildlife Refuge to its intersection with Levee L–39, thence south along Levee L–39 to its intersection witht the Palm Beach-Broward County Line, thence east along said county line to the Atlantic Ocean, thence north along the Atlantic coastline to the point of beginning.

(2) *Suppressive area.* None

Texas

(1) *Generally infested area.* None

(2) *Suppressive area.*

Cameron County. The entire County.

Hidalgo County. The entire County.

In addition to Florida and Texas, citrus crops are grown commercially and noncommercially in Arizona, California, Hawaii, Louisiana, and are also grown noncommercially in several other parts of the United States. The quarantine and regulations were designed to prevent the spread of the citrus blackfly from infested areas in Florida and Texas to other citrus producing areas in the United States, and thereby to prevent economic damage to citrus crops. However, because of the effectiveness and availability of parasites of citrus blackfly (the wasplike insects *Amitus hesperidum* and *Prospaltella* opulenta), it appears that the quarantine and regulations are no longer economically justified for the purpose of preventing economic damage to citrus crops in noninfested States and should be removed.

The citrus blackfly does not cause economic damage to citrus crops unless population levels are high. The parasites, which do not adversely affect the environment, feed on the citrus blackfly and reduce the citrus blackfly population sufficiently to eliminate any significant damage to citrus crops. The parasites have been released and established in citrus blackfly infested areas in Florida and Texas and in Mexico, and have proven to be effective to prevent economic damage to citrus crops in those places. Further, based on Departmental expertise and field experience in Florida, Texas, and Mexico, it has been determined that the parasites would also be effective for eliminating economic damage to citrus crops in any other citrus producing areas in the United States.

Under the current Federal quarantine and regulations, the U.S. Department of Agriculture is responsible for enforcement activities relating to the interstate movement of regulated articles from regulated areas. The States are responsible for enforcement activities relating to the intrastate movement of regulated articles from regulated areas. The Department has been advised by officials of Florida that because of the parasites it is no longer necessary to impose intrastate restrictions on the movement of regulated articles. Also, the Department has been advised by officials of Florida and Texas that because of the parasites, action to remove intrastate restrictions on movement of regulated articles is being considered.

Based on information compiled by the Department, it is estimated that the cost for effectively administering such Federal and State enforcement activities would be at least $4 million annually. The Federal cost would be at least $2 million annually; however, no funds have been appropriated for this purpose for fiscal year 1982. If the citrus blackfly were to spread to noninfested citrus producing areas, it would be necessary to establish a parasite program in such areas. Parasites are available for this purpose. Parasite colonies are presently being reared by laboratories in Florida, Texas, and Mexico. In addition, parasites can be field collected from areas in Florida, Texas, and Mexico where they have become established. Parasites from these sources could be made available at relatively low cost; however, should it become necessary to establish a parasite rearing and release program in a State-wide basis, it is estimated that this could be accomplished by a State or political subdivision thereof at the cost of approximately $100,000 per year for the period of operation. Further, once parasites become established, the parasite program could be discontinued since the parasites are self-perpetuating.

Under the circumstances referred to above, it appears that it is no longer necessary or feasible to continue a Federal citrus blackfly quarantine program.

Accordingly, it is proposed to remove "Subpart-Citrus Blackfly" (7 CFR 301.86 through 301.86–10).

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); sections 105 and 106, 71 Stat. 32, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 28477, as amended; 45 Fr 8564, 8565)

Done at Washington, D.C. this 12th day of August 1981.

Willian F. Helms,

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

[FR Doc. 81-23801 Filed 8-14-81; 8:45 am]

BILLING CODE 3410-34-M

Commodity Credit Corporation

7 CFR Part 1446

[Amd. 3]

General Regulations Governing 1979 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would change the sales policy for additional peanuts sold for domestic edible use. It also proposes the the southwestern Peanut Growers Association (SWPGA), with the prior agreement of the producer, may deduct up to $1 per ton from price support advances to conduct peanut activities outside the price support program. The proposed rule further provides that under certain circumstances, the Executive Vice President, Commodity Credit Corporation (CCC) or his designee, may waive or reduce the liquidated damages assessed against a person who causes ineligible peanuts to be placed in the loan program. This proposed rule also provides that producers who file erroneous reports of crop acerage will be ineligible for quota price support, except under certain conditions.

DATE: Written comments must be received on or before September 3, 1981.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741-South building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: David Kincannon, price Support and Loan Division, ASCS, USDA, 3758-South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447-6733. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each opinion is available upon request from David Kincannon.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures for implementing Executive Order 12291 and Secretary's Memorandum 1521-1. This rule 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, industries, Federal, State or local governments, or geographical region, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule has been classified as "Not major."

Harold L. Jamison, Acting Director, Price Support and Loan Division, Agricultural Stabilization and Conservation Service (ASCS), has determined that an emergency situation exists which warrants publication of this proposed rule with less than a 60-day comment period. Peanut harvest will begin in late July. Producers and others need to know rules governing compliance with program requirements and the penalties applicable to persons causing ineligible peanuts to be placed in the loan program. It has been determined after review of these regulations (7 CFR 1446.8 through 1446.14) for need, currency, clarity and effectivneness that no additional changes be made.

The title and number of the Federal assistance program to which this proposed rule applies is 10.051, as found in the Catalog of Federal domestic Assistance. This proposed action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB circular A-95 was not used to assure that units of local government are informed of this action.

Minimum Sales Price

Section 359(j) of the Agricultural Adjustment Act of 1938, as amended, provides that additional peanuts shall be offered for sale for domestic edible use at prices not less than those required to cover all costs incurred with respect to such peanuts for such items as inspections, warehousing, shrinkage, and other expenses, plus: (1) 100 percent of the loan value of quota peanuts if the additional peanuts are sold and paid for during the harvest season upon delivery by the producer, or (2) 105 percent of the loan value of quota peanuts if the additional peanuts are sold after delivery by the producer but not later than December 31 of the marketing year, or (3) 107 percent of the loan value of quota peanuts if the additional peanuts are sold later than December 31 of the marketing year.

The regulations, as originally codified at 7 CFR 1446.7, provide that a handler shall have the right to purchase additional peanuts for domestic edible use at buying points owned or controlled by such handler at 100 percent (or 105 or 107 percent, when applicable) of the quota loan value of such peanuts plus handling charges. These regulations were intended to establish the priority betwen handlers as to the right to purchase additional peanuts at a particular buying point. Through the 1979 crop year, the quota loan rate established the domestic market price. Thus, this procedure offered an equitable method of selling peanuts under the "immmediate buyback" provision with minimum confusion. In 1980, however, the domestic market price of peanuts increased substantially above the quota support level, thus permitting certain handlers to purchase additional peanuts from the loan program at prices below the market price. It is proposed that these regulations be amended to specify that the price calculated with respect to the purchase of additional peanuts by handlers from the loan program at any time is only a minimum price. Producer associations will therefore be permitted to charge handlers in excess of 100 percent (or 105 or 107 percent, when applicable) of the quota loan rate plus costs for additional peanuts under this proposal.

Deduction for SWPGA

Since 1964, the SWPGA has been authorized by its members to deduct an amount not to exceed 50 cents from the price support loan advance to finance activities outside the price support program. The activities so funded include peanut quality control programs, developing improved disease and drought resistant varieties, improving cultural practices and for water utilization and herbicide use studies. In the Southeast and Virginia-Carolina areas, these activities are carried on by the State peanut grower groups. However, in the Southwest area, the State charters of the State grower group prohibit the group from undertaking these activities. They are therefore carried on by the area association, SWPGA.

The 50 cent assessment has not been increased since 1964, although inflation has considerably decreased the value of the assessment. It is therefore proposed to increase the amount of the deduction to not more than $1.

Assessment of Liquidated Damages

Current regulations provide that liquidated damages shall be assessed against any person who causes ineligible peanuts to be placed in the loan program. The regulations provide for liquidated damages to prevent peanuts containing excess moisture, foreign material, and other contaminants from being placed in the loan program since these peanuts lower market prices for other peanuts in the same storage place. Also, the liquidated damages

were included in the regulations in order to prevent ineligible producers from improperly obtaining price support.

These liquidated damages have been successful in preventing ineligible peanuts from being placed into the loan program. However, in some cases the assessment of liquidated damages has been determined to be too severe. In a number of instances, it was determined after harvest and after a producer had been issued nonrestrictive marketing cards that the producer was out of compliance with acreage limitations by small margins. By that time, however, the producer's peanuts were already pledged as collateral for a loan and disposed of by the producer association. In addition to the marketing penalty, such producers were subjected to excessive liquidated damages in instances where the actual program harm was minimal.

It is proposed to amend the regulations to permit the Executive Vice President, CCC, or his designee, to waive or reduce the assessment of liquidated damages based upon the following factors: (1) The person causing ineligible peanuts to be placed in the loan program made a good faith effort to ensure that ineligible peanuts were not pledged as collateral for a loan; (2) the program damages or potential program damages do not warrant the full or partial assessment of such liquidated damages; (3) the nature and circumstances relating to the violation; (4) the extent of the violation; and (5) any other pertinent information. Amending the regulations in the manner prescribed will permit CCC to reduce or waive the assessment of liquidated damages in certain cases and still maintain adequate controls to prevent misuse of the loan program.

Acreage Certifications

For the 1980 and prior crop years, acreages for all marketing quota crops, including peanuts, were determined by the county ASCS office from actual measurements of the field or from aerial photographs. In addition, producers were required to file a report of crop or land use acreage.

At this time it is contemplated that, beginning with the 1981 crop, in determining whether there has been compliance with acreage allotments reliance will, in general, be placed on reports filed by producers as to crop or land use acreage. To assure compliance with acreage allotments, only a random sample of such certifications will be checked for accuracy by using actual ground measurements or aerial photographs.

Accurate certifications are thus necessary to ensure that all producers comply with acreage allotments. Therefore, it is proposed to amend the regulations to provide that producers will be ineligible for price support if the producer has filed an erroneous report of crop or land use acreage unless: (1) the determined acreage does not differ from the reported acreage by more than the tolerances established by Part 718 of this title, or (2) the county Agricultural Stabilization and Conservation committee determines that the producer acted in good faith in reporting crop or land use acreage.

Proposed Rule

The proposed amendments to 7 CFR Part 1446 are as follows: Section 1446.7 is revised to read as follows:

§ 1446.7 Use of additional peanuts as domestic edible peanuts.

During harvest season, a handler shall have the right to purchase additional peanuts for domestic edible use at buying points owned or controlled by such handler at prices not less than 100 percent of the quota loan value of such peanuts plus handling charges. Such purchase may be made only from the association and only on the date such peanuts were offered by producers to the association for loan.

The handler shall advance to the producer, as an agent for the association and only on the date such peanuts were offered by the producer to the association for loan, price support at the additional loan rate and forward to the association a check payable to CCC for the peanuts in an amount aqual to the quota loan rate as well as any handling charges and any premium specified in advance by the association. The check and applicable MQ–94 will identify the peanuts as additional peanuts that may be used as domestic edible peanuts and must be postmarked not later than the third work day excluding Saturdays, Sundays, and Federal holidays following the day the peanuts were inspected. The association shall credit such receipts to the additional loan pool for such peanuts. Handlers may also purchase additional peanuts from the loan pool for domestic edible use after delivery by producers to the association, under terms and conditions announced by CCC. The minimum price for such purchases shall be not less than carrying charges plus (a) 105 percent of the quota loan value if purchsed not later than December 31 of the marketing year, or (b) 107 percent of the quota loan value if purchased after December 31 of the marketing year.

* * * * *

Section 1446.10 is amended by revising paragraphs (g) and (i) to read as follows:

§ 1446.10 Availability of warehouse storage loans.

* * * * *

(g) *Advance to producer.* For each lot of peanuts received, the association will make a price support advance to the producer in an amount equal to the support value of such peanuts, except that in addition to marketing quota penalties and the deductions specified in § 1446.12, the association will deduct from such advances and pay over to the proper State authorities, any assessments or excise taxes imposed by State law. In addition SWPGA may, upon the prior agreement of the producer, deduct from such advance an amount approved by CCC, not to exceed $1 per net weight ton of peanuts upon which such advance was made, to be used in financing its peanut related activities outside the price support program.

* * * * *

(i) *Ineligible Peanuts.* Any person who causes ineligible peanuts, as defined in § 1446.14, to be placed in the loan program shall pay to CCC, as liquidated damages, the amount by which the average quota or additional loan rate for that type of peanut exceeds the market price for such type, as determined by CCC. Such person shall pay such amount to CCC promptly upon demand. The market price shall be based upon the estimated value for crushing stock.

The Executive Vice President, CCC, or his designee may reduce or waive the liquidated damages provided for in this subsection based upon a consideration of the following factors: (1) Whether the person causing ineligible peanuts to be placed in the loan program made a good faith effort to ensure that ineligible peanuts were not pledged for loan, (2) the degree of damage or potential damage to the price support program; (3) the nature and circumstances of the violation; (4) the extent of the violation; and (5) any other pertinent information.

* * * * *

Section 1446.14 of the regulations is amended by revising subsection (a) to read as follows:

§ 1446.14 Eligible producer.

(a) *Requirements.* An eligible producer is an individual, partnership, association, corporation, estate, trust, or other legal entity, and whenever applicable, a State, political subdivision of a State or any agency thereof, producing peanuts as a landowner, landlord, tenant, or sharecropper on a

farm. No producer on a farm for which the farm operator fails timely to file a report of crop or land use acreage s required by Part 718 of this title shall be eligible for price support at the quota loan rate unless the late-filed report was accepted by the county ASC committee. In addition, no producer shall be eligible for price support at the quota loan rate if the producer has filed an erroneous report of crop or land use acreage unless: (1) the determined acreage does not differ from the reported acreage by more than the tolerance established by Part 718 of this title, or (2) the county ASC committee determines that the producer acted in good faith in reporting crop or land use acreage.

* * * * *

Signed in Washington, D.C. on August 10, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-23883 Filed 8-14-81; 8:45 am]

BILLING CODE 3410-05-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 20

Business Loan Policy; Small Business Lending Companies

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: These proposed amendments to Part 120 would repeal the authority of the Small Business Administration to approve as participating lenders additional small business lending companies (known as "Subsection (b) Lenders"), since SBA does not have adequate resources to service and effectively supervise additional lenders. The regulation would also be amended to require that all Subsection (b) Lenders maintain unimpaired capital and surplus of not less than $2,000,000, or the aggregate of the lender's share of all outstanding loans, whichever is greater.

DATE: Comments must be received on or before October 16, 1981.

ADDRESS: Written comments, in duplicate, are to be transmitted to Director, Office of Lender Relations and Certification, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Questions regarding these proposed rules may be directed to Robert C. Hull, Chief, Non-Bank Lender Section, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416 (202) 653-7894.

SUPPLEMENTARY INFORMATION: Section 7(a)(4) of the Small Business Act, as amended (15 U.S.C. 636(a)(4)), authorizes the Small Business Administration to participate, in its loan making activities, with banks, "or other lending institution." SBA, in its discretion, has interpreted the quoted phrase to include savings and loan associations and other non-bank lenders provided they had met certain prescribed standards. Under § 120.4(b) of its regulations (13 CFR 120.4(b)), SBA had authorized as participating lenders nonbank small business lending companies also known as "Subsection (b) Lenders". The Agency now believes that it should no longer authorize the participation of additional "Subsection (b) Lenders" since SBA does not have adequate resources to service and supervise effectively additional "Subsection (b) Lenders". The Agency also is raising the financial requirements with respect to the maintenance of capital of lenders which are not banks or savings and loan associations.

The Agency is proposing to amend its regulations to reflect these decisions. The Agency proposes to repeal § 120.4(b) of its regulations, relating to special eligibility requirements for "Subsection (b) Lenders" and, in its place to provide that existing "Subsection (b) Lenders" would continue to operate subject to the rules and regulations of SBA. The proposed amendment would also delete § 120.4(c)(2) relating to applications by prospective "Subsection (b) Lenders", since after the effective date of these proposed changes, SBA would no longer accept such applications.

SBA is proposing to amend § 120.4 (b)(2) to require "Subsection (b) Lenders" to maintain unimpaired capital and surplus of not less than $2,000,000 (instead of the present requirement of $500,000) or the aggregate of the lender's share of all outstanding loans, (instead of the present requirement of 10 percent of the aggregate), whichever is greater. SBA is proposing, effective 12 months from promulgation of this rule in final form, these changes to increase the capital adequacy and strength of "Subsection (b) Lenders" with whom it will continue to participate. Until the effective date of these proposed changes, SBA will continue to accept applications from prospective "Subsection (b) Lenders". Such applicants, however, will be required to demonstrate their ability to comply with the increased capital requirements within one year from the effective date of this rule.

For the purpose of Executive Order 12291, effective February 17, 1981, SBA hereby certifies that this proposed rule, if promulgated in final form, would not constitute a major rule as defined by section 1(b) of the Executive Order.

In this regard, this rule if promulgated in final form, will not have an annual effect on the economy of $100 million or more; and it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or 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.

In addition SBA hereby certifies pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605 (b), that this proposed rule, if promulgated in final form, will not have a significant impact upon a substantial number of small entities. In this regard, at the present time, 7 non-bank "Subsection (b) Lenders" have been approved by the SBA, and are authorized to make loans. Ten Subsection (b) applications are presently in a pending status. While it is unknown presently how many additional applications from Subsection (b) applicants will be received during the period before applications are no longer accepted if this proposal becomes final, it is believed that the total number of "Subsection (b) Lenders" which will ultimately be approved by SBA when coupled with the 11,000 banks and approximately 230 other non-bank lenders presently making SBA guaranteed loans will be more than sufficient to continue to serve the small business community's financing needs.

At the same time, by increasing the capital requirements of Subsection (b) Lenders this rule will assure that those Lenders who are approved by SBA will have adequate financial capacity to make and service loans. It will thus be a deterrent to marginal prospective lenders which should help to reduce personnel requirements in carrying out SBA's regulatory oversight responsibilities, and inure to the benefit of the small business community.

Finally, SBA is certain that, in view of limited program levels, this regulation if it is promulgated in final form will have no impact upon:

(1) the amount of guaranteed lending in which SBA participates each year,

(2) the number and type of small businesses assisted each fiscal year, and

(3) the geographical distribution of the guaranteed lending.

In this regard, we view this proposed regulation as a necessary technical adjustment having no adverse impact on the small business community.

Accordingly, pursuant to the authority contained in Section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), Part 120, Chapter 1, Title 13 of the Code of Federal Regulations, would be amended as follows:

PART 120—BUSINESS LOAN POLICY

1. Section 120.4(b) would be revised to read as follows:

§ 120.4 Eligible loan participants.

* * * * *

(b) *Small Business Lending Companies*—Lending institutions which have qualified as "Subsection (b) Lenders" (Small Business Lending Companies) may continue as loan participants if in addition to the requirements set forth in paragraphs (a) (1), (2) and (3) of this section, they also meet each of the following requirements:

(1) *Business Purpose.* Be a corporation (profit or non-profit) engaged solely in the making of loans in participation with SBA; and shall not be engaged in any other business or activity except as hereinafter authorized.

(2) *Subject to SBA Supervision and Examination.* Be subject to supervision and examination by SBA and to conduct their business operations in accordance with such regulations as may be promulgated by SBA.

* * * * *

2. Section 120.4(c)(2) would be removed.

3. Section 120.5(b)(2) would be revised to read as follows:

§ 120.5 Operations of eligible participants.

* * * * *

(b) * * *

(2) *Maintainance of Capitalization.* Maintain at all times an unimpaired combined paid-in capital and paid-in surplus, on or after 12 months from promulgation of this rule, in an amount not less than $2,000,000, or the aggregate of such company's share of all loans outstanding, whichever shall be greater.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

Dated: July 31, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-23880 Filed 8-14-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 22083]

Airworthiness Directives; Short Brothers Limited Model SD3-30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive that would require a repetitive inspection, and modifications as necessary, for cracks in the bolt holes of the stub wing spars, and replacement of the laminated aluminum shims at the spar bolted joints, on certain Short Brothers Limited Model SD3-30 series airplanes. The AD is necessary to prevent cracks in the stub wing spars and replacement of failed shims which, if undetected and uncorrected, could result in loss of the airplane.

DATE: Comments must be received on or before October 16, 1981.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 22083, 800 Independence Avenue, S.W., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 22083. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

The applicable service bulletins may be obtained from: Short Brothers Limited, P.O. Box 241, Airport Road, Belfast, BT 9DZ, Northern Ireland, Attention: Product Support Manager. A copy of each service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202-426-8192.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 22083." The post card will be date/time stamped and returned to the commenter.

The FAA has determined that loss of torque on the bolted structural joints, delamination of the laminated aluminum shims, and cracks can occur in the bolt holes at the stub wing spar bolted joints which could result in structural failures on certain Short Brothers Limited Model SD3-30 series airplanes, and possible loss of the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require an initial inspection of the stub wing spar bolted joints, replacement of the laminated aluminum shims, repetitive inspections of these joints until modified in accordance with an approved modification, and replacement of the laminated shims in the stub wing structural bolted joints with a single thickness shim on certain Short Brothers Limited Model SD3-30 series airplanes.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Short Brothers Limited. Applies to Model SD3-30 series airplanes, serial numbers SH3001 through SH3024 inclusive, certificated in all categories.

Compliance required prior to the accumulation of 12,000 landings, or 300 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 3,000 landings.

To prevent fatigue failures of the stub wing spar and stub wing bolted joints, accomplish the following:

(a) Inspect the bolt holes in the stub wing spars for cracks using the eddy current method described in Short Brothers "Non-destructive Test Specification," NDTI RD 1, dated October 1979, and in accordance with "ACCOMPLISHMENT INSTRUCTIONS," paragraph 2, of Short Brothers Limited Service Bulletin SD-53-34, Revision 2, dated December 12, 1979, or an FAA-approved equivalent, and for airplane serial numbers SH3008 through SH3013 inclusive, replace the laminated aluminum shims in the stub wing bolted joints with single thickness shims in accordance with Short Brothers Limited Service Bulletin SD3-53-21, Revision 1, dated September 5, 1979, or an FAA-approved equivalent.

(b) If as a result of the inspection in paragraph (a) of this AD, no cracks are found, reassemble the stub wing in accordance with "ACCOMPLISHMENT INSTRUCTIONS," paragraphs 2A.15 and 2A.11(b) for the front spar frame, and paragraphs 2A.15 and 2A.12(b) for the rear spar frame, of Short Brothers Limited Service Bulletin SD3-53-34, Revision 2, dated December 12, 1979, or an FAA-approved equivalent.

(c) If as a result of the inspection required in paragraph (a) of this AD, cracks are found—

(1) Before further flight, except as provided in paragraph (f) of this AD, install Short Brothers Limited Service Bulletin SD3-30 Modifications 5514, 5600 and 5790, in accordance with Short Brothers Limited Service Bulletin SD3-53-39, Revision 1, dated January 14, 1980, or an FAA-approved equivalent;

(2) Repair any bolt holes in which cracks are found and fit oversize bolts in accordance with paragraph 2A.11 for the front spar frame, and paragraph 2A.12 for the rear spar frame, of Short Brothers Limited Service Bulletin SD3-53-34, Revision 2, dated December 12, 1979, or an FAA-approved equivalent; and

(3) Reassemble the stub wing in accordance with "ACCOMPLISHMENT INSTRUCTIONS," paragraphs 2A. and 29 through 47, of Short Brothers Limited Service Bulletin SD3-53-39, Revision 1, dated January 14, 1980, or an FAA-approved equivalent.

(d) If cracks in the stub wing spar bolt holes cannot be removed by the procedure specified in paragraph (c)(2) of this AD, report those findings to the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, AEU-100, FAA, c/o American Embassy, Brussels, Belgium. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

(e) Upon incorporation of Short Brothers Limited Service Bulletin SD3-53-39, Revision 1, dated January 14, 1980, the repetitive inspection required by this AD may be discontinued.

(f) In accordance with FAR §§ 21.197 and 21.199, the airplane may be flown to a base where the inspections, modifications, and repairs by this AD may be accomplished.

(g) If an equivalent means of compliance is used in complying with any paragraph of this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

(h) Alternative inspections, modifications or repairs which provide an equivalent level of safety or an adjustment of the inspection interval to permit compliance at an established inspection period for an operator may be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, provided the request is made through an FAA Aviation Safety Inspector and contains substantiating data to justify the equivalence or inspection interval adjustment for that operator.

(i) For the purpose of this AD, when conclusive records are not available to show the total number of landings accumulated by a particular part (or assembly), the number of landings may be computed by dividing the airplane time-in-service since the part (or assembly) was installed in the airplane by the operator's fleet average time per flight for his Model SD3-30 series airplanes.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspections and repairs on only a few aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on August 6, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-23887 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Public Hearing and Public Comment Period on the Resubmitted Virginia Permanent Regulatory Program

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

ACTION: Proposed Rule: Notice of Receipt of Permanent Program Resubmission; Schedule for Public Hearing and Public Comment Period.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequacy of those portions of the proposed Virginia regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which have been resubmitted by the state. The resubmission includes those portions of the proposed regulatory program which were disapproved by the Secretary of the Interior in his initial decision on October 22, 1980 (45 FR 69977–70000). However, in this resubmission Virginia has also proposed amendments and/or submitted additional information relating to previously approved portions of its program. Therefore, the Secretary is also soliciting public comments concerning the effect of these program changes on those portions of the Virginia program which were approved on October 22, 1981.

This notice sets forth the times and locations that the Virginia program is available for public inspection; the date when and location where OSM will hold a public hearing or the resubmission; the comment period during which interested persons may submit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the portions of the Virginia program not previously approved by the Secretary of the Interior will be held at 5:30 p.m. on September 3, 1981 at the address listed under "ADDRESSES."

Comments from members of the public must be received on or before the close of business on September 4, 1981 in order to be considered in the Secretary's decision on those elements of the proposed Virginia program which were not approved in the initial decision on the proposed program.

ADDRESSES: The public hearing will be held at Clinch Valley College, Science Building, Room S-100, Wise, Virginia. Written comments should be sent to: Office of Surface Mining, Attn: Virginia Administrative Record, 603 Morris Street, Charleston, WV 25301.

Copies of the full text of the proposed program, a listing of scheduled public meetings and copies of all written comments are available for review and copying at the OSM Region I Office and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining, Charleston Regional Office, 603 Morris Street,

Charleston, WV 25301, Phone: (304) 342–8125;
Virginia Division of Mined Land Reclamation, Drawer U, 630 Powell Avenue, Big Stone Gap, VA 24219, Phone: (703) 523–2925.

Copies of the full text of the proposed program are available for inspection during regular business hours at the following locations:

Office of Surface Mining, Lebanon District Office, Flannagan & Carroll Streets, Lebanon, VA 24266, Phone: (703) 889–4032;
Virginia Department of Conservation & Economic Development, 1100 State Office Building, Richmond, VA 23219, Phone: (804) 786–2121;
Buchanan Co. Public Library, Grundy, VA 24614, Phone: (703) 935–2959;
Lee Co. Public Library, 406 Joslyn Avenue, Pennington Gap, VA 24277, Phone: (703) 546–1141;
Scott Co. Public Library, P.O. Box 8, Gate City, VA 24251, Phone: (703) 386–3302;
Wise Co. Public Library, Ridgefield Acres, Wise, VA 24293, Phone: (703) 328–8061;
Office of Surface Mining, Richlands Field Office, Gateway Shopping Center, Highway 460, Richlands, VA 24641, Phone: (703) 964–4022;
The Virginia State Library, Library Building, 11th & Capitol Streets, Richmond, VA 23219, Phone: (804) 786–8929;
Dickenson Co. Public Library, P.O. Box 650, Clintwood, VA 24228, Phone: (703) 926–6617;
Russell Co. Public Library, Library Courthouse, Lebanon, VA 24266, Phone: (703) 889–2881;
Tazewell Co. Public Library, Main Street, Tazewell, VA 24651, Phone: (703) 988–2541.

A copy of this notice along with a copy of the Virginia statutes and regulations regarding the proposed Virginia regulatory program has been placed on file and is available for inspection in the library of the Office of the Federal Register, Room 8301, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Christine Struminski, Assistant Regional Director, Office of Surface Mining, 603 Morris Street, Charleston, WV 25301, Phone: (304) 342–8125.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the Commonwealth of Virginia submitted to OSM a proposed state regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326–15328), the Regional Director published notification of receipt of the program submission in the March 11, 1980 **Federal Register** (45 FR 15576–15578) and in newspapers of general circulation within the state. In accordance with that announcement, public comments were solicited and a public meeting was held on April 10, 1980, on the issue of the program's completeness.

On April 28, 1980, the Regional Director published notice in the **Federal Register** announcing that he had determined the program to be complete (45 FR 28167–28168) as required by 30 CFR 731.14(c).

A public hearing on the adequacy of the Virginia submission was held on July 17, 1980, in Wise, Virginia, by the Regional Director, after due notice on June 23, 1980 in the **Federal Register** (45 FR 41973–41976) and in newspapers of general circulation within the state. The public comment period ended July 23, 1980.

Throughout the period beginning with the submission of the program, OSM had frequent contact with the staff of the Virginia Division of Mined Land Reclamation. Minutes or notes of the discussions were placed in the Administrative Record and made available for public review and comment. The full chronology of the events leading to the Secretary's initial decision is contained in the **Federal Register** notice of the partial approval by the Secretary (45 FR 69977–70000), published on October 22, 1980. That notice also contained the Secretary's findings, detailed explanations of those findings and the Secretary's decision, which approved and disapproved specific parts of the Virginia program.

In accordance with the procedures set forth in 30 CFR 732.13(f), the Commonwealth of Virginia had 60 days from the date of publication of the Secretary's partial approval decision in which to submit a revised program for consideration. On December 3, 1980, the Virginia Circuit Court for Dickerson County enjoined the Virginia Department of Conservation and Economic Development from submitting or resubmitting to OSM the Virginia Permanent State Program. The Court also enjoined Virginia from implementing or enforcing the Virginia Permanent State Program. On July 22, 1981, acting upon a motion by Virginia, the Court agreed to permit the submission to OSM of the revised program. The state submitted its revised program for consideration on August 13, 1981.

In keeping with the public participation mandate of SMCRA, 30 CFR 732.13(f) requires a minimum of 15 days for public review and comment. Because the Secretary's initial decision did not require a large number of changes in the Virginia program the comment period announced today is relatively brief, ending at 4:00 p.m. on September 4, 1981. During this period the Secretary is soliciting comments from the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies, as well as the general public.

Subsequent to the public hearing and review of all comments the Regional Director will transmit to the Director a recommended decision along with a record composed of the hearing transcript, written presentations, exhibits, and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that those portions of the program that were not approved in the Secretary's initial decision now be approved or disapproved or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12 (d) and (e) (44 FR 15326–15327). For further details, refer to 30 CFR 732.12 and 732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961).

The Secretary's decision on the program as resubmitted will constitute the final decision by the Department. If the revised program is approved, the Commonwealth of Virginia will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-federal and non-Indian lands in Virginia. If the revised program is approved, the Secretary and the Governor may also enter into a cooperative agreement governing regulation of these activities on federal lands in Virginia. Such an agreement would be the subject of a separate rulemaking and **Federal Register** notice. If the revised program is disapproved, a federal program will be implemented and OSM will have primary jurisdiction for the regulation of the above activities in Virginia. To codify decisions on state programs, federal programs, and other matters affecting individual states, OSM has established Subchapter T of 30 CFR, Chapter VII. Subchapter T will consists of Parts 900 through 950. Provisions relating to Virginia will be found in 30 CFR Part 946 after Virginia's resubmission has been approved or disapproved.

At the public hearing on September 3, 1981, parties wishing to comment on the proposed program will be asked to register for placement on the speaker's agenda. The hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard at the end of scheduled speakers. Persons not schedule to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard. Written comments, data, or other relevant information may be submitted to supplement, or in lieu of, an oral presentation at the hearing.

In addition, the Regional Director has prescribed the following hearing format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

1. The hearing shall be informal and follow legislative procedures.

2. Based on the number in attendance, each participant may be limited to 10 minutes.

3. Participants will be called in the order in which they register.

Public participation in the review of state programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the Federal Register (44 FR 54444–54445) governing contacts between the Department of the Interior and both state officials and members of the public. It is hoped that issuance of these guidelines will encourge full cooperations by all affected persons with the procedures being implemented.

Interested members of the public are encouraged to read the Secretary's partial approval of the initial Virginia program submission (45 FR 69977–70000), published on October 22, 1980. That document contains detailed findings and explanations relating to the parts of the initial submission which were specifically approved and disapproved. Unless a change has been made to a part of the program previously approved, the Secretary will only consider comments relating to those portions previously disapproved or to any portions of the program first appearing in the resubmission.

Set forth below is a summary of the contents of the Virginia program including resubmission materials:

(a) State Law and Regulations.
(b) Other Related State Laws.
(c) Attorney General's Opinion.
(d) Delegation of Regulatory Authority.
(e) Structural Organization—Staffing Functions
(f) Supporting Agreements Between Agencies.
(g) Narrative Description for:
(1) Issuing Exploration for Mining Permits.
(2) Assessing Permit Fees.
(3) Bonding—Insurance.
(4) Inspecting and Monitoring
(5) Enforcing the Administrative, Civil and Criminal Sanctions.
(6) Administering and Enforcing Permanent Program Standards.
(7) Assessing and Collecting Civil Penalities.
(8) Issuing Public Notices and Holding Public Hearings.
(9) Coordinating with Other Agencies.
(10) Consulting with Other Agencies.
(11) Designating Lands Unsuitable for Mining.
(12) Restricting Financial Interests.
(13) Training, Examining and Certifying Blasters.
(14) Providing for Public Participation.
(15) Providing Administrative and Judicial Review.
(16) Providing a Small Operator Assistance Program (S.O.A.P.).
(h) Statistical Information.
(i) Summary of Staff with Titles, Functions, Job Experience and Training.
(j) Description of Staffing Adequacy.
(k) Projected Use of Other Professional and Technical Personnel.
(l) Budget Information.
(m) Physical Resources Information.
(n) Other Programs Administered by the Regulatory Authority.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Virginia program. Under Section 702(d) of SMCRA [30 U.S.C. Section 1292(d)] approval does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1979 (42 U.S.C. 4332).

Dated: August 12, 1981.

Patrick B. Boggs,

Regional Director.

[FR Doc. 81-23910 Filed 8-14-81; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 989

Environmental Impact Analysis Process (EIAP)

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force proposes to add a new part 989 to Subchapter T of 32 CFR, consisting of § 989.1 through § 989.15 The new part will provide guidance for consideration of environmental matters in the Air Force decision-making process. It implements the Council on Environmental Quality Regulations (43 FR 55990–56007, November 29, 1978), and Department of Defense Directive 6050.1. The public is invited to participate in this rulemaking by submitting comments to the contact person below.

DATE: Comments must be received by September 16, 1981.

ADDRESS: Comment should be submitted to: Headquarters, United States Air Force/LEEV, Washington DC 20330.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Russell R. Rudolph, Headquarters, United States Air Force/LEEV, Washington DC 20330, telephone (202) 697–6244.

SUPPLEMENTARY INFORMATION: In accordance with the Council on Environmental Quality Regulations and Department of Defense Directive 6050.1, the United States Air Force has developed implementing procedures that apply to Air Force policies related to the environmental impact analysis process. The Department of the Air Force previously published this proposed rule in the **Federal Register** on July 26, 1979 (43 FR 55990–56007). Due to substantial changes to simplify the implementation procedures, the rule is being published again as a proposed rule. Comments were received from two sources as a result of the July 26, 1979 proposed rule. These comments were considered and incorporated into the revised version of the proposed rule.

Executive Order 12291, effective February 17, 1981 would not apply to this proposed rule if finalized (see Section 1. (a)(3) of the Executive Order). The proposed rule will not have significant economic impact and would not meet the criteria for a "major" rule.

The legal authority for this part is 10 U.S.C. 8012.

The new part 989 is proposed to read as follows:

SUBCHAPTER T—ENVIRONMENTAL PROTECTION

PART 989—ENVIRONMENTAL IMPACT ANALYSIS PROCESS (EIAP)

Sec.

989.1 Purpose.
989.2 Statutory and regulatory basis.
989.3 Responsibilities.
989.4 Command support.
989.5 Budgeting and funding.
989.6 Base closures and realignments.
989.7 Public notification.

Sec.

989.8 Classified actions.
989.9 Tiering and generic impact statements.
989.10 Planning considerations.
989.11 Decision process.
989.12 Steps in preparing and processing an EIS.
989.13 Disposal of documentation.
989.14 Categorical exclusions.
989.15 Procedures for holding informal public hearings on draft environmental impact statements.

Authority: 10 U.S.C. 8012.

§ 989.1 Purpose.

This part implements the National Environmental Policy Act, the President's Council on Environmental Quality Regulations, and DOD Directive 6050.1. This part contains the policies, responsibilities and procedures for the Air Force EIAP within the United States and its territories. It applies to all Air Force organizations, the Air Force Reserve, the Air National Guard (ANG), and contractor-operated activities performed in Air Force-owned industrial facilities.

§ 989.2 Statutory and regulatory basis.

The National Environmental Policy Act (NEPA) of 1969 (Pub. L. 91–190) and the President's Council on Environmental Quality (CEQ) Regulations (40 CFR 1500–1508) require federal agencies to analyze the potential environmental impacts of proposed actions and use those analyses in making decisions or recommendations on whether and how to proceed with actions. The Air Force EIAP is intended to provide a process for making better decisions based on an understanding of potential environmental consequences. This part contains specific procedural requirements for Air Force implementation of the NEPA. In order to comply with the law and to complete the EIAP, the NEPA, the CEQ Regulations and this part must be used together. Detailed definitions of many of the terms found in this part are available in the CEQ Regulations.

§ 989.3 Responsibilities.

(a) The Deputy Assistant Secretary of the Air Force for Environment and Safety (SAF/MIQ) serves as the Air Force's responsible official for environmental matters, and

(1) Maintains liaison on environmental matters with interested public groups and local, state and other Federal agencies;

(2) Is the Air Force point of contact for individuals seeking information about the Air Force EIAP or particular analysis being performed as required by this part; and

(3) Formulates NEPA policy within the Air Force.

(b) The Director of Engineering and Service (HQ USAF/LEE) exercises primary staff responsibility for coordinating and monitoring EIAP activities within the Air Force. The Environmental Division (HQ USAF/LEEV) is the staff point of contact for environmental matters; and

(1) Provides assistance and advice on preparing and processing environmental documentation;

(2) Monitors proposed Air Force policies and programs which have environmental implications to determine which environmental documents are required and to insure that environmental considerations are integrated into the decision making process; and

(3) Retains a copy of each draft and final EIS prepared by the Air Force and filed with the EPA.

(c) HQ USAF staff elements will:

(1) Apply the policies and procedures in this part to programs and actions within their staff responsibility.

(2) Assess continuing and proposed actions to determine their environmental consequences and start the EIAP as necessary.

(3) Assist AF/LEEV, when requested by AF/LEEV, in reviewing within their areas of expertise, environmental documents sent to the Air Staff for approval.

(4) Coordinate proposed directives, instructions, regulations, and policy documents that have environmental implications with HQ USAF/LEEV.

(d) Air Force Engineering and Services Center, Environmental Planning Directorate (AFESC/DEV):

(1) Evaluates environmental documents for technical sufficiency and maintains a staff to assist and guide all phases of the EIAP.

(2) Provides guidance and assistance for the preparation of environmental documents.

(3) Obtains and coordinates Air Force comments on other agency EISs that are national in scope or of particular interest to the Air Force.

(e) Air Force Commanders:

(1) Make sure that actions are planned and implemented in a manner reasonably designed to limit adverse effects on the quality of the human environment consistent with mission requirements.

(2) Make sure the EIAP is started at the earliest practicable time so that appropriate environmental documents are available for use by the decision maker at key decision points.

(f) Each major command and separate operating agency will:

(1) Establish, as necessary, procedures for analyzing environmental consequences of continuing and proposed actions and programs for which they are the proponent or host unit, in accordance with the policies contained herein, and for preparing, coordinating within their technical staffs, and processing environmental documentation required for proposed actions and programs within their commands.

(2) Establish, as necessary, procedures to insure that proposed regulations, directives, instructions, and other major policy publications for which they are the proponent are evaluated for environmental consequences prior to publication.

(g) Environmental Planning Function (EPF): The EPF manages the EIAP. The installation level, the Base Civil Engineer provides the EPF, and at the MAJCOM level the Deputy Chief of Staff, Engineering & Services provides the EPF. The EPF for the Air Staff is HQ USAF/LEEV, supported by HQ AFESC/DEV. At the ANG installation level, the Base Civil Engineer is the EPF, and at the NGB it is the Air Directorate, Civil Engineering Division, Environmental Protection Branch. Organizations that do not have a civil engineering function use the EPF at the host base or next higher command. The EPF:

(1) Manages the EIAP.

(2) Evaluates all Air Force Forms 813, Request for Environmental Impact Analysis.

(3) Obtains technical analyses.

(4) Identifies and documents standards which relate to local activities.

(5) Prepares AF Form 814, Preliminary Environmental Survey, when requested by proponent.

(6) Prepares, or manages, the contract preparation of environmental documents, or in the case of proposed actions outside its area of expertise, oversees and assists in their preparation by other appropriate staff organizations or contractors.

(7) Completes AF Form 815, Environmental Assessment Certificate, for environmental assessments.

(h) Environmental Protection Committee (EPC). During the EIAP, the EPC, as established by AFR 19–8, reviews and recommends approval or disapproval of environmental findings and documents. A subcommittee or working group may be delegated by the chairperson to make recommendations on environmental documents. In such cases, those actions will be reviewed and approved at a later full meeting of the EPC.

(i) Staff Judge Advocate:

(1) Advises the EPF and the EPC on legal questions, including the legal sufficiency of the EIAP and environmental documents.

(2) Advises the EPF during the process of scoping of the issues to be addressed in EISs.

(3) Generally manages public hearings. (However, an independent hearing officer, appointed by the Office of the Judge Advocate General, presides at and makes final decisions regarding procedures for all hearings.)

(j) Air Force Regional Civil Engineers (AFRCEs):

(1) Help the EPF during scoping by coordinating with state and federal agencies.

(2) Review other non Air Force agency draft EISs which have only regional or local significance. Other Air Force organizations receiving requests for review of such statements should send the requests to the appropriate AFRCE, which notifies the proponent that it is coordinating the review. The AFRCE may request comments from the installation, major command, AFESC or AF/LEEV, but it is an AFRCE responsibility to coordinate the comments and provide a response to the proponent. The AFRCE provides AF/LEEV with a brief summary of substantive comments on drafts EISs it reviews.

§ 989.4 Command support.

The EIAP often involves many functional activities, scientific disciplines and public agencies. Although the EIAP is the responsibility of and is conducted under the management of the EPF, it requires a team approach. This is especially important for host/tenant evaluations of proposed actions since the host command conducts the EIAP for tenant proposed actions related to the host installation. The development of the Description of Proposed Action and Alternatives (DOPAA) is best accomplished by a team led by the proponent, while a team managed by the EPF is required for scientific, interdisciplinary analysis and review, and interagency and intergovernmental coordination. To be effective, the EIAP requires command direction and support in the establishment of these teams.

§ 989.5 Budgeting and funding.

(a) Budgeting and funding for contract EIAP efforts are proponent MAJCOM and NGB responsibilities. In AFSC, the system program office or project office is responsible for budgeting and funding EIAP efforts related to R.D.T. & E. activities.

(b) The AFESC budgets and funds for selected sources of technical and scientific expertise for environmental studies. AFESC can advise EPFs on obtaining contractors to prepare environmental documents.

(c) A non Air Force agency applicant may request the Air Force to undertake an action such as the outlease of Air Force property, which may ultimately benefit another agency or the requester. The Air Force may require the requester to prepare, at the requester's expense, an analysis of environmental impacts (see 40 CFR 1506.5). The fact that such documents have been prepared at a requester's expense does not commit the Air Force to undertake the proposed action or its alternatives, and does not entitle the party involved to any preference over other potential parties with whom the Air Force might contract. In such cases, the requester who prepared or funded preparation of the environmental documentation is not entitled to reimbursement in any form from the Air Force. Environmental documentation prepared by requesters outside the Air Force will be subjected to independent evaluation and judgment by the Air Force prior to being used in the EIAP.

§ 989.6 Base closures and realignments.

Base closures or realignments present special cases for the EIAP. 10 U.S.C. 2687(b)(1) requires a report to Congress when an installation becomes a candidate for closure or realignment. Congressional limitations in military authorization or appropriation acts sometimes create special requirements, applicable to particular military installations or geographic areas, for the preparation of an EIS prior to any closure or realignment. These requirements supersede normal criteria for when an EIS is legally required. Such provisions also may add requirements not necessarily encompassed by standard NEPA procedures, such as the study of the socio-economic effects of the proposed action on a particular community. When base closures or realignments are contemplated, legal advice should be obtained regarding any such special Congressional requirements which are applicable.

§ 989.7 Public notification.

Public notification is required for many proposed actions that would involve significant environmental impacts. For actions that are of local concern, the list of possible methods in 40 CFR 1506.6 is only illustrative. All of those steps need not be taken, and other equally effective local means of notification may be used. Since Air Force installations assess many actions which are of limited interest to persons or organizations outside the Air Force, local notifications may often be limited to notifyng the OMB Circular A-95 Clearinghouse, local government representative and the news media. If the local news media fail to carry the story because it is not considered sufficiently newsworthy, an advertisement may be purchased in the news section of the local newspaper(s) of general circulation (not "legal" newspapers or "legal section" of general newspapers) *only if* the action is one where, after public notice of a Finding of No Significant Impacts (FONSI) 30 days must pass before a decision can be made and the action undertaken (40 CFR 1501.4). Authority to approve the publication of notices in newspapers is delegated to the commander of each major command as specified in Secretary of the Air Force Order 650.5, dated September 14, 1978.

§ 989.8 Classified actions.

(40 CFR 1507.3) The fact that a proposed action is of a classified nature does not relieve the proponent of the action from complying with the NEPA. Nevertheless, necessary environmental documentation shall be prepared, safeguarded and disseminated in accordance with the requirements applicable to classified information. When feasible, these documents shall be organized in such a manner that classified portions are included as appendices so that the unclassified portions can be made available to the public.

§ 989.9 Tiering and generic impact statements.

The Air Force will emphasize the use of tiering (40 CFR 1502.20) and generic EISs to eliminate repetitive discussions of the same issues and to focus on the issues of specific projects. AF/LEEV should be consulted if the possibility of tiering or use of a generic EIS arises.

§ 989.10 Planning considerations.

The proponent will integrate the EIAP into early stages of proposed actions, and will determine as early as practicable whether to prepare an EIS.

(a) The following criteria are provided to identify those actions that normally require the preparation of an EIS:

(1) Potential for significant degradation of environmental quality; for example, the establishment of a new operating base.

(2) Potential for threat or hazard to the public; for example, the establishment of

a new training area for ordnance delivery.

(3) Potential for significant impact on protected natural or historic resources; for example, the proposed destruction of an existing site on structure of historic merit to make way for new construction.

(4) Public controversy.

(b) In any case involving a proposed action of the sort that normally requires an EIS, the command responsible for preparing the appropriate documentation may still prepare an environmental assessment to determine if an EIS is required based on the analysis of environmental impacts. If a determination is made on the basis of the environmental assessment that no EIS is required, a FONSI will be prepared and made available to the public in accordance with CEQ regulations.

(c) CEQ regulations provide for the establishment of categorical exclusions (40 CFR 1507.3(b)) for those actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an EIS is required. Considerations to assist in identifying categories of actions that normally do not require either an EIS or an environmental assessment include:

(1) Minimal effect on environmental quality.

(2) No significant change to existing environmental conditions.

(3) No significant cumulative environmental impact.

(4) Social and economic effects only.

(5) Similarity to actions previously assessed and found to have no significant environmental impacts.

(d) The Air Force list of Categorical Exclusion activity types is subject to review and modification. Modifications are recommended to AF/LEEV; their approval is coordinated with SAF/MIQ. Modifications with widespread environmental significance or which may be controversial on environmental grounds will be proposed and advertised in the **Federal Register** before adoption. Subordinate commands are not authorized to issue supplements to the Categorical Exclusion Table.

(e) When a proposed action is not one that normally requires an EIS and is not categorically excluded, an environmental assessment shall be prepared.

(f) All reasonable alternatives and the selection criteria used in arriving at these alternatives. "Reasonable" alternatives are those additional methods for satisfying the underlying purpose and need which would cause reasonable minds to inquire further before choosing an optimum course of action. They are not limited to methods which are directly within the power of the Air Force or the proponent or its superior command to implement; they may involve calling on another agency of government or another military command to take actions assisting in the project or even to become the lead agency for another method of fulfilling the need. Alternatives suggested by others and combinations of alternatives should be fairly considered, along with the proponent's and EPF's suggestions. The "no action" alternative should always be considered. Highly speculative alternatives or those which would require a major, unlikely change in law or governmental policy need not be analyzed. Alternatives may be expressly eliminated from detailed assessment, based on reasonable selection criteria for a particular project. Those selection criteria should be determined in writing by the EPF (with concurrences of the EPC) at the level at which the decisionmaking on the project will occur. The purpose of such selection criteria is to make more concrete what will be considered a "reasonable alternative" for a particular project, but they may not be so narrowly drawn as to effectively limit consideration to proposals initially favored by proponents.

§ 989.11 Decision process.

Every EA must lead to either a FONSI, or the preparation of an EIS, or no action on the proposal.

(a) The FONSI (40 CFR 1508.13) briefly presents reasons why an action will not have a significant effect on the human environment and thus will not be the subject of an EIS. The FONSI shall contain a summary of the EA or have the EA attached and shall reference any other environmental documents which are being or have been prepared on closely related topics by the managing EPF. The FONSI must contain:

(1) The name of the action.

(2) A brief description of the action (including any alternatives considered).

(3) A short discussion of the anticipated environmental effects.

(4) The conclusions which have led to the FONSI.

(b) The FONSI should normally not exceed two typewritten pages in length.

(c) The FONSI will normally be issued by the EPF at the same organizational level that prepared the EA.

(d) The FONSI will be made known to the affected public prior to starting the proposed action unless notification is excluded on a security basis. The FONSIs proposed to be announced in the **Federal Register** will be submitted through command channels to AF/LEEV. Local announcement of the FONSI will not precede the **Federal Register** publication. The text of the local announcement should be identical to the **Federal Register** publication.

(e) For actions of only regional or local interest, the FONSI will be publicized in accordance with 40 CFR 1506.6. Copies of the FONSI accompanied by the environmental assessment may also be distributed to any agencies, organizations, and individuals which the proponent feels are appropriate.

(f) The FONSI should be made available for public review for 30 days before the final determination on preparing an EIS under these circumstances:

(1) If the proposal is a borderline case, i.e., when there is a reasonable argument for preparation of an EIS.

(2) If it is an unusual case, a new kind of action, or a precedent setting case such as a first intrusion of even a minor development into a pristine area.

(3) When there is either scientific or public controversy over the proposal.

(4) When it involves a proposal which is or is closely similar to one which normally requires preparation of an EIS, (40 CFR 1501.4(e)(2), 1508.27).

(5) If the proposed action would be located in a floodplain or wetland. (E.O. 11988, Section 2 (a)(4); E.O. 11990, Section 2(b)).

§ 989.12 Steps in preparing and processing an EIS.

(a) Notice of Intent (NOI). (40 CFR 1508.22) The NOI describing the proposed action shall be published in the **Federal Register** and in newspapers with appropriate or general circulation in the area(s) potentially affected by the proposed action. Copies of the notice may also be distributed to agencies, organizations, and individuals as the responsible EPF feels is appropriate. The NOI will be forwarded to AF/LEEV for **Federal Register** publication. Since the NOI normally starts the scoping process, adequate response time should be provided for those wishing to comment on the NOI or participate in the scoping process.

(b) Lead and Cooperating Agency Determination. (40 CFR 1501.5) As soon as possible after the decision is made to prepare an EIS, the proponent office, if necessary, will contact AF/LEEV regarding lead and cooperating agency responsibilities concerning EIS preparation.

(c) Scoping. (40 CFR 1501.7) As soon as practicable after the proponent decides to prepare an EIS, the open

process called "scoping" shall be used to determine the scope of issues to be addressed and to identify significant issues to be analyzed in depth related to the proposed action. This process also serves to deemphasize insignificant issues and narrows the scope of the EIS analysis accordingly (40 CFR 1500.4)(g)). Scoping results in the proponent identifying the range of actions, alternatives, and impacts which will be considered in the EIS (40 CFR 1508.25). The scope will often depend on the relationship of the proposed action to existing environmental conditions.

(d) Preparing and Processing the EIS:

(1) From the information obtained during the scoping process, the EPF will prepare a preliminary draft EIS (40 CFR 1501.10) and provide 15 copies to AF/LEEV for HQ USAF review, and concurrently, ten copies to AFESC/DEV for technical review. AF/LEEV and AFESC/DEV will coordinate on the review, and when the reviews are complete, the preliminary draft EIS will be revised by the EPF. Fifteen revised copies will be provided to AF/LEEV for senior staff and secretariat review.

(2) When the senior staff review is complete, AF/LEEV will notify the EPF to print the draft EIS. AF/LEEV will also request sufficient copies for distribution to interested Congressional delegations and other staff agencies. After Congressional notification, the EPF will distribute the draft EIS to all others on the distribution list. AF/LEEV will then file the document with the EPA.

(e) Public Review of Draft EIS (40 CFR 1502.19):

(1) The length of the draft EIS public comment period will normally be no less than 45 days from publication of the notice of availability in the **Federal Register.** If the statement is unusually long, a summary may be distributed to the public with an attached list of locations where the entire draft EIS may be reviewed, such as local public libraries, except that the EIS must be distributed to certain entities.

(2) Public meetings or hearings on the draft EIS will be held in accordance with the criteria established in 40 CFR 1506.6(c) and (d) or for any other reason the proponent EPF deems appropriate.

(f) Response to Comments. (40 CFR 1503.4) Responses to comments will be incorporated in the final EIS by modification of the text and/or written explanation. Where possible, comments of a similar nature will be grouped for a common response. Individual response may be made if considered desirable by the preparer or by higher authority.

(g) Prepare Final EIS. If the changes in the draft EIS are limited to factual corrections, only a document containing draft EIS comments, responses, and an errata sheet of changes must be prepared and circulated. However, the entire document with new cover sheet must be filed with EPA (40 CFR 1503.4(c)). If other more extensive modifications are required, the proponent will prepare a preliminary final EIS incorporating these modifications. The final EIS will be processed as outlined for the draft EIS except that the public need not be invited to comment during the 3 day post-filing waiting period (40 CFR 1503.1(b)).

(h) Mitigation. All measures which are planned to minimize or mitigate expected significant environmental impacts shall be identified in the final EIS. The proponent is responsible for implementing the mitigation plan and will make available to the public, upon request, the status and/or results of mitigation measures associated with the action taken.

(i) Consideration of Environmental Documents. In order to ensure adequate consideration of environmental documents in the Air Force decision making process, Air Force personnel will:

(1) Consider all relevant environmental documents, including AF Forms 813, 814, and 815 and environmental analyses associated with them, in evaluating proposals for Air Force actions.

(2) Make all relevant environmental documents, comments and responses part of the record available for use at all levels of Air Force decision making.

(3) Ensure that all relevant environmental documents, comments and responses accompany the proposals through all review processes, including those of federal agencies outside the Air Force.

(4) Consider the range of alternatives discussed in the relevant environmental documents when evaluating proposals for Air Force actions; consider the specific alternatives analyzed in the EIS when evaluating the proposals which is the subject of the EIS.

(j) Decision. (40 CFR 1506.10) No decision on a proposed action shall be made until at least 30 days after the notification to the public that the final EIS has been filed with EPA.

(k) Record of Decision. (40 CFR 1505.2) The record of decision shall be in writing and may be integrated into any other document required to implement the decision. The record of decision will be announced to the affected public except to the extent that it is classified. It should be concise and should explain the conclusion reached, the rationale for the selection and the alternatives considered. The alternative considered environmentally preferable must be identified, whether or not it was the alternative selected for implementation. All major factors considered, including essential considerations of national policy, should be summarized. State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted; if not, explain why not.

(l) Revision and Supplement. (40 CFR 1502.9) If at any time during the planning process for a proposed action, there are substantial changes in the proposed action that would affect environmental concerns, or other significant new circumstances or information about environmental concerns becomes known the proponent EPF shall revise or supplement to any environmental documents to address these changes. The revisions or suggestions will be processed in the same manner as the original document.

§ 989.13 Disposal of documentation.

(a) Draft and final environmental impact statements retained by HQ USAF/LEEV will be deposited in the National Archives when no longer needed.

(b) All other documentation will be disposed of according to AFM 12–50, *Disposition of Air Force Documentation.*

§ 989.14 Categorical exclusions.

Although circumstances may arise in which normally excluded actions may have a significant effect, and therefore, generate a requirement for environmental anslyses, typical classes of action which are categorically excluded are:

(a) A type of action with an insignficant effect as established in a previously written assessment, or draft or final EIS.

(b) Preparing regulations, directives, manuals, or other guidance documents that implement, without substantial change, the regulations, directives, manuals, or other guidance documents from higher headquarters or other Federal agency.

(c) Emergency activities (e.g., riot control or search and rescue activities). These do not require assessment or an environmental impact statement. Emergency situations generating a response by Air Force authorities which will result or has resulted in significant harm to the environment shall be reported through Command channels to SAF/MIQ, who will notify CEQ of the circumstances.

(d) Flying operations conducted within international airspace.

(e) Flight activities conducted within the parameters of the Federal Aviation Regulations.

(f) Supersonic flying operations above 30,000 feet mean sea level.

(g) Formal requests to FAA for establishing special-use airspace (restricted areas, warning areas, military operations areas) and military training routes for subsonic operations, having a base altitude of 3,000' ALG or higher.

(h) Moving aircraft and associated personnel and equipment to temporary duty at a military location other than the home station (does not encompass operations after deployment).

(i) Repair and replacement of Real Property Installed Equipment (RPIE).

(j) Facility and utility system maintenance and repair.

(k) Interior and exterior construction within the five-foot line of the building and not changing land use of the existing buildings (excluding Military Construction Program items).

(l) Routine manpower decreases and increases not involving relocation to another installation and including conversion to on-base contractor operation in accordance with AFM 26–1 Manpower Policies and Procedures and AFR 40–350, Approval and Clearance to Conduct Reduction-In-Force (RIF) and Functional Transfer (excluding base closure or reduction and mission realignment actions).

(m) Foreign military sales.

(n) Continuing actions if there is no substantial, adverse change from previously existing conditions.

(o) Minor training exercise on military property, assuming all other applicable environmental and natural resource conservation laws have been complied with.

(p) Land and facility transfers to another Federal agency wherein the General Services Administration is the action agency.

(q) Publishing or revising regulations which do not significantly affect the quality of the human environment in their implementation.

(r) Routine procurements for goods and services.

(s) Basic and applied scientific research normally confined to the laboratory in question and again assuming that all other applicable environmental and natural resource conservation laws have been complied with.

(t) Study efforts that involve no commitment of resources other than manpower and funding allocations.

(u) Proposed actions that, based on sound judgment, are of such an environmentally insigificant nature that they clearly do not meet threshold for requiring an environmental assessment or EIS.

§ 989.15 Procedures for holding informal public hearings on draft environmental impact statements.

(a) General Information:

(1) The Air Force solicits the views of the public and special interest groups and, in appropriate cases, holds informal public hearings on the proposed action.

(2) The Office of the Judge Advocate General and its field organization are responsible for all phases of the public hearings, from preliminary arrangements through forwarding of the hearing transcript to the environmental planning function.

(b) Notice of Hearing: (40 CFR 1506.6).

(1) Announcement of the hearing must be distributed to all interested individuals and agencies, including the print and electronic media. Under certain circumstances it may be necessary to purchase an advertisement announcing the time and place of the hearing, as well as other pertinent particulars (see paragraph (f) for authority). In the case of an action with effects of national concern, such notice must also include publication in the **Federal Register**, and the notice may be mailed to national organizations reasonably expected to be interested in the matter. The notice in the **Federal Register** should be distributed so as to be available to recipients or published at least 15 days before the hearing date. Such notices maybe distributed or published less than 15 days before the hearing date if there is substantial justification for such action and if the justification for abbreviating the notice period is placed in the notice. Due to the required leadtime, proposed notices for publications in the **Federal Register** should arrive at AF/LEEV approximately 30 days before the hearing date.

(2) The notice should include:

(i) Date, time, place and subject of the proposed hearing.

(ii) A description of the general format of the hearing.

(iii) The name and phone number of a person to contact for more information.

(iv) The request that speakers submit (in writing or by return call) their intention to participate with an indication of which environmental impact(s) they wish to address.

(v) Any limitation on the length of oral statements.

(vi) A suggestion that statements of considerable length be submitted in writing.

(vii) A summary of the proposed action and of the expected environmental impact.

(viii) The offices or location where the draft EIS and appendices are available for examination.

(c) Availability of the draft EIS to the public. Copies of the draft EIS should be available for distribution to the public at an Air Force installation or other suitable place in the area of the proposed action and public hearings. Copies of the draft EIS also must have been forwarded to the appropriate state, regional and metropolitan clearinghouses. At the same time, the statement is sent to the EPA, other federal agencies and Federal Regional Councils. Local outlets such as libraries, county commissioners' offices, etc., should also receive copies of the draft EIS at the same time for inspection by the public. A complete set of background studies and supporting documents referenced in the EIS should also be made available for public inspection at main library facilities or on an Air Force installation in the vicinity of the public hearing.

(d) Place hearing. The hearing should be held at a time and place and in an area readily accessible to military and civilian organizations and individuals interested in the proposed action. Generally, it is preferable to hold the hearing in a civilian facility where the public reasonably can be expected to attend.

(e) Hearing Officer:

(1) Ordinarily, the Office of the Judge Advocate General selects a judge advocate who has experience in conducting public meetings to preside over the hearing. The hearing officer need not be personally knowledgeable of the project, other than being familiar with the draft environmental impact statement. In no event should the hearing officer be the Staff Judge Advocate of the proponent command(s) or personally have participated in developing the project or have rendered legal advice or assistance with respect to it (or be expected to do so in the future). The principal qualification of the hearing officer should be the ability to conduct a hearing.

(2) The primary duty of the presiding officer is to make sure that the hearing is orderly, that it is recorded, and that all parties having an interest in the matter have a reasonable opportunity to speak. The presiding officer should attempt to direct the speaker's attention to the purpose of the hearing which is to consider the environmental impacts of the proposed project. Time limitations on speakers must be reasonably

exercised so as to not deny important information to the decision makers.

(f) Record of the Hearing. A verbatim transcribed record of the hearing must be prepared, including all positions stated, as well as all questions raised and the responses given. All written submissions sent to the hearing officer during the hearing or received before the record is completed should be appended to the record as attachments, as should a list of persons speaking at the hearing and submitting written comments, the organizations or interests they represent and their addresses. A verbatim transcript or summary of the hearing must be included as an appendix to the final environmental impact statement. Persons who request a copy of the transcript, subject to copying charges, should be mailed a copy when it is completed.

(g) Hearing Format. Use the following format as a general guideline for conducting a hearing. Hearing officers should tailor the format to meet the hearing objectives. These objectives are to provide information to the public and to record the opinions of interested persons for later evaluation along with the proposed action and alternatives.

(1) Organizing Speakers by Subject. If time and circumstances permit, the hearing officer should group speakers by subject matter. For example, all persons wishing to address water quality issues should make their presentations one after the other, so that the EIS preparation team can more easily review the transcript and summaries can more easily be made from it. Speakers wishing to address several subjects should be asked if they would be willing to make separate presentations.

(2) Recording of Attendees. A list of all persons desiring to speak at the hearing should be made to help the hearing officer recognize these individuals, to ensure an accurate transcript of the hearing, and to provide a mailing address in order that any person, organization, or agency that provided substantive comments at the hearing may receive a copy of the final EIS (40 CFR 1502.19). Assistants should be stationed at the doors of the hearing room to provide cards on which individuals can indicate their names, addresses, telephone numbers, organizations, titles, whether they desire to make a statement at the hearing and what environmental area(s) they wish to address. The cards can then be used by the hearing officer to call upon individuals who desire to make statements. The cards or copies should be given to the EPF after the transcript is completed. Notice on the cards should indicate that the Privacy Act precludes the Air Force from demanding this information.

(3) Introductory Remarks. The hearing officer should first introduce himself or herself and the EIS preparation team and make a brief statement as to the purpose of the hearing, stating the general ground rules for its conduct. This is an appropriate time to welcome any dignitaries who are present. The hearing officer should explain that he or she does not make any recommendation or decision on whether the proposed project is to be continued, modified or abandoned.

(4) Explanation of the Proposed Action. The Air Force EIS preparation team representative should next explain the proposed action, the alternatives, the potential environmental consequences, and how the EIP is conducted.

(5) Questions by Attendees. After the proposed action, alternatives, and the consequences are explained, the hearing officer should give attendees a chance to ask questions to clarify points that may not have been understood. It may be necessary to reply in writing, at a later date, to some of the questions. In some cases, the hearing officer should verify that the record has the name and address of the person asking the question. While the Air Force EIS preparation team should be as responsive as possible in answering questions that seek information about the proposal, they should not become involved in debate with questioners over the merits of the proposed action. Cross-examination of speakers, either Air Force or public, is not part of this kind of informal hearing. If necessary, the hearing officer may limit questioning or conduct portions of it himself or herself, to assure that proper lines of inquiry are completed. However, all questions asked should be included in the hearing record.

(6) Statement of Attendees. The persons attending the hearing must be given a chance to present oral or written statements. The hearing officer should be sure that the recorder has the name and address of each person who submits an oral or written statement. The attendees should be permitted to submit written statements during the hearing and within a reasonable time following the hearing. A reasonable length of time at the hearing should be allotted for receiving oral statements and, if a limitation is contemplated, it normally should be included in the public notice of the hearing; hearings which unexpectedly extend beyond a reasonable time may be limited, based on an announcement of an adjournment time made as early in the session as possible. Any announced time limit may be waived at the discretion of the hearing officer. Those who have not previously indicated a desire to speak will be invited to identify themselves and be recognized only after those who have signified their intentions to speak have spoken. Individuals who want to make a later written statement, but did not indicate this on the card submitted when they entered the meeting, should be informed how to do so and the time limit for receipt of any written submissions.

(7) Ending or Extending the Hearing. The hearing officer has the power to end the hearing in the event of uncontrollable disorder, if the speakers become repetitive, or for other good cause. In any such case, a statement must be made for the record on the reasons for termination. The hearing officer may also extend the hearing beyond originally announced dates. The extension should be announced during the meeting and appropriate notice provided.

(h) Adjournment of the Hearing. After all persons have had the opportunity to speak, when a representative view of the public has been obtained, or when the time set for the hearing has ended, the hearing officer adjourns the hearing. In circumstances, such as the likelihood that new and relevant information remains to be presented, an additional separate meeting may be justified. In such cases, if the intent to do so is formed at the original hearing, the hearing officer should announce that another public hearing will be scheduled or is under consideration and that appropriate notice of a decision to continue these hearings will be given in essentially the same way as the original hearing was announced. The EPF provides the required public notices, in conjunction with the Office of Public Affairs, and directs notices to interested parties in coordination with the hearing officer. Because of leadtime constraints, **Federal Register** notice requirements may be waived by AF/JACM. At the conclusion of the hearing, the attendees should be informed that they have two weeks to include additional remarks in the record of the hearing. They should also be informed of the last day of the commenting period on the draft EIS.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-23650 Filed 8-14-81; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-505; RM-3800]

TV Broadcast Station in Barstow, Calif.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 64 to Barstow, California, in response to a petition filed by Victorville TV, Inc. The assignment would provide Barstow with a first local commercial television service.

DATES: Comments must be filed on or before October 13, 1981, and reply comments on or before November 2, 1981.

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

Adopted: August 4, 1981.

Released: August 12, 1981.

SUPPLEMENTARY INFORMATION:

By the Chief, Policy and rules Division:

In the Matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Barstow, California).

1. A petition for rule making[1] was filed by Victorville TV, Inc. ("Petitioner"), proposing the assignment of UHF television Channel 64 on a hyphenated basis to the communities of Barstow and Victorville, California. A statement concerning the proposal was filed by the Association of Maximum Service Telecasters, Inc. (MST), in which it indicates no objection to the proposal provided a site is selected which complies with the minimum distance separation requirements. Petitioner states that it will apply for a construction permit if a UHF television channel is allocated to the area.

2. For the reasons discussed *infra*, we shall propose an assignment to Barstow only, and therefore, will set forth data for that community.

3. Barstow (population 17,442),[2] is located in San Bernardino County (population 684,072), and is presently served locally by one daytime-only AM Station (KIOT), one full-time AM station (KWTC), and co-owned Station KWTC-FM (Channel 232A). Additionally, it has one unoccupied and unapplied for noncommercial educational television channel assigned to it.

4. Petitioner states that Barstow has its own local government unit, stores and educational institutions. It indicates that the economy of the community is based on service and distribution of goods. Further, it is the center of an agricultural region and is a desert mining and precious gems center. Also, tourism and recreation contribute to its economic base.

5. Petitioner requested the assignment of UHF television Channel 64 to Barstow-Victorville, California, on a hyphenated basis. However, hyphenation is an assignment tool which we have used very sparingly, especially in regard to television assignments. In the past we have done so only where it appeared that the communities should be treated as one due to their nearness and mutual economic, trade, cultural and social interests, etc. Petitioner provides no argument for doing so in this case. Therefore, the assignment will be proposed for the specific community of Barstow for the reasons set forth below. If the petitioner insists on a hyphenated station, it should set forth in supporting comments its justification for such proposal.

6. The underlying rationale for the Barstow preference is that our engineering study reveals that a Victorville assignment would require a site restriction of 10.2 kilometers (6.4 miles) northeast of the community to avoid short-spacing to Station KOCE-TV (Channel 50), licensed to Huntington Beach, California. The proposed Barstow assignment meets the minimum distance separation requirements of § 73.610 of the Commission's Rules and allows flexibility in transmitter site selection. Therefore, the latter choice provides an opportunity to locate the transmitter closer to the community, and thereby create the potential for a signal of superior quality. However, it is noted that the assignment to Barstow bars the use of the channel at Victorville under the provisions of the "15-mile" rule, § 73.607(b), since the communities are separated by a distance of approximately 46.9 kilometers (29.3 miles). Service to Victorville, and an auxiliary studio there still would be possible.

7. In view of the foregoing, and the fact that the proposed television channel assignment would provide a first local commercial television broadcast service to Barstow, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Barstow, Calif	*35 +	*35 +, 64

8. 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.

9. Interested parties may file comments on or before October 13, 1981, and reply comments on or before November 2, 1981.

10. 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.

11. 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.

[1] Public Notice of the petition was given December 5, 1980, Report No. 1261.

[2] Population figures are extracted from the 1970 U.S. Census.

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

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

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

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

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

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-23975 Filed 8-14-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 81-493; FCC 81-346]

Licensing of Nonprofit Corporations and Associations of Eligible Users in the Business and Special Industrial Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This rule making looks towards eliminating a restriction, no longer useful or necessary, which bars eligibility in the Business and Special Industrial Radio Services to nonprofit corporations or associations of users. The change would bring licensing practices followed at 800 MHz and below 512 MHz into harmony and increase licensing flexibility and other options for service available to eligible users in the Business and Special Industrial Radio Service.

DATES: Comments are due on or before September 8, 1981 and replies on or before September 25, 1981.

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

FOR FURTHER INFORMATION CONTACT: John B. Letterman, Private Radio Bureau (202) 634-2443.

SUPPLEMENTARY INFORMATION:

Adopted: July 30, 1981.

Released: August 6, 1981.

By the Commission:

In the matter of amendment of § 90.61 of the Commission's Rules and Regulations.

1. As part of our on-going program to simplify our rules governing the private land mobile radio services and, where possible, to eliminate unnecessary restrictions and limitations on the use of available radio communication channels, we propose amendment of § 90.61 (47 CFR 90.61) to permit the licensing of nonprofit corporations and associations of eligible users in the Business and Special Industrial Radio Services in the bands below 512 MHz.

2. In licensing private systems in the bands above 800 MHz, there is no such restriction; and in the bands below 512 MHz the Section 90.61 limitation applies only to the Business and Special Industrial Radio Services. It appears the ban in these services should be removed, for it is a limitation which we feel now serves no useful purpose. Moreover, our experience demonstrates that this licensing option promotes efficient and effective use of scarce radio frequencies by centralizing operations, thus minimizing interference potentials and maximizing site availability. Further, administrative practices are simplified, since fewer reports are necessary and there is no need for duplicate or multiple applications in many instances.

3. Service provided by nonprofit corporations and associations of users are subject to the requirements of § 90.181 (47 CFR 90.481), that is, those licensed under the provisions of Section 90.61 (47 CFR 90.61) in the Industrial Radio Services. Such service may be either without charge or capital and operating expenses may be shared, but only on a not-for-profit, cost-shared basis, with expenses prorated on an equitable basis among the participants served by the licensee. The proposed rule reflects this policy.

4. Accordingly, we propose amendment of § 90.61 (47 CFR 90.61) by deleting the restrictive phrase, "except in the Business and Special Industrial Radio Services," from the second sentence of the rule as it now reads. The amended rule would read as set out in the *Appendix* to this rule making.

5. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed

written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

6. Authority for issuance of this notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules interested persons may file comments on or before September 8, 1981, and reply comments on or before September 25, 1981. All timely comments and reply comments will be considered by the Commission before final action is taken this rule-making proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, Federal Communications Commission, Washington, D.C. 20554, (202) 632–7000.

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

9. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. Law 96–354) do not apply to this rule making proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule change is procedural in nature, since the effect will be to remove a bar to licensing non-profit corporations and associations of users. It creates no new substantive rights in terms of persons eligible for licensing in the Business and Special Industrial Radio Services; rather it permits persons already eligible to apply for licensing in the form of a corporation or association, but extends no new substantive rights as eligibles in the services in question. Further, the proposed amendment imposes no new recordkeeping, reporting or other requirement upon license applicants or holders. Accordingly, the Commission certifies that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 do not apply to these proceedings.

10. For further information concerning this rule-making proceeding, contact John B. Letterman (202) 634–2443.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

Subpart D of Part 90 of the Commission's Rules and Regulations is proposed to be amended as follows:

Section 90.61 is proposed to be revised to read as follows:

§ 90.61 General eligibility.

In addition to the eligibility shown in each Industrial Radio Service, eligibility is also provided for any corporation proposing to furnish nonprofit radio communication service to another subsidiary of the same parent, or to its own subsidiary provided the party served is regularly engaged in any of the eligibility activities set forth in the particular service involved. Eligibility is also provided for a nonprofit corporation or association that is organized for the purpose of furnishing a radiocommunication service to persons actually engaged in any of the eligibility activities set forth in the particular service involved subject to the cooperative use provisions of § 90.181.

[FR Doc. 81-23974 Filed 8-14-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 158
Monday, August 17, 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

Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will meet at 10:00 a.m., September 22, 1981, at the Federal Building, in Room 7X, 301 West Congress, Tucson, Arizona. The purpose of this meeting is to discuss allotment management planning and the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602–792–6418. Written statements will be filed with the board before or after the meeting.

The board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

R. B. Tippeconnic,

Forest Supervisor.

August 10, 1981.

[FR Doc. 81–23912 Filed 8–14–81; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

[Order 81–8–22; Dockets 35084, 39715, 39722, and 39872]

United Air Lines, Inc., etc.; Emergency Requirements; Applications for Exemptions

Adopted by the Civil Aeronautics Borad at its office in Washington, D.C. on the 6th day of August, 1981.

In the matter of application of United Air Lines, Inc. for an exemption pursuant to section 403 of the Federal Aviation Act of 1958 (Docket 35084), application of Transamerica Airlines, Inc. for an emergency exemption from sections 401 and 403 ot the Act (Docket 39715), Emergency Air Transportation Requirements (Docket 39722) and application of Trans World Airlines, Inc. for an exemption pursuant to section 416(b) of the Act (Docket 39872).

Order on Review

Background

On June 18, 1981, the Board issued a notice informing the airline industry and the public of the emergency measures it intended to take in the event of a strike or job action by the Professional Air Traffic Controllers Organization (PATCO).[1] Attached to the notice was a proposed order and a listing of categories of passengers and cargo that would receive priority air transportation on all domestic airline flights. The notice indicated that the imposition of these priorities was contingent upon the delegation of priorities and allocations authority from the Secretary of Transportation to the Chairman of the Civil Aeronautics Board [2] under the provisions of the Defense Production Act of 1950, as amended; [3] and that the proposed order, or one which was substantially the same, would be issued when such delegation was received.[4]

Subsequent to the issuance of the notice, the Board's staff was informally advised by the Department of Transportation that any delegation to the Chairman to implement the priority listing would not necessarily occur simultaneously with a PATCO strike or job action. However, the Board's staff believed that even if the priority list were not implemented, various exemptions from the Act would still be necessary to facilitate carrier operations during the emergency period. In this connection, the staff was informally advised by some of the carriers that the requirement to observe various tariff rules (such as the "amenity" rule), the denied boarding rules, and the no smoking rules might create substantial difficulties for the carriers in accommodating and ticketing passengers in view of the service disruptions to schedules that would be caused by a PATCO strike or job action.

In view of these developments and considering the imminence of the PATCO strike threatened to occur on June 22, the staff, on June 19, issued Order 81–6–148, granting U.S. air carriers an exemption from the requirement to observe certain tariff rules,[5] an exemption from Part 252 (smoking rules), and an exemption from Part 250 (overbooking) expanded to cover all passenger travel. The order also relieved carriers from the duty to maintain certain schedules and to file notices of service reductions; and authorized them to provide alternate return air transportation on charter flights to any stranded charter or scheduled passenger, and to carry their own charter passengers on their own scheduled service at no additional charge.[6]

The ACAP Petition

On July 6, 1981, the Aviation Consumer Action Project (ACAP) filed a petition for reconsideration of Order 81–6–148 insofar as it suspended the denied boarding rules (Part 250).[7] In general, ACAP argued that without implementing priorities for passenger travel, the suspension of all consumer protection rules could not be justified; and that by suspending the denied boarding rules, the Board would encourage the massive

[1] Published in the **Federal Register** (see 46 FR 32057, June 19, 1981).

[2] 44 CFR Part 322, as amended (45 FR 53479, August 12, 1980).

[3] 50 U.S.C. (App. 2061–2069).

[4] To facilitate the operations of the carriers during the emergency period, the proposed order would have exempted the carriers from the duty-to-carry requirement, the requirement to observe tariff rules, the requirement to pay denied boarding compensation to passengers bumped by priority passengers and, for those carriers designated by the Board to provide essential air service, from their duty to maintain certain schedules if they cannot do so during the emergency. Also, the order would have granted the carriers authority to transport charter passengers on their scheduled service at less the normal fare. The notice indicated that if the issuance of further orders became necessary, the Director, Bureau of Domestic Aviation, had been granted delegated authority to issue such orders.

[5] The exemption applies to those rules which would inhibit a carrier's operations during a strike. The exemption does not apply to such rules as acceptance of baggage and baggage liability limits, nor does it authorize a carrier to increase the price of any ticket that has been issued.

[6] The latter authority expanded an exemption granted previously in Order 81–5–31, May 6, 1981, which authorized carriers to carry on scheduled flights other carriers' charter passengers stranded as a result of emergency situations, such as mechanical problems, weather difficulties, and late delivery of aircraft. *(See* application of United Air Lines, Docket 35084). In response to a petition for reconsideration filed by Transamerica Airlines, Inc., the staff expanded the authority to transport charter and scheduled passengers on charter flights to include originating as well as returning (i.e., stranded) passengers. (See Order 81–7–158, July 31, 1981.)

[7] The petition was served on all U.S. certificated air carriers on July 9, 1981.

overbooking of flights on the part of the carriers which would result in thousands of passengers being stranded at airports. No answers to the ACAP petition were filed.

In response to the petition, the staff, Order 81–7–158, July 31, 1981, recinded the blanket exemption from the denied boarding rules granted in Order 81–6–148. In reaching this decision, the staff took particular note of the lack of carrier objections to any change in the exemptions granted previously stating:

> The absense of carrier responses to ACAP's petition is an indication to us that, upon reflection, the carriers might believe that they can operate with the more limited exemption advocated by ACAP. We have, therefore, decided to reverse our previous decision and revoke the blanket exemption granted in Order 81–6–148 of the denied boarding rules.

The staff further concluded that the adherence to the Board's smoking rules (Part 252) would not "impose any added burden on the carriers", and it similarly withdrew the blanket exemption from those rules granted in Order 81–6–148.

The ATA and United Petitions

On August 3, 1981, the Air Transport Association of America (ATA), on behalf of its member carriers, filed a petition for review of staff action requesting that the Board reverse that portion of Order 81–7–158 to the extent that it revokes the exemptions from Parts 250 and 252. In the event that the Board is unable to take immediate action, ATA requests that the Board stay the effectiveness of Order 81–7–158.

In support of its petition, ATA argues that with the commencement of the PATCO strike, the carriers have been forced to rearrange many of their flights requiring them to cancel and reschedule passengers on the new flights; this, in turn, has resulted in an overloading of the airlines' communications systems, forcing communication delays for as much as three hours; that these delays may result in flights inadvertently being oversold because of bookings made simultaneously by the carrier operating the flight, other carriers, and travel agents; and that under these circumstances, if carriers are forced to pay significant amounts of denied boarding compensation (DBC), some carriers will have no choice but to consider the cancellation of flights or resort to standby service as a means to contain these expenses.

With respect to enforcement of Part 252, ATA states there will be some occasions on which the request of every non-smoker cannot be accommodated because of the many changes in reservations necessitated by flight curtailments, communications delays, and workloads thrust upon airline personnel; and that, under these circumstances, it seems unreasonable and unfair to place this additional burden on airline personnel trying to make the best out of a bad situation and to subject the airlines to financial penalties because they are unable to achieve full compliance.

On August 4, 1981, United Airlines, Inc. also filed a petition asking the Board to review and reverse the staff's action in Order 81–7–158.[*] United indicates that even though it would have been relieved of the DBC requirement under the staff's prior action (in Order 81–6–148), it was planning to tender DBC in the form of travel vouchers to passengers holding confirmed reservations; that it will seriously have to consider operating only on a standby basis if enforcement of Part 250 stands; that the public interest is better served by some form of reservations system and some form of DBC rather than the total elimination of reservations; and that enforcement of Part 252 to accommodate last minute demands of nonsmokers for seating of their choice may result in delaying aircraft departures and possible cancellation of delayed flights by the FAA for not departing within the proposed time prescribed by the FAA.

On August 4, 1981, as supplemented on August 5, ACAP filed an answer opposing ATA's petition. ACAP argues that ATA failed to provide any substantive evidence supporting a decision to suspend Parts 250 and 252; that communications delays would affect interline sales, but would have little effect on direct reservations with an airline; that if there are delays in the system passengers should be told that reservations made are unconfirmed or carriers should refuse to make such reservations because of overloads; that overbooking would increase with no hope of stranded passengers receiving fair compensation; and that the airlines should have submitted to the Board a firm evidentiary or analytic basis months ago if they felt they were going to be confronted with a serious problem. ACAP recites reports issued by the FAA and the industry regarding the effects of the strike on air carrier operations. These reports indicate that the level of flights operated ranges from 65% to 72.5% and load factors are about 50%. Given these statistics, ACAP argues that there may be less bumping taking place during the strike condition than before the strike; and that it appears that not enough passengers are appearing for flights instead of too many.

The TWA Exemption

On August 4, 1981, Trans World Airlines requested an exemption under section 416(b) of the Act from section 250.9 of the Board's Economic Regulations with respect to the amount of DBC that must be paid in cases where TWA cannot arrange alternate transportation which is planned to arrive within two hours after the originally scheduled arrival time. Section 250.9 provides that in such situations the amount of DBC due to passengers is double that which would be due if alternate transportation is provided within two hours of the originally scheduled arrival time. In its request, TWA proposes to pay DBC in the "single" amount, that is, the sum of the face value of the ticket coupons, with a $37.50 minimum and a $200 maximum. In support of its request, TWA states that with the advent of the PATCO strike, it is virtually impossible in most instances involving a possible oversale on the rebooked contingency flights to arrange alternate transportation scheduled to arrive within two hours of the originally scheduled arrival time; and that the limited relief sought is justified under the existing circumstances.

Disposition

Upon consideration of the various pleadings filed with respect to this matter, we have decided to review the staff's action and, upon review, to grant limited exemptions to all U.S. carriers from the DBC and smoking rules, Parts 250 and 252, respectively.

We are not persuaded by the ATA or United petitions that a blanket exemption from the requirements of Parts 250 or 252 is warranted in the current circumstances, nor are we persuaded that enforcement of these parts has prevented the carriers from providing the services permitted to be operated by the FAA's emergency air traffic control procedures. Granted that while the first day of the PATCO strike (August 3) did involve major operational adjustments, flight scheduling problems diminished as the FAA and the carriers established the emergency service patterns. The high percentage of flights that has been allowed to operate by the FAA and the load factors on these flights argues against the decision to grant a blanket waiver of the Board's consumer protection rules. We concede that there will be cases where carriers will be confronted with the payment provisions of Parts 250, but under the

[*] United is also listed as a party to the petition filed by ATA.

existing emergency, we are not aware of any widespread economic or operational implications. We are, however, persuaded by the arguments raised by TWA that carriers may not be in a position to provide alternate transportation to overbooked passengers within two hours of their planned arrival time because of flight delays and service disruptions caused by circumstances beyond their control. For this reason, we have decided to grant TWA its proposed exemption from the "double compensation" provisions of section 250.9 and to extend such exemption to all other carriers during the strike period. Such action will serve as a compromise between the needs to provide adequate protection to passengers who are denied boarding and to minimize the costs to carriers during this emergency period.

We are also persuaded that flight cancellations and delays will result in some last-minute reshuffling of passengers which may make it difficult for the carriers to comply with the Board's smoking rules. Therefore, we have decided to grant a limited exemption designed to take care of late-arriving and standby passengers. We have already decided to grant carriers that flexibility permanently by rule making.[9] Specifically, a carrier would not be required to provide a seat in the non-smoking section to a passenger who does not meet its requirements as to time and method of obtaining a seat on the flight, or who does not have a confirmed reservation.

Accordingly, The ordered clause of Order 81–6–148, as amended by Order 81–7–158, is revised in its entirety to read as follows:

1. We exempt all certificated air carriers and commuter air carriers designated by the Board to provide essential air service from the provisions of section 250.9 to the extent that they would require double compensation if the airline cannot arrange "alternate transportation" as defined in that section;

2. We exempt all certificated air carriers and commuter air carriers designated by the Board to provide essential air service from the provisions of Part 252 to the extent that they would require the carrier to provide a seat in a no-smoking section to a passenger who has not met the carrier's requirements as to time and method of obtaining a seat on the flight, or who does not have a confirmed reservation, *Provided*, that, if a seat is available in the established no-smoking section, the carrier shall seat there any enplaning passenger who so requests, regardless of boarding time or reservation status;

3. We exempt all certificated air carriers and commuter air carriers designated by the Board to provide essential air service from the provisions of Section 403 of the Act and Part 221 of our Regulations to the extent that they would be required to observe tariff rules to the extent that they would hinder a carrier's ability to operate during a PATCO strike, *Provided* that this exemption shall not authorize any carrier to increase the price of any ticket which has been issued;[10]

4. We exempt all certificated air carriers and all commuter air carriers designated by the Board to provide essential air service from the appropriate provisions of sections 419 and 401(j) of the Act, section 37(c) of the Airline Deregulation Act, and appropriate Board orders to the extent that they would (a) prohibit flight reductions, terminations or suspensions of service required to comply with flight schedule plans established by the FAA for implementation by these carriers and (b) require 30-day, 60-day or 90-day notices of such terminations, reductions, or suspensions;

5. We exempt all U.S. certificated air carriers from the provisions of section 401 and all foreign air carriers from the provisions of section 402 of the Act to the extent necessary to permit them to provide the emergency transportation on any charter flight (including ferry legs) otherwise authorized by the carriers' certificate or permit, to any (originating or returning) charter or individually-ticketed passenger who has been left without transportation as a result of the strike, *Provided* that this exemption shall not authorize any foreign air carrier to engage in air transportation between United States points;

6. We exempt all U.S. certificated air carriers and foreign air carriers from the provisions of Section 403 of the Act and Part 221 of the Board's Economic Regulations, insofar as enforcement of Section 403 and Part 221 would prevent them from providing emergency transportation as described in paragraph 5, *Provided* that such transportation shall be provided at no additional charge to the passenger;

7. Order 81–5–31, May 6, 1981, is hereby amended to the extent necessary to permit any carrier to transfer any of its own stranded charter passengers to any of its own scheduled flights;

8. We grant the petitions of ATA and United for review of staff action;

9. To the extent not granted here, the petitions of ATA and United are denied;

10. The exemptions and amendments granted here shall become effective immediately;

11. The exemptions and amendments permitted by this order shall expire upon further order of the Board; and

12. This order shall be served on all U.S. certificated air carriers, all commuter air carriers designated by the Board to provide essential air service, the Department of Transportation, the Federal Emergency Management Agency, the Federal Aviation Administration, the Professional Air Traffic Controllers Organization, the Postmaster General, the Department of Defense, the Aviation Consumer Action Project, and the Air Transport Association of America.

A copy of this order will be published in the **Federal Register.**

By the Civil Aeronautics Board:[11]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–23895 Filed 8–14–81; 8:45 am]

BILLING CODE 6320–01–M

[9] Economic Regulation, *Reissuance of Part 252*, Dockets 29044, 38048, and 39355. We have issued instructions but have not yet issued the final rule.

[10] We fully expect the carriers to make a reasonable attempt to accommodate passengers who have reserved seats on regularly scheduled flights without discrimination as to fare category.

[11] All members concurred.

[Docket 39415]

Trans World Airlines, Inc.; Assignment of Enforcement Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., August 11, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81–23896 Filed 8–14–81; 8:45 am]

BILLING CODE 6320–01–M

COMMISSION ON CIVIL RIGHTS

Connecticut Advisory Committee; Agenda; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m. on September 1, 1981, at the Cromwell Inn (Exit 21 off I–91), Cromwell, Connecticut. The purpose of this meeting is to discuss the agenda of

the public meeting on bigotry and violence.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. John Rose, Jr. P.O. Box 3216, Hartford, Connecticut 06103, (203) 242–2877, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110, (617)223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 11, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–23885 Filed 8–14–81; 8:45 am]

BILLING CODE 6335–01–M

Connecticut Advisory Committee; Agenda; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Committee to the Commission will convene at 9:00 a.m. and will end at 5:00 p.m. on September 24, 1981, at the Appropriations Room (3rd Floor), the Connecticut State House, Hartford, Connecticut. The purpose of this meeting is to discuss State and local government response to organized hate group activities in Connecticut.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. John Rose, Jr. P.O. Box 3216, Hartford, Connecticut 06103, (203) 242–2877, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 11, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–23884 Filed 8–14–81; 8:45 am]

BILLING CODE 6335–01–M

Iowa Advisory Committee; Agenda; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Iowa Advisory Committee to the Commission will convene at 10 a.m. and will end at 1 p.m., on September 11, 1981, at Ft. Des Moines Hotel, Relay Room, Walnut at 10th Street, Des Moines, Iowa 50309. The purpose of this meeting is to plan for the regional conference and project follow-up activities.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Mr. Lee B. Furgerson, 1225 Stephenson Way, Des Moines, Iowa 50307, (515) 282–8696, or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (816) 374–5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 11, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–23886 Filed 8–14–81; 8:45 am]

BILLING CODE 6335–01–M

New Hampshire Advisory Committee; Agenda; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on September 3, 1981, at the Federal Building, 275 Chestnut Street, Manchester, New Hampshire. The purpose of this meeting is to discuss the Manchester Title VI Compliance Report.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Mrs. Sylvia Chaplain, 7 Wendover Way, Bedford, New Hampshire 03102, (603) 625–5335, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 11, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–23887 Filed 8–14–81; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Animal Glue and Inedible Gelatin From Sweden; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on animal glue and inedible gelatin from Sweden. The review covers the only known exporter of this merchandise to the United States, Extraco A.B., for the period June 1, 1978 through November 30, 1980. This review indicates the existence of dumping margins for that firm in this period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on shipments occurring during the period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4106/5289).

SUPPLEMENTARY INFORMATION:

Procedural Background

On December 22, 1977, a dumping finding with respect to animal glue and inedible gelatin from Sweden was published in the **Federal Register** as Treasury Decision 78–3 (42 FR 64116). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on animal glue and inedible gelatin from Sweden. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are inedible gelatin and animal glue, of which there are two principal types,

hide glue and bone glue. Animal glue is an organic colloid of protein derivation. There is no significant difference between animal glue and inedible gelatin.

Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents, as an essential part of many compositions, and as colloids in emulsions and cleaning compounds. Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one Swedish exporter of this merchandise to the United States, Extraco A.B. The review covers the period June 1, 1978 through November 30, 1980. The Treasury Department reviewed all prior periods. The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by prior appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate. Purchase price was based on the FOB price to an unrelated purchaser in the United States. Where applicable, deductions were made for discounts and Swedish inland freight. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, as appropriate, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. Extraco sold over 9 percent of its total production in the home market, and home market sales were at least 22 percent of all sales for export to countries other than the U.S. during the period covered. Home market sales were at ex-factory, packed prices. No adjustments were claimed or made.

Preliminary Results of the Review

As a result of our review, we preliminary determine that the following margins exist:

Exporter	Time period	Margin (percent)
Extraco	6/1/78-12/31/78	8.95
	1/1/79-11/30/80	1.93

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time period involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on the exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of animal glue and inedible gelatin from Sweden entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

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 section 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 11, 1981.

[FR Doc. 81-23829 Filed 8-14-81; 8:45 am]

BILLING CODE 3510-25-M

Birch 3-Ply Doorskins From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on birch 3-ply doorskins from Japan. The review covers three exporters of this merchandise to the United States not covered by the Department's previous review this year. This review covers the period January 1, 1979 through January 31, 1980 for each exporter and indicates the existence of dumping margins for one exporter.

As a result of this review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between foreign market value and United States price on each of their shipments occurring during the covered period. Where company-supplied information was inadequate the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Brian Kelly or David Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2923).

SUPPLEMENTARY INFORMATION:

Procedural Background

On February 18, 1976, a dumping finding with respect to birch 3-ply doorskins from Japan was published in the **Federal Register** as Treasury Decision 76-48 (41 FR 7389). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings.

As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on birch 3-ply doorskins from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of birch 3-ply doorskins manufactured in a variety of types, sizes and colors. Birch 3-ply doorskins are

currently classifiable under items 240.1420, 240.1440, and 240.1460 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of sixteen exporters to the United States of birch 3-ply doorskins who purchase from eight manufacturers. This review covers 3 of the exporters (those not covered by the previous review published in the **Federal Register** on June 30, 1981 (46 FR 33574–5)) for the period January 1, 1979 through January 31, 1980. To the Department's knowledge this completes the analysis for all exporters for all periods through January 31, 1980, with the following exceptions:

(1) Associated Lumber & Trading Company, Ltd.—1/1/80–1/31/80
(2) Mitsui & Co., Ltd.—1/1/80–1/31/80
(3) Nissho-Iwai Co., Ltd.—1/1/80–1/31/80

These periods for these three firms will be covered in a subsequent review.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772(b) of the Tariff Act or section 203 of the 1921 Act, since all sales were made to unrelated purchasers. Purchase price was calculated on the basis of the F.O.B. or C.I.F. duty paid, packed price to an unrelated purchaser in the United States. Where applicable, deductions were made for inland freight, ocean freight, insurance, U.S. duty, and loading charges. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used constructed value, as defined in section 773(e) of the Tariff Act or section 206 of the 1921 Act, since insufficient quantities of birch 3-ply doorskins were sold by the firms supplying the exporters in the home market or in third countries. During the current review period, virtually all birch 3-ply doorskins produced by the eight manufacturers were exported to the United States.

Constructed values were calculated as the sum of materials, labor, fabrication costs, general expenses, profit and the cost of packing. The amount added for general expenses constituted at least ten percent of the sum of materials, labor and fabrication costs. Profit was calculated at eight percent of the sum of all general expenses and cost.

The Department used estimated differentials to determine the production costs of different types and sizes, as described in our notice of February 23, 1981, when accurate information was not available. No other adjustments were claimed or made.

Preliminary Results of the Review

As a result of our comparison of United States prices to foreign market value, we preliminarily determine that the following margins exist:

Japanese exporter	Time period	Margins (percent)
1. Nichimen Co., Ltd	1/1/79–1/31/80	0.0
2. C. Itoh & Co., Ltd.:		
(Mfr.—Sattsuru Veneer Co., Ltd.)	1/1/79–1/31/80	0.0
(Mfr.—Sanmoku Lumber Co., Ltd.)	1/1/79–1/31/80	0.0
(Mfr.—Matsumoku Industries, Ltd.)	1/1/79–1/31/80	0.0
3. Toyo Menka Kaisha, Ltd.:		
(Mfr.—Sattsuru Veneer Co., Ltd.)	1/1/79–1/31/80	0.57
(Mfr.—Sanmoku Lumber Co., Ltd.)	1/1/79–1/31/80	0.00
(Mfr.—Marutama Industries, Co., Ltd.)	1/1/79–1/31/80	0.12

Interested parties may submit written comments on these preliminary results within 30 days of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made during the time period involved. Individual differences between United States price and constructed value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments, entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Since the margin for Toyo Menka Kaisha Ltd. (Mfr. Marutama Industries Co., Ltd.) is considered *de minimis*, the estimated deposit is waived. This requirement, and waiver for Toyo Menka, shall remain in effect until publication of the final results of the next administrative review.

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 § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

August 11, 1981.

[FR Doc. 81-23828 Filed 8-14-81; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; High-Power, Microwave Amplifiers and Components Thereof From Japan

AGENCY: U.S. Department of Commerce.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: We are initiating an antidumping investigation to determine whether high-power, microwave amplifiers and components thereof from Japan are being sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission of this action so that it may preliminarily determine whether these imports are materially injuring or threatening to materially injure a U.S. industry. If both investigations proceed normally, the ITC will announce its preliminary determination by September 8, 1981, and we will announce ours by December 31, 1981.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, Import administration, International Trade administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202–377–1279).

SUPPLEMENTARY INFORMATION:

Initiation of Investigation

On July 24, 1981, we received a petition from counsel for Aydin Corporation of Fort Washington, Pennsylvania. MCL, Inc. of LaGrange, Illinois has been granted co-petitioner status. Complying with the filing requirements of (CFR 353.35), the petition alleges that high-power, microwave amplifiers and components thereof from Japan are being sold in the United States at less than fair value and that such sales are materially injuring a U.S. industry. It also claims that the case presents "critical circumstances" because massive amounts of this merchandise are imported during a relatively short period.

After conducting a summary review of the petition as section 732(c)(1) of the Tariff Act of 1930, as amended (the Act), requires we have found that its information reasonably supports its allegations and justifies further

investigation. Therefore we are immediately initiating an antidumping investigation to determine whether high-power, microwave amplifiers from Japan are being sold in the United States at less than fair value. We are publishing this notice in accordance with 19 CFR 353.37(b). Unless we extend this investigation, we will make our preliminary determination by December 31, 1981.

Scope of Investigation

For purposes of this investigation, high-power, microwave amplifiers are radio-frequency power amplifier assemblies and components thereof, specifically designed for uplink transmission in the C, X, and Ku bands from fixed earth stations to communications satellites, believed to be classified under item 685.29 of the Tariff Schedules of the United States. This merchandise is used primarily for the final amplification of signals transmitted to communications satellites.

Critical Circumstances

The petition alleged that critical circumstances exist within the meaning of section 733(e)(1) of the Act. In order to determine that critical circumstances exist, the Department must find that there is a reasonable basis to believe or suspect that: (1)(a) there is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation; or (b) that the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value; and (2) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

Since the petition has failed to provide us with sufficient information which establishes either a prior history of dumping or that the importer knew, or should have known, the exporter was selling the subject merchandise at less than fair value, we determine that at this time there is not a reasonable basis for concluding that critical circumstances exist with respect to imports of high-power, microwave amplifiers from Japan. Accordingly, we have not addressed the issue of massive imports at this time.

ITC Notification and Preliminary Determination

Section 732(d) of the Act also requires us to notify the U.S. International Trade Commission (ITC) of this decision and to give it the information which we used to arrive at it. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine by September 8, 1981, whether the petition reasonably indicates that imports of high-power, microwave amplifiers from Japan are likely to injure a U.S. industry. If the ITC's determination is negative, this investigation will terminate, otherwise, it will proceed to its conclusicn.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-23914 Filed 8-14-81; 8:45 am]

BILLING CODE 3510-25-M

Jet Propulsion Laboratory, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before September 8, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00273. Applicant: Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, CA 91103. Article: Carcinotron Power Supply, P/N TH20200 with Accessories. Manufacturer: Siemel Corp., France. Intended use of article: The Article is a millimeter-wave-length microwave spectrometer receiver constructed for radio astronomical and atmospheric investigations of cosmic sources of molecular line emission. The investigations are being conducted to determine physical conditions such as molecular abundance, temperature, and density in the three mediums observed: the Earth's atmosphere, the Jovian atmosphere, and interstellar molecular clouds. Application received by Commissioner of Customs: June 5, 1981.

Docket No. 81-00274. Applicant: National Bureau of Standards, Wahington, D.C. 20234. Article: Displacement Measuring System, Model 1050.36 with six decade digital output and analog output. Manufacturer: Automatic Systems Lab., United Kingdom. Intended use of article: The article is intended to be used for studies of methods of precisely measuring static and dynamic forces that are present in mechanical systems. The phenomena to be investigated will include the stability, linearity, hysteresis, and dynamic response of force measuring systems. Application received by commissioner of customs: June 5, 1981.

Docket No. 81-00275. Applicant: Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, Califonia 91103. Article: Millimeter Wavelength Carcinotron, CO 10.1/F-4178. Manufacturer: Thomson CSF, France. Intended use of article: The article is a millimeter-wave-length microwave spectrometer reciever constructed for radio astronomical and atmospheric investigations of cosmic sources of molecular line emission. The general objective of the investigations is to determine physical conditions, such as molecular abundance temperature, and density in the three mediums observed: the Earth atmosphere, the Jovian atmosphere, and interstellar molecular clouds. Application received by Commissioner of Customs: June 5, 1981.

Docket No. 81-00276. Applicant: Community Hospital of Indianapolis, Inc., 1500 Ritter, Indianapolis, Indiana 46219. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for identification and characterization of viruses. In addition, the article will be used for evaluation of kidney biopsies and tumors. Application received by Commissioner of Customs: June 11, 1981.

Docket No. 81-00277. Applicant: The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, OH 44106. Article: Automated Ultrasonic Body Imager. Manufacturer: Ausonice Pty. Ltd., Australia. Intended use of article: The article is intended to be used for

clinical and scientific research in the field of human ultrasonic diagnosis. Specific applications will include: (a) computer-based ultrasound data acquisition and development of a reconstructive allegro rhythm for human soft tissue imaging and tissue signature research, (b) large image reconstruction of body parts for precise organ volume calculation and (c) imaging certain organs not well studied by contact B-scanning techniques. the article will also be used in educational programs for both physicians and technologists in which trainees from multiple disciplines are exposed to the state of the art of imaging capabilities of various instrumentation types. Application received by commissioner of customs: June 11, 1981.

Docket No. 81-00278. Applicant: University of Wisconsin-Madison, Plasma Physics, 1150 University Avenue, Madison, WI 53706. Article: 140 GHz Klystron, Model VRT 2121A. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for measuring plasma densities to $2.0 \times 10^{14} \times cm^{-3}$. The plasma to be studies will be contained in a continuously variable magnetic field up to 5 kilogauss. Experiments will be conducted to study the methods of heating a plasma or producing a hot, dense plasma and investigate the properties of the plasma once produced. Application received by Commissioner of Customs: June 18, 1981.

Docket No. 81-00279. Applicant: University of California, Department of Botany, Davis, CA 95616. Article: Electron Microscope, Model JEM-100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for investigations of the following phenomena:

(a) The ultrastructure of the ontogeny of colony development of *Pectodictyon cubicum*.

(b) The ultrastructural features accompanying the rehydration of filaments of selected species of blue-green algae.

(c) Cytoplasmic details and wall and sheath structure of selected species of the Desmidiaceae.

(d) The ultrastructure of the differentiation of the basal cells in the sori of several species of the Laminariales into the fertile and sterile cells.

(e) The ultrastructure of the septal swelling, if present, and cap, if present, of selected taxa of the Heterobasidiomycetes.

(f) The ultrastructure and histochemistry of Charosomes of *Chara* sp.

(g) The presence of open plasmodesmata connecting guard cells to epidermal/subsidiary cells in leaves of corn.

(h) The ultrastructure of the sieve plates in phloem tissue in stem tissue.

(i) The ultrastructure of root cells near the endodermis when roots are grown in 5 mM Rb^+ and in K^+.

Application received by Commissioner of Customs: June 18, 1981.

Docket No. 81-00280. Applicant: The Ohio State University, Campus Instrument Center, 140W 18th Avenue, Columbus, OH 43210. Article: MS25 Gas Chromatograph Mass Spectrometer System. Manufacturer: Kratos, Ltd., United Kingdom. Intended use of article: The article is intended to be used for separation of components of mixtures of volatile chemicals (synthetic, natural products) using gas chromatography, including capillary columns, followed by high-resolution mass spectrometry of the separated gas chromatograph peaks. The article will also be used for educational purposes in the course 999 (Chemistry, Biochemistry, Pharmacy, Physiological Chemistry, and others), consisting of graduate research toward M. Sc. or Ph. D. degree. Application received by Commissioner of Customs: June 18, 1981.

Docket No. 81-00281. Applicant: Center for Occupational & Environmental Health, (U.S. Public Health Service Hospital), 3100 Wymann Park Drive, Bldg. 6, Baltimore, MD 21211. Article: Universal Cassette for Photographic Changing Device with Airlock. Manufacturer: Siemens Corp., West Germany. Intended use of article: The article is an accessory to an existing electron microscope manufactured by the same manufacturer. Application received by Commissioner of Customs: June 18, 1981.

Docket No. 81-00282. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Neutral Beam Atom Source with Accessories. Manufacturer: Ion Tech., Ltd., United Kingdom. Intended use of article: The article is intended to be used to generate ions of complex organic molecules in a high resolution mass spectrometer. Application received by Commissioner of Customs: June 18, 1981.

Docket No. 81-00283. Applicant: Kansas State University, Department of Chemistry, Manhattan, Kansas 66506. Article: Vapor Synthesis Reactor with Accessories. Manufacturer: Oxford Instruments, United Kingdom. Intended use of article: The article is intended to be used for the vaporization of any metal using an electron beam heat source. The resultant vapors (atoms) of the metals will then be allowed to react with other chemicals so new molecules can be synthesized on multi-gram scale. This work is of importance to the energy industry in that it lends fundamental understanding to catalysis processes for fuel conversions. Graduate students and undergraduates involved in research will be trained with the article. Application received by Commissioner of Customs: June 18, 1981.

Docket No. 81-00284. Applicant: North Carolina State University, Purchasing Department, 216 Alumni Blvd., Raleigh, North Carolina 27607. Article: Three (3) Recording Current Meters, RCM-4. Manufacturer: Aanderaa, Norway. Intended use of article: The articles are intended to be used to measure ocean currents, temperature and pressure unattended for several months and to record the data on ¼" magnetic tape for future analysis. Application received by Commissioner of Customs: June 18, 1981.

Docket No. 81-00285. Applicant: University of Louisville, 2301 S. Third Street, Louisville, KY 40292. Article: Gas Chromatograph/Mass Spectrometer/Data System, 7035HS. Manufacturer: Vacuum Generators, United Kingdom. Intended use of article: The article is intended to be used for studies of a diverse series of chemical compounds derived from a variety of sources. Specific studies planned will examine variations in urinary nucleosides as a function of neoplastic disease and chemotherapy. Other work will attempt qualitative analysis of the components of sidestream cigarette smoke along with quantitation of a selected group of the toxic or carcinogenic compounds emanating from smoldering cigarettes. Another study is planned to examine cysteinyl-dopa derivatives occurring in physiological fluids in cases of melanoma. Various other work involves identification of poorly-characterized metabolities of drugs, pesticides, and pollutants as well as quantitation of many of these latter materials. Application received by Commissioner of Customs: June 22, 1981.

Docket No. 81-00286. Applicant: The University of Texas at Austin, Electrical Engineering Research Laboratory, 10100 Burnet Road, Austin, TX 78758. Article: (3) Millimeter Reflex Klystrons. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The articles are intended to be used for research purposes in the field of radio astronomy. The phenomena studied are the spectral line emissions of interstellar molecules, the continuum

radiation of planets and the emission of atmospheric constituents. The article will also be used in a sequence of Astronomy courses for graduate students obtaining a Ph.D. in millimeter wavelength radio astronomy. Application received by Commissioner of Customs: June 22, 1981.

Docket No. 81-00287. Applicant: NASA/Goddard Space Flight Center, Greenbelt, MD 20771. Article: Stratospheric High Resolution Infrared Spectrometer. Manufacturer: Bomen, Inc., Canada. Intended use of article: The article is intended to be used on a balloon borne gondola to make infrared measurements in the stratosphere of ozone and trace constituents affecting ozone. Application received by Commissioner of Customs: June 22, 1981.

Docket No. 81-00288. Applicant: University of California, Berkeley, Purchasing Department, 2405 Bowditch Street, Berkeley, CA 94720. Article: Electron Microscope, Model 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the following research: (1) The study of the cellular basis for gibberellin action; (2) Plant embroyology with emphasis on the formation of the zygote; (3) Mechanisms of chromosome movement in permeabilized cells. Application received by Commissioner of Customs: June 22, 1981.

Docket No. 81-00290. Applicant: Sandia National Laboratories, P.O. Box 5800, Kirtland Air Force Base, Albuquerque, NM 87185. Article: Cinetheodolite Accessory Equipment. Manufacturer: Contraves A.G., Switzerland. Intended use of article: The articles are accessories to existing Cinetheodolites manufactured by the same manufacturer which is to be used for accurate trajectory of sophisticated aerodynamic shapes and this data is used in the development of gravity delivered and rocket powered vehicles. Application received by Commissioner of Customs: June 29, 1981.

Docket No. 81-00291. Applicant: University of Wisconsin, Chemical Engineering Department, 1415 Johnson Drive, Madison, WI 53706. Article: Rotating Anode X-Ray Generator System GX-21. Manufacturer: Marconi Avionics Ltd., United Kingdom. Intended use of article: The article is intended to be used in conducting the following research projects:

A. Morphology of Viruses
B. Shell Layer of Amphoteric Latex Particles
C. Photochemical Changes of Photoreceptor Membrane Vesicles
D. Morphology of Polyurethane Elastomers
E. Morphology of Ionomers
F. Fibrin Characterization
G. Mechanical Properties and the Surface Structure of Fiber Networks
H. Morphology of Thermosetting Resins
I. Point Defects in B2 Alloy Phases
J. Radiation Damage Studies
K. Stability of Amorphous Metal Films on Semiconducting Substrates

Application received by Commissioner of Customs: June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-23913 Filed 8-14-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Issuance of Permit

On July 7, 1981, notice was published in the **Federal Register** (46 FR 35140) that an application had been filed with the National Marine Fisheries Service by Parque Zoologico, Parque de la Ciudadela S.A., Barcelona—3, Spain for a permit to obtain three (3) Atlantic bottlenose dolphins (*Tursiops truncatus)* and four (4) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on August 11, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) the National Marine Fisheries Service issued a public display permit for the above activity to Parque Zoologico subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Flordia 33702.

Dated: August 11, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-23954 Filed 8-14-81; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Modification of Permit

On February 23, 1981, Notice was published in the **Federal Register** (46 FR 13541) that a permit had been issued to the National Zoological Park, Smithsonian Institution, Washington, D.C. 20008 authorizing the import of specimen material taken from up to 100 grey seals taken by the Canadian Government and that a decision on the portion of the request involving live grey seals had been deferred.

Notice is hereby given that on August 12, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service modified Permit No. 317 to authorize the import of specimen material taken from live grey seals, as follows:

1. A new Section A-2 was added to read:

"2. Specimen material taken from up to 100 live grey seals may be imported."

2. A new Section B-5 was added to read:

"5. In the event that two or more seals are injured or die as a result of the sampling activities, further sampling shall be suspended and a report submitted to the National Marine Fisheries Service outlining the steps which will be taken to prevent similar problems. Authorization to continue sampling for import would require approval from the Assistant Administrator for Fisheries."

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: August 12, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-23955 Filed 8-14-81; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England 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), which will meet to discuss the Council's research needs for the fall meeting of the National Marine Fisheries Service Research Council and SSC members; outlines for both Council and SSC workshops on stability as a management objective; updates on Atlantic sea scallop; interim groundfish and lobster fishery management plans, as well as other business.

DATES: The public meeting will convene on Wednesday, September 9, 1981, at approximately 10 a.m., and will adjourn at approximately 5 p.m., and may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meeting will take place at the University of New Hampshire, New England Center, Durham, New Hampshire.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Building, Five Broadway, Route One, Saugus, Massachusetts 01906; Telephone: (617) 231–0422.

Dated: August 11, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81–23953 Filed 8–14–81: 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

The Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Defense Logistics Agency.

ACTION: Notice of amendment to a system of records notice.

SUMMARY: The Defense Logistics Agency (DLA) proposes to amend the system notice for system of records § 233.20 DLA–L, entitled: "Data Processing Project Control Assignment and Machine Utilization." The Specific changes to the system notice are set forth below followed by the notice published in its entirety as amended.

DATES: Proposed actions shall be effective September 16, 1981 unless comments are received which will result in a contrary determination.

ADDRESSES: Send any comments to the system manager identified in the notice.

FOR FURTHER INFORMATION CONTACT: Mr. Preston B. Speed, Chief, Administrative Management Branch (DLA–XAM), Defense Logistics Agency, HQ DLA, Cameron Station, Alexandria, VA 22314. Telephone: 202/274–6234.

SUPPLEMENTARY INFORMATION: The system notices for the Defense Logistics Agency system of records subject to the Privacy Act of 1974 Title 5, United States Code Section 552a (Pub. L. 93–579; 88 Stat. 1896 *et seq.*) were published in the **Federal Register** at:

FR Doc. 81–897 (46 FR 6457) January 21, 1981.

This change does not fall within the purview of 5 U.S.C. 552a(o) of the Privacy Act which requires the submission of altered system report.

M. S. Healy,

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

August 12, 1981.

Amendments

§ 233.20 DLA–L

System Name:

233.20 Data Processing Project Control Assignment and Machine Utilization

Changes:

System I.D.:

Change "§ 233.20 DLA–L" to "§ 233.20 DLA–Z"

System Name:

Delete: "and Machine Utilization"

System Location:

Delete: "Data Systems Automation Office (DSAO) and Systems Division Assistant Director Plans, Programs, and Systems, Headquarters DLA."

Authority for Maintenance of the System:

Delete: "40 U.S.C., Sec F 59," and Insert: "Pursuant to the authority contained in Title 10, United States Code Section 133, the Secretary of Defense has issued DoD Directive 5105.22 (32 CFR 359) establishing the Defense Logistics Agency (DLA) as a separate agency of the Department of Defense under his direction and therein has charged the Director, DLA, with the responsibility for the maintenance of necessary and appropriate records."

Retrievability:

Delete: "or equipment type."

System Manager(s) and Address:

Delete: "Chief of DSAO, and Chief of Systems Division, Assistant Director Plans, Programs, and Systems, Headquarters DLA." and Insert: "Chief of Data Processing, DLA PLFAs; Commander, DLA Systems Automation Center.

§ 233.20 DLA–Z

SYSTEM NAME:

233.20 Data Processing Project Control Assignment

SYSTEM LOCATION:

System may exist at all Defense Logistics Agency (DLA) Primary Level Field Activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system may contain information pertaining to all civilian personnel assigned to or performing duties in a DLA data processing organization.

CATEGORIES OF RECORDS IN THE SYSTEM:

The basic records within the system contain information on the work performed by personnel. This may include total number of hours worked on a project with an expected completion date. On operational projects, personnel time may be accumulated to show the amount of time spent on a particular project. This information can be for a specific incident, week or month.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in Title 10, United States Code Section 133, the Secretary of Defense has issued DoD Directive 5105.22 (32 CFR 359) establishing the Defense Logistics Agency (DLA) as a separate agency of the Department of Defense under his direction and therein has charged the Director, DLA, with the responsibility of the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These reports are used for the internal management of the Automated Data Processing (ADP) Division's resources, both for personnel and equipment usage. They are used to evaluate progress on uncompleted projects, work accomplished on an accumulated basis and may be used in forecasting the capability for acceptance for additional work projects, and in evaluating individual job performance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The basic updated data is contained on computer reading-storage media and printouts.

RETRIEVABILITY:

Information may be retrieved by employee number, name, day and work project.

SAFEGUARDS:

Records are filed in an area accessible only by DLA personnel.

RETENTION AND DISPOSAL:

Retain five years or when obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Data Processing, DLA PLFAs; Commander, DLA Systems Automation Center.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and the month or months in which the individual engaged in data processing work. Official mailing addresses are contained in the Department of Defense Directory in the appendix to the DLA system notice.

RECORD ACCESS PROCEDURE:

Individual may contact SYSMANAGER for access procedure.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individuals assigned to the data processing organization.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

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BILLING CODE 3620-01-M

DEPARTMENT OF ENERGY

Western Area Power Administration

Publication of Final Allocation Criteria for Marketing of Additional Power; Application Format for Requesting an Allocation, and Decision Regarding the Renewal of Contracts Expiring Prior to 1986

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Final notice.

SUMMARY: The Western Area Power Administration (Western) is developing a Power Marketing Plan (Plan) for power resources marketed by the Sacramento Area Office of Western. An integral part of the Plan is the allocation criteria to be used in determining qualified applicants and the amount of each allocation. Western hereby announces the final allocation criteria for the marketing of 102 megawatts (MW) of power, plus the additional 10–30 MW of power to protect system diversity, and announces the application format to be used in requesting an allocation. Western also announces its decision regarding the renewal of contracts expiring prior to 1986.

Western will market the 102-MW load level as follows: the 46 MW reserved for the Westlands Water District (Westlands) will be allocated on a withdrawable basis; of the remaining 56 MW, 30 MW will be reserved to "firm" renewable resources and cogeneration, and 26 MW will be allocated on a firm basis. The 10–30 MW will be made available to those entities who can shed load during times of Western's total system simultaneous peak, and can thus contribute to protection of Western's system diversity. The 10 MW for diversity was previously proposed. Western now believes up to 30 MW is desirable for its system if satisfactory contracts can be negotiated.

Proposed criteria which would govern the allocation of the 102 MW of additional power and 10–30 MW of power for diversity were published in the May 7, 1981, **Federal Register** (46 FR 25539). Based upon comments received, Western has made certain minor changes and added criteria for clarification. Nevertheless, none of the criteria have been withdrawn.

Western has decided to market the 46 MW of Westlands' withdrawable power and the 26 MW of firm power allocation at the customer's load factor and not with the 40-percent load factor energy limitation. Further, the 40-percent energy limitation will not be applied to the 30 MW for renewable resource and cogeneration projects or the 10–30 MW to be allocated for protection of system diversity.

Western will renew existing contracts that expire prior to 1986 on substantially the same contract rate of delivery (CRD) terms. Western has decided not to apply the 40-percent annual average load factor energy limitation to renewed contracts; that is, Western will maintain the current practices regarding energy supply and billing. Current customers need not reapply to renew their contracts. The contract termination date for all renewed contracts, contracts for power allocated under the 102 MW, and contracts for the 10–30 MW of power for protection of system diversity will be July 1, 1994.

The application format for an allocation request(s) is given below. The format specifies the data to be submitted and needs be completed only once as the format is common to all allocation requests. An applicant is to indicate the type and amount of its allocation request(s) on the cover sheet.

On July 14, 1981, Western held a comment forum on the proposed Plan. Written comments on the Plan were accepted up to July 27, 1981. Responses to comments on the proposed allocation criteria are given below following the allocation criteria and application format. Responses to comments on other aspects of the proposed Plan will be published along with the final Plan in the **Federal Register** on or about September 30, 1981.

DATES: Applications for power will be accepted from eligible preference entities between August 10, 1981, and September 15, 1981; applications must be received in the Sacramento Area Office no later than 5 p.m., Pacific daylight time, September 15, 1981, to ensure consideration. Applications will be evaluated by the Administrator of Western and allocations will be made based upon the final allocation criteria, applicable laws, the Administrator's judgment, and the final Plan for the Sacramento Area Office. Allocation applications are to be sent by certified mail to the address given below.

On October 8, 1981, Western will hold a comment forum on the proposed allocations. The forum will begin at 9:30 a.m. in the Mariposa/Sonora Rooms, Holiday Inn-Holidome, 5321 Date Avenue, Sacramento, California.

ADDRESS: For further information concerning the allocation criteria, application format, final Plan or the October 8, 1981, public comment forum, contact: Mr. David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825, (916) 484–4251, (FTS) 468–4251.

SUPPLEMENTARY INFORMATION: Based upon comments received, Western has made certain minor changes and added criteria for clarification. Nevertheless, none of the criterion have been withdrawn. The proposed criterion dealing with the acceptance and processing of applications, No. 3 in the renewable resources and cogeneration category was modified to become

general criteria No. 4. Final criteria Nos. 2 and 3, in the renewable resource and cogeneration category were added to clarify previously proposed criteria dealing with energy purchases, the determination of CRD for energy produced by candidate projects, and projects that do not become or fail to remain viable. Final allocation No. 8 was separated from proposed allocation No. 4 so that it would stand alone. A section-by-section analysis is provided below.

Proposed Applicant Profile Data were published in **Federal Registers** published on March 31 and May 7, 1981. The Paperwork Reduction Act of 1980 grants the Office of Management and Budget (OMB) authority to approve or disapprove any proposed rule which contains a collection-of-information requirement. Western did not receive comments from any person or OMB regarding the Applicant Profile Data. Western has determined that its final Applicant Profile Data is in compliance with the Paperwork Reduction Act and that Western is authorized to take applications.

Western previously determined that these rules were not major rules within the meaning of Executive Order No. 12291 and, therefore, preparation of a regulatory impact analysis was not required. Western has not changed that opinion. In addition, OMB has granted Western an exemption to sections 3, 4, and 7 of the Executive Order.

Western has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule was not a rule within the meaning of the Regulatory Flexibility Act and would not, if promulgated, have a significant economic impact on a substantial number of small entities.

The proposed allocations and the major elements of the final Plan will be published in the **Federal Register** on or about September 30, 1981. Western will publish the proposed allocations in the following daily newspapers on or about September 30, 1981: The San Francisco Chronicle, the Sacremento Bee, the Los Angeles Times, the Reno Gazette, and the Las Vegas Review Journal. Western will also mail copies of the final Plan and proposed allocations to all customers and interested parties on or about September 30, 1981.

Final Allocation Criteria

Western will allocate power up to a 1152–MW load level. Within this load level CRD's totalling 10–30 MW will be allocated to protect system diversity, and 102 MW will be allocated as follows: forty-six MW will be reserved for the Westlands Water District, but will be allocated on a withdrawable basis; 30 MW to firm renewable resources and cogeneration, and 26 MW of firm allocations.

The final allocation criteria are presented below. Western has chosen not to adopt and apply the 40-percent load factor energy limitation on either the 26 MW of firm or the 46 MW of withdrawable power allocations. The renewable resource, cogeneration, and diversity allocations also will be marketed without the 40-percent load factor limitation.

General Criteria

The following critieria shall apply to all applicants seeking allocations from the 102 MW and from the 10–30 MW to protect system diversity.

1. Only preference entities identified under reclamation law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) are qualified to apply.

2. Eligible entities must have been in actual existence and operation as of October 1, 1980.

3. Applicants currently receiving any firm power from Western are ineligible to receive any allocations from the 102 MW except for allocations from the power reserved for renewable resources cogeneration, and diversity.

4. Except for power for renewable resources and cogeneration, applications for power under each category will be accepted between August 10 and September 15, 1981; applications must be received in the Sacramento Area Office no later than 5 p.m., Pacific daylight time, September 15, 1981, to ensure consideration. Applications received after September 15, 1981, will receive consideration for allocations of power only (1) if there is power remaining to be allocated which is not contracted for by applicants submitting timely applications, or (2) under the provisions of criterion No. 5 for the power for renewable resources and cogeneration.

Allocation Criteria for the 26 MW of Firm Power

The following criteria shall apply to all applicants seeking allocations from the 26 MW of firm power.

1. Greater consideration will be given to those applicants who can demonstrate a contribution to system diversity at the time of Western's total system simultaneous peak.

2. Applicants serving a comparatively large number of residential customers will be given greater consideration than those serving proportionately large numbers of commercial, industrial, or single-use customers.

3. Failure of the contracting parties to come to terms within 1 year of the offer made by Western of an allocation as indicated by nonsignature of the contract by any of the parties, shall cause the offered power to be placed back in the allocation pool and to be available for reallocation. The allocation offer made by Western shall be that published as final allocations in the **Federal Register** notice scheduled to be issued on or about November 2, 1981. Western, as it deems reasonably necessary, reserves the sole right to extend the 1-year period.

Allocation Criteria for the 30 MW of Firm Power for Renewable Resources and Cogeneration

Western will consider the following types of projects for allocations from the 30 MW:

1. Solar photovoltiac projects and possibly other types of solar projects
2. Wind turbine generators
3. Geothermal projects
4. Cogeneration that conserves imported oil or natural gas
5. Fuel cells using coal derived fuels or domestic natural gas
6. Small hydroelectric generators (less than 30–MW nameplate)
7. Municipal-waste and biomass-fueled combustion projects

The following criteria shall apply:

1. Allocations shall not exceed a 10–MW maximum per project.

2. Western will negotiate the purchase of energy from a customer's project. Capacity purchases will be given lesser preference than energy purchases.

3. Conversion of the energy output to a CRD, not to exceed 10 MW per project (as discussed in criterion No. 1 above), will be calculated based on the anticipated availability, capacity factor, and energy output of the project. The initial determination of the CRD will be negotiated on a case-by-case basis. The CRD will be reviewed on an annual basis and be subject to an upward or downward revision. A revision will be based upon the above factors, the previous years' actual performance, and the expected performance for the coming year.

4. Projects that receive an allocation may also qualify for another purchase power contract for excess project energy not "firmed" by an allocation.

5. Failure of the contracting parties to come to terms within 1 year of the offer made by Western of an allocation as indicated by nonsignature of the contract by any of the parties, shall cause the offered power to be placed back in the allocation pool and to be

available for reallocation. The initial allocation offer made by Western shall be that published as final allocations in the **Federal Register** scheduled to be issued on or about November 2, 1981. Western, as it deems reasonably necessary, reserves the sole right to extend the 1-year period. Subsequent allocation offers will be made if there is power remaining to be allocated under this category and qualifying applicants which will have a renewable resource or cogeneration facility in operation prior to July 1, 1994.

6. The scheduled operation date shall be within 5 years of the date the contract is signed and shall be attested to by a registered professional engineer and verified by Western. Failure of a project to begin actual operation within the 5-year period shall cause the allocated power to revert to the allocation pool and to be available for reallocation. No grace period or extension of the 5-year time period shall be afforded.

7. Allocations under the renewable resource and cogeneration provisions shall not become effective until the actual operation of the project. Further, these allocations will not be available as withdrawable power subject to the project becoming operational.

8. Preference will be given to projects that provide energy above and beyond that retained to meet the applicant's own demand and which is made available for sale to Western.

9. Projects that produce dependable capacity and energy will be given preference over nonfirm capacity and energy.

10. Demonstration projects are eligible for consideration for an allocation.

11. The cost of the project's energy (including any wheeling and interconnection costs) must be competitive with other sources of power available to Western. The purchase rate will be negotiated on a case-by-case basis.

12. Preference will be given to those projects that complement the seasonal output of the Central Valley Project's (CVP) generation system.

Allocation Criteria for the 10–30–MW for Protection of System Diversity

Applicants who are ready, willing, and able to shed load during those times (monthly or daily) approaching Western's total system simultaneous peak will be eligible to contract for a diversity type CRD. Actual amounts to be load shed and compensatory CRD's are to be negotiated on a case-by-case basis.

Allocation Criteria for the 46 MW of Power Withdrawal for the Westlands Water District

The criteria listed previously under the 26 MW of the firm power shall also apply to the allocation of the 46 MW. While the terms of the withdrawal of power in response to Westland's load growth shall be that adopted in the final Power Marketing Plan, Western has decided that if and when withdrawal is necessary, the power will be withdrawn pro rate from each customer having a contract for power under this category.

Contract Period for the 102-MW Allocation and 10- to 30-MW Diversity Allocation

The contract termination date for all contracts for allocations from the 102 MW and the 10–30 MW to protect system diversity shall be July 1, 1994.

Previously Filed Applications

All applications file prior to August 10, 1981, for the 102 MW or for any other power from the Central Valley Project will not be considered by Western.

Renewal of Contracts Expiring Prior to 1986

Western will renew contracts expiring prior to 1986 on substantially the same CRD terms. The 40-percent load factor energy limitation proposed previously will be applied. Western will maintain the current practice of supplying energy each month. The right to modify other contract terms shall be reserved and will be subject to negotiation of each expiring contract being renewed. The contract termination date will be July 1, 1994. Current customers need not reapply to renew their contracts.

Western commits itself to the timely renewal of expiring contracts. To allow for reasonable and forseeable delays, service will be provided until that time when the contract is renewed, but for no more than 1 year from the expiration date. Failure to renew a contract within the 1-year grace period will relegate the power to be used for further protection of system diversity. If adequate system diversity exists, then the power shall be marketed subject to general criteria Nos. 1, 2, and 4 and criteria Nos. 1, 2, and 3 listed under "Allocation Criteria for the 26 MW of Firm Power."

Application Format for an Allocation Request(s)

The application format is specified below. The type and amount of an allocation request(s) is to be indicated on the cover sheet which shall be done as follows.

Western Area Power Administration, Sacramento Area Office

Application for Power Allocation

Applicant's Name _____
Official Contact Person _____
Address _____
_____
Phone _____

Application for

Firm Allocation of _____ MW
Renewable Resource/Cogeneration Allocation of _____ MW
Westlands Withdrawable Allocation of _____ MW
Diversity Allocation of _____ MW

The following to be completed by Western
Certified Mail Receipt Number _____
Date Received _____
Time _____
Signed _____
Title _____

The type of information to be submitted is detailed below. The information should be submitted in the sequence listed below. If information is "not available," so indicate, but if reasonable estimates can be provided, do so. If an area of data requested is "not applicable," so indicate. Western will return applications it deems to be deficient. Such applications with a statement of deficiencies will be returned as soon as is practical but no later than 10 working days from the date the application was received by Western. The application receipt date for the resubmitted application shall be the new date received by Western and not the date of the original submittal.

Western does not require the application to be spiral or perfect bound or with hard cover. Six copies, typed, with the cover sheet as specified previously should be submitted to the address stated above by certified mail.

The burden of ensuring consistency of the content of all six copies rests with the applicant. Errors in data or missing pages are not the responsibility of Western.

The data to be included in the application are enumerated below.

Applicant Profile Data

1. *Eligibility.* A statement of eligibility as a preference customer under reclamation law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

2. *Organization.* A brief description of the organization that will interact with Western on contract and billing matters.

3. *Loads.* a. Number and type of customers served: residential, commercial, industrial, military base, agricultural, or other.

b. Maximum demand and energy use for 1978, 1979, and 1980 versus CRD. The

comparison to CRD applies only to existing customers.

c. Twenty-four-hour load profile curves for winter and summer peak days in 1978, 1979, and 1980. Estimates will be accepted if actual data is not available.

d. 1978–1980 average annual and monthly load factors for your total system. Projected load factors, if available, for the 1981–1994 period.

e. Projected monthly capacity and energy demand, 1981–1994. Indicate forecasting method and basic assumptions.

4. *Resources.* a. List of operating generating resources (if and), capacity, location, and 1980 availability factor.

b. Percent of total supply received from Western, in 1981–1994 (existing customers only).

c. Status of power supply contracts with parties other than Western.

5. *Transmission.* a. Voltage of service required and location(s) of possible delivery points.

b. A brief description of the type of transmission service being requested of Western—Direct or wheeled.

6. *Renewable Resources and Cogeneration Projects.* a. List of future firm and planned resources (if any), capacity, location, scheduled operation date, and expected annual average lifetime capacity factor. The project(s) and supporting data which are the subject of an application for an allocation under the renewable resources and cogeneration category should be so identified.

b. Estimated busbar cost (cents/kWh) of each project in 1980 dollars.

c. As appropriate, proposal plans for wheeling to Western's system.

7. The name, address, and phone number (of a contact person) of the consulting firm used, if any.

8. Any other information the applicant desires to include.

9. The signature and title of an appropriate official who is able to attest to the validity of the data submitted and who is authorized to submit the application.

Section-by-Section Analysis

The following contains the analysis and reasons for each of the criteria announced herein.

General Criteria

1. The purpose of this criterion is to meet the requirements of reclamation law, particularly section 9(c) of the Reclamation Project Act which provides that ". . . preference shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 * * *

2. The October 1, 1980, date was chosen because it coincides with the start of the Federal Government's fiscal year and with the development of the Plan. An unlimited number of new preference entities might result if such a cutoff date was not utilized by Western. This cutoff date is applicable to the preference entities of, or which are located within, Trinity, Tuolumne, and Calaveras Counties to the extent they are applying for any part of the 102 MW. However, the cutoff date has no effect on the statutory preference rights granted to preference entities in the counties of Trinity, Calaveras and Tuolumne under the Act of August 12, 1955 (69 Stat. 719), and the Act of October 23, 1962 (76 Stat. 1173); and all CVP contracts are made subject to those rights.

3. Western's allocation of power to those eligible preference agencies who are not currently customers of Western allows for the most widespread use of its power and is in consonance with the intent of section 9(c) of the Reclamation Project Act of 1939 and Western's policy.

4. Procedurally, applications will be processed after September 15, 1981, the closing date for applications to be received in the Sacramento Area Office, if there is power which is not contracted for or becomes available for reallocation. After September 15, 1981, Western adopts the "first-in-time, first-in-right" concept, provided all other criteria for being eligible for an allocation are met.

Allocation Criteria for the 26 MW of Firm Power

1. The protection of system diversity during times of Western's total system simultaneous peak is a necessary consideration to protect existing and new contracts from being adversely affected by possible overcommitment of power resources and subsequent withdrawals of allocations.

2. This criterion is in consonance with the concept of widespread use, which envisions sharing the benefits of Federal power among many customers rather than a select few industrial or single-use customers.

3. Western will offer a contract to each entity who has been allocated power and will negotiate in good faith to reach a mutually acceptable agreement. The purpose of this provision is to have an administrative criterion designed to maintain the availability of power previously allocated, but which subsequently fails to be subscribed. The right to extend the 1-year period is to accommodate unforeseen circumstances which cause a material delay in the negotiation period.

Allocation Criteria for the 30 MW of Firm Power for Renewable Resources and Cogeneration

1. Western's research of potential energy sources in its market area indicates that the majority of projects are 10–30 MW and smaller; some projects such as small hydroelectric projects are less than 1.0 MW. A number of potential projects are larger than 10–30 MW. By limiting the amount of the allocation, Western believes this will encourage more renewable resource and cogeneration projects and provide a wider diversity of resources for Western. The exact allocation to be granted will depend on the amount of capacity (if any) and energy produced, the ultimate cost of the project, and the negotiated price of power.

2. Western's energy needs are the most acute aspect of its purchase requirements and, therefore, desires to improve its energy situation. Capacity purchases may be considered.

3. Western believes CRD revision may be necessary to account for reasonable or unforeseeable variations in power output. This is consonant with the program in that, the allocation is to "firm" the customer's resource and not to be an additional resource.

4. A two-part contract which covers an allocation made under the renewable resource and cogeneration category and, secondly, which covers the purchase of additional energy output is possible. In no case shall it be construed that a project receiving an allocation be considered ineligible for an additional purchase power contract with Western. Likewise, a project which does not receive an allocation may be eligible for a power purchase contract with Western if a satisfactory contract can be negotiated.

5. This provision is an administrative criterion designed to maintain the availability of power previously allocated, but which subsequently fails to be subscribed. The right to extend the 1-year period is to accommodate unforeseen circumstances which cause a material delay in the negotiation period.

6. Western believes that the 5-year period is a reasonable length of time which recognizes licensing time requirements and which will provide for near-term benefits to the applicant and to Western. Further, additional time is provided between the time of an offer of an allocation and the execution of the contract.

7. The intent underlying the firming of renewable resources and cogeneration is to promote such projects and, at the same time, to receive a benefit from them. Therefore, the allocation cannot be used prior to actual energy production by the project.

8. Western desires to "firm" renewable resources and cogeneration and at the same time obtain additional energy to help improve its energy situation. Various purchase and sale approaches may be negotiated as appropriate to each project.

9. On a planning and operational basis, dependable capacity and energy enables Western to rely on firm resources to meet its customers' demands. By definition, nonfirm capacity and energy cannot be used for planning purposes.

10. Although Western believes that the cost and risks associated with demonstration projects should be borne by the project proponent and by other agencies who have a direct mission in the research and development of new and innovative technologies, such projects will still be considered eligible for an allocation.

11. Western is committed to acquiring economical power for the benefit of all of its customers.

12. Generation resources which provide power during the low generation periods (winter and fall) of the CVP system will allow Western to better utilize its resources.

Contract Period for the 102-MW Allocation and 10- to 30-MW Diversity Allocation

Western has chosen July 1, 1994 as the termination date because it provides a mid-term period by which Western can review and develop a marketing program for the 102-MW, 10–30 MW of diversity allocated, power sold under contracts being renewed under this Plan, and the power sold under other contracts expiring at that time.

Allocation Criteria for the 10-30 MW for Protection of System Diversity

The protection of system diversity during times of Western's total system simultaneous peak is a necessary consideration to protect existing and new contracts from being adversely affected by possible overcommitment of power resources and subsequent withdrawals of allocations. The protection needed can be accomplished by load shedding at those times the system simultaneous demand approaches the maximum load level. The amount of the allocation will depend on the customer's ability to shed load during these times and the terms of a mutually satisfactory contract to be negotiated.

Allocation Criteria for the 46 MW of Power Withdrawals for the Westlands Water District

The criteria for the allocations under this category are those criteria applicable to the 26 MW of firm power. It is Western's intent, subject to the applicant's request, that customers receiving an allocation from this category will also receive a proportional amount from the 26 MW of firm power category.

Previously Filed Applications

In order to ensure that consideration is given to all existing potential applicants which desire to contract with Western for power available under this marketing plan, Western will not consider applications or requests for power submitted prior to August 10, 1981. By submitting the application specified herein, Western will have a uniform basis on which to evaluate each applicant.

Renewal of Contracts Expiring Prior to 1986

Western has decided to maintain the status quo and renew expiring contracts on substantially the same CRD terms. If a contract fails to be renewed, the unsubscribed power will not be allocated unless Western determines that its total system's simultaneous peak will not be exceeded. However, when adequate system diversity exists, Western will make the power available as it was originally contracted—as a firm power allocation.

Responses to Comments on Proposed Allocation Criteria

The following are Western's responses to comments received on the allocation criteria. Western will publish its responses to comments made regarding the remainder of the marketing plan at the time it is published which is currently scheduled for September.

Decision to Allocate 102 MW

Most of the commentors approved of the decision to market the 102 MW either expressly or impliedly. However, several commentors opposed new allocations either on the basis that they were illegal or that Western would not be prudent in incurring the additional purchased power responsibility which could cause increased rates. The legal arguments are dealt with separately.

Western believes its goal, under the terms of the Santa Clara Settlement, is to provide the maximum service within the limits of the contractually prescribed load levels and its responsibilities under the reclamation law. In the market area, the views and needs of the preference customers and eligible preference entities are widely diverse. Western developed the marketing program and allocation criteria so as to provide the most widespread use of the Federal power among preference entities, consistent with sound business principles and legal, contractual, and physical constraints.

Although marketing the 102 MW will result in increased purchased power requirements, Western believes that, given Western's multi-State transmission systems and ability to acquire resources in other market areas, Western will be better able to acquire power cheaper than its customers could individually. Additionally, Western can achieve savings resulting from economics of scale for the benefit of each individual customer.

The alternatives for not marketing or marketing in various ways were fully considered. Western believes that the Plan it has developed, while not satisfying all interested parties, accomplishes the goals of the Federal marketing program and the reclamation law.

Reclamation Law Issues Regarding Irrigator Customers

The irrigation entities have challenged the legality of Western's proposed allocation of the 102 MW. Comments were received from the representative of eleven irrigation entities who currently purchase nearly all of their power requirements from the Central Valley Project at the firm power rates. The irrigation entities argue that under reclamation law, in particular section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) and section 2 of the Rivers and Harbors Act of 1937 (50 Stat. 850), Western is required to first dedicate any power it sells to meet their energy requirements to pump water purchased from the Central Valley Project. In addition, they argue that they are a part of the project and thus entitled to project-use power at the project-use rate which is currently 2.5 mills per kilowatt-hour. The irrigation entities concluded in eary comments that, as a result of this dedication of CVP power, it would be unlawful to withdraw CVP power from them to meet the Trinity preference clause requirements (69 Stat. 719, 720). They later argue that it is unlawful for Western to refuse to renew their contracts as they expire or apply the 40-percent energy limit. Another argument

maintained by the irrigators is that any increase in costs to irrigation entities that may result from the marketing program, if the CVP's power rates were increased as a result thereof, would impair the efficiency of the project for irrigation purposes in violation of section 9(c) of the Reclamation Project Act of 1939. Lastly, they argue that the residential criteria and the "most-widespread-use" principle are not intended nor authorized under section 9(c) of the Reclamation Project Act.

Western disagrees with the irrigator's legal argument that CVP power must be first dedicated to meet the power needs of those entities. There is no express or implied provision in reclamation law, including the specific acts cited by the irrigators, which provides for what would in fact be a first preference for irrigation entities.

It is a general requirement of reclamation law that only the power which is surplus to the project-use requirements is sold commercially. Thus, the CVP has an obligation to provide for project use from some source and, having done so, the surplus project power not required for project uses may be sold commercially.

The irrigators argue that they should be considered a part of the project and, therefore, entitled to project-use power. The power supply arrangements with the irrigation entities were made by the Bureau of Reclamation acting for the Secretary of the Interior. These longstanding arrangements reflected a policy decision to sell commercial power to these entities. There have been a number of determinations both by the Department of the Interior and by Western that these irrigation entities are not part of the project and, therefore, not legally entitled to project-use power. We remain in agreement with those opinions and we see no need to change the policy decisions made by the Department of the Interior. Since the irrigation entities are not entitled to project-use power, there is no requirement in reclamation law for the CVP to ensure a source of supply for those entities and no requirement to treat such entities any differently than any other preference entity. Thus, the irrigation entities' contracts are subject to the same requirements and rules as every other commercial power customer of the CVP.

Statutory statements to the effect that a purpose (among others) of the Central Valley Project is reclamation of arid lands and the generation and sale of electric energy is to be a means of financially aiding that purpose as well as other purposes do not establish a special preference to power for the irrigation entities. It is a matter of Secretarial judgment and discretion (subject to the preference clause) as to whom the commercial power from the Central Valley Project will be marketed. The financial aid to the reclamation function is actually an issue in setting the rates and is not within the scope of these rules. It may be noted, however, that the commercial power sales do subsidize, as intended by the statute, some of the costs of the project allocated to irrigation, as well as repay the costs allocated to power. There is nothing in reclamation law which prohibits charging commercial power rates to the irrigators or prohibits increasing those rates as a result of a marketing program which may involve increased purchased power costs. In fact, reclamation law requires that certain costs (such as purchased power costs) be recovered in the rates.

We are not pursuaded that as a matter of law, section 9(c) of the Reclamation Project Act which provides that "* * * no contract relating to * * * electric power * * * shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes * * *.", mandates a special preference in the sale of power to irrigation entities, particularly since the irrigation entities are not part of the project.

Whether the efficiency of the project is impaired is a highly judgmental decision committed by law to the Secretary. None of the cases cited by the irrigation agencies state to the contrary. Instead, those cases conclude that the statutory preference in section 9(c) is not required if the Secretary adjudges that the efficiency of the project for irrigation purposes would be impaired. However, nothing in those holdings interprets the law to provide a special preference for nonproject irrigation entities to Federal power. The efficiency of the project for irrigation purposes is not impaired as a matter of law by a decision not to grant a first priority to CVP power to the irrigation entities.

Since we have concluded that there is no requirement to first dedicate CVP power to irrigation entities and no requirement to treat these entities any differently than any other preference entity, we conclude that it is lawful to withdraw CVP power from irrigation agencies to meet the Trinity preference clause requirements.

It also follows that Western has full authority and discretion to not renew the irrigators' contracts or to limit Western's obligation to supply energy if such contracts are to be renewed. However, the issue is moot for the most part because Western has decided to renew the irrigators' contracts at substantially the same CRD levels and has further decided not to apply the 40-percent energy limitation. Western does retain the right to require new terms and conditions in the renewal contracts, such as the conservation program requirements.

The irrigation entities' legal argument that any increase in cost to the irrigation entities that may result from the marketing program would impair the efficiency of the project for irrigation purposes presumes an increase in the price of power as a direct result of implementing the Plan. However, assuming that the irrigators' presumption is correct, a showing of resultant increased rates for power and increased power costs for irrigation entities does not demonstrate or prove impairment of the project for irrigation purposes. We are not pursuaded that an increase in the CVP power rate would impair the irrigation entities' efficiency for irrigation purposes much less the efficiency of the Central Valley Project. As we have stated before, the irrigation entities' facilities are not part of the Central Valley Project; and further, whether the efficiency of the Central Valley Project is impaired is a highly judgmental decision committed by law to the Secretary.

Similarly, a showing that the commercial power rates will increase as a result of the marketing plan does not violate the requirement that the sale of electric energy is to financially aid and assist the reclamation function (among other functions of the project). As previously stated, power rates do aid and assist repayment of those costs. The implementation of the marketing program will have no impact in that area.

The irrigators claim that the marketing program discriminates against them in violation of reclamation law because they are (1) prohibited for the most part of receiving any part of the 102-MW allocation since under the existing criteria existing customers are not eligible; (2) not able to utilize a diversity allocation; and (3) do not serve residential loads.

First of all, we are not sympathetic to the irrigators argument of illegal discrimination because each of them receives all or almost all of their entire power requirements from the CVP, and thus could not utilize additional power. However, we will address the legal issues raised by the irrigators.

The irrigators argue that the "most-widespread-use" principle is not a requirement of section 9(c) of the Reclamation Project Act and was,

therefore, not intended by Congress. Similarly, they argue that the residential criteria is not authorized by section 9(c). They also argue that the marketing criteria do not represent "sound business practices."

It is true that neither the "most-widespread-use" principle nor the residential criterion are specified in section 9(c). However, it has been a longstanding principle that section 5(c) of the Flood Control Act, which contains the "most-widespread-use" and the sound business principles, and section 9(c) of the Reclamation Project Act are read *in pari materia* to determine the intent of Congress behind each one. Thus, it is appropriate that the "most-widespread-use" principle be applied when marketing power under section 9(c) and, in fact, this has been a longstanding power marketing policy of the Bureau of Reclamation and now Western.

As explained above, the irrigators do not have, under reclamation law, any special privilege to power sold by the CVP except for the preference which applies to all preference entities. As the court stated in *City of Santa Clara* v. *Andrus*, (572 F.2d 660 (9th Cir. 1978)):

> Nothing in the legislative history of the Reclamation Project Act of 1939 suggests that Congress intended to limit the Secretary's discretion to interpret the preference clause in making decisions as to whether or how or on what terms he will sell power to particular preference customers as compared to other preference customers. (*Id* at 667)

Thus, so long as preference is given in the sale of power, Western has the authority to set the conditions and criteria under which it will choose with whom it will contract to sell CVP power. The court further stated:

> Decisions concerning the proper allocation of CVP power among preference entities are "action committed to agency discretion by law" within the meaning of the APA (Administrative Procedure Act) and as such are unreviewable. (*Id* at 668, footnote omitted)

Therefore, each of the criteria which the irrigators claim discriminates illegally against them are within Western's authority and discretion to promulgate. As explained in more detail elsewhere in this notice, Western believes that there are sound reasons for each criterion. Western does not agree with the irrigators that the criteria are not based on sound business practices.

Time To Review Comments

The irrigation entities argue that since the time between the end of the comment period (July 27) and the date set for publishing this notice (August 3) was only 7 days, that Western would not have time to carefully consider and evaluate all comments and would, therefore, promulgate a "preordained power marketing plan and allocation policy."

The schedule for this rulemaking was established about a year ago in response to an overwhelming majority of customer and potential customer requests to expedite, as much as possible, the rulemaking process. The expedited schedule demanded that both Western and commentors work on a tight schedule. Western is committed to maintaining this schedule absent compelling reasons to deviate from it. The publication of this **Federal Register** notice was delayed a few days from the August 3 schedule so that all comments (including a few late comments) would receive careful consideration. However, we believe that this slight delay will not cause a delay in the program development, and the remaining schedule dates are still applicable.

Since there have been several opportunities to comment during the rulemaking process, many of the later comments submitted reiterated previous comments. Thus, many comments were carefully considered by Western during the early development of the program. However, each comment regarding the allocation criteria, whenever submitted, received full consideration and has been responded to or addressed in full herein.

Objection to the Santa Clara Settlement

The irrigation entities object to the allocation made to the City of Santa Clara which resulted from the settlement of the lawsuit. Although with respect to the allocation of the 102 MW, this marketing program was made possible by the Santa Clara settlement, we believe that this is not the proper forum for the irrigators to object to the settlement or the contract rights created thereby.

Notice Required by the Santa Clara Settlement

PG&E commented that it had not received the proper 1-year notice as required by the Santa Clara settlement. PG&E is incorrect. By letter dated July 30, 1980, Western officially notified PG&E of the pending increase in load level to be made as a result of a marketing plan developed pursuant to the Santa Clara settlement. That notice was acknowledge by PG&E by letter dated September 16, 1980. In addition, representatives of PG&E have been kept fully informed of the relevant dates, schedules, and progress of the marketing plan and have attended all of the public forums held. All brochures and other materials have been sent to PG&E as they were developed. There is no merit to PG&E's statement that they have not received the requisite notice.

The 40-Percent Load Factor Energy Limitation on Contract Renewals and Contracts for the 102 MW of Additional Power

This criterion was supported by a few groups who argued that Western should market only what the CVP generates, therefore, eliminating the need to purchase additional energy at prices expected to be higher than energy account No. 2 rates. The majority of comments received, however, opposed this criterion, and instead, supported Western's efforts to acquire economical sources of power. It was also argued that equity would not be served if the limitation was supplied only to renewal contracts and the firm power contracts under the 102 MW— or about 25 percent of the total contracted load.

Western believes it is capable of acquiring economical sources of firming energy and is persuaded that the financial impacts and equity argument do not warrant imposition of the 40-percent load factor energy limitation. Therefore, the 40-percent load factor energy limitation does not apply to either renewal contracts, the 26 MW of firm power, or the 46 MW of Westlands withdrawable power as was previously proposed.

Preference Entities To Be in Actual Existence and Operation as of October 1, 1980

Calaveras and Tuolumne Counties have requested that they and any newly created preference entities within those counties be exempted from this criterion. These counties are both preference entities under reclamation law and counties of origin having a statutory first preference to a portion of the power from the New Melones Powerplant.

As counties of origin, these preference entities or preference entities within the counties are eligibile to apply for their entitlement from New Melones. However, with respect to the 102 MW and under the terms of the final criteria, these entities can only apply for a portion of the 102 MW if they were eligible preference entities in existence as of October 1, 1980.

Renewal of Expiring Contracts

Western's proposed blanket extension of expiring contracts to 1994 was challenged on the grounds that each expiring contract should be evaluated on its individual merits. Such a procedure, it was argued, would enable

Western to judge the merits of renewal on the entity's commitment to conservation, renewable resources, cogeneration, and need relative to that of other preference entities.

Western has chosen to renew the expiring contracts at substantially the same CRD. Because these entities are customers of Western, Western already possesses much of the information for these entities which is being requested in the application. Western has evaluated the merits of renewal to these customers and has decided that it is in the public interest to maintain the status quo. A major reason for this decision is that, if Western were not to renew, those customers would not have enough time to seek other resources and would be forced to purchase their requirements from PG&E. The financial impact of this would depend on the extent customer's CRD was changed. A second major reason is that these contracts represent only about 25 percent of the power allocated. Western believes that this is not the appropriate time to make a major shift in previously made allocations. However, those renewal customers will be subject to the same contract terms and conditions, as appropriate, which apply to the new customers, such as the conservation and renewable energy program.

Protection of System Diversity

The Modesto Irrigation District (MID) has requested modification of the criteria to allow for the ability to provide peaking generating resources at the time of Western's system simultaneous peak.

In weighing the benefits to its customers, Western does not believe that the use of the peaking gas/distillate turbines of MID is an appropriate method to protect its load level. While the concept of meeting system peaks with peaking resources, preferably low cost hydroelectric units is standard California utility practice, MID's case in point does not dictate a preferable economic and resource choice. Western desires actual load shedding to protect its 1,152-MW load level.

The City of Palo Alto (City) asserted that 30 MW of the 102 MW should be allocated on a withdrawable basis to protect the 1,152-MW load level with subsequent CRD adjustment to account for any remaining overrun. Further, the City has requested clarification of treatment of the 102-MW load level relative to the 1,050-MW load level in determining system simultaneous peak.

Under the terms of the Santa Clara settlement Memorandum of Understanding, the 1,050-MW load level is, in fact, separate and distinct from the 102-MW load level. While Western will cumulate the two in determining its system simultaneous peak, the two load levels will be treated separately by Western for other determinations.

Western has chosen not to allocate for protection of system diversity from within the 102-MW level. Western will select customers who can contribute to the system's diversity and customers who can shed load at those times necessary to protect system diversity.

Power Deliveries Prior to Actual Operation of a Renewable Resource or Cogeneration Project

Western received several inquiries on the use of an allocation made under this category prior to actual operation of the project either by the contracting party or by someone other than the contracting party until that time when the project is operating.

The effective date of an allocation made to a proponent of a project within the renewable resources and cogeneration category was proposed to be associated with the actual date of operation. Western reaffirms this criterion. Furthermore, language was added to final criterion No. 7 to preclude any use of the allocation prior to actual operation of the project.

Renewable Resource or Cogeneration Projects

The proposed criteria states that the scheduled operation date of candidate projects shall be within 5 years of the date the contract is signed and should be attested to by a registered professional engineer and verified by Western. Several comments questioned the reasonableness of the 5-year cutoff date given their involved budget process; others questioned the point in time and on what basis the testament should be made.

Western has reaffirmed its 5-year cutoff date in the final criterion. The overriding concern underpinning this criterion is Western's desire to place under contract resources which will provide power at a time when energy account No. 1 is expected to be depleted and at prices alternative to energy account No. 2 prices. Insofar as the bases upon which the testament of a registered professional engineer is required as to the scheduled operation date of a project, Western suggests that a minimum the planning-licensing-construction schedule and the associated budget schedule be submitted.

The City of Santa Clara asked for clarification regarding preference to existing projects, the type of project financing preferred, energy pricing, and priority among multiple applications filed by a contractor.

Western will evaluate all projects based on their individual merits regardless of their existing or planned status. With respect to project financing, Western takes no position at this time; however, it is not believed that the type of project financing will be a major consideration. In regard to energy pricing, Western will offer competitive rates in conjunction with its allocation. Finally, Western requests that priority among multiple applications be first established by the applicant. Naturally, the economics of a project, the ability to produce baseload power, and the inservice date of a project will have a significant bearing on project ranking.

The PG&E cities have proposed that the 30MW for renewable resources and congeneration be reduced to 20MW, coordinately increasing the 26MW of firm power to 36MW. On the other hand, the California Energy Commission (CEC) has suggested that Western could market several times the proposed amount.

Western believes that the relative division of the 102MW among the allocation categories best represents the needs of Western and its customers in marketing the 102MW in accordance with pertinent power marketing statutes and the national energy policies.

Greater Consideration to Entities With a Comparatively Large Number of Residential Customers

Diametrical comments were filed on this criterion. The ten irrigation entities represented by the law firm of McCarty, Noone and Williams found the criterion to be discriminatory and the supporting reason not to apply to the irrigator's situation: " * * * the irrigating farmer may or may not be able to recover this increased cost [high energy costs] when he sells his agricultural production." The San Franciso Operations Office of the Department of Energy argued that the residential criteria should be replaced by one favoring Federal agencies since then all taxpayers are benefited. The five PG&E cities represented by the law firm of Miller, Balis, and O'Neill argue that they are the only municipal electric distribution system in northern California without an allocation of CVP power and that without an allocation, their continued existence as municipal utilities is threatened. The Modesto Irrigation District was highly supportive of the residential criteria.

Western's interpretation of section 9(c) of the Reclamation Project Act of 1939, section 5 of the Flood Control Act of 1944, and section 6 of the Bonneville

Power Act, when read together is that these laws encourage the most widespread use of power and the marketing of power to serve the public interest. Western believes that the criterion is one that best promotes the "most-widespread-use" principle and best serves the public interest in the affected marketing area. For further elaboration on the rationale for this criterion, see the discussion in the section-by-section analysis.

General Criteria No. 3 Restricting Existing Customers Only to Power From the Renewable Resources and Cogeneration, and Diversity Categories

The Air Force advocated deletion of this criteria, reasoning that Western could give weight to new customers without having to restrict or exclude existing preference customers. Western believes the reasons for allocation of the 102 MW for the most widespread use of its power is explicitly set forth in the section-by-section analysis of the criteria.

Compliance With the Regulatory Flexibility Act

The irrigators argue that this rulemaking is one that falls within the meaning of the Regulatory Flexibility Act and would, if promulgated, have a significant economic impact on a substantial number of small entities.

Although Western does sell power to a number of small entities, this number is small in relation to the number of small entities in the marketing area and, therefore, is not a substantial number. Secondly, the proposal to implement the 40-percent limit, (which was not put into effect) would cause these small entities to purchase, at most, one-third of their energy at higher rates. Compared to other small entities purchasing similar amounts of power, the entities affected would still have power costs well below the average in the area. Western did not consider this a significant economic impact to the potentially affected entities. Lastly, Western believes that these rules are ones of particular applicability relating to services offered by Western and are not within the purview of the Regulatory Flexibility Act.

Compliance With Executive Order No. 12291

The irrigators argue that Western has failed to comply with Exceutive Order No. 12291 in that the rules constitute major rules within the meaning of that order. The irrigators claim that the annual effect on the economy will be $100 million or more.

The irrigators are incorrect. The potential increased costs to Western and ultimately to its customers would be primarily due to purchased power costs resulting from the marketing of the additional 102 MW. This increase is somewhat illusory when considering the overall economic impact since the marketing will likely result in lesser power costs for those receiving new allocations and increased power costs for those existing customers receiving no new allocations.

The same is true with the 40-percent energy limitation. The tendency under that proposal (which was not adopted) would be to keep Western's rates lower but require its customers to purchase power from other sources at higher rates. The real economic impacts of these scenarios will primarily be a shifting of costs among the utilities and customers in the marketing area. However, the aggregate impact, even with respect to any class or group of customers, will not be $100 million or more. The individual financial impact will be determined more by rate design(s) chosen by Western rather than the plan for marketing. Determination of the appropriate rates is not involved in this proceeding. Lastly, Western has received from OMB an exemption from sections 3, 4, and 7 and, therefore, has complied with the applicable requirements of the Executive Order.

Power Allocation Methodology

The CEC believes that an "objective, equitable system of power allocation" could "enhance the long-term planning * * * of present and prospective customers." The CEC further states that renewal of expiring contracts if submitted to a fixed allocation formula would make available some power to applicants not yet receiving any power, thereby making the distribution of power more equitable over time. In effect, the CEC argues that knowing the allocation formula in advance would enable present and prospective customers to better able "plan to meet future electricity demands with greater certainty." The Department of the Air Force made comments along the same lines recommending that a matrix system be developed which assigns point values to the pertinent aspects of each preference customer.

Western is making every effort to produce a fair and equitable power marketing plan and allocation program. In this regard, and cognizant of the dynamic nature of energy planning at the local, State, national, and international levels, Western has chosen not to promulgate a fixed allocation formula or a rigid set of criteria as the method to derive allocations. In fact, the staff made several attempts to devise such criteria and formula. However, each such attempt tended to create more anomalies and inequities than it prevented. Western had decided to maintain a more flexible approach whereby the criteria established will set up certain factors to be considered and weighed, but the exercise of agency discretion will not be removed.

Preference to Customers Who Can Contribute to System Diversity

The PG&E cities have noted that some preference customers may well have load characteristics that do not contribute to system diversity and argue that the need of such customers "may be no less compelling than that of an applicant with diverse load characteristics."

Western's allocation criteria will balance all customer characteristics in total; no one criterion will be used to grant an allocation or eliminate an applicant.

Market CVP Excess Capacity to Firm Intermittent Resource Generation Projects

The CEC has suggested that Western market its excess capacity separately from the 102 MW with provision for energy return.

Western's contract No. 2948A with PG&E provides for the integration of CVP hydroelectric resources with PG&E's generation resources. This contract also requires that excess capacity be delivered to PG&E for scheduling in the area. The capacity bank account so established is set up to provide Western with capacity withdrawal rights as needed. Western views the commission's proposal as conflicting with the requirements of contract No. 2948A.

Failure of the Contracting Parties To Come to Terms Within 1 Year of the Allocation Offer

The University of California Systemwide Administration suggested that Western recognize and include in the criterion, the "time which may be required to make arrangements for wheeled transmission services or interconnections."

Western is modifying the criterion to reserve itself the sole right to extend the 1-year period. Western believes that this reservation affords itself sufficient flexibility to handle contingencies.

Availability of Information

All brochures, studies, comments, letters, memorandums, and other

documents made or kept by Western for the purpose of developing the power marketing plan are and will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825, (916) 484–4251.

Issued at Golden, Colorado, August 4, 1981.

William H. Clagett,

Deputy Administrator.

[FR Doc. 81-23299 Filed 8-7-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 10425]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10425 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. S4321 *et seq.*, and that preparation of an environmental impact statement is not required. The agreement between Compania Sud Americana de Vapores (CSAU) of the Republic of Chile and Lykes Bros. Steamship Company (LYKES) is an equal access with discussion agreement whereby CSAU and Lykes will have equal access to all Import and Export cargo moving between Chile and Gulf of Mexico/U.S. Ports as well as be able to exchange views regarding matters relevant to CSAU/Lykes service in this trade.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-23827 Filed 8-14-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or in directly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reason a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reseve Bank indicated for that application. Comments and requests for hearings should indentify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than September 3, 1981.

Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Walter E. Heller International Corporation, Chicago, Illinois (investment advisory activities: United States): to engage through its subsidiary Abacus Realty Advisors, Inc., in acting as an investment or financial advisor for a mortgage or real investment trust; serving as an investment advisor, as defined in Section 2(a)(20) of the Investment Company Act of 1940, to an investment company registered under that Act, but only as to investments in real estate, real estate mortgages, or real estate securities; and providing portfolio investment advice regarding real property interests to any other person, except where the real property is to be used in the trade or business of the person being advised. The activities will be conducted from an office in Chicago, Illinois, serving the entire United States.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Rainier Bancorporation, Seattle, Washington (mortgage banking; Arizona): through its subsidiary known as Rainier Mortgage Company, proposes to engage in the following activities: general mortgage banking business including making or acquiring for its own account or for the account of others loans or other extensions of credit. These activities will be conducted from an office in Phoenix, Arizona, serving Maricopa, Yavapai, Yuma and Pinal Counties; and from an office in Sierra Vista, Arizona, serving Cochise and Pima Counties.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, August 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23959 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

Burt Bancshares, Inc.; Formation of Bank Holding Company

Burt Bancshares, Inc., Burt, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Burt Savings Bank, Burt, Iowa. 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)).

Burt Bancshares, Inc., Burt Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage in general insurance activities in a town with a population of less than 5,000. These activities would be performed from offices of Applicant in Burt, Iowa, and the geographic area to be served is Burt, Iowa. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board Approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests,

or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and recieved by the Reserve Bank not later than September 10, 1981.

Board of Governors of the Federal Reserve System, August 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23956 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

Clint Banc Corp; Formation of Bank Holding Company

Clint Banc Corp, Bartelso, Illinois, 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 84.8 per cent or more of the voting shares of Bartelso Savings Bank, Bartelso, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 9, 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 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23958 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

Poplar Bluff Bancshares, Inc.; Formation of Bank Holding Company

Poplar Bluff Bancshares, Inc., Poplar Bluff, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank of Popular Bluff, Popular Bluff, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 10, 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 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23957 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

Cache Bancshares, Inc.; Formation of Bank Holding Company

Cache Bancshares, Inc., Cache, 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 91.03 percent of the voting shares of the successor by merger to First State Bank, Cache, 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 9, 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 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23871 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Bankshares, Inc., Blakely Investment Company; Acquisition of Bank

Commercial Bankshares, Inc., Griffin, Georgia, and Blakely Investment Company, Griffin, Georgia, have 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 First Citizens Bank, Fayetteville, Georgia. 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 applications 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 applications should submit views in writing to the Reserve Bank to be received not later than September 9, 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 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23872 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Enid, Inc.; Formation of Bank Holding Company

First Enid, Inc., Enid, 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 100 percent of the voting shares of First National Bank and Trust Company of Enid, Enid, 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 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 9, 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 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23873 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Missouri Banks, Inc.; Acquisition of Bank

First Missouri Banks, Inc., Creve Coeur, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First Missouri Bank of Washington, Washington, Missouri, a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 9, 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 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23874 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Pioneer Bank Corp.; Formation of Bank Holding Company

First Pioneer Bank Corp., Brush, Colorado, 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 The Farmers State Bank of Brush, Brush, Colorado. 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 9, 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 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23875 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

Peoples Bancshares, Inc.; Formation of Bank Holding Company

Peoples Bancshares, Inc., Lebanon, Tennessee, 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 the Peoples Bank, Lebanon, Tennessee. 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 9, 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 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23876 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

Permian Financial Corporation; Formation of Bank Holding Company

Permian Financial Corporation, Crane, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank, Crane, 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 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23877 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

Texas Commerce Bank, N.A.; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a)

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Texas Commerce International Bank, Houston, Texas. Texas Commerce International Bank would operate as a subsidiary of Texas Commerce Bank, N.A., Houston, Texas. The proposed corporation has also applied for the Board's approval under § 211.4(c)(1)) to establish a branch in New York, New York. The factors that are considered in acting on the applications are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The applications 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 applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 9, 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 summarize

the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23878 Filed 8-14-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Holmes Protection Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Holmes Protection Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of the Building Cleaning & Maintenance subsidiaries of National Kinney Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

C. G. Thuot, Sr.,

Acting Secretary.

[FR Doc. 81-23923 Filed 8-14-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Morgan Crucible Co., Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Morgan Crucible Co., Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of and assets of Hydrotex Industries Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Seagram. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. Section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

C. G. Thuot, Sr.,

Acting Secretary.

[FR Doc. 81-23924 Filed 8-14-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; NOVA

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: NOVA is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Uno-Tex Petroleum Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 3, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. Section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By Direction of the Commission.

C. G. Thuot, Sr.,

Acting Secretary.

[FR Doc. 81-23925 Filed 8-14-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Seagram Co. Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Seagram Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Bishop Coal Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Seagram. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of

Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

C. G. Thuot, Sr.,

Acting Secretary.

[FR Doc. 81–23939 Filed 8–14–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Seagram Co. Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Seagram Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Calcasieu Chemical Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Seagram. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894)

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action by published in the **Federal Register.**

By direction of the Commission.

C.G. Thuot, Sr.,

Acting Secretary.

[FR Doc. 81–23940 Filed 8–14–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Seagram Co. Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Seagram Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Cit-Con Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Seagram. Neither agency intends to take any action with respect to this acquistion during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894)

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

C. G. Thuot, Sr.,

Acting Secretary.

[FR Doc. 81– 23941 Filed 8–14–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Seagram Co. Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Seagram Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Colonial Pipeline Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Seagram. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894)

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. Section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

C. G. Thout, Sr.,

Acting Secretary.

[FR Doc. 81–23942 Filed 8–14–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Seagram Co. Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Seagram Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain

voting securities of Dixie Pipeline Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Seagram. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

C. G. Thuot, Sr.,

Acting Secretary.

[FR Doc. 81–23943 Filed 8–14–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Seagram Co. Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Seagram Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Explorer Pipeline Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Seagram. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Wshington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

C. G. Thuot, Sr.,

Acting Secretary.

[FR Doc. 81–23944 Filed 8–14–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Seagram Co. Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Seagram Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Mathies Coal Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Seagram. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

C. G. Thuot, Sr.,

Acting Secretary.

[FR Doc. 81–23945 Filed 8–14–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Seagram Co. Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Seagram Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Platte Pipeline Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Seagram. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. section 18a, as added by Title II of the Hart-Sott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

C. G. Thuot, Sr.,

Acting Secretary.

[FR Doc. 81–23946 Filed 8–14–81; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Seagram Co. Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Seagram Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Yellowstone Pipeline Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Seagram. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competiton, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. Section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

C. G. Thuot, Sr.,

Acting Secretary.

[FR Doc. 81–23947 Filed 8–14–81; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

[E–81–10]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Arizona Corporation Commission involving electric rates, Docket No. U–1933.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in my by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Arizona Corporation Commission, involving the application of the Tucson Electric Power Company for an increase in its electric rates in Docket No. U–1933.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: August 6, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–23915 Filed 8–14–81; 8:45 am]

BILLING CODE 6820–AM–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

Advisory Council and Subcommittees; Meetings

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 bodies scheduled to meet during the month of September 1981:

Name: Implementation and Administration Subcommittee of the national Council on Health Planning and Development

Date and Time: Thursday, September 10, 1981 at 4:00 p.m.–6:30 p.m.

Place: Room 51–69 North, Hubert H. Humphrey Building North, 200 Independence Avenue SW., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The objective of the Implementation and Administration Subcommittee is to study and make recommendations in the implementation and administration of Titles XV and XVI of the Public Health Service Act. Specific areas for the Subcommittee's consideration are (1) the impact of HHS's implementation and administration on the effectiveness of Health Systems Agencies (HSA) and State Health Planning and Development Agencies (SHPDA); (2) the effectiveness of the interrelationships between health planning agencies and HHS, Central and Regional Offices; (3) the timing and strategy of implementation and of the dissemination and distribution of regulatory and technical material; (4) how to better meet the needs of HSAs and SHPDAs; (5) the review of the Council's responsibilities under section 1122 of the Social Security Act; and (6) the review of the Council's responsibilities related to proposed terminations and/or non-renewals of HSAs and SHPDAs under sections 1515(c) and 1521(b) of the PHS Act.

Agenda: Review of pending section 1122 (Social Security Act) cases. For further information, contact MR. TERRY SHANNON, Bureau of Health Planning, Room 6–22, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone: (301) 436–6852.

* * * * *

Name: National Council on Health Planning and Development

Date and Time: Friday, September 11, 1981; 8:45 a.m.–3:30 p.m.

Place: Room 800, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

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 Public Law 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: Status reports from Health Resources Administration officials; reports

from the Subcommittee on Implementation and Administration; and discussions on anti-trust considerations for voluntary health planning efforts and coalitions for local health planning.

Anyone requiring information regarding the subject Council should write to or contact MRS. S. JUDY SILSBEE, Executive Secretary, National Council on Health Planning and Development, Health Resources Administration, 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 11, 1981.

Jackie E. Nylen,

Advisory Committee Management Officer, Health Resources Administration.

[FR Doc. 81-23831 Filed 8-14-81; 8:45 am]

BILLING CODE 4110-83-M

National Institutes of Health

Bladder and Prostatic Cancer Review Committee; Bladder Cancer Review Subcommittee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Bladder and Prostatic Cancer Review Committee, (Bladder Cancer Review Subcommittee), National Cancer Institute, September 14–16, 1981, Ramada Inn, 225 William F. McClellan Highway, Boston, Massachusetts 02128. This meeting will be open to the public on September 14 from 8:00 p.m. to 10:00 p.m., and on September 15 from 8:30 a.m. to noon, for a planning session for the future, and to review present programs and administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed on September 15, from Noon to adjournment, and on September 16, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205, (301/496–5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. William E. Straile, Executive Secretary, Bladder and Prostatic Cancer Review Committee, National Cancer Institute, Blair Building, Room 314, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers, 13.393, 13.394, 13.395, Project grants in cancer cause and prevention research, cancer detection and diagnosis research, and cancer treatment research, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: August 10, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-23845 Filed 8-14-81; 8:45 am]

BILLING CODE 4110-08-M

Bladder and Prostatic Cancer Review Committee; Prostatic Cancer Review Subcommittee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Bladder and Prostatic Cancer Review Committee, Prostatic Cancer Review Subcommittee, National Cancer Institute, September 23–24, 1981, Cary Meeting Room, Roswell Park Memorial Institute, Research Study Center, 666 Elm Street, Buffalo, New York. This meeting will be open to the public on September 24, from 9:00 a.m. to adjournment, to review administrative details and the Annual Program Review. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on September 23, from 1:00 p.m. to adjourment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Andrew Chiarodo, Executive Secretary, Bladder and Prostatic Cancer Review Committee (Prostatic Subcommittee), National Cancer Institute, Blair Building, Room 314, National Institutes of Health, Bethesda, Maryland (301/427–8800) will furnish substantive program information.

Dated: August 11, 1981.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention research, cancer detection and diagnosis research, and cancer treatment research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "program not considered appropriate" in section 8(b)(4) and (5) of at Circular).

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-23846 Filed 8-14-81; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors, Division of Cancer Biology and Diagnosis; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCBD, National Cancer Institute, October 22 and 23, 1981, Linden Hill Hotel, Forest Hills Conference Room, Bethesda, Maryland.

The entire meeting will be open to the public each day, October 22 and 23, 1981, from 9:00 a.m. to 5:30 p.m. to review the Division of Cancer Biology and Diagnosis research program. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of commitee members, upon request.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A–03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4345) will furnish substantive program information.

Dated: August 7, 1981.

Thomas E. Malone,

Deputy Director, National Institutes Health.

[FR Doc. 81-23847 Filed 8-14-81; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, on October 5, 6, and 7, 1981. The meeting will be held at the Rocky Mountain Laboratories, Hamilton, Montana 59840. This meeting will be open to the public on October 5 from 8:00 a.m. until adjournment. During this open session, the permanent staff of the Laboratory of Microbial Structure and Function, Laboratory of Persistent Viral Diseases, and Epidemiology Branch will present and discuss their immediate past, and present research activities.

In accordnce with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting of the Board will be closed to the public on October 6 and 7 from 8:00 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, National Institutes of Health, Building 5, Room 137, telephone (301) 496-2144, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health)

Dated: August 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-23844 Filed 8-14-81; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors, Division of Cancer Cause and Prevention; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, September 17-18, 1981, Building 31, Conference Room 4, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 9:00 a.m. on September 17, through adjournment on September 18, for discussion and review of the Division budget; and review of concepts for grants and contracts. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary, Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, Building 31, Room 11A04, National Institutes of Health, Bethesda, Maryland 20205 (301/496-6927) will furnish substantive program information.

Dated: August 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-23848 Filed 8-14-81; 8:45 am]

BILLING CODE 4110-08-M

Cancer Control Grant Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Control Grant Review Committee, National Cancer Institute, October 19-20, 1981, Building 31C, Conference Room 10, 9000 Rockville Pike, Bethesda, Maryland 20205. This meeting will be open to the public on October 19, from 8:30 a.m. to 9:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public on October 19, from 9:00 a.m. to adjournment and on October 20, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets of commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Msr. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20505 (301/496-5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. Robert F. Browning, Executive Secretary, Cancer Control Grant Review Committee, National Cancer Institute, Westwood Building, Room 806, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7413) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.399, project grants and contracts in cancer control, National Institutes of Health)

(NIH programs are not coverd by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: August 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-23849 Filed 8-14-81; 8:45 am]

BILLING CODE 4110-08-M

Clinical Trials Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Trials Committee, National Cancer Institute, October 13, 1981, Building 31, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20205. The meeting will be open to the public on October 13, 1981 from 1:00 p.m. to 1:30 p.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public on October 13, from 1:30 p.m. to adjournment, for the review, discussion and evaluation of an individual contract proposal. This proposal and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposal disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Gerald U. Liddel, Executive Secretary, National Cancer Institute, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7575) will furnish substantive program information.

Dated: Aug. 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–23850 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

Communicative Disorders Review Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Comunicative Disorders Review Committee, National Institutes of Health, November 6–7, 1981, in Conference Room 7, C-Wing, Building 31, 9000 Rockville Pike, Rockville, Maryland 20205.

The meeting will be open to the public from 8:00 p.m. until 10:00 p.m. on November 6th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 7th from 8:30 a.m. to adjournment on that day, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Howard Weinstein, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, MD 20205, telephone 301–496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: August 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–23859 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

Neurological Disorders Program Project Review A Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Neurological Disorders Program Project Review A Committee, National Institutes of Health, November 5, 6, and 7, 1981 at the Bethesda Marriott Hotel, Pooks Hill Road, Bethesda, Maryland 20014.

The meeting will be open to the public from 8:00 p.m. until 10:00 p.m. on November 5, 1981 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 6, 1981 from 8:30 a.m. to adjournment on November 7, 1981 for the review, discussion and evaluation of individual grant application. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Officer of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205 (Tel. No. 301/496–5751) will furnish summaries of the meeting and roster of committee members.

Dr. Leon Jack Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: August 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–23860 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

Interagency Technical Committee; Notice of Meeting

Notice is hereby given of the meeting of the Interagency Technical Committee (IATC), sponsored by the Office of Program Planning and Evaluation, National Heart, Lung, and Blood Institute, on September 16, 1981, Building 31, C Wing, Conference Room 9, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The entire meeting, from 9:00 a.m. to 12:30 p.m., will be open to the public. This is a regular meeting of the Interagency Technical Committee, to examine and coordinate federal research activities which concern heart, blood vessel, lung and blood diseases and blood resources. For further program information and an agenda, or for a list of meeting participants and the minutes of the meeting, contact: Ms. Sally Breul, Office of Program Planning and Evaluation, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, NIH, 9000 Rockville Pike, Bethesda, MD 20205, 301–496–5031.

Dated: August 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–23856 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

Large Bowel and Pancreatic Cancer Review Committee; Large Bowel Cancer Review Subcommittee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee (Large Bowel Cancer Review Subcommittee), National Cancer Institute, September 3, 1981, Boston Logan Hilton Hotel, Boston, Massachusetts 02128. This meeting will be open to the public on September 3 from 11:00 a.m. to 11:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public on September 3 from 11:30 a.m. to 5:00 p.m.,

for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Vincent J. Cairoli, Executive Secretary, Large Bowel and Pancreatic Cancer Review Committee (Large Bowel Subcommittee), National Cancer Institute, Blair Building, Room 312, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention, project grants in cancer detection and diagnosis, and project grants in cancer treatment research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: August 10, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–23851 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Eye Council and the Vision Research Program Planning Subcommittee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, September 21, 22, and 23, 1981, Bethesda, Maryland.

The National Advisory Eye Council's standing subcommittee, the Vision Research Program Planning Subcommittee, will meet at 2:00 p.m., Sunday, September 20, 1981, in the Bethesda Marriott Hotel, 2 Pooks Hill Road, Bethesda, Maryland, for a final review of the reports of the five program planning panels, to continue to review the priorities recommended by those panels, and to discuss Volume I of the program planning document, which is the overview and summary report. Attendance by the public will be limited to space available.

The full National Advisory Eye Council will meet September 21, 22, and 23, 1981, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. until approximately noon on Monday, September 21, for opening remarks by the Director, National Eye Institute, for discussions of the final drafts of the reports of the Council's five program planning panels, and for discussions of procedural matters and presentations by the extramural staff of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public from approximately noon for the remainder of the day on Monday, September 21, and all day on Tuesday and Wednesday, September 22 and 23, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will furnish substantive program information.

Dated: August 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health.)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

[FR Doc. 81–23855 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

National Cancer Advisory Board Ad Hoc Subcommittee on Nutrition; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Ad Hoc Subcommittee on Nutrition, National Cancer Advisory Board, National Cancer Institute, September 8–9, 1981, Building 31C, Conference Room 9, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 7:00 p.m. to adjournment on September 8 and from 8:30 a.m. to adjournment on September 9, to discuss nutrition research. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Andrew Chiarodo, Executive Secretary, National Cancer Institute, Blair Building, Room 314, Bethesda, Maryland 20205 (301/427–8800) will furnish substantive program information.

Dated: August 7, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health

[FR Doc. 81–23852 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

National Cancer Advisory Board Subcommittee on Board Activities and Agenda; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Board Activities and Agenda, National Cancer Institute, August 27, 1981, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland. The entire meeting will be open to the public from 9:30 a.m. on August 27, through adjournment, to discuss administrative details and plan the agenda and activities for the National Cancer Advisory Board and its meeting in October 1981. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William A. Walter, Executive Secretary, Subcommittee on Board Activities and Agenda, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4218) will furnish substantive program information.

Dated: August 7, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–23853 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

National High Blood Pressure Education Program Coordinating Committee; Notice of Meeting

Notice is hereby given of the meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute, on October 23, 1981, Building 1, Wilson Hall, at the National Institutes of Health (NIH), 9000 Rockville Pike, Bethesda, MD 20205.

The entire meeting, from 8:30 a.m. to 5:00 p.m., will be open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For detailed program information and agenda contact: Mr. Graham W. Ward, Chief, Health Education Branch, National High Blood Pressure Education Program, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 4A24, 9000 Rockville Pike, Bethesda, MD 20205 301–496–1051.

For the list of participants and meeting summary contact:

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 4A21, 9000 Rockville Pike, Bethesda, MD 20205 301–496–4236.

Dated: August 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–23857 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

Neurological Disorders Program—Project Review B Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Neurological Disorders Program—Project Review B Committee, National Institutes of Health, October 16, 17, and 18, 1981, in Crown Room A, Holiday Inn-Downtown, Los Angles, California 90017.

The meeting will be open to the public from 8:30 p.m. until 10:00 p.m. on October 16th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 17th from 8:30 a.m. to adjournment on October 18th, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Ellen G. Archer, Executive Secretary, Federal Building, Room 9C10B, Bethesda, MD 20205, telephone 301–496–9223, will furnish substantive program information.

Dated: August 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

[FR Doc. 81–23861 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

Second Annual NCI/EPA/NIOSH Collaborative Workshop: Progress on Joint Environmental and Occupational Cancer Studies

Notice is hereby given that the National Cancer Institute, National Institutes of Health, in collaboration with the Environmental Protection Agency and the National Institute on Occupational Safety and Health, will hold a Workshop on Progress on Joint Environmental and Occupational Cancer Studies, in the Sheraton-Potomac Inn, 3 Research Court, Rockville, Maryland 20850, on September 9–11, 1981. The entire meeting will be open to the public from 7:00 p.m. through adjournment on September 9, from 9:00 a.m. through adjournment on September 10, and from 9:00 a.m. through adjournment on September 11. Attendance by the public will be limited to space available.

This workshop is to include progress reports on joint environmental and occupational cancer studies, discussion groups on future direction and plenary session.

Requests for information on the workshop should be directed to Dr. H. F. Kraybill, National Cancer Institute, Division of Cancer Cause and Prevention, Landow Building, Room 3C37, Bethesda, Maryland 20205 (301 496–1625).

Dated: August 11, 1981.

Thomas E. Malone,

Deputy Director, National Institute of Health.

[FR Doc. 81–23854 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

Various Study Sections; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the following study sections for September through October 1981, and the individuals from whom summaries of meetings and rosters of committee members may be obtained. These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301–496–7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are

listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time. All times are A.M. unless otherwise specified.

Study section, September-October 1981 meetins, Time and Location

Behavioral and Neurosciences 2, Dr. Bertie Woolf, Rm. A23A, Tel. 301–496–7286; Oct. 5–6, 8:30, Holiday Inn, Georgetown, DC

Behavioral and Neurosciences 1, Dr. Bertie Woolf, Rm. A23A, Tel. 301–496–7286; Sept. 25, (9:00, Bldg. 31C, Room 9, Bethesda, MD

Biomedical Sciences 1, Dr. Nicholas Mazarella, Rm. A10, Tel. 301–496–7600; Oct. 1–2, 8:30, Bldg. 31, Room 7, Bethesda, MD

Biomedical Sciences 2, Dr. Charles Baker, Rm. A10, Tel. 301–496–7150; Sept. 14–15, 8:30, Bldg. 31, Room 6, Bethesda, MD

Biomedical Sciences 3, Dr. Nicholas Mazarella, Rm. A10, Tel. 301–496–7600; Sept. 24–25, 8:30, Bldg. 31C, Room 8, Bethesda, MD

Clinical Sciences 1, Dr. Lynwood Jones, Rm. A19, Tel. 301–496–7510; Sept. 14, 8:30, Landow Bldg., Rm. A, Bethesda, MD

Clinical Sciences 2, Dr. Alex Liacouras, Rm. A19, Tel. 301–496–7477; Sept. 18, 8:30, Holiday Inn, Bethesda, MD

Clinical Sciences 3, Dr. Lynwood Jones, Rm. A19, Tel. 301–496–7510; Sept. 10, 8:30, Westwood Bldg., Rm. 428, Bethesda, MD

Clinical Sciences 4, Dr. Alex Liacouras, Rm. A19, Tel. 301–496–7477; Sept. 25, 8:30, Holiday Inn, Chevy Chase, MD

Dated: August 10, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

(NIH programs are not covered buy OMB Circular A–95 because they fit the description of "programs not considred appropriate" in section 8(b)(4) and (5) of that Circular.)

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–23862 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

Working Conference: Perspectives on Prevention and Treatment of Cancer in the Elderly

Notice is hereby given that the National Cancer Institute and National Institute on Aging, National Institutes of Health, will hold a Working Conference, Perspectives on Prevention and Treatment of Cancer in the Elderly, in the Lister Hill Center Auditorium, Building 38A, National Institutes of Health, Bethesda, Maryland, on September 21–23, 1981.

The entire meeting will be open to the public from 8:30 a.m. on September 21 to adjournment on September 23 at 12:30 p.m. Attendance by the public will be limited to space available.

The purpose of convening this Working Conference is to develop information relevant to the problems and needs unique to the elderly for prevention, early detection, diagnosis, and management of cancer. Approximately 35 persons, oncologists, geriatric physicians, epidemiologists, and social scientists, will participate in the exploration of ideas and exchange information on problems of mutual interest and concern about cancer prevention and treatment in the older aged population.

Requests for information on the Working Conference should be directed to: Dr. Rosemary Yancik, Division of Resources, Centers, and Community Activities (DRCCA), National Cancer Institute, Blair Building, Room 627, National Institutes of Health, Bethesda, Maryland 20205 (301 427–8656).

Dated: August 11, 1981.

Thomas E. Malone,

Acting Director, National Institutes of Health.

[FR Doc. 81–23843 Filed 8–14–81; 8:45 a.m.]

BILLING CODE 4110–08–M

Working Group on Blood and Its Substitutes; Meeting

Notice is hereby given of the meeting of the Working Group on Blood and its Substitutes, sponsored by the National Heart, Lung, and Blood Institute, on October 7, 1981, Building 1, Wilson Hall, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The entire meeting, from 9:00 a.m. to 12:30 p.m., will be open to the public. The Working Group on Blood and its Substitutes is meeting to examine and coordinate federal research activities which concern human blood and its substitutes. Attendance by the public will be limited to space available.

For detailed program information and an agenda for a list of meeting participants and a meeting summary, contact: Dr. David M. Robinson, Co-Chairman, IATC Working Group on Blood and its Substitutes, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 5A03, 9000 Rockville Pike, Bethesda, MD 20205, 301–496–5031.

Dated: August 11, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health

[FR Doc. 81–23858 Filed 8–14–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI–68]

High Range Subdivision, Las Cruces, New Mexico; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: High Range Subdivision, Las Cruces, New Mexico. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice of the project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., August 11,

1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

EIS on the High Range Subdivision, Las Cruces, New Mexico

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement on a proposed subdivision to be known as the High Range located in the City of Las Cruces, Dona Ana County, New Mexico. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, state and Federal agencies regarding the issues to be addressed in the Environmental Impact Statement.

Description: Affiliated Mortgage & Development Company and Western Development Company, Inc., a joint venture known as AMCAN III, has filed an application with the Albuquerque Service Office for the Department to accept the subdivision for mortgage insurance under Section 203(b) of Title II of the National Housing Act of 1934. The City of Las Cruces, New Mexico has planning and platting jurisdiction over the entire acreage. The total proposed development has approximately 1953 single family residential units, 1080 multifamily units and 39 acres of commercial property. When fully developed the area will provide housing for an estimated population of 8190 persons. AMCAN III has requested early start approval of 199 lots.

Need: Due to the size and scope of the proposed development, the Dallas Area Office has determined that an Environmental Impact Statement will be prepared pursuant to Public Law 91–190, the National Environmental Policy Act of 1969.

Alternatives: The alternatives available to the Department are (1) accept the project as submitted, (2) accept the project with modifications, or (3) reject the project.

Scoping: No formal scoping meeting is anticipated for this project. It is the intent of this Notice to be considered a part of the process used for scoping the environmental impact statement. Any responses to this Notice will be used to help (1) determine significant environmental issues, and (2) identify data which the EIS should address.

Contact: Comments should be sent on or before September 4, 1981, to I. J. Ramsbottom, Environmental Clearance Office, Dallas Area Office, Department of Housing and Urban Development, 2001 Bryan Tower, Dallas, Texas 75201. The Commercial telephone number of this office is 214–767–9347 and the FTS number is 729–8347.

[FR Doc. 81-23842 Filed 8-14-81; 8:45 a.m.]

BILLING CODE 4210-01-M

[Docket No. NI-69]

Yonkers Waterfront/Pier Project; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared by the City of Yonkers, New York, for the following project under HUD programs as described in the appendix to this Notice: Yonkers Waterfront/Pier Project. A previous notice on the project was issued in the **Federal Register** on March 9, 1981. The purpose of this amended Notice is to announce the charge of the anticipated publication date for the Draft Environmental Impact Statement from August 15, 1981 to October 31, 1981.

Interested Individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdication by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

This amended Notice shall be effective for one year. If one year after the publication of the amended Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the amended Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the amended Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., August 7, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

EIS on the Yonkers Waterfront/Pier Project

The City of Yonkers, New York intends to prepare an Environmental Impact Statement on the project described below and solicits information and comments for consideration in the EIS.

Description. The proposed project known as the Yonkers Waterfront/Pier Project is being undertaken as part of an urban renewal project pursuant to Title I of the Housing and Community Development Act of 1974, as amended and it is intended that the public portion of said project will be financed, in part, under the Urban Development Action Grant Program under the Act. The Yonkers Waterfront/Pier Project would constitute a comprehensive, 48 month, $163 million redevelopment of a 15.5 acre parcel on the Yonkers Waterfront Pier Area bounded on the north by Wells Avenue, on the south by Prospect Street, on the east by Buena Vista Avenue and Penn-Central Railroad and on the west by the Hudson River. The Project will consist of: 300,000 square feet of retail space; 375 room hotel with accessories; 500 units of one, two and three bedroom housing; ± 265,000 square feet urban retail mall; 600 person convention complex and exhibition center; 750 seat civic auditorium; marina and various access roads and parking facilities.

Need. It has been determined by the City of Younkers that this project will constitute an action with the potential of significantly affecting the quality of the human environment. Accordingly, the City will prepare a Draft Environmental Impact Statement (DEIS) on the Project in accordance with the National Environmental Policy Act of 1969.

The Draft Environmental Impact Statement was to be prepared by August 15, 1981, and will now be prepared by October 31, 1981 and at that time will be available for review and distribution at the offices of the Yonkers Community Development Agency, 53 South Broadway, Yonkers, New York. Copies will be available for public inspection at the offices of the agency during normal working hours or copies may be obtained upon request for a fee of $5.00.

On or about October 31, 1981 a public notice will appear inviting all interested agencies, groups and persons to review the Draft Environmental Impact Statement and submit written comments on the aforesaid project and the Draft Environmental Impact Statement.

Alternatives. Alternatives are now being considered (1) to either phase the project in substantially the same form as set forth above; (2) to reduce the size and extent of the facilities contained therein although maintaining substantially the same form; (3) to include within said project a County Convention Center/Arena of

approximately 260,000 square feet including parking in lieu of, or in addition to, any of the facilities as aforementioned; or (4) to include a conference of convention center in lieu of, or in addition to, any of the facilities aforementioned.

The Draft Environmental Impact Statement will include a generic review to consider maximum development of the project area consistent with CEQ regulations and to consider the aforementioned project in connection therewith.

Comments. Comments should be forwarded on or before September 4, 1981, to: Wilbert Allen, Commissioner, Department of Development/ Community Development Agency, 53 South Broadway, Yonkers, New York 10701.

[FR Doc. 81-23841 Filed 8-14-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Membership Roll of the Paiute Indian Tribe of Utah

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The following membership roll of the Paiute Indian Tribe of Utah has been prepared as required by the Paiute Indian Tribe of Utah Restoration Act of April 3, 1980 (94 Stat. 317). The membership roll, compiled for use in the restoration of federal recognition of this tribe, is published as required by section 6(a)(3) of the Act.

Roy H. Sampsel,

Deputy Assistant Secretary—Indian Affairs.

August 11, 1981.

Interim Tribal Council, Paiute Indian Tribe of Utah.

Official Revised Membership Roll

(Resolution No. 81-27)

Whereas: Public Law 96-227 entitled the "Paiute Indian Tribe of Utah Restoration Act" was signed by President Jimmy Carter on April 3, 1980 and

Whereas: Section 5 of that Act provided that an Interim Council be elected by the general membership of the tribe to represent the tribe and its members in the implementation of Pub. L. 96-227, and,

Whereas: the Interim Council has been elected and is recognized by the Secretary of the Interior and his authorized representative as being the duly elected official governing body of the tribe, and,

Whereas: the Interim Council, along with the Secretary of the Interior must insure that the tribal membership roll is up-to-date and accurate.

Now therefore be it resolved: That the Interim Council of the Paiute Indian Tribe of Utah does hereby accept and adopt as the "Official Revised Membership roll" of the tribe those persons whose names appear on the official revised membership roll compiled pursuant to Section 6(a) of the Paiute Indian Tribe of Utah Restoration Act, Pub. L. 96-227, 94 Stat. 317, and

Be it Further Resolved that: The Chairperson or in her absence the Vice-Chairperson is authorized to sign any pertinent documents on behalf of the tribe.

Certification

I hereby certify that the foregoing resolution was fully considered by the Interim Council at a duly called meeting at Cedar City, Utah, at which a quorum was present and that same was passed by a vote of *4* in favor and *0* opposed, this *13th* day of *July*, 1981.

Elvis F. Wall,

Vice-Chairperson.

Attest:

Geneal Anderson,

Secretary/Treasurer.

Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011

In accordance with section 6 of Pub. L. 96-227, the Paiute Indian Tribe of Utah Restoration Act of April 3, 1980, the updated membership roll of the Tribe has been reviewed and found to be in compliance with the requirements of Tribal Enrollment Ordinance No. 81-02 and sections 4(a), (b)(1), 4(c)(1) and 4(c)(2) of the Act. I certify the roll was posted for 30 days for tribal review, and any appeals from said posting have been settled by the Interim Council to the benefit of affected individuals. Pursuant to authority delegated to me by the Assistant Secretary for Indian Affairs in 10 BIAM, I hereby approve the membership roll of the Paiute Indian Tribe of Utah and submit same for publication in the **Federal Register** as required by section 6(a)(3) of the Act.

Dated: July 28, 1981.

Curtis Geiogamah,

Acting Area Director.

BILLING CODE 4310-02-M

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	AUTH FOR FATHER-ID MOTHER-ID
*AA8300001	00001	MEDAY ZUNIGA	JANICE	F	10/14/1945	003 TOT	4/4 4/4	1940000001 S/DAU	PL95227 04/03/80	
*AA8300002	00002	MENION	THAVIS NEIL	M	10/10/1953	003 740 TOT	1/2 1/2 4/4	1940000010 F/SON	PL95227 04/03/80	
*AA8300003	00002	MENION	THAVIS SHANE	M	07/30/1974	003 740 TOT	1/4 1/4 1/2	1940000010 GRD/SON	PL95227 04/03/80	*68300002 NON-INDIN
*AA8300004	00003	MEWN	TERRELL	M	01/17/1954	003 041 TOT	1/2 1/2 4/4	1940000040 F/SON	PL95227 04/03/80	NON-MEMH4
*AA8300005	00004	MEWN	WENDY	F	09/23/1960	003 041 TOT	1/2 1/2 4/4	1940000040 S/DAU	PL95227 04/03/80	NON-MEMHH
*AA8300006	00005	MEWN	MERNELL	M	05/30/1961	003 041 TOT	1/2 1/2 4/4	1940000040 S/SON	PL95227 04/03/80	NON-MEMHH
*AA8300007	00003	MEWN	YOLANDA OLIVE	F	06/16/1970	003 041 TOT	1/2 1/2 4/4	1940000040 G/DAU	PL95227 04/03/80	NON-MEMBH
*AA8300008	00006	MEWN	WANDY	M	07/08/1953	003 041 TOT	1/2 1/2 4/4	1940000040 S/SON	PL95227 04/03/80	
*AA8300009	00006	MEWI	MEVAN	F	08/11/1974	003 041 TOT	1/4 1/4 1/2	1940000040 GRD/DAU	PL95227 04/03/80	*68300009 NON-MEMHH

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*6R300010	00007	BENN	ARVIN	M	11/08/1955	001	1/2	1440000040	PL96227	
						003	1/2	G/SON	04/03/80	NON-MEMBER
						TOT	4/4			
*6R300011	00008	BENSON	YORK	M	07/10/1941	003	1/2	1440000010	PL96227	
						001	1/2	G/SON	04/03/80	
						TOT	4/4			
*6R300012	00009	BOW	MANUEL	M	07/01/1943	003	4/4	1440000004	PL96227	NON-MEMBER
						TOT	4/4	G/SON	04/03/80	*6R300033
*6R300013	00009	BOW	ANTHONY J	M	02/03/1964	003	4/4	1440000004	PL96227	*6R300012
						TOT	4/4	G/SON	04/03/80	NON-MEMBER
*6R300014	00009	BOW	RONALD	M	08/25/1970	003	4/4	1440000004	PL96227	*6R300012
						TOT	4/4	G/SON	04/03/80	NON-MEMBER
*6R300015	00010	BUSHHEAD	ELWOOD JACK	M	12/01/1951	003	4/4	1454000010	PL96227	
						TOT	4/4	G/SON	04/03/80	
*6R300016	00011 MAID	BUSHHEAD ROBERTS	HILDA	F	03/13/1925	003	4/4	1440000040	PL96227	
						TOT	4/4	G/DAU	04/03/80	
*6R300017	00012	ROBERTS	TERRY	F	03/15/1954	003	1/2	1440000046	PL96227	NON-INDIAN
						TOT	1/2	G/DAU	04/03/80	*6R300016
*6R300018	00013 MAID	CHAVEZ PETF	BARBARA	F	12/11/1934	003	4/4	1440000015	PL96227	
						TOT	4/4	DAU	04/03/80	
*6R300019	00014 MAID	GARCIA PETF	RITA	F	04/29/1934	003	4/4	1440000015	PL96227	
						TOT	4/4	DAU	04/03/80	
*6R300020	00015	GARCIA	VAN	M	10/06/1957	003	1/2	1440000015	PL96227	NON-MEMBER
						748	1/2	G/SON	04/03/80	*6R300019
						TOT	4/4			

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68300021	00014	GARCIA	ALBERTO	M	11/13/1954	088 780 TOT	1/2 1/2 4/4	19400001S G/SON	PL96227 04/03/80	NON-MEMBER *68300013
*68300022	00017	GARCIA	CARMELITA	F	10/29/1960	088 780 TOT	1/2 1/2 4/4	19400001S G/DAU	PL96227 04/03/80	NON-MEMBER *68300014
*68300023	00014	GARCIA	KEITH LEE	M	12/27/1965	088 780 TOT	1/2 1/2 4/4	19400001S G/SON	PL96227 04/03/80	NON-MEMBER *68300013
*68300024	00014	GARCIA	VICTORIA	F	01/30/1964	088 780 TOT	1/2 1/2 4/4	19400001S G/DAU	PL96227 04/03/80	NON-MEMBER *68300013
*68300025	00094	GARCIA	BENNY	M	09/30/1955	088 780 TOT	1/2 1/2 4/4	19400001S G/SON	PL96227 04/03/80	NON-MEMBER *68300019
*68300026	00094	GARCIA	JENNIFER	F	06/10/1972	088 780 TOT	1/4 1/4 1/2	19400001S G-G/DAU	PL96227 04/03/80	*68300025 NON-INDIAN
*68300027	00094	GARCIA	JEREMIAH	M	02/13/1975	088 780 TOT	1/4 1/4 1/2	19400001S G-G/SON	PL96227 04/03/80	*68300025 NON-INDIAN
*68300028	00014	GARCIA	BETTY LOU	F	11/05/1956	088 780 TOT	1/2 1/2 4/4	19400001S G/DAU	PL96227 04/03/80	
*68300029	00014	GARCIA	DION	M	10/20/1977	088 780 887 TOT	1/4 1/4 1/2 4/4	19400001S G-G/SON	PL96227 04/03/80	NON-MEMBER *68300028

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

INFNI-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68300030	00019	GHOWLEH	DANIEL	M	05/31/1948	883 TOT	4/4 4/4	194000004 G/SON	PL96227 04/03/80	*68300033
*68300031	00020	GHOWLEH	LATHANIEL	M	05/30/1947	883 TOT	4/4 4/4	194000004 G/SON	PL96227 04/03/80	*68300033
*68300032	00020	GHOWLEH	MAUREEN A	F	12/04/1975	883 TOT	1/2 1/2	194000004 G-G/DAU	PL96227 04/03/80	*68300041
*68300033	00021	GHOWLEH	JESSIE JACK	F	03/04/1924	883 TOT	4/4 4/4	194000004 DAU	PL96227 04/03/80	
*68300034	00022	HOW	MERTON	M	11/07/1955	883 TOT	4/4 4/4	194000004 G/SON	PL96227 04/03/80	*68300033
*68300035	00023	HOW	MARCUS	M	11/07/1955	883 TOT	4/4 4/4	194000004 G/SON	PL96227 04/03/80	*68300033
*68300036	00023	HOW	ERIC L	M	08/23/1977	883 TOT	1/2 1/2	194000040 GG/SON	PL96227 04/03/80	*68300037 NON-INDIN
*68300037	00024	TOM	DONNIE	M	10/09/1960	883 TOT	4/4 4/4	194000040 G/SON	PL96227 04/03/80	
*68300038	00025	LANZA	MARCELLA	F	03/27/1934	883 TOT	4/4 4/4	194000004 DAU	PL96227 04/03/80	
*68300039	00026	LANZA	RANDALL JR	M	09/01/1960	883 898 TOT	1/2 1/2 4/4	194000004 G/SON	PL96227 04/03/80	NON-MEMBR *68300038
*68300040	00025	LANZA	STEWART	M	01/05/1960	883 898 TOT	1/2 1/2 4/4	194000004 G-G/SON	PL96227 04/03/80	*68300039

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENT-ID	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	BIA ENROLL DATE	FOR FATHER-ID MOTHER-ID
*6R300041	00025	LANZA	CRAIG	M	08/29/1972	083 084 TOT	1/2 1/2 4/4	1940000004 G/SON	PL96227 04/03/80	NON-MEMBER *6R300033
*6R300042	00025	LANZA	MARK LEE	M	10/14/1974	083 084 TOT	1/2 1/2 4/4	1940000004 G/SON	PL96227 04/03/80	NON-MEMBER *6R300033
*6R300043	00025	LANZA	ROCKY NA-NA	M	12/28/1978	083 084 185 TOT	1/4 1/4 1/2 4/4	1940000004 G-G/SON	PL96227 04/03/80	*6R300033 NON-MEMBER
*6R300044	00027 MAID	LITTLE ZUNIGA	ANITA	F	02/09/1944	083 TOT	4/4 4/4	1940000001 G/DAU	PL96227 04/03/80	
*6R300045	00027	LITTLE	CHRISTINE	F	11/14/1964	083 180 TOT	1/2 1/2 4/4	1940000001 G-G/DAU	PL96227 04/03/80	NON-MEMBER *6R300044
*6R300046	00027	LITTLE	DARRYL H	M	11/23/1965	083 180 TOT	1/2 1/2 4/4	1940000001 G-G/SON	PL96227 04/03/80	NON-MEMBER *6R300044
*6R300047	00027	LITTLE	MICHELLE	F	04/03/1968	083 180 TOT	1/2 1/2 4/4	1940000001 G-G/DAU	PL96227 04/03/80	NON-MEMBER *6R300044
*6R300048	00027	LITTLE	PAULINE	F	05/11/1964	083 180 TOT	1/2 1/2 4/4	1940000001 G-G/DAU	PL96227 04/03/80	NON-MEMBER *6R300044
*6R300049	00027	LITTLE	DEANNA	F	11/23/1970	083 180 TOT	1/2 1/2 4/4	1940000001 G-G/SON	PL96227 04/03/80	NON-MEMBER *6R300044

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IDENT-ID	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68300050	00027	LITTLE	FRANCINE KAE	F	02/04/1973	083 080 TOT	1/2 1/2 4/4	194000001 G-G/DAU	PL96227 04/03/80	NON-MEMBER *68300044
*68300051	00027	LITTLE	BETLINA LEE	F	03/02/1976	083 080 TOT	1/2 1/2 4/4	194000001 G-G/DAU	PL96227 04/03/80	NON-MEMBER *68300044
*68300052	00028	PAHASHUNTS	VALANTINUS	M	02/14/1944	083 TOT	4/4 4/4	194000010 G/SON	PL96227 04/03/80	
*68300053	00029	PETE	WOODROW	M	02/21/1941	081 TOT	4/4 4/4	194000015 G/SON	PL96227 04/03/80	
*68300054	00030	PETE	RAFEAL	M	10/26/1944	083 081 TOT	1/2 1/2 4/4	194000015 G/SON	PL96227 04/03/80	
*68300055	00030 MAID	PETE WALL	LOHI	F	03/17/1955	083 003 TOT	3/4 1/4 4/4	194000040 G/SON	PL96227 04/03/80	*68300040 NON-MEMBER
*68300056	00030	PETE	RICKY	M	03/01/1974	083 081 003 TOT	5/8 1/4 1/8 4/4	194000015 G-G/SON	PL96227 04/03/80	*68300054 *68300055
*68300057	00030	PETE	ADRIENNE	F	09/05/1978	083 081 003 TOT	5/8 1/4 1/8 4/4	194000015 G-G/DAU	PL96227 04/03/80	*68300054 *68300055
*68300058	00031	PETE	ROBERT	M	06/08/1958	083 081 TOT	1/2 1/2 4/4	194000015 G/SON	PL96227 04/03/80	

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INFNT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*6R300059	00031	PETF	DAWNELLE	F	06/20/1972	983 981 TOT	3/4 1/4 4/4	194000015 G-G/DAU	PL96227 04/03/80	*68300054
*6R300060	00032	PETF	HERMAN	M	02/16/1944	983 TOT	4/4 4/4	194000015 G/SON	PL96227 04/03/80	
*6R300061	00032 MAID	PETF BENN	ALTHEA	F	09/10/1954	983 981 TOT	1/2 1/2 4/4	194000040 G-G/DAU	PL96227 04/03/80	
*6R300062	00032	PETF	WAYLON	M	09/13/1977	983 981 TOT	3/4 1/4 4/4	194000015 G-G/SON	PL96227 04/03/80	NON-MEMBR *68300061
*6R300063	00033	PETF	NEDRA ANN	F	07/02/1960	983 981 TOT	1/2 1/2 4/4	194000015 G/DAU	PL96227 04/03/80	
*6R300064	00034	PETF	COLLEEN	F	09/10/1962	983 981 184 TOT	1/2 1/4 1/4 4/4	194000015 G/DAU	PL96227 04/03/80	
*6R300065	00035	PETF	DALLEN	M	01/25/1964	983 981 TOT	1/2 1/2 4/4	194000015 G/SON	PL96227 04/03/80	
*6R300066	00036	PETF	ROSELYN	F	01/19/1952	983 TOT	4/4 4/4	194000015 G/DAU	PL96227 04/03/80	
*6R300067	00037	PETF	MAYNARD	M	08/02/1951	983 981 TOT	1/2 1/2 4/4	194000015 G/SON	PL96227 04/03/80	NON-MEMBR

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IDENT-NO*	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	BIRTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*6R300065	00065	RICHARDS	ARTHUR	M	04/26/1932	343 TOT	3/4 3/4	19400040	PL96227	*6R30001b
*6R300069	00065 MAID	RICHARDS ROBERTS	PHYLLIS	F	05/01/1944	343 TOT	1/2 1/2	19400040 G-P/DAU	PL96227 04/03/80	*6R300010
*6R300070	00065	RICHARDS	JACKIE	F	08/24/1964	343 TOT	5/8 5/8	19400040 G-G/DAU	PL96227 04/03/80	*6R300065 *6R300069
*6R300071	00065	RICHARDS	MALAN	M	07/24/1965	343 TOT	5/8 5/8	19400040 G-G/SON	PL96227 04/03/80	*6R300065 *6R300069
*6R300072	00065	RICHARDS	VIRGINIA	F	08/09/1969	343 TOT	5/8 5/8	19400040 G-G/DAU	PL96227 04/03/80	*6R300065 *6R300069
*6R300073	00065	RICHARDS	BOBBIE	F	04/13/1971	343 TOT	5/8 5/8	19400040 G-G/DAU	PL96227 04/03/80	*6R300065 *6R300069
*6R300074	00039 MAID	ROWSER SHEPHERD	IIA FAYE	F	01/11/1957	343 740 TOT	1/2 1/2 4/4	19400001b G/DAU	PL96227 04/03/80	NON-MEMBER *6R30001R
*6R300075	00039	ROWSER	THACHA LYNN	F	02/03/1975	343 740 TOT	1/4 1/4 1/2	19400001b G-G/DAU	PL96227 04/03/80	NON-INDIAN *6R300074
*6R300076	00039	ROWSER	KASEY RYAN	M	10/20/1978	343 740 TOT	1/4 1/4 1/2	19400001b G-G/DAU	PL96227 04/03/80	NON-INDIAN *6R300074
*6R300077	00039	ROWSER	KELLY ROBERT	M	13/22/1974	343 740 TOT	1/4 1/4 1/2	19400001b G-G/SON	PL96227 04/03/80	NON-INDIAN *6R300074

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*68300078	00039	HOWSER	TASHA ELISE	F	12/18/1973	083 780 TOT	1/4 1/4 1/2	194000015 G-G/DAU	PL96227 04/03/80	NON-INDI *68300074
*68300079	00040	SHEPHERD	ALEX ORIE	M	06/13/1953	083 780 TOT	1/2 1/2 4/4	194000015 G/SON	PL96227 04/03/80	NON-MEMB *68300015
*68300030	00040	SHEPHERD	CORINA LYNN	F	05/16/1973	083 780 181 TOT	1/4 1/4 1/4 3/4	194000015 G-G/DAU	PL96227 04/03/80	*68300074 NON-MEMB
*68300081	00040	SHEPHERD	SHELDON JAMES	M	02/14/1975	083 780 183 TOT	1/4 1/4 1/2 4/4	194000015 G-G/SON	PL96227 04/03/80	*68300074 NON-MEMB
*68300082	00095	SHEPHERD	LEO JR	M	03/24/1958	083 780 TOT	1/2 1/2 4/4	194000015 G/SON	PL96227 04/03/80	NON-MEMB *68300010
*68300083	00060 MAID	SNOW GROWLER	MARCELIA	F	04/20/1952	083 TOT	4/4 4/4	194000004 G/DAU	PL96227 04/03/80	*68300033
*68300084	00061 MAID	TILLAHASH BENN	GLADYS	F	02/04/1957	083 081 TOT	1/2 1/2 4/4	194000040 G-G/SON	PL96227 04/03/80	NON-MEMB
*68300085	00061	TILLAHASH	NATHAN	M	03/11/1975	083 081 TOT	3/4 1/4 4/4	194000040 G-G/SON	PL96227 04/03/80	*68300084
*68300086	00062 MAID	TOM BUSHMEAU	ELEANOR	F	09/23/1942	083 TOT	4/4 4/4	194000040 G/DAU	PL96227 04/03/80	

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INFNT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	AUTH FOR FATHER-ID MOTHER-ID
*6A3000?7	00053	TOM	WALTER JR	M	08/06/1964	683 681 TOT	1/2 1/2 4/4	194000040 G-G/SON	PL96227 04/03/80	NON-MEMBR *6A300045
*6A300045	00054	TOM	LORA E	F	05/23/1961	683 681 TOT	1/2 1/2 4/4	194000040 G-G/DAU	PL96227 04/03/80	NON-MEMBR *6A300045
*6A300046	00052	TOM	DOROTHY ANN	F	08/01/1964	683 681 TOT	1/2 1/2 4/4	194000040 G-G/DAU	PL96227 04/03/80	NON-MEMBR *6A300046
*6A300050	00063	TOM	ALBERT	M	09/23/1949	683 681 TOT	1/2 1/2 4/4	1940 SELF	PL96227 04/03/80	
*6A300091	00064 MAID	TOM GARCIA	DELICE	F	11/08/1951	683 780 TOT	1/2 1/2 4/4	194000015 GRDAU	PL96227 04/03/80	NON-MEMBR *6A300014
*6A300092	00065	WALL	ALBERT ALLEN	M	03/16/1933	683 TOT	4/4 4/4	194000040 SON	PL96227 04/03/80	
*6A300093	00066	WALL	ELVIS FARON	M	06/28/1955	683 TOT	4/4 4/4	194000040 G/SON	PL96227 04/03/80	*6A300046 *6A800154
*6A300094	00067	WALL	JONA JOHN	M	08/17/1934	683 TOT	4/4 4/4	194000040 SON	PL96227 04/03/80	
*6A300095	00068	WALL	HARRY	M	01/13/1924	683 TOT	4/4 4/4	194000040 SON	PL96227 04/03/80	
*6A300096	00069	WALL	GUY ROY	M	06/22/1934	683 TOT	4/4 4/4	194000040 SON	PL96227 04/03/80	

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*6R300047	00070	WALL	REGINALD	M	06/23/1955	683 TOT	4/4 4/4	194000040 G/DAU	PL96227 04/03/80	*6R300045
*6R300048	00071	WALL	KENNETH	M	05/05/1976	683 TOT	4/4 4/4	194000040 SON	PL96227 04/03/80	
*6R300049	00072	WALL	SHELLY	F	12/10/1954	683 604 TOT	3/4 1/4 4/4	194000040 G/DAU	PL96227 04/03/80	*6R300048 NON-MEMBR
*6R300100	00071	WALL	STONEY LUKE	M	08/13/1964	683 604 TOT	3/4 1/4 4/4	194000040 G/SON	PL96227 04/03/80	*6R300049 NON-MEMBR
*6R300101	00071	WALL	GOLDIE	F	10/03/1964	683 604 TOT	3/4 1/4 4/4	194000040 G/DAU	PL96227 04/03/80	*6R300094
*6R300102	00071	WALL	JOSHUA	M	05/08/1972	683 TOT	1/2 1/2	194000040 G/SON	PL96227 04/03/80	*6R300055 NON-MEMBR
*6R300103	00073	WALL	KIRK	M	09/28/1954	683 604 TOT	3/4 1/4 4/4	194000040 G/SON	PL96227 04/03/80	*6R300094
*6R300104	00074	WALL	MATTHEW D	M	04/30/1957	683 604 TOT	3/4 1/4 4/4	194000040 G/SON	PL96227 04/03/80	*6R300094 NON-MEMBR
*6R300105	00075 MAID	WALL GRUWLEH	TANIA JEAN	F	05/25/1959	683 780 TOT	1/2 1/2 4/4	194000004 G/DAU	PL96227 04/03/80	NON-MEMBR *6R300033
*6R300106	00076 MAID	WALL PETF	MA NAE	F	12/26/1952	683 641 TOT	1/2 1/2 4/4	194000015 G/DAU	PL96227 04/03/80	

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INFNI-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-IN MOTHER-IN
*6A300107	00076	*ALL	MUHELL	M	01/21/1974	683	3/4	194000015	PL96227	
						691	1/4	6-6/SON	04/03/80	*68300105
						TOT	4/4			
*6A300108	00076	*ALL	MEHLENE	F	01/20/1977	683	3/4	194000015	PL96227	NON-MEMH
						691	1/4	6-6/DAU	04/03/80	*6A300106
						TOT	4/4			
*6A300109	00076	*ALL	MEHMILEE	F	06/03/1974	683	3/4	194000015	PL96227	NON-MEMH
						691	1/4	6-6/DAU	04/03/80	*68300105
						TOT	4/4			
*6A300110	00007	*ALL	PENNY CONNIE	F	01/09/1960	683	4/4	194000040	PL96227	*68300040
						TOT	4/4	6/DAU	04/03/80	NON-MEMH
*6A300111	00077	*ALL	AMY *ALL	F	01/08/1974	683	1/2	194000040	PL96227	
						TOT	1/2	6-6/DAU	04/03/80	*68300110
*6A300113	00078	ZUNIGA	NOHEM	M	01/10/1913	683	4/4	194000001	PL96227	
						TOT	4/4	SON	04/03/80	
*6A300114	00079	ZUNIGA	VIRGINIA CLAIHE	F	06/24/1954	683	1/2	194000001	PL96227	*68300113
						691	1/2	6/DAU	04/03/80	
						TOT	4/4			
*6A300115	00080	ZUNIGA	NOHELL	M	03/22/1955	683	1/2	194000001	PL96227	*68300113
						691	1/2	6/SON	04/03/80	NON-MEMH
						TOT	4/4			
*6A300116	00081	ZUNIGA	VELDA	F	03/03/1961	683	1/2	194000001	PL96227	*68300113
						691	1/2	6/DAU	04/03/80	NON-MEMH
						TOT	4/4			
*6A300117	00078	ZUNIGA	NOLAN	M	07/13/1965	683	1/2	194000001	PL96227	*6A300113
						691	1/2	6/SON	04/03/80	NON-MEMH
						TOT	4/4			

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*68300119	00082	ZUNIGA	NATHANIAL DAVID	M	06/14/1953	083 051 TOT	1/2 1/2 4/4	194000001 G/SON	PL96227 04/03/80	*68300113 NON-MEMBR
*68300119	00083	ZUNIGA	NORMAN	M	08/23/1957	083 051 TOT	1/2 1/2 4/4	194000001 G/SON	PL96227 04/03/80	*68300113 NON-MEMBR
*68300120	00084	ZUNIGA	VIOLET	F	08/28/1958	083 051 TOT	1/2 1/2 4/4	194000001 SON	PL96227 04/03/80	*68300113 NON-MEMBR
*68300121	00085	ZUNIGA	VERNA	F	11/17/1959	083 051 TOT	1/2 1/2 4/4	194000001 G/DAU	PL96227 04/03/80	*68300113 NON-MEMBR
*68300122	00086	ZUNIGA	CATHERINE	F	04/26/1952	083 TOT	4/4 4/4	194000001 G/DAU	PL96227 04/03/80	
*68300123	00086	ZUNIGA	YOLANDA	F	06/16/1977	083 TOT	1/2 1/2	194000001 G/DAU	PL96227 04/03/80	*68300122
*68300124	00087	ZUNIGA	DELUMES	F	06/07/1944	083 TOT	4/4 4/4	194000001 G/DAU	PL96227 04/03/80	
*68300125	00087	ZUNIGA	MARLO	M	05/25/1973	083 TOT	1/2 1/2	194000001 G-G/SON	PL96227 04/03/80	*68300124
*68300126	00087	ZUNIGA	ANDREANA	F	09/02/1976	083 TOT	1/2 1/2	194000001 G-G/DAU	PL96227 04/03/80	*68300124
*68300127	00087	ZUNIGA	JERRY LYNN	M	07/10/1976	083 TOT	1/2 1/2	194000001 G-G/SON	PL96227 04/03/80	*68300124
*68300128	00088	ZUNIGA	GERALDINE	F	01/28/1949	083 TOT	4/4 4/4	194000001 G/DAU	PL96227 04/03/80	

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IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DEGREE	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*AR300129	00094	ZUNIGA	CLINT	M	06/27/1977	003 TOT	1/2 1/2	1940000021 G-G/SON	04/03/80	*AR300128
*AR300130	00094	ZUNIGA	GLENN	M	05/27/1941	003 TOT	4/4 4/4	1940000001 G/SON	04/03/80	
*AR300131	00090	ZUNIGA	NINA	F	08/25/1961	003 004 TOT	7/8 1/8 4/4	1940000001 G-G/DAU	04/03/80	*AR300130 NON-MEMBER
*AR300132	00090	ZUNIGA	ANGELA	F	09/04/1965	003 004 TOT	7/8 1/8 4/4	1940000001 G-G/DAU	04/03/80	*AR300130
*AR300133	00091	ZUNIGA	NOLA WISSIUP	F	04/22/1943	003 007 TOT	1/2 1/2 4/4	1940000001 G/DAU	04/03/80	*AR300113 NON-MEMBER
*AR300134	00092	ZUNIGA	CARRIE	F	05/16/1919	003 TOT	4/4 4/4	1940055LLF SELF	04/03/80	
*AR300135	00090	WALL	ANDREA	F	05/26/1980	003 004 TOT	7/8 1/8 1/2	1940000040 G-G/DAU	04/03/80	*AR300103 NON-INDIAN
*AR300136	00037	PETE	NYLA ROCHELLA	F	10/27/1975	003 001 007 TOT	1/4 1/4 1/2 4/4	1940000015 G-G/DAU	04/03/80	*AR300067 NON-MEMBER
*AR300137	00037	PETE	MAYLEEN SONGHIKD	F	08/02/1974	003 001 007 TOT	1/4 1/4 1/2 4/4	1940000015 G-G/DAU	04/03/80	*AR300067 NON-MEMBER

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*68300134	00093	RICE	JACKIE TOM	M	03/11/1940	883 TOT	4/4 4/4	194000004 SON	PL96227 04/03/80	
*68300134	00095	CONNALL	DALLEN DOUGLAS	M	01/25/1968	883 891 TOT	1/2 1/2 4/4	195400042 SELF	PL96227 04/03/80	
*68400001	00097	ARRUM	BOBBI LYNN	F	11/23/1970	884 881 887 TOT	1/4 1/4 1/2 4/4	195400036 DAU	PL96227 04/03/80	*68400002
*68400002	00097	ARRUM	DARLENE PIKYAVIT	F	05/23/1945	884 881 TOT	1/2 1/2 4/4	195400036 SELF	PL96227 04/03/80	
*68400003	00097	ARRUM	JOHN JASON	M	04/14/1977	884 881 887 TOT	1/4 1/4 1/2 4/4	195400036 SON	PL96227 04/03/80	*68400002
*68400004	00097	ARRUM	TONI DEE	F	05/25/1967	884 881 887 TOT	1/4 1/4 1/2 4/4	195400036 DAU	PL96227 04/03/80	*68400002
*68400005	00098	BRAVO	GERI PIKYAVIT	F	11/12/1958	884 TOT	4/4 4/4	195400022 G/DAU	PL96227 04/03/80	*68400054
*68400006	00099	BUSHHEAD	MONEE LYNN	F	02/11/1977	884 TOT	4/4 4/4	195400022 G/DAU	PL96227 04/03/80	*68400007
*68400007	00099	BUSHHEAD	LOUISE EDITH PIKYAVIT	F	02/11/1937	884 TOT	4/4 4/4	195400022 DAU	PL96227 04/03/80	*68400041

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*68400008	00100	CHELESTEH	STEVE T	M	12/29/1949	084	4/4	19540001H	PL96227	
						TOT	4/4	SON	04/03/80	
*68400009	00101	JAMES	SHIRLEY TINICAN	F	10/14/1936	084	4/4	19540001H	PL96227	
						TOT	4/4	DAU	04/03/80	
*68400010	00102	JIM	ANDREW AAHON	M	03/26/1964	084	1/4	19540003S	PL96227	
						081	1/4	SON	04/03/80	*68400011
						780	1/2			
						TOT	4/4			
*68400011	00102	JIM	GERALDINE PIKYAVIT	F	08/25/1944	084	1/2	19540003S	PL96227	
						081	1/2	SELF	04/03/80	
						TOT	4/4			
*68400012	00103	JIM	VENCE AARUN	M	11/21/1962	084	1/4	19540003S	PL96227	
						780	1/2	SON	04/03/80	*68400011
						081	1/4			
						TOT	4/4			
*68400013	00104	KANOSH	COREY DEF	M	12/12/1976	084	4/4	19540002Z	PL96227	
						TOT	4/4	G-G/SON	04/03/80	*68400016
*68400014	00104	KANOSH	JERALD MYRON	M	10/06/1975	084	4/4	19540002Z	PL96227	
						TOT	4/4	G-G/SON	04/03/80	*68400016
*68400015	00104	KANOSH	KENNY KING	M	01/27/1979	084	4/4	19540002Z	PL96227	
						TOT	4/4	G-G/SON	04/03/80	*68400016
*68400016	00104	KANOSH	MARLENE LAKAY PIKYAVIT	F	10/23/1956	084	4/4	19540002Z	PL96227	*68400054
						TOT	4/4	G/DAU	04/03/80	
*68400017	00105	LANE	CHRISTEN MILDRED	F	10/31/1975	084	1/2	19540002Z	PL96227	
						780	1/2	G-G/DAU	04/03/80	*68400019
						TOT	4/4			

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IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*6R400018	00104	LANE	MACKENZIE SHIRLEY	F	03/10/1978	684 780 TOT	1/2 1/2 4/4	1954000022 G-G/DAU	PL96227 04/03/80	*68400014
*6R400019	00105	LANE	MARGUERITE PIKYAVIT	F	12/01/1954	684 TOT	4/4 4/4	1954000022 G/DAU	PL96227 04/03/80	*68400034
*6R400020	00106	LEVI	AMY THELMA	F	08/19/1958	684 617 TOT	1/2 1/2 4/4	1954000004 G/DAU	PL96227 04/03/80	*68400027
*6R400021	00107	LEVI	ANDY AARON	M	12/31/1951	684 617 TOT	1/2 1/2 4/4	1954000004 G/SON	PL96227 04/03/80	*68400027
*6R400022	00108	LEVI	BLANCHE	F	10/09/1946	684 617 TOT	1/2 1/2 4/4	1954000004 G/DAU	PL96227 04/03/80	*68400027
*6R400023	00109	LEVI	CECIL GLENN	M	01/29/1943	684 617 TOT	1/2 1/2 4/4	1954000004 G/SON	PL96227 04/03/80	*68400027
*6R400024	00110	LEVI	DONALD CLYDE	M	06/18/1959	684 TOT	1/2 1/2	1954000004 G/SON	PL96227 04/03/80	
*6R400025	00110	LEVI	DONALD JOSEPH	M	09/10/1976	684 TOT	1/4 1/4	1954000004 G-G/SON	PL96227 04/03/80	*68400024
*6R400026	00109	LEVI	ERICA LYNN	F	05/30/1976	684 617 681 TOT	1/2 1/4 1/4 4/4	1954000004 G-G/DAU	PL96227 04/03/80	
*6R400027	00111	LEVI	JOHNSON	M	/ /1909	684 TOT	4/4 4/4	1954000004 SON	PL96227 04/03/80	

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IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68400024	00110	LEVI	JOSHUA CURTIS	M	02/12/1978	684 TOT	1/4 1/4	19540000 G-G/SON	PL96227 04/03/80	*68400024
*68400024	00109	LEVI	SEAN GLENN	M	08/12/1973	684 681 617 TOT	1/2 1/4 1/4 4/4	19540000 G-G/SON	PL96227 04/03/80	*68400023
*68400030	00112	LEVI	WAYNE	M	12/18/1944	684 TOT	1/2 1/2	19540000 G/SON	PL96227 04/03/80	*68400027
*68400031	00113	MULTINE	PATRICIA LEVI	F	07/19/1946	684 780 TOT	1/2 1/2 4/4	19540000 G/DAU	PL96227 04/03/80	*68400027
*68400032	00113	MULTINE	SHANA MARIE	F	04/15/1975	684 780 617 TOT	1/4 1/2 1/4 4/4	19540000 G-G/DAU	PL96227 04/03/80	*68400031
*68400033	00113	MULTINE	SHAWN LEROY	M	04/01/1969	684 780 617 TOT	1/4 1/2 1/4 4/4	19540000 G-G/SON	PL96227 04/03/80	*68400031
*68400034	00127	PIKYAVIT	ANN MARIE	F	06/11/1970	684 TOT	4/4 4/4	19540002 G/DAU	PL96227 04/03/80	*68400057
*68400035	00114	PIKYAVIT	CORRINA LOU	F	05/10/1961	684 TOT	4/4 4/4	19540002 G/DAU	PL96227 04/03/80	*68400054
*68400036	00123	PIKYAVIT	DANIEL FRANK	M	03/25/1976	684 681 TOT	3/4 1/4 4/4	19540002 G/SON	PL96227 04/03/80	*68400045

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INDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*6R400037	00115	PIKYAVIT	DARREN WAYNE	M	02/15/1965	084 081 TOT	1/4 1/4 1/2	1954000033 SON	PL96227 04/03/80	
*6R400038	00116	PIKYAVIT	PVT DELVERN	M	07/23/1959	084 185 TOT	1/2 1/2 4/4	1954000022 G/SON	PL96227 04/03/80	*68400040
*6R400039	00117	PIKYAVIT	DOYLE FRANCIS	M	12/01/1939	084 TOT	4/4 4/4	1954000032 SELF	PL96227 04/03/80	
*6R400040	00118	PIKYAVIT	EARL PATRICK	M	03/17/1933	084 TOT	4/4 4/4	1954000022 SON	PL96227 04/03/80	*68400041
*6R400041	00119	PIKYAVIT	EMILY SURHEQUIN	F	09/15/1913	084 TOT	4/4 4/4	1954000021 SELF	PL96227 04/03/80	
*6R400042	00120	PIKYAVIT	ERWIN LYNN	M	08/30/1957	084 185 TOT	1/2 1/2 4/4	1954000022 G/SON	PL96227 04/03/80	*68400040
*6R400043	00121	PIKYAVIT	FERLIN JACKSON	M	12/01/1960	084 185 TOT	1/2 1/2 4/4	1954000022 G/SON	PL96227 04/03/80	*68400040
*6R400044	00122	PIKYAVIT	FLORINE CHARLOTTE	F	11/09/1951	084 TOT	4/4 4/4	1954000022 DAU	PL96227 04/03/80	
*6R400045	00123	PIKYAVIT	FRANK CAVILLI	M	08/23/1947	084 TOT	4/4 4/4	1954000022 SON	PL96227 04/03/80	*68400041
*6R400046	00124	PIKYAVIT	GARI	F	11/12/1958	084 TOT	4/4 4/4	1954000022 G/DAU	PL96227 04/03/80	*68400054

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IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68400047	00130	PIKYAVIT	HEATHER ANN	F	09/23/1974	846 861 TOT	1/4 1/4 1/2	195400034 DAU	PL96227 04/03/80	*68400054
*68400048	00118	PIKYAVIT	JANICE LOUISE	F	07/05/1975	846 185 TOT	1/4 1/4 1/2	195400022 G/DAU	PL96227 04/03/80	*68400040
*68400049	00118	PIKYAVIT	JASON J	M	12/19/1971	846 185 TOT	1/2 1/2 4/4	195400022 G/SON	PL96227 04/03/80	*68400040
*68400050	00115	PIKYAVIT	JEFFERY ELDEN	M	09/06/1967	846 861 TOT	1/4 1/4 1/2	195400033 SON	PL96227 04/03/80	
*68400051	00123	PIKYAVIT	JOSEPH JEREMY	M	10/28/1977	846 861 TOT	3/4 1/4 4/4	195400022 G/SON	PL96227 04/03/80	*68400045
*68400052	00125	PIKYAVIT	MAYLON	M	12/12/1955	846 TOT	4/4 4/4	195400022 G/SON	PL96227 04/03/80	*68400054
*68400053	00126	PIKYAVIT	MCKAY LADD	M	12/04/1957	846 TOT	4/4 4/4	195400022 G/SON	PL96227 04/03/80	*68400054
*68400054	00334	PIKYAVIT	MCKAY RICHARD	M	08/12/1930	846 TOT	4/4 4/4	195400022 SON	PL96227 04/03/80	*68400041
*68400055	00129	PIKYAVIT	NALITA R	F	04/08/1968	846 TOT	4/4 4/4	195400022 G/DAU	PL96227 04/03/80	*68400054
*68400056	00118	PIKYAVIT	PETER JOSEPH	M	02/04/1974	846 185 TOT	1/2 1/2 4/4	195400022 G/SON	PL96227 04/03/80	*68400040

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INDEX-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	BASE-ROLL RELATION	ENROLL DATE	FATHER-ID MOTHER-ID
*68400057	00127	PIKYAVIT	PHIL M	M	10/13/1942	684 TOT	4/4 4/4	19540002Z SON	PL96227 04/03/80	*68400041
*68400058	00128	PIKYAVIT	RALPH JOSEPH	M	05/01/1939	684 TOT	4/4 4/4	19540002Z G/SON	PL96227 04/03/80	*68400041
*68400059	00128	PIKYAVIT	ROCHELLE LYNN	F	01/13/1973	684 TOT	1/2 1/2	19540002Z G/DAU	PL96227 04/03/80	*68400058
*68400060	00129	PIKYAVIT	RUSSELL	M	01/02/1963	684 145 TOT	1/2 1/2 4/4	19540002Z G/SON	PL96227 04/03/80	*68400040
*68400061	00127	PIKYAVIT	SHELDON QUENTIN	M	02/25/1972	684 841 TOT	3/4 1/4 4/4	19540002Z G/SON	PL96227 04/03/80	*68400045
*68400062	00118	PIKYAVIT	SUEANN MARIE	F	02/03/1965	684 145 TOT	1/2 1/2 4/4	19540002Z G/DAU	PL96227 04/03/80	*68400040
*68400063	00099	PIKYAVIT	TAMARA LFE	F	08/18/1958	684 TOT	4/4 4/4	19540002Z G/DAU	PL96227 04/03/80	*68400037
*68400064	00130	PIKYAVIT	TED JR	M	12/02/1952	684 841 TOT	1/2 1/2 4/4	19540003A SELF	PL96227 04/03/80	
*68400065	00132	PIKYAVIT	WAYLON OFLYNN	M	11/20/1974	684 841 TOT	3/4 1/4 4/4	19540002Z G/SON	PL96227 04/03/80	*68400045
*68400066	00130	PIKYAVIT	YVONNE	F	10/04/1977	684 841 TOT	1/4 1/4 1/2	19540002Z G/DAU	PL96227 04/03/80	*68400054

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IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68400067	00131	PRESTON	ARTHUR MICHEAL JR	M	09/30/1973	684	1/2	195400022	PL96227	
						TOT	1/2	G/SON	04/03/80	*68400069
*68400068	00131	PRESTON	SECHET CHARLENE	F	11/03/1973	684	1/2	195400022	PL96227	
						TOT	1/2	G/DAU	04/03/80	*68400069
*68400069	00131	PRESTON	VIDA JANE PIKYAVIT	F	07/27/1950	684	4/4	195400022	PL96227	
						TOT	4/4	DAU	04/03/80	*68400041
*68400070	00132	REDFOOT	AARON WADE	M	12/13/1964	684	1/2	195400022	PL96227	
						687	1/2	G/SON	04/03/80	*68400071
						TOT	4/4			
*68400071	00132	REDFOOT	MADELAN J PIKYAVIT	F	12/30/1943	684	4/4	195400022	PL96227	
						TOT	4/4	DAU	04/03/80	*68400041
*68400072	00132	REDFOOT	SHERMANN	F	03/11/1967	684	1/2	195400022	PL96227	
						687	1/2	G/DAU	04/03/80	*68400071
						TOT	4/4			
*68400073	00132	REDFOOT	STEPHENIE KAY	F	12/18/1965	684	1/2	195400022	PL96227	
						687	1/2	G/DAU	04/03/80	*68400071
						TOT	4/4			
*68400074	00133	LEVI	KIMBERLY ANN	F	11/19/1979	684	1/4	195400004	PL96227	
						617	1/4	GGG/DAU	04/03/80	
						TOT	1/2			
*68500001	00134	ARROWGARP	DELL	M	07/19/1919	685	4/4	195400002	PL96227	
						TOT	4/4	SELF	04/03/80	
*68500002	00135	YAZZIE	CYNTHIA CHARLES	F	12/30/1956	685	4/4	195400023	PL96227	
						TOT	4/4	G/DAU	04/03/80	*68500006
*68500003	00136	CHARLES	JUDY MARIE	F	07/26/1958	685	4/4	195400023	PL96227	
						TOT	4/4	G/DAU	04/03/80	*68500006

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IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	THIRE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68500004	00136	CHARLES	MARCIE ANN	F	06/03/1974	685 TOT	1/2 1/2	195400023 G-G/DAU	PL96227 04/03/80	*68500003
*68500005	00137	CHARLES	LOUJEANE	F	08/16/1964	685 TOT	4/4 4/4	195400023 G/DAU	PL96227 04/03/80	*68500006
*68500006	00138	CHARLES	VERA TIMICAN	F	03/25/1927	685 TOT	4/4 4/4	195400023 DAU	PL96227 04/03/80	
*68500007	00139	DUARTE	ANNIE TIMICAN	F	/ /1907	685 TOT	4/4 4/4	195400024 SELF	PL96227 04/03/80	
*68500008	00140	JOHN	JENNIE LEE KANOSH	F	03/27/1943	685 TOT	4/4 4/4	195400010 G/DAU	PL96227 04/03/80	
*68500009	00140	KANOSH	GEORGENIA LEE	F	09/11/1966	685 TOT	4/4 4/4	195400010 G-G/DAU	PL96227 04/03/80	*68500008
*68500010	00140	JOHN	JAYLENE	F	10/09/1968	685 TOT	4/4 4/4	195400010 G-G/DAU	PL96227 04/03/80	*68500008
*68500011	00140	JOHN	HEATHER HOPE	F	08/31/1970	685 TOT	4/4 4/4	195400010 G-G/DAU	PL96227 04/03/80	*68500008
*68500012	00140	JOHN	SHILO ANN	F	11/03/1971	685 TOT	4/4 4/4	195400010 G-G/DAU	PL96227 04/03/80	*68500008
*68500013	00140	KANOSH	DAWN NANETTE	F	11/26/1972	685 TOT	4/4 4/4	195400010 G-G/DAU	PL96227 04/03/80	*68500008
*68500014	00140	KANOSH	EDUHINE SHANE	F	08/22/1974	685 TOT	4/4 4/4	195400010 G-G/DAU	PL96227 04/03/80	*68500008
*68500015	00140	KANOSH	OLIVIA EWAYNE	F	05/05/1977	685 TOT	4/4 4/4	195400010 G-G/DAU	PL96227 04/03/80	*68500008

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IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68500016	00140	KANOSH	JANA GAYLE	F	12/18/1975	685	4/4	195400010	PL96227	
						TOT	4/4	G-G/DAU	04/03/80	*68500004
*68500017	00141	DIXON	CLARICE G KANOSH	F	06/03/1945	685	4/4	195400010	PL96227	
						TOT	4/4	G/DAU	04/03/80	
*68500019	00141	DIXON	WILEEN DENISE	F	10/16/1971	685	1/2	195400010	PL96227	
						780	1/2	G-G/DAU	04/03/80	*68500017
						TOT	4/4			
*68500019	00141	DIXON	DEE ANN	F	04/09/1973	685	1/2	195400010	PL96227	
						780	1/2	G-G/DAU	04/03/80	*68500017
						TOT	4/4			
*68500020	00141	DIXON	KENNARD MURRAY	M	12/24/1975	685	1/2	195400010	PL96227	
						780	1/2	G-G/SON	04/03/80	*68500017
						TOT	4/4			
*68500021	00141	DIXON	CRYSTAL DOROTHY	F	10/02/1978	685	1/2	195400010	PL96227	
						780	1/2	G-G/DAU	04/03/80	*68500017
						TOT	4/4			
*68500022	00142	KANOSH	COLLEEN	F	03/02/1949	685	4/4	195400010	PL96227	
						TOT	4/4	G/DAU	04/03/80	
*68500023	00142	KANOSH	DENISE JANAE	F	07/20/1972	685	1/2	195400010	PL96227	
						TOT	1/2	G-G/DAU	04/03/80	*68500022
*68500024	00142	KANOSH	TONI FLORENCE	F	09/06/1978	685	1/2	195400010	PL96227	
						TOT	1/2	G-G/DAU	04/03/80	*68500022
*68500025	00143	KANOSH	FLORENCE	F	/ /1884	685	4/4	195400010	PL96227	
						TOT	4/4	SELF	04/03/80	
*68500026	00144	KANOSH	LYMAN	F	09/20/1912	685	4/4	195400010	PL96227	NON-INDIN
						TOT	4/4	SON	04/03/80	*68500025

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*68500027	00145	PIKYAVIT	LINDA KANOSH	F	05/29/1949	585 581 TOT	1/2 1/2 4/4	195400010 G/DAU	PL96227 04/03/80	*68500026 NON-MEMBR
*68500028	00146	KANOSH	LARRY B	M	10/07/1951	585 581 TOT	1/2 1/2 4/4	195400010 G/SON	PL96227 04/03/80	*68500025 NON-MEMBR
*68500029	00147	LEVI	LORRAINE KANOSH	F	05/29/1954	585 581 TOT	1/2 1/2 4/4	195400010 G/DAU	PL96227 04/03/80	*68500026 NON-MEMBR
*68500030	00148	KANOSH	PERRY	M	01/06/1957	585 581 TOT	1/2 1/2 4/4	195400010 G/SON	PL96227 04/03/80	*68500026 NON-MEMBR
*68500031	00149	LEMI	HELEN	F	10/12/1920	585 TOT	4/4 4/4	195400023 DAU	PL96227 04/03/80	*68500007
*68500032	00150	QUINTANA	JOYCE LEMI	F	06/24/1952	585 780 TOT	1/2 1/2 4/4	195400023 G/DAU	PL96227 04/03/80	NON-INDIN *68500031
*68500033	00150	QUINTANA	MUREL GREGORY	M	09/07/1971	585 780 TOT	1/4 1/4 1/2	195400023 G-G/SON	PL96227 04/02/80	*68500032
*68500034	00150	QUINTANA	CYNTHIA	F	09/01/1972	585 780 TOT	1/4 1/4 1/2	195400023 G-G/DAU	PL96227 04/03/80	*68500032
*68500035	00150	QUINTANA	JOE PAUL	M	12/23/1976	585 780 TOT	1/4 1/4 1/2	195400023 G-G/SON	PL96227 04/03/80	*68500032

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IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68500036	00150	QUINTANA	PEPITA ANGELINA	F	11/05/1979	085	1/4	195400023	PL96227	
						780	1/4	G-G/DAU	04/03/80	*68500032
						TOT	1/2			
*68500037	00151	MARTINEAU	DOWENA LEE	F	10/04/1955	085	1/2	195400010	PL96227	
						TOT	1/2	G-G/DAU	04/03/80	
*68500038	00152	MAYO	JULIA TIMICAN	F	04/24/1924	085	4/4	195400016	PL96227	
						TOT	4/4	DAU	04/03/80	
*68500039	00152	MAYO	WILMA ROSE	F	06/06/1966	085	4/4	195400016	PL96227	
						TOT	4/4	G/DAU	04/03/80	*68500038
*68500040	00153	TIMICAN	GENNIVER LOUISE	F	11/20/1964	085	1/2	195400016	PL96227	
						087	1/2	G/DAU	04/03/80	
						TOT	4/4			
*68500041	00154	TIMICAN	DOUGLAS	M	09/08/1923	085	4/4	195400016	PL96227	
						TOT	4/4	SON	04/03/80	
*68500042	00155	FEATHERHAT	JEAN TIMICAN	F	10/23/1948	085	4/4	195400016	PL96227	
						TOT	4/4	SO4	04/03/80	
*68500043	00155	TIMICAN	MICHELLE	F	05/01/1969	085	1/2	195400016	PL96227	
						TOT	1/2	G-G/DAU	04/03/80	*68500042
*68500044	00155	PIKYAVIT	KEVIN DWAYNE	M	01/09/1972	085	4/4	195400016	PL96227	
						TOT	4/4	G-G/DAU	04/03/80	*68500042
*68500045	00155	PIKYAVIT	AMBER LYNN	F	07/14/1973	085	4/4	195400016	PL96227	
						TOT	4/4	G-G/DAU	04/03/80	*68500042
*68500046	00155	FEATHERHAT	BRYAN	M	06/30/1976	085	3/4	195400016	PL96227	
						780	1/4	G-G/DAU	04/03/80	*68500042
						TOT	4/4			

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68500047	00155	*FATHERHAT	JASON	M	01/09/1978	085 780 TOT	1/4 1/4 4/4	19540001B G-G/SON	PL96227 04/03/80	*68500042
*68500048	00156	LEHI	LUCY JEAN TIMICAN	F	08/04/1951	085 TOT	4/4 4/4	19540001B G/DAU	PL96227 04/03/80	
*68500049	00156	TIMICAN	HANE ALLEN	F	10/15/1970	085 751 TOT	1/2 1/2 4/4	19540001B G/DAU	PL96227 04/03/80	*68500046
*68500050	00156	LEHI	YOLANDA KIM	F	08/28/1972	085 751 TOT	1/2 1/2 4/4	19540001B G/DAU	PL96227 04/03/80	*68500048
*68500051	00156	LEHI	ADRIANNA JEAN	F	03/29/1974	085 751 TOT	1/2 1/2 4/4	19540001B G/DAU	PL96227 04/03/80	*68500048
*68500052	00156	LEHI	ADAM SVAN	M	04/07/1975	085 751 TOT	1/2 1/2 4/4	19540001B G/SON	PL96227 04/03/80	NON-MEMBR *68500048
*68500053	00156	LEHI	CORDELLIA LYNN	F	04/08/1976	085 751 TOT	1/2 1/2 4/4	19540001B G/DAU	PL96227 04/03/80	NON-MEMBR *68500048
*68500054	00157	CAMPBELL	RHODA LEE TIMICAN	F	08/05/1921	085 TOT	4/4 4/4	19540001B DAU	PL96227 04/03/80	NON-INDIN
*68500055	00158	NELSON	GENEVIEVE TIMICAN	F	07/04/1931	085 TOT	4/4 4/4	19540001B DAU	PL96227 04/03/80	
*68500056	00159	PETE	BETTY JEAN YAZZIE	F	10/25/1946	085 780 TOT	1/2 1/2 4/4	19540001B G/DAU	PL96227 04/03/80	*68500038

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO MAST-ROLL RELATION	AUTH FOR ENROLL DATE	AUTH FOR FATHER-II MOTHER-II
*68500057	00154	TSO	KATHERINE JANE	F	01/11/1964	085 740 TOT	1/4 1/4 4/4	19540001G G-G/DAU	PL 96-227 04/01/80	*68500055
*68500058	00160	YAZZIE	BOBBY	M	04/19/1957	085 740 TOT	1/2 1/2 4/4	19540001G G-G/SON	PL 96-227 04/01/80	*68500016
*68500059	00161	LEVI	DEBRA ANN YAZZIE	F	03/29/1955	085 740 TOT	1/2 1/2 4/4	19540001G G/DAU	PL 96-227 04/01/80	NON-MEMBER *68500035
*68500060	00162	YAZZIE	ELLIOT	M	07/09/1957	085 740 TOT	1/2 1/2 4/4	19540001G G/SON	PL 96-227 04/01/80	NON-MEMBER *68500034
*68500061	00163	CONWAY	FREDENA YAZZIE	F	11/23/1953	085 740 TOT	1/2 1/2 4/4	19540001G G/DAU	PL 96-227 04/01/80	NON-MEMBER *68500036
*68500062	00163	ECCLES	KIM	M	09/10/1970	085 740 TOT	1/4 1/4 1/2	19540001G G-G/SON	PL 96-227 04/01/80	*68500051
*68500063	00163	ECCLES	NICOLE ELIZABETH	F	10/02/1971	085 740 TOT	1/4 1/4 1/2	19540001G G-G/DAU	PL 96-227 04/01/80	*68500061
*68500064	00163	CONWAY	MONIQUE	F	04/04/1971	085 740 TOT	1/4 1/4 1/2	19540001G G-G/DAU	PL 96-227 04/01/80	*68500041
*68500065	00164 MAID	PIKYAVIT PIKYAUIT	JOLENE AKA JULENE YAZZIE	F	04/24/1948	085 740 TOT	1/2 1/2 4/4	19540001G G/DAU	PL 96-227 04/03/80	*68500034

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68500066	00165	YAZZIE	NICKY	M	02/20/1954	085 180 TOT	1/2 1/2 4/4	19540016 G/SON	PL96227 04/03/80	NON-MEMBER *68500034
*68500067	00166	BENDER	BERTHA MONSON	F	10/15/1900	085 TOT	1/2 1/2	19540017 DAU	PL96227 04/03/80	
*68500068	00167	ELIASON	BILLIE BILLS	F	04/22/1931	085 TOT	1/4 1/4	19540017 G/DAU	PL96227 04/03/80	
*68500069	00168	DANA	LAURA JANE BILLS	F	08/02/1928	085 TOT	1/4 1/4	19540017 G/DAU	PL96227 04/03/80	
*68500070	00169	BILLS	JACK C	M	01/28/1934	085 TOT	1/4 1/4	19540017 SON	PL96227 04/03/80	
*68500071	00170	BILLS	BOB J	M	02/27/1937	085 TOT	1/4 1/4	19540017 G/SON	PL96227 04/03/80	
*68500072	00171	DANIELS	ARVINA MONSON	F	07/06/1912	085 TOT	1/4 1/4	19540017 DAU	PL96227 04/03/80	
*68500073	00172	MONSON	BENNY G	M	05/10/1918	085 TOT	1/4 1/4	19540017 SON	PL96227 04/03/80	
*68500074	00173	BILLS	MAE MONSON	F	05/20/1907	085 TOT	1/2 1/2	19540017 DAU	PL96227 04/03/80	
*68500075	00174	EMMONS	VERNA MAE BILLS	F	12/29/1924	085 TOT	1/4 1/4	19540017 DAU	PL96227 04/03/80	
*68500076	00175	CONLON	LARUE MONSON	F	01/25/1921	085 TOT	1/4 1/4	19540017 DAU	PL96227 04/03/80	
*68500077	00176	FERGUSON	LOIS A MONSON	F	01/21/1920	085 TOT	1/4 1/4	19540017 DAU	PL96227 04/03/80	

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68500077	00177	MONSON	DAVID P	M	06/29/1977	555 TOT	1/4 1/4	1954000178 SON	PL96227 04/03/80	
*68500079	00178	NIELSON	JUNE MONSON	F	06/23/1921	555 TOT	1/4 1/4	1954000178 DAU	PL96227 04/03/80	
*68500080	00179	MONSON	JACK	M	08/01/1924	555 TOT	1/4 1/4	1954000178 SON	PL96227 04/03/80	
*68500081	00180	MONSON	ARTHUR LEE	M	01/05/1931	555 TOT	1/4 1/4	1954000178 SON	PL96227 04/03/80	
*68500082	00181	MONSON	BOYD H	M	09/11/1927	555 TOT	1/4 1/4	1954000178 SON	PL96227 04/03/80	
*68500083	00182	HILLS	CHARLES D	M	09/04/1920	555 TOT	1/4 1/4	1954000178 SON	PL96227 04/03/80	
*68500084	00151	MARTINEAU	KWAIVY PLUME	M	10/06/1974	555 TOT	1/4 1/4	1954000010 G/SON	PL96227 04/03/80	*68500037
*68500085	00181	MARTINEAU	RACHEL LUCINDA	F	08/18/1972	555 TOT	1/2 1/2	ADOPTED DAU	PL96227 04/03/80	*68500037
*68600001	00183	ANDERSON	CURTIS	M	05/01/1944	556 TOT	1/2 1/2	1954000005 G/SON	PL96227 04/03/80	NON-MEMB 68600003
*68600002	00184	ANDERSON	GENEAL	F	01/07/1952	556 TOT	1/2 1/2	1954000005 G/DAU	PL96227 04/03/80	*68600003
*68600003	00185	ANDERSON	GENEVA JAKE	F	08/07/1925	555 TOT	4/4 4/4	1954000005 DAU	PL96227 04/03/80	*68600028
*68600004	00186	MAHONE	JEANETTE ANDERSON	F	06/01/1951	556 TOT	1/2 1/2	1954000005 G/DAU	PL96227 04/03/80	*68600003

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

INFNT-ID	FAM-NO	TYPE NAME		SEX	ANTICIPATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	AUTH FOR FATHER-ID MOTHER-ID
*68600005	00187	BEAR	DARLENA JAKE	F	06/22/1944	686 TOT	4/4 4/4	195400005 G/DAU	PL96227 04/03/80	*68600015
*68600006	00188	BOWMAN	SHIRLEY JAKE	F	/ /1937	686 TOT	4/4 4/4	195400005 DAU	PL96227 04/03/80	*68600020
*68600007	00189	POOWEGUP	ERNESTINE JAKE	F	02/25/1944	686 TOT	4/4 4/4	195400005 DAU	PL96227 04/03/80	*68600020
*68600008	00189	BEGAY	ANTHONIA	F	12/12/1970	686 780 TOT	1/2 1/2 4/4	195400005 G/SON	PL96227 04/03/80	*68600007
*68600009	00190	SEHAWOP	ALTHEA JAKE	F	03/15/1949	686 TOT	4/4 4/4	195400005 G/DAU	PL96227 04/03/80	*68600015
*68600010	00190	SEHAWOP	CLIFFORD CARL	M	02/21/1973	686 687 TOT	1/2 1/2 4/4	195400005 G-G/SON	PL96227 04/03/80	*68600009
*68600011	00190	SEHAWOP	WARD RYAN	M	03/07/1974	686 687 TOT	1/2 1/2 4/4	195400005 G-G/SON	PL96227 04/03/80	*68600009
*68600012	00191	JAKE	BRYANT	M	04/07/1946	686 TOT	4/4 4/4	195400005 G/SON	PL96227 04/03/80	*68600015
*68600013	00191	JAKE	KIRBY NEIL	M	04/22/1973	686 TOT	4/4 4/4	195400005 G-G/SON	PL96227 04/03/80	*68600012
*68600014	00191	JAKE	CONNIE YETTA	F	02/06/1975	686 TOT	4/4 4/4	195400005 G-G/DAU	PL96227 04/03/80	*68600012
*68600015	00192	JAKE	CLIFFORD	M	10/10/1914	686 TOT	4/4 4/4	195400005 SON	PL96227 04/03/80	*68600020

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

ENRT-NO	FAM-NO	LAST NAME	FIRST NAME	SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68600017	00193	JAKE	JOHN SR	M	07/07/1932	585 TOT	4/4 4/4	1954000005 SON	PL96227 04/03/80	*68600020
*68600018	00194	JAKE	JOHN JR	M	04/07/1954	585 TOT	4/4 4/4	1954000005 G/SON	PL96227 04/03/80	
*68600019	00194	JAKE	MANELL K	M	02/12/1973	585 TOT	1/2 1/2	1954000005 G-G/SON	PL96227 04/03/80	
*68600020	00195	JAKE	MINNIE	F	/ /1896	585 TOT	4/4 4/4	1954000006 SELF	PL96227 04/03/80	
*68600021	00196	JAKE	WILFORD	M	06/03/1941	585 TOT	4/4 4/4	1954000005 SON	PL96227 04/03/80	*68600020
*68600022	00196	JAKE	HORYN AMBER	F	09/11/1973	585 TOT	4/4 4/4	1954000005 G/DAU	PL96227 04/03/80	*68600021
*68600023	00197	KANOSH	DAVID CROCKETT	M	08/29/1955	585 TOT	4/4 4/4	1954000005 G/SON	PL96227 04/03/80	
*68600024	00198	KANOSH	DON BOYDEN	M	04/17/1952	585 TOT	4/4 4/4	1954000005 G/SON	PL96227 04/03/80	
*68600025	00199	KANOSH	FERRON WAYNE	M	02/02/1957	585 TOT	4/4 4/4	1954000005 G/SON	PL96227 04/03/80	
*68600026	00200	KANOSH	KAREN ANN	F	09/23/1953	585 TOT	4/4 4/4	1954000005 G/DAU	PL96227 04/03/80	
*68600027	00200	KANOSH	NOHEE SOPHIA	F	01/27/1975	585 TOT	1/2 1/2	1954000005 G-G/DAU	PL96227 04/03/80	*68600026
*68600028	00200	KANOSH	APRIL FAWN	F	04/09/1976	585 TOT	1/2 1/2	1954000005 G-G/DAU	PL96227 04/03/80	*68600026

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

INFNT-ID	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68600024	00201	KANOSH	MILO DEE	M	04/17/1951 05/31/90	088 TOT	4/4 4/4	19540000[illegible] G/SON	PL96227 04/03/80	
*68600030	00184	CHAPOOSE	JEANINE DENISE	F	01/14/1967	088 TOT	1/2 1/2	19540000[illegible] G/DAU	PL96227 04/03/80	*68600097
*68900001	00202	ASKET	LESTER	M	08/02/1934	088 TOT	4/4 4/4	19540000[illegible] SON	PL96227 04/03/80	
*68900002	00203	ASKET	ROBERT	M	03/02/1963	088 TOT	4/4 4/4	19540000[illegible] G/SON	PL96227 04/03/80	*68800001 NON-MEMBR
*68800003	00203 MAID	BOW BOW	CALLIE	F	07/15/1913	088 TOT	4/4 4/4	19540000[illegible] SELF	PL96227 04/03/80	
*68900004	00204	BUSHMEAD	WARREN L	M	11/07/1923	088 TOT	4/4 4/4	19540000[illegible] SON	PL96227 04/03/80	
*68800005	00205	BUSHMEAD	PHILLIP JOE	M	01/18/1940	088 TOT	4/4 4/4	19540000[illegible] SON	PL96227 04/03/80	
*68800006	00206	BUSHMEAD	DARLA JO	F	11/05/1959	088 TOT	4/4 4/4	19540000[illegible] G/DAU	PL96227 04/03/80	*68800005 NON-MEMBR
*68900007	00207	BUSHMEAD	ANGIE LYNN	F	09/29/1962	088 TOT	4/4 4/4	19540000[illegible] G/DAU	PL96227 04/03/80	*68800005 NON-MEMBR
*68800008	00208	BUSHMEAD	DAVID NEIL	M	01/08/1965	088 TOT	4/4 4/4	19540000[illegible] G/SON	PL96227 04/03/80	*68800005 NON-MEMBR
*68800009	00208	BUSHMEAD	JOEL PHILLIP	M	10/27/1960	088 TOT	4/4 4/4	19540000[illegible] G/SON	PL96227 04/03/80	*68800005 NON-MEMBR
*68900010	00209	BUSHMEAD	SMITH	M	11/18/1929	088 TOT	4/4 4/4	19540000[illegible] SON	PL96227 04/03/80	

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*AR800011	00210 MAID	PETF BUSHMEAD	MAILVINIA	F	04/06/1944	888 TOT	4/4 4/4	1954000005 DAU	PL96227 04/03/80	
*AR800012	00210	GONZALES	TINA MARIE	F	05/15/1964	888 TOT	1/2 1/2	1954000005 DAU	PL96227 04/03/80	NON-INDIA *68800011
*AR800013	00210	DURAN	TRAVIS H	M	07/20/1970	888 TOT	1/2 1/2	1954000005 SON	PL96227 04/03/80	NON-INDIA *68800011
*AR800015	00212	BENN	TONY MERLE	M	04/24/1948	888 TOT	15/16 15/16	1954000110 SON	PL96227 04/03/80	NON-MEMBR
*AR800016	00214 MAID	PIKYAVITE BENN	CLAUDIA M	F	06/14/1944	888 TOT	15/16 15/16	1954000011 DAU	PL96227 04/03/80	NON-MEMBR
*AR800017	00214 MAID	BALANCAD XXXXXXXXXXXXXXXXXXXXXXXX	BERT	M	11/11/1951	888 TOT	1/2 1/2	1954000016 SON	PL96227 04/03/80	NON-MEMBR
*AR800018	00215	BALANCAD	GARLAND MARTIN	M	11/27/1961	888 TOT	1/2 1/2	1954000014 SON	PL96227 04/03/80	NON-INDIA
*AR800019	00214	BALANCAD	LEATRICE ANN	F	03/02/1964	888 TOT	1/2 1/2	1954000016 DAU	PL96227 04/03/80	NON-INDIA
*AR800020	00216	CHARLES	ARDEAN	M	05/20/1943	888 TOT	4/4 4/4	1954000014 SON	PL96227 04/03/80	NON-MEMBR
*AR800021	00216	CHARLES	ALEXY CURTIS	M	09/09/1964	888 185 TOT	1/2 1/2 4/4	1954000314 SON	PL96227 04/03/80	*68800020 NON-MEMBR
*AR800022	00216	CHARLES	DELILA	F	11/06/1965	888 185 TOT	1/2 1/2 4/4	1954000014 DAU	PL96227 04/03/80	*68800020 NON-MEMBR

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

ENROLLMENT NO.	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	THIRD ID	BLOOD DEGREE	*ALLOT-ID HEAD-HOLL RELATION	BIRTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*88R00021	00217	CHARLES	CHERYL ANN	F	09/24/1961	888 TOT	4/4 4/4	19540001 DAU	PL96227 04/03/80	
*88R00022	00217	CHARLES	KENNETH JAMES	M	10/29/1972	888 TOT	1/2 1/2	19540001 S/SON	PL96227 04/03/80	*88R00023
*88R00023	00217	CHARLES	JEFF	M	08/07/1977	888 TOT	1/2 1/2	19540001 S/SON	PL96227 04/03/80	*88R00023
*88R00026	00217	CHARLES	JANUARY	F	01/02/1980	888 TOT	1/2 1/2	19540001 G/DAU	PL96227 04/03/80	*88R00023
*88R00027	00218	CHARLES	MEL VEHA	F	06/16/1950	888 TOT	4/4 4/4	19540001 DAU	PL96227 04/03/80	
*88R00028	00219	CHARLES	PATRICK K	M	03/17/1954	888 TOT	4/4 4/4	19540001 SON	PL96227 04/03/80	
*88R00029	00219	CHARLES	CHRISTINE	F	12/29/1974	888 TOT	1/2 1/2	19540001 G/DAU	PL96227 04/03/80	*88R00028
*88R00030	00219	CHARLES	CHRISTOPHER PATRICK	M	12/29/1974	888 TOT	1/2 1/2	19540001 G/SON	PL96227 04/03/80	*88R00028
*88R00031	00220 MAIL SNOW	WHITE	LA HEE FEATHERHAT	F	10/16/1934	888 TOT	4/4 4/4	19540003 SELF	PL96227 04/03/80	
*88R00032	00221	FEATHERHAT	HOWARD	M	08/06/1950	888 780 TOT	1/2 1/2 4/4	19540003 SON	PL96227 04/03/80	NON-MEMBER *88R00032
*88R00033	00222	FEATHERHAT	MARLON	M	08/28/1957	888 780 TOT	1/2 1/2 4/4	19540003 SON	PL96227 04/03/80	NON-MEMBER *88R00031

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*AR#00014	00223	FEATHERHAT	DIANE	F	10/13/1954	6#4 7#0 TOT	1/2 1/2 4/4	19540000?1 DAU	P196227 04/03/80	NON-MEMBER *68#00041
*AR#00015	00224	HUNT	PAULA	F	04/13/1955	5#4 7#0 TOT	1/2 1/2 4/4	19540003?1 DAU	P196227 04/03/80	NON-MEMBER *68#00031
*AR#00036	00225	ROGERS	WILL	M	05/04/1925	6#4 TOT	4/4 4/4	19540002? SELF	P196227 04/03/80	
*AR#00037	00225 MAIO	ROGERS BUSHHEAD	DEWALLA	F	08/07/1933	6#4 TOT	4/4 4/4	19540000? DAU	P196227 04/03/80	
*AR#00038	00226	ROGERS	DAVID REX	M	08/14/1961	6#4 TOT	4/4 4/4	19540000? G/SON	P196227 04/03/80	*68#00036 *68#00037
*AR#00039	00227	ROGERS	DEREK	M	12/15/1960	6#4 TOT	4/4 4/4	19540000? G/SON	P196227 04/03/80	*68#00038 *68#00037
*AR#00040	00228	ROGERS	GLEN	M	10/02/1953	6#4 TOT	4/4 4/4	19540000? G/SON	P196227 04/03/80	*68#00036 *68#00037
*AR#00041	00229	ROGERS	MARK	M	02/06/1980	5#1 TOT	4/4 4/4	19540000? G-G/SON	P196227 04/03/80	*68#00040
*AR#00042	00229	ROGERS	HARVEY	M	07/21/1957	6#4 TOT	4/4 4/4	19540000? G/SON	P196227 04/03/80	*68#00050 *68#00051
*AR#00043	00230	ROGERS	MANDFORD	M	02/05/1952	6#4 TOT	4/4 4/4	19540000? G/SON	P196227 04/03/80	*68#00036 *68#00037
*AR#00044	00231	ROGERS	SUSAN JANE	F	01/26/1955	6#4 TOT	4/4 4/4	19540000? G/DAU	P196227 04/03/80	*68#00036 *68#00037

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

ENROLLMENT NO.	FAM NO	LAST NAME	FIRST NAME	SEX	BIRTHDATE RELEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-IN HOUSEHOLD RELATION	AUTH FOR ENROLL DATE	AUTH FOR FATHER-IN MOTHER-IN
*68R00045	00232	ROGERS	ARCHIE	M	/ /1915	68A TOT	4/4 4/4	19540033G SON	PL96227 04/03/80	
*68R00046	00233 MAID	WEHO ROGERS	LAMELIA	F	03/11/1939	68A TOT	4/4 4/4	19540003G G/DAU	PL96227 04/03/80	
*68R00047	00234	WEHO	BENNY NORMAN	M	09/04/1962	68A 68T TOT	1/2 1/2 4/4	19540003G G/SON	PL96227 04/03/80	NON-MEMBER *68R00046
*68R00048	00235	WEHO	ELIZABETH ANN	F	09/08/1954	68A 68T TOT	1/2 1/2 4/4	19540003G G/DAU	PL96227 04/03/80	NON-MEMBER *68R00047
*68R00049	00236	WEHO	RHODA ANN	F	05/11/1961	68A 68T TOT	1/2 1/2 4/4	19540003G G/DAU	PL96227 04/03/80	NON-MEMBER *68R00048
*68R00050	00250	WEHO	SUE ANN	F	11/18/1963	68A 68T TOT	1/2 1/2 4/4	19540003G G/DAU	PL96227 04/03/80	NON-MEMBER *68R00049
*68R00051	00238	ROGERS	MILTON	M	09/04/1940	68R TOT	4/4 4/4	19540003G G/SON	PL96227 04/03/80	*68R00045 NON-MEMBER
*68R00052	00239 MAID	TOM ROGERS	LAMINA	F	04/06/1942	68A TOT	4/4 4/4	19540003G G/DAU	PL96227 04/03/80	*68R00045
*68R00053	00240 MAID	MULLETS ROGERS	CRISSY	F	/ /1923	68A TOT	4/4 4/4	19540003G DAU	PL96227 04/03/80	
*68R00054	00241 MAID	PIKYAVIT GEORGE	MILDRED A	F	09/16/1934	68A TOT	4/4 4/4	19540004G SELF	PL96227 04/03/80	
*68R00055	00242 MAID	BAKER GRAYMAN	WALEAH	F	04/26/1940	68A TOT	4/4 4/4	19540004I G/DAU	PL96227 04/03/80	

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

INFNT-ID	FAM-ID	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68R00056	00243 MAID	FRANK GRAYMAN	ILENA HELEN	F	09/08/1941	088 TOT	4/4 4/4	19540004I DAU	PL96227 04/03/80	
*68R00057	00244	WASH	MATSY	F	08/16/1947	088 TOT	4/4 4/4	19540004I DAU	PL96227 04/03/80	
*68R00058	00244	JAKE	CHRIS	F	12/13/1966	088 TOT	4/4 4/4	19540004I G/SON	PL96227 04/03/80	NON-MEMBR *68R00057
*68R00059	00245	GRAYMAN	NORMAN	M	06/16/1949	088 TOT	4/4 4/4	19540004I SON	PL96227 04/03/80	
*68R00060	00246 MAID	MCFFE GRAYMAN	JUDITH	F	07/23/1943	088 TOT	4/4 4/4	19540004I DAU	PL96227 04/03/80	
*68R00061	00247	GRAYMAN	FERMAN JACK	M	05/19/1945	088 TOT	4/4 4/4	19540004I SON	PL96227 04/03/80	
*68R00062	00248 MAID	ADAMES GRAJEDA	LOLA	F	12/25/1930	088 TOT	1/2 1/2	19540004Y DAU	PL96227 04/03/80	
*68R00063	00249	GRAJEDA	PAGE	F	10/09/1964	088 TOT	1/4 1/4	19540004Y G/DAU	PL96227 04/03/80	
*68R00064	00250 MAID	DUPLISEA MOTA	ALICIA	F	08/26/1954	088 TOT	1/4 1/4	19540004Y G/DAU	PL96227 04/03/80	
*68R00065	00251	GRAJEDA	ALBERT	M	04/20/1933	088 TOT	1/2 1/2	19540004Y SON	PL96227 04/03/80	
*68R00066	00252	GRAJEDA	RUDOLPH	M	02/24/1934	088 TOT	1/2 1/2	19540004Y SON	PL96227 04/03/80	
*68R00067	00253	MOON	CECELIA	F	05/22/1934	088 TOT	4/4 4/4	19540005J DAU	PL96227 04/03/80	

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

ENROLL-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE RELEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	BIRTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*ARR00070	00250	JUMN	CLAYNUNT	M	10/24/1944	841 TOT	4/4 4/4	1954000053 SON	*L96227 14/03/80	
*ARR00073	00251	JUMN	CLARENCE	M	04/30/1947	841 TOT	4/4 4/4	1954000053 SON	*L96227 14/03/80	
*ARR00076	00252	JUMN	MELVIN	M	07/08/1926	841 TOT	4/4 4/4	1954000053 SON	*L96227 14/03/80	
*ARR00079	00253 MAIN	STEELE JOHN	LEONA	F	07/07/1947	841 TOT	4/4 4/4	1954000053 G/DAU	*L96227 14/03/80	*68800070 NON-MEMBR
*ARR00082	00254	JUMN	CLIFTON	M	12/10/1952	841 TOT	4/4 4/4	1954000053 G/SON	*L96227 14/03/80	*68800070 NON-MEMBR
*ARR00085	00254	JUMN	CAROLDINE	F	07/31/1957	841 TOT	4/4 4/4	1954000053 G/DAU	*L96227 14/03/80	*68800070
*ARR00074	00260	STEELE	GLORIA ANN	F	06/08/1963	841 851 TOT	1/2 1/2 4/4	1954000053 G/DAU	*L96227 14/03/80	NON-MEMBR *68800071
*ARR00075	00261	STEELE	SANDRA LEE	F	06/27/1964	841 851 TOT	1/2 1/2 4/4	1954000053 G/DAU	*L96227 14/03/80	NON-MEMBR *68800071
*ARR00076	00261	STEELE	TIMOTHY	M	03/29/1967	841 851 TOT	1/2 1/2 4/4	1954000053 G/SON	*L96227 14/03/80	NON-MEMBR *68800071
*ARR00077	00261 MAIN	MCFFE SNOW	MARIE	F	/ /1913	841 TOT	4/4 4/4	1954000065 SELF	*L96227 04/03/80	
*ARR00078	00262	MCFFE	LORRAINE	F	07/13/1938	841 TOT	4/4 4/4	1954000064 D&U	*L96227 04/03/80	

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

ENROLLMENT NO.	FAMILY NO.	TYPE NAME		SEX	BIRTHDATE DECENDENT NO	TRIBE NO	BLOOD DEGREE	*ALLOTTEE MASTER ROLL RELATION	AUTH FOR ENROLL DATE	AUTH FOR FATHER(-1) MOTHER(-1)
*AAA00074	00263	MCFEE	FREDDY JAMES	M	04/10/1965	088 TOT	4/4 4/4	19540004 G/SON	PL96227 04/03/80	
*AAA00090	00264	MC FEE	NORINE HENITA	F	07/12/1957	088 TOT	4/4 4/4	19540004 G/DAU	PL96227 04/03/80	
*AAA00091	00265	MC FEE	LA WANA MANIE	F	12/11/1960	088 TOT	4/4 4/4	19540004 G/DAU	PL96227 04/03/80	
*AAA00095	00266	MC FEE	MARION CLINT	M	01/14/1959	088 TOT	4/4 4/4	19540004 G/SON	PL96227 04/03/80	
*AAA00093	00267	MC FEE	GAIL JOYCE	F	03/15/1962	088 TOT	4/4 4/4	19540004 G/DAU	PL96227 04/03/80	*68A00090
*AAA00094	00268	MC FEE	TRACY LYNN	F	02/09/1963	088 TOT	4/4 4/4	19540004 G/DAU	PL96227 04/03/80	*68A00060
*AAA00045	00246	MC FEE	MARY ESTHER	F	09/20/1965	088 TOT	4/4 4/4	19540004 G/DAU	PL96227 04/03/80	*68A00060
*AAA00046	00246	MC FEE	KYLE LESLIE	M	09/17/1964	088 TOT	4/4 4/4	19540004 G/SON	PL96227 04/03/80	*68A00060
*AAA00047	00246	MC FEE	CLINT	F	01/30/1970	088 TOT	4/4 4/4	19540004 G/SON	PL96227 04/03/80	*68A00060
*AAA00048	00246	MC FEE	JULIE ANN	F	01/06/1971	088 TOT	4/4 4/4	19540004 G/DAU	PL96227 04/03/80	*68A00060
*AAA00049	00269	MC FEE	BETTY	F	01/07/1944	088 TOT	4/4 4/4	19540006 SON	PL96227 04/03/80	*68A00077
*68A00090	00270 MAID	PIKYAVIT MCFEE	JENNY	F	01/27/1944	088 TOT	4/4 4/4	19540006 DAU	PL96227 04/03/80	*68A00077

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

ENRT-ID	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68R00091	00270	PIKYAVIT	JUDY GEORGE	M	11/21/1964	088 TOT	4/4 4/4	1954000064 G/SON	PL96227 04/03/80	*68R00040
*68R00092	00270	PIKYAVIT	NEIL DEATER	M	02/21/1967	088 TOT	4/4 4/4	1954000064 G/SON	PL96227 04/03/80	*68R00040
*68R00093	00271 MAIL	UNYF MC FEE	EVALINA	F	07/25/1947	088 TOT	4/4 4/4	1954000064 DAU	PL96227 04/03/80	*68R00077
*68R00094	00272	MARTINEAU	CARMEN JEAN	F	10/15/1961	088 TOT	1/2 1/2	1954000064 G/DAU	PL96227 04/03/80	*68R00093
*68R00095	00271	MARTINEAU	SHANANDOAH JANFEN	F	06/30/1965	088 TOT	1/2 1/2	1954000064 G/DAU	PL96227 04/03/80	*68R00093
*68R00096	00271	MARTINEAU	GEORGETTA JEANNETTE	F	04/02/1965	088 TOT	1/2 1/2	1954000064 G/DAU	PL96227 04/03/80	*68R00093
*68R00097	00271	SALAZAER	TONYA	F	07/08/1970	088 TOT	1/2 1/2	1954000064 G/DAU	PL96227 04/03/80	*68R00093
*68R00098	00271	SALAZAER	SONJA	F	10/05/1972	088 TOT	1/2 1/2	1954000064 G/DAU	PL96227 04/03/80	*68R00093
*68R00099	00271	UNYF	DARRETL JR	M	/ /1977	088 TOT	4/4 4/4	1954000064 G/SON	PL96227 04/03/80	*68R00093
*68R00100	00273	MAHALE	DOROTHY	F	09/21/1927	088 004 TOT	1/2 1/2 4/4	1954000072 DAU	PL96227 04/03/80	
*68R00101	00273	MAHALE	VENDA LYNN	F	08/31/1965	088 004 TOT	1/4 1/4 1/2	1954000072 G/DAU	PL96227 04/03/80	*68R00100

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

ROLL-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	AUTH FOR FATHER-ID MOTHER-ID
*AR900102	00274	MARKLE	ALVIN DEXTER	M	05/05/1947	088 004 TOT	1/4 1/4 1/2	19540000?2 H/SON	PL96227 04/03/80	*68900100
*AR900103	00275 MAID	WALL MARKLE	EVELYN	F	04/29/1931	088 004 TOT	1/2 1/2 4/4	19540000?2 DAU	PL96227 04/03/80	
*AR900104	00276 MAID	TOM *ALL	GWENDOLYN	F	07/20/1947	088 003 TOT	3/4 1/4 4/4	19540000?2 D/DAU	PL96227 04/03/80	*68900101
*AR900105	00277 MAID	TOM MYERS	ARLENE	F	03/11/1925	088 TOT	4/4 4/4	19540000R0 DAU	PL96227 04/03/80	
*AR900106	00278	MOKFAC	MARVIN	M	03/24/1934	088 TOT	4/4 4/4	19540000R0 SON	PL96227 04/03/80	
*AR900107	00279	MYERS	FLORA	F	/ /1912	088 TOT	4/4 4/4	19540000R2 SELF	PL96227 04/03/80	
*AR900108	00280 MAID	SMITH MYERS	EFFIE	F	06/24/1932	088 TOT	4/4 4/4	19540000R2 DAU	PL96227 04/03/80	NON-MEMBER *68900107
*AR900109	00281	MYERS	BUDDY	M	06/13/1935	088 TOT	4/4 4/4	19540000R2 SON	PL96227 04/03/80	NON-MEMBER *68900107
*AR900110	00282	SMITH	JEWELIE	F	03/29/1951	088 TOT	4/4 1/2	19540000R2 D/DAU	PL96227 04/03/80	*68900108
*AR900111	00283	SWICK	DONA	F	10/15/1950	088 A50 TOT	4/4 1/2 4/4	19540000R2 DAU	PL96227 04/03/80	NON-MEMBER *68900107
*AR900112	00284	RICE	STERLING	M	11/26/1940	088 TOT	4/4 4/4	19540000R9 SON	PL96227 04/03/80	

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENT-ID	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68R00113	00285	SMOKEY	LYMAN	M	02/23/1924	088 TOT	4/4 4/4	195400090 SELF	PL96227 04/03/80	
*68R00114	00286	SMOKEY	NEVADA	F	09/28/1926	088 TOT	4/4 4/4	195400094 SELF	PL96227 04/03/80	
*68R00115	00287 MAID	NEVER MISS A SHOT JOHN	SANORA F	F	01/14/1953	088 TOT	4/4 4/4	195400092 DAU	PL96227 04/03/80	*68R00114
*68R00116	00287	NEVER MISS A SHOT	DAWN HEPIKIYA	F	03/27/1978	088 TOT	1/2 1/2	195400092 G/DAU	PL96227 04/03/80	NON-MEMBR *68R00115
*68R00117	00287	NEVER MISS A SHOT	RONALD JOESPH	M	07/20/1979	088 TOT	1/2 1/2	195400092 G/SON	PL96227 04/03/80	NON-MEMBR *68R00115
*68R00118	00288 MAID	JAKE HICF	YETTA	F	03/07/1916	088 TOT	4/4 4/4	195400095 SELF	PL96227 04/03/80	
*68R00119	00289 MAID	JAKE HICF	MARILYN	F	06/27/1937	088 TOT	4/4 4/4	195400095 DAU	PL96227 04/03/80	*68R00114
*68R00120	00290	JAKE	VELDA JANE	F	09/23/1958	088 TOT	4/4 4/4	195400095 G/DAU	PL96227 04/03/80	*68R00114
*68R00121	00291	JAKE	MIKE JEROME	M	11/03/1958	088 TOT	4/4 4/4	195400092 G/SON	PL96227 04/03/80	*68R00114
*68R00122	00292	MC FEE	ROLAND	M	03/22/1919	088 TOT	4/4 4/4	195400080 SON	PL96227 04/03/80	
*68R00123	00293	MC FEE	GILBERT ROOSEVELT	M	02/22/1962	088 124 TOT	1/2 1/2 4/4	195400080 G/SON	PL96227 04/03/80	*68R00122
*68R00124	00294 MAID	SNOW BUSHHEAD	MARY	F	11/15/1915	088 TOT	4/4 4/4	195400103 SELF	PL96227 04/03/80	

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

ENROLLMENT NO.	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	AUTH FOR FATHER-NO MOTHER-NO
*68800125	00295	SNOW	DONNITTA	F	05/04/1966	088 TOT	4/4 4/4	1954000102 DAU	PL96227 04/03/80	
*68800126	00295	NEZ	JASON	M	07/04/1969	088 780 TOT	1/2 1/2 4/4	1954000102 G/SON	PL96227 04/03/80	NON-MEMBER *68800125
*68800127	00295	NEZ	SHERRIE LEE	F	10/19/1970	088 780 TOT	1/2 1/2 4/4	1954000102 G/DAU	PL96227 04/03/80	NON-MEMBER *68800125
*68800128	00295	NEZ	ALLISON	F	09/16/1973	088 780 TOT	1/2 1/2 4/4	1954000102 G/DAU	PL96227 04/03/80	NON-MEMBER *68800125
*68800129	00296	SNOW	BEVERLY	F	10/08/1934	088 TOT	4/4 4/4	1954000102 DAU	PL96227 04/03/80	
*68800130	00297 MAID	MURPHY SNOW	MELISSA YVONNE	F	05/18/1958	088 TOT	1/2 1/2	1954000102 G/DAU	PL96227 04/03/80	*68800129
*68800131	00298	SNOW	VANESSA YVETTE	F	08/07/1970	088 TOT	1/2 1/2	1954000102 G/DAU	PL96227 04/03/80	*68800129
*68800132	00298 MAID	LEON SNOW	ELVENE	F	05/26/1942	088 TOT	4/4 4/4	1954000102 DAU	PL96227 04/03/80	
*68800133	00299	SNOW	LAWRENCE DALE	M	05/07/1960	088 TOT	1/2 1/2	1954000102 G/SON	PL96227 04/03/80	
*68800134	00300	DOMINGO	CHARLOTTE VHENA	F	09/09/1962	088 TOT	1/2 1/2	1954000102 G/DAU	PL96227 04/03/80	
*68800135	00301	DOMINGO	CONSTANCE THESA	F	06/08/1961	088 TOT	1/2 1/2	1954000102 G/DAU	PL96227 04/03/80	

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENT-NO	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	THIRD NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68R00136	00298	LEON	MARISA HELEN	F	01/15/1980	688 TOT	1/2 1/2	195400102 G/DAU	PL96227 04/03/80	*68R00132
*68R00137	00302	SNOW	MART FRANK	M	02/10/1952	688 TOT	4/4 4/4	195400102 SON	PL96227 04/03/80	
*68R00138	00302	SNOW	BRANDON CONNELL	M	07/03/1970	688 TOT	4/4 4/4	195400102 G/SON	PL96227 04/03/80	*68R00137
*68R00139	00302	SNOW	RILEY STEWART	M	10/10/1971	688 TOT	4/4 4/4	195400102 G/SON	PL96227 04/03/80	*68R00139
*68R00140	00302	SNOW	MISTY BLUE	F	02/05/1977	688 TOT	4/4 4/4	195400102 G/DAU	PL96227 04/03/80	*68R00137
*68R00141	00303	SNOW	KIM HOWARD	M	04/19/1954	688 TOT	4/4 4/4	195400102 G/DAU	PL96227 04/03/80	
*68R00142	00304	SNOW	ANGUS ANTHONY	M	06/23/1956	688 TOT	4/4 4/4	195400102 DAU	PL96227 04/03/80	
*68R00143	00305	SNOW	AHLON JUSTIN	M	05/05/1958	688 TOT	4/4 4/4	195400041 G/SON	PL96227 04/03/80	
*68R00144	00306 MAID	BIG SOLDIER SNOW	DOLLY RANAE	F	03/05/1955	688 TOT	4/4 4/4	195400102 DAU	PL96227 04/03/80	*68R00124
*68R00145	00306	BIG SOLDIER	VIRGINIA MARY	F	07/09/1978	688 439 TOT	1/2 1/2 4/4	195400102 G/DAU	PL96227 04/03/80	NON-MEMBR *68R00144
*68R00146	00306	BIG SOLDIER	SERENA MARIE	F	03/11/1980	688 439 TOT	1/2 1/2 4/4	195400102 G/DAU	PL96227 04/03/80	NON-MEMBR *68R00144

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

IDENTIFICATION	FAMILY NO.	LAST NAME	FIRST NAME	SEX	BIRTH/DATE DECEASED	DEGREE OF INDIAN BLOOD	BLOOD DEGREE	*ALLOTMENT BASE ROLL RELATION	AUTH FOR ENROLL DATE	AUTH FOR FATHER-ID MOTHER-ID
*6RR00147	00307	TILLAMASH	CLYDE	M	06/24/1927	1/4 TOT	4/4 4/4	19540011C SON	PL96227 04/03/80	
*6RR00148	00308	TILLAMASH	ARTHUR	M	04/18/1931	1/4 TOT	4/4 4/4	19540011C SON	PL96227 04/03/80	
*6RR00149	00309	GRAYMAN	KAMMA HAF	F	11/10/1951	1/4 TOT	4/4 4/4	19540001I G/DAU	PL96227 04/03/80	*6BB00148
*6RR00150	00404	GRAYMAN	CHARLES ANDREW	M	07/25/1973	1/4 TOT	4/4 4/4	19540004I G/SON	PL96227 04/03/80	*6RR00054 NON-MEMBR
*6RR00151	00304	GRAYMAN	HOPE	F	08/04/1977	1/4 TOT	4/4 4/4	19540004I G/DAU	PL96227 04/03/80	*6BB00042 NON-MEMBR
*6RR00152	00305	GRAYMAN	WINTER GREY	F	11/04/1974	1/4 TOT	4/4 4/4	19540004I G/DAU	PL96227 04/03/80	*6RR00044 NON-MEMBR
*6RR00153	00310	TILLAMASH	SHERWIN	M	07/10/1955	1/4 TOT	4/4 4/4	19540011C G/SON	PL96227 04/03/80	*6BB00148 NON-MEMBR
*6RR00154	00311	TILLAMASH	MERRILL	M	10/26/1958	1/4 TOT	4/4 4/4	19540011C G/SON	PL96227 04/03/80	*6RR00144 NON-MEMBR
*6RR00155	00312	TILLAMASH	WILLIAM	M	03/08/1954	1/4 TOT	4/4 4/4	19540011C G/SON	PL96227 04/03/80	*6BB00148 NON-MEMBR
*6RR00156	00313	TILLAMASH	CHARLENE	F	03/27/1963	1/4 TOT	4/4 4/4	19540011C G/DAU	PL96227 04/03/80	*6BB00148 NON-MEMBR
*6RR00157	00314	TILLAMASH	NANCY	F	01/19/1962	1/4 TOT	4/4 4/4	19540011C G/DAU	PL96227 04/03/80	*6BB00148 NON-MEMBR
*6RR00158	00315	SURVEYOR	EUNICE	F	02/23/1934	1/4 TOT	4/4 4/4	19540011C DAU	PL96227 04/03/80	

IDENT-ID	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO MAST-ROLL RELATION	AUTH FOR ENROLL DATE	FATHER-ID MOTHER-ID
*68R00154	00316	WALL	HAROLD KAMMY	M	07/23/1951	088 083 TOT	4/4 1/2 4/4	19540011U G/SON	PL96227 04/03/80	*68R00045 *68R00154
*68R00140	00317	WALL	MERRILL TAH	M	07/31/1952	088 TOT	4/4 4/4	19540011U G/SON	PL96227 04/03/80	*68R00045 *68R00154
*68R00151	00318 MAID	WFTF WALL	MITZI	F	12/15/1953	088 TOT	4/4 4/4	19540011U G/DAU	PL96227 04/03/80	*68R00045 *68R00154
*68R00167	00319	WALL	CORDELIA	F	11/15/1957	088 TOT	4/4 4/4	19540011U G/DAU	PL96227 04/03/80	*68R00045 *68R00154
*68R00163	00320	PARASHONT	MAE	F	10/10/1927	088 TOT	4/4 4/4	19540012U DAU	PL96227 04/03/80	
*68R00164	00321	BENSON	RUTH	F	02/13/1925	088 TOT	4/4 4/4	19540012U DAU	PL96227 04/03/80	
*68R00165	00321	BENSON	SCOTT JEFFREY	M	04/27/1964	088 TOT	1/4 1/4	19540012U G/SON	PL96227 04/03/80	*68R00164
*68R00166	00322	WICE	ALBERT	M	/ /1914	088 TOT	4/4 4/4	19540012U SELF	PL96227 04/03/80	
*68R00167	00323 MAID	JAKE CHARLES	IDA MAE	F	08/28/1950	088 TOT	4/4 4/4	19540001U DAU	PL96227 04/03/80	
*68R00168	00323	JAKE	KYLE BRYANT	M	02/27/1976	088 TOT	1/2 1/2	19540018 G/SON	PL96227 04/03/80	*68R00157
*68R00169	00324	BAKER	ANGELA PEARL	F	05/14/1960	088 083 TOT	1/2 1/2 4/4	19540004Z G/DAU	PL96227 04/03/80	NON-MEMBER *68R00055

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

INFNT-ID	FAM-NO	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO BASE-ROLL RELATION	AUTH FOR ENROLL DATE	AUTH FOR FATHER-ID MOTHER-ID
*68R00170	00[illegible]	CHINA	BETSY	F	10/07/1961	084 TOT	4/4 4/4	1954000110 D/DAU	PL96227 04/03/80	
*68R00171	00320	JOHN	LYNDON HIKU	M	02/18/1981	084 TOT	1/2 1/2	1954000110 D/SON	PL96227 04/03/80	
*68R00172	00233	MEKO	NOHMA	F	03/19/1972	084 081 TOT	1/2 1/2 4/4	1954000030 [illegible]/DAU	PL96227 04/03/80	NON-MEMBER
*68R00173	00327	TOM	LAVON OWEN	M	04/21/1955	084 081 TOT	1/2 1/2 4/4	1954000080 D/SON	PL96227 04/03/80	NON-MEMBER
*68R00174	00328	TOM	MELISSA JOY	F	03/24/1956	084 081 TOT	1/2 1/2 4/4	1954000080 D/DAU	PL96227 04/03/80	NON-MEMBER
*68R00175	00326	ESLAMSEGA	CONCEPION JR	M	09/19/1975	084 081 TOT	1/4 1/4 1/2	1954000080 D/SON	PL96227 04/03/80	NON-INDIAN *68R00174
*68R00176	00326	ESLAMSEGA	BRYON ROY	M	11/18/1976	084 081 TOT	1/4 1/4 1/2	1954000080 D/SON	PL96227 04/03/80	NON-INDIAN *68R00174
*68R00177	00324	GRAYMAN	TRUDY GLORIA	F	09/14/1954	084 TOT	4/4 4/4	1954000041 DAU	PL96227 04/03/80	
*68R00178	00330	JACKSON	JOANN NELDA	F	10/15/1950	084 TOT	1/4 1/4	1954000044 D/DAU	PL96227 04/03/80	
*68R00174	00311	SMOKEY	ALEX	M	12/27/1943	088 TOT	1/2 1/2	1954000090 SON	PL96227 04/03/80	

MEMBERSHIP ROLL OF THE PAIUTE INDIAN TRIBE OF UTAH PREPARED UNDER THE ACT OF APRIL 3, 1980 (94 STAT. 317)

ENROLLMENT NO.	FAMILY NO.	TYPE NAME		SEX	BIRTHDATE DECEASED	TRIBE NO	BLOOD DEGREE	*ALLOT-NO HOUSEHOLD RELATION	AUTH FOR ENROLL DATE	FATHER-I.D. MOTHER-I.D.
*AR#00146	00210	PETF	ANGELO SETH	M	04/13/1940	088 TOT	1/2 1/2	19540005 GRSON	PL96227 04/03/80	*6AR00017
*AR#00181	00219	CHARLES	JAMES JOSEPH	M	04/11/1980	088 TOT	1/2 1/2	19540001Y GRSON	PL96227 04/03/80	*6AR00025
*AR#00192	00272	MARTINEAU	SHILKEEM FEATHER	F	06/17/1977	088 TOT	1/4 1/4	19540006A GRDAU	PL96227 04/03/80	*6AR00094
*AR#00183	00325	CHINA	SAHAM BESSIE	F	05/23/1980	088 TOT	1/2 1/2	19540011B GRDAU	PL96227 04/03/80	*6AR00178
*AR#00184	00333	BEGAY	DEANNA	F	06/16/1957	088 IND TOT	1/2 1/2 4/4	19540005S GRDAU	PL96227 04/03/80	
*AR#00185	00332	BEGAY	LUCIUS JOHN	F	01/30/1937	088 TOT	4/4 4/4	19540005S SON	PL96227 04/03/80	
*AR#00195	00294	MC CELLIAN	CASKIE LEE	F	11/17/1975	088 087 TOT	1/2 1/2 4/4	19540008F GRDAU	PL96227 04/03/80	
*AR#00187	00046	BUSHHEAD	WILLARD	M	/ /1924	088 TOT	4/4 4/4	19540001I SELF	PL96227 04/03/80	

[FR Doc. 81-23826 Filed 8-14-81; 8:45 am]

BILLING CODE 4310-02-C

Bureau of Land Management

Alabama; Special Meeting of Southern Appalachian Regional Coal Team

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Meeting notice.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR Part 3400, the regional coal team for the Southern Appalachian Federal Coal Production Region, Alabama Subregion, will convene a special meeting on September 10, 1981, to discuss a proposal made by the Alabama Electric Cooperative, Inc. (AEC) that certain delineated tracts of federally-owned coal be set aside for lease only to public bodies. The three tracts in which AEC has expressed interest for public body set aside are as follows:

Tract name and County

Dividing ridge—Fayette
Piney Woods Church—Tuscaloosa
Howard—Fayette

Other agencies and members of the public with questions or comments regarding the issue are invited to attend the meeting and make their views known to the Regional Coal Team. The Regional Coal Team will use information gathered at the meeting in formulating recommendations to the Director of the Bureau of Land Management on the proposed set-aside tracts.

DATE: The Regional Coal Team Meeting will begin at 9:00 a.m on Thursday, September 10, 1981.

PLACE: The meeting will be held in the Black Warrior Room of the Sheraton University Inn, 4810 Skyline Boulevard East, Tuscaloosa, Alabama 35405.

FOR FURTHER INFORMATION CONTACT: Monte Jordan, Regional Coal Team Chairman, Bureau of Land Management (WO–160), 18th and C Streets, NW., Washington, D.C. 20240, Telephone (202) 343–4636, or Robert Todd, BLM Tuscaloosa Office, 1315 McFarland Boulevard East, Tuscaloosa, Alabama, Telephone (205) 759–5441.

Roger L. Hildebeidel,

Eastern States Director.

[FR Doc. 81–23892 Filed 8–14–81; 8:45 am]

BILLING CODE 4310–84–M

Vale District Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Vale District Advisory Board will be held September 11, 1981.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office at 365 "A" Street West, Vale, Oregon 97918.

The agenda for the meeting will include review of Allotment Management Plans for the Ironside EIS area and discussion of expenditure of Range Improvement Funds. The Board will also be briefed on current grazing management related programs.

The meeting is open to the public. Interested persons may make oral statements to the Council, or may file written statements for the Council's consideration. Anyone wishing to make oral statements must notify the District Manager, Bureau of Land Management, 365 "A" Street West, Vale, Oregon 97918, by September 4, 1981.

Summary minutes of the Council meeting will be maintained in the District office and be available during regular business hours for public inspection, for cost of duplication, within 30 days following the meeting.

Fearl M. Parker,

District Manager.

[FR Doc. 81–23894 Filed 8–14–81; 8:45 am]

BILLING CODE 4310–84–M

INTERSTATE COMMERCE COMMISSION

Decision; Mahoning Valley Railway Company—Petition for Waiver

[Finance Docket No. 29658]

Decided: August 6, 1981.

On June 5, 1981, the Mahoning Valley Railway Company (Mahoning or Petitioner) filed a petition for waiver from the requirements of 49 CFR 1108 *et seq.*, relating to the environmental portion of an application it filed in Finance Docket No. 29658 (Sub-No. 1) in which it seeks authority to operate a line of railroad in Mahoning County, OH, under 49 USC § 10901 and 49 CFR Part 1120 (1980). The waiver request will be dismissed. However, petitioner is not required to file the environmental information concerned because of the exemption noted in 49 CFR 1108.6(c)(2).

Mahoning, a newly organized corporation, proposes to acquire or lease approximately 18 miles of yard track from Jones & Laughlin Steel Corporation (Jones & Laughlin). It also seeks to operate over approximately 25 miles of industrial track situated in industrial yards along the Mahoning River in Youngstown, Campbell and Struther, OH. This proposal does not contemplate any new construction.

In support of its waiver request, Mahoning argues that the industrial yards it will serve are now being served in part by other common carriers. Another portion of its proposed operation is currently being privately performed by Jones & Laughlin. Mahoning represents that its service will not significantly alter existing regional or local transportation systems or service patterns. Applicant does not propose to alter use of energy resources and does not anticipate any change in noise levels or other environmental concerns. It therefore argues that the limited nature of its proposal makes the filing of environmental information required by section 1108 unnecessary.

Petitioner, however, will not be prejudiced by our action on its petition. The petition for waiver is unnecessary. The evnironmental rules at 49 CFR 1108.6(c)(2) now provide in part that proceedings not involving a change in rail operations will be considered as having insignificant environmental impacts. In such instances, environmental reports and documentation normally need not be submitted.

Here petitioner does not propose to alter rail operations. The industrial yards proposed to be served by applicant are already served by other rail carriers and private carriers. Thus rule 1108.6(c)(2) is applicable in this proceeding. Accordingly, it was not necessary to include environmental documentation with the application when it was filed.

In order to notify the public of this decision, it will be published in the **Federal Register.**

This action will not significantly affect the quality of the human environment or conservation of energy resources.

It is ordered

1. The petition for waiver is dismissed.

2. Pursuant to rule 1108.6(c)(2), environmental reports and documentation were not required to be included in the application as filed. Thus, the application is accepted as complete.

3. This decision is effective on the date of service.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–23836 Filed 8–14–81; 8:45 am]

BILLING CODE 7035–01–M

[No. 38650]

Decision on Petition of Federal Armored Express, Inc., for Relief From Filing Actual Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice of petition for relief from filing requirements.

SUMMARY: Petitioner, Federal Armored Express, Inc., a motor contract carrier, has requested relief from the requirements in 49 U.S.C. 10702 that it file with the Commission schedules of actual rates and charges. Petitioner would continue to file schedules of minimum rates and charges. The sought relief is provisionally granted.

DATES: Comments are due within 20 days from date of publication of this notice in the **Federal Register**. The sought relief will become effective 30 days from the date of publication of this notice in the **Federal Register**, unless, in response to comments filed, the Commission issues a further decision withdrawing this relief.

ADDRESS: An original and six copies of comments should be sent to: Interstate Commerce Commission, Room 5356, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The relief sought by petitioner is in connection with its present contract authority to transport savings bonds for the General Services Administration, and with its pending application for a nationwide contract carrier permit to transport currency, coins, securities, and other valuables between points in the United States for banks and banking institutions.

At present, petitioner holds limited contract carrier authority, No. MC–139566, *Federal Armored Express, Inc.* served September 23, 1974. Petitioner is seeking in No. MC–147461 (Sub-No. 7), *Federal Armored Express, Inc.*, nationwide contract carrier authority.

Title 49 U.S.C. 10702(b) requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. The section also permits the Commission to grant itself relief from the subsection when relief is consistent with the public interest and the transportation policy of section 10101. In *Armored Carrier Corp. Petition for Relief, Section 218(a)*, 303 I.C.C. 781 (1958), the Commission granted such relief to 16 armored carriers by permitting them to file only minimum rates rather than schedules of actual rates. The relief was granted because the services provided by these carriers are so specialized that filing actual rates would be impractical. The Commission has granted similar relief to other armored carriers since that decision.

Petitioner requests that it receive this same relief because essentially the same type of services and the same difficuties in tariff publication exist for its present and proposed contract permit. The request appears justified by the public interest and section 10101 and is consistent with *Armored Carrier Corp., supra.* The relief will be effective unless we receive, within 20 days, comments giving sufficient reason why it should be denied, and we withdraw it. Although a portion of the request relates to authority for which an application is pending, administrative efficiency justifies petitioner's combined request. If the application is ultimately denied, this relief as to this portion will have no force or effect.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10702(b).

Decided: August 7, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–23838 Filed 8–14–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–69 (Sub-6F)]

Western Maryland Railway Company Abandonment—in Washington County, MD; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 1, has found that the public convenience and necessity require or permit abandonment by Western Maryland Railway Company of its line of railroad between Valuation Station 4719 + 64.5 (milepost 0.00) to Valuation Station 477 + 00 (milepost 1.03), at Williamsport in Washington County, MD, a total distance of 1.03 miles subject to conditions. A certificate of abandonment will be issued permitting the abandonment unless within 15 days from the date of publication the Commission also finds that:

(1) a financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) it is likely that:

(a) if a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line together with a reasonable return on the value of the line, or

(b) if a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Rm. 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer and no requst is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–70350 Filed 8–14–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OPY–3–137]

Motor Carriers: Permanent Authority Decision; Decision

Decided: August 10, 1981.

The following applications filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly relate to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11343 and 11349. 363 I.C.C.*, 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified

statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission, may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams. Member Williams not participating.

Agatha L. Mergenovich,

Secretary.

MC-F-14665, filed July 10, 1981. JESSE H. ROSE AND GEORGE E. BRODIE (ROSE & BRODIE) (4101 Fulton, Houston, TX 77022—CONTINUANCE IN CONTROL—B & R TRUCK LINE, INC. (BRTL) (2226 Brooktree, Houston, TX 77009). Representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. (512) 478-9808. ROSE & BRODIE, individuals, seek to continue in control of (BRTL) upon the institution by (BRTL) of operations, in interstate or foreign commerce, as a motor contract carrier. Rose & Brodie also control J. H. Rose Truck Line, Inc. a motor common carrier pursuant to certificates issued in MC-13250 and subs thereunder, which authorize the transportation of Mercer commodities or oilfield commodities, and commodities requiring the use of special equipment, and iron and steel articles, between points in the U.S.

Note.—(BRTL) has filed as a directly related application its initial contract carrier application. This application, docketed No. MC-157105, is published in the same Federal Register issue.

[FR Doc. 81-23835 Filed 8-14-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision

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.

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-2-149

Decided: August 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 682 (Sub-28F), filed July 27, 1981. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Avenue, N.W., Suite 1112, Washington, DC 20036 (202) 887-5868. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.,

under continuing Contract(s) with Xerox Corporation, of Rochester, NY.

MC 10343 (Sub-48), filed July 28, 1981. Applicant: CHURCHILL TRUCK LINES, INC., P.O. Box 250, Hwy 36 West, Chillicothe, MO 64601. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting *general commodities* (except classes A and B explosives), (1) between points in AR, IA, IL, IN, KS, KY, MN, MS, MO, NE, OK, OH, PA, TX, TN, WV, and WI, and (2) between the states names in (1) above, on the one hand, and, on the other, points in the U.S.

MC 59332 (Sub-12F), filed July 27, 1981. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, NJ 08100. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575–7700. Transporting *general commodities* (except classes A and B explosives) between points in ME, VT, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NC, SC, GA, PA, OH, IN, IL, WV, MO, KY, and DC.

MC 72423 (Sub-11F), filed July 27, 1981. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 E. Chestnut St., Sterling, CO 80751. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203 (303) 861–8046. Transporting (1) *such commodities* as are dealt in by distributors of *liquors, wines, and beer*, and (2) *meats, meat products, and meat by-products, and articles produced and distributed by meat packinghouses*, between points in the U.S., under continuing contract(s) with (1) Best Brands, Inc., of Denver, CO, and (2) Sterling Colorado Beef Co., Inc., of Sterling, CO, and (3) Circle C Beef CO, of Denver, CO.

MC 87113 (Sub-22F), filed July 28, 1981. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Road, Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006, (202) 833–8884. Transporting *new office furniture*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-731F), filed July 28, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant) (219) 429–2110. Transporting: *gas or electrical applicances* between points in the U.S.

MC 114562 (Sub-12), filed July 27, 1981. Applicant: WENDELL TRANSPORT CORPORATION, P.O. Box 100, Wendell, NC 27591. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602 (919) 828–0731. Transporting *general commodities* (except classes A and B explosives) between points in New Hanover County, NC and Charleston County, SC, on the one hand, and, on the other, points in GA, NC, SC, and VA.

MC 116503 (Sub-9), filed July 27, 1981. Applicant: B. R. SCHOLL & SONS, INC., 2301 Fifth Street, Perkasie, PA 18944. Representative: William H. R. Casey, 892 Second Street Pike, Richboro, PA 18954 (215) 322–8300. Transporting *chemicals and related products*, between points in DE, MD, NJ, NY, OH, PA, VA, and WV.

MC 119422 (Sub-75), filed July 30, 1981. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, P.O. Box 1037, East St. Louis, IL 62204. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. N.W., Washington, DC 20004 (202) 628–4600. Transporting *commodities in bulk*, between points in IL, IN, and MO, on the one hand, and, on the other, points in the U.S.

MC 125352 (Sub-7), filed July 30, 1981. Applicant: JAN TRANSPORT, INC., 16 Central Avenue, Tenafly, NJ 07670. Representative: DONALD E. CROSS, 700 World Center Building, 918 16th Street, N.W., Washington, D.C. 20006 (202) 785–3700. Transporting *general commodities* (except classes A and B explosives) between points in PA, ME, VT and NH, on the one hand, and, on the other, the facilities of Knickerbocker Despatch, Inc. at points in MA, RI, CT, NY, and NJ.

MC 136512 (Sub-27), filed July 27, 1981. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, MN 55101. Representative: Harold D. Anderson (same address as applicant) (612) 222–7792. Transporting *textile mill products* between the facilities of Munsingwear, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 140643 (Sub-7), filed July 28, 1981. Applicant: EIGHT BALL LINE TRUCKING, INC., 2717 Goodrick Avenue, Richmond, CA 94801. Representative Robert Fuller: 13215 E. Penn St. Ste 310, Whittier, CA 94801 (213) 945–3002. Transporting *asphalt and asphalt products*, between points in the U.S., under continuing contact(s) with Western Asphalt and Tar Company, of Seattle, WA.

MC 143553 (Sub-7), filed July 29, 1981. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., 35 Main Street, P.O. 236, Versailles, CT 06383. Representative: Bradford I. Greene (same as applicant) (203) 822–8261. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dillard Paper Company, Inc., of Greensboro, NC.

MC 145773 (Sub-12), filed July 28, 1981. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lawn and garden products, between points in the U.S., under continuing contract(s) with O.M. Scott & Sons, a subsidiary of ITT, of Marysville, OH.

MC 146402 (Sub-38F), filed July 28, 1981. Applicant: CONALCO CONRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant) (901) 423–2408. Transporting *such commodities* as are dealt in or used by distributors of tile, between points in the U.S., under continuing contract(s) with Heuler Tile Company, Inc., of Wauwatsa, WI.

MC 146793 (Sub-3), filed July 29, 1981. Applicant: BISHOP BROTHERS HAULING, INC., 200 18th Ave., Jasper, AL 35501. Representative: Robert S. Richard, P.O. Box 2069, Montgomery, AL 36197 (205) 262–1671. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in the U.S.

MC 147042 (Sub-3F), filed July 27, 1981. Applicant: SEARS TRUCKING, INC., 2422 S. Hill St., Los Angeles, CA 90007. Representative: Robert Evans (same address as applicant) (213) 749–2130. Transporting *paper articles, plastic articles, and bakery goods*, (a) between points in Los Angeles County, CA, on the one hand, and on the other, points in AZ, NV, OR, and WA, (b) between Los Angeles Harbor Commercial Zone, CA, on the one hand, and, on the other, Los Angeles, CA, and (c) between Sparks, NV, on the one hand, and, on the other, points in CA.

MC 153962 (Sub-3F), filed July 27, 1981. Applicant: NEBRASKALAND CONTRACT CARRIERS, INC., P.O. Box 1190, Kearney, NE 68847. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln NE 68501 (402) 475–6761. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Our Own Hardware Company, of Minneapolis, MN.

MC 157372, filed July 28, 1981. Applicant: ALL ABOARD, INC., 5727 Eleven Mile Road, Rockford, MI 49341. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933 (517) 489–5724. As a *broker* at Rockford, MI in arranging for transportation of *passengers and their baggage*, in the same vehicles with passengers, between points in MI and IN, on the one hand, and, on the other, points in the U.S., and points on the international boundary line between the U.S. and Canada.

Volume No. OPY–4–305

Decided: August 5, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 133037 (Sub-7), filed July 10, 1981. Applicant: MILE-HI EXPRESS, INC., 1335 E. 40th St., Denver, CO 80205. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203 (303) 839–5856. Transporting *food and related products*, between Denver, CO, on the one hand, and, on the other, those points in NM on and north of Interstate Hwy 40.

Note.—Applicant intends to tack the above authority with its existing regular-route authority.

MC 154957, filed July 27, 1981. Applicant: SILGAS, INC., 4025 Hwy 31 East, Jeffersonville, IN 47130. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. Transporting *liquefied petroleum gas and fertilizer*, between the facilities of Indiana Farm Bureau Cooperative Association, Inc., at points in IL, IN, KY, MI, and OH, on the one hand, and, on the other, points in IL, IN, KY, MI, and OH. Condition: The authority granted here to the extent it authoriizes the transportation of dangerous commodities is limited to a period of five (5) years from the date of issuance.

MC 156427, filed June 11, 1981, previously noticed in the FR of July 9, 1981. Applicant: OMTVEDT OIL COMPANY, 1807 6th Ave., Two Harbors, MN 55616. Representative: Andrew R. Clark, 121 S. 8th St., 1600 TCF Tower, Minneapolis, MN 55402 (612) 333–1341. Transporting *food and related products*, between Milwaukee, WI, on the one hand, and, on the other, points in Lake County, MN.

Note.—The purpose of this republication is to delete the facility restriction.

Volume No. OPY–4–308

Decided: August 5, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 116867 (Sub-1), filed July 20, 1981. Applicant: M.C. TANK TRANSPORT, INC., 4479 Princeton Rd., Hamilton, OH 45011. Representative: William L. Peters, 50 W. Broad St., Columbus, OH 43215 (614) 464–4103. Transporting *toxic wastes, hazardous wastes, and waste products*, between points in IL, IN, KY, MI, NC, OH, PA, TN, VA, and WV. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 125037 (Sub-27), filed July 27, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209 (205) 942–9116. Transporting *general commodities*, between points in Dallas County, AL, on the one hand, and, on the other, points in the U.S.

MC 128527 (Sub-140), filed July 23, 1981. Applicant: MAY TRUCKING COMPANY, P.O. Box 400, Payette, Idaho 83661. Representative: Timothy W. Wilson, P.O. Box 9039, Salem, Oregon 97305 (503) 393–7030. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 136277 (Sub-7), filed July 20, 1981. Applicant: PRIORITY FREIGHT SYSTEMS, INC., P.O. Box 7098, Akron, OH 44306. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, NE, IA, CO, OK, and TX.

MC 144117 (Sub-78), filed July 27, 1981. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, Missouri 63026. Representative: Bernard J. Kompare, 10 South LaSalle Street, Suite 1600, Chicago, Illinois 60603. Transporting *furniture or fixtures*, between points in Morgan County, IL, on the one hand, and, on the other, points in MN, IA, MO, AR, LA, ND, SD, NE, KS, OK, and TX.

MC 144757 (Sub-11), filed July 27, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 412 Oshkosh, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd, Rapid City, SD 57701 (605) 343–4036. Transporting *building materials, pulp, paper and related products*, between points in MN on the one hand, and, on the other hand, points in CO, ID, KS, MT, NE, ND, OR, SD, WA, and WY.

MC 146457 (Sub-5), filed July 27, 1981. Applicant: PAISLEY TRUCKING, INC., P.O. Box 208, Durango, IL 52309. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309 (515) 243–6164. Transporting *food and related products*, between points in Dubuque County, IA on the one hand, and on the other, points in IL, IN, MI, MN, TN, and WI.

MC 147827 (Sub-2) filed July 28, 1981. Applicant: JAMES McKEE d.b.a. McKEE EXPRESS, 701 Melton Drive, Jonesboro, AR 72401. Representative: Dennis Zolper, 216 East Washington, Jonesboro, AR 72401. Transporting *paper and paper products*, between points in the U.S., under continuing contract with Newweek, Inc., of Jonesboro, AR.

MC 148187 (Sub-6), filed July 28, 1981. Applicant: VIERON, INC., 1700 Cherry Hill Road, Baltimore, MD. Representative: Walter T. Evans, 7961 Eastern Avenue, Silver Spring, MD 20910. Transporting *petroleum products*, between points in the U.S. under a continuing contract with Apex Oil Company, of Baltimore, MD.

MC 150617 (Sub-4), filed July 27, 1981. Applicant: TRANSCONTINENTAL FREIGHT SYSTEMS, INC., 2559 South Archer Avenue, Chicago, IL 60608. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Transporting *food and related products, clay concrete, glass and stone products and metal products*, between points in Webb County, TX, on the one hand, and, on the other, points in IL, IN, MI, NJ, NY, OH, PA and WI.

MC 152307 (Sub-1), filed February 10, 1981, and previously noticed in the **Federal Register** issue of March 5, 1981, and republished this issue. Applicant: COLUMBIA TRUCKING CO., INC., 1911 N. Wenatchee Ave., P.O. Box 2142, Wenatchee, WA 98801. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *food and related products*, between points in ID, WA, OR, and CA.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Volume No. OPY–4–309

Decided: August 5, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 139467 (Sub-2), filed July 23, 1981. Applicant: LONG TRANSPORT, INC., P.O. Box 96, Rusk, TX 75785. Representative: Charles Long (same address as applicant), (214) 683–5408. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston

Purina Company and its subsidiaries located at points in the U.S., on the one hand, and on the other, points in the U.S.

MC 146677 (Sub-7), filed July 27, 1981. Applicant: GRANNY'S EXPRESS, INC., 2101 Ross Ave., Norwood, OH 45212. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *general commodities* (except classes A & B explosives), between points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 147547 (Sub-18), filed July 24, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37217. Transporting *general commodities* (except classes A and B explosives), between the facilities of International Telephone and Telegraph Royal Electric Division in Lauderdale County, AL, on the one hand, and, on the other, points in the U.S.

MC 150987 (Sub-2), filed July 24, 1981. Applicant: DOWN EAST TRUCKING, INC., MRC 156, Bangor, ME 04401. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005, (202) 296-3555. Transporting *lumber and wood products*, between points in Maine, on the one hand, and, on the other, points in the U.S. located in and east of MN, IA, MO, AR, and LA.

MC 151807 (Sub-2), filed July 23, 1981. Applicant: FWC, INCORPORATED, Route 2, Box 123, Rustburg, VA 24588. Representative: J. Johnson Eller, Jr., 513 Main Street, Altavista, VA 24517, (804) 369-5661. Transporting *furniture and fixtures* between Pulaski County, VA, on the one hand, and, on the other, points in CA, WA, OR, AZ, NM, CO, NV, WY, UT, MT, and ID.

MC 153007, filed July 28, 1981. Applicant: T. N. T. III, INC., 4606 Chicago Street, Omaha, NE 68132. Representative: Robert K. Frisch, 2711 Valley View Lane, Suite 101, Dallas, TX 75234. Transporting *passengers and their baggage* round trip charter operation, beginning and ending at points in NE and extending to points in IA, MO, KS, OK, CO, TX, and SD.

MC 153457 (Sub-1), filed July 27, 1981. Applicant: GOLD STAR CARRIERS, INC., Rte. 2, Box 528, Springtown, TX 75082. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Transporting *machinery*, between points in the U.S., under coutinuing contract(s) with Sherwood Packaging Machinery Corp., of Grand Prairie, TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23640 Filed 8-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-5-123]

Motor Carriers; Permanent Authority Decisions; Decision

Decided: August 7, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudman's Office, (202) 275-7326.

MC 68908 (Sub-10), filed July 21, 1981. Applicant: MULLEN BROS. OF NORTH ADAMS, MASS., INC., P.O. Box 1285, Pittsfield, MA 01201. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036, (202) 785-0024. To operate as a *broker*, in arranging for the transportation of *household goods* as defined by the Commission, between points in the U.S.

MC 152909 (Sub-1), filed July 24, 1981. Applicant: RAY FLETCHER, d.b.a. CITY MOVING & STORAGE, 2309 Jefferson Ave., Lawton, OK 73505. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. 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) *used household goods* for the account of the United States Government incident to a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 156678 filed July 9, 1981. Applicant: NORTH CENTRAL TRUCKING CORP., Route 1, Barronnett,

WI 54813. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424 (612) 927–8855. Transporting *general commodities* between Shell Lake, Barronnett, Cumberland, Clayton, Clear Lake, Deer Park, Boardman, and Burkhardt, WI, on the one hand, and, on the other, points in th U.S.

Note.—The sole purpose of this application is the substitution of motor carrier service for completely abandoned rail service.

MC 157159 filed July 14, 1981. Applicant: SALES AND TRANSPORTATION CONSULTANTS COMPANY, 306 Edge Hill Dr., SE, Grand Rapids, MI 49506. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. To operate, in interstate or foreign commerce, as a *broker of general commodities* (except household goods), between points in the U.S.

MC 157189, filed July 16, 1981. Applicant: WALLACE RINGER, d.b.a. RINGER OIL COMPANY, P.O. Box 188, Rush City, MN 55069. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263–2306. 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 vehicle in such vehicle, between points in the U.S.

MC 157239, filed July 20, 1981. Applicant: RICHARD HATLER, d.b.a. PROFESSIONAL MOVING SERVICE, 8900 Gold Leaf Way, Sacramento, CA 95826. Representative: Richard E. Hatler (same address as applicant), (916) 381–2415. Transporting *used household goods* for the account of the United States Government incident to their performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 157259, filed July 21, 1981. Applicant: C. R. FOWLER, 5605 Sara Jane, Bakersfield, CA 93309. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. 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, betwen points in the U.S.

MC 157268, filed July 22, 1981. Applicant: BARBARA S. FELTON, d.b.a. J & B FELTON TRUCKING, 8 North Longview Road, Howell, NJ 07731. Representative: Barbara S. Felton (same address as applicant), (609) 758–8039. 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. 81-23839 Filed 8-14-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–145

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 121564 (Sub-II–1TA), filed August 5, 1981. Applicant: ABBOTT BUS LINES, INC., 1703 Granby St., Roanoke, VA 24012. Representative: Fred W. Abbott (Same as applicant). Common, regular: *Passengers and their baggage and also package express,* between Roanoke, VA and Greensboro, NC over routes 220, 68 and I–40, for 180 days. Applicant intends to tack and interline. An underlying ETA seeks 120 days authority. Supporting shippers: World Travel Service, Inc., 30 W. Church Ave., Roanoke, Va Tom Martin Travel, Inc., P. O. Box 865, Salem, VA 24153.

MC 150214 (Sub-II–4TA) , filed August 4, 1981. Applicant: J.N. CARR TRANSPORT, INC., 351 Market St., Espy, PA 17815. Representative: Wilmer B. Hill 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. *Sterile pharmaceutical closures,* from Phoenixville, PA to New York, NY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The West Co., Bridge St., Phoenixville, PA 19460.

MC 114123 (Sub-II–5TA), filed July 27, 1981. Applicant: HERMAN R. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, P. O. Box 1146, Harrisburg, PA 17108. *Molasses,* in bulk, in tank vehicles, from ports of entry U.S.-Canadian Border located on the common border of the State of ME and the Province of New Brunswick to Honeybrook, Downingtown and Pittsburgh, PA; Baltimore, MD and Chicago, IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Central Marketing, Inc. P. O. Box 127 Lancaster, PA 17602

MC 107012 (Sub-II–180TA), filed August 5, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30, West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Textile products* from Aberdeen, NC to points in KS and KY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: J. P. Stevens Co., Inc., Highway 29 North, Greensboro, NC 27420.

Note.—Common control may be involved.

MC 150339 (Sub-II–47TA), filed August 5, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: General commodities, except classes A & B explosives,* between points in the United States, restricted to those shipments originating at or destined to the facilities of Campbell Soup Company, under continuing contract(s) with Campbell Soup Company, Camden, NJ for 270 days. An underlying ETA

seeks 120 days authority. Supporting shipper(s): Campbell Soup Company, Campbell Place, Camden, NJ 08101.

The following protests were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 35358 (Sub-4-4TA), filed August 4, 1981. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Dr. N.E., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Building materials,* between points in Washington County, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Anderson Corporation, Bayport, MN 55003.

MC 60325 (Sub-4-2TA), filed August 3, 1981. Applicant: JEFFERSON LINES, INC., 1206 Currie Ave., Minneapolis, MN 55403. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Passengers and their baggage, in the same vehicle with passengers, in round-trip special or charter operations,* beginning and ending at points in IA, and extending to points in the U.S. (including AK but excluding HI). There are 5 supporting shippers.

MC 140101 (Sub-4-2TA), filed August 4, 1981. Applicant: I.T.A. TRUCKING, INC., P.O. Box 219, Amherst, WI 54406. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract;* irregular: *General commodities* (except Classes A & B explosives) between points in IL, IN, KY, MI, MO, OH, PA, and TN under a continuing contract(s) with Alliance Shippers, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Alliance Shippers, Inc., 8440 Archer Rd., Willow Springs, IL 60480.

MC 143280 (Sub-4-33TA), filed July 29, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Foodstuffs,* from Louisville, KY, Battle Creek, MI, Lancaster and Sharonville, OH, to Salt Lake City, UT. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 144822 (Sub-4-6TA), filed July 31, 1981. Applicant: WINTZ TRANSPORTATION CO., 1706 American National Bank Bldg., St. Paul, MN 55101. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Common,* regular. *General commodities* (except Classes A and B explosives), between Minneapolis/St. Paul, MN and their commercial zones and Denver, CO and its commercial zone: From Minneapolis/St. Paul over Interstate Hwy 35 to Kansas City, MO, then over Interstate Hwy 70 to Denver, and return over the same route, serving intermediate points of Kansas City, MO/KS and their commercial zones. Applicant also requests authority to interline with other carriers at St. Paul, Kansas City and Denver and to tack or join the requested authority with its other authorized authority. There are 112 supporting shippers.

MC 152232 (Sub-4-1TA), filed August 3, 1981. Applicant: TYLER TRANSPORTATION, INC., 2020 Old State Rd. 31-E, Jeffersonville, IN 47130. Representative: J. M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Such commodities* as are dealt in by manufacturers or distributors of alcoholic beverages, from Westfield, NY, Kansas City and St. Louis, MO, Plainfield, IL, Lawrenceburg, IN, Bardstown, Clermont, Frankfort, Lawrenceburg, Louisville, and Owensboro, KY to Little Rock, AR, Phoenix and Tucson, AZ, Harahan, Lafayette, and Shreveport, LA, and Dallas, Ft. Worth, Houston, San Antonio, Amarillo, Odessa, El Paso, and Corpus Christi, TX, under contract with (1) Glazer's Wholesale Drugs Co., Inc., of Dallas, TX, (2) Little Rock Distributing Co., of Little Rock, AR, (3) Glazer Wholesale Drug Co., Inc., of Harahan, LA, and (4) Cactus Beverage Distributing Co. of Arizona, of Phoenix, AZ. Supporting shipper: Glazer's Wholesale Drugs Co., Inc., 506 Park Ave., Dallas, TX 75201.

MC 156003 (Sub-4-1), filed July 31, 1981. Applicant: BARRY FREIGHTWAYS, Box 14786, Minneapolis, MN 55414. Representative: Ronald B. Sieloff, Ninth Floor, Commerce Bldg., St. Paul, MN 55101. *Common;* regular: *general commodities,* except those of unusual value, and dangerous explosives, household goods, as defined in Practices of Motor Common Carrier of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. From, to, or between St. Paul and Isle, MN; from St. Paul over city streets to Minneapolis, MN, thence over U.S. Hwy 169 to jct. MN Hwy 27, and thence over MN Hwy 27 to Isle, MN and return over the same route; to and from the intermediate points of Minneapolis and Zimmerman, MN and those between Zimmerman and Isle, MN, between Milaca and Foley, MN, serving all intermediate points: from Milaca over MN Hwy 23 to Foley and return over same route. Supporting shipper(s): There are 10 statements in support.

MC 157228 (Sub-4-2), filed July 30, 1981. Applicant: PRAIRIE LINE, INC., 505 Cottage Grove Drive, Woodbury, MN 55125. Representative: Marquita J. Finley of James F. Finley & Associates, P.A., AAA Building, Suite 200, 170 E. 7th Place, St. Paul, MN 55101. *Contract:* Irregular: *Light Weight Aggregate* between the Minneapolis/St. Paul, MN Commercial Zone and points in WI under a continuing contract with West Materials, Inc. Supporting shipper: West Materials, Inc., 1103 West Burnsville Parkway, Burnsville, MN 55337.

MC 157457 (Sub-4-1TA), filed July 31, 1981. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 South 17th St., Post Office Box 1207, Elkhart, IN 46514. Representative: Daniel C. Sullivan, Esq., Sullivan & Associates, Ltd., 10 South LaSalle St., Suite 1600 Chicago, IL 60603. *Contract;* Irregular: *Such commodities* as are dealt in or used by manufacturers and distributors of furniture and fixtures, between points in the U.S. under continuing contracts with Congoleum Corporation and its subsidiaries. Supporting shipper: Congoleum Corporation, 600 State St., Post Office Box 4040, Portsmouth, NH 03801.

MC 157458 (Sub-4-1), filed July 31, 1981. Applicant: CLARENCE KRESSIN d.b.a. KRESSING TRUCKING, Route 1; Box 226, Jim Falls, WI 54748. Representative: Nancy J. Johnson, Attorney, 103 East Washington Street; Box 218, Crandon, WI 54520. *Liquid detergent* from points in the Chicago, IL Commercial Zone to Stanley, WI. Supporting shipper: Falls Dairy Co., Stanley, WI 54768.

MC 290 (Sub-4-1), filed July 27, 1981. Applicant: JACK RABBIT LINES, INC., 301 North Dakota Ave., Sioux Falls SD 57102. Representative: James R. Becker 412 West Ninth St., P.O. Box 1443 Sioux Falls SD 57101. *Passengers, express, newspapers, or baggage of passengers in the same vehicle with passengers:* Between Brookings, SD and Minneapolis, MN: from Brookings, SD over Interstate Hwy 29 to junction SD Hwy 30, then over SD Hwy 30 to the SD-MN state line and junction MN Hwy 19, then over MN Hwy 19 to Gaylord, MN to junction MN Hwy 5, then over MN Hwy 5 to junction U.S. Hwy 212, then over U.S. Hwy 212 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction MN Hwy 62, then over MN Hwy 62 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Minneapolis, MN,

and return over the same route, serving the intermediate points of Ivanhoe, Marshall, Redwood Falls, Morton, Franklin, Fairfax, Gibbon, Winthrop, Gaylord, Arlington, Cologne and Chaska, MN and the off-route points of White, SD, Vesta, Green Isle, Norwood and Shakopee, MN. There are 14 supporting shippers.

MC 136899 (Sub-4-16), filed August 4, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Such commodities as are dealt in or used by hardware stores, and materials, equipment and supplies used in the manufacture and distribution of such commodities* between the facilities of General Power Equipment Co. and General Paint Co. at or near Cary and Harvard, IL, on the one hand, and, on the other, points in the U.S. Supporting shipper: General Power Equipment Co. and General Paint Co., 203 Janders St., Cary, IL 60013.

MC 142693 (Sub-4-1TA), filed August 5, 1981. Applicant: CUSTOM DELIVERIES, INC., 30800 Telegraph Rd., Suite 4900 Birmingham, MI 48010. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Contract,* irregular, *Military tanks and parts* from Lima, OH to Detroit, MI, under continuing contract(s) with Chrysler Defense, Inc. Supporting shipper: Chrysler Defense, Inc., 28251 Van Dyke, Warren, MI.

MC 150746 (Sub-4-26), filed July 31, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Bakery goods and materials, equipment and supplies used in the manufacture thereof* (except commodities in bulk), between the plant sites of Interbake Foods Inc. located in Richmond, VA, Battle Creek, MI, and North Sioux City, SD, and points in their commercial zones, on the one hand, and, on the other, points in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: Interbake Foods Inc., P.O. Box 27487, Richmond, VA 23261.

MC 150746 (Sub-4-27), filed July 31, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Coffee brewers and coffee, and materials, equipment and supplies* used in the manufacture thereof, between Houston, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: U.S. Coffee Corp., 2323 Voss—Suite 500, Houston, TX 77057.

MC 153829 (Sub-4-28TA), filed August 5, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. *Steel banding and strip steel,* from the facilities of A. J. Gerrard & Co. at or near Florence, AL to points in IL, IN, KY, LA, OH and TN. Supporting shipper: A. J. Gerrard & Co., 400 E. Touhy Avenue, Des Plaines, IL 60018.

MC 153829 (Sub-4-29TA), filed August 5, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Such commodities as are dealt in by wholesale and retail food and drug stores,* between the facilities of Bristol-Myers Co. at or near Chicago, IL, on the one hand, and, on the other, points in CO, CT, IN, MN, MO, NE, NJ, NY, OH and WI. Supporting shipper: Bristol-Myers Co., P.O. Box 8528, Chicago, IL 60680.

MC 156133 (Sub-4-6TA), filed August 4, 1981. Applicant: TRI STATE TIRE & RUBBER, INC., d.b.a. TANDEM TRANSPORT, 322 U.S. Highway 20w, Michigan City, IN 46360. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Salt, in packages,* from the facilities of Diamond Crystal Salt Co. at or near Akron, OH and St. Clair, MI to points in IL, IN, KY, MI, MO, NY, OH and PA. Supporting shipper(s): Diamond Crystal Salt Company, 916 S. Riverside Ave., St. Clair, MI 48079.

MC 16133 (Sub-4-7TA), filed August 4, 1981. Applicant: TRI STATE TIRE & RUBBER, INC., d.b.a. TANDEM TRANSPORT, 322 U.S. Highway 20 W, Michigan City, IN 46360. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Salt, in bags,* from the facilities of Hardy Salt Company at or near Ministee, MI to points in IA, IL, IN, KY, MO, OH, PA, TN, WI and WV. Supporting shipper(s): Hardy Salt Company, P.O. Drawer 449, St. Louis, MO 63166.

MC 157469 (Sub-4-1), filed August 5, 1981. Applicant: HORTON TRUCKING, INC., R.R. #1, Tremont, IL 61568. Representative: Robert T. Lawley 300, Reisch Bldg., Springfield, IL 62701. *Contract,* irregular, *Oil field pipe,* from Pekin, IL to points in the U.S. Restricted to traffic moving under continuing contract with Excel Foundry and Machine, Inc. Supporting shipper: Excel Foundry and Machine, Inc., R.R. #3, Box 400, Pekin, IL 61554.

MC 156499 (Sub-4-3TA), filed August 5, 1981. Applicant: CIRCLE C TRUCKING, INC., 3711 28th St., Grandville, MI 49418. Representative: Robert D. Eklund, 175 W. Apple Ave., P.O. Box 786, Muskegon, MI 49443. *Contract,* irregular: *Steel office furniture and spare parts for steel office furniture* between the facilities of Shaw Walker Co. in Muskegon County, MI to all points between those facilities and CA, TX, and FL and return. Restricted to traffic moving under continuing contract with Shaw Walker Co. Supporting shipper: Shaw Walker Co., 921 W. Western Ave., Muskegon, MI.

MC 157509 (Sub-4-1TA), filed August 5, 1981. Applicant: DAN GLODOWSKI d.b.a. DAN GLODOWSKI TRUCKING, 7747 Merryland Drive, Rosholt, WI 54473. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. (1) *Malt beverages* from Belleville, IL to Green Bay, WI; and (2) *Carbonated beverages* from Chicago, IL to points in WI for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Joyce Beverages Chicago, Inc., 4544 West Carroll Avenue, Chicago, IL 60626 and Bay Wholesale Liquor Corporation, 2641 Larson Road, Green Bay, WI 54305.

MC 157514 (Sub-4-1TA), filed August 5, 1981. Applicant: WILLIAM SMITH, 308 E. Maumee, Adrian, MI 49221. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933. *Food and related products* between points in ME, NH, VT, MA, RI, CT, NY, PA, MD, NJ, DE, VA, WV, OH, KY, IN, MI, IL and MO. An underlying ETA seeks 120-day authority. Supporting shippers: DCA Food Industries, Inc., 919 Third Avenue, New York, NY 10022; Boston Bonnie Bakers, 214 Commercial Street, Malden, MA 02148.

MC 157515 (Sub-4-1), filed August 5, 1981. Applicant: AMI TRANSPORTATION, INC., 2700 Lively Blvd., Elk Grove Village, IL 60007. Representative: Harold O. Orlofske, 145 West Wisconsin Ave., Neenah, WI 54956. *Petroleum and their products, and those commodities dealt in, sold by, and utilized by automotive service and servicing facilities* between 1. Points in IL and 2. between points in IL on the one hand, and, on the other, AL, AR, CT, DE, FL, GA, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI. Supporting shippers: (1) Quality Oil Company, 55 North 400 East, Valparaiso, IN 46383. (2) Almarc Manufacturing, Inc., 2700 Lively Blvd., Elk Grove Village, IL 60007.

MC 157516 (Sub-4–1), filed August 5, 1981. Applicant: ALL AREA EXPRESS, INC., P.O. Box 5027, Sioux Falls, SD 57117. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities* (except classes A and B explosives), between the facilities of Space Center Minnesota, Inc. located at or near Minneapolis-St. Paul, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Space Center Minnesota, Inc., 10901 Hampshire Avenue, Bloomington, MN 55438.

MC 157523 (Sub-4–1TA), filed August 5, 1981. Applicant: REUBEN A. BRUE d.b.a. R. A. BRUE, P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Meat, meat products, and meat by-products,* from N. Aurora, IL to points in FL, NC, SC, GA, TN, MO and KY, for 270 days. Supporting shipper: Aurora Packing Company, P.O. Box 209, North Aurora, Illinois 60542.

MC 32122 (Sub-4–4TA), filed August 5, 1981. Applicant: PAZEN TRANSFER LINES, INC., P.O. Box 243, Waukau, WI 54980. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912. *Cookies, cut-stock lumber, wooden doors and windows, and screens therefor, and the return of materials, equipment and supplies used in the manufacture, sale and distribution of cookies and wooden doors and windows, and screens therefor,* between Oshkosh, Fond du Lac and Randolph, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. There are (4) supporting shippers.

MC 123980 (Sub-4–1TA), filed August 5, 1981. Applicant: MANDUS R. OLSON, 2148 Bunker Lane Boulevard N.W., Anoka, MN 55303. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Tool boxes and hand tools,* from the facilities of Matco Tool Corporation at or near Tallmadge, OH to points in MN and WI. Supporting shipper: Matco Tool Corporation, 124 W. Avenue, Tallmadge, OH 44278. Corresponding ETA seeks 120 days authority.

MC 135185 (Sub-4–9TA), filed August 6, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203. *Contract irregular, waste paper and insulating materials,* (1) from Fort Wayne, IN to Columbus, Dublin and Atlanta, GA and points in their commercial zones; (2) and from points in the U.S. in and east of WI, IA, MO, AR and LA to points in GA for the account of Thermtron Corporation. Supporting shipper: Thermtron Corporation, P.O. Box 9146, Bear Field, Fort Wayne, IN, 46802.

MC 135410 (Sub-4–32TA), filed August 6 1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068. *Meat,* from CO, DE, FL, IL, IA, KS, KY, MA, MI, MN, MO, NE, NC, NJ, NY, PA, TX and WI to the facilities of A & W Foods, Inc., at or near Cleveland, OH. Supporting shipper: A & W Foods, 4900 Crayton Ave., Cleveland, OH 44104.

MC 135410 (Sub-4–33TA), filed August 5, 1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068. *Can and can ends,* from the facilities of Swift & Company, Strongheart Products Division at or near Kansas City, KS to the facilities of Swift & Company, Strongheart Products Division at or near Momence, IL. Supporting shipper: Swift & Co., 115 W. Jackson Blvd., Chicago, IL 60604.

MC 148200 (Sub-4–5TA, filed August 5, 1981. Applicant: FREIGHT MASTERS, INC., 2828 Lafayette Road, Indianapolis, IN 46222. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, D.C. 20006. *Chemicals and allied products and rubber and plastic products,* (1) from the facilities of Dow Corning Corporation at or near Carrollton, KY, to Cleveland, OH; Edison, NJ; and the New York, NY, commercial zone, and (2) from the facilities of Dow Corning Corporation at or near Midland, MI, to Cleveland, OH; Edison, NJ; Trumbull, CT; and the New York, NY, commercial zone. An underlying ETA seeks 120 days authority. Supporting shipper: Dow Corning Corporation, 3901 Saginaw Road, Midland, MI 48640.

MC 150589 (Sub-4–4TA), filed August 7, 1981. Applicant: J&K TRANSPORTATION COMPANY, INC., 1600 Industrial, Dearborn, MI 48120. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, D.C. 20036. *Contract* carrier, irregular routes, *empty containers, lids, ends for empty containers, and materials, supplies and equipment used in the manufacture, distribution and sale of empty containers, lids and ends* between Kankakee, IL and McKees Rock, PA for the account of Crown Cork & Seal, Inc., Philadelphia, PA. Supporting shipper: Crown Cork & Seal, Inc., 9300 Ashtor Rd., Philadelphia, PA 19136.

MC 157517 (Sub-4–2TA), filed August 7, 1981. Applicant: WESTRUCK, INC., 1714 Pontiac Rd., Fairview Heights, IL 62208. Representative: Emery Waters (same address as applicant). *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in section A, B and C of Appendix I to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from points in the St. Louis, MO-E. St. Louis, IL Commercial Zone, to points in AL, AR, FL, GA, IA, IN, KY, MI, MS, MN, MO, OH, TN and WI. Supporting shipper: Holten Meat, Inc., 919 Lynch, E. St. Louis, IL 62201.

MC 157521 (Sub-4–1TA), filed August 8, 1981. Applicant: WALTER LEMKE, INC., R.R. 1, Foxhome, MN 56543. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Contract:* irregular; *malt beverages,* from Memphis, TN and Longview, TX to Wahpeton, ND, under a continuing contract(s) with Richels Beverages, Inc., of Wahpeton, ND. Underlying ETA seeks 120-days authority. Supporting shipper: Richels Beverages, Inc., 505 South 6th Street, Wahpeton, ND 58075.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 119789 (Sub-5–48TA), filed August 4, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). (1) *Steel and Aluminum Forms* from Smith County, TX to points in the U.S. *Iron and Steel Articles* from Morris County, TX to points in the U.S. (2) *Construction Equipment* from Cherokee and Smith Counties, TX to points in the U.S. (4) *Equipment, heavy machinery, and equipment and parts* from Tyler, TX to points in the U.S. (5) *Iron and Steel pipe* from Marion County, TX to points in the U.S. (6) *Storage tanks for human consumption products* from Smith County, TX to points in the U.S. Supporting shippers: 6.

MC 120761 (Sub-5–6TA), filed August 5, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. *Iron and steel articles,* between St. John the Baptist Parish, LA on the one hand, and, on the other, points in the U.S. Supporting shipper: Bayou Steel Corp., P.O. Box 5000, LaPlace, LA 70068.

MC 142431 (Sub-5–15TA), filed August 5, 1981. Applicant: WAYMAR TRANSPORT CORP., 5225 E. University Ave., Des Moines, IA 50317. Representative: Thomas E. Leahy, 1980 Financial Center, Des Moines, IA 50309. *Paper products* between pts in MI and IA on the one hand, and, on the other, pts in IL, ME, MI, MD, MO, MA, NY, OH, and WI. Supporting shipper: Frye Copysystems Inc., Box 854, Des Moines, IA 50304.

MC 144592 (Sub-5–3TA), filed August 4, 1981. Applicant: WAYDENS HEAVY HAULERS, INC., 1400 North 6th Avenue, Hiawatha, IA 52233. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Those commodities which because of their size or weight require the use of special handling or equipment, and parts and attachments of same,* between pts in IA, IL, IN, MI, MN, MO, OH and WI on the one hand, and, on the other, pts in the U.S. Supporting shipper(s): 7.

MC 149235 (Sub-5–9TA), filed August 5, 1981. Applicant: C. MAXWELL TRUCKING CO., INC., 9108 Reeds Drive, Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. Contract, Irregular: *Bread making compounds or prepared edible flour,* between Kansas City, KS and Dolton, IL and their respective commercial zones, on the one hand, and, on the other, all points in the U.S. Supporting shipper: Breddo Food Products Corporation, 18th and Kansas Ave., Kansas City, KS 66105.

MC 149553 (Sub-5–7TA), filed August 5, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Corn syrup and dextrose* from the facilities of Ramsen, Inc. at or near Clinton and Keokuk, IA and Pekin, IL to points in TX, LA, and Ar. Supporting shipper: Ramsen, Inc., P.O. Box 7585, St. Paul, MN 55119.

MC 151209 (Sub-5–4TA), filed August 5, 1981. Applicant: GULF WESTERN EXPRESS, INC., P.O. Box 2653, Natchitoches, LA 71457. Representative: John Williams, 329 Cane River Shopping Center, Natchitoches, LA 71457. Contract; Irregular; *Paper and/or Polyethylene Bags and Related Accessories,* from the plant site of Equitable Bag Co., Inc., in Orange, TX to points in FL, AZ and CA. Supporting shipper(s): Equitable Bag Co., Orange, TX 77630.

MC 151819 (Sub-5–19TA), filed August 5, 1981. Applicant: CARGO MASTER, INC., 917 South Harwood, Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Malt beverages,* between the facilities of the Jos. Schlitz Brewing Company at Winston-Salem, NC, and Longview, TX, on the one hand, and, on the other, points in MN, IA, MO, IL, IN, OH, MI, WI, ND, SD, and NE. Supporting shippers: 7.

MC 156142 (Sub-5–2TA), filed August 5, 1981. Applicant: HARBISON-REED TRANSPORT, INC., P.O. Box 10067, Jefferson, LA 70181. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Cooking and vegetable oils, in containers, and materials, equipment and supplies, used in the manufacture and distribution of such commodities,* between St. Landry Parish, LA, on the one hand, and, on the other, points in CO, IA, MN, NE, and NM. Supporting shipper: Lou Ana Foods, Inc., P.O. Box 591, Opelousas, LA 70570.

MC 157489 (Sub-5–1TA), filed August 4, 1981. Applicant: BANI SERVICES, INC. d.b.a. TEXAS PONY EXPRESS, P.O. Box No. 26603, Houston, TX 77207. Representative: N. W. Sims (same as above). *General Commodities* (except commodities in bulk, passengers, baggage, HHG's, furniture, hazardous waste, hazardous materials) Between points in TX, NM, CO, KS, OK, MO, AR, LA, TN, MS, AL, NC, SC, GA, FL. Supporting shippers: ABC Valve & Supply Co., Inc., Houston, TX; Houston Fastener Corp., Houston, TX; Warren Alloy Valve and Fittings, Houston, TX; Universal Alloy Valve and Fitting Co., Houston, TX.

MC 31151 (Sub-5–1TA), filed August 6, 1981. Applicant: ROBERT QUENTIN FARRIS, d.b.a. FARRIS TRUCK LINE, P.O. Box 528, Daisetta, TX 77533. Representative: Harold O. Orlofske, 145 W. Wisconsin Ave., Neenah, WI 54956. *Metal Products,* between Liberty County, TX on the one hand, and, on the other, points in OK. Supporting shipper: Liberty Forge, Inc.

MC 108207 (Sub-5–42TA), filed August 7, 1981. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: Mark C. Irvin (same address as applicant). *Micro-Biological Culture Media,* from Sunnyvale, CA to points in AZ, LA, MN, and TX. Supporting shipper: American Scientific Products, a division of American Hospital Supply, 1430 Waukegan, McGaw Park, IL 60085.

MC 111401 (Sub-5–45TA), filed August 6, 1981. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Dry Ice,* from the facilities of Amerigas near Enid, OK to points in KS, LA, MO, and TX. Shipper: Amerigas, Rt. 5, Box 66B, Enid, OK 73701.

MC 124141, (Sub-5–14TA), filed August 6, 1981. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Such commodities as are dealt in by retail and department stores (except in bulk),* between points in GA and SC, on the one hand, and, on the other, points in the U.S., restricted to traffic originating at or destined to the facilities of or used by Wal-Mart Stores, Inc., of Bentonville, AR. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 138469, (Sub-5–44TA), filed August 7, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75367, Oklahoma City, OK 73147. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068. *Clay, concrete, glass and stone products and materials used in the manufacture, sale and distribution of clay, concrete, glass and stone products* between the facilities of International American Ceramics at or near Tulsa, OK, on the one hand, and, on the other, points in the U.S. Supporting shipper: International American Ceramics, Inc., 4942 E. 66th St. N., Tulsa, OK 74156.

MC 151435, (Sub-5–10TA), filed August 6, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Road, Raytown, MO 64133. Representative: Arthur J. Cerra, 2100 Charter Bank Center, P.O. Box 19251, Kansas City, MO 64141. Contract, Irregular: *Chemicals and Allied Products* between points in the U.S. Supporting shipper: Faultless Starch-Bon Ami Company, 1025 West 8th Street, Kansas City, MO 64101.

MC 157278, (Sub-5–1TA), filed August 7, 1981. Applicant: FARM TRANSPORT CO., 1685 K. Gering, NE 69341. Representative: Philip M. Kelley, 105 East 16th Street, Scottsbluff, NE 69361. *Agricultural machinery, implements and parts,* from pts in IA and Moline and E. Moline, IL to pts in NE on and west of Hwy 83 and Goshen County, WY. Supporting shippers: Garden County Equip., Inc., Box 140, Oshkosh, NE 69154; Youtz Equipment, Inc., Box 1118, Torrington, WY 82240; and Morrill County Implement, Inc., Box 839, Bridgeport, NE 69336.

MC 157544 (Sub-5–1TA), filed August 6, 1981. Applicant: DEVON PUNNEO d.b.a. PUNNEO'S SERVICE, P.O. Box 156, Lone Grove, OK 73443. Representative: William P. Parker, 141 Northeast 38th Terrace, Oklahoma City,

OK 73105. *Scrap metal* between Carter and Stephens Counties, OK, on the one hand, and, on the other, points in AR, KS, MO, TN, and TX. Supporting shipper: OK Iron and Metal Co., Division of Central Nonferrous, Inc., P.O. Box 548, Ardmore, OK 73401.

MC 157566 (Sub-5–1TA), filed August 7, 1981. Applicant: CHEROKEE SALES, Highway 69 North, P.O. Box 521, Muskogee, Oklahoma 74401. Representative: George Spencer, 7 North Block, No. 204, Fayetteville, AR 72701. *Beer and Empty Used Beverage Containers* between Irwindale, CA; Albany, GA; Fulton, NY; Eden, NC; Memphis, TN; Ft. Worth, TX; and Milwaukee, WI, on the one hand, and, on the other, Muskogee County, OK. Supporting shipper: Green Country Distributors, 1200 North "B" Street, Muskogee, OK 74401.

MC 157590 (Sub-1), filed August 7, 1981. Applicant: SOUTHWEST CONTRACT CARRIER CORP., P.O. Box 2171, Muskogee, OK 74401. Representative: Milton R. Snelson (same as applicant). Contract; Irregular. *General Commodities (except classes A and B explosives)*, between points in the U.S., under continuing contract with Southwest Steel and Pipe, Inc. of Muskogee, OK. Supporting shipper: Southwest Steel and Pipe, Inc., P.O. Box 2135, Muskogee, OK.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 157471 (Sub-6–1TA), filed August 3, 1981. Applicant: A & A ANDERSON TANK SERVICE, LTD, 10471 N. 3 Rd., Richmond, B.C. V7A1W8 CD. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. *Hazardous waste and residuals* from ports of entry at the U.S.-CD border at Blaine or Sumas, WA to points in King County, WA and to Arlington, OR for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Cloverdale Paint & Chemical Co., Cloverdale Paint & Paper Co., 6950 King George Hwy, Surry, B.C.; Greater Vancouver Regional District, 2294 W. 10th Ave., Vancouver, B.C. V6K2H9; Pacific Steel, 696 Clyveden Ave., New Westminster, B.C.; Canadian Kenworth Co., Div. of Pac Car, 3750 Kitchener, St., Burnaby, B.C. V563L7.

MC 82965 (Sub-6–1TA), filed July 31, 1981. Applicant: AMADOR STAGE LINES, INC., P.O. Box 15707, Sacramento, CA 95813. Representative: William D. Taylor, 100 Pine St., No. 2550, San Francisco, CA 94111. *Common carrier*; regular routes: *Passengers and their baggage*, between that portion of San Francisco, CA bordered by Pacific Avenue on the north, 5th avenue on the east, 7th Avenue on the west and Clement Street on the south; that portion of San Francisco, CA commonly referred to as "Chinatown" (bordered by Broadway Street on the north, Kearny Street on the east, Stockton Street on the west, and Bush Street on the south); and, Oakland and Sacramento, CA on the one hand, and, on the other hand, Reno and Stateline, NV. From San Francisco, CA (as hereinabove described) over Interstate Highway 80 to Oakland, CA, thence over Interstate Highway 80 to Sacramento, CA, thence over Interstate Highway 80 to Reno, NV and/or U.S. 50 to Stateline, NV and return over the same route/s, for 180 days. An underlying ETA seeks 90 days authority. There are eighteen (18) shipper appendices which may be inspected at the office listed above.

MC 155109 (Sub-6–1TA), filed August 3, 1981. Applicant: ATLAS TRUCKING, INC., Hwy. 101 West, Port Angeles, WA 98362. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier*, Irregular routes: *(1) paper and paper articles and packing materials, (2) such commodities as are dealt in by manufacturers and distributors of cellulose materials and products, and (3) equipment, materials and supplies used in the manufacture and distribution of such commodities* between Port Angeles, WA, and Portland, OR, for the account of Crown Zellervach Corp., for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Crown Zellerback Corp., 1500 S.W. 1st, Portland, or

MC 138652 (Sub-6–2TA), filed August 3, 1981. Applicant: BAKER TRUCK SERVICE, INC., P.O.B. 1303, Lewiston, ID 83501. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Such commodities as are dealt in by surplus, salvage and freight damage stores* between Multnomah and Washington Counties, OR on the one hand, and on the other Nez Perce County, ID for 270 days. Supporting shipper: Dan Carpenter, dba The Bee Hive, P.O.B. 752, Lewiston, ID 83501.

MC 155291 (Sub-6–1TA), filed July 27, 1981. Applicant: BROCO, INC., 2040 N. Towne Ave., Pomona, CA 91767. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Hazardous waste*, between points in the U.S. for 270 days. Supporting Shipper: Broco, Inc., 2040 N. Towne Ave., Pomona, CA 91767.

MC 157411 (Sub-6–1TA), filed July 29, 1981. Applicant: CARR AND ORMSBY TRANSPORT, INC., 2215 Pacific Hwy. E., Tacoma, WA 98424. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98421, (206) 922–5822. *Contract Carrier*, Irregular routes: *Petroleum and Petroleum Products*, between points of WA on the one hand, and, on the other, points of OR, ID and MT., for the account of Petroleum Reclaiming, Inc., for 270 days. Supporting shipper: Petroleum Reclaiming, Inc., 3003 Taylor Way, Tacoma, WA 98402.

MC 157486 (Sub-6–1TA), filed August 3, 1981. Applicant: HERBERT Y. GILL, d.b.a. CIMARRON TRUCKING CO., P.O. Box 25711, Albuquerque, MN 87125. Representative: Herbert Y. Gill, P.O. Box 25711, Albuquerque, NM 87125. *Lumber and wood products, roofing and roofing materials*, between NM, TX, and AZ, for 270 days. Supporting shippers: Sagebrush Sales Co., P.O. Box 25606 Albuquerque, NM 87125, Apache Lumber Co. Inc. P.O. Box 6267, Albuquerque, NM 87107.

MC 115523 (Sub-6–13TA), filed July 27, 1981. Applicant: CLARK TANK LINES COMPANY, 1450 No. Beck St., Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same as applicant). *Dry Chemicals and Related Products*, in bulk, between points in the Cont'l. U.S. for the account of Wen-Don Chemical Company for 270 days. Supporting shipper: Wen-Don Chemical Company, Roanoke, VA 24034.

MC 157488 (Sub-6–1TA), filed August 3, 1981. Applicant: ROY WESSELS, d.b.a. D & K TRANSPORTATION, P.O.B. 818, Lewiston, ID 83501. Representative: Roy Wessels (same as applicant). (1) *Lumber and wood products;* (2) *forest products* between WA, ID, OR, CA, AZ, ND, SD, UT, CO, WY, NE, NV, MN, IA, KS and MT for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are six shippers. Their statements may be examined at the Regional office listed.

MC 153938 (Sub-6–4TA), filed August 3, 1981. Applicant: ENERGY EXPRESS, INC., P.O. Box 27605, Salt Lake City, UT 84127. Representative: Norval Millsap (same as applicant). *Contract Carrier*, Irregular routes: *Petroleum, natural gas and their products*, between Coty, WY and N. Salt Lake, UT for 270 days. Supporting shipper: Husky Oil Co. 600 S. Cherry Street, Denver, CO 80222.

MC 157412 (Sub-6–1TA), filed July 29, 1981. Applicant: PAUL D. FRITZ AND JULIANA FRITZ, d.b.a. FRITZ'S TRUCKING CO., Rt. 1, Box 48, Dundee, OR 97115. Representative: (Same as Applicant). (1) *Lumber, Roofing*, and *Veneer* between points in OR, WA, and

ID, for 270 days. Supporting shipper(s): Georgia Pacific Corp., P.O. Box 1180, Pasco, WA 99301. Cascade West Mtls. Inc. P.O. Box 1586, Lake Oswego, OR, 97034.

MC 157448 (Sub-6–1TA), filed July 31, 1981. Applicant: TOM HARTMANN TRUCKING, North Cable Road, Anaconda, MT 59711. Representative: Thomas J. Hartmann (same as applicant). *Contract Carrier,* Irregular routes: *Manufactured Plastic Helmets,* from Anaconda, MT to Memphis, TN, for the account of Northwest Polymerics, for 270 days. Supporting shipper: Northwest Polymeries, Security Bank Bldg., Anaconda, MT 59711.

MC 150438 (Sub-6–4TA), filed August 3, 1981. Applicant: JAFCO INDUSTRIES, INC., 8015 N. Market St., Spokane, WA 99220. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes, *General Commodities* (except class A and B explosives and hazardous waste materials), between points in AZ, CA, CO, ID, IL, IN, MI, MN, MT, ND, NE, NV, NY, OH, OR, PA, SD, UT, WA, WI, including Ports of Entry on the International Boundary Line between the U.S. and CD in the states of WA, ID, MT, for 270 days. Supporting shippers: There are eight shippers. Their statements may be examined at the regional office listed above.

MC 153634 (Sub-6–2TA), filed July 31, 1981. Applicant: RAND E. LITTLE, d.b.a. LITTLE-MONTANA TRANSPORTATION, P.O. Box 3485, Bozeman, MT 59715. Representative: Rand E. Little (same as applicant). *Contract carrier:* Irregular route: *Food and related products,* from Salt Lake City, UT and Billings, MT to points in the U.S. for the account of Mingiones Meadow Fresh Distributing for 270 days. Supporting shipper: Mingiones Meadow Fresh Distributing, 2117 Alexander Dr., Escondido, CA 92025.

MC 144572 (Sub-6–28TA), filed July 31, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Food and related products,* from Brush and Denver, CO to Tucson, AZ and Los Angeles, CA, for 270 days. An underlying ETA seeks 120 days operating authority. Supporting shipper: The Sigman Meat Company, Inc., P.O. Box 364, Brush, CO 80723.

MC 149100 (Sub-6–9TA), filed July 27, 1981. Applicant: JIM PALMER TRUCKING, 9730 Derby Dr., Missoula, MT 59801. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. *Contract carrier,* irregular routes: *Lumber and wood products, and building materials,* between points in WA, OR, ID, WY, MT and CA on the one hand, and, on the other, points in MI, OH and IN, under continuing contract(s) with Erb Lumber Company of Birmingham, MI, for 270 days. Supporting shipper: Erb Lumber Company, P.O. Box 439, Birmingham, MI 48012.

MC 154307 (Sub-6–1TA), filed July 29, 1981. Applicant: PETROLEUM TRANSPORT, INC., 1790 16th St., Salem, OR 97302. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. *Petroleum, natural gas and their products,* between points in OR and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Valley Oil Co., Inc., 1790 16th St., Salem, OR 97302; Polk County Farmers Cooperative, Rickreall, OR.

MC 144902 (Sub-6–1TA), filed August 3, 1981. Applicant: RUDY LeBLANC, d.b.a. RULE TRUCKING COMPANY, Dr. 609, 1807 N. Strevell, Miles City, MT 59301. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101. *Malt Beverages* from Milwaukee, WI and Portland, OR to Billings, Glasgow, Glendive, Miles City and Plentywood, MT, and Hudson, WY for 270 days. Supporting shippers: M & C Beverage, Inc., Box 1181, Miles City, MT 59301; Dunham Distributing, Inc., Box 31093, Billings, MT 59107; Cowboy Distributing Co., Main St. Hudson, WY 82815; Osen Distributing, Inc., Box 146, Glasgow, MT 59230

MC 146583 (Sub-6–TA), filed July 31, 1981 Applicant: TERRAIN TAMERS, INC.-INTERSTATE TRANSPORT, P.O. Box 1457, Roseburg, OR 97470. Representative: John A. Anderson, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204. *Salt, salt products and salt based meneral products,* from the facilities of Leslie Salt Co. at or near Newark, CA to points in OR and WA, for 270 days. Supporting shippers: Leslie Salt Co., P.O. Box 364, Newark, CA 94560.

MC 157447 (Sub-6–TA), filed July 31, 1981. Applicant: WHITE, INC., Route 1, Box 96, Coeur D'Alene, ID 83814 Representative: Frank R. White (same as applicant). *Rock Crushers, Screens, and associated parts;* from Spokane, WA to TX, NM, IL, IN, OH, KY, TN, CA and OR, for 270 days. Supporting shipper: Spokane Crusher Co., Bldg. 4, Spokane Ind. Park, P. O. Box 3303 TA, Spokane, WA 99220

MC 15002 (Sub-6–3TA), filed August 3, 1981. Applicant: JAMES DANIELS, d.b.a. ZIP TRUCK LINES, P.O. Box 4237, Fremont, CA. 94539. Representative: James Daniels (same as applicant). *Water heaters, boilers storage tanks, solar collectors, solar panels,* and *commodities used in the installation or production thereof,* Between Newark CA., on the one hand, and on the other, Union City TN., and Kankakee IL. for 270 days. And underlying ETA seeks 120 days authority. Supporting shipper: A. O. Smith Corporation, 37171 Sycamore St. Newark, CA.

MC 15147 (Sub-6–15TA), filed July 31, 1981. Applicant: STEINBECKER BROS., INC., P.O.B. 852, Greeley, CO 80632. Representative: Charles J. Kimball, 1600 Sherman No. 665, Denver, CO 80203. *Contract Carrier,* Irregular routes: *General commodities* (except classes A and B explosives and hazardous wastes), from Philadelphia, PA and points in its commerical zone to Denver, CO, Chicago, IL and Los Angeles and San Francisco, CA and points in their commercial zones, for the account of Delaware Valley Shippers' Association, Inc. for 270 days. Supporting shipper: Delaware Valley Shippers' Association, Inc., 2209 Farregut Ave., Bristol, PA 19007.

MC 157487 (Sub-6–1TA), filed August 3, 1981. Applicant: NORM'S HAULING, LTD., POB 2378, Prince Albert, Saskatchewan, CD S6V 6Z1. Representative: Gene P. Johnson, POB 2471, Fargo, ND 58108. *Contract,* irregular, *dry fertilizer,* between ports of entry on the International Boundary Line between the U.S. and CN located in MT and ND, on the one hand, and, on the other, points in IA, MN, MT, ND, and SD for 270 days. Supporting shipper: Cargill, Incorporated, Gluek, MN 56261.

MC 142311 (Sub-6–3TA), filed August 3, 1981. Applicant: QUALITY STEAKS TRANSPORTATION CO., INC., 5100 Race Ct., Denver, CO 80216. Representative: Jack B. Wolfe, 1600 Sherman St. No. 665, Denver, CO 80203. *Contract carrier,* irregular routes, *food and related products and restaurant materials, equipment and supplies,* between Minneapolis/St. Paul, MN and its commercial zone, on the one hand, and, on the other, points in MT, ID and WA, for the account of Mr. Steak, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Mr. Steak, Inc., 5100 Race Ct., Denver, CO 80216.

MC 7523 (Sub-6–2TA), filed August 3, 1981. Applicant: VENTURA TRANSFER COMPANY, 2418 East 23rd St., Long Beach, CA 90810. Representative: Galen C. Clifford (same as applicant). *Lignin liquor* in bulk in tank truck between Los Angeles County, CA and points in AZ and NV, for 270 days. Supporting

shipper: Crown Zellerbach, 3416 S. Garfield, Commerce, CA 90040.

MC 145480 (Sub-6–1TA) filed August 3, 1981. Applicant: ED WOLFE TRUCKING, INC., 20425 Ahha Lane, Bend, OR 97701. Representative: Philip G. Skofstad, Logus Block, 529 S.E. Grand Avenue, Portland, OR 97214. *Chemicals* and *related products* (1) between the U.S.-Canada Boundary Line at or near Blaine, WA on the one hand, and, on the other, points in OR (2) between Kitsap County, WA on the one hand, and, on the other, points in OR and Modoc, Lassen, and Siskiyou Counties, CA (3) between Kootenai County, ID on the one hand, and, on the other, points in WA, OR and Modoc, Lassen, and Siskiyou Counties, CA (4) betweem Benton County, WA on the one hand, and, on the other, points in OR, ID, NV, UT and Modoc, Lassen and Siskiyou Counties, CA (5) between Salt Lake County, UT on the one hand, and, on the other, points in NV, WA, OR and Modoc, Lassen and Siskiyou Counties, CA for 270 days. Supporting shipper: Round Butte Seed Growers, Inc., P.O. Box 117, Culver, OR 97734.

MC 151811 (Sub-6–2TA), filed July 22, 1981. Applicant: EDWARD L. JERDEE, d.b.a. E. L. JERDEE TRUCKING, 1704 Burrell Ave., Lewiston, ID 83501. Representative: William Vern McCann, Jr., 1027 Bryden, Lewiston, ID 83501. *Lumber, plywood and related wood products;* from WA, ID, OR, CA and MT to IA, ND, SD, MN and WI., for 270 days. Supporting shipper: Gabler-Sage Lumber Company, 7420 Unity Ave., Minneapolis, MN 55443.

MC 148648 (Sub-6–2TA), filed July 30, 1981. Applicant: NIMCO TRUCKING, INC., 308 S. 25th St., Boise, ID 83702. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Contact carrier,* over irregular routes: *building materials* from points in WA, OR and CA to points in CA, CO, ID, KS, NV, OR, UT and WY under continuing contact(s) with Shake & Shingle, Inc., for 270 days. Supporting shipper: Shake & Shingle, Inc., P.O.B. 717, Hoquiam, WA 98550.

MC 140688 (Sub-6–3TA), filed July 30, 1981. Applicant: NICOLL TRUCKING [MED. HAT] LTD., P.O.B. 8009, Station F, Calgary, Alberta, CD T2J 4B4. Represenatative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. *Oilfield pipe,* between ports of entry on the International Boundary line between the U.S. and CD located in WA, ID and MT on the one hand, and, on the other, points in MT and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Toma Steel Supply, Inc., P.O.B. 27207, Denver, CO 80227.

MC 156882 (Sub-6–1TA), filed July 30, 1981. Applicant: L. D. YOUNG, INC., 1760 South 960 W., Salt Lake City, UT 84104. Representative: Grant A. Hurst, 463 11th Ave., Salt Lake City, UT 84103. *Rigid foam board insulation* in bulk from points in Northern UT to points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and TX, for 270 days. ETA seeks 120-authority. Supporting shippers. Apache Building Products, 20 East Union Ave., North Salt Lake, UT 84054.

MC 157422 (Sub-6–1TA), filed July 29, 1981. Applicant: DONALD J. EVANS, d.b.a. DYS ENTERPRISES, 3107 Fireweed Dr., Colorado Springs, CO 80907. Representative: Janet L. Evans (same address as applicant). *Mercer commodities* (except in bulk) from Uinta County, WY to points in CO, OK, and TX, for 270 days. Supporting shipper: Black Hills Bentonite, P.O.B. 9, Mills, WY 82644.

MC 9325 (Sub-6–2TA), filed July 30, 1981. Applicant: K–LINES, INC., P.O. Box 1549, Lake Oswego, OR 97034. Representative: Michael D. Crew, 1618 S.W. First Ave., Suite 205, Portland, OR 97201. *Cement in bulk* from points in Bannock County, ID to points in Juab County, UT for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Oregon Portland Cement Company, 111 S.E. Madison St., Portland, OR.

MC 157421 (Sub-6–1TA), filed July 29, 1981. Applicant: JESSE W. ROBERTS, d.b.a. POWER TRANSPORT, East 302 30th Ave., Spokane, WA 99203. Representative: George H. Hart, 1100 IBM, Seattle, WA 98101. *Contract Carrier,* Irregular Route: *Electrical transformers and materials, supplies and equipment* used in connection with the manufacture and distribution of electrical transformers between points in the US under continuing contract with Square D Company, Spokane Transformers, for 270 days. Supporting shipper: Square D Company, Spokane Transformers, PO Box 367, Airway Heights, WA 99001.

MC 149205 (Sub-6–1TA), filed July 29, 1981. Applicant: BILL D. HAVENS, d.b.a. HAVENS TRUCKING, 1609 East 27th, Farmington, NM 87401. Representative: Jack Smith, P.O. Box 1669, Albuquerque, NM 87103. *Coal and Silica Sand* between points in NM, CO, TX and AZ, for 270 days. Supporting shippers: There are 7 shippers. Their statements may be examined at the Regional office listed.

MC 156404 (Sub-6–1TA), filed July 30, 1981. Applicant: QUALITY TRANSPORT, INC., P.O. Box 4065, Fremont, CA 94538. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Plastic materials, other than expanded group, flakes, NOI, granules, lumps, pellets, powder or solid mass* from Denver, CO to points in CO and UT; and from Fremont, CA to points in WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Phillips Petroleum Company, 734 Adams Building, Bartlesville, OK 74004.

MC 121729 (Sub-6–1TA), filed July 29, 1981. Applicant: THERMO EXPRESS, INC., 17939 Lamson Rd., Castro Valley, CA 94546. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Candy and confectionary* between the facilities of J & R Warehouses and Services Co., Inc., at Hayward, CA, on the one hand, and, on the other, points in Washoe and Pershing Counties, NV, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: J & R Warehouses and Services Co., Inc., 31281 Wiegman Dr., Hayward, CA 94540.

MC 157413 (Sub-6–1TA), filed July 29, 1981. Applicant: JERRY WARD, Route 3, Sterling, CO 80751. Representative: (Same as applicant). *Contract Carrier,* Irregular Routes: *building materials,* from all points in CA, OR, ID, WA, WY to all points in CO and NE for the account of Quality Lumber & Supply, Inc., Sterling, CO 80751; for 270 days. Supporting shipper: Quality Lumber & Supply, Inc., Sterling, CO.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–23909 Filed 8–14–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decision Volume No. OPY–3–138]

Motor Carrier Permanent Authority Decision; Decision-Notice

Decided: August 10, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.252. Persons submitting protests to applications are requested to indicate across the front of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting

evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance applications *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating rights.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams. Member Williams not participating.

Agatha L. Mergenovich,

Secretary.

MC 157105, filed July 10, 1981. Applicant: B & R TRUCK LINE, INC., 2226 Brooktree, P.O. Box 30001, Houston, TX 77009. Representative: James M. Doherty, 500 W. Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with G & S International, Inc. of Houston, TX, Kelly Crane & Equipment Co. of Beaumont, TX, Crown Pipe Shops, Inc. of Beaumont, TX, Plaines Machinery Company of Beaumont, TX, and Whatley Equipment Co., Inc., of Beaumont, TX. NOTE: This application is directly related to MC–F 14665, published in this same **Federal Register** issue.

[FR Doc. 81-23904 Filed 8-14-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier 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 C.F.R. 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 F.R. 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 C.R.F. 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance reuirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–3–139

Decided: August 10, 1981.

MC 157364, filed July 27, 1981. Applicant: MARK S. PITTS, d.b.a. MARK II, INC., 1316 North Davis St., Pea Ridge, AR 72751. Representative: (same as applicant) (501) 451–1759. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil*

conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157374, filed July 27, 1981. Applicant: JOHN J and CHERYLL A TUSS, d.b.a. TUSS TRUCKING; R.R. No. 2, Box 2354, Lewistown, MT 59457. Representative: John J. Tuss (same address as applicant), (406) 538–9369. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157385, filed July 29, 1981. Applicant: ROCKY MOUNTAIN NATIONAL TRANSPORT COMPANY, INC., 6201 E. 42nd Ave., Denver, CO 80216. Representative: John Strobel, 4250 Oneida St., Denver, CO 80216, (303) 399–6260. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157395, filed July 27 1981. Applicant: EDWARD H & JANIS K. BROCKHOUSE, d.b.a. BROCKHOUSE TRUCKING, RR 2, Box 179, Lake Benton, MN 56149. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101, (605) 335–1777. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157404, filed July 27, 1981. Applicant: E. C. CLEMENTS, Rt. 2, Box 256, Carbon Hill, AL 35549. Representative: E. C. Clements (same address as applicant), (205) 924–8954. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157414, filed July 29 1981. Applicant: ILLINOIS ARMORED CAR CORP., 8114 W. Grand Ave., River Grove, IL 60171. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726–6525. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive munitions), between points in the U.S. and (2) *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 157425, filed July 30, 1981. Applicant: JERRY F. KALAVITY, d.b.a. EVERGREEN SERVICES, 28000 Meadow Drive, Evergreen, CO 80439. Representative: Jack B. Wolfe, 1600 Sherman St., No. 665, Denver, CO 80203, (303) 839–5856. 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), between points in the U.S., and (2) *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.

Volume No. OPY–3–142

Decided: August 10, 1981.

MC 61264 (Sub-38), filed July 30, 1981. Applicant: PILOT FREIGHT CARRIERS, INC., P.O. Box 615, Winston-Salem, NC 27102. Representative: Pansy Beroth (same address as applicant), (919) 722–3421. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no package exceeds 100 pounds, between points in the U.S.

MC 157454, filed July 31, 1981. Applicant: POOL'S MOVING & STORAGE, 340 Minerva Street, Turlock, CA 95380. Representative: Mark Pool (same address as applicant), (209) 668–2331. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 157455, filed July 31, 1981. Applicant: G&I TRANSPORT, INC., Sherman Grove, Spencer, MA 01562. Representative: Dennis L. Williams, Box 172 Perry Hill Rd., Ashford, CT 06278, (203) 429–0161. 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), between points in the U.S., (2) *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., and (3) as a *broker of general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-23905 Filed 8-14-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OP1-228]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: August 10, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be

issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 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 19311 (Sub-71), filed August 3, 1981. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Representative: Elmer J. Maue, Suite 1200, 755 West Big Beaver Road, Troy, MI 48084, (313) 939–7000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 71920 (Sub-8), filed July 27, 1981. Applicant: PROGRESSIVE TRANSPORTATION COMPANY, 5455 Irwindale Ave., Irwindale, CA 91706. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213) 483–4700. Transporting (1) *those commodities which because of their size or weight require the use of special handling or equipment*, (2) *building materials*, (3) *metal products*, and (4) *machinery*, between points in CA, NV and AZ.

MC 77061 (Sub-39), filed August 3, 1981. Applicant: SHERMAN BROS., INC., 29534 Airport Road (Box 706), Eugene, OR 97440. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224–4840. Transporting (1) *transportation equipment*, (2) *machinery*, (3) *building materials*, and (4) *metal products*, between points in ND, SD, WY, CO, AR and NM.

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 111740 (Sub-34), filed July 10, 1981. Applicant: OIL TRANSPORT COMPANY, East Highway 80, Abilene, TX 79604. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767, (512) 472–8800. Transporting *petroleum, natural gas and their products*, between points in that part of TX on and west of a line beginning at the junction of U.S. Hwy 75 and the TX State line and extending along U.S. Hwy 75 to junction Interstate Hwy 20, then along Interstate Hwy 20 to junction Interstate Hwy 35E, then along Interstate Hwy 35E to junction Interstate Hwy 35, then along Interstate Hwy 35 to Laredo, TX, on the one hand, and, on the other, points in OK and NM. Condition: To the extent that any certificate issued in this proceeding authorizing the transportation of liquefied petroleum gas, it shall expire 5 years from its date of issuance.

MC 118831 (Sub-201), filed August 4, 1981. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller III (same address as applicant), (919) 431–9186. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 133971 (Sub-6), filed August 3, 1981. Applicant: TRUAX TRUCK LINE, INC., P.O. Box 248, Egan, LA 70531. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., N.W., Washington, DC 20036, (202) 785–0048. Transporting *building materials*, between points in LA, on the one hand, and, on the other, points in AR, OK, and TX.

MC 142080 (Sub-21), filed August 3, 1981. Applicant: LITE TRANSPORT, INC., 480 Neponset St., Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535–5430. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fortifiber Corporation, of Attleboro, MA, Conproco Corp., of Hooksett, NH, M. Jaffe Company, Inc., of Marblehead, MA, St. Joe Minerals Corporation, of Clayton, MO, Sunburst Fruit Juices, Inc., of Salem, MA, Commonwealth Chemical Corporation, of Lowell, MA, E. Starr, Inc., of Worcester, MA, Guardian Industries, of Webster, MA, Quality Carpets, Inc., of Avon, MA, Crown Cork & Seal Company, Inc., of Philadelphia, PA, The Okonite Company, of Ramsey, NJ, Crown Zellerbach Corp., of South Glens Falls, NY, The Newark Group, Inc., of Bradford, MA, Giguere Food Warehouse Stores, Inc., of Augusta, ME, W. A. Wood Company, of Everett, MA, Eastern Shippers Association, Inc., of Kearny, NJ, and Colorpac, Incorporated, of Franklin, OH.

MC 143280 (Sub-32), filed July 24, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, PO Box 6010, West St. Paul MN 55118 (612) 457–6889. Transporting *glass products* and *plastic products*, between points in the U.S.

MC 144331 (Sub-9), filed August 3, 1981. Applicant: EDWARD F. MADEIRA, INC., 514 Island Street, Hamburg, PA 19526. Representative: William F. King, Suite 400, Overlook Bldg., Alexandria, VA 22312 (703) 750–1112. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Neshaminy Valley Natural Foods Distributor, Ltd., of Bensalem, PA.

MC 150221 (Sub-10), filed August 3, 1981. Applicant: CENTRAL SOUTHERN, INC., P.O. Box 375, Drayton, SC 29333. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687 (803) 244–9314. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Barnet Southern Corporation, of Arcadia, SC.

MC 157211, filed July 27, 1981. Applicant: DI-MON, INC., 9735 Briarcreek Drive, Oklahoma City, OK 73132. Representative: Michael H. Lennox, 531 N. Portland, PO Box 75613, Oklahoma City, OK 73147 (405) 943–2722. Transporting *Mercer commodities*, between points in OK and TX.

MC 157280, filed July 24, 1981. Applicant: DATIM, INC., PO Box 425, McFarland, WI 53558. Representative: Michael S. Varda, PO Box 2509, Madison, WI 53701. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Diversey Wyandotte Corp. of Wyandotte, MI.

MC 157470, filed August 3, 1981. Applicant: PALT COMPANY INC., 60 Lakeview Drive, Wolcott, CT 06716. Representative: Thomas Tyndall (same address as applicant) (203) 879–2970. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Cedar Metal Specialties, of Wolcott, CT.

MC 157501, filed August 3, 1981. Applicant: KENNETH P. KORETSKY, 30 Fieldstone Road, Levittown, PA 19056. Representative: H. Craig Lewis, Suite 206, Two Neshaminy Interplex, Lincoln Highway, Trevose, PA 19047, (1–215) 547–7865. Transporting *sand and gravel*, between points in the U.S., under continuing contract(s) with (a) C. Desorte Associates, Inc., of Atco, NJ, (b) Silvi Concrete Products, Inc., of Morrisville, PA, (c) Silvi Concrete of Englishtown, of Englishtown, NJ, and (d)

Silvi Concrete of Atlantic City, of Pleasantville, NJ.

[FR Doc. 81-23905 Filed 8-14-81; 8:45 am]
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[Permanent Authority Decisions Volume No. 134]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: July 30, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can ber obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Spom, Ewing, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 44128 (Sub-44)X, filed July 13, 1981. Applicant: EPES TRANSPORT SYSTEMS, INC., P.O. Box 24038, Richmond, VA 23224. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave., and 13th St., NW, Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-No. 27 certificates to (A) broaden certain of its commodity descriptions as follows: lead certificate, to "furniture and fixtures, leather and leather products, and machinery" from hassocks, leather, and stoves (sheet 4); to "food and related products" from fruits and vegetables (sheet 6); to "rubber and plastic products, metal products, lumber and wood products, and pulp, paper and related products" from baskets, hampers, crates, and fruit containers (sheet 6); and Sub-No. 27, to "pulp, paper and related products, and lumber and wood products" from fibreboard, pulpboard, or strawboard cigarette, smoking and chewing tobacco containers; (B) remove restrictive language, "in truckload lots" in the lead, sheet 4, para 4; and the restriction limiting traffic to that moving to a manufacturer or processor of tobacco in Sub-No. 27; (C) replace one-way authority with radial authority; and (D) expand named points in the irregular-route territory to county-wide authority: lead certificate, sheet 6, Albemarle County, VA (Crozet, VA); Caroline County, MD (Hurlock, MD); Thomas County, GA (Thomasville, GA); Williamsburg, Florence and Georgetown Counties, SC (Kingstree, Lake City, and Georgetown, SC); Broward, Dade, Hardee and Palm Beach Counties, FL (Pompano, Miami, Homestead, Wauchula, and Belle Glade, FL); Carteret, Brunswick, New Hanover, Sampson, Moore, Warren, Richmond, Craven, Pitt, Edgecombe and Duplin Counties, NC (Beaufort, Wilmington, Turkey, Aberdeen, Ridgeway, Hamlet, New Bern, Bethel, and Faison, NC); Allegheny, Washington and Westmoreland Counties, PA (Pittsburgh, PA); Hudson, Essex, Union, Bergen, Middlesex and Passaic Counties, NJ, and Richmond County, NY (Newark, NJ); Hartford and New Haven Counties, CT (Hartford and New Haven, CT); Providence and Kent Counties, RI and Bristol County, MA (Providence, RI); Norfolk, Suffolk, Middlesex, Essex and Plymouth Counties, MA (Boston, MA); Glynn and Camden Counties, GA (Brunswick, GA); and Sub-No. 27, Jefferson and Oldham Counties, KY and Floyd and Clark Counties, IN (Louisville, KY).

MC 120673 (Sub-2)X, filed July 28, 1981. Applicant: ACME TRANSPORT COMPANY, 3546 Vandalia Road, Des Moines, IA 50317. Representative: Bradord E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No.1 F certificate to (1) broaden the commodity description from alcohol, in bulk, to "commodities in bulk"; (2) delete in tank vehicle restriction; and (3) authorize radial service between points in IL, MO, KS, NE, and points in IA, in lieu of existing one-way authority.

MC 135111 (Sub-11)X, filed July 24, 1981. Applicant: REESE TRUCKING, INC., P.O. Box 99, Dover, OH 44622. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 3F, 5F, 6F and 7F permits to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 7; adhesive cement and chemicals to "chemicals and related products" in the lead and Sub-Nos. 1 and 5; plastic products and rubber automotive parts to "rubber and plastic products" in Sub-No. 2; paper and paper products to "pulp, paper, and related products" in Sub-No. 3; zinc slabs to "metal products" in Sub-No. 6; (2) authorize service between points in the U.S. under continuing contract(s) with named shippers in all referenced permits; (3) remove restriction requiring transportation in containers in the lead; (4) delete restrictions against commodities in bulk in the lead and Sub-Nos. 1, 2, 3, and 5; and (5) delete the exceptions against service to AK, HI, and OH, in Sub-Nos. 2, 5, and 7.

MC 140367 (Sub-2)X, filed July 23, 1981. Applicant: AIR FREIGHT FORWARDERS, INC., Austin-Straubel Field, Green Bay, WI 54301. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; and (2) delete the restriction limiting transportation to traffic having a prior or subsequent movement by air.

MC 147640 (Sub-3)X, filed July 20, 1981. Applicant: MOUNTAIN VALLEY EXPRESS CO., INC., 1299 Vanderbilt Circle, Manteca, CA 95336. Representative: John Paul Fischer, 256 Montgomery St., 5th Flr., San Francisco, CA 94104. Applicant seeks to remove restrictions from its Sub-No. 2F certificate to (1) delete all exceptions to its general commodities, except Classes A and B explosives; and (2) remove restrictions requiring that transportation be performed on freight forwarder bills of lading.

MC 147856 (Sub-2)X, filed July 20, 1981. Applicant: C. AND V. CORPORATION, 2509 North Emerson Avenue, Indianapolis, IN 46218. Representative: Donald W. Smith, P.O. Box 40248 Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description to "food and related products" from margarine; (2) change one-way authority

to radial authority; and (3) substitute county-wide authority in place of the named point as follows: Marion County, IN (Indianapolis, IN).

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[Permanent Authority Decisions Volume No. 142]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: August 12, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 F.R. 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 59117 (Sub-85)X, filed July 31, 1981. Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, OK 74301. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068. Applicant seeks to remove restrictions in Sub-No. 78F to broaden the commodity description from dry commodities, in bulk, to "commodities in bulk."

MC 72069 (Sub-39)X, filed July 29, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW, Washington, DC 20005. Applicant seeks to remove restrictions in its lead certificate to (A) broaden certain specified commodity descriptions to (a) "food and related products" from agricultural commodities (sheets 1 and 2), (b) "clay, concrete, glass or stone products" from concrete pipe (sheet 2), (c) "metal products" from sheet tin (sheet 2), (d) "food and related products" from fruit and produce (sheet 2), (e) "lumber and wood products" from lumber (sheet 3), and (f) "food and related products" from sugar (sheet 3); (B) broaden territorial descriptions from one-way authority to radial authority; and (C) expand the named cities to county-wide authority as follows: Kent County, DE (Dover, DE), Allegheny County, PA (Pittsburgh, PA), Dorchester County, MD (Cambridge, MD), Essex County, NJ (Newark, NJ), Sussex County, DE (Milford, DE), Queen Anne County, MD (Marydel, MD), Kent and Queen Anne Counties, MD (Carville and Massey, MD), New Castle County, DE (Middletown, DE), and Sussex County, DE (Georgetown, DE).

MC 94170 (Sub-7)X, filed July 27, 1981. Applicant: MADDEN'S TRANSFER & STORAGE, INC., 12 Lake Flower Avenue, Saranac Lake, NY 12983. Representative: W. Norman Charles, P.O. Box 724, Glen Falls, NY 12801. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5 and 6 certificates to (1) broaden the commodity descriptions from (a) household goods to "household goods, furniture and fixtures", in the Lead and Sub-Nos. 5 and 6; and (b) equipment and materials used in the construction, installation, maintenance, and repair of telephone systems to "machinery, and materials, equipment and supplies used in the construction, installation, maintenance and repair of telephone, electrical and public utility systems and facilities" in the Lead; and (2) replace point and mileage radii territory with county-wide authority as follows: (a) Saranac Lake, NY, and points in New York within 40 miles thereof with Clinton, Essex, Franklin, Hamilton, Herkimer, St. Lawrence, and Warren Counties, NY, in the Lead and Sub-No. 5; and (b) Knoxville, MD, and points in Maryland, Virginia, and West Virginia, within 20 miles of Knoxville, MD, with Frederick, Montgomery, and Washington Counties, MD, Clarke, Frederick, and Loudoun Counties, VA, and Berkeley and Jefferson Counties, WV, in Sub-No. 6. Applicant also seeks to broaden the commodity descriptions from (a) fresh meats, packinghouse products, and dairy products, as described in Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in its MC 101915 (Lead) permit to "food and related products"; (b) wooden spoons, forks, tongue depressors, cocktail spears, coffee stirrers, ice cream sticks, and plastic spoons, knives, and forks in its Sub-No. 5 permit to "wood, plastic and paper products", and to expand the territorial description to between points in the United States under continuing contract(s) with named shippers.

MC 106565 (Sub-15)X, filed July 21, 1981. Applicant: TAYLOR TRUCK LINES, INC., 404 Clay Street, Charleston, MS 38921. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Applicant seeks to remove restrictions in its Sub-No. 14 certificate to (1) remove all exceptions to general commodity authority "except Classes A and B explosives", and (2) allow service at all intermediate points on regular routes, between (a) Memphis, TN and Greenville, MS, (b) Memphis, TN and Clarksdale, MS and (c) Memphis, TN and Charleston, MS.

MC 119936 (Sub-3)X, filed June 16, 1981, previously noticed in the Federal Register of July 8, 1981, republished as corrected this issue. Applicant: FAIRFIELD MOTOR TRANSPORTATION COMPANY, 4350 West 123rd Street, Alsip, IL 60658. Representative: Anthony E. Young, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-No. 1F certificates to (1) remove all exceptions in it general commodities authority "except classes A and B explosives" in the lead certificate, and to broaden its other commodity descriptions, in the lead certificate, to "food and related products" from fresh fruits; and in Sub-No. 1, to "metal products" from iron and steel articles; (2) change one-way service to radial service in Sub-No. 1; and (3) substitute county-wide authority for the named points, in the lead certificate: (para 2) Berrien County, MI (Derby, MI), and Portage County, WI (Stevens Point, WI); and (para 3) Kenosha, Walworth, Rock, Green, Lafayette and Grant Counties, WI, points in IL in and north of Rock Island, Warren, Knox, Fulton, Tazewell, McLean, Ford and Iroquois Counties, IL, Lake, Porter, LaPorte, St. Joseph, Elkhart, Kosciusko, Marshall, Starke, Jasper, Newton, Benton, Pulaski, and Fulton Counties, IN, and Berrien and Cass Counties, MI (points within the territory beginning at Winthrop Harbor, IL, and extending west through South Beloit and Warren, IL, to Galena, IL, then in a southeasterly direction to

Savanna, IL, then south to Galesburg, IL, then in a southeasterly direction to Peoria, IL, then east to Onarga, IL, then a northeasterly direction to Warsaw, IN, then north to Goshen, IN, then in an northwesterly direction through Niles, MI, to Bridgman, MI, and then along the shore of Lake Michigan to Winthrop Harbor, including the points named). The purpose of this republication is to indicate the changes in the territorial description in paragraph three of the lead certificate.

MC 123061 (Sub-143)X, filed August 3, 1981. Applicant: LEATHAM BROTHERS INC., 46 Orange Street, P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way No. 370, Salt Lake City, UT 84108. Applicant seeks to remove restriction in its Sub-Nos. 55, 65, 95F, and 124F certificates to (A) broaden the commodity descriptions to "metal and metal products", from scrap metal, in Sub-No. 55; from scrap metal and crushed automobile bodies, in Sub-No. 65 part 2; from Non-Ferrous scrap metal for recycling, in Sub-No. 95F; and from iron and steel articles in Sub-No. 124F; and (B) broaden the territorial authorities to radial authorities in all Subs.

MC 134134 (Sub-97)X, filed July 21, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-No. 70F to (1) broaden the commodity description to "food and related products" from non-alcoholic beverages and to "such commodities as are used for packaging and shipping food and related products" from containers used in the distribution of non-alcoholic beverages, (2) remove facilities limitations, and (3) change one-way to radial authority between points in Indiana, Illinois, Michigan and Missouri, and Omaha, NE.

MC 141148 (Sub-2)X, filed June 5, 1981 and previously published in Federal Register June 26, 1981, republished as corrected in this issue. Applicant: WILLIAM E. PHILLIPS d.b.a. PHILLIPS TRUCKING COMPANY, Box 511, Hebron, MD 21830. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) change the commodity description from wood chips to "lumber and wood products"; (2) delete the "in bulk" restriction from the commodity authority; (3) remove facilities limitations; (4) authorize radial service between specified points in MD, and, points in NJ and PA; and (5) expand Sharptown, MD, to Wicomico and Dorchester Counties, MD. The purpose of this republication is to correct the inadvertent ommission of Wicomico County.

MC 142795 (Sub-2)X, filed August 3, 1981. Applicant: NORFOLK, BALTIMORE & CAROLINA LINE, INC., 937 East Water Street, Norfolk, VA 23510. Representative: Jack R. Turney, Jr. & J. William Cain, Jr., 2001 Massachusetts Avenue, N.W., Washington, D.C. 20036. Applicant seeks to remove restriction in its Sub-No. 1 certificate to (1) broaden the commodity description from general commodities (with exceptions), in containers, or in trailers, and empty containers, trailers, chassis and bogies to "general commodities (except Classes A and B explosives)," and (2) to remove the restriction "having a prior or subsequent movement by water".

MC 148652 (Sub-1)X, filed July 31, 1981. Applicant: JOHNSON & HAMITER TRUCKING CO., INC., 4480 Ayrshire Street, Indianapolis, IN 46208. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description in part (1) to "machinery" from batteries; and (2) broaden the territorial description to authorize service between points in the U.S., under containing contract(s) with a named shipper.

MC 149546 (Sub-11)X, filed July 28, 1981. Applicant: D & T TRUCKING, CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its Sub-No. 10 certificate, part (8), to (A) broaden the commodity description to "lumber and wood products, clay, concrete, glass or stone products and metal products" from windows, screens, doors, building woodwork, and materials used in their installation; and (B) broaden the one-way facilities authority to radial, county-wide authority between Washington County, MN (for facilities at Bayport, MN) and points in 14 eastern States.

MC 150133 (Sub-4)X, filed July 29, 1981. Applicant: DDI TRANSPORT, INC., 2344 Bee Ridge Road, Sarasota, FL 33579. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 3 certificate to (1) broaden the commodity description to "chemicals and related products, medical, dental, hospital, and health care products, supplies, equipment, instruments and furnishings" from intravenous solutions, drugs and health care products, and hospital supplies; (2) remove the restriction against transportation of "commodities in bulk"; and (3) replace the named facilities and cities with county-wide authority as follows: Lake and Cook Counties, IL (facilities near North Chicago, IL), Los Angeles, Orange and Ventura Counties, CA (Los Angeles, CA), Marin, San Francisco and San Mateo Counties, CA (San Francisco, CA), Los Angeles County, CA (Sante Fe Springs, CA), Cobb, DeKalb, Fulton, Fayette, Douglas and Clayton Counties, GA (Atlanta, GA), Polk, Dallas and Warren Counties, IA (Des Moines, IA), Jefferson, Oldham and Bullitt Counties, KY, and Harrison, Floyd and Clark Counties, IN (Louisville, KY), Suffolk, Norfolk, Plymouth, Middlesex and Essex Counties, MA (Boston, MA), Edgecombe, Wilson and Nash Counties, NC (Rocky Mount, NC); Erie and Niagara Counties, NY (Buffalo, NY), Hamilton, Butler and Clermont Counties, OH, and Boone, Kenton and Campbell Counties, KY (Cincinnati, OH), Allegheny, Westmoreland and Washington Counties, PA (Pittsburgh, PA), and King, Snohomish and Kitsap Counties, WA (Seattle, WA).

[FR Doc. 81-23908 Filed 8-14-81; 8:45 am]
BILLING CODE 7035-01-M

Service of Decisions Upon Tariff Bureaus and Members in Rates Cases

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed procedural change.

SUMMARY: Due to an effort to cut agency expenditures and eliminate unnecessary procedures, the Commission is considering a change in policy regarding service of decisions in rates cases. Instead of serving all members of a tariff bureau, only those members formally participating in a proceeding and the agent for the bureau involved would be served. The agent for the tariff bureau would be responsible for notification of its members.

DATE: Comments (original and 1 copy) are due 30 days from publication in the Federal Register.

ADDRESS: Interstate Commerce Commission, Office of the Secretary, Room 2203, Commission Service Section, 12th and Constitution Ave., NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Darlene F. Proctor, 202-275-7233.

SUPPLEMENTARY INFORMATION: The Commission is considering changing a practice which results in delays in service of some rates cases and creates a great deal of extra work for the staff.

For example, when an investigation and suspension docket is set for modified procedure, the Commission's Process Serving Branch currently prepares an extensive service list of the agent and all members participating in the tariffs. This list is in addition to the regular service list of parties of record to the proceeding and to individuals who have requested to be advised of all proceedings. The supplemental list of all tariff participants is prepared and verified before the decision is served.

49 U.S.C. 10329(e)(2) permits service of suspension of a joint tariff only on the carrier that filed it. Service on the carrier filing the tariff constitutes service on all that are parties to the joint tariff.

To expedite service of these decisions, the Commission is proposing to serve decisions only upon those members formally participating in the proceeding and the agent for the rate bureau involved, rather than serving the bureau and all of its members. The agent for the tariff bureau would be responsible for notification of members not formally named in the filing if they deem it necessary.

Comments on this proposal are invited.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23636 Filed 8-14-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. E.I. du Pont de Nemours & Co., Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. section 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *E.I. du Pont de Nemours & Co., Inc.* This case alleged that the acquisition by Du Pont of a majority of Conoco's common stock would result in Du Pont participating in a joint venture with Monsanto in violation of section 7 of the Clayton Act, 15 U.S.C. 18. Du Pont has agreed with Monsanto that if the acquisition occurs, Du Pont will purchase Monsanto's interest in the joint venture within ten days after the acquisition. The proposed Consent Judgment seeks to assure that Du Pont complies with its agreement and to restrict the information that Du Pont can obtain from the joint venture until it complies.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Roger B. Andewelt, Assistant Chief, Intellectual Property Section, Antitrust Division (SAFE-704), Department of Justice, Washington, D.C. 20530 (202/724-7966).

Mark Leddy,

Deputy, Director of Operations.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *E.I. du Pont de Nemours & Co., Inc.,* Defendant.
Civ. No. 81-1837.

Stipulation

Filed: August 4, 1981.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: August 4, 1981.

For the Plaintiff: William F. Baxter, *Assistant Attorney General.* Mark Leddy, Roger B. Andewelt, P. Terry Lubeck, Joseph T. Melillo, Nicholas W. Clark, Sanford M. Adler, Andrew D. Caverly, *Attorneys, Antitrust Division, U.S. Department of Justice.*

For the Defendant E.I. du Pont de Nemours & Co., Inc.: Counsel for Defendant: Covington & Burling, Daniel M. Gribbon, *a member of the firm;* John F. Schmutz, *Attorney,* Vernon R. Rice, *Attorney,* E.I. du Pont de Nemours & Co., Inc., Wilmington, Delaware 19898.

Stipulation approved for filing

Dated:_____

United States District Judge.

United States District Court For The District of Columbia

United States of America, Plaintiff, v. *E.I. du Pont de Nemours & Co., Inc.,* Defendant.
Civ. No. 81-1837.
Filed: August 4, 1981.

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on August 4, 1981, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgement without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby,

Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The complaint states a claim upon which relief may be granted against defendant under Section 7 of the Clayton Act (15 U.S.C. 18).

II

As used in this Final Judgment:

(A) "Du Pont" means E.I. du Pont de Nemours & Co., Inc.; all Entitles controlled by it either directly or indirectly, or acting on its behalf; and their successors. It does not include Conoco or the Joint Venture.

(B) "Conoco" means Conoco, Inc.; all Entities controlled by it either directly or indirectly, or acting on its behalf; and their successors. It does not include Du Pont or the Joint Venture.

(C) "Joint Venture" means the joint venture created by the Monsanto-Conoco Joint Venture Agreement dated October 1, 1977, including the Facilities as defined in the Monsanto-Conoco Joint Venture Agreement dated October 1, 1977, and the New Process Facilities as defined in the Conoco-Monsanto Feedstock Agreement dated October 1, 1977.

(D) "Monsanto" means Monsanto Company; all Entities controlled by it either directly or indirectly, or acting on its behalf; and their successors. It does not include the Joint Venture.

(E) The definition of "Entity" contained in 16 CFR 801.1 is incorporated herein by reference.

III

This Final Judgment applies to defendant and to its officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other Entities in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

The purpose of this Final Judgment is to prohibit Du Pont from participating with Monsanto in the Joint Venture. In the event the transfer of right, title, and interests provided for in the Agreement between Du Pont and Monsanto dated August 3, 1981 ("Agreement"), attached hereto as Exhibit A and incorporated by reference herein, has not occured by the date of entry of this Final Judgment, Du Pont shall:

(A) Proceed to take such steps as may be necessary to require performance of Monsanto's obligations under the Agreement;

(B) Purchase Monsanto's interest in the Joint Venture at the same price and under the same terms and conditions of the Agreement; and

(C) Abide by the terms of the Stipulated Hold Separate Order entered in this action on August 4, 1981, and attached hereto as Exhibit B.

Furthermore, plaintiff may apply to this Court at any time for further relief to effectuate the purpose of this Final Judgment.

V

Until (1) the sale, conveyance, and transfer of right, title, and interests as provided for in the agreement between Monsanto and Du Pont dated August 3, 1981, (2) any other sale, conveyance, and transfer to Du Pont of the right, title, and interests to which the agreement refers, or (3) any sale, conveyance, and transfer by Du Pont of Conoco's interest in the Joint Venture, Du Pont is ordered and directed not to influence or attempt to influence, directly or indirectly, any operational or financial decisions or actions of the Joint Venture and not to obtain, directly or indirectly, from the Joint Venture any information, except (1) information that is clearly necessary for Du Pont to comply with federal, state, or local laws and regulations, and (2) information that is clearly necessary for Du Pont to carry out the Agreement. In no event, however, may Du Pont obtain information (1) from which Du Pont could derive (a) the quantity, quality, or point of origin of one or more products supplied to the Joint Venture by Monsanto, or (b) the quantity or production costs of one or more particular products produced by the Joint Venture or Monsanto, or (2) about Monsanto's operations apart from the Joint Venture. Except during the ten (10) day period for Monsanto to sell, convey, and transfer its right, title, and interests as provided in the agreement between Monsanto and Du Pont dated August 3, 1981, Du Pont shall not obtain from Conoco or the Joint Venture any information about the Joint Venture or Monsanto unless the information is written and furnished in response to a written request by Du Pont shall promptly transmit to Monsanto a copy of each such request and all information that Du Pont obtains from Conoco or the Joint Venture in response to the request.

VI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its prinicipal office, be permitted:

(1) Access during office hours of defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of the defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers, employees and agents of defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal office, defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which defendant is not a party.

VII

This Final Judgment will expire on the tenth anniversary of its date of entry or upon motion by plaintiff.

VIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

IX

Entry of this Final Judgment is in the public interest.

Dated:_____

United States District Judge.

Agreement

Exhibit A

Monsanto agrees to sell, convey and transfer to either Conoco or Du Pont at the latter's option ten (10) days after Du Pont shall acquire control of Conoco all of Monsanto's right, title and interest, exclusive of working capital, in the Facilities as defined in the Monsanto-Conoco Agreement dated October 1, 1977, ["Chocolate Bayou Agreement"] and New Process Facilities as defined in the Conoco-Monsanto Feedstock Agreement dated October 1, 1977, for the following consideration:

(i) $275,000,000 to be paid ten (10) days after Du Pont shall acquire control of Conoco; plus

(ii) such additional amount, if any, to be mutually agreed upon by Monsanto and Du Pont within six (6) months following the acquisition of control of Conoco by Du Pont as representing, when added to the amount set out in (i), the fair value of the right, title and interest in the facilities transferred by Monsanto and, failing such agreement, such amount will be determined by an appraiser chosen by Monsanto and Du Pont, or in the event of their failure to appoint an appraiser, by an appraiser selected by the American Arbitration Association, who in determining fair value shall take into consideration such criteria as the appraiser deems to be appropriate for determining the fair value of the Facilities to be transferred by Monsanto. Such additional amount shall be payable to Monsanto ten (10) days after it has been finally determined as provided in this Section (ii).

This Letter Agreement and the transaction contemplated hereby shall be promptly ratified by the Boards of Directors of both parties. The Management of each party shall use reasonable efforts to obtain such ratification promptly.

Upon execution of this Letter Agreement both parties will proceed diligently with the negotiation and execution of definitive written agreements. It is, however, the intent of the parties that this Letter Agreement shall be binding on all parties.

Dated: August 3, 1981.

F. J. Fitzgerald,

Monsanto Company.

E. G. Jefferson,

E. I. du Pont de Nemours and Company.

Exhibit B

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *E.I. du Pont de Nemours & Co., Inc.*, Defendant. Civ. No. 81-1837.

Stipulated Order

Filed: August 4, 1981.

Stipulated Hold Separate Order

Definitions

1. "Du Pont" means E.I. du Pont de Nemours & Co., Inc.; all Entities controlled by it either directly or indirectly, or acting on its behalf; and their successors. It does not include Conoco or the Joint Venture.

2. "Conoco" means Conoco, Inc.; all Entities controlled by it either directly or indirectly, or acting on its behalf; and their successors. It does not include Du Pont or the Joint Venture.

3. "Joint Venture" means the joint venture created by the Monsanto-Conoco Joint Venture Agreement dated October 1, 1977, including the Facilities as defined in the Monsanto-Conoco Joint Venture Agreement dated October 1, 1977, and the New Process Facilities as defined in the Conoco-Monsanto Feedstock Agreement dated October 1, 1977.

4. "Monsanto" means Monsanto Company; all Entities controlled by it either directly or indirectly, or acting on its behalf; and their successors. It does not include the Joint Venture.

5. The definition of "Entity" contained in 16 CFR 801.1 is incorporated herein by reference.

Hold Separate Order

1. Du Pont shall take all steps necessary to assure that Conoco will be maintained as a separate subsidiary with its assets and operations separate from those of Du Pont.

2. Du Pont shall take all steps necessary to assure that Conoco will be continued as an economically viable going business.

3. Neither Du Pont nor Conoco shall dispose of any of the assets of Conoco, other than in the ordinary course of Conoco's business, without the prior approval of the Antitrust Division.

4. Du Pont is ordered and directed not to influence or attempt to influence, directly or indirectly, any operational or financial decisions or actions of the Joint Venture and not to obtain, directly or indirectly, from the Joint Venture any information, except (1) information that is clearly necessary for Du Pont to comply with federal, state, or local laws and regulations, and (2) information that is clearly necessary for Du Pont to carry out the agreement between Monsanto and Du Pont dated August 3, 1981. In no event, however, may Du Pont obtain information (1) from which Du Pont could derive (a) the quantity, quality, or point of origin of one or more products supplied to the Joint Venture by Monsanto, or (b) the quantity or production costs of one or more particular products produced by the Joint Venture or Monsanto, or (2) about Monsanto's operations apart from the Joint Venture. Except during the ten (10) day period for Monsanto to sell, convey, and transfer its right, title, and interests as provided in the agreement between Monsanto and Du Pont dated August 3, 1981, Du Pont shall not obtain from Conoco or the Joint Venture any information about the Joint Venture or Monsanto unelss the information is written and furnished in response to a written request by Du Pont. Du Pont shall promptly transmit to Monsanto a copy of each such request and all information that Du Pont obtains from Conoco or the Joint Venture in response to the request.

5. The provisions above shall apply until (1) the sale, conveyance, and transfer of right, title, and interests as provided for in the agreement between Monsanto and Du Pont dated August 3, 1981, (2) any other sale, conveyance, and transfer to Du Pont of the right, title, and interests to which the agreement refers, or (3) any sale, conveyance, and transfer by Du Pont of Conoco's interest in the Joint Venture.

Dated: August 4, 1981.

For Plaintiff: Paul Terry Lubeck, *Attorney, U.S. Department of Justice, Antitrust Division, Washington, DC 20530, 202/724-7974.*

Dated: August 4, 1981.

For Defendant: E. I. du Pont de Nemours & Co., Inc. Counsel for Defendant: Covington & Burling, Daniel M. Gribbon, *(A Member of the Firm), 888 16th Street, N.W., Washington, DC 20006, 202/452-6000.* John F. Schmutz, *Attorney,* Vernon R. Rice, *Attorney, E. I. du Pont de Nemours & Co., Inc., Wilmington, Delaware 19898.*

So ordered:
Dated:

United States District Court Judge.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *E.I. du Pont de Nemours & Co., Inc.,* Defendant.
Civ. No. 81-1837.
Filed: August 4, 1981.

Competitive Impact Statement

Pursuant to to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)), the United States of America files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry against E.I. du Pont de Nemours & Co., Inc. in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

This civil action began on August 4, 1981 when the United States filed a complaint challenging the proposed acquisition of Conoco, Inc. ("Conoco") by E.I. du Pont de Nemours & Co., Inc. ("Du Pont") as a violation of section 7 of the Clayton Act (15 U.S.C. 18). The complaint alleges that the effect of the acquisition of Conoco by Du Pont may be substantially to lessen competition in the United States in the production and/or sale of acrylonitrile and nylon and acrylic fibers. The complaint requests that Du Pont be required to purchase Monsanto Company's ("Monsanto") interest in a Conoco-Monsanto joint venture in accordance with the terms of an agreement between Du Pont and Monsanto dated August 3, 1981.

The United States and Du Pont have stipulated that the proposed Final Judgment may be entered after compliance with the Antitrust Procedures and Penalties Act. Entry of the proposed Judgment will terminate the action, except that the Court will retain jurisdiction to construe, modify, or enforce the proposed Judgment, and to punish violations of the proposed Judgment.

II. Events Giving Rise to the Alleged Violation

In early July 1981 Du Pont made a tender offer in cash and Du Pont stock for all common shares of Conoco. If Du Pont acquires control of Conoco, Du Pont would thereby acquire Conoco's interest in a joint venture between Conoco and Monsanto. The joint venture, created in 1977, produce certain basic petrochemicals, primarily propylene, ethylene, benzene, and butadiene, and the crude oil feedstocks from which these chemicals are made. The joint venture owns two cracking facilities at Chocolate Bayou, Texas which produce the basic petrochemicals, and one feed stock manufacturing plant in Lake Charles, Louisiana. Conoco and Monsanto share evenly the basic petrochemicals produced at the cracking facilities and Monsanto receives 43.5 percent of the feedstocks from the Lake Charles plant.

Monsanto and Conoco have equal control over primary joint venture decisions such as which products the joint venture will produce, the rate and volume of production, and capital improvements. Each firm appoints three members of a six member management committee. Deadlocks are broken under the provisions set forth in the agreement. For example a production deadlock is negotiated first by the respective venture party managements and if that fails, by the respective chief executive officers.

The joint venture is the major source of Monsanto's requirements of propylene, ethylene, butadiene, and benzene. To date, Monsanto has consumed internally almost all of its share of the joint venture's output itself and has purchased from Conoco under supply contracts almost all of Conoco's share of propylene and benzene. Monsanto's use of propylene, both from the joint venture and third party sources, can be monitored in the Chocolate Bayou facility's control room. Monsanto's primary use for propylene is in the production of acrylonitrile, from which it manufactures acrylic fiber and nylon. There are only four domestic producers of acrilonytrile. Monsanto is the largest with about 43 percent of total domestic capacity; Du Pont is second with about 30 percent.

Acrylonitrile and propylene constitute a very large part of both Monsanto's and Du Pont's total manufacturing costs for acrylic fibers. There are five United States suppliers of acrylic fibers, with the top four sharing about 99 percent of the domestic market in terms of production. Monsanto and Du Pont are, respectively, the largest and second largest domestic producers of acrylic fiber with a 76 percent combined share of domestic production and a 72.5 percent combined share of domestic capacity.

Acrylonitrile and propylene constitute a very large part of Monsanto's total manufacturing costs for nylon. There are 14 suppliers of nylon, the top four having about 88 percent of the market in terms of both production and capacity. Monsanto, with about 21 percent of total domestic capacity, has the second largest amount of domestic nylon capacity behind Du Pont, which has about 42 percent. Their combined share of domestic production is about 66 percent.

The joint venture agreement provides that, without written consent of the other party, neither party may sell its share of the joint venture until late 1985, the five year anniversary of the date the facilities first become operational. After that time, either Conoco or Monsanto may sell its interest in a single cash transaction. The seller, however, must give the other party a chance to purchase the interest at terms equal to those offered to the third party buyer. The third party buyer must also be approved by the nonselling party and such approval may not be unreasonably withheld.

On August 3, 1981 Du Pont and Monsanto entered into an agreement which provides that within ten days of Du Pont acquiring control of Conoco, Du Pont will acquire Monsanto's share of the joint venture assets. On August 4, 1981 Du Pont entered into a Stipulated Order under which Du Pont agrees, until it acquires Monsanto's share of the joint venture, to hold Conoco's assets separate, not to attempt to influence decisions of the joint venture, and not to obtain the type of information from the joint venture that would give Du Pont knowledge of Monsanto's total production and production costs of the relevant products.

III. Explanation of the Proposed Final Judgment and its Anticipated Effects on Competition

The United States brought this action because the effect of Du Pont's acquistion of Conoco's interest in the Conoco-Monsanto joint venture may be substantially to lessen competition or tend to create a monopoly in violation of Section 7 of the Clayton Act in the production and sale of acrylonitrile and nylon and acrylic fibers.

First, replacing Conoco with Du Pont as Monsanto's partner in the joint venture might impede competition between Du Pont and Monsanto in these markets. The vast majority of Monsanto's propylene requirements are supplied by the joint venture, and the remaining propylene that it uses is monitored by the Chocolate Bayou control room. Therefore, through participation in the joint venture, Du Pont readily could obtain knowledge of Monsanto's propylene consumption and costs. Since virtually all of Monsanto's propylene is consumed in manufacturing acrylonitrile and then nylon and acrylic fibers, Du Pont's knowledge of Monsanto's propylene consumption and costs would give Du Pont important information as to Monsanto's total production and production costs of acrylonitrile and nylon and acrylic fibers. Du Pont would gain significant information about Monsanto's business planning and strategies in these markets as well as of the details of Monsanto's operations, such as production difficulties and plant shutdowns. Moreover, Du Pont would have considerable influence over Monsanto's efforts to make capital improvements to increase its acrylonitrile and nylon and acrylic fiber production by increasing the efficiency of existing propylene production facilities or adding new propylene capacity.

Next, as joint venture partners, Du Pont and Monsanto would jointly decide how much propylene, ethylene, benzene and butadiene the joint venture would produce. This would provide the opportunity for collusion as to output of the ultimate products: acrylonitrile and nylon and acrylic fibers. Moreover, in running the joint venture Du Pont and Conoco management would have frequent contact with each other which would provide many opportunities for exchanges of competitively sensitive information relating to competition between the two companies.

Du Pont's purchase of Monsanto's interest in the joint venture under the terms and conditions set forth in their August 3, 1981 agreement would eliminate the potential for these anticompetitive effects. The proposed Final Judgment is a protective measure intended to assure that the transfer of right, title, and interests contemplated in the voluntary agreement between Du Pont and Monsanto is carried out. The proposed Judgment provides that in the event that the purchase has not occurred by the time that the Final Judgment can be entered, Du Pont shall take steps necessary to obtain performance of Monsanto's obligations under the agreement, and shall purchase Monsanto's interest at the same price and under the terms and conditions set forth in the Monsanto-Du Pont agreement. In addition, the proposed Judgment permits the government to seek any other appropriate relief necessary to effectuate the purpose of the decree: prohibiting Du Pont from participating with Monsanto in the joint venture. Finally, the proposed Judgment provides for the same type of protection against the flow of competitively significant information from the Joint Venture to Du Pont that are contained in the Stipulated Order.

IV. Remedies available to Potential Private Litigants

Section 4 of Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage actions. Under the provisions of section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the proposed Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against the defendant.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and defendant have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. The Act conditions entry upon the Court's determination that the proposed Judgment is in the public interest.

The Act provides a period of at least sixty (60) days preceding the effective date of the proposed Judgment within which any person may submit to the government written comments regarding the proposed Judgment. Any person who wants to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**. The United States will evaluate the comments, determine whether it should withdraw its consent, and respond to the comments. The comments and the response of the United States will be filed with the court and published in the **Federal Register**.

Written comments should be submitted to: Roger B. Andewelt, Assistant Chief, Intellectual Property Section, Antitrust Division (SAFE–704), U.S. Department of Justice, Washington, D.C. 20530.

VI. Alternatives to the Proposed Final Judgment

The only arrangements considered were either Du Pont or Monsanto selling its interest in the joint venture. Under the terms of the joint venture agreement Monsanto could prevent Conoco or Du Pont from selling Conoco's interest for a period of approximately four more years. Therefore, Du Pont's purchase of Monsanto's interest is the preferable solution to the potential competitive problems involved.

VII. Determination Documents

The only document determinative in the formulation of the proposed Final Judgment was the agreement between Du Pont and Monsanto dated August 3, 1981, providing for the purchase by Du Pont of Monsanto's interest in the Conoco-Mansanto joint venture. A copy of that agreement is being filed by the United States pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) and is attached to the proposed Final Judgment.

Dated: August 4, 1981.

Respectively submitted:

Roger B. Andewelt, P. Terry Lubeck, Joseph T. Melillo, Nicholas W. Clark, Sanford M. Adler, Andrew D. Caverly, *Attorneys, U.S. Department of Justice, Antitrust Division (SAFE–704), Washington, DC 20530, 202/724–7974.*

Agreement

Monsanto agrees to sell, convey and transfer to either Conoco or Du Pont at the latter's option ten (10) days after Du Pont shall acquire control of Conoco all of Monsanto's right, title and interest, exclusive of working capital, in the Facilities as defined in the Monsanto-Conoco Agreement dated October 1, 1977 ("Chocolate Bayou Agreement") and New Process Facilities as defined in the Conoco-Monsanto Feedstock Agreement dated October 1, 1977, for the following consideration:

(i) $275,000,000 to be paid ten (10) days after Du Pont shall acquire control of Conoco; plus

(ii) such additional amount, if any, to be mutually agreed upon by Monsanto and Du Pont within six (6) months following the acquisition of control of Conoco by Du Pont as representing, when added to the amount set out in (i), the fair value of the right, title and interest in the Facilities transferred by Monsanto and, failing such agreement, such amount will be determined by an appraiser

chosen by Monsanto and Du Pont, or in the event of their failure to appoint an appraiser, by an appraiser selected by the American Arbitration Association, who in determining fair value shall take into consideration such criteria as the appraiser deems to the appropriate for determining the fair value of the Facilities to be transferred by Monsanto. Such additional amount shall be payable to Monsanto ten (10) days after it has been finally determined as provided in this Section (ii).

This Letter Agreement and the transaction contemplated hereby shall be promptly ratified by the Boards of Directors of both parties. The Management of each party shall use reasonable efforts to obtain such ratification promptly.

Upon execution of this Letter Agreement both parties will proceed diligently with the negotiation and execution of definitive written agreements. It is, however, the intent of the parties that this Letter Agreement shall be binding on all parties.

Dated: August 3, 1981

F. J. Fitzgerald,

Monsanto Company.

E. G. Jefferson,

E. I. du Pont de Nemours and Company.

[FR Doc. 81-23586 Filed 8-14-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

1. Date: September 8-9, 1981
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 1134
   Program: This meeting will review applications submitted for General Research Program for Basic Research; Panel #1, Division of Research Programs, for projects beginning after January 1, 1982.
2. Date: September 10-11, 1981
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 1023-1025
   Program: This meeting will review applications submitted for the Implementation Grant Program, Division of Education, for projects beginning after January 1, 1982.
3. Date: September 24-25, 1981
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 1023
   Program: This meeting will review applications submitted for Program Development, Division of Special Programs, for projects beginning after January 1, 1982.
4. Date: September 11, 1981
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 1134
   Program: This meeting will review College Teacher Fellowship applications in European, Latin American, and Non-Western History and Political Science, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-23600 Filed 8-14-81; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Regulatory Guide Correction; Issuance and Availability

The Nuclear Regulatory Commission has issued errata to Regulatory Guide 1.97, Revision 2, "Instrumentation for Light-Water-Cooled Nuclear Power Plants To Assess Plant and Environs Conditions During and Following an Accident." Revision 2 acknowledged that guidance for installing radiation exposure meters was being developed, and it was intended that the installation of these meters would have to await this guidance. However, the implementation section of the guide did not specifically address this point and it has become apparent that this intent could be misunderstood. Furthermore, delays in developing this additional guidance have made this potential misunderstanding more significant. These errata are intended to clarify the guide by deferring the implementation schedule for the radiation exposure meters pending the development of guidance for their installation.

Requests for single copies of these errata should be directed to the Distribution Services Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 10th day of August 1981.

For the Nuclear Regulatory Commission.

Denwood F. Ross,

Acting Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-23921 Filed 8-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-471]

Boston Edison Company, et al. (Pilgrim Nuclear Power Station, Unit 2); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of August 10, 1981, oral argument on the appeals of the Commonwealth of Massachusetts, Alan R. and Marion W. Cleeton, and the Massachusetts Wildlife Federation from the February 2, 1981 partial initial decision of the Licensing Board will be heard at 9:30 a.m. on Tuesday, September 1, 1981, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the Appeal Board.

Dated: August 11, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-23917 Filed 8-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-1308, 72-1]

General Electric Co.; Availability of Safety Evaluation Report for Morris Operation Fuel Storage Facility

The Office of Nuclear Material Safety and Safeguards, Division of Fuel Cycle and Material Safety, has published its Safety Evaluation Report on the proposed license renewal for the

operation of the Morris Operation Fuel Storage Facility located in Grundy County near Morris, Illinois. Notice of receipt of General Electric Company's application for renewal of Materials Lincense No. SNM–1265 issued to the General Electric Co. for the G. E. Morris Operations was published in the Federal Register on April 25, 1979 (44 FR 24354).

The report is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451 for inspection and copying. The report (Document No. NUREG–0709) can also be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Silver Spring, Maryland this 10th day of August, 1981.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 81–23918 Filed 8–14–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–245]

Northeast Nuclear Energy Company, et al.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 77 to Provisional Operating License No. DPR–21, issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which revised the Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1 (the facility), located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment approves Appendix A Technical Specification changes related to (1) instrument functional and test calibration frequency for steam line low pressure and reactor building exhaust vent and refueling floor radiation monitors and (2) personnel air-lock door leak tests.

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 September 9, 1980, (2) Amendment No. 77 to License No. DPR–21, 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 Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. 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 eighth day of August, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81–23919 Filed 8–14–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–267]

Public Service Company of Colorado (Fort St. Vrain Nuclear Generating Station); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Public Service Company of Colorado (the licensee) is the holder of Facility Operating License No. DPR–34, which authorizes the operation of the Fort St. Vrain Nuclear Generating Station (the facility) at steady-state power levels not in excess of 842 megawatts thermal. The facility is a high temperature gas cooled reactor (HTGR) located at the licensee's site in Weld County, Colorado.

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 for 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 modifications, 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 submittals dated December 20, 1980, December 26, 1981 and February 26, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete 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 licensee's modified schedule is acceptable based on the following:

1. 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 the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

2. The licensee has agreed to the requirements of Item 1.A.1.1, "Shift

[1] NUREG–0737 Requirements available in NRC Public Document Room.

Technical Advisor" with the exception that instead of the staff's position for a 10 minute response time, the licensee has committed to a one hour response time for the on-call STA. Considering the unique features of gas cooled reactor, i.e., long times for accident conditions to develop, the staff finds the one-hour response time acceptable for the Fort St. Vrain Nuclear Generating Station.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by order.

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, as appropriate to the licensee's facility, as early as practicable but no later than 60 days after the effective date of the order.

IV

Any person who has an interest affected by this Order may request a hearing by September 8, 1981. Any request for a hearing shall be addressed to the 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 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 information 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.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 6th day of August 1981.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-23920 Filed 8-14-81; 8:45 am]

BILLING CODE 7590-01-M

Agreements for Cooperation Between the State of Washington and the United States Nuclear Regulatory Commission

On September 6, 1978 the Nuclear Regulatory Commission (NRC) entered into a Memorandum of Agreement with the State of Washington. The text of this Agreement was published in the Federal Register Vol. 43, No. 188, p. 43774ff, on September 27, 1978. Under the terms of this Agreement, mutually agreeable principles of cooperation between the State and the NRC were set forth relating to areas subject to the jurisdiction of the State or the NRC or both. Further, under the terms of this Agreement the State and the NRC agreed to explore the development of additional detailed subagreements in areas of mutual concern. Such areas of mutual concern included, but were not limited to, environmental reviews (or portions thereof) of nuclear facilities subject to licensing by NRC or certification by the State Energy Facility Site Evaluation Council (EFSEC), siting considerations, conduct and structure/format of hearings, confirmatory radiological environmental monitoring around operating nuclear facilities, decommissioning of nuclear facilities, emergency preparedness planning, response to radiological incidents, and radioactive material transportation monitoring.

Pursuant to the terms and conditions of the Agreement dated September 6, 1978 two separate subagreements have been consummated. The first is entitled, "Subagreement 1 Between the Nuclear Regulatory Commission and the Washington State Energy Facility Site Evaluation Council Regarding Environmental Reviews Pursuant to the Skagit Nuclear Power Project Units 1 and 2." The second subagreement is entitled, "Subagreement 2 Between the Washington Energy Facility Site Evaluation Council and the United States Nuclear Regulatory Commission for a Protocol for the Conduct of Joint Hearings on the Skagit Nuclear Power Project, Units 1 and 2." Both of these Subagreements became effective when they were signed on July 31, 1981. The text of both is published below.

For further information contact: Andrew W. Robart, Office of State Programs, Telephone 301-492-9880, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 6th day of August 1981.

For the Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

Subagreement 1 Between the United States Nuclear Regulatory Commission and the Washington State Energy Facility Site Evaluation Council Regarding Environmental Reviews Pursuant to the Skagit Nuclear Power Project, Units 1 and 2

This Subagreement is promulgated under the provisions of the Memorandum of Agreement between the State of Washington and the United States Nuclear Regulatory Commission, dated September 6, 1978.

Purpose

The objective of this Subagreement is the timely completion of one environmental statement that fully addresses both the State and Federal environmental assessment requirements. This Subagreement between the Nuclear Regulatory Commission (NRC) and the Washington Energy Facility Site Evaluation Council (EFSEC) sets forth mutually acceptable procedures for cooperation between Washington State and NRC in the preparation of a draft environmental impact statement (DEIS) and final environmental impact statement (FES) in the matter of the Skagit Nuclear Power Project, Units 1 and 2, to be located on the U.S. Government Hanford Reservation near Richland, Washington.

It is the intent of this Subagreement that cooperative efforts should reduce duplication, provide for a more effective use of the public's resources and promote a more timely and efficient public hearing process.

Implementation

1. A Management Committee is created composed of a representative appointed by the Chairman of the Washington EFSEC and a representative appointed by the NRC Assistant Director for Environmental Technology. The purpose of the Management Committee will be to manage and supervise the development of the DEIS and FES, to serve as a coordinating point for Washington and NRC requirements and to develop a joint schedule for the various environmental

documents required (DEIS, FES). The Management Committee shall confer and/or meet on a regular basis to review work progress on the DEIS and FES.

2. In order to effectively implement this Subagreement, the parties agree to exercise their best efforts and fullest capabilities to pursue the review process according to a schedule to be developed by the Management Committee. Except as otherwise noted and mutually agreed to, the parties agree that NRC shall take the lead and have overall administrative responsibility for all joint activities pursuant to this Subagreement. EFSEC shall continue to have exclusive responsibility for actions required separately only under Washington State law or regulation such as the NPDES water quality permit. Either party may take independent actions not inconsistent with this Subagreement to ensure its obligations are met.

3. Each party shall diligently act to meet the established time schedules and the parties acknowledge that failure to meet the time schedules may constitute grounds after joint consultation for either party to proceed independently. If disagreements occur, each party shall seek to resolve such disagreement in a mutually satisfactory manner. Unresolved differences of opinion or different conclusions between EFSEC and NRC shall be identified and clearly stated in the EIS to ensure that the views of both parties are adequately represented.

4. For its part, the NRC agrees to exercise its best efforts to ensure that all environmental issues required under State and Federal law are adequately addressed.

5. In the event that a protocol for the conduct of joint hearings is developed and implemented between the NRC and EFSEC, the Management Committee shall ensure that the staffs of each agency shalll cooperate in discharging their respective responsibilities in the joint hearing as set forth in this Subagreement and the joint protocol.

6. NRC shall publish the draft and final EIS after the Management Committee concurs in writing with the content. NRC will ensure that sufficient copies are available for distribution to all interested parties.

7. The responsibility for performing activities not specifically mentioned in this Subagreement will be determined by the aforementioned Management Committee. Such activities not addressed by the Management Committee may be performed by either party in any manner not inconsistent with the established schedule.

8. Nothing in this Subagreement is intended to restrict or expand the statutory or regulatory authority of either the EFSEC or the NRC.

9. This Subagreement shall take effect immediately upon signing by the Chairman of the Washington Energy Facility Site Evaluation Council and the Director of the NRC's Office of Nuclear Reactor Regulation and may be terminated upon 30 days written notice by either party.

10. The principal NRC point of contact for this Subagreement shall be the Assistant Director for Environmental Technology. The principal Washington State contact shall be the Chairman of Washington Energy Facility Site Evaluation Council.

11. If any provision of this Subagreement, or the application of any provision to any person or circumstance is held invalid, the remainder of this Subagreement and the application of such provisions to other persons or circumstances shall not be affected.

Dated: July 28, 1981.

For the U.S. Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

Dated: July 31, 1981.

For the Washington Energy Facility Site Evaluation Council.

Nickolas D. Lewis,

Chairman.

Subagreement 2 Between the Washington State Energy Facility Site Evaluation Council and the United States Nuclear Regulatory Commission for a Protocol for the Conduct of Joint Hearings on the Skagit Nuclear Power Project, Units 1 and 2

This Protocol is promulgated under the provisions of the Memorandum of Agreement between the State of Washington and the United States Nuclear Regulatory Commission, dated September 6, 1978.

I. Statement of Purposes

Puget Sound Power & Light Company, Pacific Power & Light Company, The Washington Water Power Company and Portland General Electric Company have applied to the United States Nuclear Regulatory Commission (NRC) for permits to construct the Skagit Nuclear Power Project, Units 1 and 2, proposed to be located on the Hanford Reservation in Washington, and intend to apply to the Washington State Energy Facility Site Evaluation Council (EFSEC) for a Site Certification Agreement. A joint hearing before the NRC and EFSEC on matters within their common jurisdiction, particularly the National Environmental Policy Act of 1969 (NEPA) and the State Environmental Policy Act of 1971 (SEPA) would avoid unnecessary duplication, thereby expediting the decision-making process and reducing the time, effort, and costs which would otherwise be incurred by the parties were separate hearings held. In addition, to the extent that the NRC and EFSEC rules and practices are essentially similar, the holding of joint hearings will materially assist both agencies in compiling a full and complete evidentiary record on matters within their common jurisdiction. Such consolidation of matters of concurrent jurisdiction is permitted under the NRC Rules of Practice set forth in 10 C.F.R. § 2.716 and the authority of EFSEC contained in Revised Code of Washington (RCW) 80.50.040(12)(13).

II. Composition of the Joint Hearing Bodies

The joint hearings shall, for the NRC, be held before an Atomic Safety and Licensing Board (ASLB). EFSEC shall appoint an Administrative Law Judge to conduct the joint hearings on behalf of EFSEC. Such Administrative Law Judge shall make necessary rulings on behalf of EFSEC on motions, procedural questions, evidentiary offerings, and other matters that may arise during the course of the joint hearings. The membership of EFSEC as defined in RCW 80.50.030 shall reserve the right to sit with the joint hearing bodies for the purposes of hearing evidence and cross-examining witnesses.

III. Location of Joint Hearings

The principal location for the joint hearings shall be in the region of the proposed site or at the EFSEC hearing facility at Olympia, Washington. Hearings may be held in other locations as appear suitable under the circumstances, as determined by joint hearing bodies.

IV. Procedures for Identifying Parties and Issues

As soon as practicable after the amendment to the application for a construction permit and the application for certification have been filed with the NRC and EFSEC, respectively, the agencies will issue appropriate notices of hearing in accordance with their own procedures. In particular, the NRC will issue a notice of hearing in the **Federal Register** pursuant to the provisions of 10 C.F.R. § 2.104 and EFSEC will issue a notice of hearing pursuant to the provisions contained in Chapter 463–30 WAC.

After the notice of hearing has been issued by the NRC and petitions for leave to intervene have been filed pursuant to the notice, the procedure for determining the requisite interest to become parties to the NRC proceeding and the identification of contentions shall be governed by the NRC Rules of Practice set forth in 10 C.F.R. § 2.714. A special prehearing conference shall be held pursuant to the provisions of 10 C.F.R. § 2.751a within ninety (90) days after the notice of hearing is published, or at such other time as the Commission or the ASLB may deem appropriate to:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider all intervention petitions to allow the ASLB to make such preliminary or final determination as to the parties to the proceeding as may be appropriate; and

(4) Establish a schedule for further actions in the proceeding.

In the EFSEC certification proceeding, the determination of party status and the definition of issues shall be governed by the procedures set forth in Chapter 463–30 WAC

V. Joint Prehearing Conferences

As soon as practicable after (1) the special prehearing conference has been held in the NRC proceeding pursuant to 10 C.F.R. § 2.751a and the parties to and issues to be contested in the NRC proceeding have been determined by the ASLB, and (2) the application for certification has been filed with EFSEC and the parties to (and issues to be contested in) the certification proceeding have been determined by EFSEC, the joint hearing bodies shall schedule and hold one or more joint prehearing conferences for the following purposes:

(1) Determining those issues which are properly the subject of the joint hearing;

(2) Establishing a schedule for discovery on those issues;

(3) Obtaining stipulations and admissions of fact with respect to evidence and of the contents and authenticity of documents;

(4) Considering, to the extent feasible, the identification of witnesses, and other measures to expedite the presentation of evidence;

(5) Setting of pretrial and hearing schedules, including the order in which subjects shall be heard;

(6) Determining the time and procedures for site visits by the joint hearing bodies; and

(7) Considering any other measure which may expedite the orderly conduct and conclusion of the joint hearing.

The ASLB and EFSEC shall notify the parties to the NRC proceeding and the certification proceeding, respectively, of each joint prehearing conference and of the matters to be taken up at each conference, and shall direct the parties or their counsel to appear.

Following such conferences, the joint hearing bodies shall issue such orders as may be necessary to summarize the action taken at the conferences, including identification of the issues to be heard in the joint hearing.

Prior to each prehearing conference, parties are encouraged to hold informal conferences to identify the key issues, to mutually consolidate parties where appropriate, and to take whatever actions that are necessary to expedite the joint hearing.

On motion or on their own initiative, the joint hearing bodies may order any parties who have substantially the same interest that may be affected by the proceeding and who raise substantially the same questions, to consolidate their presentation of evidence, cross-examination, briefs, proposed findings of fact, and conclusions of law and argument in accordance with the provisions of 10 CFR 2.715a and Chapter 463–30 WAC.

Notwithstanding the above procedures for identification of parties and issues to be heard in the joint hearing, EFSEC and the NRC have the right to conduct separate hearings in accordance with their own practices and procedures.

VI. Procedures for the Conduct of Discovery

Discovery on those issues to be heard in the joint hearing as determined by the procedures of Section IV, *supra*, shall be governed by the Commission's Rules of Practice set forth in 10 CFR 2.740–2.744 and EFSEC procedures contained in Chapter 463–30 WAC. All parties to the joint proceeding will have the right to conduct discovery consistent with the applicable procedures. Any dispute regarding discovery pertaining to joint issues shall be considered and resolved jointly by the hearing bodies on those issues. If the hearing bodies are unable to agree, the dispute will be resolved in the manner specified in Section IX I of this Protocol.

VII. Summary Disposition on Pleadings

Certain issues may be summarily disposed of pursuant to the provisions of 10 C.F.R. § 2.749 and EFSEC procedures contained in Chapter 463–30 WAC. Motions for summary disposition of issues subject to joint hearing shall be considered and resolved jointly by the hearing bodies. If the hearing bodies are unable to agree, the dispute will be resolved in the manner specified in Section IX I of this Protocol.

VIII. Hearings for Limited Appearances and Public Statements

The hearing bodies shall consider the feasibility of holding a joint hearing in the vicinity of the proposed site for the purposes of accepting limited appearances or other oral or written statements from members of the public pursuant to the provisions of 10 C.F.R. § 2.715 and RCW 80.50.090(1)(3)(4).

IX. Procedures for the Joint Hearings

A. *Presiding at Alternate Sessions.* For the sole purpose of conducting the hearing and maintaining order, the ASLB and Administrative Law Judge appointed by EFSEC shall assume the responsibility of chairperson and preside over the joint hearing at alternate sessions, unless otherwise agreed upon by the ASLB and the Administrative Law Judge.

B. *Status of Counsel for Agency Staffs.* For the purposes of preparing for and holding the joint hearing, Counsel for EFSEC shall be accorded all the rights and remedies of an interested State under 10 C.F.R. § 2.715(c). Counsel for the NRC Staff shall be accorded all the rights and remedies of a party.

C. *Status of Parties, Participation and Standards of Conduct.* Parties to the joint proceeding shall be accorded all the rights and remedies of a full party to the proceeding whether granted party status by the NRC or EFSEC. A party to the joint hearing may appear in the adjudication on his own behalf or by an attorney conforming to the requirements and standards of conduct set forth in 10 CFR 2.713 or of the standards of conduct of the State of Washington. Failure of an individual to conform to these standards will constitute grounds for refusing to permit that individual's continued participation in the joint hearing.

D. *Commonality of Evidentiary Record.* One evidentiary record will be developed in the joint hearing. An official reporter will be designated by the NRC with the concurrence of EFSEC and the transcript prepared by the reporter shall be the sole official transcript of the hearing. A copy of the official transcript will be furnished to NRC and to EFSEC.

E. *Cooperation Among Agency Staffs.* The staffs of the NRC, EFSEC, and affected State Agencies, shall cooperate to avoid unnecessary duplication in discharging their respective responsibilities in the joint hearing. The staffs shall consult each other in conducting their analyses and in

preparing for, and participating in, the joint hearing. To the maximum extent possible, the staffs should avoid presenting repetitive evidence and may, if they wish, present only one set of testimony or one set of witnesses on any given issue.

F. *Written Testimony.* Unless otherwise allowed by the concurrence of the hearing bodies upon a showing of good cause, direct and rebuttal testimony shall be submitted in written form and shall contain a statement of the witness' professional qualifications. Each party shall serve copies of its proposed written testimony on the hearing bodies and on the parties to the proceeding in accordance with the schedule established by the hearing bodies. Service and form of written testimony shall conform to the NRC Rules of Practice unless other procedures are agreed to.

G. *Conduct of Evidentiary Hearing.* The evidentiary hearing shall begin on a schedule jointly agreed upon by the hearing bodies. Except upon concurrence of the hearing bodies for good cause shown, no evidentiary hearing on a subject shall be held less than 15 days after testimony on that subject is served. The evidentiary hearing shall proceed on a contention/issue basis and parties shall present testimony and conduct cross-examination on issues in the following order: Applicants, Intervenors, State Agencies, and NRC Staff. If consistent with the orderly and expeditious conduct of the joint hearing, this order may be changed by concurrence of the hearing bodies to accommodate the convenience of the parties.

H. *Motions.* Presentation, disposition, form, content, and answers to a motion by a party to the joint hearing shall be governed by the NRC Rules of Practice set forth in 10 CFR 2.730. Written motions shall be resolved jointly by the hearing bodies in accordance with the procedures set forth in Section IX I, *infra*, and be disposed of by order and on notice to all parties.

I *Rulings.* The hearing bodies shall jointly consider and make necessary rulings on motions, procedural questions, objections, and other matters before them. If dispute arises between the ASLB [1] and EFSEC in the consideration of the ruling, the dispute shall be resolved in favor of the ASLB opinion except in those situations where either the ASLB or the EFSEC opinion rules that an evidentiary offering is objectionable. In such situations, the objectionable offering shall be received into evidence in the joint hearing but the evidence so offered shall not be part of the evidentiary record of the agency body ruling that it is objectionable.

X. Procedure After Conclusion of Joint Hearing

After conclusion of the joint hearing, each hearing body shall set a schedule for the submission of briefs, findings, conclusions and recommendations as may be required under its own rules of practice. Each agency shall separately issue decisions, certificates, licenses, or permits as may be called for under its governing laws, rules and regulations.

XI. Rules Governing Protocol

Unless otherwise specified in this Protocol for the Conduct of Joint Hearings or agreed to by the hearing bodies, the NRC Rules of Practice shall govern the conduct of these joint proceedings. Any parties' procedural rights, however, shall not be deemed waived by the provisions of this protocol.

XII. Revision, Suspension and Termination

The ASLB and the Chairman of EFSEC are jointly responsible for the interpretation of any provision of this protocol. The ASLB and EFSEC may revise this protocol at any time. The Nuclear Regulatory Commission or EFSEC may suspend operation of or terminate this protocol at any time. In that event, the other agency and the parties shall be provided 10 days' notice before such termination or suspension.

Dated: July 28, 1981.

For the U.S. Nuclear Regulatory Commission.

B. Paul Cotter, Jr.,

Chief Administrative Judge, ASLBP.

Dated: July 31, 1981.

For the Washington Energy Facility Site Evaluation Council.

Nickolas D. Lewis,

Chairman.

[FR Doc. 81-23916 Filed 8-14-81; 8:45 am]
BILLING CODE 7590-01-M

[1] The ASLB shall advance its majority opinion in the joint consideration of the ruling.

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

August 12, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Managment and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departements and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504 (h) of P.L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**,

but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of you intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Extensions (no change)

• International Trade Administration
Franchising in the Economy
BIE–2
Annually
Businesses or other institutions
Franchisors
SIC: Multiple
Small Businesses or organizations
Other Advancement and regulation of commerce: 1,125 responses; 563 hours; $20,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Information is useful to business, individuals, researchers and interested offices of Federal and State governments for calculating market shares, corporate and program planning, diversification planning and analysis.

• International Trade Administration
Franchise Opportunities Handbook Participation Agreement
BIE–7
Annually
Businesses or other institutions
Franchisors
SIC: multiple
Small Businesses or organizations
Other advancement and regulation of commerce: 200 responses; 100 hours; $37,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Used by International Trade Administration to identify franchisors to participate trade missions, trade center presentations and catalog shows, by minority Business Development Agency and Small Business Administration to identify minority and other small business opportunities.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office for Civil Rights
Supplemental Information for Local Education Agency Grants Under the Emergency School Aid Act. Individual School Reports
532–1 532–2
Biennially
Businesses or other institutions
Local education agencies (school districts)
SIC: 941
Federal law enforcement activities: 400 responses; 46,100 hours; $7,500 Federal cost; $272,000 Public cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

These forms are used by the Office for Civil Rights Regional Personnel to make pre-grant civil rights compliance determinations on schools applying for emergency school aid act funds.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Office of Assistant Secretary for Health
National Survey of Family Growth—Cycle III: Main Field Work
PHS–T–492 PHS–T–496
Nonrecurring
Individuals or households
Women 15 to 44 years of age residing in households in U.S.
Health: 34,500 responses; 9,960 hours; $2,350,300 Federal cost; $99,600 Public cost; 8 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The national survey of family growth provides detailed information on fertility patterns and related topics to persons and organizations concerned with population changes, maternal and child health, and family planning. The information it collects is made available through written reports, special tabulations, and public use tapes.

• Human Development Services
Annual Report for the Title III Long Term Care Ombudsman Program
Annually
State or local governments
State agencies on aging
SIC: 835
Multiple functions: 52 responses; 52 hours; $2,358 Federal cost; $520 Public cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

(1) Monitor program operations, growth and output, (2) Identify significant common problems in long term care facilities, and (3) Prepare responses to Congress, OMB, GAO, and other Federal, public and private agencies and individuals.

• National Institutes of Health
Identification of Variables Associated with Maintenance of Nonsmoking in Ex-Smokers
Quarterly
Individuals or households
Graduates of four smoking cessation programs
Health: 450 responses; 750 hours; $26,043 Federal cost; $12,000 Public cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Although methods are available to encourage individuals to initially quit smoking, relapse remains a problem. Additional research is needed to identify the factors that help or hinder ex-smokers in maintaining nonsmoking, so that methods may be developed to aid in the process. This project is directed toward identifying those factors by following ex-smokers for a year following cessation.

• National Institutes of Health
NIA Community Studies of the Elderly
On occasion, annually
Individuals or households
Residents of New Haven, Conn. aged 65 or older
Health: 4,250 responses; 4,968 hours; $365,934 Federal cost; $49,680 Public cost; 2 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This project will conduct epidemiologic investigations in New

Haven, Connecticut in order to develop new knowledge concerning the medical and social factors in health and diseases of the aged. The New Haven community from which the study population is to be drawn is representative of small urban areas.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Revisions

• Community Planning and Development
Request for Release of Funds and Certification
HUD 7015.15
On occasion
State or local governments
Units of general local gov't w/cmmty. block grants
SIC: 953
Community development: 10,180 responses; 2,545 hours; $135,000 Federal cost; $30,000 Public cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

P.L. 93–383, H&CD Act of 1974, Section 104(H), as amended by P.L. 96–96 153, H&CD Act of 1979, Section 103(G) imposes new certification requirements which are reflected in the revisions to form HUD–7015.15. Community Development Block Grant and Urban Development Action Grant grantees must assume the responsibilities, in addition to the National Environmental Policy Act of 1969, other provisions of law specified by the Secretary of HUD.

DEPARTMENT OF LABOR

Agency Clearanace Officer—Paul E. Larson—202–523–6331

New

• Employment Standards Administration
Certificate of Medical Necessity (CMN)
CM–893
On occasion
Businesses or other institutions (Doctors and Hospitals)
Small businesses or organizations
General retirement and disability insurance: 8,000 responses; 1,917 hours; $25,500 Federal cost; 1 form; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

As required by 20 CFR 725.705, the CM–693 is sent to approved black lung medical providers for the purpose of obtaining an appropriate justification for the purchase or leasing of equipment, therapy or services relative to the treatment of pneumoconiosis.

• Employment Standards Administration
Physician Information Form
CM–1101
On occasion
Individuals or households
Recipients of black lung benefits who are living miners
General retirement and disability insurance: 18,000 responses; 1,500 hours; $12,500 Federal cost; 1 form; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Report is used to obtain information necessary to arrange for reimbursement of medical treatment expenses incurred by claimants under the FMSHA of 1977 as amended, and 20 CFR 725. The medical provider's name, address and phone number is needed to ensure that the provider has been approved as a treating physician under the act.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Saint Lawrence Seaway Development Corporation
Application for pre-clearance
S/DM429 1–78
On occasion
Businesses or other insitutions
Cargo vessels
SIC: 446
Water transportation: 1,000 responses; 1,000 hours; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Information required of vessels seeking to transit St. Lawrence Seaway includes particulars of ownership, registry, insurance, physical characteristics and surety for tolls and charges. Same form required by Canadian agency. Required only prior to first counterpart transit by a particular vessel each year.

• Saint Lawrence Seaway Development Corporation
Transit Declaration
SVN 755
On occasion
Businesses or other institutions
Cargo vessels
SIC: 446
Water transportation: 5,000 responses; 2,500 hours; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Mandatory for vessels which have transited St. Lawrence Seaway, transit declaration serves as basis of assessing charges under joint seaway tariff of tolls. Also required by Canadian Seaway (1 form only).

• Saint Lawrence Seaway Development Corporation
Seaway Explosives Permit
SLSDC LO–86
On occasion
Businesses or other institutions
Cargo vessels
SIC: 446
Water transportation: 150 responses; 150 hours; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Requirement that vessels carrying certain potentially dangerous cargoes notify U.S. and Canadian officials.

• Coast Guard
Rules of the Road Exercise for Renewal of Uninspected Vessel deck officer license
CG 4814
On occasion
Individuals or households
Applicants for renewed uninspected vessel deck officer lic.
Water transportation: 465 responses; 465 hours; $490 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

This exercise is used by the Coast Guard to assure that deck officers on uninspected vessels have retained familiarity with rules of the road during the period of their license.

• Coast Guard
Forecastle Card
CG–704
On occasion, other—see SF83
Businesses or other institutions
Companies which own and operate U.S. merchant vessels
SIC: 441, 442, 443, 444, 445
Small businesses or organizations
Water transportation: 24,000 responses; 2,400 hours; $6,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 U.S.C. 577—The information and recordkeeping requirement is necessary so that U.S. merchant seamen while employed aboard ship under terms of a contract readily have at their disposal a copy of the agreement by which they are currently bound. Posted aboard ship.

• Coast Guard
Training and qualification standards for seafarers of foreign countries that operate tank vessels in U.S. waters
Other—See SF83
State or local governments
Foreign countries whose tank vessels enter U.S. waters
SIC: 999
Water transportation: 51 responses; 306 hours; $35,394 Federal cost; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 U.S.C. 391(a)(11) statutory requirement to collect and evaluate the training and qualfications standards for seafarers of countries which operate tank vessels in U.S. waters. Material collected must be evaluated against similar U.S. standards.

• Coast Guard
U.S. Merchant mariner's document with various endorsements
CG–2838
On occasion
Individuals or households
Personnel manning or employed aboard U.S. merchant vessels
Water transportation: 40,000 responses; 10,000 hours; $682,284 Federal cost; 1 form, not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 U.S.C. 643(a) and 672. To serve aboard U.S. merchant vessels in all non-qualified and qualified ratings in either the deck, engine, staff or stewards department as well as in a training status, the individual must be in possession of a U.S. merchant mariner's document with the appropriate endorsement.

• Coast Guard
Certificate of registration
CG–4510
On occasion
Individuals or households
U.S. registered great lakes pilots
Water transportation: 75 responses; 1 hour; $500 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 U.S.C. 21b. (b). U.S. registered pilots on the great lakes are required to be in possession of evidence of such registration at all times while in the service of a vessel. Such evidence of registration must also contain the limitation of the pilot's authority.

• Coast Guard
Manning waiver request for foreign tank vessels
Nonrecurring
Businesses or other institutions
Foreign shipping companies
SIC: 441
Water transportation: 72 responses; 72 hours; $4,300 Federal cost; 1 form, not applicable under 3504(h)
Wayne Leiss, 202–395–7340

(1) Pub. L. 95–474 (PTSA 1978): 46 U.S.C. 391 (a); (2) 46 CFR 30.01–5: 46 CFR 35.05. The "specific reduction" provision provides foreign shipping companies a method to request waivers from the prescribed manning levels. This provision may benefit certain foreign shipping companies and is strictly optional.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Bureau of Government Financial Operations
Financial organization information sheet
TFS 5942
On occasion
Businesses or other institutions
Financial organizations
SIC: 602, 603, 612, 614
Small businesses or organizations
Central fiscal operations: 800 responses; 200 hours; $45,000 Federal cost; $12,000 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To enroll financial organizations (and update enrollments) in Federal composite salary check (bank on US) program. Data is published and distributed to Federal payroll/disbursing offices to guide their mailings.

• Internal Revenue Service
Bond purchase plan for corporate employers under sec. 405(a) of the IRC
6022
Nonrecurring
Farms/businesses or other institutions
Corporations—mainly farmers and retail stores
SIC: 011, 013, 016, 021, 025, 541, 542, 544, 546, 549
Small businesses or organizations
Central fiscal operations: 500 responses; 245 hours; $9,489 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 6022 is used by corporate employers to provide their employees with a pension plan or profit-sharing plan funded by U.S. retirement plan bonds. The data is used to establish the basis for the pension plan deduction upon audit of the employer's tax return.

• Internal Revenue Service
Employer requested to clarify discrepancy between employees records and form W–2
124C
On occasion
Individuals or households/state or local governments/farms/businesses or other institutions
Employers/payers of wages of various business and org.
SIC: All
Small businesses or organizations
Central fiscal operations: 1,391 responses; 695 hours; $1,260 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6051 and 6053 requires an employer/payer to furnish a Form W–2/W–2P to an employee/payee with information regarding wages/payments and tax withholding for filing of an income tax return. If this information is not correct, letter 124c is sent to employer/payer advising them to provide the recipient a correct statement.

• Internal Revenue Service
Congressional consent form
RCMW 1–709
On occasion
Individuals or households/businesses or other institutions
Taxppayers who seek help from their congressonal reps.
SIC: All
Small businesses or organizations
Central fiscal operations: 1,000 responses; 166 hours; $298 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC 6103(c) and regulations thereunder require that tax information can only be given to a designee of taxpayer if a proper consent is granted. This form is used to assist members of congress in assuring that they have proper consent before they seek assistance from the IRS on behalf of their constituents. Data is used to identify the tax information authorized to be disclosed

Extensions (Burden Change)

• Internal Revenue Service
U.S. income tax return for homeowners associations
1120H
Annually
Businesses or other institutions
Homeowners associations
SIC: 153
Small businesses or organizations
Central fiscal operations: 22,000 responses; 126,412 hours; $95,453 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1120–H is used by homeowners associations to report their income subject to tax and compute there correct income tax liability. This information is used by IRS to determine the taxpayer's correct tax liability and for general statistics use.

• Bureau of Alcohol, Tobacco and Firearms
Pilot brewing operations—record of receipt and production and dispositions of all beer received or produced
ATF REC 5130/14
On occasion
Businesses or other institutions

Pilot brewing operations (brewery)
Small businesses or organizations
Federal law enforcement activities: 1,040 responses; 520 hours; $15 Federal cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Maintains an accounting of beer on hand, establishes tax liability, and amount of tax incurred.

• Bureau of Alcohol, Tabacco and Firearms
Brewers—voluntary destructions, losses
ATF REC 5130/15
On occasion
Businesses or other institutions
Brewery
Small businesses or organizations
Federal law enforcement activities: 1,000 responses; 334 hours; $10 Federal cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used to verify tax liability reduced from total liability of beer produced, also is an account in the book inventory.

• Bureau of Alcohol, Tabacco and Firearms
Fruit-flavor concentrate bond
ATF F 3872 (5120.30)
On occasion
Businesses or other institutions
Manufacturers of concentrate
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 71 responses; 36 hours; $35 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form secures payment of tax on any stolen or unaccountable fruit-flavor concentrate containing spirits that is in transit to or on the premises of a bonded wine cellar. Describes bonded wine cellar, surety company, and conditions which the bonded wine cellar and surety company are to adhere to and pay the U.S.

• Bureau of Alcohol, Tobacco and Firearms
Wholesale liquor dealer's semi-annual report
ATF F 338 (5110.48)
Semiannually
Businesses or other institutions
Wholesale distributors of beer, wine and distilled spirits
SIC: 518
Small businesses or organizations
Federal law enforcement activities: 14,734 responses; 7,367 hours; $500 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This report is an accounting of all distilled spirits received and disposed of during the 6-month period. This report is filed only when required by the regional regulatory administrator.

• Internal Revenue Service
Information return of energy grants or financing
6497
Annually
State or local governments
Banks or other disbursers of these funds
SIC: 601, 602, 611, 612, 613, 614
Central fiscal operations: 2,500,000 responses; 714,000 hours; $50,999 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The form is filed by any governmental agency (Federal, State, or local) that makes grants or subsidizes financing for energy conservation projects. The information is required to be reported under IRC section 6050D. The information is used to be sure that enery credits are not taken for government financed projects.

• United States Customs Service
U.S. Customs declaration
CF 6059–B CF 6059–C
On occasion
Individuals or households
Travellers from foreign countries
Federal law enforcement activities: 18,000,000 responses; 1,800,000 hours; $1,741,162 Federal cost; 2 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Document allows for clearance of persons and their goods upon arrival as to passengers aboard ships of aircraft in the United States.

• Internal Revenue Service
Computation of foreign tax credit-individual, fiduciary, or nonresident alien individual
1116
Annually
Individuals or households
Taxpayers having paid foreign income taxes
Central fiscal operations: 315,000 responses; 129,000 hours; $303,128 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

These forms are used by a taxpayer to compute the foreign tax credit. This information is used by the service to verify the foreign tax credit.

• Internal Revenue Service
Consumer cooperative exemption application
3491
On occasion
Businesses or other institutions
Consumer cooperatives
SIC: 999
Small businesses or organizations
Central fiscal operations: 200 responses; 148 hours; $5,024 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Section 6044(c) of the code exempts certain consumer cooperatives from reporting patronage dividends paid on form 1099–PATR if they file form 3491 with IRS. The information on form 3491 is used by IRS to determine if the consumer cooperative should be exempt from filing form 1099-PATR.

• Bureau of Alcohol, Tabacco and Firearms
Explosives transaction record (nonlicensee or nonpermittee)
ATF F 4710 (5700.4)
On occasion
Individuals or households/businesses or other institutions
Distributors of explosives and nonlicensed purch. of expls.
SIC: 289
Small businesses or organizations
Federal law enforcement activities: 20,000 responses; 5,000 hours; $2,900 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form used to determine if the nonlicensed person is eligible to receive explosives and the identity of explosives transferred to that person. It identifies the nonlicensed person, the explosives, the intended use for the explosives, question whether the nonlicensed person is eligible to receive explosives, and the federal licensed explosives dealer. Is used for tracing purposes for law enforcement agencies.

• Bureau of Alcohol, Tabacco and Firearms
Report of theft or loss of explosive materials
ATF F 4712 (5400.5)
On occasion
Individuals or households/businesses or other institutions explosives licensees or permittees experiencing loss/theft
SIC: 289
Small businesses or organizations
Federal law enforcement activities: 250 responses; 500 hours; $550 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form is used by any person who has knowledge of an explosives theft to report details about the theft. Identifies the person making the report, the type and quantity of explosives stolen, place from where theft occurred, and other details. The form is used by ATF and other law enforcement agencies to investigate the theft and possible illegal use of explosives.

• Internal Revenue Service
Election to postpone determination

5213
Nonrecurring
Individuals or households/farms/ businesses or other institutions individuals/businesses wanting to postpone profit determn.
Small businesses or organizations
Central fiscal operations: 11,297 responses; 8,216 hours; $7,552 Federal costs; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

IRC Section 183 allows taxpayers to postpone a determination as to whether an activity is entered into for profit, or is in the nature of a non-deductible hobby. The election on form 5213 allows taxpayers 5 years (7 years for breeding, training, showing, or racing horses) to show a profit from an activity. The data is used to verify eligibility to make the election.

• Internal Revenue Service
Application for automatic extension of time to file U.S. individual income tax return
4868
On occasion
Individuals or households
Taxpayers who need additional time in which to file 1040
Central fiscal operations: 2,478,000 responses; 2,552,000 hours; $1,708,005 Federal costs; 1 form, not applicable under 3504 (h)
Kevin Broderick, 202-395-6880

Used to apply for an automatic 2-month extension of time to file form 1040. This form contains data needed by the service to determine if a taxpayer qualifies for an automatic 2-month extension of time to file form 1040.

• Comptroller of the Currency
Secretary's certificate-shareholders resolution-conversion
CC 7022-14
On occasion
Businesses or other institutions
National bank
Small businessess or organizations
Other advancement and regulation of commerce: 10 responses; 5 hours; $50 Federal costs; $59 public cost; 1 form, not applicable under 3504 (h)
Kevin Broderick, 202-395-6880

Documents shareholders approval of a conversion to a national bank.

• Internal Revenue Service
U.S. information return, trust accumulation of charitable amounts
1041-A
Annually
Businesses or other institutions/ individuals or households
Fiduciaries for trusts claiming charitable deductions
Small businesses or organizations
Central fiscal operations: 12,324 responses; 41,080 hours; $11,622 Federal costs; 1 form, not applicable under 3504 (h)
Kevin Broderick, 202-395-6880

Form 1041-A is used to report the information required in 26 U.S.C. 6034 concerning accumulation and distribution of charitable amounts. The data is used to verify that these amounts were for charitable purposes.

• Comptroller of the Currency
Sample waiver of notice of first meeting of directors
CC 7020-35
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 120 responses; 30 hours; $55,800 Federal cost; $621 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Needed to document adherence to procedures for establishing a national bank.

• Internal Revenue Service
Amended U.S. corporation income tax return
1120X
On occasion
Farms/businesses or other institutions
U.S. corps that need to correct their form 1120 after filing
Small businesses or organizations
Central fiscal operations: 57,000 responses; 88,236 hours; $376,944 Federal costs; 1 form, not applicable under 3504 (h)
Kevin Broderick, 202-395-6880

Domestic corporations use form 1120X to correct a previously filed form 1120. The data is used to determine if the correct tax liability has been reported.

• Comptroller of the Currency
Application for approval to (merge, consolidate, purchase)
CC 7023-02
On occasion
Businesses or other institutions
Application needed to evaluate subject application
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 80 responses; 4,800 hours; $168,000 Federal cost; 1 form, $99,346 public cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains data needed to evaluate subject application.

• Comptroller of the Currency
Application for approval to (merger, consolidate, purchase) corporate reorganization
CC 7023-04
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 70 responses; 2,100 hours; $318,500 Federal cost; 1 form, $37,255 public cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains data needed to evaluate subject application.

• Comptroller of the Currency
Agreement to merge
CC 7023-05
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 100 responses; 2,000 hours; $90,000 Federal cost; 1 form, $35,481 public cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains merger agreement and terms.

• Comptroller of the Currency
Application for a change in equity capital
CC 7028-01
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 600 responses; 1,800 hours; $21,276 Federal cost; 1 form, $63,600 public cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains data needed to evaluate subject application.

• Internal Revenue Service
Life insurance statement
712
On occasion
Individuals or households/businesses or other institutions insurance companies, individuals, executors
SIC: 601, 602, 603, 604, 605, 811
Central fiscal operations: 330,000 responses; 686,400 hours; $11,782 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 712 is used to establish the value of life insurance policies for estate and gift tax purposes. The tax is based on

the value of these policies. The form is also used to determine if the proceeds of insurance on the decedent's life are subject to estate taxes.

• Internal Revenue Service
Exclusion of income from sources in United States possessions
4563
Annually
Individuals or households
U.S. citizens entitled to exclude U.S. possession income
Central fiscal operations: 372,000 responses; 275,000 hours; $16,178 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Used by a citizen of the United States whose income is from sources within a possession of the United States to the extent specified in IRC Section 931 to claim the benefit of that section. This information is used by the service to determine if an individual is eligible to exclude possession source income.

• Internal Revenue Service
U.S. small business corporation income tax return capital gains and losses, and shareholder's share of undistributed taxable income, etc.—1981
1120S SCH D 1120S
Annually
Farms/businesses or other institutions
Corps. having elected to be a subchapter S corporation
Small businesses or organizations
Central fiscal operations: 1,780,200 responses; 5,725,298 hours; $2,229,927 Federal cost; 3 forms, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 1120S, schedule D (Form 1120S), and schedule K-1 (Form 1120S) are used by a subchapter S corporation to figure its taxable income, undistributed taxable income, and other tax-related information. Copy B of schedule K-1 (Form 1120S) is given to shareholders of the corporation to assist them in preparing their separate income tax returns. IRS uses the information to determine the correct tax.

Extensions (No Change)

• United States Customs Service
Drawback notice
CF 7514
On occasion
Businesses or other institutions
Exporters, carriers
Small businesses or organizations
Federal law enforcement activities: 70,000 responses; 10,500 hours; $81,022 Federal cost; $44,100 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

A document which establishes that conditions have been met for eligibility for drawback. It is a recordkeeping requirement pursuant to 19 CFR 22.46—retention period 3 years payment of such claims.

• Bureau of Alcohol, Tobacco and Firearms
Brewer—Records of beer and concentrate transferred between premises of same ownership
AFT REC 5130/12
On occasion
Businesses or other institutions
Brewery
Small businesses or organizations
Federal law enforcement activities: 1,070 responses; 268 hours; $10 Federal cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

To maintain correct gallonage and revenue is collected at correct premises and entered and reduced in inventories at respective plants.

• Bureau of Alcohol, Tobacco and Firearms
Brewers—Inventories
ATF REC 5130/16
On occasion
Businesses or other institutions
Brewery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,284 responses; 10,272 hours; $10 Federal cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Protection—Used to balance book and actual inventories, establishes tax liability.

• Bureau of Alcohol, Tobacco and Firearms
Pilot brewing operations—Records of receipt and removals of brewing materials
ATF REC 5130/13
On occasion
Businesses or other institutions
Pilot brewing operations
Small businesses or organizations
Federal law enforcement activities: 1,040 responses; 260 hours; $15 Federal cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Establish a possible gallonage of beer that can be produced; removals will record less material used, therefore, less gallonage of beer; maintains a cross-reference account.

• Bureau of Alcohol, Tobacco and Firearms
Concentrate manufacturer's bond
ATF F 1694
On occasion
Businesses or other institutions
Manufacturers of concentrates
SIC: 209
Small businesses or organizations
Federal law enforcement activities: 19 responses; 19 hours; $18 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Manufacturers of fruit flavor concentrates handle a product which has an alcoholic content. Accordingly, Federal excise taxes attach to the product. If not used in accordance with law, the taxes are protected by this bond which the manufacturers file with our bureau.

• Bureau of Alcohol, Tobacco and Firearms
Brewer—Record beer returned or procured from another brewery
ATF REC 5130/4
On occasion
Businesses or other institutions
Brewery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,284 responses; 107 hours; $15 Federal cost; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Accounting tool, audit protection of the revenue. Records amount returned and designates such shipments to avoid payment of tax twice on beer on which tax previously collected.

• Bureau of Alcohol, Tobacco and Firearms
Bond covering removal to and use of wine at vinegar plant
ATF F 1676
On occasion
Businesses or other institutions
Vinegar plants
SIC: 209
Small businesses or organizations
Federal law enforcement activities: 100 responses; 100 hours; $65 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Bond form used to cover the tax liability attached to wine which has been removed from the bonded premises of a winery for use at a vinegar plant. In that the untaxpaid wine is diverted or otherwise misused, the Federal excise tax is protected.

• Bureau of Alcohol, Tobacco and Firearms
Brewer removal of yeast and malt; wort, wort, wortsirup, and malt extract
ATF REC 5130/5
On occasion
Businesses or other institutions
Brewery
Sic: 208
Small businesses or organizations

Federal law enforcement activities: 16,692 responses; 2,782 hours; $40 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Accounting tool, audit trail protection of the revenue. Provides a record of amounts removed of basis brewing materials from the production process and reduces the amount of tax liability.

• Bureau of Alcohol, Tobacco and Firearms
Explosives delivery record
AFT F 4721 (5400.8)
On occasion
Individuals of households/businesses or other institutions
Prepared by licensed dealers in explosive and rep. permittees
Sic: 289
Small businesses or organizations
Federal law enforcement activities: 25,000 responses; 2,500 hours; $2,450 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form used to identify an individual who receives explosives at a Federal explosives dealer's premises. Describes the identity of the individual, Federal explosives dealer and the related transaction form describing the explosives materials. Form may be used for tracing identifying explosives materials for law enforcement purposes.

• Internal Revenue Service
Employer's annual railroad retirement tax return
CT–1
Annually
Businesses or other institutions
All railroad employers
Sic: 401
Central fiscal operations: 3,000 responses; 4,000 hours; $15,699 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Railroad employers are required to file an annual return to report employer and employee railroad retirement tax act (RRTA) taxes. Form CT–1 is used for this purpose. IRS uses the information to insure that the employer has paid the correct tax.

• Comptroller of the Currency
Application to acquire an operating subsidiary
CC 7025–02
On occasion
Businesses or other institutions
National banks
Sic: 602
Small businesses or organizations
Other advancement and regulation of commerce: 15 responses; 45 hours; $2,225 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to evaluate subject application.

• Bureau of Alcohol, Tobacco and Firearms
Firearms transaction record PT. 2 contiguous state or non-over the counter
AFT F 4473 Part II
On occasion
Individuals or households
Persons selling, receiving firearms and law enforcement officers
Federal law enforcement activities: 25,000 responses; 25,000 hours; $7,080 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form is used to determine the disposition and the legality of a transfer of firearm from a Federal firearms licensee to nonlicensed person. Describes details to identify the nonlicensed person, Federal firearms licensee, and firearm, provides questions to the nonlicensed person to determine eligibility to receive firearm and determine if ineligible to receive firearm. To trace firearms.

• Bureau of Alcohol, Tobacco and Firearms
Firearms transaction record PT. I intra State over over the counter
AFT F 4473 (5300.9)
On occasion
Individuals or households/businesses or other institutions
Persons purchasing firearms from licensed dealers
Sic: 594
Federal law enforcement activities; 5,000,000 responses; 1,250,000 hours; $77,068 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form is used to determine the disposition and legality of a transfer of a firearm from a Fed. firearms licensee to a non-licensed person. Form describes details to identify the non-licensed person, Fed. firearms licensee and firearm provides questions to non-licensed person to determine eligibility to receive firearm. Used to trace firearms.

• Bureau of Alcohol, Tobacco and Firearms
Wholesale liquor dealers report of receipts wholesale liquor dealers report of disposal
ATF 52A/52B (5170.9)
On occasion
Businesses or other institutions
Wholesale distributors of beer, wine and distilled spirits
SIC: 518
Small Businesses or organizations
Federal law enforcement activities: 11,050 responses; 7,367 hours; $500 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The law requires that every wholesale dealer in liquors submit report of distilled spirits received and disposed of by him as the regulations require. The reports are submitted on these forms.

• Comptroller of the Currency
Joint oath of interim directors
CC 7020–25
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 120 responses; 120 hours; $55,800 Federal cost; $2,484 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Provides language for oath of directors.

• Comptroller of the Currency
Sample minutes of first meeting of interim board of directors
CC 7020–24
On occasion
Businesses or other institutions
National banks
SIC: 602
Small Businesses or organizations
Other advancement and regulation or commerce: 120 responses; 120 hours; $55,800 Federal cost; $2,484 public cost; 1 form, not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Provides guidance for preparation of subject minutes which are normal documentation of meeting.

• Comptroller of the Currency
Sample minutes of first meeting of shareholders
CC 7020–34
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce; 120 responses; 120 hours; $55,800 Federal cost; $2,484 Public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Provides guidance for preparation of subject minutes which are normal documentation of such a meeting.

• Comptroller of the Currency
List of interim directors

CC 7020-27
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 120 responses; 120 hours; $55,800 Federal cost; $2,484 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Provides record of names of banks board of directors.

• Comptroller of the Currency
Sample minutes of first meeting of organizers
CC 7020-22
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 120 responses; 120 hours; $55,800 Federal cost; $2,484 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Provided as guidance for preparation of subject minutes which are normal documentation of meeting.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202-632-7513

Revisions

• Station licensee and application for permit to operate in the United States
FCC 410
On occasion
Businesses or other institutions
Licensees of Canadian mobile stations
SIC: 489
Small Businesses or organizations
Other advancement and regulation of commerce: 200 responses; 17 hours; $6,000 Federal cost; 1 form, not applicable under 3504(h)
William T. Adams, 202-395-4814

Used by Canadian licensees to request permission to operate mobile units in the United States. Data is needed to establish eligibility for permit, and is used for legal and enforcement actions.

Extensions (no change)

• Application for permit to operate a Canadian general radio service station in the United States and permit to operate
FCC 410-B
On occasion
Businesses or other institutions
Canadian licensees for a general radio service station
SIC: 481
Other advancement and regulation of commerce: 5,000 responses; 1,250 hours; $8,500 Federal cost; 1 form, not applicable under 3504(h)
William T. Adams, 202-395-4814

Filing is required by licensees in the Canadian general radio service when applying for permission to operate their stations in the United States. FCC uses data to determine eligibility for the permit and also for legal and enforcement actions.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4692

Revisions

• Request for termination of supplementary medical insurance
G-718
On occasion
Individuals or households
Part B medicare enrollees
General retirement and disability insurance; 550 responses; 92 hours; $37,600 Federal cost; 1 form, not applicable under 3504(h)
Barbara F. Young, 202-395-6880

The board administers the medicare program for persons covered by the Railroad Retirement System. The request will obtain the information needed by the board to terminate an individual's supplementary medical insurance under the program.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

• Form N-30A-3 (Family of 1940 Act annual reports)
1825
Annually
Businesses or other institutions
Unincorp. Mgrmt invest. co. curr. iss. peri. pymt plan cert.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 2 responses; 40 hours; $17 Federal cost; $2,000 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202-395-4814

The annual reports to the Commission are necessary so that the Commission, public investors, and current shareholders can monitor the activities of registered investment companies.

• Form S-14, Securities Act registration form for ities in certain transactions under Rules 133 and 145
Sec 1764
On occasion
Businesses or other institutions
ISS: who seek to reg. sec. to be offered in cert. bus., etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 299 responses; 941,850 hours; $433,881 Federal cost $59,800,000 public cost; 1 form not applicable under 3504(h)
Robert Veeder, 202-395-4814

To help ensure that investors have the necessary information to make informed security purchases, the securities Act of 1933 requires the filing of a registration statement making publicly available information regarding such securities. Form S-14 is available for the registration of securities to be offered in certain transactions under Securities Act Rules 133 and 145.

• Form S-15, Securities Act registration form for registration of securities to be offered in certain business combination transactions
Sec 1829
On occasion
Businesses or other institutions
Qual. iss. who wish to use a short-form regis. stmt, etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 41 responses; 14,760 hours; $45,208 Federal cost; $820,000 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202-395-4814

To help ensure that investors have the necessary information to make informed security purchases, the Securities Act of 1933 requires the filing of a registration statement making publicly available information regarding such securities. Form S-15 is available for the registration of securities to be offered in certain business combination transactions.

• Securities Act of 1933 registration statement Form S-7 (existing)
1380
On occasion
Businesses or other institutions
Qual: iss. who wish to use a short-form reg. stmt., etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 344 responses; 626,080 hours; $632,866 Federal cost; $30,960 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202-395-4814

To help insure that investors have the necessary information to make security purchases the Securities Act of 1933

requires the filing of a registration statement on such securities which makes publicly available the information necessary for informed investing.

- Form S–7 is one of the three basic forms prescribed for such a purpose.

- Form 8–A, registration statement for certain classes of securities pursuant to Section 12 (b) or (g) of the Securities Exchange Act of 1934

Sec 1922
On occasion
Businesses or other intitutions
Iss. with sec. listed on a nat'l sec. exchange and iss., etc.
SIC: Multiple
Small businesses or oganizations
Other advancement and regulation of commerce: 688 responses; 5,504 hours; $14,002 Federal cost; $357,760 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 8–A elicits material information concerning securities to be registered on national securities exchanges or other publicly-traded securities in order that investors may make informed and knowledgeable investment decisions concerning such securities. The Commission is proposing to amend the form to simplify the disclosure requirements of the form through consolidation of certain items and incorporation of certain uniform disclosure items.

- Regulation 14C, distribution of information pursuant to 14(c) of the Securities Exchange Act of 1934

Sec 733 and 1915
On occasion
Businesses or other institutions
Proxies w/resp. to an annual mtg., etc.
SIC: Multiple
Small businesses or oganizations
Other advancement and regulation of commerce: 50 responses; 4,000 hours; $13,897 Federal cost; $165,000 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Regulation 14c specifies the information to be disclosed in information statements with respect to certain publicly-traded securities and in annual reports to shareholders accompanying or preceding such statements in order that shareholders may make informed voting decisions. The Commission is proposing technical amendments in rule 14c–3 under Regulation 14c in coordination with other proposals in the integrated disclosure program.

- Form 12B–25 (17 CFR 249.322) application for extension of time

Sec 1344
On occasion
Businesses or other institutions
Iss. of sec. subj. to the reptg. require. of sec. 13 or 15(d)
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 344 responses; 8,350 hours; $6,769 Federal cost; $45,090 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 12B–25 provides notice to the Commission and to the market place that a public company will be unable to file timely a required periodic report. If certain conditions are met, the public company will be granted an automatic extension of time for filing.

- Regulation 14A, solicitation of proxies pursuant to Section 14(a) of the Securities Exchange Act of 1934

Sec 733, 1913, and 1914
On occasion
Businesses or other institutions
Per. or ent. that sol. proxies w/resp. to an annl. mtg., etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 6,608 responses; 1,001,365 hours; $1,231,069 Federal cost; $31,132,800 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. The Commission is proposing to amend schedule 14A to require management's discussion and analysis of financial condition and results of operations in proxy statements with other proposals in the integrated disclosure system.

- Form 8–K, current report form pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Sec. 873
On occasion
Businesses or other institutions
Iss. w/sec. reg. und. sec. 12 (b) or (g) of the sec., etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 6,381 responses; 44,737 hours; $158,307 Federal cost; $2,775,735 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 8–K elicits material information from issuers of publicly traded securities promptly after the occurrence of certain specified or other important corporate events in order that investors and the marketplace may have the benefit of current information when making investment decisions. The Commission is proposing technical amendments to coordinate the form with other forms in the integrated disclosure system.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81–23948 Filed 8–14–81; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11903; 812–4875]

Fourth Street Tax Free Income Trust; Filing of Application

August 11, 1981.

Notice is hereby given that Fourth Street Tax Free Income Trust ("Applicant") 522 Dixie Terminal Building, Cincinnati, OH 45202, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 11, 1981, and an amendment thereto on July 28, 1981, requesting an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value the assets of its money market portfolio pursuant to the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant is a business trust organized under the laws of Massachusetts. Organized as a "series" company, Applicant will offer to investors two separate and distinct portfolios of municipal obligations differentiated by the length of maturity of their permitted portfolio investments. Applicant's investment objective is to obtain the highest level of interest income exempt from federal income taxes as is consistent with the protection of capital and within the standards prescribed for each of its portfolios. All of the Applicant's assets will be invested in obligations issued by or on behalf of states, territories and possessions of the United States and the District of Columbia, and their political subdivisions, duly constituted

authorities and corporations ("municipal obligations").

The money market portfolio will invest in municipal obligations which are rated at the time of purchase by Moody's Investors Service, Inc. ("Moody's"), within its two highest ratings of AAA and AA, or within Moody's short term municipal obligations top ratings of MIG 1 and MIG 2, or which are rated at the time of purchase by Standard & Poor's Corporation ("S & P") within its highest ratings of AAA and AA. In addition, the Applicant may invest in short term discount notes rated Prime-1 by Moody's or A-1 by S & P. Applicant may also invest in minicipal obligations which are not rated if, in the opinion of its board of trustees, such obligations possess creditworthiness comparable to those rated obligations in which the applicable portfolio of the Applicant may invest. Applicant states that it may purchase municipal obligations on a "when issued" basis and will comply with the requirements of Investment Company Act Release No. 10666 with respect to those transactions. According to the application, Applicant may also at times invest in taxable short term investments consisting of obligations of the United States government, its agencies or instrumentalities, and repurchase agreements relating thereto.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors of the registered investment company. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, repurchase and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant believes that in order to attract sophisticated professional and institutional investors, as well as other investors in similar circumstances and to retain them as shareholders, Applicant must have a stable net asset value and a constant and steady flow of investment income. Applicant further believes that valuing the portfolio securities in its money market portfolio on an amortized cost basis will benefit its shareholders by enabling Applicant to maintain a constant $10 per share purchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through accrual of daily dividends which reflect Applicant's net income as earned.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or the rules or regulations 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.

Applicant represents that its board of trustees has determined in good faith that, in light of the characteristics of the Applicant, the amortized cost method of valuing portfolio securities is appropriate and preferable for its money market portfolio and reflects the fair value of its securities, absent unusual or extraordinary circumstances.

Applicant states that it believes the requested relief is 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. Accordingly, Applicant requests that the Commission issue an order pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share for the purposes of effecting sales and redemptions of its shares, using the amortized cost method. Applicant agrees that the following conditions may be imposed in any order granting the exemptions requested:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to the investment adviser of Applicant, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, computed for the purpose of distribution and redemption, at $10.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $10.00 amortized cost price per share, and the maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from Applicant's $10.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated.

(c) If the board of trustees believes the extent of any deviation from Applicant's $10.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: selling

portfolio instruments prior to maturity to realize captial gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; redemption of shares in kind; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. If the disposition of a portfolio instrument should result in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such average maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service, or in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than September 8, 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 reason 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 Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application 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. 81-23933 Filed 8-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11901; 812-4916]

Life Insurance Investors, Inc., et al.; Filing of Application

August 11, 1981.

In the Matter of Life Insurance Investors, Inc., Systematic Investment Plan to Accumulate Shares of Life Insurance Investors, Inc., Security Equity Fund, Inc., Security Management Company, Inc. and Security Distributors, Inc., 700 Harrison Street, Topeka, Kansas 66636.

Notice is hereby given that Life Insurance Investors, Inc. ("LII"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, Systematic Investment Plan to Accumulate Shares of Life Insurance Investors, Inc. ("SIP"), registered under the Act as a unit investment trust, Security Equity Fund, Inc. ("Equity"), registered under the Act as an open-end, diversified, management investment company, Security Management Company, Inc. ("Management"), investment adviser to LII and Equity, and Security Distributors, Inc. ("Distributors"), a wholly-owned subsidiary of Management which serves as principal underwriter for Equity and LII and as sponsor and depositor of SIP (hereinafter LII, SIP, Equity, Management and Distributors are collectively referred to as "Applicants") filed an application on July 14, 1981, for an order of the Commission pursuant to Sections 11(a) and 26(b) of the Act, permitting SIP to surrender shares of LII (the sole underlying investment medium for investment plans offered by SIP) and to receive shares of Equity therefor in connection with Equity's acquisition of substantially all of LII's assets, and thereafter to acquire Equity shares with planholders' subsequent investments. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the principal investment objective of LII is to seek long-term capital appreciation in securities of companies engaged primarily in the life insurance business. While investment plans were offered to the public in the past, no such plans are currently being offered by Distributors. SIP, however, holds and acquires shares of LII for the benefit of the holders of SIP investment plans and accepts payments on existing plans in accordance with the terms of such plans. As of June 30, 1981, there were outstanding approximately 915 Single Payment Plans and Systematic Payment Plans. Applicants further state that as of that date, SIP held approximately 10% of the outstanding shares of LII. Applicants also state that Equity's investment policy places primary emphasis on long-term capital growth possibilities and that it continuously offers its shares for sale to the public. The application states that Management, a wholly-owned subsidiary of Security Benefit Life Insurance Company, serves as investment adviser to LII, Equity and other open-end, management investment companies.

Applicants state that on July 10, 1981, LII and Equity entered into an Agreement and Plan of Reorganization (the "Plan"), providing, generally, for: (1) the acquisition by Equity of substantially all of the assets of LII in exchange for shares of Equity; (2) the distribution of the Equity shares to shareholders of LII in exchange for their LII shares; and (3) the dissolution of LII as soon as practicable after the closing ("Closing Date") provided for in the

Plan. Applicants further state that a majority of the board of directors of LII and a majority of the board of directors of Equity consist of persons who are not "interested persons," as defined by the Act, of any of the Applicants and that, except for the arrangements and relationships described above and the arrangements contemplated by the Plan, there are no affiliations or other relationships between any of the Applicants.

The application states that under the Plan: (1) the number of shares of Equity to be issued in exchange for the LII assets to be acquired by Equity will be equal to the number of LII shares outstanding as of the close of trading on the New York Stock Exchange on the Closing Date ("Valuation Time") multiplied by a ratio ("Exchange Ratio"), determined by dividing the net asset value per share of LII by the net asset values per share of LII and Equity; (2) the respective net asset values per share of LII and Equity shall be computed as of the Valuation Time; and (3) the procedures currently used by Equity for valuing its portfolio securities for purposes of determining its net iasset value per share will be utilized in computing LII's net asset value per share, except that two restricted securities held by Equity will be valued in the manner set forth in note 5 of the Notes to Financial Statement of Equity's Financial Statements, dated September 30, 1980.

No adjustment to the Exchange Ratio, however, is deemed necessary. Applicants state that the plan will be submitted for the approval of LII shareholders and, in this regard, state that holders of investment plans issued by SIP will receive the proxy statement of LII and each will have the right to instruct the custodian of SIP with regard to the manner in which his shares shall be voted. Applicants further state that the custodian is obligated to vote all LII shares held by SIP for which no voting instructions are received in the same proportion as the number of shares for which instructions are received are voted.

Applicants state that LII's board of directors has concluded that the sale of LII's assets in exchange for Equity shares on the basis proposed would be in the best interests of LII and its shareholders, including the holders of the investment plans issued by SIP, for the following reasons:

(1) It is believed that there is a lack of attractiveness to mutual fund investors of a "specialized" investment company such as LII and that LII will continue to experience redemptions and a decline in size, which will eventually lead to increased expense ratios for LII. The reorganization offers LII shareholders the opportunity to diversify their investment, on a tax-free basis; and

(2) Management has indicated a concern in managing a portfolio of the size of LII's consisting solely of life insurance stocks because of the limited number of available investments. The problems encountered will increase if the current merger trend of life insurance companies continues.

Applicants further state that the board of directors of Equity has determined that the acquisition of LII's assets in exchange for Equity shares on the basis proposed would be in the best interests of Equity and its shareholders because (1) it would enable Equity to acquire a substantial amount of assets without incurring the brokerage and transactional costs normally incurred in a purchase of portfolio securities, and (2) the increased size should reduce the ratio of Equity's expense ratio.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered open-end investment company or any principal underwriter for such company to make, or to 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 such 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 provides, among other things, that the provisions of Section 11(a) shall be applicable, irrespective of the basis of exchange, (1) to any offer of exchange of any security of a registered unit investment trust, and (2) to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

In pertinent part, Section 26(b) provides, that it shall be unlawful for any depositor of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved the substitution. That section states that the Commission shall issue an order approving such substitution if the evidence establishes that the substitution is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Although Applicants do not concede that the proposed exchange of the LII shares held by SIP for Equity shares constitutes an offer of exchange covered by Section 11, they state that there may be a question as to whether Section 11 is applicable. Thus, Applicants state that they have requested an order approving the exchange.

Applicants further request an order pursuant to Section 26(b) of the Act permitting SIP (1) to surrender shares of LII and to receive shares of Equity when the Plan is efffected, and (2) to acquire Equity shares with planholders' subsequent investments in SIP. Although Applicants have requested an order, they assert that the proposed sale of assets of LII for shares of Equity is not the type of substitution of securities contemplated by the Congress when it adopted Section 26(b) and also assert that, because the substitution will occur by operation of law, Section 26(b) is inapplicable.

Applicants submit that both the proposed exchange and the substitution should be approved pursuant to sections 11(a) and 26(b) of the Act because, *inter alia*, (1) the transaction is not one over which the depositor has control since the shareholders of LII, including the planholders of SIP, are the ones who will determine whether the sale of assets takes place; (2) it is the judgment of the board of directors of LII that consummation of the Plan would be in the best interest of all shareholders of LII; and (3) consummation of the Plan is contingent upon receipt of a ruling from the Internal Revenue Service that the Plan, if consummated in the manner proposed, will not result in the recognition by LII, Equity or their respective shareholders of gain or loss for Federal income tax purposes. In view of the foregoing, Applicants submit that the proposed exchange and substitution is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 5, 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 reason 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 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. 81–23934 Filed 8–14–81; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 18026; File No. 57–433]

Receipt of Amendment to CTA Plan

August 10, 1981.

On August 4, 1981, the participants in the Consolidated Tape Association ("CTA") submitted to the Commission an amendment to the Restated and Amended Plan ("CTA Plan") [1] submitted to the Securities and Exchange Commission pursuant to the predecessor to Rule 11Aa3–1 under the Securities Exchange Act of 1934, governing the consolidated transaction reporting system.[2]

I. Description of Amendment

The CTA Plan participants have proposed amending Schedules A–1 through A–4 attached to the Restated CTA Plan as Exhibit D. The amendment increases the rates charged on behalf of all the participants and sponsors of the CTA Plan for access to or use of consolidated transaction reporting facilities of the CTA. The increases in CTA fees reflect Western Union rate increases for its communication lines, and are calculated to pass-through the Western Union increases to CTA subscribers.

The amendment raises CTA Network A monthly rates for all subscribers by 12.7% and raises Network B monthly rates for all subscribers by 18.2%. In addition, a one-time charge is imposed in August, 1981 to recover the amount of the Western Union rate increases in months prior to the amendment on a retroactive basis. This one-time charge is 21.9% of the new monthly charge for Network A, and 28.4% of the new monthly charge for Network B.

II. Request for Comment

Pursuant to Rule 11Aa3–2(c)(3) under the Act, the amendment became effective upon filing with the Commission. However, the Commission may summarily abrogate the amendment within 60 days of filing and require filing and Commission approval by order pursuant to Rule 11Aa3–2(c)(2), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect mechanism of, a national market system, or otherwise in furtherance of the purposes of the Act. Accordingly, in order to assist the Commission in determining whether to abrogate the amendment and to require filing and further review, interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before September 8, 1981. The Amendment to the CTA Plan will be available for public inspection in the Commission's public reference room. All communications should refer to File No. S7–433.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–23936 Filed 8–14–81; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 11902; 812–4896]

Scudder Cash Investment Trust; Filing of Application

August 11, 1981.

Notice is hereby given that Scudder Cash Investment Trust ("Applicant") 175 Federal St., Boston, MA 02110 a diversified, open-end management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on June 18, 1981 for an order pursuant to Section 6(c) of the Act that would amend an order, previously issued by the Commission pursuant to Section 6(c) of the Act, on October 26, 1978 (Investment Company Act Release No. 10451) ("1978 order"), which permitted Applicant, subject to certain conditions, to calculate its net asset value for the purposes of sales, redemptions and repurchases to the nearest one cent on a share value of $1.00. The amendment would modify certain quality conditions in the 1978 order to permit Applicant to invest in certificates of deposit ("CDs") of banks or savings and loan associations ("banks") with total assets of less than $1 billion, subject to certain conditions, and to invest in corporate obligations other than commercial and finance company paper. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a trust existing under the laws of Massachusetts of the type commonly known as a "Massachusetts business trust." Applicant asserts that, on October 3, 1977, it filed an application, which was subsequently amended, for an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to value its net asset value to the nearest one cent on a share value of $1.00. The application was granted by the 1978 order. On March 6, 1979, the 1978 order was modified by an order of the Commission pursuant to Section 6(c) of the Act (Investment Company Act Release No. 10616), to permit Applicant to purchase instruments issued by London branches of United States banks. Incorporated into the 1978 order as modified were certain conditions, including a condition concerning portfolio quality. Applicant represents that, under the 1978 order as currently in effect, it is not permitted to invest in CDs of banks with total assets of less than $1 billion, and in corporate obligations other than commercial and finance company paper.

Applicant states that, in a letter to the President of the Investment Company Institute, dated January 23, 1981, the Divison of Investment Management took the position that it would not recommend enforcement action under Section 13(a) of the Act if a registered investment company, having a policy of investing in CDs of banks with assets in excess of a specified amount, purchased CDs issued by smaller banks which are members of the Federal Deposit Insurance Corporation ("FDIC") or the Federal Savings and Loan Insurance Corporation ("FSLIC"). The position taken in the no-action letter is subject to the following conditions:

1. At no time may the investment company own or hold more than one $100,000 CD per such issuer.

2. Before any such CD is purchased, the investment company's board of directors (a) shall have found that

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[1] *See* Securities Exchange Act Release No. 16983, (July 16, 1980) 45 FR 49414.

[2] *See* Securities Exchange Act Release No. 16589 (February 26, 1980) 45 FR 12378.

purchasing and holding at any one time no more than one $100,000 CD issued by any one member of the FDIC or FSLIC with less than the minimum amount of assets specified in the investment company's policy is consistent with the purposes behind that policy; and (b) based on that finding, shall have authorized such action.

3. Before purchasing any such CD, the investment company shall have notified its shareholders in writing of such action and shall have affixed a sticker on its prospectus disclosing this intention to prospective investors.

4. The investment company shall submit the policy for shareholder approval at its next annual shareholders' meeting.

5. If the policy is not approved at that meeting, the company shall discontinue the policy.

Applicant states that it desires to invest from time to time in CDs of small banks, in accordance with the conditions of the no-action letter, to enable Applicant to provide funds to small banks without risking the principal amount of the investment. Applicant further states that it desires to be able to invest in corporate obligations in addition to commercial and finance company paper in order to increase its range of possible investments without diminishing the quality or liquidity of its portfolio.

Applicant therefore requests that the conditions of the 1978 order, as amended, be further modified to permit the addition of the following provisions (added language is *underlined*):

"The Applicant will limit its investments to the following types: U.S. Treasury bills, notes and bonds; obligations of agencies and instrumentalities of the U.S. Government; domestic bank certificates of deposit; finance company and corporate commercial paper; bankers' acceptances and repurchase agreements (agreements under which the seller agrees at the time of sale to repurchase the security at an agreed time and price); *corporate obligations* and cash. The Applicant will limit investments in commercial and finance company paper to investment grade issues rated A–1 or A–2 by Standard & Poor's Corporation, Prime 1 or Prime 2 by Moody's Investors Service, Inc. or F–1 or F–2 by Fitch Investors Service, and *investments in corporate obligations to issues rated AAA or AA by Standard and Poor's Corporation, or Aaa or Aa by Moody's Investors Service, Inc.* To the extent that it invests in instruments of banks and savings and loan associations, it will limit its investments to those domestic institutions which at the date of investment have total assets as of the date of their most recently published financial statements in excess of $1 billion, *provided that the Applicant may invest in instruments of smaller banks and savings and loan associations subject to the conditions included in a "no-action" letter dated January 23, 1981 from the Director of the Division of Investment Management of the Commission to the President of the Investment Company Institute * * *."*

Applicant asserts that the requested modification is 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.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation 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.

Notice is further given that any interested person may, not later than September 4, 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 reason 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 Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, and order disposing of the application 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. 81-23935 Filed 8-14-81; 8:45 am]

BILLING CODE 8010-01-M

SELECTIVE SERVICE SYSTEM

Privacy Act of 1974; Notices of Systems of Records; Proposed Change of Systems of Records Location

AGENCY: Selective Service System.

ACTION: Proposed Change of location of systems of records.

SUMMARY: On September 15, 1981, the SSS will transfer three Systems of Records, SSS–4: Registration Information Bank (RIB) Records, SSS–9: Master Pay Record, and SSS–10: Registrant Registration Record, from their computer facilities in Alexandria, Virginia to the Data Management/Joint Computer Center in Great Lakes, Illinois. The implementation of the Data Management Center and the Joint Computer Center will require a change in equipment configuration and SSS operational procedures.

COMMENT DATE: Comments are due on or before September 15, 1981.

ADDRESS: Selective Service System, Attn.: Records Manager, Washington, D.C. 20435.

FOR FURTHER INFORMATION CONTACT: C. E. Boston, Records Manager, Selective Service System, Washington, D.C. 20435. Phone (202) 724–0683.

SUPPLEMENTARY INFORMATION: The Selective Service System of Records appears at 41 FR 53692.

James G. Bond,

Acting Director Selective Service.

August 12, 1981.

The Systems of Records affected by the proposed change of location are:

SSS–4

SYSTEM NAME:

Registrant Information Bank (RIB) Records—SSS

SYSTEM LOCATION:

Data Management Center/Joint Computer Center, Great Lakes, Illinois 60088

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registrants of the Selective Service System.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Registrant Information Bank (RIB) is an automated data processing system which stores information concerning registration, classification, examination, assignment and induction of Selective Service Registrants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Defense—exchange of information concerning registration, classification, enlistment, examination and induction of individuals, and, if registrant requests, for recruiting.

Alternative service employers—for exhange of information with employers regarding a registrant who is a conscientious objector for the purpose of placement in and supervision of performance of alternative service in lieu of induction into military service.

Department of Justice—for review and processing of suspected violations of the Military Selective Service Act, or for perjury, and for defense of a civil action arising from administrative processing under such Act.

Federal Bureau of Investigation—for location of an individual when suspected of violation of the Military Selective Service Act.

Immigration and Naturalization Service—to provide information for use in determining an individual's eligibility for re-entry into the United States.

Department of State—for determination of an alien's eligibility for possible entry into the United States and United States citizenship.

Office of Veteran's Reemployment Rights, United States Department of Labor—to assist veterans in need of information concerning reemployment rights.

General Public—Registrant's Name, Selective Number, Date of Birth and Classification. Military Selective Service Act Section 6, 50 U.S.C. App. 456.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

STORAGE:

The records are maintained on tape, disc and computer printouts.

RETRIEVABILITY:

The system is indexed by Selective Service Number.

SAFEGUARDS:

a. No on-line access to RIB from terminals. Batch access controlled via standard data processing software and hardware techniques.

b. Records are handled by authorized personnel of the Selective Service System only.

c. Premises are locked and patrolled when authorized personnel not on duty.

d. Periodic security checks and emergency planning.

RETENTION AND DISPOSAL:

When eligible for disposal, the files are erased. The records stored in the Registrant Information Bank (RIB) are retained unitl registrant reaches age 26.

The computer printouts are distributed to the National Headquarters and destroyed when they have served their purpose by maceration, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Selective Service, National Headquarters, Selective Service System, Washington, DC 20435

NOTIFICATION PROCEDURE:

The address of the agency office to which inquiries should be addressed is:

Director of Selective Service, National Headquarters, Selective Service System, Washington, DC 20435

It is necessary to furnish the following information in order to identify the individual whose records are requested.

a. Full name of the individual.

b. Date of birth.

c. Selective Service Number.

d. Mailing address to which the reply should be mailed.

RECORD ACCESS PROCEDURE:

An individual can obtain information on the procedures for gaining access to and contesting records through:

Director of Selective Service, National Headquarters, Selective Service System, Washington, DC 20435

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Forms preparted by the field elements are the input documents for all information recorded in the SSS—Registrant Information Bank (RIB) Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS-9

SYSTEM NAME:

Master Pay Record—SSS

SYSTEM LOCATION:

Data Management Center/Joint Computer Center, Great Lakes, Illinois 60088

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Currently assigned civilian employees and former civilian employees who have separated during the current year and first prior calendar year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains payroll information such as name, grade, annual salary, hourly rate, address, Social Security Account Number, birth date, date of hire, service computation date, annual leave category, life insurance and health benefits deductions, Savings Bond data and other information relating to the status of the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) and Title 5, U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Selected information by name and Social Security Account Number is furnished the Internal Revenue Service, and State and City taxing authorities.

Selected information by nane, date of birth and Social Security Account Number is furnished the Office of Personnel Management for retirement, life insurance and health benefit accounts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

STORAGE:

Records are maintained in binders, on microfiche and magnetic tape.

RETRIEVABILITY:

Records are indexed by Social Security Account Number.

SAFEGUARDS:

Use of the records or any information contained therein is limited to employees whose official duties require such access. The records are maintained in lockable file containers.

RETENTION AND DISPOSAL:

The information on the magnetic tapes is retained for two years, then erased.

The microfiche copies are retained for one year, then destroyed by burning.

The computer printouts are retained until updated, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Selective Service, National Headquarters, Selective Service System, Washington, DC 20435

NOTIFICATION PROCEDURE:

Inquiries should include name, Social Security Account Number, duty station (former employees should indicate last duty station with this agency) and mailing address to which the reply should be mailed. Inquiries should be mailed to:

Director of Selective Service, National Headquarters, Selective Service System, Washington, DC 20435

RECORDS ACCESS PROCEDURE:

Same as the above. Current employees or former employees who wish to gain access to their records should make request in writing, including their full name, address and Social Security Account Number and duty station. Former employees should indicate last duty station with this agency.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the individual to whom it applies or is derived from information the individual supplied, or is provided by the agency official with authority to appoint the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS-10

SYSTEM NAME:

Registrant Registration Records—SSS.

SYSTEM LOCATION:

Data Management Center/Joint Computer Center, Great Lakes, Illinois 60088

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registrants of the Selective Service System (after 1979).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Registration Records.

a. Registration Form.

b. Computer tape and microfilm copies containing information provided by registrants on Registration Form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 3, 10(b)(3) and 15(b) of the Military Selective Service Act (50 U.S.C. App. 453, 460(b)(3)), EO 9979, EO 9992, EO 11623.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Defense—exchange of information concerning registration, classification, enlistment, examination and induction of individuals, and, if registrant requests, for recruiting.

Alternative service employers—for exhange of information with employers regarding a registrant who is a conscientious objector for the purpose of placement and supervision of alternative service in lieu of induction into military service.

Department of Justice—for review and processing of suspected violations of the Military Selective Service Act, or for perjury, and for defense of a civil action arising from administrative processing under such Act.

Federal Bureau of Investigation—for location of an individual when suspected of violation of the Military Selective Service Act.

Immigration and Naturalization Service—to provide information for use in determining an individual's eligibility for re-entry into the United States.

Department of State—for determination of an alien's eligibility for possible entry into the United States and United States citizenship.

Office of Veteran's Reemployment Rights, United States Department of Labor—to assist veterans in need of information concerning reemployment rights.

General Public—Registrant's Name, Selective Service Number, and Date of Birth Military Selective Service Act, Section 6, 50 U.S.C. App. 456.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on microfilm and in the computer system.

RETRIEVABILITY:

The system is indexed by Selective Service Number.

SAFEGUARDS:

Measures that have been taken to prevent unauthorized disclosure of records are:

a. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel not on duty.

b. Periodic security checks and other emergency planning.

c. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

d. No on-line access to RIB from terminals. Batch access controlled via standard data processing software and hardware techniques.

Records eligible for destruction are destroyed by maceration, shredding or burning.

RETENTION AND DISPOSAL:

Individual Processing Records:

1. Registration Form—Destroyed when its information has been transferred onto microfilm and into the computer system.

2. The record copy of microfilm and computer tape will be retained until registrant reaches 85 years of age.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Selective Service, National Headquarters, Selective Service System, Washington, DC 20435

NOTIFICATION PROCEDURE:

The agency office address to which inquiries should be addressed and the location at which an individual may present a request as to whether the Registrant Registration Records System (after 1979) contains records pertaining to himself is:

Director of Selective Service, National Headquarters, Selective Service System, Washington, DC 20435, Attn.: Records Manager

It is necessary to furnish the following information in order to identify the individual whose records are requested:

1. Full name of the individual.

2. Selective Service Number, or Social Security Number, date of birth and address at time of registration if Selective Service Number is not known.

3. Mailing address to which the reply should be mailed.

RECORD ACCESS PROCEDURES:

An individual can obtain information on the procedures for gaining access to and contesting records through:

Director of Selective Service, National Headquarters, Selective Service System, Washington, DC 20435, Attn: Records Manager

CONTESTING RECORD PROCEDURES:

See above.

RECORD SOURCE CATEGORIES:

Information contained in the Registrant Registration Records System is obtained from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-23868 Filed 8-14-81; 8:45 am]

BILLING CODE 6015-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Hearings on Articles Being Considered for Temporary Duty Modifications

1. Notice of Public Hearings. Pursuant to section 133 of the Trade Act of 1974 (19 U.S.C. 2153), the Trade Policy Staff Committee (TPSC), chaired by the Office of the United States Trade Representative, has scheduled public hearings for September 23 and 24, 1981, concerning articles being considered for possible temporary duty modification, notice of which was published in the **Federal Register** of August 5, 1981 (46 FR 39926).

2. Time and Place of Hearings. The Committee's hearings will open at 2:00 p.m. on September 23, 1981, and will continue on September 24, 1981, if required. They will be held in Washington, D.C., Office of the United States Trade Representative, Winder Building, 600 Seventeenth Street, N.W., Room 403.

3. Communications Regarding Hearings. All communications with regard to these hearings should be addressed to: Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, Room 413, Winder Building, 600 Seventeenth Street, N.W., Washington, D.C. 20506 (Phone: 202-395-3487).

4. Requests to Present Oral Testimony. All requests to present oral testimony must be received by the Secretary of the TPSC not later than noon, September 17, 1981.

5. Written Briefs. Written briefs may be submitted in lieu of oral testimony. To be fully considered by the Committee, written briefs, in 20 copies, should be received by October 2, 1981 and addressed to the Secretary of the TPSC.

6. Procedures for Submission of Briefs. Procedures for the submission of written briefs and rebuttal briefs, and other relevant information concerning the hearing process is contained in the **Federal Register** of August 28, 1980 (45 FR 57636) and TPSC regulations codified at 15 CFR Part 2003.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81-23830 Filed 8-14-81; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular on Approved Aircraft Inspection Programs for Certain Aircraft Under FAR Part 135

AGENCY: Federal Aviation Administration.

ACTION: Notice of availability of draft Advisory Circular (AC) and request for comments.

SUMMARY: This draft Advisory Circular proposes revised acceptable means of complying with the approved aircraft inspection program requirements applicable to Part 135 operators of aircraft having 9 or less passenger seats. This is expected to benefit such operators by enabling them to develop simplified inspection programs.

COMMENTS: Comments must be received on or before September 16, 1981.

ADDRESS: Send all comments in duplicate on the draft to Federal Aviation Administration, Office of Airworthiness, attention: Aircraft Maintenance Division, Air Transportation Branch (AWS-330), 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to Room 313, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments delivered must be marked file number AC 135-X. Comments may be inspected at Room 313 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest J. Boyer, Chief, Air Transportation Branch (AWS-330), Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (Telephone (202) 426-3440).

SUPPLEMENTARY INFORMATION

Comments Invited

Comments are solicited on all aspects of the draft Advisory Circular. A copy of the draft Advisory Circular may be obtained by contacting the person identified under "For Further Information Contact." This circular will supersede information on this subject published in Advisory Circular 135-3B, Air Taxi Operators and Commercial Operators.

Issued in Washington, D.C., on August 6, 1981.

M. C. Beard,

Director of Airworthiness.

Advisory Circular

DEPARTMENT OF TRANSPORTATION,
Federal Aviation Administration,
Washington, D.C.

FAR Guidance Material

Subject: Approved Aircraft Inspection Program.

1. *Purpose.* This advisory circular provides principal information and guidance for approved aircraft inspection programs.

2. *Focus.* This document is appropriate for the guidance of that segment of the public which elects to, or is required to, have an Approved Aircraft Inspection Program (AAIP) under Federal Aviation Regulations (FAR), Part 135.

3. *Discussion.* FAR Section 135.419 provides for AAIP's, when formally approved by the FAA, for aircraft of nine or less passenger seats operated under Part 135. The AAIP concept was first developed for the benefit of air taxi operators who requested regulatory authority to develop and utilize inspection programs more suitable to aircraft in their operating environments than the conventional 100-hour/annual inspections required by Part 91.

a. The AAIP allows each operator to develop a program tailored to its particular needs to satisfy aircraft inspection requirements. It allows each operator to adjust the intervals between individual inspection tasks in accordance with the needs of the aircraft rather than repeat all tasks at each 100-hour increment. It also allows them to develop procedures and standards for the accomplishment of those tasks. Concurrent with these benefits is the ability and willingness of the operator to substantiate the program, and revisions thereto, to the Federal Aviation Administration (FAA) as providing an acceptable level of equivalency to the conventional Part 91 inspection requirements.

b. The AAIP serves as the operator's specification for each segment of the program. This is in contrast to the 100-hour/annual inspection wherein the performing mechanic or repair station determines, in accordance with Appendix D of Part 43, what work is required. Under the AAIP, the operator is responsible for the program content and standards, and the performing mechanic or repair station is responsible for accomplishment of the inspection as specified by worksheets and other criteria designated by the program.

c. The AAIP places control of the program under the operator, which is in keeping with the responsibility for airworthiness assigned by FAR Section 135.413. A well developed and monitored AAIP should result in more effective maintenance at less cost than the use of a rigid 100-hour/annual inspection system.

4. *Program Requirements.* An approved aircraft inspection program should encompass the total aircraft including all installed equipment such as communications and navigational gear, cargo provisions, etc. The program should include the following elements:

a. A schedule of the individual tasks or groups of tasks that comprise the program and their frequency of accomplishment. A group may include all of the tasks making up an identifiable segment of the program such as a "No. 1 Inspection." In this case, the individual tasks can be identified on work forms and the schedule can designate the applicable forms and their frequency of accomplishment.

b. Work forms designating these tasks or groups with a sign-off provision for each. The tasks can be arranged or consolidated according to the complexity of the program, the type aircraft involved, and the character of the maintenance entity performing the work; i.e., the work forms for an inspection of a complex aircraft by a large departmentalized maintenance facility should be subdivided to accommodate that situation. The forms also serve to coordinate and control work in progress. They may be developed by the operator or adopted from another source.

c. Instructions for accomplishing each task. These instructions must satisfy FAR Section 43.13(a) regarding methods, techniques, and practices; and tools and equipment, and should provide standards such as dimensions and tolerances. These instructions may be provided by several means, each of which should provide adequate information in a form suitable for use by the person performing the work.

(1) The instructions may be printed directly on the work forms.

(2) They may be published in a manual section in a format that can be cross referenced to items on the form.

(3) References to specific chapters, sections, or paragraphs of a manufacturer's manual or other pertinent instruction can be incorporated on the form or in the operator's manual.

(4) Provisions for operator-developed revisions to referenced instructions should be incorporated.

d. A system for recording discrepancies and their correction. If deferral of discrepancies is authorized by the program, a system for control and followup action for deferred discrepancies is essential.

e. A means of accounting for work forms upon completion of the inspection. These forms are used to satisfy FAR Section 91.173 so they must be complete, legible, and identifiable as to the aircraft and specific inspection they relate to. In some cases, the forms may also serve to satisfy FAR Section 43.11 should the aircraft revert to Part 91 inspection requirements.

f. Accommodation for variations in equipment and configurations between aircraft in the fleet to which it applies. This includes installations and alterations that deviate from the original aircraft configuration.

g. Procedures for transferring an aircraft from another program to the AAIP. Although not essential to the AAIP, procedures for transferring an aircraft to Part 91 inspection requirements would be helpful, should the aircraft ever be transferred back to Part 91 operation.

5. *Program Bases.* An approved aircraft inspection program may be developed from one of the following:

a. Adoption of an aircraft manufacturer's inspection program. Under this arrangement, the aircraft manufacturer's program (including methods, techniques, practices, and standards for its accomplishment) along with inspection intervals is adopted in its entirety. If the manufacturer's program affords options, such as particular inspections that need be done only during the winter in cold climates, the operator's AAIP should designate if and when those items need to be accomplished.

(1) Many aircraft manufacturers' programs do not encompass appliances and related installations, which should be incorporated into the AAIP.

(2) Revisions to the program published by the manufacturer should be immediately analyzed for inclusion in the program.

b. Modified manufacturer's programs. The operator can modify a manufacturer's program to suit his needs. The modifications can be done to work forms, to published methods, techniques, practices, and standards, or to maintenance/inspection intervals. Modifications to manufacturer's instructions should be clearly identified.

c. Operator developed program. This type program is developed and published in its entirety by the operator. It should include methods, techniques, practices, and standards necessary for proper accomplishment of the program.

d. An existing progressive inspection program (Section 91.171) can be converted to an AAIP.

6. *Program Evaluation and Revision Basis.* An inspection program, other than one developed by an operator from scratch, should be evaluated by the operator prior to submitting it to FAA for approval.

a. This evaluation should establish, at a minimum, that the program applies to the aircraft make, model, configuration and modification status, and that it encompasses the avionics installation and all aircraft equipment.

b. The program should also be evaluated for its suitability with regard to peculiarities of the operator such as climate, stage length (flight time between landings), and the provisional inspections for special purpose operations, etc.

c. The basis for revision to a program in preparation for initial approval or for an ongoing AAIP may be service experience, tests or inspections to determine serviceability or condition, disassembly analysis, modifications, changes in environment, etc.

(1) Revisions predicated on tests, inspections, disassembly analysis, etc., should be coordinated with FAA to accommodate their observation of the conditions under analysis.

(2) Historical data for revisions based on service experience should be provided by the operator.

(3) Manufacturers' recommendations or manufacturers' inspection program revisions do not, by themselves, justify revision to an AAIP.

7. *Program Administration.* Procedures for administering the program should be established. These should include all facets of the program, such as:

a. Duties and responsibilities for all personnel involved in administering the program.

b. Scheduling inspections and recording their accomplishment.

c. Editing the program and/or related manual pages, work forms, etc., and revisions thereto.

d. FAA approval of revisions.

e. Accounting for and maintaining a file of completed work forms.

f. Arrangements with contract agencies for performing inspections.

g. For computerized maintenance/inspection programs, procedures peculiar to those programs.

8. *Operator's Manual.* The operator's manual should include a section that clearly describes the program including procedures for program scheduling,

recording, accountability for continuing accomplishment, and for program revision. This section serves to facilitate administration of the program by the certificate holder and to direct its accomplishment by mechanics or repair stations. It should include copies of the work forms and schedule of maintenance/inspection intervals, or it should identify and reference the forms and schedule if they are located elsewhere in the operator's manual system. The operator's manual should also include or reference instructions for methods, techniques, and practices and for standards, tools, and equipment for accomplishment of the maintenance/inspection tasks.

9. *Program Approval.* FAA approval of an AAIP is documented by operations specifications, FAA Form 1014. An FAA Flight Standards District Office will provide sample operations specifications to aid the operator in developing appropriate specifications for its program. Individual approval is required for each operator and for each model aircraft; i.e., there is no provision for an individual approval for all model aircraft used by one operator or for approval of a specific program for use by several operators.

a. The administrative provisions of an AAIP are a significant part of the program and will be reviewed for approval accordingly.

b. In general, manufacturers' instructions are acceptable but all manufacturers' programs will be reviewed for adequacy (encompassing the entire aircraft including appliances, passenger accommodations, and emergency equipment).

c. If the additional maintenance requirements are incorporated in the AAIP, the operations specifications and program description should so state.

d. Amendments or changes to an AAIP may be accomplished by amending the operations specifications or by a suitable method incorporated into the program. Appendix 1 depicts a typical revision control record for this purpose.

e. Maintenance manual pages or other instructions pertaining to administration of the program are considered in program approval.

BILLING CODE 4910-13-M

FIGURE A-1 REVISION CONTROL RECORD

AMENDMENT NUMBER	PAGE NUMBER(S)	DESCRIPTION	OPERATOR APPROVAL	FAA APPROVAL	APPROVAL DATE
Amendment 20	7.2531 7.2533	Delete graphs Typo. error	John Doe	E. J. Boyle	8/15/80
Amendment 21	7.2322 7.2323 7.2324 7.2402	Delete FAA Reference	John Doe	E. J. Boyle	8/15/80
Amendment 22	7.2403 7.2311	Code IV Rewritten	John Doe	E. J. Boyle	9/23/80

[FR Doc. 81-23606 Filed 8-14-81; 8:45 am]
BILLING CODE 4910-13-C

Intent To Prepare an Environmental Impact Statement on 1,300 Foot Extension and 50 Acre on-Airport Industrial Park at Lebanon Municipal Airport, Lebanon, New Hampshire and Notice of Scoping Meeting

The Federal Aviation Administration, New England Region, acting as a lead agency, intends to prepare a Federal Environmental Impact Statement which addresses the effect of Airport Layout Plan approval of the 1,300 foot extension of Runway 18–36 (including ILS) and the 50 acres industrial park located on Lebanon Municipal Airport, New Hampshire. The proposed extension will extend the existing runway (approximately 4,000 feet long) at the 36 end by 1,300 feet, providing an overall length of 5,300 feet. The 1978 Airport Master Plan recommended that Runway 18–36 be extended and designated as the primary instrument runway to provide better wind coverage and improve IFR ceiling and visibility landing minimums at the airport.

All reasonable alternatives which have real potential for avoiding or mitigating adverse impacts will be explored and evaluated. Alternative scenarios will be considered, including a range of development assumptions. The no-build alternative, providing a base line, will also be considered.

Areas of primary environmental significance include noise, traffic, and induced population and socio-economic impacts.

A Federal scoping meeting will be held on Tuesday, September 15, 1981, at 8 p.m. at the City Hall, Lebanon, New Hampshire. The meeting will be held to identify the significant issues related to the proposed development and consider the scope of work to address those issues in this EIS. Interested agencies, organizations, and persons are invited to attend and provide input and comments to finalize the scope of work.

Inquiries about the proposed action should be directed to: Ashraf Jan, Environmental Specialist, Airports Division, FAA, 12 New England Executive Park, Burlington, MA 01803—Tel: (617) 273–7233.

Dated: August 7, 1981.

Vince A. Scarano,

Chief, Planning and Programming Branch, Airports Division, New England Region, Federal Aviation Administration.

[FR Doc. 81-23607 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration [1]

[Docket No. S-697]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application by Gulf Oil Corp.

Notice is hereby given that Gulf Oil Corporation (Gulf) has applied for written permission under section 506 of the Merchant Marine Act, 1936, as amended, for its vessel, the *American Independence*, to operate in the Alaska/Panama oil trade for six months. The 262,376 deadweight ton *American Independence*, which was built with construction-differential subsidy, would operate under a charter party with Exxon Company, U.S.A. (Exxon), with the first voyage to commence at Valdez, Alaska, on or about September 12, 1981. The vessel would be capable of making six voyages in the trade within the statutory six-month trading period.

The application states that Exxon has an ongoing, long-term need for VLCC size tonnage in order to assure that its requirement to move Alaskan oil to U.S. Gulf and East Coast refineries will be met. The *American Independence* is needed to replace the *American Spirit* which terminated its temporary Alaskan service on July 23, 1981. To the best knowledge of Exxon and Gulf, there is no suitable Jones Act tonnage available which can provide and insure the full shipping capacity required by Exxon in the Alaska/Panama oil trade.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration, Room 3099–B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Any person, firm, or corporation who is a "competitor," as defined in section 250.2 of the regulations as set forth in 46 CFR 250 published in the **Federal Register** issue of June 29, 1977 (42 FR 33035), and desires to protest such application for carriage of oil in the domestic trade from Alaska to Panama should submit such protest in writng, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received within five working days after the date of publication of this Notice in the **Federal Register**. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Maritime Administrator. Within five working days after the due date for the applicant's response, the Maritime Administrator will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Maritime Administrator will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidy (CDS))

Dated: August 13, 1981.

By Order of the Acting Maritime Administrator.

Georgia Pournaras Stamas,

Assistant Secretary.

[FR Doc. 81-24008 Filed 8-14-81; 8:45 am]

BILLING CODE 3510-15-M

[1] **Editorial note:** Maritime Administration was transferred from Department of Commerce to Department of Transportation by Pub. L. 97-31, August 6, 1981.

National Highway Traffic Safety Administration

[Docket No. Ex. 79-1; Notice 5]

Model A and Model T Motor Car Reproduction Corp.; Petition for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standards

Model A and Model T Motor Car Reproduction Corp. of Detroit, Michigan ("Model A" herein) has petitioned for renewal of certain 1-year exemptions expiring September 1, 1981 from several Federal motor vehicle safety standards. The basis of the petition is that compliance would cause substantial economic hardship.

Notice of Model A's original petition was published on July 23, 1979 (44 FR 43135) and notice of grant of the petition on September 27, 1979 (44 FR 55687). Notice of its initial renewal petition was published on August 4, 1980 (45 FR 51700) and of its grant on January 29, 1981 (46 FR 9842). This notice of receipt of the petition for renewal is published in accordance with NHTSA regulations on this subject (49 CFR 555.7) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Model A produces a replica of a 1928 Ford Model A roadster. It was exempted from all or a portion of seven Federal motor vehicle safety standards, expiring September 1, 1980. The petitioner was able to achieve compliance with three of these standards, but requested a further 1-year exemption from the four remaining standards. These extensions expire September 1, 1981, and for the

reasons discussed below, Model A has requested a further 1-year exemption.

Standard, No. 202, Head Restraints

The company has not succeeded in its efforts to conform. The petitioner's original request was based upon the theory that design changes necessitated by conformance could destroy the character of the vehicle and its sales market. Model A said that it has considered several alternative designs since its last petition. It incorporated a "narrow intergral head restraint," into the seat back, but found that it obstructed the driver's reaward vision. A horse-shoe style restraint was then designed but the structural components required interfered with the folding top resulting in "total blockage of the driver's rear vision." It also tried lowering the seat cushion but found that this made operation of the pedals awkward. The company, therefore, requests an additional year of exemption.

Standard 203, Impact Protection for the Driver From the Steering Control System

Petitioner employs the "energy absorbing" steering column and steering wheel used on Ford Fairmont vehicles that are certified as Complying with Standard No. 203. The company thus believes it may comply, but it appears to consider testing costs prohibitive in seeking a further exemption.

Standard No. 214, Side Door Strength

In its original petition Model A argued that its configuration met the intent of the standard to provide protection against impacts from the side. The height above the pavement of the vehicle's 4-inch box frame approximates that of the front bumper heights required by the bumper standards 49 CFR Part 581, so that in a side crash, the bumper should impact Model A's frame, not its door. In granting the petition, NHTSA commented that a 1-year exemption would allow Model A to verify its theory or to take remedial measures. During the exemption period, the company prepared drawings of the frame system and Part 581 bumper systems which support its theory. Therefore, Model A feels that it meets the spirit of the standard. However, it appears to consider testing costs prohibitive in seeking a further exemption.

Standard No. 301–75, Fuel System Integrity

In 1979 petitioner explained that:

> The fuel system was specially designed . . . utilizing Ford Engine compartment components and a fuel tank of 14-gauge welded steel construction. . . . This same tank is being used on Ford, Chevrolet, Dodge, International Harvester and Jeep Truck products as an auxiliary tank and is located in the Model A replica forward of the rear axle between the steel frame of the vehicle.

Cost of testing was given as the primary argument for hardship. NHTSA provided a 1-year exemption with the comment that this time would allow a better judgment both by the manufacturer and the agency of the actual state of the vehicle's compliance. Model A reported that engineering studies have been conducted and demonstrate a "close compliance" based upon Ford's previous testing. Presumably the cost of testing is still burdensome for the company.

Model A has produced 4500 Model A cars as of June 25, 1981. From its second fiscal year of operation ending March 31, 1980, it had a net loss before taxes of approximately $300,000, but it turned the corner of profitability in its third fiscal year with a net profit of over $1,400,000. The company has invested substantial capital in its second product, the Shay 55 Bird, which was exempted from a single standard, and of which about 500 have been produced. The company argues that a renewal of its exemption would be in the public interest to provide continuing employment for its personnel, many of whom have been temporarily laid off because of the economic down-turn. It hopes to recall a number of these to build out the Model A run (scheduled by September 1, 1982) and to increase production of the Bird. Petitioner presented no new arguments that continued exemption would be consistent with traffic safety objectives, but its previous arguments were that the vehicles would be used only occasionally and their limited number would insure that no significant hazard to traffic safety would be presented.

Interested persons are invited to submit comments on the petition for renewal of the exemption of the Model A replica. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, N.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of final action on the petition will be published in the **Federal Register.**

Comment closing date: September 16, 1981.

(Sec. 3, Pub. L. 92–548, 88 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 10, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-23866 Filed 8-14-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 2]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $2,188,000 has been established for the company.

Name of Company: Cornhusker Casualty Company

Business Address: Post Office Box 14490, Omaha, Nebraska 68124

Incorporated in the State of: Nebraska

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revisions at page 33965 to reflect this addition. Bond approving officers are advised that this notice reinstates the company's certificate of authority which was terminated effective June 30, 1981 by a notice published in the **Federal Register** of June 2, 1981 at page 29581. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: August 10, 1981.

W. E. Douglas,

Commissioner.

[FR Doc. 81-23911 Filed 8-14-81; 8:45 am]

BILLING CODE 4810-35-M

UPPER MISSISSIPPI RIVER BASIN COMMISSION

39th Quarterly Meeting

The 39th Quarterly Meeting of the Upper Mississippi River Basin Commission will be held August 24–25, 1981, at the Ramada O'Hare Inn in Des Plaines, Illinois. Committee meetings will be held August 24th. Registration for the Commission meeting will be from 8:00 A.M. to 9:00 A.M. on August 25th and the meeting will convene in the East A Room at 9:00 A.M. and adjourn at 4:00 P.M. The meeting is expected to include a status report on the Master Plan study as well as committee reports.

Rodney N. Searle,

Chairman-Designate.

[FR Doc. 81-22906 Filed 8-14-81; 8:45 am]

BILLING CODE 8410-02-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 158
Monday, August 17, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 4754, Tuesday, August 11, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, August 13, 1981.

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 item has been added to the open portion of the Bank Board meeting scheduled Thursday, August 13, 1981.

Request for Approval of Amendments to Plan of Conversion—Heritage Savings & Loan Association, Incorporated, Manchester, Connecticut

No. 530, August 13, 1981.

[S-1247-81 Filed 8-13-81; 9:22 am]

BILLING CODE 6720-01-M

2

INTERNATIONAL TRADE COMMISSION.

[USITC SE-81-24A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 40630, August 10, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 3 p.m., Tuesday, August 18, 1981.

CHANGES IN THE MEETING: Emergency notice to delete agenda item No. 5 [Investigation 731-TA-30 [Final] (Montan Wax from East Germany)—briefing [in closed session] and vote [open to the public] from its agenda for the meeting of Tuesday, August 18, 1981. This item will be added to the agenda of a meeting to be held on Wednesday, August 26, 1981, to be announced.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1245-81 Filed 8-12-81; 4:15 pm]

BILLING CODE 7020-02-M

3

INTERNATIONAL TRADE COMMISSION.

[USITC SE-81-25]

TIME AND DATE: 2 p.m., Wednesday, August 26, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation TA-203-9 (Certain Mushrooms)—briefing and vote.
6. Investigation 731-TA-30 [Final] (Montan Wax from East Germany)—vote.
7. Any items left over from previous agenda.

Portions closed to the public:

6. Investigation 731-TA-30 [Final] (Montan Wax from East Germany)—briefing.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1246-81 Filed 8-12-81; 4:15 pm]

BILLING CODE 7020-02-M

4

METRIC BOARD.

Public Awareness and Education Committee Meeting

TIME AND DATE: 10 a.m., Thursday, August 27, 1981.

PLACE: United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

STATUS: Open to the public from 10 a.m. to 12 p.m. Closed to the public from 1 p.m. to 3 p.m. (Exemption 5 U.S.C. 552b(c)(9)(B)).

MATTERS TO BE CONSIDERED:

Approval of Minutes
Approval of Agenda
Report on Personnel
Review of Previous Month's Activity
Report on Next Public Forum
Report on #4 Kenney TV Public Service Announcement
Report on Metric Magazine
Status of "All About Metric" revision
Report on Suburban Press Contract
Discussion of 1981 Annual Report
Discussion of Chasen Consumer Program Recommendations
Discussion of ANMC/USMB 1982 Washington Meeting
Public Forums
1. Open-Mike Moderators
2. Reception for Witnesses
Board Meeting Days
Leader's Guide Status Report
Tool Kit Status Report
USMB Publications Policy on Metrics

CLOSED TO THE PUBLIC

Discussion of FY-82 Operating Plan and FY-83 Budget

CONTACT PERSON FOR FURTHER INFORMATION: John Donnelly, 703/235-2820.

Louis F. Polk,

Chairman.

[S-1249-81 Filed 8-13-81; 9:51 am]

BILLING CODE 8250-01-M

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METRIC BOARD.

Administrative and Budget Committee Meeting

TIME AND DATE: 9-10 a.m., Thursday, August 20, 1981.

STATUS: Closed to the public (Exemption 5 U.S.C. 552b(c)(9)(B)).

MATTERS TO BE CONSIDERED: Fiscal Year 1982 Operating Plan.

CONTACT PERSON FOR FURTHER INFORMATION: James Skinner, 703/235-3051.

Louis F. Polk,

Chairman.

[S-1248-81 Filed 8-13-81; 9:51 am]

BILLING CODE 8250-01-M

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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on August 27, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: August 13, 1981.

[S–1251–81 Filed 8–13–81; 12:00 pm]

BILLING CODE 7600–01–M

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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on August 20, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: August 13, 1981.

[S–1250–81 Filed 8–13–81; 11:56 am]

BILLING CODE 7600–01–M

federal register

Monday
August 17, 1981

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Interim and Permanent Regulatory Program Modifications

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 722 and 843

Interim and Permanent Regulatory Program Modifications

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

ACTION: Final rules.

SUMMARY: The Office of Surface Mining (OSM) proposed rules on April 22, 1981 (46 FR 22902) to provide OSM authority in certain limited cases to extend beyond 90 days the total time, as originally fixed and subsequently extended, for abatement of violations during both the interim and permanent regulatory programs.

In administering the Act and these regulations, OSM has found that there are certain very limited cases where, because of the nature of the violation or circumstances beyond a permittee's control, abatement within 90 days is impossible or would cause greater environmental harm than would abatement at a later date.

These revisions identify those limited circumstances where abatement times in excess of 90 days will be permitted and set forth the conditions that will apply to these situations.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Murray Newton, Chief, Enforcement Branch, Office of Surface Mining, Washington, D.C. 20240. Telephone: (202) 343-8061.

SUPPLEMENTARY INFORMATION:

Background

Section 521(a)(3) of the Surface Mining Control and Reclamation Act of 1977 (Act), 30 U.S.C. 1271, provides, among other things, that an authorized representative of the Secretary shall issue a notice to a permittee or his or her agent fixing a reasonable time, but not more than ninety days, for the abatement of any violation. OSM's regulations implementing this sectin (30 CFR 722.12 and 843.12) provide for issuance of notices of violation whenever OSM finds violations of applicable performance standards which do not create an imminent danger of harm to the health or safety of the public. These sections of the Act and regulations also provide that the total time for abatement, as originally fixed in the notice of violation and subsequently extended, shall not exceed 90 days. If the permittee fails to abate within 90 days, OSM is required (under 30 CFR 722.12 and 843.11) to issue a cessation order closing down the operation. Issuance of a cessation order can have a significant economic impact on a permittee. Not only does production stop; section 518(h) of the Act also requires OSM to assess a civil penalty of at least $750 for each day a violation continues past the abatement date.

In administering section 521(a)(3) of the Act and these regulations, OSM has found that there are certain very limited cases where, because of the nature of the violation or circumstances beyond a permittee's control, abatement within 90 days is impossible or would cause greater environmental harm than would abatement at a later date. OSM believes that Congress did not intend section 521(a)(3) to have these results. At the same time OSM believes that, where abatement must take more than 90 days, it is imperative that interim measures be established to minimize environmental harm pending full abatement. These revisions identify those limited circumstances where abatement times in excess of 90 days will be permitted and set forth the conditions that will apply to these situations.

The first situation addressed in these rules (30 CFR 722.12(e)(1) and 843.12(f)(1)), which OSM has encountered with some frequency, is where an ongoing permitted operation is required by the Act to have a new type of permit or approval, but the permittee is unable to obtain it (in spite of timely and diligent efforts to do so) because the regulatory authority is unable to process it within 90 days after a valid permit expires or is required. The Secretary believes that Congress did not intend to shut down and fine an ongoing and otherwise lawful operation for failure of the permittee to perform an act which is not within his or her control.

30 CFR 722.12(e)(2) and 843.12(f)(2) address a circumstance where compliance by the permittee within 90 days would violate a valid court order, possibly subjecting the permittee to contempt proceedings. The rule provides that, where the permittee is diligently pursuing all rights of appeal and has no other effective legal remedy, it is reasonable to allow abatement beyond the 90-day period.

Finally, where the permittee cannot (or should not) abate within 90 days because of a labor strike or climatic conditions, as set forth in 30 CFR 722.12(e) (3) and (4) and 843.12(f) (3) and (4), an operator may be allowed an abatement time in excess of 90 days. In all of these situations the rules will allow the permittee the necessary time to fully abate the violation, but also require that he or she concurrently apply interim measures (if needed) to effectively prevent or mitigate environmental damage to the extent possible.

It should be noted that, in response to public comments received, the rules as promulgated here differ form those proposed at 46 FR 22902 (April 22, 1981). Two circumstances that had been proposed to justify an extension under these rules are deleted: (1) Where requiring abatement within 90 days clearly would cause more environmental harm than it would prevent (which has been incorporated into 30 CFR 722.12(e)(4) and 843.12(f)(4)—see *Disposition of Comments*, comment 12); and (2) Where abatement of the violation within 90 days would create an imminent danger to the health or safety of the public or would cause, or could reasonably be expected to cause, significant, imminent environmental harm to land, air, or water resources (see *Diposition of Comments*, comment 16).

The final rules provide for an extension where, due to climatic conditions, abatement within 90 days requires action that would violate safety standards of the Mine Safety and Health Administration (see 30 CFR 722.12(e)(4)(ii) and 843.12(f)(4)(ii), and *Disposition of Comments*, comment 8).

The final rules specify that any determination made under these rules shall be in writing and shall contain a right of appeal in accordance with 43 CFR 4.1281 and the regulations at 43 CFR Part 4 (see 30 CFR 722.12(h) and 843.12(i), and *Disposition of Comments*, comment 14).

These rules do not affect the provision of 30 CFR 722.17 and 843.18 that inability to comply with a notice of violation or cessation order does not constitute an affirmative defense to the issuance of such notice or order (see *Disposition of Comments*, comment 11).

Finally, 30 CFR 722.12(i) and 843.12(j) provide that no extension granted under these rules may exceed 90 days in length. The operator will be subject to the issuance of a cessation order at the expiration of any such extension unless he or she has abated the underlying violation or has applied for and been granted a new extension under 722.12(g) or 843.12(h) (see *Disposition of Comments*, comment 13).

In the preamble to the proposed rules, OSM requested written and oral comments from all interested persons. Those comments received and the disposition of each are described below.

Disposition of Comments

1. OSM received several comments which fully supported its effort to provide narrowly drawn exceptions to the requirement that violations be abated within 90 days. These commenters generally asserted that the rules as proposed provided a reasonable and workable solution to the problem of violations which by their nature require more than 90 days to abate.

2. One commenter expressed concern that the proposed rules might be construed as requiring OSM's concurrence in the granting of an extension by a State regulatory authority under an approved State program.

While the promulgation of these rules enables States to initiate similar rules in their own programs, the Federal rules apply only to actions of OSM.

3. The same commenter recommended deletion of the requirement contained in 30 CFR 722.12(g) and 843.12(h) for concurrence and documentation by the inspector's immediate supervisor. The commenter contended that there are sufficient safeguards against abuse of the rules without imposing "bureaucratic paper shuffling" in the process.

OSM disagrees. The agency's exercise of discretion in applying these rules will be subject to public scrutiny (see 30 CFR 722.12(h) and 843.12(i)) and must be fully supportable on the record. The agency believes that this paperwork is essential to the effective administration of the rules.

4. One commenter suggested that OSM clarify the procedures it will follow in assessing penalties under these rules. The commenter raised the possibility of per-day penalty assessments, and suggested that the agency waive penalties where abatement periods exceed 90 days under these rules.

These rules will have no impact on the assessment procedures that the agency now follows. However, a permittee who is granted an extension under these rules will not be subject to the mandatory $750-per-day penalty unless and until he or she fails to abate within the extended abatement time, at which time he or she will also receive a cessation order as required by section 521(a)(3) of the Act.

5. One commenter recommended that OSM extend the 90-day abatement period when an operator found not to be in compliance is given the option of either modifying his or her mining and reclamation plan, or bringing his or her operation into compliance with the original plan.

OSM believes that this situation is adequately addressed in 30 CFR 722.12(e)(1) and 843.12(f)(1).

6. The same commenter suggested that, where an operator elects to challenge a notice of violation under the Department's administrative review procedures, the abatement period should be tolled pending a decision.

OSM disagrees. The Act and OSM regulations provide for the granting of temporary relief from any notice or order, where appropriate (see sections 525(c) and 526(b) of the Act, 30 U.S.C. 1275(c), 1276(b)). OSM knows of no authority that would enable it to suspend, as a matter of policy, the abatement period prescribed by the Secretary's authorized representative simply because an operator challenges a citation. Moreover, such a policy could invite dilatory tactics whereby operators might file otherwise spurious appeals for the sole purpose of tolling the abatement period.

7. Several commenters expressed the view that the rules as proposed were drawn too loosely and would result in abuses. Specific exceptions were taken with the expressions "labor dispute" (proposed 722.12(e)(4) and 843.12(f)(4), 46 FR 22904, April 22, 1981) and "climatic conditions" (proposed 722.12(e)(5) and 843.12(f)(5), 46 FR 22904, April 22, 1981). It was suggested that "dispute" be replaced with "strike" and that "climatic conditions" be replaced with "cataclysmic events."

OSM agrees that the word "strike" is less ambiguous than "dispute" and has adopted this language in the final rules (see 30 CFR 722.12(e)(4) and 843.12(f)(4)). However, OSM believes there are certain climatic conditions (e.g., frozen ground) that may justify the granting of an extension even though they cannot be characterized as "cataclysmic events." OSM does not believe that the extensions granted under these rules should be limited to cataclysmic events. Moreover, the procedural safeguards contained in 30 CFR 722.12(g) and 843.12(h) insure the limited and judicious application of these rules.

8. One commenter asserted that the rules should provide for circumstances where abatement within 90 days would jeopardize miners' safety. An example was cited where weather conditions (particularly heavy rainfall over an extended period) made work on a steep slope hazardous.

OSM agrees, and has inserted new language into 30 CFR 722.12(e)(4) and 843.12(f)(4) to provide for an extension where, due to climatic conditions, abatement within 90 days would require action violative of safety standards of the Mine Safety and Health Administration.

9. The same commenter asserted that the phrase "despite extraordinary efforts" contained in proposed 30 CFR 722.12(d) and 843.12(c) is unnecessary due to the specific criteria contained in proposed 30 CFR 722.12(e)(1)–(6) and 843.12(f)(1)–(6) (46 FR 22904, April 22, 1981). The commenter further contended that the phrase is contradictory, since elsewhere in these paragraphs the threshold for granting an extension is whether or not the failure to abate was caused by a "lack of diligence or intentional delay by the permittee."

OSM agrees that not all circumstances justifying an extension under these rules contemplate "extraordinary efforts" by the permittee (e.g., 30 CFR 722.12(e)(3) and 843.12(f)(3)), and has deleted this language from the final rules. Additionally, the word "possible" in proposed 30 CFR 722.12(d) and 843.12(c) has been replaced with "feasible," since not all circumstances justifying an extension under these rules involve impossibility of abatement (e.g., 30 CFR 722.12(e)(4) and 843.12(f)(4)).

10. Several commenters contended that the rules as proposed are contrary to the law, for the following reasons:

(a) The mandatory 90-day abatement period has been upheld in the courts and, because that judicial determination was not appealed, it is binding on the Secretary;

(b) The legislative history is clear concerning congressional intent to make the 90-day period mandatory;

(c) The preamble to the permanent program regulations makes clear that the Secretary considers the 90-day period to be mandatory; and

(d) The rules as proposed are "clearly inconsistent" with section 521(a)(3) of the Act.

The agency's position on this issue in prior litigation and rulemaking represented a good faith effort to implement the intent of Congress that violations of the Act and applicable regulations be abated rapidly. In the vast majority of cases OSM does not intend to stray from that position. However, in the three years it has administered the Act, the agency has encountered circumstances which make an overly restrictive reading of the Act work counter to the purposes Congress expressed in enacting it. Those circumstances are specifically enumerated in these rules.

As stated in the preamble to the proposed rules (46 FR 22903, April 22, 1981), "[t]he Secretary has previously recognized certain of these necessary exceptions to the 90-day abatement

period, both in his conditional approval of the permanent program submission of the State of West Virginia (46 FR 5915, January 21, 1981, codified at 30 CFR Part 948), and in 30 CFR 710.11(d)(2), which identifies the circumstances that justify exempting nonconforming structures or facilities from the requirement of rapid compliance."

11. One commenter expressed concern that the rules might undercut the provision of 30 CFR 722.17 and 843.18 that inability to comply with a notice of violation or cessation order does not constitute an affirmative defense to the issuance of such notice or order.

The agency considers that provision to be unaffected by these rules.

12. Several commenters suggested that OSM delete from the proposed rules the first circumstance listed as justifying an extension: "Where requiring abatement within 90 days clearly would cause more environmental harm than it would prevent" (proposed 30 CFR 722.12(e)(1) and 843.12(f)(1), 46 FR 22904, April 22, 1981). It was argued that this provision covered no identified problem that could not be addressed under the fifth circumstance: "Where climatic conditions preclude abatement within 90 days" (proposed 30 CFR 722.12(e)(5) and 843.12(f)(5), 46 FR 22904, April 22, 1981).

The agency agrees except to note that, unlike the fifth circumstance, the first circumstance does not by its terms limit extensions to cases where abatement would be *precluded*, but would include circumstances where rapid abatement, while possible, would not be environmentally sound. Nevertheless, all examples cited by commenters and encountered by the agency as justifying the first circumstance stemmed from climatic conditions. Accordingly, the consideration of environmental soundness has been incorporated into 30 CFR 722.12(e)(4) and 843.12(f)(4), relating to climatic conditions.

13. The same commenter suggested that the agency consider imposing a maximum time period for abatement where extensions are granted under these rules. The commenter cited instances where, under the Mine Safety and Health Act, the granting of extensions resulted in inordinate delays and procrastination on the part of operators in abating violations.

The agency believes that it would be unwise and imprudent to replace one arbitrary time limit with another, especially since certain circumstances justifying an extension under these rules do not lend themselves to *any* time limits (e.g., labor strikes). However, OSM recognizes the problems cited by the commenter, and has inserted in §§ 722.12(i) and 843.12(j) a requirement that no extension may be granted for longer than 90 days without a fresh showing (under the procedures of 30 CFR 722.12(g) and 843.12(h)) that the condition that had justified an extension in the first instance remains, and that the rules' requirements for an extension are otherwise met.

14. The same commenter recommended that the agency specifically provide for citizen participation in determinations made under these rules.

The agency agrees that citizen participation in determinations made under these rules would foster careful consideration by the agency of requests for extensions, and has provided the opportunity for such participation in 30 CFR 722.12(h) and 843.12(i).

15. One commenter suggested that the second circumstance listed in the proposed rules as justifying an extension (where necessary permits or design approvals will not be issued within 90 days) was too broad and should be narrowed in scope. The commenter cited the Secretary's disapproval of a similar provision submitted by West Virginia (45 FR 69259, October 20, 1980).

The agency disagrees. 30 CFR 722.12(e)(1) and 843.12(f)(1) limit extensions to instances where delay is not within the control of the permittee; this is sufficiently narrow in scope.

16. Several commenters contended that the final circumstance listed in the proposed rules as justifying an extension (where abatement within 90 days would create an imminent danger to the health or safety of the public or would cause significant, imminent environmental harm to land, air, or water resources) is "without any easily ascertainable meaning" and should be deleted.

OSM agrees and has deleted this provision from the final rules.

17. The same commenter suggested that the rules be made retroactive to the beginning of the United Mine Workers (UMW) strike.

OSM agrees, except to note that the recent end to the UMW strike will make circumstances justifying an exemption under these rules rare. In any event, OSM will apply these rules in cases where abatement of violations was precluded by the UMW strike. Additionally, where earlier failures to abate were demonstrably caused by the UMW strike, the agency will take this into account at the time of penalty assessments.

The current regulations shall remain in effect pending the effective date of these final rules.

The Department of the Interior has determined that this document is not a major rule. The rules will not have any major effect on the national economy, or the economy of a particular region or level of government. The rules will have a minor but beneficial economic impact on the coal industry in two respects: First, by allowing OSM to give operators abatement times of more than 90 days in certain limited cases, OSM can avoid issuing cessation orders which are now required by law. Cessation orders carry a mandatory penalty of $750 for each day the nonabatement continues, as well as imposing upon the operator the costs of having production shut down. Second, the coal industry will realize savings from not having to perform certain abatement actions at times of the year or in other circumstances which guarantee failure, and which would have to be corrected later under more favorable conditions. The rules will have no adverse impact on competition, employment, investment, productivity or the ability of a U.S.-based enterprise to compete. Accordingly, these rules do not require a Regulatory Analysis under Executive Order 12291 and 43 CFR Part 14.

Section 501(a) of the Act exempts the amendment to the regulation at 30 CFR 722.12, which is part of the interim regulations, from the requirement of section 102(2)(e) of the National Environmental Policy Act of 1969. An Environmental Assessment (EA) of the impacts of the amendment to the regulation at 30 CFR 843.12 has resulted in a Finding of No Significant Impacts (FONSI). The EA and FONSI are on file in Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

DRAFTING INFORMATION: These regulations were drafted by Harriet Marple, Chief, Division of Enforcement, Murray Newton, Chief, Branch of Enforcement, and Neil Stoloff, Enforcement Specialist, Division of Enforcement.

Dated: July 29, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

PART 722—ENFORCEMENT PROCEDURES

Accordingly, Part 722 of 30 CFR is amended in § 722.12 by revising paragraph (d) and by adding paragraph (e) through (i).

§ 722.12 Permits.

* * * * *

(d) The total time for abatement as originally fixed and subsequently extended shall not exceed 90 days

except upon a showing by the permittee that it is not feasible to abate the violation within 90 calendar days due to one or more of the circumstances in section 722.12(e). An extended abatement date pursuant to this section shall not be granted when the permittee's failure to abate within 90 days has been caused by a lack of diligence or intentional delay by the permittee in completing the remedial action required.

(e) Circumstances which may qualify a surface coal mining operation for an abatement period of more than 90 days are:

(1) where the permittee of an ongoing permitted operation has timely applied for and diligently pursued a permit renewal or other necessary approval of designs or plans but such permit or approval has not been or will not be issued within 90 days after a valid permit expires or is required, for reasons not within the control of the permittee;

(2) where there is a valid judicial order precluding abatement within 90 days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;

(3) where the permittee cannot abate within 90 days due to a labor strike;

(4) where climatic conditions preclude abatement within 90 days, or where, due to climatic conditions, abatement within 90 days clearly:

(i) would cause more environmental harm than it would prevent; or

(ii) requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

(f) Whenever an abatement time in excess of 90 days is permitted, interim abatement measures shall be imposed to the extent necessary to minimize harm to the public or the environment.

(g) If any of the conditions in paragraph (e) (1–4) exist, the permittee may request the authorized representative to grant an abatement period exceeding 90 days. The authorized representative shall not grant such an abatement period without the concurrence of the Director or his or her designee and the abatement period granted shall not exceed the shortest possible time necessary to abate the violation. The permittee shall have the burden of establishing by clear and convincing proof that he or she is entitled to an extension under the provisions of sections 722.12 (d) and (e). In determining whether of not to grant an abatement period exceeding 90 days the authorized representative may consider any relevant written or oral information from the permittee or any other source. The authorized representative shall promptly and fully document in the file his or her reasons for granting or denying the request. The inspector's immediate supervisor shall review this document before concurring in or disapproving the extended abatement date and shall promptly and fully document the reasons for his or her concurrence or disapproval in the file.

(h) Any determination made under paragraph (g) shall be in writing and shall contain a right of appeal to the Office of Hearings and Appeals in accordance with 43 CFR 4.1281 and the regulations at 43 CFR Part 4.

(i) No extension granted under paragraph (b) may exceed 90 days in length. Where the condition or circumstance which prevented abatement within 90 days exists at the expiration of any such extension, the permittee may request a further extension in accordance with the procedures of paragraph (g).

PART 843—FEDERAL ENFORCEMENT

Part 843 of 30 CFR is amended in § 843.12 by revising paragraph (c) and by adding paragraphs (f) through (j).

§ 843.12 Notices of violation.

* * * * *

(c) An authorized representative of the Secretary may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom it was issued. The total time for abatement under a notice of violation, including all extensions, shall not exceed 90 days from the date of issuance, except upon a showing by the permittee that it is not feasible to abate the violation within 90 calendar days due to one or more of the circumstances in § 843.12(f). An extended abatement date pursuant to this section shall not be granted when the permittee's failure to abate within 90 days has been caused by a lack of diligence or intentional delay by the permittee in completing the remedial action required.

* * * * *

(f) Circumstances which may qualify a surface coal mining operation for an abatement period of more than 90 days are:

(1) where the permittee of an ongoing permitted operation has timely applied for and diligently pursued a permit renewal or other necessary approval of designs or plans but such permit or approval has not been or will not be issued within 90 days after a valid permit expires or is required, for reasons not within the control of the permittee;

(2) where there is a valid judicial order precluding abatement within 90 days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;

(3) where the permittee cannot abate within 90 days due to a labor strike;

(4) where climatic conditions preclude abatement within 90 days, or where, due to climatic conditions, abatement within 90 days clearly:

(i) would cause more environmental harm than it would prevent; or

(ii) requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

(g) Whenever an abatement time in excess of 90 days is permitted, interim abatement measures shall be imposed to the extent necessary to minimize harm to the public or the environment.

(h) If any of the conditions in paragraph (f) (1)–(4) exist, the permittee may request the authorized representative to grant an abatement period exceeding 90 days. The authorized representative shall not grant such an abatement period without the concurrence of the Director or his or her designee and the abatement period granted shall not exceed the shortest possible time necessary to abate the violation. The permittee shall have the burden of establishing by clear and convincing proof that he or she is entitled to an extension under the provisions of § 843.12 (c) and (f). In determining whether or not to grant an abatement period exceeding 90 days the authorized representative may consider any relevant written or oral information from the permittee or any other source. The authorized representative shall promptly and fully document in the file his or her reasons for granting or denying the request. The inspector's immediate supervisor shall review this document before concurring in or disapproving the extended abatement date and shall promptly and fully document the reasons for his or her concurrence or disapproval in the file.

(i) Any determination made under paragraph (h) shall be in writing and shall contain a right of appeal to the Office of Hearings and Appeals in accordance with 43 CFR 4.1281 and the regulations at 43 CFR Part 4.

(j) No extension granted under paragraph (h) may exceed 90 days in length. Where the condition or circumstance which prevented abatement within 90 days exists at the expiration of any such extension, the permittee may request a further extension in accordance with the procedures of paragraph (h).

(Secs. 201, 501, 521 of Pub. L. 9587 (30 U.S.C. 1211, 1251, 1271)

[FR Doc. 81-22922 Filed 8-14-81; 8:45 am]
BILLING CODE 4310-05-M

federal register

Monday
August 17, 1981

Part III

Department of Housing and Urban Development

Office of the Secretary

Semiannual Agenda of Regulations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Subtitles A and B

[Docket No. N-81-1086]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: Pursuant to Section 5 of Executive Order 12291, "Federal Regulation", the Department is publishing its Agenda of proposed regulations already issued or expected to be issued and of currently effective rules that are under review. Also, under Section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication. The Department will publish an updated agenda of regulations semiannually.

FOR FURTHER INFORMATION CONTACT: Richard Lasner, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 5218, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation", issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of proposed regulations that the agency has issued or expects to issue and currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities", meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and Section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the Agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both to better inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency", subject to certain exceptions. The Agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (or incorporated therein by reference) following publication in the **Federal Register**. The Department also maintains a Unified Issuances System by which instructions and procedures are disseminated, primarily to HUD Headquarters and field personnel, through Handbooks, Notices, and similar communications which are not published in the **Federal Register**. HUD policy requires that virtually all of the Department's substantive policies for the programs it administers, procedural requirements which must be met in order to participate in the programs, and major interpretations of program policies or procedures which are of general applicability be published in the **Federal Register**. Issuances not published in the **Federal Register** may elaborate or expand upon the published materials but may not modify the substance of those published materials or establish new program policies, requirements or procedures. The Department is aware, however, of concern that policy or procedural instructions disseminated through the issuances system may have increased regulatory burdens without being subject to the necessary and healthy public comment process that surrounds most **Federal Register** publications. The Department intends that future Agendas, as well as the Department's general continuing efforts, in the language of the Executive Order, to "reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, * * * and insure well-reasoned regulations", will pay increasing attention to policy and procedural materials affecting program participants and the public that are disseminated through issuances other than **Federal Register** publications.

The information contained in the Agenda is set out separately for each individual program office in HUD which has responsibility for issuance and monitoring of regulations. These offices, in the order in which they appear, are: Office of the Secretary; Office of Housing; Office of Community Planning and Development; Government National Mortgage Association; Office of Fair Housing and Equal Opportunity; Office of Neighborhoods, Voluntary Associations, and Consumer Protection; Office of Administration; Office of the Inspector General; and New Community Development Corporation. For each program office, the Agenda is divided into the following parts:

A. Final Rules

This part lists all final regulations which have been published since the publication of HUD's last semiannual agenda on September 5, 1980, at 45 FR 59062 (published pursuant to Executive Order 12044, which has been revoked and superseded by Executive Order 12291). Each item includes a summary of the rule, indicates its legal basis, and specifies the Department's final action on the rule. This information is not required by Executive Order 12291 or the Regulatory Flexibility Act but is included in order to increase the usefulness of the Semiannual Agenda as a continuous monitoring device.

B. Proposed or Interim Rules Outstanding

This part lists all proposed or interim rules previously published which have not yet become effective as final rules and which have not been withdrawn and are not proposed to be withdrawn. For each rule in this category, the Agenda contains a summary, objectives and legal basis for the issuance of the proposed or interim rule, statement of status, and name and telephone number of a knowledgeable agency official who may be contacted for information regarding the rule. In the case of any rule considered to be a "major" rule or one which is likely to have a significant economic impact on a substantial number of small entities (see below), the Agenda also states an approximate schedule for completing action.

It will be noticed that a substantial portion of the items listed by various program offices under part B consists of interim rules. These are regulations which, for good cause, were published for effectiveness prior to expiration of the period provided for public comment. In each such case, however, an opportunity was provided for public comment on the interim rule. It will be a

Departmental priority to complete the rulemaking proceedings for each of these rules by addressing the comments received and proceeding to publication of a final rule.

C. Rulemaking Under Development

This part lists all new regulations, or changes (including revocations) to existing regulations, which are currently under development and which the Department expects to publish as proposed, interim or final rules (including rule revocations). As to each proposal under consideration listed in this part, the Agenda contains a summary, objectives and legal basis for the expected proposal, and name and telephone number of the Department's contact person.

D. Rules Under Review

This part lists, and briefly discusses, existing regulations which are under review by the Department pursuant to Executive Order 12291. In some cases there may appear to be an overlap between Parts C and D of the Agenda, in that regulations for which proposed changes are identified in Part C may also be listed in Part D. The review process identified in Part D, however, is a more general review in which no decisions regarding specific proposed changes have yet been made. The Department anticipates that in the case of some of its significant regulations identified in Part D, the Department may utilize Advance Notices of Proposed Rulemaking in order to solicit public comment or specific questions to be considered prior to the formulation of proposed changes. Readers of this Agenda are encouraged to submit comments regarding regulations listed for review even in advance of the publication of further notices by the Department.

E. Inactive Proposals and Rules

This part lists all proposals and rules which were listed in the Department's last Semiannual Agenda on September 5, 1980, as well as any rules subsequently published which have not become effective, on which the Department does not propose any further action, whether or not the proposals previously have been withdrawn. The listing of such proposals and rules in this part constitutes notice of withdrawal for all such items for which formal notice of withdrawal has not been published previously.

In accordance with the requirements of Executive Order 12291, the Agenda identifies each proposal listed in Parts B and C which is determined by the Department to be a "major rule." As defined by the Executive Order, a "major rule" is one 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. No determination has been made as to whether any regulation identified for review under Part D is a "major rule." However, such a determination will be made at such time as any revision to any such regulation is proposed.

In accordance with the Regulatory Flexibility Act, the Agenda also identifies each proposal listed in Parts B and C which the Department has determined is likely to have a significant economic impact on a substantial number of small entities. In the case of proposals identified in Part C, this must be regarded as a preliminary determination. Proposals identified as "likely" to have a significant impact may, at the time of formulation for proposed rulemaking, be determined not likely to have such an impact; similarly, proposals not so identified at this stage may later, after more precise formulation and fuller consideration, be determined likely to have such an impact. The Agenda also contains a schedule for completion for each rule determined likely to have a significant economic impact on a substantial number of small entities for which a notice of proposed rulemaking has been issued.

In estimating an approximate schedule for completion of action on a proposal, certain procedural requirements involving review outside the Department must be taken into account. For instance, in the case of a "major rule," the Department is required, by Section 3 of Executive Order 12291, to prepare a Regulatory Impact Analysis and to transmit it, together with the notice of proposed rulemaking, to the Director of the Office of Management and Budget at least 60 days prior to publication of the notice of proposed rulemaking. For every rule that is not a major rule, the Department must submit the notice of proposed rulemaking and the final ruler to the Director at least 10 days prior to publication. In all cases, the Director may require the Department to refrain from further actions until the Director's review is concluded.

In addition, the Department is subject to certain requirements involving Congressional review of rulemaking actions. Section 7(o) of the Department of Housing and Urban Development Act requires that the Secretary transmit to the Congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs, a semiannual agenda of all rules or regulations which are under development or review by the Department. (The Department is transmitting the Semiannual Agenda published below to the Committees for this purpose.) A rule appearing on the agenda cannot be published for comment prior to or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If within such period either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session prior to its being published for comment. In addition, no rule may become effective until after the first period of 30 calendar days of continuous session of Congress which occurs after the date on which such rule is published as final. If, during this period, either Committee reports out or is discharged from further consideration of a joint resolution of disapproval or other legislation which is intended to modify or invalidate the rule or regulation or any portion thereof, such rule, regulation or portion cannot become effective for an additional period of 90 days, subject to certain exceptions.

Because of the degree of unpredictability involved in such extra-Departmental review procedures, approximate schedules for completion of action, where required, are stated in the Agenda in terms of the completion of all further stages of Departmental action before review outside the Department.

The Agenda utilizes a numbering system designed to facilitate the monitoring of the Department's regulatory processes. Each item in the agenda is identified by a number which includes the identification code of the responsible program office; a sequential number; and the year in which the item first appeared in the Department's Semiannual Agenda. For example, the identifying code "H–21–79" would

indicate that the item is the responsibility of the Office of Housing; that it first appeared in the Semiannual Agenda in 1979; and that it appeared sequentially as the 21st new item in the responsible office's agenda items in that year. The identification number for each item will be continued through subsequent Agendas until the item results in a final effective rule or is withdrawn.

In order to conform to the permanent publication cycle required by Executive Order 12291, the Department expects to publish its next Semiannual Agenda in October 1981.

Issued at Washington, D.C., August 7, 1981.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

OFFICE OF THE SECRETARY

A. Final rules.

None

B. Proposed or Interim Rules Outstanding.

B) 1. S–4–81. Federal National Mortgage Association (FNMA) Definition of "Mortgage Loan."

Summary: Amended 24 CFR Part 81 to revise the definition of "mortgage loan" to allow FNMA to submit for the Secretary's approval conventional loan programs involving the purchase of second mortgage.

Objective: To foster development of a secondary market for second mortgages, in recognition of the increased importance of second mortgages in the home financing market.

Legal Basis: Sections 302(b)(2) and 309(h), Federal National Mortgage Association Charter Act, Pub. L. 73–479, 12 U.S.C. 1723a.

Contact: John A. Maxim, Jr. 202–755–6274.

Status: Interim rule published August 3, 1981 (46 FR 39434), effective August 3, 1981. Final rule in preparation.

B) 2. S–2–79. Suspension and Debarment.

Summary: Would amend 24 CFR Part 24 to clarify the procedural safeguards afforded participants in suspension and debarment proceedings.

Objective: To revise and clarify the existing regulation.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Patricia Black, 202–755–7227.

Status: Proposed rule published July 8, 1980 (45 FR 46012). Final rule in preparation.

B) 3. S–3–79. Mortgagee Review Board.

Summary: Would amend 24 CFR Part 25 to specify those administrative actions available to the Mortgage Review Board against a HUD–FHA approved mortgagee and to clarify the procedural rights available to mortgagees.

Objective: To clarify the grounds on which the Mortgagee Review Board may impose administrative sanctions.

Legal Basis: Section 211, National Housing Act Pub. L. 73–479, as amended, 12 U.S.C. 1715(b).

Contact: Kathleen H. Sauerbrunn, 202–755–5557.

Status: Proposed rule published August 28, 1980 (45 FR 57437). Final rule in preparation.

B) 4. S–4–79. Procedures Before Hearing Officer.

Summary: Would add a new 24 CFR Part 26 to set forth procedures governing debarment and suspension proceedings and administrative actions taken by the Mortgagee Review Board. Would also apply in any other HUD proceddings where a hearing is conducted, except where these rules are inconsistent with governing statute or regulations.

Objective: To establish uniform rules of procedure for the adjudication of matters brought before Departmental hearing officers to assure all parties an expeditious, fair and impartial hearing.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Kathleen H. Sauerbrunn, 202–755–5557.

Status: Proposed rule published August 28, 1980 (45 FR 57440). Final rule in preparation.

C. Rulemaking Under Development

C) 1. S–1–81. Production or Disclosure of Material or Information.

Summary: Would amend 24 CFR Part 15 to modify fees charged to the public under the Freedom of Information Act by (1) specifying that no fee will be charged for information provided in the normal course of business, (2) increasing the hourly rates for search time and (3) permitting charges for computer services up to the actual cost of providing the requested information.

Objective: To permit a reasonable charge for computer services.

Legal Basis: Section 552(a)4(A), Freedom of Information Act, Pub. L. 93–502, 5 U.S.C. 552.

Contact: David White, 202–755–7137.

Status: Proposed rule in preparation.

C) 2. S–1–79. Board of Contract Appeals Rules.

Summary: Would amend 24 CFR Part 20 to revise rules of procedures of HUD Board of Contract Appeals to implement statutory changes made by the Contract Disputes Act of 1978 and uniform rules issued by the Office of Federal Procurement Policy.

Objective: To conform existing procedures to new legislation and simplify the language of the rule to make it more comprehensible to the general public.

Legal Basis: Contract Disputes Act of 1978; Pub. L. 95–563, 41 U.S.C. 601 et seq.

Contact: Jean S. Cooper, 202–673–6130.

Status: Final rule in preparation.

D. Rules Under Review

D) 1. S–2–81. 24 CFR Part 0—Standards of Conduct.

Summary: This part sets forth the provisions governing the conduct and responsibilities of employees of the Department and requirements concerning the filing of financial disclosure statements.

D) 2. S–3–81. 24 CFR Part 81—Federal National Mortgage Association (FNMA).

Summary: This part contains provisions governing (1) the definition of terms related to the functions of the Federal National Mortgage Association (FNMA), (2) the operations of FNMA, (3) applicable reporting requirements, (4) examination and audits of FNMA, and (5) book-entry procedures for FNMA securities.

E. Inactive Proposals and Rules

None.

OFFICE OF HOUSING

A. Final Rules

A) 1. H–1–81. Project Selection Criteria.

Summary: Updated 24 CFR Part 200, Subpart N, relating to HUD's evaluation of applications for various assisted housing programs. Because requirements for all programs under United States Housing Act of 1937 had been moved to applicable program regulations, all references to such program were deleted from the subject regulation.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d); U.S. Housing Act of 1937, Pub. L. 75–412, as amended, 42 U.S.C. 1437 et seq.

Status: Final rule published January 9, 1981 (46 FR 2343), effective January 9, 1981, retroactive to October 1, 1980.

A) 2. H–2–81. Loans for Housing for the Elderly or Handicapped (Interest Rate Determination).

Summary: Amended 24 CFR Part 885 to implement the determination by the Secretary of HUD that the allowance for administrative costs and probable losses to be included in the Section 202 direct loan interest rate charged to borrowers should be ¼ of 1 percent per

annum for both the construction loan and the permanent loan.

Legal Basis: Section 202(a)(3), Housing Act of 1959, Pub. L. 86–372, as amended, 12 U.S.C. 1701q; Section 11(c)(k), Housing Authorization Act of 1976, Pub. L. 94–375, as amended, 12 U.S.C. 1701q.

Status: Final rule published May 29, 1981 (46 FR 28841), effective May 29, 1981.

A) 3. H–3–81. Special Revisions to FY 1980 Section 8 Fair Market Rents (FMR) for New Construction and Substantial Rehabilitation.

Summary: Amended Schedule A of 24 CFR Part 888 to revise Section 8 FMRs for New Construction and Substantial Rehabilitation for certain geographic areas, leaving other market areas' FMRs unchanged.

Legal Basis: Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C 1437.

Status: Final rule published May 28, 1981 (46 FR 28638), effective June 25, 1981.

A) 4. H–31–81. Manufactured (Mobile) Home Loans—Increased Loan Amounts.

Summary: Amended 24 CFR Part 201 to provide for increases in loan amounts for manufactured (mobile) home loans as authorized by Section 308 of the Housing and Community Development Act of 1980.

Legal Basis: Section 2(b), National Housing Act, Pub. L. 73–479, U.S.C. 1701 et seq.; as amended by Section 308, Housing and Community Development Act of 1980, Pub. L. 96–399.

Status: Final rule published July 7, 1981 (46 FR 37504), effective September 28, 1981.

A) 5. H–5–80. Revision to Thermal Requirements for HUD Minimum Property Standards (MPS) for One- and Two-Family Dwellings.

Summary: Amended Minimum Property Standards for One- and Two-Family Dwellings, Handbook 4900.1 (incorporated by reference into 24 CFR 200.927), to increase the insulation requirements for single family housing.

Legal Basis: Section 322, Housing and Community Development Amendments of 1979, Pub. L. 96–153, 42 U.S.C. 5301; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Status: Final rule published September 11, 1980 (45 FR 59857), effective October 1, 1980. Correction published September 22, 1980, to correct effective date to November 11, 1980.

A) 6. H–19–80. Section 8 and Section 23 Housing Assistance Payments Programs—Amendment of Fair Market Rent Schedules, Existing Housing.

Summary: Amended Fair Market Rents for Existing Housing under Section 8 (24 CFR Part 882, Subparts A–B) and Section 23 (24 CFR Part 802) Housing Assistance Payments Programs, and for Mobile Homeowners under Section 8 Program (24 CFR Part 882, Subpart F) for periods from March 29, 1981 through March 28, 1982, to reflect estimated median rent levels for October 1, 1981, mid-point of the period of intended use.

Legal Basis: Section 5(b), U.S. Housing Act of 1937, Pub. L. 75–412, as amended, 42 U.S.C. 1437(c).

Status: Final rule published March 18, 1981 (46 FR 17366), effective April 27, 1981, retroactive to March 29, 1981 only for purposes of commuting annual rent adjustments in accordance with regular procedures and the PHA administrative fees.

A) 7. H–28–80. Low-Income Housing; Housing Assistance for New Construction and Substantial Rehabilitation; Tax Exemption.

Summary: Amended 24 CFR Parts 811, 880 and 881 to conform regulations on Section 8 housing assistance and new construction and Section 8 housing assistance for substantial rehabilitation to the regulations on tax exemption, 24 CFR Part 811, Subpart B, and made a technical correction to the existing regulations on tax exemption, 24 CFR Part 811, Subpart A. These amendments did not change existing policies or practices but were a technical clarification to explain the applicability of 24 CFR Part 811, Subparts A and B.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Status: Final rule published September 22, 1980 (45 FR 62797), effective November 21, 1980.

A) 8. H–1–79. Low-Income Public Housing Development; Processing Procedures.

Summary: Amended 24 CFR Part 841 to change procedures for processing of applications/proposals for development of public housing units, in order to reduce the processing time between submission of an application/proposed and start of construction.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d); U.S. Housing Act of 1937, Pub. L. 75–412, as amended, 42 U.S.C. 1437.

Status: Final rule published September 12, 1980 (45 FR 60836), effective October 1, 1980.

A) 9. H–10–78. Condominium Ownership Mortgage Insurance (Involving Existing Single Family Units and Miscellaneous Provision Changes).

Summary: Amended 24 CFR Part 234 to implement Section 313 of the Housing and Community Development Amendments of 1978, which authorized mortgage insurance for condominium units in conventionally financed projects if construction of the project was completed more than one year prior to the application for mortgage insurance.

Legal Basis: Sections 211, 234 of the National Housing Act, as amended by Section 313 of the Housing and Community Developments Amendments of 1978, Pub. L. 95–557, as amended, 12 U.S.C. 1715b, 1715y.

Status: Final rule published September 12, 1980 (45 FR 60425), effective October 2, 1980.

A) 10. H–14–78. Mobile Home Improvement Loans.

Summary: Amended 24 CFR Part 201 to establish provisions for the insurance of financial institutions which make or purchase loans for the improvement of mobile homes.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d); Section 2, National Housing Act, Pub. L. 95–557, as amended, 12 U.S.C. 1703.

Status: Final rule published September 11, 1980 (45 FR 59867), effective October 1, 1980.

A) 11. H–53–78. Section 8 Housing Assistance Payments Program—Existing Housing; Elimination of Rent Reduction Incentive.

Summary: Amended 24 CFR Part 882 to delete the Rent Reduction Incentive (Rent Credit), which permitted families who select units renting for less than the HUD-approved Fair Market Rents to keep a portion of the difference between the actual rent and FMR. The amendment provided for gradual phasing out of the incentive for families already receiving the Rent Credit.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Status: Final rule published September 9, 1980 (45 FR 59308), effective October 9, 1980.

A) 12. H–59–78. Annual Contributions for Operating Subsidy; Performance Funding System.

Summary: Amended 24 CFR Part 890 to establish a new procedure for the calculation of the allowable utilities consumption level used in the Performance Funding System.

Legal Basis: U.S. Housing Act of 1937, Pub. L. 89–174, as amended, 42 U.S.C. 1437 et seq.; Section 7(d), Department of HUD Act, 42 U.S.C. Pub. L. 89–174, 42 U.S.C. 3535(d).

Status: Final rule published September 11, 9180 (45 FR 60394), effective October 1, 1980. Included in review identified in D) 19 below.

A) 13. H–82–78. Coinsurance for State Housing Finance Agencies.

Summary: Amended 24 CFR Part 250 to set forth eligibility requirements, contract rights and obligations with respect to the multifamily coinsurance program, in order to correct errors in previously published regulation, to simplify program operations and to increase the potential for coinsurance usage.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Status: Final rule published September 10, 1980 (45 FR 59792), effective October 1, 1980.

B. Proposed or Interim Rules Outstanding

B)1. H–4–81. Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds.

Summary: Would (1) amend the procedure in 24 CFR Part 891 for allocating housing assistance funds, to allow cities and other formula entitlement block grant recipients to comment on the allocation plan; and (2) implement a statutory change requiring that any amounts allocated to a State or to areas or communities within a State not be allocated outside the State, unless HUD determines that they cannot be used within the original State.

Objective: To assure that community development activity and housing assistance procedures are coordinated for the maximum effectiveness of both.

Legal Basis: Section 213, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1439; Section 204(b), Housing and Community Development Amendments of 1979, Pub. L. 96–153, as amended, 42 U.S.C. 1437.

Contact: Nancy S. Chisholm, 202–426–0751.

Status: Proposed rule published December 15, 1980 (45 FR 82273). Final rule in preparation.

B)2. H–5–81. Implementation of Section 235 to require Recapture Provisions.

Summary: Amended 24 CFR Part 235 to require that the Department be reimbursed for either the amount of actual assistance provided on behalf of eligible mortgagors or an amount based upon 50 to 65 percent of the net appreciation of the property, whichever is less.

Objective: To implement the recapture of assistance provisions of the Housing and Community Development Act of 1980.

Legal Basis: Section 206, Housing and Community Development Act of 1980, Pub. L. 96–399, 12 U.S.C. 1715z.

Contact: Richard B. Buchheit, 202–755–6700.

Status: Interim rule published May 27, 1981 (46 FR 28401), effective May 27, 1981. Final rule in preparation.

B)3. H–6–81. Refinancing of Existing Debts of Hospitals.

Summary: Would amend 24 CFR Part 242 to allow refinancing of existing debts of hospitals in order to reduce debt service.

Objective: To implement Section 326 of the Housing and Community Development Act of 1978.

Legal Basis: Section 326, Housing and Community Development Amendments of 1978, Pub. L. 95–557, as amended 12 U.S.C. 1715n.

Contact: C. Edward Lewis, Jr., 202–426–7191.

Status: Proposed rule published November 25, 1980 (45 FR 78166). Final rule in preparation.

B)4. H–7–81. Increase in Section 235 Maximum Mortgage Limits.

Summary: Would amend 24 CFR Part 235 to provide Section 235 mortgage insurance and assistance payments for families whose incomes are higher than those authorized under the original Section 235 program but who are still priced out of the housing market.

Objective: To comply with Section 206 of the Housing and Community Development Act of 1980.

Legal Basis: Sections 206 and 207, Housing and Community Development Act of 1980, Pub. L. 96–399, 12 U.S.C. 1715z.

Contact: John J. Coonts, 202–755–6720.

Status: Interim rule published June 1, 1981 (46 FR 29259), effective July 13, 1981. Final rule in preparation.

B)5. H–8–81. Increased Loan-to-Value Ratios for Dwellings with Warranty Plans—Preference for Displaced Families, Eligibility of Cooperative Housing Units and Existing Condominium Units.

Summary: Amends 24 CFR Parts 203, 221, 222, and 235 to permit loans with high loan-to-value ratios for dwellings covered by an acceptable consumer protection or warranty plan and gives preference to displaced low income families for Section 235 assistance in cooperative housing and existing condominium units.

Objectives: To serve as a stimulus to the building industry and provide an increase in housing opportunities to the public, and to expand eligibility for Section 235 assistance.

Legal Basis: Section 203(b)(2), National Housing Act, Pub. L. 73–479, as amended 12 U.S.C. 1701; Sections 310, 213(a) and (b), Housing and Community Development Amendments of 1979, Pub. L. 96–153, as amended, 12 U.S.C. 1709(b).

Contact: John J. Coonts, 202–755–6720.

Status: Incorporates H–10–80, and H–15–80. H–10–80 published as an interim rule on July 10, 1980 (45 FR 46377), effective August 25, 1980. H–15–80 published as an interim rule September 22, 1980 (45 FR 62795), effective November 20, 1980. Final rule in preparation.

B) 6. H–9–81. Change in Provisions and Characteristics of Debentures.

Summary: Would amend 24 CFR Part 200 to change the manner in which debentures are issued by the Treasury Department of behalf of HUD. This change would involve the elimination of denominational debenture certificates to be replaced by a "book entry" method.

Objective: (1) To permit faster, less expensive processing with no adverse impact on the transferability of debentures, and (2) to eliminate many of the security measures now required for the handling and storage of debentures.

Legal Basis: Section 2, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1701, et seq.

Contact: Linda F. Milner, 202–755–5256.

Status: Proposed rule published March 3, 1980 (45 FR 13779). Final rule in preparation.

B) 7. H–10–81. Change in Single Family Maximum Mortgage Amounts.

Summary: Would amend 24 CFR Parts 203, 220, 221, 222, 226, 227, 234, 235 to implement the Housing and Community Development Act of 1980 which amended the National Housing Act to permit a change in the mortgage amount under HUD's single family mortgage insurance program.

Objective: To provide for a more equitable means of establishing maximum mortgage amounts by considering regional differences in the cost of housing.

Legal Basis: Section 336 of the Housing and Community Development Amendments of 1980, Pub. L. 96–399, 12 U.S.C. 1709.

Contact: John J. Coonts, 202–755–6720.

Status: Interim rule published November 18, 1980 (45 FR 76376), effective November 18, 1980. Final rule in preparation.

B) 8. H–27–81. Negotiated Interest Rate Program.

Summary: Would provide that the interest rate applicable to a limited

number of mortgages insured under Section 203(b) of the National Housing Act may be a negotiated interest rate (which can be higher than the maximum FHA interest rate) specified in a commitment agreement between the mortgagor and mortgagee.

Objective: To implement Section 332 of the Housing and Community Development Act of 1980.

Legal Basis: Section 3(a), National Housing Act, Pub. L. 73-479, 12 U.S.C. 1709-1, as amended by Section 332, Housing and Community Development Act of 1980, Pub. L. 96-399.

Contact: Arnold H. Diamond, 202-426-4325.

Status: Proposed rule published July 20, 1981 (46 FR 37279). Comments due September 18, 1981.

B) 9. H-2-80. Use of Materials Bulletin 70a—Particleboard Interior Stair Treads and Certification Program.

Summary: Would amend bulletin listed in 24 CFR Part 200 (Appendix) to establish a new standard dealing with the physical requirements, use limitations and installation instructions for acceptable particleboard interior stair treads.

Objective: To indicate what particleboard stair treads are suitable for use in HUD housing programs.

Legal Basis: Sections 207, 213, 220, 221, 231, 232, 234, 236, 241, and 242, National Housing Act, Pub. L. 73-479, as amended, 12 U.S.C. 1713, 1715d, 1715k, 1715l, 1715v, 1715w, 1715z-1, 1715z-6, and 1715z-7.

Contact: Tsou-Liang Tang, 202-755-5929.

Status: Proposed rule published November 3, 1980 (45 FR 72688). Final rule in preparation.

B) 10. H-8-80. Modification of Graduated Payment Mortgage Program.

Summary: Amended 24 CFR Parts 203 and 234 to provide for an alternative graduated payment mortgage with a lower cash down payment than under the existing program.

Objective: To make homeownership available to a broader segment of the population.

Legal Basis: Section 311, Housing and Community Development Amendments of 1979, Pub. L. 96-153, as amended, 12 U.S.C. 1715z-10(b).

Contact: John J. Coonts, 202-755-6720.

Status: Interim rule published May 30, 1980 (45 FR 36840), effective June 30, 1980. Final rule in preparation.

B) 11. H-13-80. Rent Supplement Payments.

Summary: Amended 24 CFR Part 215 by redefining "income" to make tenant eligibility for rent supplement payments consistent with the criteria used in the Section 8 program.

Objective: To simplify processing under various programs by making uniform the definitions of eligibility and adjusted income.

Legal Basis: Section 101, HUD Act of 1965, Pub. L. 89-117, 12 U.S.C. 1701s; as amended by Sections 203(a)(1) and (2), Housing and Community Development Amendments of 1979, Pub. L. 96-153.

Contact: James J. Tahash, 202-426-8730.

Status: Interim rule published September 8, 1980 (45 FR 59145), effective October 1, 1980. Final rule in preparation.

B) 12. H-16-80. Section 236 Program—Definition of Eligible Tenant.

Summary: Amended 24 CFR 236.2 to change the definitions of "qualfied tenant" and "adjusted income" in the Section 236 Program to make them consistent with those used in the Section 8 Program.

Objective: To implement a 1979 statutory change.

Legal Basis: Section 236, National Housing Act, Pub. L. 73-479; as added by Section 201, Housing and Urban Development Act of 1968, Pub. L. 90-448, 12 U.S.C. 1715z-10, as amended by Section 203(b) and (c), Housing and Community Development Amendments of 1979, Pub. L. 96-153, 12 U.S.C. 1715z-10.

Contact: James J. Tahash, 202-426-8730.

Status: Interim rule published September 8, 1980 (45 FR 59147), effective October 1, 1980. Final rule in preparation.

B) 13. H-21-80. Comprehensive Improvement Assistance Program.

Summary: Amended 24 CFR Part 868 to substitute for the existing Public Housing Modernization Program a new Comprehensive Improvement Assistance Program which provides financial assistance to Public Housing Agencies (PHAs) to improve the physical housing condition and upgrade the management and operation of existing public housing projects.

Objective: To assure that public housing projects continue to be available to serve low-income families.

Legal Basis: Section 14, U.S. Housing Act of 1937, Pub. L. 73-479, 42 U.S.C. 1437 et seq. as added by Section 202, Housing and Community Development Act of 1980, Pub. L. 96-399, 42 U.S.C. 14371.

Contact: Janice D. Rattley, 202-755-6460.

Status: Interim rule published April 14, 1981 (46 FR 21932), effective July 13, 1981. Final rule in preparation.

B) 14. H-23-80. Section 8 Existing Housing Program—Evictions.

Summary: Would amend 24 CFR 882.215 concerning eviction procedures to specify that the public housing authority has the sole right to issue notices to vacate and that the owner may only request that the authority issue such notices.

Objective: To comply with court decisions holding that the existing regulations are inconsistent with the current statutory provisions.

Legal Basis: Section 5(b), Housing and Community Development Act of 1974, Pub. L. 93-383, as amended, 42 U.S.C 1437c.

Contact: Joyce Ann Bassett, (202) 755-7373.

Status: Proposed rule published November 3, 1980 (45 FR 72697). Final rule in preparation.

B) 15. H-25-80. Section 8 Housing Assistance Payments Program—Special Allocations.

Summary: Amended 24 CFR Part 886 to permit owners of projects to submit written requests for rent increases on contract units on the basis of need when Automatic Annual Adjustment Factor is not sufficient. The rule allows owners to submit requests for rent increases based upon supportable and substantial evidence for such increases, rather than rely solely upon the Automatic Annual Adjustment Factor.

Objective: To maintain the viability of Section 8 projects and to avoid defaults, assignments and foreclosures.

Legal Basis: Sections 5(b) and 8, Housing and Community Development Act of 1974, Pub. L. 93-383, as amended, 42 U.S.C. 1437c and 1437f.

Contact: James J. Tahash, 202-426-8730.

Status: Interim rule published September 8, 1980 (45 FR 59149), effective October 1, 1980. Final rule in preparation.

B) 16. H-28-80. Coinsurance Program.

Summary: Would amend 24 CFR Part 204 to make a series of changes in the HUD single family coinsurance program. The coinsurance program is expanded to include non-occupant owners, condominium financing and Section 235 interest sudsidy loans. The existing prohibition on reinsurance is deleted and lenders are permitted to use VA appraisals under coinsurance. A revised stop loss procedure is also contained in the proposed rule.

Objective: To offer lenders an opportunity to assume HUD-FHA underwriting functions, and receive a

share of the mortgage insurance premium.

Legal Basis: Section 211, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1701 et seq.

Contact: John J. Coonts, 202–755–6720.

Status: Incorporates H–4–78. Proposed rule published November 25, 1980 (45 FR 78164). Final rule in preparation.

B) 17. H–6–79. Section 8 Housing Assistance Program for Disposition of HUD-Owned Projects.

Summary: Amended 24 CFR Part 886, Subpart C, concerning the use of Section 8 housing assistance for the disposition of HUD-owned projects, where repairs and/or moderate or substantial rehabilitation will be done by purchaser.

Objective: To permit HUD to sell projects requiring Section 8 Assistance in a prompt, economical manner and to assure that the necessary rehabilitation will be accomplished.

Legal Basis: Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437; Section 203, Housing and Community Development Amendments of 1978, Pub. L. 95–557; 12 U.S.C. 1701z–11; as amended by Housing and Community Development Amendments of 1979, Pub. L. 96–153, Housing and Community Development Act of 1980, Pub. L. 96–399.

Contact: Marvin T. Hilman, 202–755–7220.

Status: Incorporates H–7–79. Amended interim rule published December 6, 1979 (44 FR 70362), effective December 26, 1979. Final rule in preparation.

B) 18. H–19–79. Mortgage Insurance for One-to-Four Family Residences—Adjustment for Fire Damage.

Summary: Amended 24 CFR Part 203 to allow conveyance or assignment of fire damaged property when the fire insurance policy has been terminated (or renewal refused) and the mortgagee has been unable to obtain adequate insurance to protect its investment.

Objective: To redefine the conditions under which mortgagees may convey fire damaged properties to HUD; and to eliminate unnecessary reporting burdens on mortgagees.

Legal Basis: Section 211, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1715b; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Richard B. Buchheit, 202–755–6700.

Status: Interim rule published August 26, 980 (45 FR 56800), effective September 22, 1980. Final rule in preparation.

B) 19. H–24–79. Mortgagor and Tenant Relationship; Mortgagor Relationship to Tenant Activities.

Summary: Would amend 24 CFR by adding a new Part 430 to prohibit project owners from interfering with attempts by tenants to organize or to obtain rental subsidies.

Objective: To implement Sections 202(b)(2) and (4) of the Housing and Community Development Act of 1978, requiring the Secretary to prohibit owners from impeding the reasonable representational activities of tenant organizations or the efforts of tenants to organize.

Legal Basis: Sections 202(b)(2) and (4), Housing and Community Development Amendments of 1978, Pub. L. 95–557, as amended, 12 U.S.C. 1715z–1b.

Contact: James J. Tahash, 202–426–8730.

Status: Proposed rule published September 29, 1980 (45 FR 64211). Final rule in preparation.

B) 20. H–33–79. Revision of Use of Materials Bulletin 78—Plastic Piping for Domestic Cold Water Service.

Summary: Would amend bulletin listed in 24 CFR Part 200 (Appendix) to include two additional national standards for polybutylene pipe and tubing, as approved by the American Society for Testing and Materials (ASTM).

Objective: To meet the requests of two manufacturers of polybutylene pipe and tubing that two ASTM national standards be included.

Legal Basis: Sections 207, 213, 220, 221, 231, 232, 234, 236, 241 and 242, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713, 1715d, 1715k, 1715l, 1715v, 1715w, 1715y, 1715z–1, 1715z–6 and 1715z–7.

Contact: Richard H. Kolodin, 202–755–5929.

Status: Proposed rule published September 3, 1980 (45 FR 58374). Final rule in preparation.

B) 21. H–35–79. Use of Materials Bulletin 79a—Plastic Drain, Waste and Bent Pipe and Fittings.

Summary: Would amend bulletin listed in 24 CFR Part 200 (Appendix) describing the performance standards, dimensions, and other conditions for plastic drain, waste and vent pipe and fittings considered suitable for HUD Housing programs.

Objective: To permit a wider selection of acceptable materials in the manufacture of plastic drain, waste and vent pipes.

Legal Basis: Sections 207, 213, 220, 221, 231, 232, 234, and 236, 241 and 242, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713, 1715d, 1715k, 1715l, 1715v, 1715w, 1715y, 1715z–1, 1715z–6 and 1715z–7.

Contact: Richard H. Kolodin, 202–755–5929.

Status: Proposed rule published August 28, 1980 (45 FR 57444). Final rule in preparation.

B) 22. H–36–79. Revision of Minimum Property Standards (MPS) for One- and Two-Family Dwellings.

Summary: Would amend Minimum Property Standards for One- and Two-Family Dwellings (MPS 4900.1, incorporated by reference in 24 CFR Part 200) to (1) incorporate portions of the current model One- and Two-Family Dwelling Code into the MPS; (2) remove criteria not bearing on health, life, and safety requirements and durability; (3) reduce the bulk of standards; and (4) provide a means for measuring workmanship levels.

Objective: To incorporate appropriate portions of the current model One- and Two-Family Dwelling Code into the MPS and to remove criteria from the MPS that do not bear directly on health, life and safety requirements.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Richard A. Atwell, 202–755–6590.

Status: Proposed rule published September 18, 1980 (45 FR 62316). Final rule in preparation.

B) 23. H–38–79. Flexible Amortization Periods on Single Family Mortgages.

Summary: Amended 24 CFR Parts 203, 213, 221, 227, 234, and 235 to permit mortgages with terms other than in 5-year intervals.

Objective: To accommodate bonding and other types of financing which do not fit into the current amortization periods made up of 5-year intervals.

Legal Basis: Section 203, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1709.

Contact: John J. Coonts, 202–755–6720.

Status: Interim rule published May 2, 1980 (45 FR 29277), effective June 2, 1980. Final rule in preparation.

B) 24. H–41–79. Elimination of Single Family Application and Commitment Fees.

Summary: Would eliminate collection of application fees, Part 203.

Objective: To reduce unnecessary collection of fees and distribution of payments to private individuals.

Legal Basis: Title II, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1715b; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: John J. Coonts, 202–755–6720.

Status: Interim rule published May 8, 1980 (45 FR 30602), effecitve June 1, 1980. Final rule in preparation.

B) 25. H–47–79. Assurance of Completion Requirements—Multifamily Housing.

Summary: Would amend 24 CFR Part 241 to increase the construction limit on multifamily projects covered by HUD mortgage insurance from $500,000 to $1,000,000, where the mortgagor has provided assurance of completion. Would also broaden the scope of the present assurance of completion requirements for certain multifamily projects.

Objective: To increase the capability of contractors participating in the multifamily mortgage insurance programs to provide adequate assurance of completion.

Legal Basis: Sections 207, 213, 220, 221, 231, 234, 230, 241, and 242, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713, 1715d, 1715k, 1715l, 1715v, 1715w, 1715y, 1715z–1, 1715z–6 and 1715z–7.

Contact: Vaughn L. Sanders, 202–755–9280.

Status: Proposed rule published December 17, 1980 (45 FR 82958). Final rule in preparation.

B) 26. H–55–79. Low-Income Public Housing—Homeownership Opportunities.

Summary: Would amend 24 CFR Part 804 relating to the management operations phase of Turnkey III programs and add a new section governing the financing of the homeowner purchase of Turnkey III units.

Objective: To improve the management and operation of the Turnkey III Homeownership Opportunities program.

Legal Basis: U.S. Housing Act of 1937, Pub. L. 75–412, as amended, 42 U.S.C. 1437 et seq.

Contact: Joyce Roberson, 202–755–5808.

Status: Proposed rule published December 28, 1978 (43 FR 60830). Final rule in preparation.

B) 27. H–60–79. Low-Income Public Housing—PHA owned Projects—Continued Operation as Low-Income Housing After Completion of Debt Service.

Summary: Added a new 24 CFR Part 869 to provide for an extension of Annual Contributions Contract (ACC) to (1) permit continued payment of operating subsidy after completion of debt service; and (2) provide a contractual basis for continued operation as low-income housing.

Objective: To provide basis for payment of operating subsidy and maintenance of low-income public housing inventory after termination of ACC.

Legal Basis: Section 9, U.S. Housing Act of 1937, Pub. L. 75–412, 42 U.S.C. 1437g; as amended by Sections 207 and 211, Housing and Community Development Act of 1979, Pub. L. 96–153.

Contact: Wayne Hunter, 202–755–6460.

Status: Interim rule published August 7, 1980 (45 FR 52371), effective September 15, 1980. Final rule in preparation.

B) 28. H–65–79. Housing for Elderly or Handicapped—Building Components Stored Off-Site.

Summary: Amended 24 CFR Part 885 to permit HUD to make loan disbursements to cover the cost of large building components specifically manufactured or pre-assembled for a federally-assisted project for the elderly or handicapped, but stored off-site.

Objective: To provide for early disbursement of Section 202 loan funds, to enable building component manufacturers to receive payment upon completion, rather than wait until the component is at the construction site.

Legal Basis: Section 202, Housing Act of 1959, Pub. L. 86–372, as amended, 12 U.S.C. 1701q.

Contact: Robert W. Wilden, 202–755–6528.

Status: Interim rule published May 15, 1980 (45 FR 31990), effective June 9, 1980. Final rule in preparation.

B) 29. H–67–79. Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors.

Summary: Amended 24 CFR Part 888 to permit publication of revised annual adjustment factors used in Section 8 Housing Assistance, by Notice in the **Federal Register.**

Objective: To change the publication method of the Contract Rent Automatic Annual Adjustment Factors to permit publication by Notice in the **Federal Register.**

Legal Basis: Section 8(2)(A), U.S. Housing Act of 1937; Pub. L. 75–412, 42 U.S.C. 1437, as amended by Housing and Community Development Act of 1974, Pub. L. 93–383.

Contact: Gerald J. Benoit, 202–426–0910.

Status: Interim rule published December 20, 1979 (44 FR 75383), effective February 11, 1980. Final rule in preparation.

B) 30. H–1–78. Mortgage Insurance—Occupancy of Property.

Summary: Amended 24 CFR Part 203 to establish revised criteria for determining when HUD will accept the conveyance of one-to-four family residential properties, when they are occupied.

Objective: To provide mortgagees with detailed guidelines for conveying foreclosed properties to HUD when the dwellings are occupied.

Legal Basis: Section 207, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713.

Contact: Freeman B. Grote, 202–755–8680.

Status: Interim rule published September 10, 1980 (45 FR 59561), effective November 10, 1980. Final rule in preparation.

B) 31. H–20–78. Insurance of Advances for Off-Site Components.

Summary: Amended 24 CFR Parts 207, 213, 220, 221, 227, 231, 232, 234, 236, 241, 242 and 244 to cover the cost of construction modules, specifically manufactured or pre-assembled for an insured project but stored off-site. Enables manufacturers to receive payment for their products when completed and to encourage use of industrial housing technology.

Objective: To provide an early disbursement of mortgage proceeds to manufacturers of large building components and to avoid financial hardships to such firms.

Legal Basis: Section 207, National Housing Act, Pub. L. 73–479, as amended 42 U.S.C. 1713.

Contact: Linda D. Cheatham, 202–755–8686.

Status: Interim rule published February 8, 1979 (44 FR 8194), effective February 27, 1979. Final rule in preparation.

B) 32. H–43–78. Section 8 Housing Assistance Payments Program—State Housing Agencies.

Summary: Amended 24 CFR Part 883 to clarify the regulations dealing with the implementation of Section 8 rental assistance program by State Housing Agencies; to make changes aimed at controlling and reducing costs; and to revise relocation requirements to provide more equitable treatment to displaced tenants. Established a new Part 884 to relocate existing regulations implementing a HUD/USDA agreement on section 515 rural housing projects.

Objective: To improve the administration of Section 8 rental assistance by State Housing Agencies.

Legal Basis: U.S. Housing Act of 1937, Pub. L. 75–412, as amended, 42 U.S.C. 1437.

Contact: Joseph E. Malloy, 202–755–7172.

Status: Interim rule published January 30, 1980 (45 FR 6886), effective February 29, 1980. Final rule in preparation.

B) 33. H–60–78. Public Housing—Occupancy Limits for Non-Elderly persons.

Summary: Would amend 24 CFR Part 812 to increase the limitation on the percentage of public housing and Section 8 units under the jurisdiction of a public housing agency that may be occupied by single, non-elderly persons, from 10 to 15 percent.

Objective: To implement statutory amendments which increased single occupancy from 10 to 15 percent.

Legal Basis: Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437; as amended by Section 206(c), Housing and Community Development Amendments of 1978, Pub. L. 95–557.

Contact: Priscilla S. Banks, 202–755–7373.

Status: Proposed rule published March 3, 1980 (45 FR 13780). Final rule in preparation.

B) 34. H–61–78. Operation of Consolidated Supply Program.

Summary: Would amend 24 CFR Part 865 by adding a new Subpart E governing the Consolidated Supply Program under which HUD enters into contracts for supplies and services commonly used by public housing agencies in the operation of their programs.

Objective: To set forth regulations under which HUD provides technical assistance to public housing agencies by entering into contracts under which PHA's may procure supplies, materials and equipment.

Legal Basis: Section 6(a) U.S. Housing Act of 1937, Pub. L. 93–383, as amended 42 U.S.C. 1437.

Contact: Clarence F. Meadows, 202–755–5840.

Status: Proposed rule published March 24, 1980 945 FR 18952). Final rule in preparation.

B) 35. H–62–78. Mortgage Insurance—Existing Projects.

Summary: Amended 24 CFR 207.32a to assist projects in older declining urban areas to implement the Target Area Preservaion (TAP) Program.

Objective: To facilitate the implementation of the TAP Program.

Legal Basis: Section 223(f), National Housing Act, Pub. L. 73–479, 12 U.S.C. 1715n, amended by Section 311(a), Housing and Community Development Act of 1974, Pub. L. 93–383.

Contact: Michael C. Wells, 202–755–6454.

Status: Interim rule published October 3, 1979 (44 FR 56927), effective October 29, 1979. Final rule in preparation.

B) 36. H–64–78. Mortgatgee Approval—Eligibility Requirements.

Summary: Amended 24 CFR Part 203 to simplify and reorganize mortgage approval requirements. The rule details requirements for the establishment of branch offices by mortgagees and amends financial requirements for mortgagees having branch offices. Section 203.7, relating to the withdrawal of mortgagee approval, is moved to 24 CFR Part 25.

Objective: To revise and clarify requirements for HUD–FHA mortgagee approval.

Legal Basis: Sections 203, 207 and 211, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1709, 1713 and 1715.

Contact: Andrew Zirneklis, 202–755–7330.

Status: Interim rule published July 30, 1980 (45 FR 50560), effective September 10, 1980. Final rule in preparation.

B) 37. H–69–78. HUD-Owned Multifamily Housing Projects—Management and Disposition.

Summary: Amends 24 CFR Part 290, establishing a new Departmental policy with respect to management and disposition of HUD-owned multifamily projects. Primary objectives include maintaining the existing housing stock, avoiding unnecessary displacement, and encouraging tenant involvement in disposition decisions. Stricter criteria are imposed to justify demolition.

Objective: To better maintain a stock of decent, safe and sanitary housing for lower income tenants.

Legal Basis: Section 203, Housing and Community Development Amendments of 1978, Pub. L. 95–557, 12 U.S.C. 1701z–11.

Contact: Marvin T. Hilman, 202–755–7220.

Status: Interim rule published October 1, 1979 (44 FR 56608), effective October 30, 1979. Final rule in preparation.

B) 38. H–70–78. Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities.

Summary: Would add a new 24 CFR Part 8 to set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance.

Objective: To comply with the Rehabilitation Act of 1973.

Legal Basis: Section 504, Rehabilitation Act of 1973, 29 U.S.C. 794; Section 111(a), Rehabilitation Act Amendments of 1974, 29 U.S.C. 706.

Contact: John E. Bonkoski, 202–755–6740.

Status: Proposed rule published April 19, 1978 (43 FR 16652). Revised proposed rule in preparation.

B) 39. H–71–78. Standards for Design, Construction and Alteration of Publicly-Owned Residential Structures.

Summary: Would amend 24 CFR Part 40 regarding accessibility design standards for handicapped persons in pubicly-owned residential structures constructed, altered or leased with Federal funds. Would add a provision to permit program-by-program supplementing of the accessibility standards with numerical or percentage requirements for specific building features such as parking spaces, dwelling units or elevators.

Objective: To comply with 1976 amendments to Architectural Barriers Act of 1968.

Legal Basis: Architectural Barriers Act of 1968, Pub. L. 90–480, 42 U.S.C. 4151 et seq.

Contact: Margaret F. Milner, 202–755–7366.

Status: Proposed rule published February 21, 1979 (44 FR 10586). Interim rule in preparation.

B) 40. H–73–78. Flexible Subsidy Program.

Summary: Amended 24 CFR Part 219, to provide for the funding of eligible projects having HUD rent supplement contracts and which are in need of additional funding due to rent increases.

Objective: To avoid the financial and physical deterioration of rent supplement projects.

Legal Basis: Section 219; National Housing Act, Pub. L. 73–479, 12 U.S.C. 1715j, as amended by Section 201(a), Housing and Community Development Amendments of 1978, Pub. L. 95–557.

Contact: James J. Tahash, 202–426–8730.

Status: Interim rule published May 23, 1980 (45 FR 34877), effective June 22, 1980. Final rule in preparation.

B) 41. H–89–78. Additional Assistance Program for Projects with HUD-Insured or HUD-Held Mortgages.

Summary: Amended 24 CFR Part 886, Subpart A to remove the requirement that HUD annually inspect 100% of the units under HUD-insured or HUD-held mortgages and to call for inspections based on a reasonable sample. This brings this requirement in line with other programs which permit inspections on a sample basis.

Objective: To reduce the field office workload.

Legal Basis: Section 8, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437.

Contact: James J. Tahash, (202) 426–8730.

Status: Interim rule published December 26, 1978 (43 FR 60157),

effective December 26, 1978. Final rule in preparation.

B) 42. H–95–78. PHA-Owned or Leased Projects—Tenant Allowance for Utilities in Low Income Housing.

Summary: Amended 24 CFR Part 865 by adding a new Subpart D to establish uniform standards and procedures for determining the amounts of utility allowances and surcharges applicable to dwelling units owned or leased by public housing agencies. A final rule, when adopted, is likely to have a significant economic impact on a substantial number of small entities.

Objective: To require PHAs to establish allowances for PHA-furnished utilities that are checkmetered and for tenant-purchased utilities.

Legal Basis: Section 6(a)(4), U.S. Housing Act of 1937, Pub. L. 93–383, 42 U.S.C. 1437d.

Contact: Charles R. Ashmore, 202–755–6640.

Status: Interim rule published September 9, 1980 (45 FR 59502), effective October 1, 1980. Final rule in preparation. Agency action to be completed approximately September 1981.

C. Rulemaking Under Development

C) 1. H–11–81. Appendix to Subpart S—Minimum Property Standards and Description and Identification of Minimum Property Standards.

Summary: Would delete Appendix to 24 CFR Part 200, Subpart S and amend Description and Identification of Minimum Property Standards.

Objective: To delete from CFR to Appendix setting forth a list that is frequently revised and is difficult to keep up-to-date.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Richard A. Atwell, 202–755–5303.

Status: Final rule in preparation.

C) 2. H–12–81. Eligibility of Mortgages Covering Housing Intended for Seasonal Occupancy.

Summary: Would delete 24 CFR 203.43(b) setting forth the eligibility of mortgages of housing intended for seasonal occupancy.

Objective: To remove a rule for a program for which applications are no longer being accepted.

Legal Basis: Section 203, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713.

Contact: John T. Coonts, 202–755–6720.

Status: Final rule in preparation.

C) 3. H–13–81. Disposition of General Contractor's Holdback.

Summary: Would delete 24 CFR 207.67a providing for the holdback of certain general contractor's funds.

Objective: To remove a rule no longer being implemented.

Legal Basis: Section 207, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1713.

Contact: Joseph E. Malloy, 202–755–7172.

Status: Final rule in preparation.

C) 4. H–14–81. Multifamily Projects; War Housing Mortgage Insurance.

Summary: Would delete 24 CFR Part 210 concerning war housing multifamily project mortgages insured under § 608 of the National Housing Act.

Objective: To delete a rule which duplicates coverage of another rule.

Legal Basis: Section 608, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1743.

Contact: Joseph E. Malloy, 202–755–7172.

Status: Final rule in preparation.

C) 5. H–15–81. Disposition of General Contractor's Holdback.

Summary: Would delete 24 CFR 221.548(a) providing for the holdback of certain general contractor's funds.

Objective: To remove a rule no longer being implemented.

Legal Basis: Sections 207, 213, 220, 221, 231, 232, 234, 236, 241, and 242, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713, 1715d, 1715k, 1715l, 1715v, 1715w, 1715y, 1715z–1, 1715z–6, and 1715z–7.

Contact: Joseph E. Malloy, 202–755–7172.

Status: Final rule in preparation.

C) 6. H–16–81. Yield Insurance.

Summary: Would delete 24 CFR Part 238 concerning insurance in connection with investments made under Title VII of the National Housing Act.

Objective: To remove regulations for programs which have never been utilized.

Legal Basis: Section 712, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1747k.

Contact: James B. Mitchell, 202–426–4325.

Status: Final rule in preparation.

C) 7. H–17–81. Low-Rent Housing Homeownership Opportunities; Subpart B—Turnkey III Program Description.

Summary: Would delete Appendices I, II, III and IV of 24 CFR 804, Subpart B.

Objective: To remove forms from CFR.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Joyce Roberson, 202–755–5808.

Status: Final rule in preparation.

C) 8. H–18–81. Low-Rent Homeownership Opportunities—Subpart C, Homeownership Counseling and Training.

Summary: Would delete Appendix I of 24 CFR 804, Subpart C.

Objective: To remove forms from CFR.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Joyce Roberson, 202–755–5808.

Status: Final rule in preparation.

C) 9. H–19–81. Low-Rent Homeownership—Subpart D—Homebuyers Association (HBA).

Summary: Would delete Appendices I and II of 24 CFR Part 804, Subpart D.

Objective: To remove forms from CFR.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Joyce Roberson, 202–755–5808.

Status: Final rule in preparation.

C) 10. H–20–81. Emergency Homeowners' Relief Program, Subpart F, Appendices.

Summary: Would delete Appendices I, II, III, IV, V, VI, VII and VIII of 24 CFR Part 2700, Subpart F.

Objective: To remove forms from CFR.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Nancy S. Chisholm, 202–426–0751.

Status: Final rule in preparation.

C) 11. H–21–81. Property Improvement Loans—Loans Security.

Summary: Would amend 24 CFR Part 201 to require that all home improvement loans be secured by a recorded lien on the improved property.

Objective: To minimize financial losses of the Department and facilitate the collection of debt for the originating lender and HUD in the event a claim is filed for issuance benefits.

Legal Basis: Section 2, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1703.

Contact: John L. Brady, 202–755–6680.

Status: Proposed rule in preparation.

C) 12. H–22–81. Use of Materials Bulletin 73a—Standard and Certification Program for Plastic Plumbing Fixtures.

Summary: Would amend Bulletin listed in Appendix to 24 CFR Part 200 to set forth the Department's standards for the construction of plastic bathtubs, shower stalls, receptors and lavatories.

Objective: To permit a wider selection of plumbing fixtures.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Leslie H. Breden, 202–755–5929.

Status: Proposed rule in preparation.

C) 13. H–23–81. Use of Materials Bulletin 84—Standard and Certification Program for Solid Fuel Type Room Heaters.

Summary: Would amend Bulletin listed in Appendix to 24 CFR Part 200 to develop a National Voluntary Laboratory Accreditation Program for solid fuel burning devices using two Underwriters Laboratories standards as a basis for the program.

Objective: To develop a program needed because of the rapid increase in the use of solid fuel devices during the past few years, the proliferation of types of devices available, and the hazard associated with stoves improperly designed and constructed.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Leslie H. Breden, 202–755–5929.

Status: Proposed rule in preparation.

C) 14. H–24–81. Issue Date of Debentures.

Summary: Would amend 24 CFR Parts 203, 204, 207, 213, 220, 221 and 232 to provide for a change in the issue date of debentures which are issued in connection with the settlement of coinsurance, conveyed property, and assigned mortgage claims. Also, would change the definition of "date of a covenant default."

Objective: To reduce the number of issue and maturity dates for debentures from 365 to 12 annually by requiring that all debentures be dated as of the first day of the month.

Legal Basis: Sections 203 and 211, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1701, 1709, 1710, 1713 and 1715.

Contact: Linda F. Milner, 202–755–5256.

Status: Proposed rule in preparation.

C) 15. H–25–81. Fractional Part of the Mortgage Interest Rate.

Summary: Would amend 24 CFR Parts 201, 203, 207 to ensure that the mortgage interest rate entered in HUD's accounting system will be the rate listed on the mortgage note.

Objective: To permit HUD to use the interest rate stated on the mortgage note, rather than to round the interest rates to the nearest eighth of a percent before the rate is accepted in HUD's accounting system.

Legal Basis: Section 3(a), National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1709–1; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Betty Belin, 202–755–5256.

Status: Proposed rule in preparation.

C) 16. H–26–81. Interest Change on Amount of the Late Premium Payment.

Summary: Would amend 24 CFR Parts 201, 203, 204, 207, 220, 232 to change mortgagee's interest rate on late premium payments at the U.S. Treasury current annual rate, plus a 4% one time charge. This rule, as revised, is likely to have a substantial economic impact on a significant number of small entities.

Objective: To allow HUD to collect interest on late premium payments at the current U.S. Treasury rate.

Legal Basis: Claims Collection Act, Pub. L. 89–508, 31 U.S.C. 952; Sections 201, 203, 204, 207, 220 and 232, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1707, 1709, 1710, 1713, 1715k and 1715w.

Contact: James E. Talbert, 202–755–5248.

Status: Proposed rule in preparation.

C) 17. H–28–81. Multifamily Mortgage Insurance.

Summary: Would amend 24 CFR 207.32a to permit rent increases in older urban declining neighborhoods for Section 223(f) projects to include reasonable profit and to prohibit prepayment of the Section 223(f) refinancing for certain stated periods in the absence of owner agreement to maintain the property as rental housing during such period except in certain circumstances.

Objective: To implement Section 327 of the Housing and Community Development Act of 1980.

Legal Basis: Section 223, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1715n, Section 327, Housing and Community Development Act of 1980, Pub. L. 96–399.

Contact: Joseph E. Malloy, 202–755–7172.

Status: Proposed rule in preparation. Incorporates H–11–80.

C) 18. H–29–81. Temporary Mortgage Assistance Payment (TMAP).

Summary: Would amend 24 CFR Part 203 to implement the requirements for the Temporary Mortgage Assistance Payments (TMAP) Program whereby the Secretary is authorized to make all or part of the full mortgage payment directly to the mortgagee on behalf of eligible mortgagors facing foreclosure; or, alternatively, to take assignment of the mortgage to avoid foreclosure where TMAP are inappropriate.

Objective: To implement Section 341 of the Housing and Community Development Act of 1980.

Legal Basis: Section 341, Housing and Community Development Act of 1980, Pub. L. 399, 42 U.S.C. 1715v.

Contact: Richard B. Buchheit, 202–755–6700.

Status: Proposed rule in preparation.

C) 19. H–30–81. Public Housing—Evictions—Reduction of Notice Period for Nonpayment of Rent.

Summary: Would amend 24 CFR 866.4 to reduce the minimum notice period for lease terminations in the case of nonpayment of rent and to clarify the interrelationship of such notice and any notice required by State law.

Objective: To reduce the amount of time needed to evict public housing tenants in cases of nonpayment of rent.

Legal Basis: Section 6(c), U.S. Housing Act of 1937, as amended by Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437.

Contact: Joyce Anne Bassett, 202–755–7373.

Status: Proposed rule in preparation.

C) 20. H–32–81. Financial Assistance—Nonimmigrant Student Aliens.

Summary: Would amend 24 CFR Parts 215, 235, 236 and 812 to prohibit financial assistance, under the U.S. Housing Act of 1937, Section 235 or 236 of the National Housing Act, or Section 101 of the HUD Act of 1965, to nonimmigrant student aliens.

Objective: To implement Section 214 of the Housing and Community Development Act of 1980, precluding nonimmigrant student aliens from receiving Federal financial assistance.

Legal Basis: Section 214, Housing and Community Development Act of 1980, Pub. L. 96–399, 42 U.S.C. 1436a.

Contact: Martha B. Larkin, 202–755–6454.

Status: Interim rule in preparation.

C) 21. H–33–81. Section 235 Assistance Payments—Mortgagee's Responsibility.

Summary: Would amend 24 CFR Part 235 to define the mortgagee's responsibility for furnishing in the statement of interest and taxes paid with respect to each mortgage insured under Section 235 a statement of the total Section 235 assistance payments made on a mortgagor's behalf by HUD during the year.

Objective: To assist homeowners in determining their tax liability under Internal Revenue Service requirements.

Legal Basis: Sections 203, 211, and Section 235 of the National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1709, 1715b and 1715z.

Contact: Richard B. Buchheit, 202–755–6700.

Status: Proposed rule in preparation.

C) 22. H–34–81. Tenant's Input Into Owner's Request to HUD for Approval of

those Proposed Actions Which Significantly Affect Costs and Basis Characteristics.

Summary: Would amend 24 CFR Part 401 to provide for tenants' comments on owner's actions which require Secretary's approval and which significantly affect the costs and basic characteristics of the project.

Objective: To implement the requirements of Section 202(b)(1) of the Housing and Community Development Act of 1978 for tenant participation in multi-family housing projects.

Legal Basis: Section 202(b)(1), Housing and Community Development Amendments of 1978, Pub. L. 95–557, 12 U.S.C. 1715z–1b.

Contact: James T. Tahash, 202–426–8730.

Status: Interim rule in preparation.

C) 23. H–35–81. Fair Market Rent Schedules for New Construction and Substantial Rehabilitation under Section 8 and Section 23 Housing Assistance Payments Program.

Summary: Would amend schedules to 24 CFR Parts 803 and 888 to issue the annual revision of the Fair Market Rents for the Section 8 and Section 23 New Construction and Substantial Rehabilitation Housing Programs.

Objective: To publish annual revisions as required by Section 8(c)(1) of the U.S. Housing Act of 1937.

Legal Basis: Section 8(c)1, Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C. 1437.

Contact: Edward M. Winiarski, 202–755–5743.

Status: Interim rule in preparation.

C) 24. H–36–81. Fair Market Rent Schedules for Existing Housing under Section 8 and Section 23 Housing Assistance Payments Program.

Summary: Would amend schedules to 24 CFR Parts 803 and 888 to issue the annual revision of the Fair Market Rents for the Section 8 and Section 23 Existing Housing Programs.

Objective: To publish annual revisions as required by Section 8(c)(1) of the U.S. Housing Act of 1937.

Legal Basis: Section 8(c)1, Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C. 1437.

Contact: Gerald J. Benoit, 202–426–0910.

Status: Proposed rule in preparation.

C) 25. H–37–81. Exemption of Elderly from Income Range Requirements

Summary: Would amend 24 CFR Part 860 to allow Field Office Managers and Supervisors to waive public housing income range requirements when, without such a waiver, elderly applicants would have to wait longer to be housed than nonelderly applicants. Would also clarify and simplify the present requirements governing public housing tenant selection.

Objective: To implement Section 201(e) of the Housing and Community Development Act of 1980.

Legal Basis: Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437d, as amended by Section 201(e), Housing and Community Development Act of 1980, Pub. L. 96–399.

Contact: Edward Whipple, 202–755–5840.

Status: Proposed rule in preparation.

C) 26. H–38–81. Section 8 Housing Assistance Payments Program—Existing Housing/Moderate Rehabilitation.

Summary: Would amend 24 CFR Part 882 to simplify the Section 8 Moderate Rehabilitation Program and clarify the occupancy and tenant selection requirements.

Objective: To simplify, contain costs, and respond to litigation and legislative amendments.

Legal Basis: Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437; as amended by Housing and Community Development Amendments of 1978, Pub. L. 95–557.

Contact: Madeline Hastings, 202–755–5656.

Status: Proposed rule in preparation.

C) 27. H–39–81. Section 8 New Construction and Substantial Rehabilitation—Consolidation of Parts—Implementation of 1980 Legislation.

Summary: Would 1) consolidate 24 CFR Parts 880 and 881 because the regulations are very similar in many instances, 2) limit to 20% of HUD's contract authority the Secretary's authority to approve rents over 110% (up to 120%) of the published Fair Market Rents (FMRs) and 3) strengthen the Part 880 and Part 881 "cost containment" provisions.

Objective: To implement Section 203(a) of the Housing and Community Development Act of 1980 and to clarify and consolidate provisions of Parts 880 and 811.

Legal Basis: Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437f; as amended by Section 203(a), Housing and Community Development Act of 1980, Pub. L. 96–399.

Contact: Joseph E. Malloy, 202–755–7172.

Status: Proposed rule in preparation.

C) 28. H–40–81. Eligibility of Existing Structures and Moderate Rehabilitation to Meet Needs of Non-elderly Handicapped.

Summary: Would amend 24 CFR Part 885 to make eligible the acquisition, with or without moderate rehabilitation, of housing and related facilities for the non-elderly handicapped.

Objective: To facilitate and hasten the availability of group homes for the handicapped under Section 202 of the Housing and Community Development Act of 1980.

Legal Basis: Section 202, Housing Act of 1959, Pub. L. 86–372, 12 U.S.C. 1701g; as amended by Section 319, Housing and Community Development Act of 1980, Pub. L. 96–399.

Contact: Robert W. Wilden, 202–755–6528.

Status: Proposed rule in preparation.

C) 29. H–41–81. Use of Lump Sum Construction Contract in Bid Competition, Use of Modified Form of Cost Certification.

Summary: Would amend 24 CFR Part 885 to provide for an alternative lump sum contract with simplified cost certification.

Objective: To lower project cost.

Legal Basis: Section 202, Housing Act of 1959, Pub. L. 86–372, 12 U.S.C. 1701q.

Contact: Robert W. Wilden, 202–755–6528.

Status: Proposed rule in preparation.

C) 30. H–42–81. Moderate/Substantial Rehabilitation Program—Special Allocations.

Summary: Would amend 24 CFR Part 886 to provide for assistance in financing private and public loans obtained by owners in order to provide certain physical improvements and replacements in the portfolio of subsidized housing projects.

Objective: To accomplish moderate and substantial rehabilitation activities needed in financially troubled projects without the need to increase rents to cover the cost of financing the loans obtained for this purpose.

Legal Basis: Section 8, Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C. 1437.

Contact: James J. Tahash, 202–755–8730.

Status: Proposed rule in preparation.

C) 31. H–43–81. Method of Computing Interest on Defaulted Loans.

Summary: Would amend 24 CFR Part 201 to require interest on defaulted loan notes under most HUD housing programs to be calculated in accordance with the Federal Claims Collection Act of 1966.

Objective: To apply loan payments received first to interest and then to principal.

Legal Basis: Federal Claims Collection Act of 1966, Pub. L. 89–508, as amended, 31 U.S.C. 951 et seq.

Contact: John L. Brady, 202–755–6680.

Status: Proposed rule in preparation.

C) 32. H–44–81. Mutual Mortgage Insurance and Insured Home Improvement Loans.

Summary: Would amend 24 CFR Parts 201, 203, 213, 220, 234, 235, and 240 to implement provisions of the Housing and Community Development Act of 1980 to (1) provide insurance for condominium units that have been approved for loan guaranty by the Administrator of Veterans Affairs; (2) allow a mortgage limit increase of up to 10% in the Section 235 program to make dwellings accessible to the physically handicapped; (3) revise 24 CFR Part 203 (Mutual Mortgage Insurance Program and Insured Home Improvement Loans) to allow title insurance relief for communities meeting conditions involving claims filed by American Indian tribes; (4) remove all references to "remaining economic life" in regulations governing the single family programs; (5) change the definition of "mortgage" to state that a 201 lease must exist for 10 years beyond the maturity of the mortgage, rather than 50 years from the date of the mortgage; (6) expand the Section 220 program to include additional areas in which concentrated community development activities are being carried out; and (7) amend the regulations for the Section 203(k) program to enable a mortgagee to foreclose on a defaulted rehabilitation first lien loan.

Objective: To provide for programmatic and administrative changes to single family mortgage insurance programs.

Legal Basis: Housing and Community Development Act of 1980, Pub. L. 96–399, 12 U.S.C. 1703, 1709, 1715.

Contact: John J. Coonts, 202–755–6720.

Status: Interim rule in preparation.

C) 33. H–45–81. Mortgage Loan Insurance Program Under National Housing Act.

Summary: Would amend 24 CFR Parts 207, 220, 221, 231, 232 to permit second mortgages to be used to secure Urban Development Action Grant (UDAG) and Community Development Block Grant (CDBG) loans when made in connection with multifamily mortgage insurance.

Objective: To assist the feasibility of projects in UDAG and CDBG areas.

Legal Basis: Sections 207, 220, 221, 231 and 232, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713, 1715k, 1715l, 1715v and 1715w.

Contact: Linda D. Cheatham, 202–755–8686.

Status: Proposed rule in preparation.

C) 34. H–46–81. Manufactured (Mobile) Home Loan Increases.

Summary: Would amend 24 CFR Part 201, Subpart D to increase the maximum insurable loan amounts for combination (manufactured home and lot) and manufactured home lot loans.

Objective: To comply with Section 308, Housing and Community Development Act of 1980.

Legal Basis: Section 308, Housing and Community Development Act of 1980, Pub. L. 96–399, 12 U.S.C. 1703; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: John L. Brady, 202–755–6680.

Status: Interim rule in preparation.

C) 35. H–47–81. Urban Renewal Mortgage Insurance and Insured Improved Loans.

Summary: Would amend 24 CFR Part 220 to make eligible for mortgage insurance properties located, or to be located, in areas designated by the Secretary where concentrated housing, physical development and public services activities are being carried out, or will be carried out, in a coordinated manner, pursuant to a locally developed strategy for neighborhood improvement.

Objective: To implement Section 311 of the Housing and Community Development Act of 1980.

Legal Basis: Section 311, Housing and Community Development Act of 1980, Pub. L. 96–399, 12 U.S.C. 1715k.

Contact: Joseph E. Malloy, 202–755–7172.

Status: Proposed rule in preparation.

C) 36. H–48–81. Mortgage and Loan Insurance Programs under National Housing Act—Energy Conservation.

Summary: Would amend 24 CFR Parts 207, 213, 220, 221, 231, 232, 234, 242 and Title XI to allow up to a 20 percent increase in maximum project mortgage amounts to cover increased costs due to the installation of a solar energy system or residential energy conservation measures.

Objective: To implement Section 310 of the Housing and Community Development Act of 1980.

Legal Basis: Section 310, Housing and Community Development Act of 1980, Pub. L. 96–399, 12 U.S.C. 1713, 1715.

Contact: Joseph E. Malloy, 202–755–7172.

Status: Final rule in preparation.

C) 37. H–49–81. Section 8 Housing Assistance Payments Program—Existing Housing—Miscellaneous Occupancy Changes.

Summary: Would amend 24 CFR Part 882 to clarify the public housing agency's role in denying eligibility for assistance payments and require informal hearings for certificate holders whose assistance is reduced or terminated.

Objective: To clarify requirements concerning evictions, unit-size assignment, and termination of benefits.

Legal Basis: Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C. 1437f.

Contact: Edward Whipple, 202–755–5840.

Status: Proposed rule in preparation.

C) 38. H–50–81. Interest Which Mortgagors Can Deduct for Tax Purposes.

Summary: Would amend 24 CFR 203.508(c), 235.336 and add a new 24 CFR 235.1001 to change the maximum time allowed for a mortgagee to furnish each mortgagor with a statement of interest and taxes paid with respect to the mortgage account from sixty days to thirty.

Objective: To improve HUD's requirements regarding the provision of interest and tax payment information.

Legal Basis: Section 211, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1715b.

Contact: Richard B. Buchheit, 202–755–6700.

Status: Proposed rule in preparation.

C) 39. H–51–81. Issue Date of Debentures.

Summary: Would amend 24 CFR 203.410 to change the methods by which debenture interest is computed when a property is conveyed to the Secretary in exchange for insurance benefits.

Objective: To stop reimbursing mortgagees for debenture interest on expenditures prior to the date that they are made by the mortgagee.

Legal Basis: Sections 204(d) and 211, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1701 et seq.

Contact: Richard B. Buchheit, 202–755–6700.

Status: Proposed rule in preparation.

C) 40. H–52–81. Acceleration of Mortgage.

Summary: Would amend 24 CFR Part 203 to permit the inclusion and use of "due on sale" clauses in insured mortgages. Where acceleration of the mortgage results in acquisition of title to the property, no claim for insurance benefits would be permitted.

Objective: To discourage the assumption of insured mortgages by unapproved purchasers.

Legal Basis: Section 211, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1715b.

Contact: Richard B. Buchheit, 202–755–6700.

Status: Interim Rule in preparation.

C) 41. H–53–81. Amendments to Section 223(f) Coinsurance for Private Mortgage Lenders.

Summary: Would amend 24 CFR Part 255 to allow the Department to hold harmless an investor-transferee (including a Federal agency guarantying

securities backed by the coinsured mortgage) from bearing any loss on such morgage in excess of the total insurance benefits computed, and to make multifamily coinsurance available to non-depositary institutions.

Objective: To enable lenders interested in utilizing the Coinsurance Program to sell whole loans to permanent investors, rather than holding them in portfolio.

Legal Basis: Section 244, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1715z(9).

Contact: Arnold H. Diamond, 202–426–4325.

Status: Interim rule in preparation.

C) 42. H–54–81. Graduated Payment Mortgages.

Summary: Would amend 24 CFR Parts 203 and 234 to (1) provide for an alternative graduated payment mortgage with a renegotiable rate, (2) provide for inclusion of a due-on-sale clause, and (3) make the program available for existing properties.

Objective: To expand homeownership opportunities through broadened availability of graduated payments mortgages.

Legal Basis: Section 245, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1715z–10.

Contact: Arnold H. Diamond, 202–426–4325.

Status: Interim rule in preparation.

C) 43. H–1–80. Use of Materials Bulletin Standard 39a; and Certification Program for Aluminum Windows and Patio Doors.

Summary: Would amend Bulletin listed in Appendix to 24 CFR Part 200 to revise existing certification program for testing of aluminum windows and patio doors.

Objective: To review for the purpose of revising and simplifying the existing regulation.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Leslie H. Breden, 202–755–5929.

Status: Proposed rule in preparation.

C) 44. H–4–80. Use of Materials Bulletin 82—Standard and Certification Program for Sealed Insulating Glass Units.

Summary: Would amend Bulletin listed in Appendix to 24 CFR Part 200 to establish a labeling system to be used by HUD field offices to assure compliance with standards applicable to insulating glass.

Objective: To assure that sealed insulating glass units meet national standards for seal durability.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Leslie H. Breden, 202–755–5929.

Status: Proposed rule in preparation.

C) 45. H–6–80. Supplement to Minimum Property Standards for Solar Heating and Domestic Hot Water Systems.

Summary: Would amend 24 CFR Part 200 to update solar heating requirements with latest technology.

Objective: To update obsolete references in MPS 4930.2 and to reflect current changes in solar heating.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Constantine Spyropoulos, 202–755–8590.

Status: Proposed rule in preparation.

C) 46. H–14–80. Flexible Subsidy Program.

Summary: Would amend 24 CFR Part 219 to establish a flexible subsidy loan program for certain limited dividend projects for the correction of physical and cash flow deficiencies.

Objective: To restore a troubled project to sound financial condition.

Legal Basis: Section 219, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1715j; as amended by Section 201(g), Housing and Community Development Amendments of 1978, Pub. L. 95–551.

Contact: James J. Tahash, 202–426–8730.

Status: Interim rule in preparation.

C) 47. H–17–80. Supplementary Financing for Insured Project Mortgages.

Summary: Would amend 24 CFR 241.65 to delete the current limitation prohibiting the term of a loan insured under Section 241(b)(2) from exceeding the term of the insured mortgage.

Objective: To implement a 1979 statutory change.

Legal Basis: Section 241(b)(2), National Housing Act, Pub. L. 73–479, 12 U.S.C. 1715z–6; as amended by Section 319, Housing and Community Development Amendments of 1979, Pub. L. 96–153.

Contact: Joseph E. Malloy, 202–755–7172.

Status: Final rule published January 16, 1981 (46 FR 3842) and withdrawn. Revised final rule in preparation.

C) 48. H–22–80. Application Preference.

Summary: Would amend 24 CFR Parts 860, 215, and 880 through 886, by adding language to establish priorities for persons displaced and living in substandard housing. The Housing and Community Development Amendments of 1979 directed that these priorities should be applied in the following programs: Public Housing, Rent Supplement, and Section 8.

Objective: To implement the 1979 statutory requirement.

Legal Basis: Sections 203(a) and 206, Housing and Community Development Amendments of 1979, Pub. L. 96–153, 12 U.S.C. 1701s and 42 U.S.C. 1437(f).

Contact: Joanne M. Anderson, 202–755–5727.

Status: Proposed rule in preparation.

C) 49. H–9–79. Mortgage Insurance for One-to-Four Family Residences—Prepayment Privilege.

Summary: Would provide that insured single family mortgages will no longer require 30 days advance notice of prepayment or payment on interest date.

Objective: To conform HUD regulations to the new terms of the Uniform Security Instrument.

Legal Basis: Section 211, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1715b. Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Richard B. Buchheit, 202–755–6700.

Status: Interim rule in preparation.

C) 50. H–34–79. Use of Materials Bulletin 59a—Standard and Certification Program for Wood Windows and Patio Doors.

Summary: Would amend Bulletin listed in Appendix to 24 CFR Part 200 to revise existing certification program for testing of wood windows and patio doors.

Objective: To provide a means of accepting wood windows and patio doors that meet minimum performance standards.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Leslie H. Breden, 202–755–5929.

Status: Proposed rule in preparation.

C) 51. H–47–78. Multifamily Mortgage Insurance.

Summary: Would amend 24 CFR Parts 207, 213, 220, 221, 232, 241, 242, 244 to permit mortgagee to accept any "alternative equivalent of cash" and to permit the Commissioner to require that this "alternative" be spent on the project as needed.

Objective: To provide uniformity in alternative sources of funding which serve as the equivalent of cash.

Legal Basis: Sections 207, 213, 220, 221, 232, 241, 242 and 244, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713, 1715d, 1715k, 1715l, 1715z–6, 1715z–7 and 1715z–9.

Contact: Vaughn L. Sanders, 202–755–9280.

Status: Proposed rule in preparation.

C) 52. H–66–78. Coinsurance for Multifamily Rental Housing.

Summary: Would add a new 24 CFR Part 251 providing for a coinsurance program for rental housing mortgage loans insured under Sections 221(d)(3) and 221(d)(4) of the National Housing Act.

Objective: To enable HUD to speed up Section 221 processing by delegating underwriting to eligible lenders and minimize risk of delegated processing by requiring lenders to coinsure the loan.

Legal Basis: Sections 244 of the National Housing Act, Pub. L. 73–479, 12 U.S.C. 1701, et seq., as amended by Section 307 of the Housing and Community Development Act of 1974, Pub. L. 93–383.

Contact: James B. Mitchell, 202–426–4325.

Status: Proposed rule in preparation.

Legal Basis: Sections 244 of the National Housing Act, Pub. L. 73–479, 12 U.S.C. 1715z, as amended by Section 307, Housing and Community Development Act of 1974, Pub. L. 93–383.

Contact: James B. Mitchell, 202–426–4325.

Status: Proposed rule in preparation.

D. Rules Under Review

D) 1. H–55–81. 24 CFR Part 39—Cost Effective Energy Conservation and Effectiveness Standards.

Summary: This part contains the cost effective energy conservation and efficiency standards applicable to HUD assisted housing programs.

D) 2. H–56–81. 24 CFR Part 40—Standards for Design, Construction, and Alteration of Publicly-Owned Residential Structures.

Summary: This part prescribes standards for the design, construction, and alteration of publicly-owned residential structures to insure that physically handicapped persons will have ready access to, and use of, such structures.

D) 3. H–57–81. 24 CFR Part 201—Property Improvement and Mobile Home Loans.

Summary: This part sets forth the types of property improvement activities and new or used mobile homes for which Section 201 loan funds may be used.

D) 4. H–58–81. 24 CFR Part 203—Mutual Mortgage Insurance and Insured Home Improvement Loans.

Summary: This part provides the authority and procedures by which HUD/FHA insures mortgages on one-to four-family dwellings.

D) 5. H–59–81. 24 CFR Part 204—Coinsurance.

Summary: This part provides the means by which mortgage lenders may assume a substantial part of the work involved in underwriting HUD/FHA single family mortgage insurance applications for a part of the fee.

D) 6. H–60–81. 24 CFR Part 207—Multifamily Housing Mortgage Insurance.

Summary: This part provides for Federal mortgage insurance to facilitate construction and financing of a broad cross-section of rental housing.

D) 7. H–61–81. 24 CFR Part 290—Management and Disposition of HUD-Owned Multifamily Housing Projects.

Summary: This part contains the basic policies and procedures which govern the management and disposition by the Department of HUD-owned multifamily housing projects in order to properly balance the interests of the tenants, the neighborhood, the local government and the FHA insurance funds, and to further the objectives of the National Housing Act.

D) 8. H–62–81. 24 CFR Part 420—Assistance Payments—Homes for Lower-Income Families.

Summary: This part sets forth the requirements for recertification of occupancy, employment, income and family composition by mortgagors or cooperative members receiving assistance payments pursuant to Section 235 of the National Housing Act, and sets forth the procedures for termination, suspension and reinstatement of the assistance payment contract.

D) 9. H–63–81. 24 CFR Parts 800, 801, 802, 802—Section 23 Housing Assistance Payments Program.

Summary: These parts contain the policies and procedures applicable to the making of housing assistance payments to eligible low-income families leasing newly constructed housing, substantially rehabilitated housing and existing housing under the Section 23 Housing Payments Program.

D) 10. H–64–81. 24 CFR Part 860—Income Limits with Respect to Admission to, and Occupancy of, Low-Income Housing Owned by Public Housing Agencies or Leased by Public Housing Agencies from Private Owners.

Summary: This part sets forth the standards governing the maximum income levels, minimum and maximum rent-income ratios and minimum rent requirements, and other tenant selection criteria be used by public housing agencies in determining admission to low-income housing projects.

D) 11. H–65–81. 24 CFR Part 880—Section 8 Housing Assistance Payments Program for New Construction.

Summary: This part contains the policies and procedures applicable to the Section 8 new construction program which provides assistance to public housing agency owners or to private owners either directly from HUD or through public housing agencies to provide lower income families with decent, safe, and sanitary rental housing.

D) 12. H–66–81. 24 CFR Part 881—Section 8 Housing Assistance Payments Program for Substantial Rehabilitation.

Summary: This part sets forth the policies and procedures applicable to the Section 8 substantial rehabilitation program which provides assistance to public housing agencies or private owners to improve a property to a decent, safe, and sanitary condition in accordance with the standards of this part.

D) 13. H–67–81. 24 CFR Part 883—Section 8 Housing Assistance Payments Program—State Housing Agencies.

Summary: This part contains the policies and procedures applicable to those statewide or special purpose housing agencies established by the various States to administer the Section 8 new construction, substantial rehabilitation, existing housing, and moderate rehabilitation programs.

D) 14. H–68–81. 24 CFR Part 889—Section 8 Housing Assistance Payments Program—Determination of Incomes for Eligibility and Gross Family Contribution.

Summary: This part sets forth the policies and procedures for determining the eligible income levels and gross family contribution rates for very low income and lower income families to qualify for Section 8 Housing Assistance Payments.

D) 15. H–69–81. 24 CFR Part 200—Minimum Property Standards for Multifamily Dwellings.

Summary: The Minimum Property Standards for Multifamily Dwellings (MPS 4910.1, incorporated by reference in 24 CFR Part 200) contain the physical and material standards for housing developed by industry and accepted by HUD. They are intended to provide a sound basis for determining the acceptability of buildings and sites designed and used for normal multifamily occupancy, including both unsubsidized and subsidized insured housing, as well as low-rent public housing.

D) 16. H–70–81. 24 CFR Part 870—PHA-Owned Public Housing Projects—Demolition of Buildings or Disposition of Real Property.

Summary: This part sets forth the standards and procedures concerning requests by public housing agencies (PHAs) for HUD authority to demolish buildings or dispose of real property of PHA-owned, low-income public housing projects.

D) 17. H–71–81. 24 CFR Part 804—Low Rent Housing Homeownership Opportunities.

Summary: This part contains the essential elements of the HUD Homeownership Opportunities Program for Low-Income Families (Turnkey III), the Homeownership Counseling and Training Program; and the provisions governing Homebuyers Associations.

D) 18. H–72–81. 24 CFR Part 866—Lease and Grievance Procedures.

Summary: This part prescribes lease and grievance procedures that are incorporated in leases by public housing agencies for certain dwelling units assisted under the United States Housing Act of 1937.

D) 19. H–73–81. 24 CFR Part 890, Subpart A—Performance Funding System.

Summary: This subpart establishes standards and policies for the distribution of operating subsidy in accordance with section 9(a) of the U.S. Housing Act of 1937.

E. Inactive Proposals and Rules.

E) 1. H–74–81. Low Rent Housing Homeownership Opportunities (Turnkey III Program) Indian Housing and Public Housing.

Summary: Would have amended 24 CFR Parts 804, 805 and 841 to establish a maximum limit on the Total Development Cost (TDC) of low-income public housing and Indian housing projects developed under the U.S. Housing Act of 1937, exclusive of Section 8.

Status: Proposed rule published September 18, 1980 (45 FR 62149). Final rule no longer in preparation.

E) 2. H–12–80. Rent Supplement Payments.

Summary: Would have amended 24 CFR Part 215 to provide a source of funding to amend and supplement existing Rent Supplement contracts.

Status: Interim rule published December 22, 1980 (45 FR 84046) and withdrawn prior to becoming effective. Interim rule no longer in preparation.

E) 3. H–26–80. Section 8 Housing Assistance Payments Program—Handicapped Families.

Summary: Would have made eligible certain handicapped families with annual incomes exceeding normal program limits.

Status: Proposed rule no longer in preparation.

E) 4. H–21–79. Project Mortgage Insurance—Prepayment of Mortgages.

Summary: Would have amended 24 CFR Parts 200, 221, 231 and 236 to prohibit prepayment of mortgages insured under Sections 220, 221, 231 and 236 of the National Housing Act, without the prior approval of the Federal Housing Commissioner, when the project has a Section 8 Housing Assistance Payments Contract in effect.

Status: Proposed rule published September 10, 1980 (45 FR 59589). Final rule no longer in preparation.

E) 5. H–39–79. Noncompetitive Sale of HUD-Owned Properties to Community Based Organizations (CBOs).

Summary: Would have amended 24 CFR Part 203 to establish procedures by which CBOs may acquire HUD-owned properties through local units of government, and in turn, repair and sell the properties to individual homeowners.

Status: ANPR published June 9, 1980 (45 FR 38410). Proposed rule no longer in preparation.

E) 6. H–45–79. Reinstatement of Mortgages on Single Family Properties.

Summary: Would have revised 24 CFR 203.608 to require reinstatement of a mortgage account regardless of prior foreclosure proceedings.

Status: Proposed rule published October 31, 1979 (44 FR 62531). Final rule no longer in preparation.

E) 7. H–48–79. Multifamily Housing Mortgage Insurance—Section 223(f) Rehabilitation Projects.

Summary: Would have revised 24 CFR 207.32a to permit acceptance of applications for project mortgage insurance under Section 223(f) of the National Housing Act in cases where rehabilitation work was completed at least two years prior to date of application (present regulation requires completion at least three years prior to date of application).

Status: Proposed rule no longer in preparation.

E) 8. H–54–79. Low-Income Public Housing Tenant Participation.

Summary: Would have added a new 24 CFR Part 871 to provide policy standards and procedures for tenant participation in the management of low-income public housing.

Status: Proposed rule no longer in preparation.

E) 9. H–58–79. Rent Requirements for Low Income Public Housing.

Summary: Would have amended 24 CFR Part 860, Subpart D, by revising the maximum rent-to-income ratio for tenants in low-income public housing.

Status: Proposed rule no longer in preparation. (Superseded by pending legislative changes.)

E) 10.H–68–79. Section 8 Housing Assistance Payments Program—Tenant Contributions.

Summary: Would have amended 24 CFR Part 889 to revise maximum rent-to-income ratio for tenants receiving Section 8 housing assistance payments.

Status: Interim rule no longer in preparation. (Superseded by pending legislative changes.)

E) 11. H–12–78. Interest Subsidy for Purchasers of Mobile Homes and Lots.

Summary: Would have provided for an interest subsidy for low-income families who wish to purchase a mobile home or lot.

Status: Proposed rule no longer in preparation.

E) 12. H–46–78. Loans for Housing for the Elderly or Handicapped.

Summary: Would have amended 24 CFR Part 885 to provide for significant community representation on Section 202 project governing boards and would have reduced from 18 to 12 months the time within which construction must begin.

Status: Proposed rule published February 13, 1980 (45 FR 9748). Final rule no longer in preparation.

OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

A. Final Rules.

A). 1. CPD–1–81. CDBG—Small Cities Program—Puerto Rico.

Summary: Amended 24 CFR Part 570, which contains the Small Cities program regulations, to institute a formula, rather than a competitive, method of distribution funds to eligible municipios in the Commonwealth of Puerto Rico.

Legal Basis: Sections 104, 105 and 106, Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C. 5304–06.

Status: Proposed rule published November 3, 1980 (45 FR 72691). Final rule published June 3, 1981 (46 FR 29908), effective July 14, 1981.

A) 2. CPD–6–80. CDBG for Indian Tribes and Alaska Natives—Program Allocation Formula (FY 1982 and Beyond).

Summary: Amended 24 CFR 571.101 to change the regional allocation formula for the CDBG Indian Program for Fiscal Year 1982 and beyond.

Legal Basis: Section 107(a)(7), Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5307(a)(7) as amended by Section 107, Housing and Community Development Act of 1977, Pub. L. 95–128.

Status: Interim rule published December 19, 1979 (44 FR 75136), effective February 11, 1980. Final rule published July 21, 1981 (46 FR 37504), effective September 28, 1981.

A) 3. CPD–10–80. Community Development Block Grants; Modifications to Urban Development Action Grant Rules to Accommodate Communities Containing Pockets of Poverty.

Summary: Amended 24 CFR Part 570, Subpart G, to implement a statutory change extending UDAG eligibility to communities which have "pockets or poverty" but do not meet the existing distress criteria.

Legal Basis: Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301 et seq.; as amended by Title I, Housing and Community Development Act of 1977, Publ. L. 95–128; and Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Status: Final rule published November 5, 1980 (45 FR 73623), effective November 5, 1980.

A) 4. CPD–21–79. Community Development Block Grants and Comprehensive Planning Assistance; Consolidation of Grants for Certain Insular Areas.

Summary: Amended 24 CFR Part 570, Subpart E, and Part 600 to permit (1) consolidation of HUD Comprehensive Planning (Section 701) and Community Development Block Grants to certain U.S. Territories and (2) waiver of local matching requirements for 701 grants. This regulatory change minimizes the burden caused by existing application and reporting procedures and allows certain insular areas to better coordinate their community planning and community development activities.

Legal Basis: Section 701, Housing Act of 1954, Pub. L. 83–560, as amended, 40 U.S.C. 481; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Status: Final rule published September 11, 1980 (45 FR 59868), effective October 1, 1980.

A) 5. CPD–24–79. CDBG Small Cities Program.

Sumimary: Amended 24 CFR 570.420 to (1) clarify and simplify submission requirements by applicants and (2) modify rating factors to provide for a more equitable rating system.

Legal Basis: Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301 et seq.; as amended by Title I, Housing and Community Development Act of 1977, Pub. L. 95–128.

Status: Final rule published August 21, 1980 (45 FR 55968), effective September 15, 1980.

A) 6. CPD–36–78. Community Development Block Grants; Clarifications and Changes to Urban Development Action Grant Rules.

Summary: Amended 24 CFR Part 570, Subpart G, to reflect changes dictated by needs identified by the Department and participants during the first year of implementation of the UDAG program.

Legal Basis: Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301 et seq. as amended by Title I, Housing and Community Development Act of 1977, Pub. L. 95–128; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Status: Final rule published November 5, 1980 (45 FR 73610), effective November 5, 1980.

B. Proposed or Interim Rules Outstanding.

B) 1. CPD–2–81. Section 312 Rehabilitation Loan Program.

Summary: Would amend 24 CFR Part 510 to make maximum loan amount changes to the Section 312 Rehabilitation Loan Program.

Objective: To implement Section 114, Housing and Community Development Act of 1980.

Legal Basis: Section 312, Housing Act of 1964, Pub. L. 88–560, 42 U.S.C. 1452b, as amended by Section 114, Housing and Community Development Act of 1980, Pub. L. 96–399; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 5353(d).

Contact: Mary Kolesar, 202–755–5970.

Status: Final rule published January 15, 1981 (46 FR 3503) and withdrawn. Revised final rule in preparation.

B) 2. CPD–3–81. CDBG Subrecipients and Disposition of Real Property.

Summary: Would amend 24 CFR 570.612 and 570.613 to set forth new program requirements governing the administration of Block Grant funds by subrecipients and the disposition of real property acquired by public or private entities with block grant assistance.

Objective: To specify HUD's policies and procedures in regard to CDBG subrecipients and dispostion of real property to grantees and their subrecipients.

Legal Basis: Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C. 5301 et seq.; OMB Circulars A–102 and A–122.

Contact: Neil H. Stern, 202–755–5977.

Status: Proposed rule published July 31, 1979 (44 FR 45110). Interim rule in preparation.

B) 3. CPD–1–80. Part 42, Subpart H—Relocation of Displaced Mobile Home Occupants.

Summary: Would add new 24 CFR 42.501–42.507 to govern relocation assistance for mobile home occupants displaced by a HUD-assisted project that is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Objective: To set forth basic policies governing the application of 24 CFR Part 42 Subparts D, E, F, and G to displaced persons who own and/or occupy mobile homes.

Legal Basis: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, as amended, 42 U.S.C. 4601; Section 7(d), Department of HUD Act. Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Harold J. Huecker, 202–755–6335.

Status: Interim rule published August 13, 1979 (44 FR 47508), effective September 26, 1979. Final rule published December 12, 1980 (45 FR 81740) and withdrawn. Revised final rule in preparation.

B) 4. CPD–9–80. Modifications to Innovative Grant Program.

Summary: Amended 24 CFR 570.406 to clarify program objectives and to provide guidance as to content and format of unsolicited proposals, solicited preapplications and full applications made under the program.

Objective: To clarify program objectives and to provide guidance for the Innovative Grant Program.

Legal Basis: Section 107, Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C. 5307.

Contact: Willian C. Jacobson, 202–755–6092.

Status: Interim rule published September 9, 1980 (45 FR 59496), effective October 1, 1980. Included in review identified in D) 11 below.

B) 5. CPD–2–79. CDBG Grant Closeout.

Summary: Would amend 24 CFR Part 570 to establish administrative procedures for completion and financial closeout of projects and programs assisted under Title I of the HCD Act of 1974, as amended, excluding research and development projects.

Objective: To define CDBG grant closeouts as required by OMB Circular

A–102, Attachment L, and to manage the program.

Legal Basis: Section 113, Housing and Community Development Act of 1974, Pub. L. 93–383 as amended, 42 U.S.C. 5313; OMB Circular A–102, Attachment L.

Contact: Thomas H. Terrell, 202–755–1871.

Status: Interim rule published October 26, 1979 (44 FR 61591), effective November 15, 1979. Final rule in preparation.

B) 6. CPD–5–79. HUD Procedures for Protection of Floodplain and Wetlands.

Summary: Would amend 24 CFR to add Part 55 to provide (1) policy direction; (2) substantive requirements; and (3) procedural requirements for Departmental compliance with Executive Orders 11988 and 11990.

Objective: To improve the Department's implementation of Federal policy and mandatory provisions of Executive Orders 11988 and 11990.

Legal Basis: Executive Order 11988 (Floodplain Management) (42 FR 26951); Executive Order 11990 (Protection of Wetlands)(42 FR 26961); Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Walter Prybyla, 202–755–3409.

Status: Proposed rule published August 9, 1979 (44 FR 47006). Interim rule in preparation.

B) 7. CPD–6–79. CDBG Technical Assistance Regulations.

Summary: Would amend 24 CFR 570.402 to focus on more explicit priorities for Technical Assistance funding, clarify application and review procedures and set submission deadlines and funding levels.

Objective: To define CDBG Technical Assistance Program requirements.

Legal Basis: Section 107, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5307(a)(8), as amended by Section 107(a)(8) Housing and Community Development Act of 1977, Pub. L. 95–128.

Contact: Lyn T. Whitcomb, 202–755–6876.

Status: Proposed rule published June 16, 1980 (45 FR 40954). Final rule in preparation.

B) 8. CPD–10–79. CDBG and UDAG Conforming Amendments.

Summary: Amended 24 CFR Part 570, Subparts A, B, D and K to set forth the technical changes required in (a) definition of urban counties; (b) set-aside of funds in Small Cities in metropolitan areas; (c) use of pro rata reduction in CDBG formula; (d) responsibilities for NEPA and related Acts; and (e) consideration of condominium conversions in Housing Assistance Plans.

Objective: To implement the provisions of the Housing and Community Development Amendments of 1979.

Legal Basis: Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301 et seq.; as amended by the Housing and Community Development Amendments of 1979, Pub. L. 96–153.

Contact: Charles Kreiman, 202–755–5977.

Status: Interim rule published September 9, 1980 (45 FR 59306), effective October 1, 1980. Included in review identified in D) 5, D) 6 and D) 7 below.

B) 9. CPD–20–79. Siting of HUD-Assisted Projects in Designated Clear Zones and Accident Potential Zones at Civil Airports and Military Airfields.

Summary: Would amend 24 CFR Part 51 to add Subpart D to establish standards to limit the location of HUD-supported projects in high risk areas around airports.

Objective: To minimize risk to residents of HUD-supported projects.

Legal Basis: National Environmental Policy Act of 1969, Pub. L. 91-190, as amended, 42 U.S.C. 4321; Executive Order 11991; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Gretchen Van Hyning, 202–755–8909.

Status: Proposed rule published December 18, 1980 (45 FR 83261). Final rule in preparation.

B) 10. CPD–25–79. Urban Homesteading.

Summary: Would amend 24 CFR Part 590 to implement Section 106 of the Housing and Community Development Amendments of 1979, which authorizes the Secretary to reimburse the Administrator of Veterans' Affairs and the Secretary of Agriculture for property conveyed to a unit of general local government, State or agency for use in connection with an urban homesteading program.

Objective: To allow reimbursement to the Veteran's Administration and Farmer's Home Administration for properties that are transferred to local urban homesteading agencies.

Legal Basis: Section 810, Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 12 U.S.C. 1706e.

Contact: Mary Kolesar, 202–755–5970.

Status: Interim rule published August 7, 1980 (45 FR 52762), effective September 15, 1980. Final rule in preparation.

B) 11. CPD–8–78. CDBG Definition of Low- and Moderate-Income Persons.

Summary: Amended the existing definition of low- and moderate-income persons in 24 CFR 570.3 because the previous definition had created problems due to limitations on availability of data and inconsistency with the lower-income family definition under the Department's housing programs.

Objective: To revise the existing definition to include unrelated individuals with lower incomes in addition to members of lower-income families.

Legal Basis: Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301 et seq., as amended by Title I, Housing and Community Development Act of 1977, Pub. L. 95–128.

Contact: David J. Pollack, 202–755–6306.

Status: Interim rule published February 1, 1978 (43 FR 4382), effective February 1, 1978. Included in review identified in D) 3 below.

B) 12. CPD–16–78. CDBG Revisions to Rules Governing the Grantee Performance.

Summary: Would amend 24 CFR 570.303, 570.400(h), 570.906 and 570.909(a) reducing the submission frequency and content of the Grantee Performance Report (GPR).

Objective: To specify uniformly HUD's needs for the legislatively required performance report, which has been revised after experience with original specifications.

Legal Basis: Section 104(d), Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5304; Section 814, Housing Act of 1954, Pub. L. 83–560, 42 U.S.C. 1434.

Contact: Ann Doody Wiedl, 202–755–6306.

Status: Interim rule published February 13, 1980 (45 FR 9730), effective March 14, 1980. Included in review identified in D) 23 below.

B) 13. CPD–24–78. 24 CFR Part 510. Section 312 Rehabilitation Loan Program.

Summary: Would revise 24 CFR part 510 to set forth regulations for the Section 312 Rehabilitation Loan Program.

Objective: To provide comprehensive regulations for the Section 312 Rehabilitation Loan Program.

Legal Basis: Section 312 of the Housing Act of 1964, as amended, Pub. L. 88–560, 42 U.S.C. 1452(b); Housing and Community Development Amendments of 1978, Pub. L. 95–557.

Contact: Mary Kolesar, 202–755–5970.

Status: Proposed rule published April 10, 1980 (45 FR 24808). Final Rule published September 10, 1980 (45 FR 59702) and withdrawn. Revised final rule in preparation.

B) 14. CPD–29–78. Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality.

Summary: Amended 24 CFR Part 50 to (1) implement the National Environmental Policy Act of 1969 by incorporating the provisions of draft HUD Handbook 1390.1, Procedures for Protection and Enhancement of Environmental Quality, and (2) to implement Section 905 of the Housing and Community Development Amendments of 1978.

Objective: To incorporate into a single regulation the Department's policies, responsibilities, and procedures under the National Environmental Policy Act, and to implement Section 905 of the Housing and Community Development Amendments of 1978.

Legal Basis: The National Environmental Policy Act of 1969, Pub. L. 91–190, 42 U.S.C. 4321 et seq.; as amended by the Housing and Community Development Amendments of 1978, Pub. L. 95–557.

Contact: Fred D. Regetz, 202–755–6296.

Status: Interim rule published November 27, 1979 (44 FR 67906), effective December 27, 1979. Included in review identified in D) 28 below.

B) 15. CPD–32–78. Hazardous Operations of an Explosive or Flammable Nature.

Summary: Would amend 24 CFR Part 51 to establish standards for safety separation distances or other mitigation measures to provide a healthful and safe living environment to residential or community projects that would be located in close proximity to industrial installations whose activities include hazardous operations with large quantities of fuels or chemicals of an extremely explosive or flammable nature.

Objective: To set safety standards for mixed use development in industrial urban areas.

Legal Basis: National Environmental Policy Act of 1969, Pub. L. 91–190, 42 U.S.C. 4321 et seq.; E.O. 11991.

Contact: James L. Christopulus, 202–755–8909.

Status: Proposed rule published August 19, 1980 (45 FR 55223). Included in review of D) 1 below.

C. Rulemaking Under Development

C) 1. CPD–4–81. Provision of Replacement Housing Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; Appendix I and Appendix II.

Summary: Would amend 24 CFR Part 43 to delete obsolete portions.

Objective: To review and revise HUD's policies and procedures in 24 CFR Part 43 for simplification and deregulation.

Legal Basis: Section 206(a), Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, Pub. L. 91–646, as amended, 42 U.S.C. 4627; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Harold J. Huecker, 202–755–6336.

Status: Final rule in preparation.

C) 2. CPD–5–81. Renewal Assistance.

Summary: Would amend 24 CFR Part 500 to delete obsolete portions.

Objective: To review and revise HUD's policies and procedures for management and close-out of the remaining Urban Renewal projects for simplification and deregulation.

Legal Basis: Title I, Housing Act of 1949, Pub. L. 81–171, as amended, 42 U.S.C. 1450 et seq.

Contact: Thomas H. Terrell, 202–755–1871.

Status: Final rule in preparation.

C) 3. CPD–6–81. Neighborhood Development Program Project Selection System.

Summary: Would delete 24 CFR Part 511.

Objective: To eliminate this regulation because it is obsolete. HUD has not accepted applications for this program since 1974.

Legal Basis: Section 131, Housing Act of 1949, Pub. L. 81–171, 42 U.S.C. 1469 as amended by Section 501(b), HUD Act of 1968, Pub. L. 90–448; as terminated by Section 116, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5316.

Contact: Thomas H. Terrell, 202–755–1871.

Status: Final rule in preparation.

C) 4. CPD–7–81. Open Space Land.

Summary: Would amend 24 CFR Part 540 to delete obsolete portions.

Objective: To review and revise HUD's policies and procedures for the Open Space Land program for simplification and deregulation to the minimum necessary to manage the close-up of the remaining active grant projects.

Legal Basis: Title VII, Housing Act of 1961, Pub. L. 87–70, 42 U.S.C. 1436; as amended by Title VII, HUD Act of 1970, Pub. L. 91–609, 42 U.S.C. 1500; as terminated by Section 116, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5316.

Contact: Thomas H. Terrell, 202–755–1871.

Status: Final rule in preparation.

C) 5. CPD–8–81. Open Space Land Program—Project Selection System.

Summary: Would delete 24 CFR Part 541.

Objective: To eliminate this regulation because it is obsolete. HUD has not accepted applications for this program since 1974.

Legal Basis: Title VII, Housing Act of 1961, Pub. L. 87–70, 42 U.S.C. 1436; as amended by Title VII, Housing and Community Development Act of 1970, Pub. L. 91–609, 42 U.S.C. 1500; as terminated by Section 116, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5316.

Contact: Thomas H. Terrell, 202–755–1871.

Status: Final rule in preparation.

C) 6. CPD–9–81. Neighborhood Facilities Program Project Selection System.

Summary: Would delete 24 CFR Part 551.

Objective: To eliminate this regulation because it is obsolete. HUD has not accepted applications since 1974.

Legal Basis: Section 703, HUD Act of 1965, Pub. L. 89–117, 42 U.S.C. 3103; as terminated by Section 116, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5316.

Contact: Thomas H. Terrell, 202–755–1871.

Status: Final rule in preparation.

C) 7. CPD–10–81. Grants for Basic Public Water and Sewer Facilities.

Summary: Would delete 24 CFR Part 555.

Objective: To review and revise HUD's policies and procedures for the Basic Public Water and Sewer Facilities Program for simplification and deregulation to the minimum necessary to manage the close out of the remaining active grant projects.

Legal Basis: Section 702, HUD Act of 1965, Pub. L. 89–117, 42 U.S.C. 3102; as terminated by Section 116, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5316.

Contact: Thomas H. Terrell, 202–755–1871.

Status: Final rule in preparation.

C) 8. CPD–11–81. Evaluation of Preliminary Applications for Basic Water and Sewer Facilities Grants.

Summary: Would delete 24 CFR Part 556.

Objective: To eliminate this regulation because it is obsolete. HUD has not accepted applications since 1974.

Legal Basis: Section 702, HUD Act of 1965, Pub. L. 89-117, 42 U.S.C. 3102, as terminated by Section 116, Housing and Community Development Act of 1974, Pub. L. 93-383, 42 U.S.C. 5316.

Contact: Thomas H. Terrell, 202-755-1871.

Status: Final rule in preparation.

C) 9. CPD-12-81. Public Facility Loans Project Selection System.

Summary: Would delete 24 CFR Part 561.

Objective: To eliminate this regulation because it is obsolete. HUD has not accepted applications since 1974.

Legal Basis: Title II, Housing Amendments of 1965, Pub. L. 84-345, 42 U.S.C. 1491, as amended; as terminated by Section 116, Housing and Community Development Act of 1974, Pub. L. 93-383, 42 U.S.C. 5316.

Contact: Thomas H. Terrell, 202-755-1871.

Status: Final rule in preparation.

C) 10. CPD-13-81. Model Cities Transition Policies.

Summary: Would amend 24 CFR Part 580 to delete obsolete portions.

Objective: To review and revise HUD's policies and procedures for the management and close-out of the remaining Model Cities Grant projects for simplification and deregulation.

Legal Basis: Title I, Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, 42 U.S.C. 3301 et seq., as terminated by Section 116, Housing and Community Development Act of 1974, Pub. L. 93-383, 42 U.S.C. 5316.

Contact: Thomas H. Terrell, 202-755-1871.

Status: Final rule in preparation.

C) 11. CPD-14-81. Environmental Criteria and Standards for HUD Projects.

Summary: Would amend 24 CFR Part 51 to add a new Subpart E to establish criteria and standards for HUD projects with regard to site air quality.

Objective: To assure that HUD-assisted projects are located in a manner so that occupants of such projects are not exposed to unacceptable concentrations of air pollution.

Legal Basis: Housing Act of 1949, Pub. L. 81-171, as amended, 42 U.S.C. 1450; HUD Act of 1968, Pub. L. 90-448, as amended, 42 U.S.C. 1468a; Intergovernmental Cooperation Act of 1968, Pub. L. 90-577; The National Environmental Policy Act of 1969, Pub. L. 91-190, 42 U.S.C. 4321 et seq.; E.O. 11991; Clean Air Act Amendments of 1970, Pub. L. 91-604, 42 U.S.C. 1857.

Contact: Charles Szczepanski, 202-755-8909.

Status: ANPR published October 2, 1980 (45 FR 65258). Included in review identified in D) 1 below.

C) 12. CPD-15-81. CDBG Section 108 Private Market Financing.

Summary: Would amend 24 CFR 570.703(d) to delete current regulation requirements that obligations guaranteed under Section 108 be issued only to the Federal Financing Bank. Would set forth guidelines and requirements with respect to private market financing of Section 108 loans.

Objective: To change the source of financing under Section 108 from the Federal Financing Bank to private investors.

Legal Basis: Section 108, Housing and Community Development Act of 1974, Pub. L. 93-383, as amended, 42 U.S.C. 5308.

Contact: Paul Webster, 202-755-6326.

Status: Interim rule in preparation.

C) 13. CPD-16-81. CDBG Entitlement Grants—Amendments Conforming to 1980 Legislation: Allocation and Distribution of Funds.

Summary: Would implement 1980 statutory changes in the allocation and distribution of Title I funds and would remove or amend obsolete or superseded provisions.

Objective: To implement the 1980 amendments to the Housing and Community Development Act of 1974 pertaining to the allocation and distribution of Title I funds.

Legal Basis: Housing and Community Development Act of 1974, Pub. L. 93-383, 42 U.S.C. 5301 et seq.; as amended by Sections 102, 103, 106 (b) and (c), 107, 111 and 112, Housing and Community Development Act of 1980, Pub. L. 96-399.

Contact: David J. Pollack, 202-755-9267.

Status: Interim rule in preparation.

C) 14. CPD-17-81. CDBG Entitlement Grants—Amendments Conforming to 1980 Legislation: Urban Counties.

Summary: Would amend 24 CFR 570.102, 570.105, 570.106, 570.304, 570.313 and 570.314 to process for urban counties and permit inclusion of a metropolitan city as part of an urban county for purposes of planning and implementing a joint community development program.

Objective: To implement 1980 statutory amendments to the qualification requirements for CDBG Entitlement Grants to urban counties.

Legal Basis: Section 102, Housing and Community Development Act of 1974, Pub. L. 93-383, 42 U.S.C. 5302, as amended by Sections 101(b)-(d), Housing and Community Development Act of 1980, Pub. L. 96-399.

Contact: David J. Pollack, 202-755-6306.

Status: Interim rule in preparation.

C) 15. CPD-18-81. CDBG—Simplification of HAP.

Summary: Would amend 24 CFR 570.306 to simplify the statutorily required Housing Assistance Plan (HAP) submission requirements and the HUD review requirements.

Objective: To simplify, deregulate and reduce the burden on the CDBG grantee in the development and implementation of its HAP.

Legal Basis: Section 104(a)(4), Housing and Community Development Act of 1974, Pub. L. 93-383, as amended, 42 U.S.C. 5304.

Contact: Donald Darling, 202-755-9267.

Status: Interim rule in preparation.

C) 16. CPD-19-81. Urban Development Action Grants.

Summary: Would amend 24 CFR Part 570 to implement Section 117 of the HCD Act of 1980 regarding UDAG eligibility for Indian tribes.

Objective: To implement the statutory amendment extending UDAG eligibility to Indian tribes.

Legal Basis: Section 119, Housing and Community Development Act of 1974, Pub. L. 93-383, 42 U.S.C. 5318; as amended by Section 119, Housing and Community Development Act of 1977, Pub. L. 95-128; as amended by Section 117, Housing and Community Development Act of 1980, Pub. L. 96-399.

Contact: Margaret B. Sowell, 202-472-3947.

Status: Interim rule in preparation.

C) 17. CPD-2-81. CDBG Grant Administration, Conflict of Interest.

Summary: Would amend 24 CFR Part 570 to set forth conflict of interest prohibitions for local officials who exercise decisionmaking authority with respect to the formulation or implementation of a recipient's CDBG program.

Objective: To define HUD's policies and procedures toward conflict of interest issues involving CDBG funds.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d); OMB Circular A-102, Attachment O.

Contact: Lorraine H. Drolet, 202-755-5977.

Status: Proposed rule in preparation.

C) 18. CPD–21–81. Environmental Review Procedures for CDBG Programs—Expanded Authorities.

Summary: Would amend 24 CFR Part 58 to reflect recent legislative changes which authorize the release of funds to Title I applicants that assume review responsibility under NEPA and other named HUD program areas.

Objective: To expand authority of the Secretary to certify CDBG applicants that perform review responsibilities as qualified for release of funds; and to name applicable program areas.

Legal Basis: Section 104(h), Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5304 et seq., as amended by Section 104(g), Housing and Community Development Amendments of 1979, Pub. L. 96–153.

Contact: Charles E. Thomsen, 202–755–3409.

Status: Proposed rule in preparation. Included in review identified in D) 2 below.

C) 19. CPD–22–81. CDBG Secretary's Fund: Urgent Needs Funds.

Summary: Would delete 24 CFR 570.401.

Objective: To eliminate this regulation because it is obsolete. This section made provision for an orderly transition from the former categorical programs to the CDBG program. The units of general local government participating in the CDBG program no longer need the transition provision.

Legal Basis: Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C. 5301 et seq. Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Albert J. Meyer, 202–755–1871.

Status: Final rule in preparation.

C) 20. CPD–4–80. CDBG Entitlement Conforming Amendments, 1980 Legislation: Eligible Activities and Optional Applicant Requirements.

Summary: Would amend 24 CFR Part 570, Subpart C regarding the CDBG entitlement regulations to clarify the program benefit requirements.

Objective: To conform the CDBG Entitlement regulations to statutory changes made in the 1980 Amendments.

Legal Basis: Sections 104 and 105, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5304–05; Section 104, Housing and Community Development Act of 1980, Pub. L. 96–399.

Contact: Charles Kreiman, 202–755–9267.

Status: Interim rule in preparation.

C) 21. CPD–5–80. Minority Business Enterprise Requirements for CDBG Recipients and Localities Administering Section 312 Rehabilitation Loans.

Summary: Would amend 24 CFR Parts 510 and 570 to establish requirements for the use of minority business in carrying out CDBG and Section 312 activities.

Objective: To overcome past discrimination and increase business opportunities for minorities and women.

Legal Basis: Housing and Community Development Act of 1974, as amended, Pub. L. 93–383, 42 U.S.C. 5301 et seq.

Contact: James R. Broughman, 202–755–9267.

Status: Proposed rule in preparation.

C) 22. CPD–8–80. Comprehensive Planning Assistance, Statutory Changes.

Summary: Would amend 24 CFR Part 600 to revise the Comprehensive Planning Assistance Program regulations to reflect changes in statutory requirements.

Objective: To implement statutory changes to Section 701, Housing Act of 1954.

Legal Basis: Section 701, Housing Act of 1954, 40 U.S.C. 461, as amended by the Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301, et seq.

Contact: Richard J. Alexander, 202–755–5649.

Status: Interim rule in preparation.

C) 23. CPD–23–79. Minority Business Enterprise in the UDAG Program.

Summary: Would amend 24 CFR Part 570 to require a recipient of an Action Grant to set goals for the award of a portion of its construction contracts (for public works and improvements funded by the Action Grant program) to minority businesses.

Objective: To carry out an effective affirmative action program in accordance with OMB Circular A–102 and 24 CFR 570.601(b)(4), which implements Section 109 of the Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C. 5309.

Legal Basis: Section 109 of the Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5309; OMB Circular A–102.

Contact: William Hammer, 202–755–6035.

Status: Proposed rule in preparation.

C) 24. CPD–35–78. Indian Housing Assistance Plan (HAP).

Summary: Would amend 24 CFR 571.305(d) and 571.405(e) to delete obsolete sections.

Objective: To eliminate obsolete provisions from 24 CFR.

Legal Basis: Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301 et seq., as amended by Title I, Housing and Community Development Act of 1977, Pub. L. 95–128, 42 U.S.C. 5301.

Contact: William C. Jacobson, 202–755–6097

Status: Final rule in preparation.

D. Rules Under Review.

D) 1. CPD–45–81. 24 CFR Part 51—Environmental Criteria and Standards.

Summary: This part provides environmental standards, criteria and guidelines for determining project acceptability for activities assisted by the Department.

D) 2. CPD–23–81. 24 CFR Part 58—Environmental Review Procedures for the CDBG Program.

Summary: This part pertains to HUD's policies and procedures in regard to CDBG program environmental review.

D) 3. CPD–24–81. 24 CFR Part 570, Subpart A—CDBG General Provisions.

Summary: This subpart contains the objectives and definitions for the CDBG program.

D) 4. CPD–25–81. 24 CFR Part 570, Subpart B—Allocation and Distribution of Funds.

Summary: This subpart contains HUD's policies and procedures in regard to the allocation and distribution of CDBG funds.

D) 5. CPD–26–81. 24 CFR Part 570, Subpart D—CDBG Entitlement Grants.

Summary: This subpart contains HUD's policies and procedures for Entitlement Grants under the Community Development Block Grant Program.

D) 6. CPD–27–81. 24 CFR 570.400—Secretary's Fund (CDBG).

Summary: This section contains HUD's policies and procedures in regard to the CDBG Secretary's Fund.

D) 7. CPD–28–81. 24 CFR 570.402—Technical Assistance Grants and Contracts.

Summary: This section contains HUD's policies and procedures for the CDBG Secretary's Fund: Technical Assistance Grants.

D) 8. CPD–29–81. 24 CFR 570.403—New Communities.

Summary: This section contains HUD's policies and procedures in regard to the CDBG Secretary's Fund: New Community Grants.

D) 9. CPD–30–81. 24 CFR 570.404—Areawide Programs.

Summary: This section contains HUD's policies and procedures in regard to the CDBG Secretary's Fund: Areawide Program Grants.

D) 10. CPD–31–81. 24 CFR 570.405—Consolidation of Grants for Certain Insular Areas.

Summary: This section contains procedures for funding of Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands under the CDBG Secretary's Fund.

D) 11. CPD–32–81. 24 CFR 570.406—Innovative Projects.

Summary: This section contains HUD's policies and procedures in regard to CDBG Secretary's Fund: Innovative Projects Grants.

D) 12. CPD–33–81. 24 CFR 570.407—Federally Recognized Disasters.

Summary: This section contains HUD's policies and procedures in regard to CDBG Secretary's Fund: Federally Recognized Disasters.

D) 13. CPD–34–81. 24 CFR 570.408—CDBG for Inequities.

Summary: This section contains procedures which make funds available to correct in whole or in fact inequities resulting from the allocation provisions.

D) 14. CPD–35–81. 24 CFR 570.420 to 570.437—CDBG Small Cities Program.

Summary: These sections contain HUD's policies and procedures for the CDBG Small Cities Program.

D) 15. CPD–36–81. 24 CFR Part 570, Subpart G—Urban Development Action Grants (UDAG).

Summary: These sections contain HUD's policies and procedures for the CDBG Urban Development Action Grant Program.

D) 16. CPD–37–81. 24 CFR 570.480—Categorical Program Settlement Fund.

Summary: This section pertains to providing supplemental assistance necessary for the financial settlement of urban renewal projects.

D) 17. CPD–38–81. 24 CFR 570.503—Grant Administration, Cash Withdrawals.

Summary: This section pertains to the timing and amount of cash withdrawals from the U.S. Treasury by the recipient for certain activities.

D) 18. CPD–39–81. 24 CFR 570.513—CDBG—Lump Sum Drawdown for Property Rehabilitation Financing.

Summary: This section pertains to the drawdown of funds from the letter of credit in a single lump sum to establish a rehabilitation fund in one or more private financial institutions for the purpose of financing the rehabilitation of privately owned properties as a part of the recipient's community development program.

D) 19. CPD–40–81. 24 CFR Part 570, Subpart M—Entitlement Grants—Loan Guarantees.

Summary: This subpart sets forth HUD's policies and procedures with respect to private market financing of loans authorized under Section 108, Housing and Community Development Act of 1974.

D) 20. CPD–41–81. 24 CFR Part 590—Urban Homesteading.

Summary: This part contains HUD's policies and procedures for Urban Homesteading.

D) 21. CPD–42–81. 24 CFR Part 891, Subpart E—Areawide Housing Opportunity Plans.

Summary: This subpart contains the application requirements for the Areawide Housing Opportunity Program.

D) 22. CPD–43–81. 24 CFR Part 891, Subpart F—Special Allocation Based Upon Approved Areawide Housing Opportunity Plans.

Summary: This subpart describes the policies and procedures governing the review and selection by HUD of those Approved Plans which serve as the basis for special allocations of contract and budget authority for use in the Approved Plan area.

D) 23. CPD–44–81. 24 CFR Part 570, Subpart O—CDBG—Program Management.

Summary: This subpart describes the policies and procedures for program management of the Community Development Block Grant program, including performance standards and reports, record keeping requirements, and performance review and sanctions.

D) 24. CPD–7–80. 24 CFR Part 600—Comprehensive Planning Assistance program—Energy Conservation Provisions.

Summary: This part contains the regulations which require incorporation of energy conservation measures in the comprehensive planning process and provides examples of eligible energy conservation activities.

D) 25. CPD–16–79. 24 CFR Part 570, Subpart N—Urban Renewal Provisons.

Summary: This subpart governs (1) the use of funds for the completion of urban renewal projects and neighborhood development programs, (2) deductions authorized to be made from such funds for repayment of temporary loans outstanding, and (3) procedures for financial settlement of projects.

D) 26. CPD–18–79. 24 CFR Part 571—CDBG for Indian Tribes and Alaska Natives.

Summary: This part contains the Department's policies and procedures for the Community Development Block Grant Program for Indian Tribes and Alaska Natives.

D) 27. CPD–20–78. 24 CFR Part 52—Implementation of OMB Circular A–95.

Summary: This part pertains to those policies and procedures relating to the roles and responsibilities of HUD, in cooperation with authorized A–95 clearinghouses, in the Departmental programs pursuant to OMB No. A–95.

D) 28. CPD–29–78. 24 CFR Part 50—Departmental Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality.

Summary: This part contains the Department's procedures for protection and enhancement of environmental quality.

E. Inactive Proposals and Rules

E) 1. CPD–1–79. Areawide Housing Opportunity Plan (AHOP).

Summary: Would amend basic regulations governing application requirements for the Areawide Housing Opportunities Program.

Status: ANPR published March 24, 1980 (45 FR 18949). Proposed rule no longer in preparation.

E) 2. CPD–7–79. Federally Recognized Disasters: CDBG Disaster Assistance Grants.

Summary: Would have amended 24 CFR 570.407 to provide policy for use of Section 107 funds and review and approval procedures.

Status: Proposed rule published November 13, 1980 (45 FR 74940). Final rule no longer in preparation.

E) 3. CPD–22–79. Comprehensive Planning Assistance Program: Work Study Program.

Summary: Would have amended 24 CFR Part 600, Subpart H, to set forth requirements and procedures for applying for Section 701 Work Study Program Grants.

Status: ANPR published April 22, 1980 (45 FR 26980). Proposed rule no longer in preparation.

E) 4. CPD–8–78. CDBG Definition of Low- and Moderate-Income Persons.

Summary: Amended the existing definition of low- and moderate-income persons in 24 CFR 570.3 because the previous definition had created problems due to limitations on availability of data and inconsistency with the lower-income family definition under the Department's housing programs.

Status: Interim rule published February 1, 1978 (43 FR 4382), effective February 1, 1978. Final rule no longer in preparation pending review of Part 570, Subpart A, as listed in D) 3 above.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

A. Final Rules.

None.

B. Proposed or Interim Rules Outstanding.

None.

C. Rulemaking Under Development.

C) 1. GNMA–11–81. General list of Attorneys-in-Fact.

Summary: Would amend 24 CFR Part 300 to update the current list of attorneys-in-fact who are authorized to act for GNMA by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs.

Objective: To update the current list of attorneys-in-fact.

Legal Basis: Section 309(d), National Housing Act, Pub. L. 73–479, 12 U.S.C. 1723a(d); Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Contact: William J. Linane, 202–755–7186.

Status: Final rule published January 6, 1981 (46 FR 1261) and withdrawn. Revised final rule in preparation.

C) 2. GNMA–12–81. GNMA Seal.

Summary: Would amend 24 CFR Part 300 to adopt and describe a corporate seal in accordance with section 309(a) of the National Housing Act.

Objective: To adopt and describe a corporate seal for GNMA.

Legal Basis: Section 309(a), National Housing Act, Pub. L. 73–479, 12 U.S.C. 1701.

Contact: Elton Peller, 202–755–5535.

Status: Final rule in preparation.

D. Rules Under Review.

D) 1. GNMA–1–81. 24 CFR Part 300—General (Introduction).

Summary: This part sets forth the general description of (1) the functions of the Government National Mortgage Association (GNMA), (2) its creation and status, (3) area of operations, and (4) the names of persons authorized to act as attorneys-in-fact for the Government National Mortgage Association.

D) 2. GNMA–2–81. 24 CFR Part 310—Bylaws of the Government National Mortgage Association.

Summary: This part contains the Bylaws governing the operation of GNMA.

D) 3. GNMA–3–81. 24 CFR Part 320—Description (Special Assistance Functions).

Summary. This part describes the special assistance functions of GNMA, and the financing thereof, which are undertaken to retard a decline in mortgage lending and home building activities which threaten the national economy.

D) 4. GNMA–4–81. 24 CFR Part 330—Eligible Sellers of Mortages.

Summary: This part sets forth the eligibility criteria for sellers of mortgages to be purchased by GNMA.

D) 5. GNMA–5–81. 24 CFR Part 340—Purchase Requirements.

Summary: This part contains the general requirements and procedures governing the purchase by GNMA of mortgages under the Special Assistance Functions.

D) 6. GNMA–6–81. 24 CFR Part 350–Servicing and Sales of Mortgages.

Summary: This part sets forth the eligibility requirements for sellers to service GNMA mortgages, and the standards governing the sale of GNMA owned mortgages to qualified investors.

D) 7. GNMA–7–81. 24 CFR Part 360—Description (Management and Liquidating Functions).

Summary: This part sets forth GNMA authority to manage and liquidate portfolios of mortgages.

D) 8. GNMA–8–81. 24 CFR Part 370—Mortgage Activities.

Summary: This part describes the purchase, servicing, and sales of mortgages undertaken by GNMA pursuant to its management and liquidating functions.

D) 9. GNMA–9–81. 24 CFR Part 390—Fiduciary Activities.

Summary: This part contains the provisions authorizing GNMA to act as a fiduciary in the management and liquidation of portfolios of mortgages.

D) 10. GNMA–10–81. 24 CFR Part 390—Guaranty of Mortgage-Backed Securities.

Summary: This part sets forth the provisions governing the guaranty by GNMA of (1) pass-through type securities, (2) bond type securities, and (3) graduated payment mortgage-backed securities.

E. Inactive Proposals and Rules

None.

OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

A. Final Rules

A) 1. FH&EO–2–80/ Fair Housing: Recognition of Substantially Equivalent Laws.

Summary: Amended 24 CFR Part 115 to recognize state and local fair housing laws which provide rights and remedies which are substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968.

Legal Basis: Section 810(c) Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3610.

Status: Final rule published September 9, 1980 (45 FR 59305), effective October 9, 1980. Correction to Final rule published October 3, 1980, 45 FR 65560, to correct effective date to read, September 29, 1980.

A) 2. FH&EO–3–78. Nondiscrimination and Equal Opportunity in Housing Under Executive Order 11063.

Summary: Amended 24 CFR Part 107 to establish compliance and enforcement procedures to be utilized by the Department in implementing its responsibilities under Executive Order 11063 to provide for affirmative action to overcome the effects of past discrimination and to prevent future discrimination.

Legal Basis: E.O. 11063, Equal Opportunity in Housing, issued November 20, 1962 (27 FR 11572).

Status: Final rule published September 9, 1980 (45 FR 59510), effective October 1, 1980.

B. Proposed or Interim Rules Outstanding.

B) 1. FH&EO–1–81. Recognition of Substantially Equivalent Laws—Two States and Eight Localities.

Summary: Would amend 24 CFR Part 115 to recognize the fair housing laws of two states and eight localities which provide rights and remedies substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968.

Objective: To add a number of State and local jurisdictions to an existing list of recognized State and local agencies which the Department has found to be substantially equivalent.

Legal Basis: Sec. 810(c), Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3601 et seq.

Contact: Steven J. Sacks, 202–426–3500.

Status: Proposed rule published April 16, 1981 (46 FR 22204). Final rule in preparation.

B) 2. FH&EO–1–80. The Fair Housing Assistance Program—Eligibility Criteria and Funding Standards.

Summary: Amended 24 CFR Part 111 to set forth the eligibility criteria for participants in the Fair Housing Assistance Program and the minimum standards which specific project proposals must meet in order to qualify for consideration under the various components of the program.

Legal Basis: Sec. 816, Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3601 et seq.

Contact: Steven J. Sacks, 202–426–3500.

Status: Interim rule published May 14, 1980 (45 FR 31880), effective June 7, 1980. Final rule in preparation.

B) 3. FH&EO–1–79. Implementation of Age Discrimination Act of 1975.

Summary: Would add a new Part 146 to 24 CFR to set forth policies and procedures to assure nondiscrimination on the basis of age in programs receiving financial assistance from the Department.

Objective: To comply with the requirements of the Age Discrimination Act of 1975.

Legal Basis: Age Discrimination Act of 1975, Pub. L. 42 U.S.C. 6101 et seq.

Contact: Myra B. Kennedy, 202–755–6905.

Status: Proposed rule published November 4, 1980 (45 FR 73454). Final rule in preparation.

B) 4. FH&EO–13–78. Implementation of Section 109 of the Housing and Community Development Act of 1974.

Summary: Would add a new Part 144 to 24 CFR to explain the scope of coverage and specific data maintenance requirements to ensure civil rights compliance in programs and activities receiving assistance under Title I of the Housing and Community Development Act of 1974.

Objective: To assure nondiscrimination on the grounds of race, color, national origin or sex in any program funded in whole or in part with Community Development Block Grant (CDBG) funds.

Legal Basis: Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301 et seq.

Contact: Barry Anderson, 202–755–5905.

Status: Proposed rule published November 25, 1980 (45 FR 78508). Final rule in preparation.

C. Rulemaking Under Development.

C) 1. FH&EO–2–81. Community Housing Resource Board Grant Program.

Summary: Would add a new 24 CFR Part 120 which would establish the rules governing the disbursement of funds to Community Housing Resource Boards to carry out activities that enhance the effectiveness of the goals of the Voluntary Affirmative Marketing Agreement Program.

Objective: To provide funds to local community groups to assist the Department in Achieving fair housing goals.

Legal Basis: Title VIII, Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3601 et seq.

Contact: Nathaniel F. Smith, 202–755–5994.

Status: Interim rule in preparation.

C) 2. FH&EO–2–78. Fair Housing Prohibitions Against Discrimination—Financing Activities.

Summary: Would add a new 24 CFR Part 114, Subpart G, to indicate the Department's view of unlawful conduct relating to the financing of dwellings.

Objective: To assist financial institutions and other persons involved in the financing of dwellings to understand their responsibilities under Title VIII of the Civil Rights Act of 1968.

Legal Basis: Title VIII, Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3601 *et seq.*

Contact: Gordon L. Joyner, (202) 755–6836.

Status: Included in ANPR published February 25, 1980 (45 FR 12265). Proposed rule in preparation. Contains, in part, provision dealing with residential redlining, previously listed as FH&EO–9–78.

C) 3. FH&EO–5–78. Fair Housing—Prohibitions Against Discrimination.

Summary: Would add a new 24 CFR Part 114, Subparts A–F, detailing HUD's interpretation of the Federal Fair Housing statute. Includes information on the general standards to be applied in determining whether discriminatory housing practices have occurred, what constitutes unlawful sale or rental activities, and what types of complaints will be accepted for investigation.

Objective: To better implement the enforcement of Title VIII of the Civil Rights Act of 1968.

Legal Basis: Title VIII, Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3601 *et seq.*

Contact: Gordon L. Joyner, (202) 755–6836.

Status: ANPR published February 25, 1980 (45 FR 12265). Proposed rule in preparation. Contains, in part, proposals dealing with discriminatory steering practices previously listed as FH&EO–6–78.

C) 4. FH&EO–7–78. Fair Housing—Land Use and Zoning Practices.

Summary: Would include in new 24 CFR Part 114 provisions regarding applicability of Fair Housing Law to zoning and land use practices and indicate tests to be used by HUD in determining whether a violation has occurred.

Objective: To set forth the application of Title VIII to zoning and land use practices.

Legal Basis: Title VIII, Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3601 *et seq.*

Contact: Gordon L. Joyner, (202) 755–6836.

Status: Included in ANPR published February 25, 1980 (45 FR 12265). Proposed rule in preparation.

C) 5. FH&EO–8–78. Fair Housing—Prohibited Appraisal Practices.

Summary: Would add a Subpart I to the new 24 CFR Part 114, to provide guidance concerning HUD's interpretation of the Federal Fair Housing Law as it relates to standards and policies involved in the appraisal of dwellings. Advises appraisers and the general public as to what practices, procedures and methods of appraisal could constitute Fair Housing violations.

Objective: To set forth the application of Title VIII to appraisal practices.

Legal Basis: Title VIII, Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3601 *et seq.*

Contact: Gordon L. Joyner, (202) 755–6836.

Status: Included in ANPR published February 25, 1980 (45 FR 12265). Proposed rule in preparation.

C) 6. FH&EO–10–78. Fair Housing—Property Insurance Activities.

Summary: Would include a Subpart H in the new 24 CFR Part 114, detailing HUD's view concerning property insurance practices, which could constitute discriminatory activities under the Federal Fair Housing Law.

Objective: To set forth the application of Title VIII to property insurance practices.

Legal Basis: Title VIII, Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3601 *et seq.*

Contact: Gordon L. Joyner, (202) 755–6836.

Status: Included in ANPR published February 25, 1980 (45 FR 12265). Proposed rule in preparation.

C) 7. FH&EO–11–78. Affirmative Administration of Federal Programs and Activities Relating to Housing and Urban Development.

Summary: Would add a new 24 CFR Part 125 to provide guidelines for Executive agencies to determine which of their programs and activities relate to housing and urban development and to analyze their impact on promoting fair housing; to describe actions which can be used to assure that such programs and activities are administered in a manner affirmatively to further fair housing; and to establish procedures for coordination and cooperation between the Secretary of HUD and other Executive agencies in their implementation and enforcement of their responsibilities under Executive Order 12259 and the Fair Housing Law.

Objective: To establish a government-wide program to promote fair housing goals pursuant to Title VIII of the Civil Rights Act of 1968, and Executive Order 12259.

Legal Basis: Title VIII, Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3601 et seq.; Executive Order 12259.

Contact: Gabriel Nemeth, 202–755–6113.

Status: ANPR published February 25, 1980 (45 FR 12265). Proposed rule in preparation.

D. Rules Under Review.

D) 1. FH&EO–3–81. 24 CFR Part 7—Equal Employment Opportunity, Policy and Procedures.

Summary: This part sets forth the responsibilities of the Director and Deputy Director of Equal Employment Opportunity and other Department officers and employees in carrying out the Equal Employment Opportunity Program. Also contains procedures regarding the filing and processing of complaints of discrimination by Department employees or employment applicants.

D) 2. FH&EO–4–81. 24 CFR Part 135—Employment Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects.

Summary: This part implements the provisions of Section 3 of the Housing and Urban Development Act of 1968 with respect to opportunities for training and employment for lower income residents arising in connection with HUD assisted projects, and for contracting opportunities for business concerns located in or owned in substantial part by persons residing in the area of HUD assisted projects.

D) 3. FH&EO–5–81. 24 CFR Part 115—Recognition of Substantially Equivalent Laws.

Summary: This part sets forth the recognition process by which the Department identifies the laws of states and localities that provide rights and remedies substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968.

E) Inactive Proposals and Rules

None.

OFFICE OF NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION

A. Final Rules.

A) 1. NVACP–4–79. Manufactured Home Procedural and Enforcement Regulations; Disqualification and Requalification of Primary Inspection Agencies.

Summary: Amended 24 CFR Part 3282 to provide for automatic disqualification of any Primary inspection agency (Production Inspection Primary Inspection Agency or Design Approval primary Inspection Agency) if such agency has been inactive for a period of one year to assure that a primary inspection agency does not lose expertise and keeps abreast of changes in the regulations.

Legal Basis: Section 625, National Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93–383, 42 U.S.C. 5424.

Status: Final Rule published September 9, 1980 (45 FR 59311), effective October 9, 1980.

B. Proposed or Interim Rules Outstanding.

B) 1. NVACP–3–79. Manufactured Home Procedural and Enforcement Regulations, Formal Investigations and Adjudicative Hearings.

Summary: Would amend 24 CFR Part 3282, Subpart D to set forth more detailed procedures governing investigations and adjudicative proceedings by the Office of Manufactured Housing Standards.

Objective: To provide for uniform and fair proceedings with sufficient detail so that the parties involved are adequately informed of the procedures to be followed.

Legal Basis: Section 625, National Manufactured Home Construction and Safety Standards Act of 1974, Pub. L. 93–383, 42 U.S.C. 5424; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Jeffrey Hammond, 202–755–7055.

Status: Proposed rule published December 21, 1979 (44 FR 76176). Final rule published December 16, 1980 (45 FR 82854) and withdrawn. Revised final rule in preparation.

C. Rulemaking Under Development.

C) 1. NVACP–1–81. Name Change-Manufactured Homes.

Summary: Would amend 24 CFR Parts 3280, 3282, and 3283 to change the term "Mobile Home" to the term "Manufactured Housing" or "Manufactured Home" and to make other technical changes in conformance with the recent legislation.

Objective: To implement legislation enacted October 8, 1980 which amended Title VI of the Housing and Community Development Act of 1974 to require the change in terminology.

Legal Basis: Section 308, Housing and Community Development Act of 1980, Pub. L. 96–399, 42 U.S.C. 5301.

Contact: Jeffrey Hammond, 202–755–7055.

Status: Proposed rule in preparation.

C) NVACP–2–81. Manufactured Home Procedural and Enforcement Regulations.

Summary: Would amend 24 CFR Part 3282, Subpart I to permit manufactured home manufacturers to file requests for alternative construction methods with the Secretary in certain limited circumstances. Would also allow manufacturers to build homes which, though not in technical compliance with the standards contained in 24 CFR Part 3280, meet the same level of quality, durability and safety as required by the standards.

Objectives: To allow the Department to refrain from taking enforcement action based on failures to conform with the Standards where a manufacturer can demonstrate that special circumstances or the use of innovative construction methods or technology will provide manufactured home occupants with homes that meet the same or higher levels of performance, quality, durability, and safety as required by the standards.

Legal Basis: Section 625, National Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93–383, 42 U.S.C. 5424.

Contact: John Opitz, 202–755–5737.

Status: Proposed rule in preparation.

C) 3. NVACP–1–80. Land Registration and Purchaser's Revocation Rights, Sales Practices and Standards.

Summary: Would amend 24 CFR Parts 1710 and 1715 implementing 1980 amendments to the Interstate Land Sales Full Disclosure Act which change exemptions from registration requirements, consumer remedies and the relationship between the states and Federal government in land sales regulations; and add anti-fraud provisions.

Objective: To clarify how developers are to comply with the 1980 amendments to the Interstate Land Sales Full Disclosure Act.

Legal Basis: Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

Contact: Alan J. Kappeler, 202–755–8182.

Status: Proposed interpretative rule in preparation.

C) 4. NVACP–8–78. Part 3282—Federal Manufactured Home Standards.

Summary: Would amend 24 CFR Part 3282 to provide every state with a period of five years to obtain final approval of its conditional plan for participation as a State Administrative Agency and to permit the Secretary a case-by-case review of each conditional state plan which has not received final approval within five years to determine whether that State's continued participation with

conditional approval should be permitted.

Objective: To enhance the general effectiveness and overall efficiency of the Federal Manufactured Home Standards Program.

Legal Basis: Section 625, National Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93–383, 42 U.S.C. 5424.

Contact: Tobias A. Gottesman, 202–755–6584.

Status: Interim rule in preparation.

D. Rules Under Review

D) 1. NVACP–3–81. 24 CFR Part 3280—Manufactured Home Construction and Safety Standards.

Summary: This part sets forth the performance requirements regarding the planning and construction of manufactured home units.

E. Inactive Proposals and Rules.

E) 1. NVACP–4–81. Housing Counseling Program.

Summary: Would have provided a full range of services, advice, and assistance concerning housing problems to consumers.

Status: ANPR published September 16, 1980 (45 FR 61572). Proposed rule no longer in preparation.

E) 2. NVACP–1–79. Implementation of Building Energy Performance Standards.

Summary: Would have amended 24 CFR Part 3800 to provide guidance and direction to the public and to State and local governments with regard to the implementation of the BEPS issued by the Department of Energy.

Status: Proposed rule no longer in preparation.

E) 3. NVACP–2–79. Lead-Based Paint Poisoning Prevention Act Regulations.

Summary: Would have amended 24 CFR Part 35 to broaden the definition of "immediate hazard" and change the notification date from properties built prior to 1950 to properties built prior to 1971.

Status: Proposed rule no longer in preparation.

E) 4. NVACP–1–78. Neighborhood Self-Help Development Program.

Summary: Would have amended 24 CFR Part 3610 to implement legislation under which HUD is to provide grants and other forms of assistance to qualified neighborhood organizations to undertake specific housing, economic or community development, and other appropriate neighborhood conservation and revitalization projects in low- and moderate-income neighborhoods, which are in need of preservation and revitalization.

Status: Final rule published November 14, 1980 (45 FR 75610). Correction of effective date published December 12, 1980 (45 FR 81743). Withdrawn.

E) 5. NVACP–10–78. Real Estate Settlement Procedures Act, Section 8, Anti-kickback Regulations.

Summary: Would have amended 24 CFR Part 3500 to clarify certain terms used in connection with the Section 8 anti-kickback prohibitions.

Status: Interim rule published December 22, 1980 (45 FR 86048). Withdrawn. Rule no longer in preparation.

OFFICE OF ADMINISTRATION

A. Final Rules

A) 1. ADM–1–80. Special Types of Methods of Procurement.

Summary: Amended 41 CFR Part 24–1 to revise the existing policy and guidelines for appointment of Contracting Officers in order to provide detailed criteria and clarify the selection requirements for the appointment.

Legal Basis: Section 205(c), Federal Property and Administrative Services Act of 1949, Pub. L. 87–619, as amended, 40 U.S.C. 486(c).

Status: Final rule published November 6, 1980 (45 FR 73657), effective February 20, 1981.

B. Proposed or Interim Rules Outstanding.

B) 1. ADM–1–78. Privacy Act Procedures.

Summary: Would amend 24 CFR Part 16 to recodify in "plain English" HUD's present regulations implementing the Privacy Act of 1974. Would facilitate the full exercise of rights by individuals about whom the Department maintains records.

Objective: To make the existing regulations more readable and comprehensible to interested persons.

Legal Basis: Section 552(a), the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552.

Contact: Robert L. English, 202–755–5333.

Status: Proposed rule published July 21, 1980 (45 FR 49362). Final rule in preparation.

C. Rulemaking Under Development.

C) 1. ADM–2–78. HUD Procurement.

Summary: Would amend 41 CFR Chapter 24 to revise HUD's procurement regulations pursuant to consolidation of the Federal Procurement regulations and the Armed Services Procurement regulations into the Federal Acquisition regulations.

Objective: To update existing procedures governing the procurement of supplies, personal property and nonpersonal services.

Legal Basis: Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224, 41 U.S.C. 501 et seq., Small Business Act, and Small Business Investment Act of 1958 amendments, Pub. L. 95–507, 15 U.S.C. 683 et seq. and 15 U.S.C. 631.

Contact: Craig E. Durkin, 202–724–0038.

Status: Proposed rule in preparation.

D. Rules Under Review

None.

E. Inactive Proposals and Rules

None.

OFFICE OF THE INSPECTOR GENERAL

A. Final Rules.

None.

B. Proposed or Interim Rules Outstanding.

None.

C. Rulemaking Under Development.

C) 1. IG–1–81. Establishment of Office of Inspector General (OIG).

Summary: Would add a new Part 2000 to 24 CFR to set forth the following: (1) OIG's statutory basis, mission, duties and responsibilities; (2) OIG Headquarters and Regional organization; (3) types of requests for service by agency personnel and other requests for service; (4) OIG delegations of authority; (5) availability of information to the public; and (6) production of records in response to subpoenas, demands, courts, or other authorities.

Objective: To facilitate the Department's efforts to curb fraud, waste, and mismanagement in its programs and activities.

Legal Basis: Inspector General Act of 1978, Pub. L. 95–452, 5 U.S.C. App.

Contact: Kathleen H. Sauerbrunn, 202–755–6999.

Status: Proposed rule in preparation.

D. Rules Under Review.

None.

E. Inactive Proposals and Rules.

None.

NEW COMMUNITIES DEVELOPMENT CORPORATION

A. Final Rules

None.

B. Proposed or Interim Rules Outstanding

None.

C. Rulemaking Under Development

None.

D. Rules Under Review

DJ 1. NCDC–1–81. 24 CFR Part 720—Financing Public and Private New Community Development.

Summary: This part contains eligibility criteria, development standards, and project administration procedures pertaining to HUD assistance for public and private New Community development.

E. Inactive Proposals and Rules

None.

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Monday
August 17, 1981

Part IV

Department of the Interior

Fish and Wildlife Service

Proposed Framework for Late Season Migratory Bird Hunting Regulations

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Proposed Frameworks for Late Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rule.

SUMMARY: This document supplements proposed rulemakings published in the **Federal Register** on March 25 and July 8, 1981, and proposes to establish frameworks, (i.e., the outer limits for dates and times when shooting may occur, hunting areas, and the number of birds which may be taken and possessed) for late season migratory bird hunting regulations for the 1981–82 season. These seasons generally commence on or about October 1, 1981, and include most of those for waterfowl.

Except as noted, frameworks will be similar to those in effect last hunting season. The Service plans to continue its program of stabilized duck hunting frameworks into the 1981–82 hunting season as the second year of a 5-year cooperative study with Canada. In the Atlantic Flyway, the Service proposes to allow or modify duck season zoning arrangements in 4 States, extend the lengths of the Canada goose seasons in 3 States and the snow goose season throughout the flyway, and reopen the brant season on a limited basis. Zoning changes are proposed for several Mississippi Flyway States, goose quota reductions are specified for Illinois and Wisconsin, and changes are proposed in the goose limits and transportation regulations in portions of the flyway. In the Central Flyway, duck zoning options are offered in 4 States on an experimental basis while other States may divide their duck seasons into 3 segments. Longer seasons are proposed for Canada geese in designated portions of South Dakota and Nebraska, and white geese only in New Mexico. Four States may designate goose seasons by zones. In the Pacific Flyway, more liberal goose regulations are planned for several areas frequented by the Rocky Mountain Population of Canada Geese; for white geese in portions of California, Oregon, and Washington; and for cackling and white-fronted geese in portions of California. The Service proposes to allow whistling swan hunting in Cascade County, Montana, with no increase in the number of permits allocated to the State.

The Service annually prescribes hunting regulations frameworks to the States. The effects of this proposed rule are to facilitate the selection of hunting seasons by the States and to further the establishment of the late season migratory bird hunting regulations for the 1981–82 season.

DATES: The comment period for these proposed late season frameworks will end on August 24, 1981.

ADDRESS: Comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received on the supplemental proposed late season frameworks will be available for public inspection during normal business hours in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C. Copies of the environmental assessment on stabilization of hunting regulations are available from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. The Service's biological opinions resulting from its consultation under Section 7, Endangered Species Act, are available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–254–3207).

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On March 25, 1981, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the **Federal Register** (46 FR 18666) proposals to amend 50 CFR Part 20, with comment periods ending July 16, and August 24, 1981, respectively, for the 1981–82 early and late hunting frameworks. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory game birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. On July 8, 1981, the Service published in the **Federal Register** (46 FR 35316) a second document consisting of a supplemental proposed rulemaking dealing with both the early and late season frameworks. On July 13, 1981, the Service published for public comment in the **Federal Register** (46 FR 35056) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 29, 1981, the Service published in the **Federal Register** (46 FR 38868) a fourth document consisting of a final rulemaking for the early season frameworks for migratory game bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1981–82 season. The Service anticipates publishing in the **Federal Register** in the near future a document consisting of a final rule amending Subpart K of 50 CFR 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic flyway; ducks in September in four States; sandhill cranes in designated portions of North Dakota and South Dakota; and migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands during 1981–82.

Review of Public Comments and the Service's Response

Comments Received at Public Hearing

Seven individuals presented statements at the August 4 Public Hearing on the proposed late season frameworks. These statements are summarized below, and when appropriate, responded to by the Service. Some comments related to matters other than the proposed annual hunting frameworks, and thus were irrelevant.

Mr. Larry Soileau, speaking on behalf of 14 States comprising the Mississippi Flyway Council, stated that the Service's proposed hunting frameworks were appropriate and in keeping with habitat conditions and the status of various migratory game bird populations. He reported that the Council favored continuation of the stabilized duck hunting regulations.

Mr. Kay Cool, representing the Central Flyway Council, which is comprised of 10 mid-western States, recommended that no changes be made in the duck hunting regulations and that the Service continue its program of stabilized regulations. No changes were recommended in the frameworks for

"light" geese even though larger fall flights were anticipated. For "dark" geese, he recommended that Nebraska, Oklahoma, and Wyoming be allowed to set seasons by zones, and that the bag limit in Montana be increased from 2 to 3 birds daily. Mr. Cool suggested that slight relaxations be made in the daily bag limits and season lengths for Canada geese in designated counties of Nebraska and South Dakota along the Missouri River because of the excessive numbers wintering there. Detailed recommendations and justifications by the Central Flyway Council were provided for the record.

Recommendations by the 11 contiguous States of the Pacific Flyway Council were presented by Mr. Eldridge Hunt. The Council proposed continuation of the stabilized duck hunting regulations which were in effect last season. Moderate relaxations of hunting regulations for Rocky Mountain Canada geese in 10 States and white geese in portions of California, Oregon, and Washington were recommended in anticipation of increased fall flights. Similarly, relaxations for cackling and white-fronted geese were proposed in California. The Council proposed that whistling swan hunting be permitted in Cascade County, Montana, with no increase in the number of hunting permits authorized for the State. The Council also indicated support of a brief experimental sandhill crane season in the Wilcox Basin Area of southeastern Arizona, with provisions for protecting whooping cranes should any appear in the area. Copies of the Council's detailed recommendations and justifications were filed for the administrative record.

The Atlantic Flyway Council's late season framework recommendations were described by Mr. William Wagner. The Council, comprised of 17 eastern States, supported continuation of the stabilized regulations experiment for ducks. A reopening of the brant season, closed since 1974–75, was proposed in view of the expanding population and anticipated good production this summer. Biologist will ascertain actual production success in northern Canada this month and monitor status of sea lettuce, a staple autumn and winter food of brant, in New Jersey. Season extensions were recommended for Canada geese in Connecticut, New York, and Rhode Island; and for snow geese throughout the flyway in view of increasing crop depredation and nuisance complaints arising from these expanding goose populations. Mr. Wagner informed the Service of the Council's intention early in 1982 to request a limited whistling swan hunting season in North Carolina.

Mr. Dale Whitesell, representing Ducks Unlimited, provided additional waterfowl population and habitat data obtained by his organization's Canadian biologists. The data supported Service survey findings. Ducks Unlimited endorsed continuation of the stabilized duck hunting regulations study, noting that resources made available by simplifying the annual hunting regulations setting process could be redirected to preserving habitat.

The National Audubon Society was represented by Mr. John M. Anderson. He supported the principle of stabilized duck hunting regulations on the ground that relationships between duck hunting regulations, harvests, and populations are not yet well understood and should be clarified in the interest of better conservation and management.

Response. The Service notes that essentially all the foregoing recommendations offered by the respective waterfowl flyway councils, Ducks Unlimited, and the National Audubon Society are incorporated in the late season frameworks now being proposed for additional public comment.

Sr. Fernando Giovanni, Mexico Direccion General de Fauna Silvestre, offered several views on behalf of his agency. He noted that Mexico was particularly interested in management programs and problems which affect the three flyways which provide birds to Mexico. He reported that Mexico is working closely with Ducks Unlimited and the National Audubon Society in preserving waterfowl habitats. Sr. Giovanni expressed the view that Mexico, the United States, and Canada must work together in maintaining the migratory bird resource as no single nation can claim it as its own. He conveyed Mexico's desire to work cooperatively on regulatory matters and offered to provide information on Mexico's migratory bird program.

Response. The Service appreciates having the views expressed by the representative from Mexico, and intends to discuss these matters further with Mexican and Canadian officials.

Written Comments Received

In the **Federal Register** dated July 8, 1981 (at 46 FR 35316), the Service reported and responded to all public comments which had been received up to June 3, 1981, on the late season frameworks. Twenty-one written comments were received subsequent to that time, and through August 6, 1981. These are summarized and responded to below in the numerical order that various regulatory items were listed in the **Federal Register** dated March 25, 1981 (46 FR 18666).

The comments originated from 11 State conservation agencies, 4 organizations, 2 individuals, and 1 flyway council. Respondents sometimes submitted more than one communication. Sometimes the letters did not specifically mention the open comment period or regulatory proposals. However, because they were received during the comment period and generally relate to migratory bird hunting regulations, they are treated as comments.

2. *Frameworks for ducks and geese in the continental United States.* Michigan requested that the framework provide for a goose hunting season opening as early as September 15 in the Upper Peninsula.

Response. The Service does not concur with the earlier September framework for hunting geese inasmuch as the change seems contrary to objectives of existing goose management plans.

Michigan requested that the hunting season applicable to the Southeastern Michigan Goose Management Area be lengthened from 107 to 123 days.

Response. The U.S.-Canada migratory bird treaty limits hunting seasons to 3½ months. The requested increase for southeastern Michigan exceeds this treaty limitation.

A hunter requested that the Tennessee duck season extend through January 31.

Response. The Service believes it unwise to alter duck season framework dates pending completion of an investigation of an experimental framework extension in Mississippi. This position is supported by the Lower Region Regulations Committee of the Mississippi Flyway Council.

11. *Canvasback and redhead ducks.* The Upper Region Regulations Committee, Mississippi Flyway Council, and the involved States recommended removal of the Michigan and Wisconsin canvasback closure areas which no longer appear to attract canvasbacks during fall migration. The group also recommended that implementation of the Atlantic Flyway special canvasback season proposal (see 46 FR 18673) be based on certain population criteria.

Response. The Service believes it unwise to relax regulations for this species in view of anticipated poor production this year. Justification of such requests should be based on surveys undertaken to coincide with the usual period of canvasback occurrence. The Service is deferring implemention of the Atlantic Flyway proposal during the

1981–82 season in view of poor production prospects.

12. *Zoning.* Eight comments related to new zoning studies or to modifications of zoning studies presently underway. In the Atlantic Flyway, Maine and Pennsylvania requested changes in their zone boundaries. These changes were endorsed by the Atlantic Waterfowl Council. A similar request was received from Illinois, and the Upper Region Regulations Committee of the Mississippi Flyway Council endorsed it and a proposal to zone Indiana for goose season selection purposes. The Michigan Citizen's Waterfowl Advisory Committee, the Michigan United Conservation Clubs, and Michigan Ducks Unlimited submitted comments in support of Michigan's request to establish 3 zones for duck hunting. A sportsman's group in Fargo, North Dakota, submitted comments in support of zoning and three-way split season options for the Central Flyway.

Response. The accompanying frameworks incorporate most of the zoning options and modifications recommended by the above correspondents. The exception is Michigan's request to establish 3 new zones to replace the 2 zones which were established last year. The Service believes it desirable to complete and evaluate the 3-year zoning experiment initiated last year in Michigan before making further changes.

13. *Goose and brant seasons.* Connecticut, Rhode Island, and New York, with Atlantic Flyway Council endorsement, requested that the Canada goose season be lengthened to 90 days (from 70 days) and that the framework closing date be extended through January 31, 1982. Increasing crop depredations and nuisance complaints about these geese, many of which reside there throughout the year, prompted the request.

Response. The Service is cognizant of growing complaints about Canada geese in this area and proposes to grant the requested relaxations as an effort to alleviate these problems.

The Atlantic Flyway Council, New Jersey Department of Environmental Protection, the New Jersey Waterfowlers Association, and Burlington County Ducks Unlimited Chapter recommended that the snow goose hunting season be similarly extended to 90 days through the flyway. Increasing crop depredations and damage to coastal wetlands were given as justifications.

Response. The Service notes that Altantic Flyway snow geese remain at a relatively high population level and concurs with the recommendation.

New Jersey and the Altantic Flyway Council proposed that the brant season be reopened throughout the flyway in recognition of the improved status of the species and anticipated good production. The season has been closed since 1975–76.

Response. The Service concurs with the proposal and the attached frameworks provide for a limited brant season of 30 days with 2 birds in the daily bag and 4 in possession. With average production, the fall flight should approximate 130,000 birds, a level adequate to sustain a limited hunting season. Field observations will be made this fall to ascertain the actual production success, and supplies of sea lettuce, a major food item of brant in New Jersey, will be monitored.

26. *Special Falconry Frameworks.* Michigan recommended that a framework of 181 days from September 1, 1981, through February 28, 1982, be established within which falconry seasons could be set for designated migratory game birds.

Response. The Service does not favor establishing differential framework lengths and opening and closing dates simply because a different means of taking than by shotgun or archery is involved. It appears that ample opportunity already exists for falconry during the regular and extended hunting seasons.

Public Comment Invited

Based on the results of recently completed migratory game bird studies and having due consideration for any data or views submitted by interested parties, the amendments resulting from these supplemental proposals will specify open seasons, hours, areas, and bag and possession limits for waterfowl, coots, and gallinules; sandhill cranes in portions of the Central Flyway; and snipe in the Pacific Flyway.

The Secretary intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals and will take into consideration the comments received. Such comments, and any additional information received, may lead the Secretary to adopt final regulations differing from these proposals.

Special circumstances which limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and the unavailability before late July of specific, reliable data on year's status of waterfowl. Therefore, the Service believes that to allow a comment period past August 24, 1981, is contrary to the public interests.

Comment Procedure

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate in this rulemaking process by submitting written comments to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 525–B in the Matomic Building, 1717 H Street, NW., Washington, D.C. 20240.

All relevant comments received on the late season proposals no later than August 24, 1981, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

Nontoxic Shot Regulations

On June 12, 1981, the Service published in the **Federal Register** (46 FR 21010) proposed rules describing nontoxic shot zones for waterfowl hunting. When eaten by waterfowl, spent led pellets can have a toxic effect. Nontoxic shot zones reduce availability of lead pellets in selected waterfowl feeding areas. The final regulations on nontoxic shot zones will be published in August 1981.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical."

Consequently, the Service reviewed all regulations frameworks being contemplated this year for season lengths, limits, shooting hours, and outside dates within which States may select general seasons for waterfowl, coots, and gallinules; extra teal in regular seasons; special scaup seasons; whistling swan seasons in 3 western States; sandhill crane seasons in portions of the Central Flyway and southeastern Arizona; and special falconry regulations. As a result of intra-Service Section 7 consultation, the Chief, Office of Endangered Species, stated in a biological opinion dated July 30, 1981, "* * * your action, as proposed, is not likely to jeopardize the continued existence of the above listed species [Aleutian Canada goose, bald eagle, American peregrine falcon, Arctic peregrine falcon, and whooping crane] and is not likely to result in the destruction or adverse modification of any designated Critical Habitat." As reported in the **Federal Register** dated July 13, 1981 (at 46 FR 36060), and July 29, 1981 (at 46 FR 38869), Section 7 consultations for the proposed frameworks for Alaska, Puerto Rico, and the Virgin Islands were concluded on May 15, 1981, and for other proposed early season frameworks on June 15, 1981, with satisfactory biological opinions.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for public inspection in the Office of Endangered Species and the Office of Migratory Bird Management, Department of the Interior.

Regulatory Flexibility Act and Executive Order 12291

Pursuant to Executive Order 12291, the Department has determined that this rule is a major rule, and has significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). In the **Federal Register** dated March 25, 1981 (at 46 FR 18669), the Service described measures it was taking to comply with new requirements on Federal agencies in developing new rules. A summary of an initial regulatory impact analysis was included in the same **Federal Register.**

The Service subsequently completed a final regulatory impact and flexibility analysis (FRIA) on June 30, 1981, and will publish a summary of it in the final rule amending 50 CFR Part 20, subpart K, to be published in the near future.

The Service's FRIA was planned so that it would suffice for both the early and late season final regulations. Copies of the final analysis are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Authorship

The primary author of this final rule is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

BILLING CODE 4310-55-M

Proposed Regulations Frameworks for 1981-82 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl, coots, and gallinules; cranes in parts of New Mexico, Texas, Colorado, Oklahoma, Montana, Wyoming, and Arizona; and common snipe in the Pacific Flyway. Frameworks are summarized below. States may be more restrictive in selecting season regulations, but may not exceed the framework provisions.

GENERAL

Split Season: States in all Flyways may split their season for ducks or geese into two segments of equal or unequal lengths. States in the Atlantic and Central Flyways may, in lieu of zoning, split their season for ducks or geese into three segments of equal or unequal lengths. Exceptions are noted in appropriate sections.

Shooting Hours: Between one-half hour before sunrise and sunset daily in all States, for all species, and for all seasons. The hours noted here also apply to hawking (taking by falconry).

Extra Blue-winged Teal: States in the Mississippi and Central Flyways selecting neither a teal or early duck season in September nor the point system may select an extra daily bag and possession limit of 2 and 4 blue-winged teal, respectively, for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

Extra teal: States in the Atlantic Flyway (except Florida) not selecting the point system may select an extra teal limit for 9 consecutive days during the regular duck season of no more than 2 blue-winged teal or 2 green-winged teal or 1 of each daily and no more than 4 singly or in the aggregate in possession.

Special Scaup-only Season: States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must fall between October 1, 1981, and January 31, 1982, all dates inclusive.

2. The season must fall outside the open season for any other ducks except sea ducks.

3. The season must be limited to areas mutually agreed upon between the State and the Service prior to September 1, 1981.

4. These areas must be described and delineated in State hunting regulations.

OR

Extra Scaup: As an alternative, States in the Atlantic, Mississippi, and Central Flyways, except those selecting a point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed above. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

Point System: Selection of the point system for any State entirely within a flyway must be on a statewide basis, except if New York selects the point system, conventional regulations may be retained for the Long Island Area. New York may not select the point system within the Upstate zoning option, and Maine, New Hampshire, Massachusetts, Connecticut, Pennsylvania, and West Virginia may not select the point system pending completion of zoning studies.

Deferred Season Selections: States that did not select their rail, woodcock, snipe, gallinule, and sea duck seasons in July should do so at the time they make their waterfowl selections.

Frameworks for open seasons and season lengths, bag and possession limit options, and other special provisions are listed below by Flyway.

ATLANTIC FLYWAY

Ducks, Coots, and Mergansers

Outside Dates: Between October 1, 1981 (except in Florida), and January 20, 1982.

Hunting Season: 50 days.

Daily Bag and Possession Limits (including restrictions on black ducks): (a) basic daily bag and possession limits of 4 and 8 ducks, respectively, of which no more than 2 in the daily bag and 4 in possession may be black ducks; or (b) basic daily bag and possession limits of 5 and 10 ducks, respectively, of which no more than 1 in the daily bag and 2 in possession may be black ducks.

Canvasbacks and Redheads: Except in closed areas, the limit on canvasbacks is 1 daily and 1 in possession. The limit on redheads throughout the flyway is 2 daily, except that in areas open to canvasback harvest the daily bag limit is 2 redheads, or 1 redhead and 1 canvasback. The possession limit on redheads is twice the daily bag limit under conventional regulations. The canvasback possession limit is equal to the daily bag limit. Under the point system, canvasbacks (except in closed areas) count 100 points each and redheads flywaywide count 70 points each. Areas closed to canvasback hunting are:

New York - Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey - Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

Maryland, Virginia and North Carolina - Those portions of each State lying east of U.S. Highway 1.

The experimental canvasback season endorsed for areas now closed to canvasback hunting will not be initiated in 1981-82 because of poor production during the 1981 canvasback breeding season.

Restrictions on Wood Ducks: Under conventional and point system options, the daily bag and possession limits may not include more than 2 and 4 wood ducks, respectively.

Early Wood Duck Season Option: Virginia, North Carolina, South Carolina, and Georgia may split their regular hunting season so that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15. During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the flyway in 1981 shall apply to wood ducks. Under the point system, wood ducks shall be 25 points. For other ducks, daily bag and possession limits shall be the same as established for the flyway under conventional or point system regulations. For those States using conventional regulations, the 9 consecutive days extra teal option may be selected concurrent with the early wood duck season option. This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

Merganser Limits: The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag and possession limits of coots are 15 and 30, respectively.

Lake Champlain Area, New York Follows Vermont: The Lake Champlain Area of New York must follow the waterfowl seasons, daily bag and possession limits, and shooting hours selected by Vermont. This area includes that part of New York lying east and north of a boundary running south from the Canadian border along U.S. Highway 9 to New York Route 22 south of Keeseville, along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22, along New York Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border.

Special Scaup and Goldeneye Season: In lieu of a special scaup season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to the special scaup season elsewhere.

Zoning:

Long Island: New York may, for Long Island, select season dates and daily bag and possession limits which differ from those in the remainder of the State.

Upstate New York: Upstate New York (excluding the Lake Champlain area) may be divided into three zones (West, North, South) on an experimental basis for the purpose of setting separate duck, coot and merganser seasons. Option (a) or (b) for seasons and bag limits is applicable to the zones in the Upstate area within the Flyway framework; only conventional regulations may be selected. Each zone will be permitted the full number of days offered under options (a) or (b). In addition, a 2-segment split season without penalty may be selected in each zone. The basic daily bag limit on ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus bird options shall be applicable to the Upstate zones, but the 16-day special scaup season will not be allowed.

New York Zone Definitions: The zones are defined as follows:

The West Zone is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border.

The North and South Zones are bordered on the west by the boundary described above and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and State Route 49 and extending easterly along State Route 49 to its junction with State Route 365 at Rome, then easterly along State Route 365 to its junction with State Route 28 at Trenton,

then easterly along State Route 28 to its junction with State Route 29 at Middleville, then easterly along State Route 29 to its intersection with Interstate Highway 87 at Saratoga Springs, then northerly along Interstate Highway 87 to its junction with State Route 9, then northerly along State Route 9 to its junction with State Route 149, then easterly along State Route 149 to its junction with State Route 4 at Fort Ann, then northerly along State Route 4 to its intersection with the New York/Vermont boundary.

Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, and West Virginia: Maine may implement its current zoned season program on an operational basis. New Hampshire, Massachusetts, Connecticut, and West Virginia each may be divided into two zones on an experimental basis for the purpose of setting separate duck, coot and merganser seasons. New Jersey may be divided into three zones and Pennsylvania may be divided into four zones for the same purpose. Option (a) or (b) for seasons and bag limits is applicable to the zones within the Flyway framework. Only conventional regulations may be selected in Maine, New Hampshire, Massachusetts, Connecticut, West Virginia, and Pennsylvania. New Jersey must select the point system. Each zone will be permitted the full number of days offered under options (a) or (b). In addition, a two-segment split season without penalty may be selected. The basic daily bag limit on ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus bird options, and the 16-day special scaup season shall be allowed.

Zone definitions:

Connecticut

North Zone - That portion of the State north of Interstate 95.

South Zone - That portion of the State south of Interstate 95.

Maine

North Zone - Game Management Zones 1 through 5.

South Zone - Game Management Zones 6 through 8.

Massachusetts

Coastal Zone - Beginning at the New Hampshire-Massachusetts border, that portion of the State east and south of a boundary formed by Interstate 95, south to U.S. Route 1, south to Interstate 93, south to Route 3, south to U.S. Route 6, southwest to Route 28, northwest to Interstate 195, and west to the Rhode Island line.

Inland Zone - That portion of the State west and north of the above boundary.

New Hampshire

Coastal Zone — Beginning at the Maine-New Hampshire line in Rollinsford, that portion of the State east of a boundary formed by State Highway 4 west to the city of Dover, south to the intersection of State Highway 108, south along State Highway 108 through Madbury, Durham, and Newmarket to the junction of State Highway 85 in Newfields, south to State Highway 101 in Exeter, east to State Highway 51 (Exeter-Hampton Expressway), east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south to the Massachusetts line.

Inland Zone — That portion of the State west of the above boundary.

New Jersey

Coastal Zone — That portion of New Jersey seaward of a continuous line beginning at the New York State boundary line in Raritan Bay; then west along the New York boundary line to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Garden State Parkway to the shoreline at Cape May City and continuing to the Delaware boundary in Delaware Bay.

North Zone - That portion of New Jersey west of the Coastal Zone and north of a boundary formed by Route 70, west to the New Jersey Turnpike, north on the turnpike to Route 206, north on Route 206 to Route 1, Trenton, west on Route 1 to the Pennsylvania State boundary in the Delaware River.

South Zone - That portion of New Jersey not within the North Zone or the Coastal Zone.

Pennsylvania

Lake Erie Zone - The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

North Zone - That portion of the State north of I-80 from the New Jersey State line west to the junction of State Route 147, then north on State Route 147 to the junction of Route 220, then west and/or south on Route 220 to the junction of I-80, then west on I-80 to its junction with the Allegheny River, and then north along but not including the Allegheny River to the New York border.

Northwest Zone - That portion of the State bounded on the north by the Lake Erie Zone and the New York line, on the east by and including the Allegheny River, on the south by Interstate Highway I-80, and on the west by the Ohio line.

South Zone - The remaining portion of the State.

West Virginia

Allegheny Mountain Upland Zone (contained with the circumscribed boundaries below).

The north boundary is the State line adjacent to Pennsylvania and Maryland. The eastern boundary extends south along U.S. Route 220 through Keyser, West Virginia, to the intersection of U.S. Route 50, and follows U.S. Route 50 to the intersection with State Route 93. The boundary follows State Route 93 south to the intersection with State Route 42 and continues south on State Route 42 to Petersburg. At Petersburg, the boundary follows State Route 28 south to Minnehaha Springs, and then follows State Route 39 west to U.S. Route 219 and follows 219 south to the intersection of Interstate 64. The southern boundary follows I-64 west to the intersection with U.S. Route 60, and follows Route 60 west to the intersection of U.S. Route 19. The western boundary follows Route 19 north to the intersection of I-79, and follows I-79 north to the Pennsylvania State line.

Remainder of the State - That portion outside the above boundaries.

Point System Option for all States in the Atlantic Flyway: As an alternative to conventional bag limits for ducks, a 50-day season with a point-system bag limit may be selected by States in the Atlantic Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: in Florida only, the fulvous tree duck counts 100 points each; in all States the canvasback counts 100 points each (except in closed areas); the female mallard, black duck, mottled duck, wood duck (except in Virginia, North Carolina, South Carolina, and Georgia during the early wood duck season option), redhead, and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, pintail, gadwall, wigeon, shoveler, scaup, sea ducks, and mergansers (except hooded) count 10 points each; the male mallard, the wood duck during the early wood duck season option in Virginia, North Carolina, South Carolina, and Georgia, and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Sea Ducks: In any State in the Atlantic Flyway selecting both point-system regulations and a special sea duck season, sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck season falling outside the point-system season, regular sea duck daily bag and possession limits of 7 and 14, respectively, apply.

Coot Limits: Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Canada Geese

Outside Dates, Season Lengths, and Limits: Between October 1, 1981, and January 20, 1982, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, West Virginia, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. However, in the area comprised of New York (including Long Island), Rhode Island, Connecticut, New Jersey, Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border, the Canada goose season length may be 90 days with the closing framework date extended to January 31, 1982. The daily bag limit within this area (except New York, Rhode Island, and Connecticut) will be 4 birds with a possession limit of 8 birds. The daily bag and possession limits in New York, Rhode Island, and Connecticut will be 3 and 6, respectively. North Carolina and those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the October 1, 1981, to January 20, 1982, framework; the daily bag and possession limits are 2 and 4 Canada geese, respectively. South Carolina may select a 50-day season on Canada geese within the October 1, 1981, to January 20, 1982, framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively.

Closures on Canada Geese: The season is closed on Canada geese in Florida and Georgia.

Snow Geese

Snow Geese: Between October 1, 1981, and January 31, 1982, States in the Atlantic Flyway may select 90-day seasons on snow geese (including blue geese); the daily bag and possession limits are 4 and 8 geese, respectively.

Atlantic Brant

Hunting Season: Between October 1, 1981, and January 20, 1982, States in the

Atlantic Flyway may select 30 consecutive day seasons on Atlantic brant; the daily bag and possession limits are 2 and 4 brant, respectively.

MISSISSIPPI FLYWAY

Ducks, Coots, and Mergansers

Outside Dates: Between October 3, 1981, and January 20, 1982, in all States except that in Iowa the framework opening date is September 19 and in Mississippi the framework closing date is January 31.

Hunting Season: Not more than 50 days.
Limits: The daily bag limit for ducks is 5, and may include no more than 3 mallards, no more than 2 of which may be female mallards, 1 black duck, and 2 wood ducks (except as noted below). The possession limit is 10, including no more than 6 mallards, no more than 4 of which may be female mallards, 2 black ducks, and 4 wood ducks (except as noted below).

Canvasback and Redhead Limits: Except in closed areas, the conventional limit on canvasbacks and redheads is 1 daily and 2 in possession for each species. Under the point system, canvasbacks count 100 points each (except in closed areas) and redheads count 70 points each.

Closed Areas for Canvasback Hunting:

Mississippi River - Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama - Baldwin and Mobile Counties.

Louisiana - Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan - Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota - Douglas, Mahnomen, Polk, Pope, and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Sec. 13, T130N, R31W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio - Land and water areas comprising Erie, Ottawa, and Sandusky Counties.

Tennessee - Kentucky Lake lying north of Interstate Highway 40.

Wisconsin - In the Mississippi River Zone, all that part of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winneconne and Butte des Morts, including the connecting waters thereof, in Winnebago County.

Merganser Limits: The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag and possession limits on coots are 15 and 30, respectively.

Point System Option: As an alternative to conventional bag limits for ducks, a 50-day season with point-system bag and possession limits may be selected by States in the Mississippi Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: except in closed areas, the canvasback counts 100 points; the redhead, female mallard, wood duck (except as noted below), black duck, and hooded merganser count 70 points each; the pintail, blue-winged teal, cinnamon teal, wigeon, gadwall, shoveler, scaup, green-winged teal, and mergansers (except hooded merganser) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Coot Limits—Point System: Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Early Wood Duck Season Option: Arkansas, Louisiana, Mississippi, and Alabama may split their regular duck hunting seasons in such a way that a hunting season not to exceed 9 consecutive days may occur between October 3 and October 15. During this period, under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway shall apply to wood ducks, and under the point system, the point value for wood ducks shall be 25 points. For other species of ducks, daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations. In addition, the extra blue-winged teal option available to States in this Flyway that select conventional regulations and do not have a September teal season may be selected during this period. This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

Western Louisiana: In that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Shreveport; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass—the season on ducks, coots and mergansers may extend 5 additional days, provided that the season opens no later than November 7, 1981. If the 5-day extension is selected, and if point-system regulations are selected for the State, point values will be the same as for the rest of the State.

Pymatuning Reservoir Area, Ohio: The waterfowl seasons, limits, and shooting hours in the Pymatuning Reservoir area of Ohio will be the same as those selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Zoning: Alabama, Illinois, Indiana, Michigan, Missouri, Ohio, and Tennessee may select hunting seasons on ducks, coots, and mergansers by zones described as follows:

Alabama: South Zone - Mobile and Baldwin Counties. North Zone - The remainder of Alabama. The season in the South Zone may be split.

Illinois: North Zone - That portion of the State north of a line running east from the Iowa border along Illinois Highway 17 to I-74, north along I-74 to I-80, then east along I-80 to the Indiana border. Central Zone - That portion of the State between the North and South Zone boundaries. South Zone - That portion of the State south of a line running east from the Missouri border along Illinois Highway 150 to Illinois Highway 4, north along Illinois Highway 4 to Illinois Highway 15, east along Illinois Highway 15 to I-57, north along I-57 to I-70, then east along I-70 to the Indiana border.

Indiana: North Zone - That portion of Indiana north of State Highway 18. South Zone - The remainder of Indiana.

Michigan: North Zone - That portion of the State north of a line extending east from the mouth of the Manistee River along the north bank to the U.S. 31 bridge, north on U.S. 31 to M-55, east on M-55 to M-37, south on M-37 to M-82, east on M-82 to U.S. 131, north on U.S. 131, then east on M-46 to Port Sanilac. South Zone - The remainder of Michigan.

Missouri: North Zone - That portion of Missouri north of a line running east from the Kansas border along U.S. Highway 54 to U.S. Highway 65, south along U.S. Highway 65 to State Highway 32, east along State Highway 32 to State Highway 72, east along State Highway 72 to State Highway 34, then east along State Highway 34 to the Illinois border. South Zone - The remainder of Missouri. Missouri may split its season in each zone into two segments.

Ohio: North Zone - The counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison, and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. South Zone - The remainder of Ohio. Ohio may split its season in each zone into two segments.

Tennessee: Reelfoot Zone - Lake and Obion Counties, or a designated portion of that area. State Zone - The remainder of Tennessee.

Within each State: (1) the same bag limit option must be selected for both zones; and (2) if a special scaup season is selected for a zone, it shall not begin until after the regular season closing date in that zone.

Geese

Outside Dates, Season Lengths, and Limits: Between October 3, 1981, and January 20, 1982, States in this Flyway may select 70-day seasons on geese, with a daily bag limit of 5 geese, to include no more than 2 white-fronted geese. The possession limit is 10 geese, to include no more than 4 white-fronted geese. Regulations for Canada geese and exceptions to the above general provisions are shown below by State.

Outside Dates and Limits on Snow and White-fronted Geese in Louisiana: Between October 3, 1981, and February 14, 1982, Louisiana may select 70-day seasons on snow (including blue) and white-fronted geese by zones established for duck hunting seasons, with daily bag and possession limits as described in the above paragraph.

Canada Goose Closures: The season on Canada geese is closed in Arkansas and Louisiana.

Minnesota. In the:

(a) Lac Qui Parle Zone (described in State Regulations)—the season on Canada geese closes after 50 days or when 5,500 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose and the possession limit is 4.

(b) Southeastern Zone (described in State regulations)—the season for Canada geese may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4.

(c) Remainder of the State—the season on Canada geese will be concurrent with the duck season. The daily bag limit is 2 Canada geese and the possession limit is 4.

Iowa: The season may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4.

Missouri. In the:

(a) Swan Lake Zone (described in State regulations)—the season on Canada geese closes after 70 days or when 20,000 birds have been harvested, whichever occurs first. Through November 20, the daily bag limit is 1 Canada goose and the possession limit is 4. After November 20, the daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Southeastern Area (east of U.S. Highway 67 and south of Crystal City)—State may select a 50-day season on Canada geese between December 1, 1981, and January 20, 1982, with a daily bag limit of 2 Canada geese and a possession limit of 4.

(c) Remainder of the State—the season on Canada geese will be concurrent with the duck season in the respective duck hunting zones. The daily bag limit is 2 Canada geese, and the possession limit is 4.

Wisconsin: The goose season is 50 days except in that portion of the State west of the Burlington—Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties, where the season will be 70 days.

The harvest of Canada geese is limited to 20,000. In the Horicon and Central Zones (described in State regulations), the daily bag and possession limits are 1 Canada goose. Elsewhere in Wisconsin, the daily bag limit is 1 Canada goose and the possession limit is 2.

Illinois: 50-day seasons on geese may be selected by zones established for duck hunting seasons, except that in the South Zone the season will close no later than December 31. The harvest of Canada geese is limited to 30,000, with 24,000 birds allocated to the Southern Illinois Zone (described in State regulations). The daily bag limit is 2 Canada geese and the possession limit is 4. The season on Canada geese in the Southern Illinois Zone will open November 6 and extend through December 31, 1981, or until the Zone's quota of 24,000 birds is reached, whichever occurs first.

Michigan. The goose season is 50 days, except in the Saginaw County Goose Management Area, where the season may be 70 days, and the Southeastern Canada Goose Management Area, where the season may extend for 107 days within the flyway framework dates. Boundaries of the above areas are described in State regulations. Daily bag and possession limits are as follows:

(a) Counties of Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon—the daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Southeastern Canada Goose Management Area - Through November 14, the daily bag limit will be 1 Canada goose and the possession limit will be 2. From November 15 through November 30, the daily bag limit will be 2 Canada geese and the possession limit will be 4. For the remainder of the season, the daily bag limit will be 3 Canada geese and the possession limit will be 6.

(c) Remainder of the State—the daily bag limit is 1 Canada goose and the possession limit is 2.

Ohio: The daily bag limit is 2 Canada geese and the possession limit is 4, except that in the counties of Ashtabula, Trumbull, Marion, Wyandot, Lucas, Ottawa, Erie, Sandusky, Mercer, and Auglaize, the daily bag limit is 1 Canada goose and the possession limit is 2.

Indiana: The season for Canada geese may extend for 70 days, except in Posey County, where the season will be 50 days. The daily bag limit is 2 Canada geese and the possession limit is 4. The goose seasons may be set by North and South Zones.

Kentucky: The season for Canada geese may extend for 70 days, except in Hickman, Fulton, Carlisle, and Ballard Counties, where the season will be 50 days. The daily bag limit is 2 Canada geese and the possession limit is 4.

Tennessee: The season for Canada geese may extend for 70 days, except in Lake, Obion, Weakley, and Carroll Counties, and those portions of Gibson and Dyer Counties north of State Highway 20 and east of U.S. Highway 45W, where the season will be 50 days. The daily bag limit is 1 Canada goose and the possession limit is 2, except in that portion of the State west of State Highway 13, where the daily bag limit is 2 Canada geese and the possession limit is 4. The season on Canada geese is closed in that portion of Tennessee bounded on the north by State Highways 20 and 104, and on the east by U.S. Highways 45W and 45.

Mississippi: In the Sardis Reservoir Area (that area encompassed by Interstate Highway 55 on the west, State Highway 7 on the east, State Highway 310 on the north and State Highway 6 on the south), the season on Canada geese will be November 15 through December 14, 1981. The daily bag limit is 1 Canada goose and the possession limit is 2. In the remainder of the State, the season on Canada geese is closed.

Alabama: The season is closed on all geese in the counties of Henry, Russell, and Barbour. Elsewhere in Alabama, the daily bag limit is 2 Canada geese and the possession limit is 4.

Missouri and Illinois Quota Zone Closures: When it has been determined that the quota of Canada geese allotted to the Southern Illinois Zone and the Swan Lake Zone of Missouri will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

Shipping Restrictions: Geese taken in Illinois and Missouri and in the Kentucky counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped or delivered for transportation or shipment by common carrier, the Postal Service, or by any person except as the personal baggage of licensed waterfowl hunters, provided that no hunter shall possess or transport more than the legally-prescribed possession limit of geese. Geese possessed or transported by persons other than the taker must be labeled with the name and address of the taker and the date taken.

CENTRAL FLYWAY

Ducks (including mergansers) and Coots

Outside Dates: Between October 3, 1981, and January 17, 1982, inclusive, in Central Flyway States and portions of States.

Hunting Season: The basic season may include no more than 60 days. States may split their seasons into 2 or, in lieu of zoning, 3 segments.

Daily Bag and Possession Limits: Conventional limits on ducks (including mergansers), singly or in the aggregate, are 5 daily and 10 in possession. The aggregate daily bag limit on ducks (including mergansers) may include no more than 1 canvasback (note areas closed to canvasback hunting), 1 redhead, 1 female mallard, 1 hooded merganser, and 2 wood ducks. The possession limit may include no more than 1 canvasback (note areas closed to canvasback hunting), 2 redheads, 2 female mallards, 2 hooded mergansers, and 4 wood ducks. The daily bag and possession limits on coots are 15 and 30, respectively.

Closures. Areas closed to canvasback hunting are:

North Dakota - that portion lying east of State Highway 3, including all or portions of 27 counties.

South Dakota - all of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14.

Point System Option in the Central Flyway: As an alternative to conventional bag and possession limits for ducks, point-system regulations may be selected for States and portions of States in this Flyway. The point system season length in the High Plains Mallard Management Unit is 83 days provided that the last 23 days of such season must begin on or after December 12, 1981. The High Plains Unit, roughly defined as that portion of the Central Flyway which lies west of the 100th meridian, shall be described in State regulations. The season length for the Low Plains Unit (those portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas not included in the High Plains Mallard Management Unit) may not exceed 60 days.

Point Values: Canvasbacks count 100 points each (note areas closed to canvasback hunting); female mallards, Mexican-like ducks, mottled ducks (Texas only), wood ducks, redheads, and hooded mergansers count 70 points each; blue-winged teal, green-winged teal, cinnamon teal, scaup, pintails, gadwalls, wigeon, shovelers, and mergansers (except the hooded merganser) count 10 points each; all other species and sexes of ducks count 20 points each. The daily bag limit is reached when the point value of the last bird taken, when added to the sum of the point values of other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days. Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Portions of Colorado, Montana, New Mexico, and Wyoming in Pacific Flyway: Those portions of Colorado and Wyoming lying west of the Continental Divide, that portion of New Mexico lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation, and that portion of Montana which includes the counties of Hill, Chouteau, Cascade, Meagher, and Park and all counties west thereof, must select open seasons on waterfowl and coots in accordance with the framework for the Pacific Flyway.

Zoning: Kansas, Nebraska, South Dakota, and Wyoming may select hunting seasons on ducks, coots, and mergansers by zones described as follows:

Kansas: Two zones in the Low Plains portion of the State as follows:

Zone 1. That portion of south-central Kansas bounded by the State line and the following highways: on the west by U.S. 283; on the north by K-4, U.S. 81, U.S. 56, K-150, and U.S. 50; and on the east by K-99.

Zone 2. The remaining area within the Low Plains of Kansas.

Nebraska: Four zones within the Low Plains portion of the State as follows:

Zone 1. Keya Paha County east of U.S. Highway 183 and all of Boyd, Knox, Cedar, and Dixon Counties, including the adjacent waters of the Niobrara River.

Zone 2. The Low Plains portions of Dawson, Gosper, Frontier, and Furnas Counties and all of Buffalo, Phelps, Harlan, Hall, Kearney, Franklin, Merrick, Hamilton, Platte, Polk, Colfax, Butler, Dodge, Saunders, and Douglas Counties, including the adjacent waters of the Platte River.

Zone 3. The Low Plains portions of Brown, Rheine, and Custer Counties and all of Rock, Holt, Loup, Garfield, Wheeler, Valley, Greeley, Sherman, Howard, Antelope, Boone, Nance, Pierce, Madison, Wayne, Stanton, Cuming, Dakota, Thurston, Burt, and Washington Counties.

Zone 4. Adams, Webster, Clay, Nuckolls, York, Fillmore, Thayer, Seward, Saline, Jefferson, Lancaster, Gage, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

South Dakota: Two zones within the Low Plains portion of the State as follows:

South Zone. Bon Homme, Charles Mix, Clay, Gregory, Union, and Yankton Counties.

North Zone. The remainder of the Low Plains portion of South Dakota.

Wyoming: Four zones in the Central Flyway portion as follows:

Zone 1. Sheridan, Johnson, Natrona, Campbell, Crook, Weston, Converse, and Niobrara Counties.

Zone 2. Platte, Goshen, and Laramie Counties.

Zone 3. Carbon and Albany Counties.

Zone 4. Park, Big Horn, Hot Springs, Washakie, and Fremont Counties.

Geese

Outside Dates: States in the Central Flyway may select goose seasons between October 3, 1981, and January 17, 1982, inclusive, (except as noted for New Mexico).

West Tier States.

Montana: For its Central Flyway portion, Montana may select a season of 93 days. The daily bag and possession limits are 2 and 4 geese, respectively, in Sheridan County, and 3 and 6 geese, respectively, in the remainder of the Central Flyway portion.

Wyoming: Wyoming may select seasons of 93 days with daily bag and possession limits of 2 and 4 geese, respectively, for each of four Goose Management Units, which coincide with management zones for ducks, in the Central Flyway portion.

Colorado: Colorado may select, for the Central Flyway portion a season of 93 days, with daily bag and possession limits of 2 and 4 geese, respectively.

New Mexico: New Mexico, for the Central Flyway portion, may select a season of 93 days during the period October 3, 1981, through February 14, 1982 except that only light geese may be taken after January 17, 1982. The daily bag limit is 5 geese which, through January 17, 1982, may include no more than 2 dark geese.

Texas (west of U.S. 81): Texas, for that portion west of U.S. Highway 81, may select a season of 93 days with a daily bag limit of 5 geese which may include no more than 2 dark (Canada and white-fronted) geese and a possession limit of 10 geese which may include no more than 4 dark geese.

East Tier States - Light geese.

North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (for that portion east of U.S. Highway 81) may select seasons for light (Ross' and snow, including blue) geese of 86 days with daily bag limits of 5 and possession limits twice the daily bag limits.

East Tier States - Dark geese. States in this tier may select seasons on dark (Canada and white-fronted) geese of 72 days (except in Nebraska and South Dakota as noted) as follows:

North Dakota: The daily bag limits may include no more than 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese through October 31, 1981, and no more than 2 Canada geese or 2 white-fronted geese or 1 of each during the remainder of the season.

South Dakota: In Bon Homme, Brule, Buffalo, Campbell, Charles Mix, Corson, Dewey, Gregory, Hughes, Hyde, Lyman, Potter, Stanley, Sully, Tripp (east of U.S. Highway 183), and Yankton (west of U.S. Highway 81) Counties, the season length may not exceed 79 days and the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose through November 13, 1981, and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season. In the remainder of the State, the season length may not exceed 72 days and the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose.

Nebraska: In Goose Management Unit 1 comprised of Boyd, Cedar (west of U.S. Highway 81), Keya Paha (east of U.S. Highway 183), and Knox Counties, the season length may not exceed 79 days and the daily bag limits may include no more than 1 Canada goose and 1 white-fronted goose through November 13, 1981, and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season.

In Goose Management Unit 2, the remainder of Nebraska east of U.S. Highway 183, and in Goose Management Unit 3, that portion of Nebraska west of U.S. Highway 183, the daily bag limits may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 22, 1981, and no more than 1 Canada goose and 1 white-fronted goose for the remainder of the season.

Kansas: The daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 28 and no more than 1 Canada goose and 1 white-fronted goose during the remainder of the season.

Oklahoma: In Goose Management Unit 1 (that portion of Oklahoma west of U.S. Highways 77 and 177, the Indian Nation Turnpike, and U.S. Highway 271) and in Goose Management Unit 2 (the remainder of Oklahoma), the daily bag limits may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose.

Texas: In that portion east of U.S. Highway 81, the bag limit may include no more than 1 Canada goose and 1 white-fronted goose daily.

East Tier States Goose Possession Limits: Goose possession limits are twice the daily bag limits.

Sandhill Cranes

Colorado, Montana, New Mexico, Oklahoma, Texas, and Wyoming may select sandhill crane seasons with daily bag and possession limits of 3 and 6, respectively, and during an October 3, 1981-January 31, 1982, framework as follows:

Colorado and Wyoming: 37 consecutive days during the period of October 3 through November 22, 1981, in the Central Flyway portion of Colorado except the San Luis Valley area, and in the Wyoming counties of Crook, Goshen, Laramie, Niobrara, Platte and Weston.

New Mexico and West Texas: 93 consecutive days between October 20, 1981, and January 31, 1982, in the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 (and including all of Howard and Lynn Counties) to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio.

Oklahoma and North Texas: 58 consecutive days on or after November 22, 1981, in that portion of Oklahoma west of U.S. Highway 81, and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border.

Montana: 37 consecutive days, to open with the goose season, in all of the Central Flyway portion of Montana except Sheridan County and that area south and west of Interstate Highway 90 and the Big Horn River.

Permits: All persons hunting sandhill cranes in the above designated areas of the Central Flyway must obtain and possess valid Federal permits distributed by the appropriate State conservation agency on an equitable basis without charge.

Protection of Whooping Cranes: An emergency closure of the hunting season will be considered in an area where whooping cranes from either the Rocky Mountain or Wood Buffalo-Aransas flocks are found during periods when there is risk of their being taken by hunters.

PACIFIC FLYWAY

The Pacific Flyway includes the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, those portions of Colorado and Wyoming lying west of the Continental Divide, that portion of New Mexico lying west of the Continental Divide including the Jicarilla Apache Indian Reservation, and that portion of Montana including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties.

Ducks (including Mergansers), Coots, Gallinules, and Common Snipe

Outside Dates: Between October 3, 1981, and January 17, 1982.

Hunting Seasons: Concurrent 93-day seasons on ducks (including mergansers), coots, gallinules, and common snipe may be selected in Pacific Flyway States except as subsequently noted.

Duck Limits: Basic daily bag and possession limits on ducks (including mergansers) are 7 and 14, respectively. No more than 2 redheads or 2 canvasbacks or 1 of each may be taken daily and no more than 4 singly or in the aggregate may be possessed.

Coot and Gallinule Limits: The daily bag and possession limits on coots and gallinules are 25 singly or in the aggregate.

Common Snipe Limits: The daily bag and possession limits on common snipe are 8 and 16, respectively.

California—Waterfowl Zones: Season dates for the Colorado River Zone of California must coincide with season dates selected by Arizona. Season dates for the Northeastern Zone of California must coincide with season dates selected by Oregon. For the Southern Zone of California, the State may designate season dates differing from those in the remainder of the State.

Nevada—Clark County Waterfowl Zone: For Nevada, county of Clark, the State may designate season dates differing from those in the remainder of the State.

"Columbia Basin" Portions of Washington, Oregon, and Idaho: In the Idaho counties of Ada, Bannock, Benewah, Blaine, Bonner, Boundary, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Twin Falls, Washington, and that portion of Bingham County lying outside the Blackfoot Reservoir drainage; the Oregon counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco; and in Washington all areas lying east of the summit of the Cascade Mountains and east of the Big White Salmon River in Klickitat County, the seasons may be 100 days and must run concurrently.

Colorado, Montana, New Mexico, and Wyoming — Common Snipe: For States partially within the Flyway 93-day seasons on common snipe between September 1, 1981, and February 28, 1982, may be selected.

Geese

Outside dates, season lengths, and limits on geese: Between October 3, 1981, and January 17, 1982, 93-day seasons on geese (except brant) may be selected in the Pacific Flyway States, except as subsequently noted. The basic daily bag and possession limits are 6, provided that the daily bag limit includes no more than 3 white geese (snow, including blue, and Ross' geese) and 3 dark geese (Canada and white-fronted geese); the daily bag and possession limits are proportionately reduced in those areas where special restrictions apply to Canada geese. In Washington and Idaho, the daily bag and possession limits are 3 and 6 geese, respectively.

Aleutian Canada goose closure: The season is closed on the Aleutian Canada goose. Emergency closures may be invoked for all Canada geese should Aleutian Canada goose distribution patterns or other circumstances justify such actions.

Canada goose closures in California: Three areas in California, described as follows, are restricted in the hunting of all Canada geese:

(1) In the counties of Del Norte and Humboldt there will be no open season on any Canada geese during the 1981-82 waterfowl hunting season.

(2) In the Sacramento Valley in that area bounded by a line beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River; then southerly on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glenn; then westerly on State Highway 162 to the point of beginning in Willows, the hunting season for taking any Canada geese will not open until December 15, 1981, and may continue to the end of the 1981-82 waterfowl hunting season.

(3) In the San Joaquin Valley in that area bounded by a line beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate Highway 5; then southerly on Interstate Highway 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly to the point of beginning; the hunting season for taking any Canada geese will close on November 23, 1981.

"Columbia Basin" Portions of Washington and Oregon—geese: In the Washington counties of Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima, and in the Oregon counties of Gilliam, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco, the goose season may be of 100 days duration and must run concurrently with the duck season; and the bag limits for geese are to be the same as in the general goose season in their respective States.

Oregon (Lake and Klamath Counties) — geese: In the Oregon counties of Lake and Klamath the daily bag and possession limits through October 30 are reduced to 2 and 4 geese, respectively, with no more than 1 and 2, respectively, being dark geese. Thereafter, the limits may be increased to those which are allowed for the Flyway.

California (Northeastern Zone) — geese: In the Northeastern Zone of California through October 30, the limits are 1 dark goose or 1 white goose in the daily bag and 2 geese in possession. Thereafter, the limits may be increased to 4 geese in bag and possession with not more than 2 dark geese or 3 white geese being in either the daily bag or possession.

California (Balance of the State Zone) — geese: In the Balance of the State Zone the season shall not exceed 79 days. The daily bag and possession limits are 5, with not more than 2 dark geese or 3 white geese in either the daily bag or possession.

Pacific Population of Canada geese—Idaho, Oregon, Montana, and Wyoming: In that portion of Idaho lying west of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties); in the Oregon counties of Baker and Malheur; and in Montana (Pacific Flyway portion west of the Continental Divide), the daily bag and possession limits are 2 Canada geese and the season on Canada geese may not extend beyond December 31, 1981.

Rocky Mountain Population of Canada Geese—Montana and Wyoming: In Montana (Pacific Flyway portion east of the Continental Divide) and Wyoming the season may not extend beyond December 31, 1981.

Idaho, Colorado, and Utah: In that portion of Idaho lying east of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border; in Colorado; and in Utah, except Washington County, the daily bag and possession limits are 2 and 4 Canada geese, respectively, and the season on Canada geese may be no more than 83 days and may not extend beyond December 31, 1981.

Nevada—experimental zoning: For Nevada, the State may experimentally designate season dates on geese in Clark County and on geese in Elko County and that portion of White Pine County within Ruby Lake National Wildlife Refuge differing from those in the remainder of the State. The daily bag and possession limits are 2 Canada geese throughout the State.

Arizona, Nevada, California, Utah, and New Mexico: In California, the Colorado River Zone where the season must be the same as that selected by Arizona and the Southern Zone; in Arizona; in New Mexico; in Clark County, Nevada; and in Washington County, Utah; the season on Canada geese may be no more than 86 days. The daily bag and possession limits are 2 Canada geese except in that portion of California Department of Fish and Game District 22 within the Southern Zone (i.e. Imperial Valley) the daily bag and possession limits on Canada geese are 1 and 2, respectively.

Washington—snow geese: In the Washington counties of Island, Skagit, Snohomish, and Whatcom, the seasons on snow geese may not extend beyond January 3, 1982.

Pacific Brant

Between October 25, 1981, and February 22, 1982, States in this Flyway may select an open season on Pacific brant of 93 days with daily bag and possession limits of 4 and 8 brant, respectively.

Whistling Swans

In Utah, Nevada and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) the season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in either Teton or Cascade Counties; (e) permits and correspondingly numbered metal locking seals must be issued by the appropriate State conservation agency on an equitable basis without charge.

Sandhill Cranes

Arizona may select an experimental sandhill crane season subject to the following conditions:

1. The season may not exceed 4 days in November 1981.

2. The hunting area is confined to the Wilcox Basin Area defined as Game Management Units 30A, 30B, 31, and 32.

3. Each hunter must obtain and possess a special permit issued by the State. No more than 100 permits may be issued. The season limit is two sandhill cranes.

4. Other migratory bird hunting regulations shall apply.

5. The season on whooping cranes is closed. Emergency closures for all crane hunting may be invoked should circumstances justify such actions.

SPECIAL FALCONRY FRAMEWORKS

Extended Seasons: Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Framework Dates: Seasons must fall within the regular season framework dates and, if offered and accepted, other special season framework dates for hunting.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Regulations Publication: Each State selecting the special season must inform the Service of the season dates and publish said regulations.

Regular Seasons: General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

NOTE: In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

Dated: August 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-24037 filed 8-16-81; 8:45 am]

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federal register

Monday
August 17, 1981

Part V

Department of Energy

Federal Energy Regulatory Commission

Treatment Under the Incremental Pricing Program of Natural Gas Used in the Manufacturing Process for Fertilizer, Agricultural Chemicals, Animal Feed or Food

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM80-18]

Incremental Pricing

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission hereby gives notice of a proposed rulemaking in Docket No. RM80-18. On July 31, 1981, the Commission issued an Order Delineating Effect of Judical Action on Commission Regulations which recognized that the decision in *Process Gas Consumers Group v. United States Department of Agriculture* (46 FR 41034, Aug. 14, 1981) had a significant affect on this Commission's incremental pricing program. In the July 31 order the Commission noted its intent to treat this matter by a rulemaking.

The proposed rule will exempt from incremental pricing surcharges under Title II of the Natural Gas Policies Act of 1978, the boiler fuel use of natural gas to raise steam which is used as an integral part of the manufacturing process of fertilizer, agricultural chemicals, animal feed or food. This rule is being proposed pursuant to the Commission's authority under section 206(d) of the Act.

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

ADDRESSES: Comments may be mailed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments should refer to Docket No. RM80-18.

Written comments will be placed in the Commission's public files and will be available for public inspection through the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Barbara Christin, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8330

or

Carol Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8511.

SUPPLEMENTARY INFORMATION:

In the matter of treatment under the Incremental Pricing Program of Natural Gas used in the manufacturing process for fertilizer, agricultural chemicals, animal feed or food.

Issued: August 14, 1981.

The Federal Energy Regulatory Commission (Commission) proposes to amend § 282.203 and to add a new § 282.210 to its rules to exempt from incremental pricing natural gas used as boiler fuel to raise steam employed in a processing function in the manufacture of fertilizer, agricultural chemicals, animal feed or food. Until recently, facilities utilizing natural gas in this manner had been claiming exemptions from incremental pricing as process users under Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432) and various Commission regulations.

On June 30, 1981, the United States Court of Appeals for the District of Columbia issued an opinion in *Process Gas Consumers Group, et al.* v. *United States Department of Agriculture (PGCG)* (Nos. 80-1558 and 80-1603). That case held that natural gas used as a boiler fuel to produce steam, which steam is directly applied in the manufacturing process of products, is not a process use. By that determination the Court effectively subjected such uses to incremental pricing.

This proposal would provide an exemption from surcharges from the incremental pricing program under section 206(d) of the NGPA.

I. Background

Title II of the NGPA requires the Commission, within certain guidelines, to institute and administer a federal incremental pricing program. The program is designed to pass through, by surcharge, to certain industrial facilities, a portion of the increases in the wellhead prices of natural gas allowed under Title I of the NGPA.

Currently, the incremental pricing program applied to natural gas used as boiler fuel by large industrial facilities. Under Title II of the NGPA, the incremental pricing program was to be implemented in two phases. In Phase I, section 201 required the Commission to promulgate rules applicable to natural gas used as boiler fuel by large industrial facilities.[1] The Commission issued these rules on September 28, 1979, in Docket Nos. RM79-14 (Order No. 49, 44 FR 57726, October 5, 1979) and RM79-21 (Order No. 50, 44 FR 57754, October 5, 1979). These rules became effective on October 15, 1979.

Title II of the NGPA specifically exempts from the incremental pricing program for a temporary period [2] industrial facilities that use natural gas for an "agricultural use" as defined in section 206(b)(3) of the NGPA.[3] The final regulations implementing section 201 of the NGPA (Order No. 49) also implemented the agricultural use exemption from the incremental pricing program. Section 282.202(a) of the Commission's original regulations defined "agricultural use", *inter alia*, as any use of natural gas:

(1) which is certified by the Secretary of Agriculture under 7 CFR 2900.3 as an "essential agricultural use" pursuant to section 401(c) of the NGPA * * *.[4]

Immediately after issuance of the original regulations, the Commission received requests from and on behalf of Nitram, Inc. (which uses natural gas as boiler fuel in the production of ammonium nitrate fertilizer), to define the term "process fuel" that appears in the definition of "agricultural use" to include natural gas used as boiler fuel if the stream raised by the boiler forms an integral step in the manufacture of the end product. The Commission treated Nitram's request as a petition for reconsideration of Order No. 49, and except to the extent that the Commission gave notice of its intent to open a docket for the purpose of receiving further comments, denied the petition. *See* Order No. 49-A, issued December 27, 1979 (45 FR 767, January 3, 1980).

After Order No. 49-A was issued, the Secretary of Agriculture (Secretary) issued a proposal to define "process fuel" in the manner proposed by Nitram, Inc., for purposes of Title IV of the NGPA (44 FR 77187, December 31,

[1] Phase II rules, which would have subjected other industrial uses of natural gas to incremental pricing, were disapproved by the House of Representatives on May 20, 1980 (Resolution of Disapproval, H. Rep. 655).

[2] The "agricultural use" exemption is subject to an alternative fuel test as set forth in section 206(b)(2), but the Commission has postponed action on such test, with the approval of Congress. *See* Order No. 83, Docket No. RM80-29, issued May 1980 (45 FR 33601, May 20, 1980).

[3] Section 206(b)(3) of the NGPA defines "agricultural use" as follows:

(b)(3) AGRICULTURAL USE DEFINED.—For purposes of this subsection, the term "agricultural use," when used with respect to natural gas, means the use of natural gas to the extent such use is—

(A) for agricultural production, natural fiber production, natural fiber processing, food processing, food quality maintenance, irrigation pumping, or crop drying; or

(B) as a process fuel or feedstock in the production of fertilizer, agricultural chemicals, animal feed, or food.

[4] Under Title IV (curtailment), the Secretary of Agriculture is authorized to certify "essential agricultural uses" which receive a priority during periods of gas curtailment.

1979).[5] The effect of the proposed definition, when applied to the Secretary's list of "essential agricultural uses" of natural gas, would have been to include as "essential agricultural uses" certain volumes of natural gas used as boiler fuel in the production of fertilizer, agricultural chemicals, animal feed or food.

After the Secretary proposed the definition several persons filed petitions for rehearing or clarification of Order No. 49–A to determine the impact that the proposed decision would have on the incremental pricing program if it were to be adopted. The petitions requested the Commission to clarify that, if the Secretary adopted the proposed definition of "process fuel" for purposes of certifying "essential agricultural uses," such "essential agricultural uses" would be exempt from incremental pricing as "agricultural uses" even though they were certified by the Secretary after the adoption of § 282.202(a) on October 15, 1979. The Commission denied those petitions for rehearing of Order No. 49–A, stating that it was not inclined to decide the question without the aid of further public comment. (45 FR 13068, February 28, 1980.) On the same day, February 21, 1981, the Commission issued a Notice of Opportunity to Comment on Whether a Rulemaking Proceeding Should be Established in Docket No. RM80–18 (Notice) (45 FR 13122, February 28, 1980). In the Notice, the Commission requested comments regarding exemptions from incremental pricing for natural gas used as boiler fuel to raise steam which in turn is used as an integral part of the manufacturing process of fertilizer, agricultural chemicals, animal feed or food.[6]

Thereafter, the Secretary issued a final rule adopting the proposed definition of "process fuel", as used in section 401 of the NGPA (45 FR 27741, April 24, 1980). As a result of this definition, boiler fuel users of natural gas who use steam directly in the manufacture of fertilizer, agricultural chemicals, animal feed or food became eligible for the second curtailment priority as "process" users. Many of these users also began claiming incremental pricing exemptions as "process" users pursuant to their interpretation of § 282.202(a) of the Commission's rules in conjunction with the Secretary's rule.

On October 6, 1980, the Commission issued in interim rule in Docket No. RM80–75 (45 FR 67276, October 9, 1980) amending § 282.202(a)(1) of its rules to provide that only "essential agricultural uses" certified by the Secretary before October 15, 1979 (the original effective date of § 282.202(a)) are automatically included in the definition of "agricultural use" for incremental pricing purposes. Uses of natural gas certified as "essential agricultural uses" by the Secretary after October 15, 1979, were not automatically included in the definition of "agricultural use" for incremental pricing purposes but were to be considered individually by the Commission, after opportunity for public comment.

The Commission issued a partial stay of that rule on October 23, 1980, the effect of which was to extend, on the basis of regulatory reliance, the claimed incremental pricing exemption for these "process" users who had filed affidavits prior to October 6, 1980 (45 FR 76681, November 20, 1981). Later, on April 23, 1981, the Commission issued a full stay of the interim rule in Docket No. RM80–75. The full stay permitted "process" users who had not filed affidavits prior to October 6, 1980, to file them and gain an exemption on the basis of § 282.202(a). (46 FR 25599, May 18, 1981.) This stay order was prospective only, the exemption taking effect as of the billing period for the month of May 1981 and extending until such time as the Commission acts otherwise. Accordingly, as of May 1, 1981, all "process" users who manufacture fertilizer, agricultural chemicals, animal feed and food, were able to file affidavits claiming incremental pricing exemptions on the basis of § 282.202(a), as stayed.

After the partial stay was issued, the Commission held public hearings in both Docket Nos. RM80–18 and RM80–75. Treatment under the incremental pricing program of natural gas used as boiler fuel to raise steam which forms an intergral step in the manufacturing process for fertilizer, and other processes, was discussed in the context of both dockets.[7]

On June 30, 1981, the United States Court of Appeals for the District of Columbia issued the opinion in *PGCG* that determines that natural gas used as boiler fuel to produce steam used in the manufacturing process of products is not a process use. On July 31, 1981, the Commission issued an Order Delineating Effect of Judicial Action on Commission's Regulations (46 FR 41034, August 14, 1981). The Commission stated that:

> By [the *PGCG*] opinion, the court determined that natural gas used as boiler fuel to produce steam, which steam in turn is directly applied in the manufacturing process of products, is not used as process fuel. This determination eliminates the exemption from incremental pricing that has previously been extended to such uses under Title II of the NGPA. (Mimeo at 1.)

The Commission went on to note, however, that "it opened [Docket No. RM80–18] to consider, *inter alia*, whether to institute a rulemaking to provide an incremental pricing exemption under section 206(d) of the NGPA for the above-described boiler fuel uses of gas." (Mimeo at 5.)

This Notice of Proposed Rulemaking is issued to provide further notice and opportunity to comment with regard to the issues raised initially in Docket No. RM79–14 (Order No. 49–A), and subsequently commented upon in Docket Nos. RM80–18 and RM80–75.

II. Discussion

The proposed rule would add a new § 282.210 to the Commission's rules to exempt from incremental pricing all natural gas used as a boiler fuel to raise steam which forms an integral step in the manufacturing process of fertilizer, agricultural chemicals, animal feed or food. A corresponding amendment would be made in § 282.203 by adding a new paragraph (d) to reference the new § 282.210.

Section 206(d) of the NGPA grants the Commission broad authority, subject to Congressional review, to exempt industrial facilities from incremental pricing.[8] As noted above, the issue of

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[5] The Secretary proposed to define "process fuel" to mean "natural gas used to produce steam which in turn is directly applied in processing of products and for compression of products so that processing may take place, in addition to direct flame and precise heating applications of natural gas in processing of products. This does not include natural gas used for space heating, generation of hot water for plant cleaning and generation of electric power."

[6] 45 FR at 13123.

[7] Commissioner George R. Hall stated that material provided in either docket would be considered in resolving the issues in both dockets and that materials in both Dockets RM80–18 and RM80–75 would be incorporated by reference. Docket No. RM80–18, Hearing of October 28, 1980, Transcript at 4.

[8] Section 206(d) of the NGPA provides:

Other exemptions.—

(1) IN GENERAL.—The Commission may, by rule or order, provide for the exemption, in whole or in part, of any other incrementally priced industrial facility or category thereof from the rule prescribed under section 201 (including any amendment under section 202 to such rule).

(2) CONGRESSIONAL REVIEW.—Any rule which provides for any exemption under this subsection may take effect after the expiration of the first 30 calendar days of continuous session of Congress (determined in accordance with section 507(b)) after a copy of such rule has been submitted to each House of the Congress, unless, during such 30 day period of continuous session of Congress, either House of the Congress adopts a resolution of disapproval described in section 507(c)(3), with respect to such rule.

whether to grant such an exemption to boiler fuel users of natural gas in the manufacturing process for fertilizer, agricultural chemicals, animal feed or food has been raised and discussed in Docket Nos. RM79–14, RM80–18, and RM80–75. Over 50 comments were received in Docket No. RM80–18[9] as well as numerous comments addressing this issue in Docket No. RM80–75. The Commission has also held two public hearings at which 20 persons testified.[10]

As a result of the *PGCG* decision, the Commission has received several requests for immediate action on a rulemaking in Docket No. RM80–18.[11] Generally, the fertilizer, agricultural chemical and animal feed industries have filed petitions requesting the Commission to issue a section 206(d) exemption from incremental pricing as soon as possible. This group of petitioners will, as a result of the *PGCG* decision, become subject to incremental pricing on September 1, 1981.

The Commission has also received petitions in opposition to the granting of a section 206(d) exemption from incremental pricing for the use of gas in boilers to generate steam used in the manufacture of fertilizer, agricultural chemicals, animal feed and food. These petitions have come from local distribution companies and industrial trade groups.[12]

The Commission is issuing this Notice of Proposed Rulemaking to provide interested parties an additional opportunity to comment on this issue. The comment period is two weeks, a relatively brief period necessitated by the combination of the effect of the *PGCG* decision and scheduled Congressional adjournment. Late-filed comments will be considered only to the extent practicable.

As a result of the *PGCG* decision, the uses that are the subject of this docket will be incrementally priced as of September 1, 1981. If the Commission were to decide that those uses should be exempt under section 206(d) of NGPA, it should submit a final rule to Congress in September 1981 in order that the 30-day period for Congressional review may run before scheduled Congressional adjournment in October 1981. Otherwise, the subject uses would be incrementally priced until 1982.

The Commission believes that the previous opportunities to comment on this issue and the extensive records established in Docket Nos. RM80–18 and RM80–75 indicate that the public has been fairly informed of issues underlying this rulemaking. All comments will be fully deliberated by the Commission. Therefore, *comments submitted pursuant to the instant notice should not be duplicative of previously filed comments.*

The Commission particularly invites comments on the following issues:

1. What is the volume of natural gas used as boiler fuel to produce steam which is used in the production of (1) fertilizer, (2) agricultural chemicals, and (3) animal feed and food? How many individual facilities, by category, are represented in the volumes identified above?

2. What companies are the major producers of (1) fertilizer, (2) agricultural chemicals, and (3) animal feed and food? What fraction of their total sales result from these products?

3. To what extent will the average cost per unit of these products increase as the result of incremental pricing? What proportion of this increase, if any, will be absorbed by the producers of these products? What proportion will be passed on to consumers?

4. Describe and, if possible, quantify the impact of increased energy cost in the fertilizer, agricultural chemical, and animal feed and food industries on American agricultural production.

5. Describe and, if possible, quantify the effect of an increase in the cost of these products on net farm income.

6. Is quantifiable data available to demonstrate a relationship between incremental pricing of the facilities in question and an impact on farmers?

7. Is quantifiable data available to demonstrate a relationship between incremental pricing of the facilities in question and an impact on consumers' food bills? On consumers' gas bills?

8. What percentage of each of these products, *i.e.* fertilizer, *etc.* is imported?

9. What is the impact of incremental pricing on American producers of fertilizer, *etc.*, with respect to their competitive position vis-a-vis: (1) foreign imports of these products; and, (2) domestic products manufactured with intrastate gas?

10. Is there a policy basis for exempting from incremental pricing the subject use of natural gas by the fertilizer, *etc.* industries and not exempting the same use of natural gas by other agricultural-related industries, *e.g.* manufacturers of tractors or crop dusters? By industries which have a signficant impact on other segments of the economy, such as the auto industry?

11. Is there a policy basis for exempting from incremental pricing the subject use of natural gas by the fertilizer, *etc.* industries and not exempting all other boiler fuel uses of natural gas by the fertilizer, *etc.* industries? By other agricultural-related industries, *e.g.* manufacturers of tractors or crop dusters? By industries which have a significant impact on other segments of the economy, such as the auto industry?

12. Should a section 206(d) exemption for facilities which manufacture fertilizer, *etc.*, be made specifically subject to an alternative fuel test such as the one set forth in section 206(b)(2) of the NGPA for "agricultural uses"?

13. What percentage of these facilities have installed alternative fuel capability for their boiler fuel? What fuels can be burned in these facilities with installed alternative fuel capability?

14. What standards could be applied to ascertain whether a particular use of steam is, as provided by new proposed § 282.210, an "integral part of the manufacturing process"? Should any uses be expressly excluded?

15. What are appropriate policy standards for Commission issuance of an exemption pursuant to section 206(d), and how do such standards apply to an exemption for manufacturers of fertilizer, agricultural chemicals, animal feed and food?

III. Congressional Review

The regulations below are being proposed pursuant to section 206(d) of the NGPA. Thus, if the regulations are adopted by the Commission as a final rule, they will be submitted to the Congress for review prior to taking effect. After the regulations are submitted to each House of Congress, they may take effect following 30 days of continuous session of Congress (as set forth in subsection 507(b) of the NGPA) unless either House adopts a

[9] See Attachment A for list of commenters.

[10] Treatment under the Incremental Pricing Program of Natural Gas Used as a Boiler Fuel to Raise Steam Which Forms an Intergral Step in the Manufacturing Process for Fertilizer, Docket No. RM80–18, Hearing of October 28, 1980; Interim Rule Amending § 282.202(a) of the Commission's Regulations Under the Natural Gas Policy Act of 1978, Docket No. RM80–75, Hearing of October 28, 1980.

[11] Request for Immediate Action on Rulemaking, filed by The Fertilizer Institute, the National Council of Farmer Cooperatives, and the American Feed Manufacturers Association, filed July 8, 1981; Response of the Fertilizer Institute to Petition of the Process Gas Consumers Group and the Georgia Industrial Gas Group for Orders Dissolving Stay and Issuing Final Rule, filed July 29, 1981.

[12] Petition of the Process Gas Consumers Group and the Georgia Industrial Gas Group for Orders Dissolving Stay and Issuing Final Rule, filed July 15, 1981; Answer of the Process Gas Consumers Group and the Georgia Industrial Gas Group to Request for Immediate Action on Rulemaking, filed July 20, 1981; Motion of United Distribution Companies for Clarification, Dissolution of Stay and Termination of Rulemaking and Answer to Request for Immediate Action on Rulemaking, filed July 27, 1981.

resolution of disapproval within that 30 day period.

IV. Comment Procedures

The Commission invites interested persons to submit written comments on the matter proposed in this notice. An original and 14 conformed copies of such comments should be filed with the Commission on or before August 31, 1981. Comments submitted by mail should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All comments should refer to Docket No. RM80–18.

Written comments will be placed in the Commission's public files and will be available for public inspection through the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Commission will consider all timely comments before acting on the matters proposed in this notice.

In view of the public hearings that have previously been held on this matter, the Commission is not scheduling further public hearings.

(Natural Gas Policy Act of 1978) 15 U.S.C. 3301; Department of Energy Organization Act, 42 U.S.C. 7701; Administrative Procedure Act, 44 U.S.C. 1501; E.O. 12009, 42 CFR 46267 (1970))

In consideration of the foregoing, the Commission proposes to amend Part 282, Subchapter I of Chapter I, Title 18 of the *Code of Federal Regulations*, as provided below.

By the direction of the Commission. Commissioner Holden voted present.

Kenneth F. Plumb,

Secretary.

1. The Table of Contents for Subpart A of Part 282 is amended to add a new § 282.210 entitled "Exemptions for natural gas used in the manufacturing process of fertilizer, agricultural chemicals, animal feed and food."

2. Section 282.203 is amended by adding a paragraph (d) to read as follows:

§ 282.203 Exempt end-uses.

* * * * *

(d) *Exemptions for natural gas used in the manufacturing process of fertilizer, agricultural chemicals, animal feed and food under section 206(d).* Natural gas used as a boiler fuel in the manufacture of fertilizer, agricultural chemicals, animal feed or food is exempt from incremental pricing according to the provisions set forth in § 282.210.

3. Part 282 is amended by adding a new § 282.210 to read as follows:

§ 282.210 Exemptions for natural gas used in the manufacturing process of fertilizer, agricultural chemicals, animal feed and food.

Natural gas used as a boiler fuel to raise steam which in turn is used as an integral part of the manufacturing process of fertilizer, agricultural chemicals, animal feed or food is exempt from incremental pricing under Title II of the Natural Gas Policy Act of 1978 and Part 282 of the Commission's rules.

Attachment A

Commenters in Docket No. RM80–18:
Gulf Oil Corporation
Vertac Chemical Corporation
FS Services, Inc.
Kaiser Aluminum & Chemical Corporation
Public Service Electric and Gas Company
American Feed Manufacturers Association, Inc.
American Gas Association
Farmland Industries, Inc.
Pacific Gas and Electric Company
Nitram, Inc.
Vistron Corporation
Allied Chemical Corporation
The Public Utilities Commission of the State of California
CF Industries, Inc.
New England Gas Distributors
United Distribution Companies
The Fertilizer Institute
N-Ren Corporation, St. Paul Ammonia Products Division
The Process Gas Consumers Group, The American Iron and Steel Institute, and the Georgia Industrial Gas Group
The United States Brewers Association, Inc.
Terra Chemicals International, Inc.
Columbia Nitrogen Corporation and Nipro, Inc.
Kal Kan Foods, Incorporated
The Brooklyn Union Gas Company
Beker Industries, Corporation
The National Council of Farmer Cooperatives
Armour Pharmaceutical Company
Valley Nitrogen Producers, Inc.
Eli Lilly and Company
Agrico Chemical Company
Miles Laboratories, Inc.
J. R. Simplot Company
Stauffer Chemical Company
Schenley Distillers, Inc.
Consolidated Edison Company of New York, Inc.
American Dry Mile Institute, Inc.
Whey Products Institute
Northwest Pipeline Corporation
Department of Agriculture
United States Senate—Richard Stone and Lawton Chiles

[FR Doc. 81-24098 Filed 8-14-81; 8:45 am]

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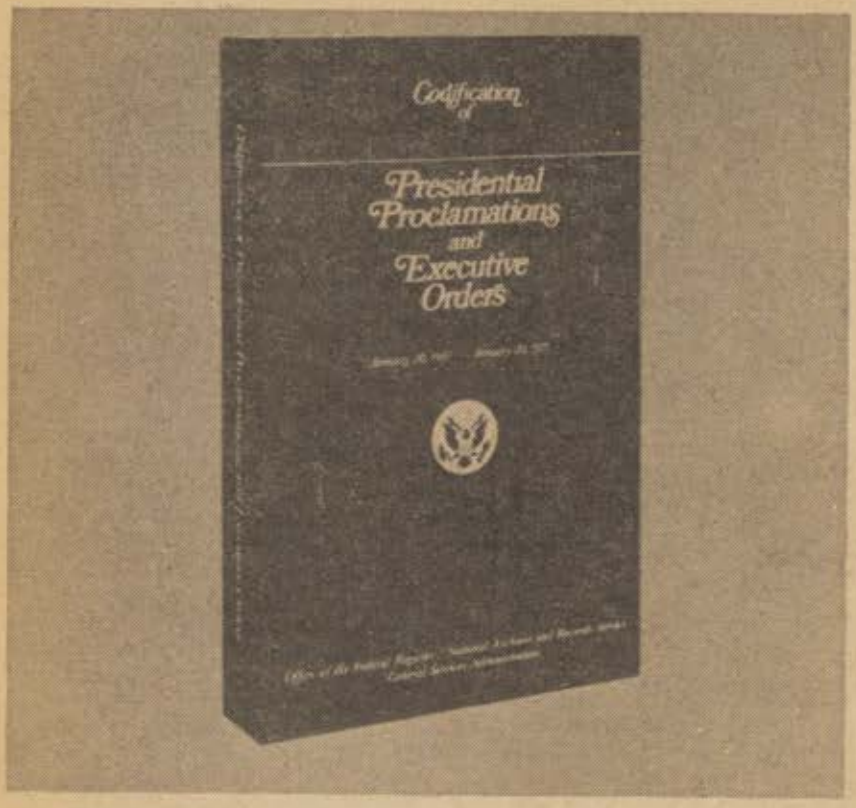
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