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Highlights

42241 **President's Commission on Hostage Compensation** Executive order.

42237 **Responses to Environmental Damage** Executive order.

42235 **National Schoolbus Safety Week** Presidential proclamation.

42250, 42273 **"NOW" Accounts** FHLBB adopts rule on eligibility of individuals and organizations to hold accounts at member institutions and proposes to adopt rule on eligibility of partnerships to hold accounts at member institutions. (2 documents)

42256 **Aviation Safety** DOT/FAA provides notice of emergency air traffic regulations.

42275 **Mortgages** FHLBB proposes rules on treatment of gains and losses from sale of mortgage assets.

42316 **Steel** Commerce/ITA announces fourth quarter 1981 trigger price bases and extras for most products covered by the steel trigger price mechanism.

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Presidential Documents

Title 3—

The President

Proclamation 4852 of August 14, 1981

National Schoolbus Safety Week

By the President of the United States of America

A Proclamation

Our country's greatest resource is its children; their education is our investment in the future.

Currently, more than 20 million students are transported by schoolbus to and from school each day. The safety of these students deserves the highest priority.

To remind all Americans of the importance of schoolbus safety, the Congress, by House Joint Resolution 141, has requested the President to proclaim the week beginning October 4, 1981, as "National Schoolbus Safety Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the period from October 4, 1981 through October 10, 1981, as National Schoolbus Safety Week. I call upon all Americans to recognize and contribute to the imperative of providing safe transportation for our schoolchildren.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of August, in the year of our Lord nineteen hundred and eight-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

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Presidential Documents

Executive Order 12316 of August 14, 1981

Responses to Environmental Damage

By the authority vested in me as President of the United States of America by Section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (94 Stat. 2796; 42 U.S.C. 9615), it is hereby ordered as follows:

Section 1. *National Contingency Plan.* (a) The National Contingency Plan, hereinafter referred to as the NCP and which was originally published pursuant to Section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321), shall be amended to contain the implementing procedures for the coordination of response actions to releases of hazardous substances into the environment.

(b) The NCP shall contain a concept of a national response team composed of representatives of appropriate Executive agencies for the coordination of response actions. The national response team shall, in addition to representatives of other appropriate agencies, include representatives of the following: Department of State, Department of Defense, Department of Justice, Department of the Interior, Department of Agriculture, Department of Commerce, Department of Labor, Department of Health and Human Services, Department of Transportation, Department of Energy, Environmental Protection Agency, Federal Emergency Management Agency, and United States Coast Guard.

(c) The responsibility for the amendment of the NCP and all of the other functions vested in the President by Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, hereinafter referred to as the Act (42 U.S.C. 9605), is delegated to the Administrator of the Environmental Protection Agency.

(d) In accord with Section 111(h)(1) of the Act and Section 311(f)(5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(f)(5)), the following shall be among those designated in the NCP as Federal trustees for natural resources:

(1) Secretary of Defense.

(2) Secretary of the Interior.

(3) Secretary of Agriculture.

(4) Secretary of Commerce.

(e) Amendments to the NCP shall be coordinated with members of the national response team prior to publication for notice and comment. Amendments shall also be coordinated with the Federal Emergency Management Agency and the Nuclear Regulatory Commission in order to avoid inconsistent or duplicative requirements in the emergency planning responsibilities of those agencies.

(f) All amendments to the NCP, whether in proposed or final form, shall be subject to review and approval by the Director of the Office of Management and Budget.

Sec. 2. *Response Authorities.* (a) The functions vested in the President by the first sentence of Section 104(b) of the Act relating to "illness, disease, or

complaints thereof" are delegated to the Secretary of Health and Human Services who shall, in accord with Section 104(i) of the Act, perform those functions through the Public Health Service.

(b)(1) The functions vested in the President by Section 101(24) of the Act, to the extent they require a determination by the President that "permanent relocation of residents and businesses and community facilities" is included within the terms "remedy" or "remedial action" as defined in Section 101(24) of the Act, are delegated to the Director of the Federal Emergency Management Agency.

(2) The functions vested in the President by Section 104(a) of the Act, to the extent they require permanent relocation of residents, businesses, and community facilities or temporary evacuation and housing of threatened individuals not otherwise provided for, are delegated to the Director of the Federal Emergency Management Agency.

(c) The functions vested in the President by Section 104 (a) and (b) of the Act are delegated to the Secretary of Defense with respect to releases from Department of Defense facilities or vessels, including vessels owned or bareboat chartered and operated.

(d) Subject to subsections (a), (b), and (c) of this Section, the functions vested in the President by Sections 101(24) and 104 (a) and (b) of the Act are delegated to the Secretary of the Department in which the Coast Guard is operating, hereinafter referred to as the Coast Guard, with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(e) Subject to subsections (a), (b), (c), and (d) of this Section, the functions vested in the President by Sections 101(24) and 104 (a) and (b) of the Act are delegated to the Administrator of the Environmental Protection Agency, hereinafter referred to as the Administrator.

(f) The functions vested in the President by Section 104 (c), (d), (f), (g), and (h) of the Act are delegated to the Coast Guard, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, and the Administrator in order to carry out the functions delegated to them by subsections (a), (b), (d), and (e) of this Section. The exercise of authority under Section 104(h) of the Act shall be subject to the approval of the Administrator of the Office of Federal Procurement Policy.

(g) The functions vested in the President by Section 104(e)(2)(C) of the Act are delegated to the Administrator; all other functions vested in the President by Section 104(e) of the Act are delegated to the Secretary of Defense, the Secretary of Health and Human Services, the Coast Guard, the Director of the Federal Emergency Management Agency, and the Administrator of the Environmental Protection Agency, in order to carry out the functions delegated to them by this Section.

Sec. 3. *Abatement Action.* (a) The functions vested in the President by Section 106(a) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(b) Subject to subsection (a) of this Section, the functions vested in the President by Section 106(a) of the Act are delegated to the Administrator.

Sec. 4. *Liability.* (a) The function vested in the President by Section 107(c)(1)(C) of the Act is delegated to the Secretary of Transportation.

(b) The functions vested in the President by Section 107(c)(3) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 107(c)(3) of the Act are delegated to the Administrator.

(d) The functions vested in the President by Section 107(f) of the Act are delegated to each of the Federal trustees for natural resources set forth in Section 1(d) of this Order for resources under their trusteeship.

Sec. 5. *Financial Responsibility.* (a) The functions vested in the President by Section 107(k)(4)(B) of the Act are delegated to the Secretary of the Treasury. The Administrator will provide the Secretary with such technical information and assistance as the Administrator may have available.

(b) The functions vested in the President by Section 108(a) of the Act are delegated to the Federal Maritime Commission. Notwithstanding Section 1(d) of Executive Order No. 12291, the regulations issued pursuant to this authority shall be issued in accordance with that Order. The Commission shall be responsible, in accord with Section 109 of the Act, for the enforcement of civil penalties for violations of the regulations issued under Section 108(a) of the Act.

(c) The functions vested in the President by Section 108(b) of the Act are delegated to the Secretary of Transportation with respect to all transportation related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(d) Subject to subsection (c) of this Section, the functions vested in the President by Section 108(b) of the Act are delegated to the Administrator.

Sec. 6. *Employee Protection and Notice to Injured.* (a) The functions vested in the President by Section 110(e) of the Act are delegated to the Secretary of Labor.

(b) The functions vested in the President by Section 111(g) of the Act are delegated to the Secretary of Defense with respect to releases from Department of Defense facilities or vessels, including vessels owned or bare-boat chartered and operated.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 111(g) of the Act are delegated to the Administrator.

Sec. 7. *Management of the Hazardous Substance Response Trust Fund and Claims.* (a) The functions vested in the President by Section 111(a) of the Act are delegated to the Administrator, subject to the provisions of this Section and applicable provisions of this Order.

(b) The Administrator shall transfer, to transfer appropriation accounts for other agencies, from the Hazardous Substance Response Trust Fund, out of sums appropriated, such amounts as the Administrator may determine necessary to carry out the purposes of the Act. These allocations shall be consistent with the President's Budget, within the amounts approved by the Congress, unless a revised allocation is approved by the Director of the Office of Management and Budget.

(c) The Administrator shall chair a budget task force composed of representatives of agencies having responsibilities under this Order or the Act. The Administrator shall also, as part of the budget request for the Environmental Protection Agency, submit a budget for the Hazardous Substance Response Trust Fund which is based on recommended allocations developed by the budget task force. The Administrator may prescribe reporting and other forms, procedures, and guidelines to be used by the agencies of the Task Force in preparing the budget request.

(d) The Administrator and each agency head to whom funds are allocated pursuant to this Section, with respect to funds allocated to them, are authorized in accordance with Section 111(f) of the Act to designate Federal officials who may obligate such funds.

(e) The functions vested in the President by Section 112 of the Act are delegated to the Administrator for all claims presented pursuant to Section 111.

Sec. 8. *General Provisions.* (a) Notwithstanding any other provision of this Order, any representation pursuant to or under this Order in any judicial or quasi-judicial proceedings shall be by or through the Attorney General. The conduct and control of all litigation arising under the Act shall be the responsibility of the Attorney General.

(b) Notwithstanding any other provision of this Order, the President's authority under the Act to require the Attorney General to commence litigation is retained by the President.

(c) The functions vested in the President by Section 301 of the Act are delegated as follows:

(1) With respect to subsection (a), to the Administrator in consultation with the Secretary of the Treasury.

(2) With respect to subsection (b), to the Secretary of the Treasury.

(3) With respect to subsection (c), to the Secretary of the Interior.

(4) With respect to subsection (f), to the Administrator.

(d) The Attorney General shall manage and coordinate the study provided for in Section 301(e) of the Act.

(e) The performance of any function under this Order shall be done in consultation with interested agencies represented on the national response team, as well as with any other interested agency.

(f) Certain functions vested in the President by the Act which have been delegated or assigned by this Order may be redelegated to the head of any agency with his consent; those functions which may be redelegated are those set forth in Sections 2, 3, 4(b), 4(c), and 6(c) of this Order.

(g) Executive Order No. 12286 of January 19, 1981, is revoked.

Ronald Reagan

THE WHITE HOUSE,
August 14, 1981.

[FR Doc. 81-24411
Filed 8-18-81, 1:23 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12317 of August 14, 1981

President's Commission on Hostage Compensation

By the authority vested in me as President by the Constitution and statutes of the United States of America, in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and to give the President's Commission on Hostage Compensation additional time to prepare its report, it is hereby ordered that the first sentence of Section 1-202 of Executive Order No. 12285, as amended, is further amended to read: "The Commission shall submit a final report to the President no later than September 21, 1981.".

Ronald Reagan

THE WHITE HOUSE,
August 14, 1981.

[FR Doc. 81-24412
Filed 8-18-81; 1:24 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 161
Thursday, August 20, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 677]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 21–27, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: August 21, 1981.

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

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

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

The committee met again publicly on August 18, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to be slow.

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

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

1. Section 908.977 is added as follows:

§ 908.977 Valencia Orange Regulation 677.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 21, 1981, through August 27, 1981, are established as follows:

(1) District 1: 250,000 cartons;

(2) District 2: 250,000 cartons;

(3) District 3: Unlimited cartons.

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

Dated: August 19, 1981.

D. S. Kuryloski

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

[FR Doc. 81-24358 Filed 8-19-81; 11:54 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1427

Loans, Purchases, and Other Operations; Specifications for Bale Packaging Materials Used in Wrapping Cotton

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule provides the specifications governing cotton bale packaging materials used for 1981 crops cotton pledged for price support loans. This rule is needed in order that producers and others will know what materials are acceptable to the Commodity Credit Corporation (CCC). Bales of cotton will be acceptable for price support loans only if they conform to these specifications.

EFFECTIVE DATE: August 20, 1981.

ADDRESSES: Interested persons may send comments to the Director, Price Support and Loan Division, Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture, P. O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, Commodity Loan Section, Price Support and Loan Division, ASCS, P. O. Box 2415, Washington, D.C. 20013, (202) 447–5187.

The Final Impact Statement containing the considerations in the development of this rule is available upon request from Charles V. Cunningham, Production Adjustment Division, P. O. Box 2415, Washington, D.C. 20013, 202/447–7873.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases 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 U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program that this Final Rule applies to is: Title—Commodity Loans and Purchases; Number—10.051; as found in the catalog of Federal Domestic assistance.

This 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.

On August 29, 1980, CCC published in the **Federal Register** (45 FR 57751) a notice that the Department proposed to make certain determinations concerning the 1981 crops of upland and extra long staple cotton. Such determinations included a determination of the specifications for bale packaging materials applicable to 1981-crop cotton pledged to CCC for price support loans. Interested persons were given until Octoer 28, 1980, to submit recommendations, views, and comments.

Three responses were received concerning the specifications. Two of the respondents recommended adopting the specifications as recommended by the Cotton Industry Bale Packaging Committee. One respondent favored an ongoing improvement program that will eliminate the present problems in packaging.

The Committee recommended: (1) That hot rolled steel ties and buckles be removed from the specifications, (2) an increase in wire testing specifications to assure wire tie reuseability, and (3) new tare weights that reflect a separate tare weight for wire ties and high tensile steel strapping.

After consideration of all responses and recommendations, it has been determined that the specifications will be revised in accordance with the Committee's recommendations. These revised specifications are designed to improve the quality and protection of the cotton bale.

Final Rule

Accordingly, (7 CFR Part 1427 is amended by revising Subpart §§ 1427. 1901–1427. 1905) Specifications for Bale Packaging Materials to read as set forth below, effective with the 1981 crop of cotton. The material previously appearing in these regulations remains in full force and effect as to the crop to which it was applicable.

Subpart—Specifications for Bale Packaging Materials

Sec.
1427.1901 Purpose.
1427.1902 Specifications for bale ties.
1427.1903 Specifications for bagging.
1427.1904 Official tare weights.
1427.1905 Test methods.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 (b) and (c); secs. 101, 103, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444, 1421)).

§ 1427.1901 Purpose.

This subpart is for the purpose of announcing the specifications applicable to bale packaging materials for packaging the 1981 crop of cotton tendered to CCC for loans, unless otherwise approved by the Executive Vice President, CCC, or his designee: *Provided, however,* That all bales of cotton packaged and identified with the testing programs of the Cotton Industry Bale Packaging Committee sponsored by the National Cotton Council of America will be exempt from the provisions of this subpart, bale packaging materials contracted prior to issuance of 1981 specifications based on 1980 specifications, and bale packaging materials carried over from 1980 which were eligible for packaging 1980-crop loan cotton also may be used to package 1981-crop cotton pledged for loans.

§ 1427.1902 Specifications for bale ties.

Any fixed length bale ties used on flat bales shall not exceed 10 feet, 3 inches in length, excluding overlap. All ties and buckles or fasteners must be coated or furnished with a rust inhibitor. All ties which are underneath the wrapping material shall be wire or cold rolled high tensile steel strapping.

(a) *General requirements.*—(1) *Number of ties required.*

(i) Flat bales (bales having densities of less than 20 pounds per cubic foot) must have not less than 6 ties.

(ii) Standard density bales (bales having densities of at least 20 pounds but less than 28 pounds per cubic foot) must have not less than 8 ties.

(iii) Universal density bales (bales having densities of 28 pounds or more per cubic foot) must have not less than 8 ties.

(2) *Flat bales packaged with nonreuseable ties.* Except for bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, if the ties on a bale are not suitable for reuse when the bale is compressed, the ties will not be deemed to meet these specifications unless the producer has prepaid any warehouse charge for furnishing new bale ties. If the bale is stored at a warehouse not having compress facilities and bales shipped from the warehouse are normally compressed in transit, the warehouse receipt must show that the bale ties are not suitable for reuse when the bale is compressed and the charge assessed by the nearest compress in line of transit for furnishing new bale ties will be deducted from the loan proceeds.

(b) *Cold rolled high tensile steel strapping.* The supplier's name or trademark must be printed or embossed on every 36 inches of strapping.

(1) *For use on flat bales and standard density and universal density and universal density bales compressed at a warehouse.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.025 inch with zero tolerance, minimum weight of 1 pound per 15.7 linear feet of strapping or 4 pounds per bale of cotton, minimum breaking strength of 2,400 pounds with a joint strength of not less than 2,040 pounds.

(2) *For use on gin standard density and gin universal density bales.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.031 inch with zero tolerance, minimum weight of 1 pound per 12.7 linear feet of strapping or 5 pounds per bale of cotton and minimum breaking strength of 3,200 pounds with a joint strength not less than 2,720 pounds for gin standard density bales or 4,000 pounds with a joint strength of not less than 3,400 pounds for gin universal density bales.

(3) *Keylock type fixed length tie for use on flat bales and universal density bales compressed at a warehouse.* The bale tie must have a minimum width of 0.74 inches and a minimum thickness of 0.025 inches, minimum weight of 4 pounds per bale of cotton, minimum breaking strength of 3,200 pounds with a joint strength of not less than 2,700 pounds. The tie shall be constructed so as not to disengage at the joint while tucking or while being handled with clamp trucks.

(c) *Wire ties.* Ties must be manufactured from wire which conform to ASTM-A-510 issued by the American Society for Testing Materials (ASTM). Each bundle of wire shall bear a certification that the wire ties have been manufactured according to the specifications for Bale Packaging Materials as published in Part 1427, Chapter XIV, Title 7 of the Code of Federal Regulations. The certification

shall also show the name and address of the wire tie manufacturer and contain a quality control code which will permit the ties to be identified to the 2,000 pound lot and/or wire carrier. Wire tie manufacturers shall follow a regular procedure of testing and inspection which involves a minimum of one break test on a sample from each 2,000 pound lot and/or wire carrier. Break tests shall be tested within a range from one-fourth inch to 5 inches per minute of elongation. Wire ties shall be fabricated within the United States.

(1) *For use on flat bales and bales compressed to standard density and universal density at a warehouse.*—(i) *Square knot type wire.* Ties shall not be smaller than 10 gauge or equivalent cross-sectional area in the portion of the wire in which the connections are formed. Ties must have a minimum strength of 1,850 pounds including the connection. For gin length wires manufactured with a reduced cross-sectional area (commonly referred to as waisted wire), the wire must be tested by the fabricator to assure reuseability by formation of new connections in that length of the wire having the reduced area. Furthermore, strength requirements must meet those set for original specifications of 1,850 pounds including the connection. Connections for testing reuseability shall be formed on equipment predominantly used by the cotton industry for reclaiming gin wires for reuse on compress bales. Frequency of tests shall be the same as that specified for original connections, i.e., a minimum of one break test for each 2,000 pound lot and/or wire carrier.

(ii) *Crosshead type wire.* The ties shall not be smaller than 10-gauge with a minimum joint strength of 1,650 pounds including the connection. The minimum elongation of the wire shall be 1 inch in 10-inch gauge length. Joints may be on side of bales. Wire from gin-length ties shall not be deemed useable for compress universal density or standard density if connections other than crosshead type are used on the recycled ties.

(2) *For use on gin standard density and gin universal density bales.* The ties shall be not smaller than 9-gauge. The breaking strength of the wire must not be less than 3,400 pounds with a joint strength of not less than 2,100 pounds with the joints placed on the tops of the bales. If the joints are placed on the sides of the bales, the breaking strength of the wire must not be less than 3,200 pounds with a joint strength of not less than 3,040 pounds.

§ 1427.1903 Specifications for bagging.

Except in cases where shrink-pack polyethylene bags, cotton bags, polypropylene half-bag panel combinations, or spiral sewn bags of burlap and/or polypropylene are used, each bale must be wrapped with a pattern of bagging consisting of two pieces (panels) of bagging material. All bagging material must be clean, in sound condition, and of sufficient strength to adequately protect the cotton. The material must not have salt or other corrosive material added and must not contain sisal or other hard fiber or any other material which will contaminate or adversely affect cotton as determined by the President or Executive Vice President, CCC.

(a) *New jute bagging used to wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) of new jute bagging used for wrapping must not be less than 96 inches or more than 100 inches in length for gin universal density bales and not less than 100 inches or more than 102 inches in length for gin standard density bales and must not be less than 40 or more than 48 inches in width. The bagging must contain not less than 150 warp yarns per 40 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 25 weft (filling) yarns per 12 inches of bagging and must weigh not less than 7½ and not more than 8½ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain). A marker warp yarn of the same size as the remaining warp yarns, made of jute or plied cotton, dyed dark green or blue with a colorfast, nonbleeding dye of a type which will not be subject to permanent staining of cotton fiber under normal weathering conditions must be placed in the center of each panel to distinguish the bagging from other types of jute bagging.

(b) *Compact center type new jute bagging.*—(1) *Used to wrap flat bales (24 ounces per linear yard).* Each one-half pattern (panel) of compact center type new jute bagging used to wrap flat bales must not be less than 108 inches or more than 115 inches in length and must not be less than 46 inches in width. The bagging must contain a center panel not less than 32 inches wide and contain not less than 110 warp yarns and an outer edge not less than 7 inches wide containing not less than 13 warp yarns including selvage. The outer edge may contain more than 13 warp yarns and the center panel may exceed 32 inches provided the bagging contains not less than 41 warp yarns per 12 inches and still meet these specifications provided all other requirements contained herein are met. The warp yarn must be a size equal to or larger than the weft (filling) yarns. The bagging must contain not less than 25 weft (filling) yarns per 12 inches of bagging with a minimum weft yarn weight of 40 pounds per spyndle (14,400 yards). The bagging must weigh not less than 8½ and not more than 9½ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain). A marker warp yarn of the same size as the other warp yarns, made of jute or a plied cotton yarn, dyed dark blue with a colorfast, nonbleeding dye of a type which will not be subject to permanent staining of cotton fiber under normal weathering conditions must be placed in the center of each panel to distinguish the difference from other types of jute bagging.

(2) *Used to wrap gin standard and universal density bales.* Compact center type new jute bagging (24 ounces per linear yard) meeting the same width and fabric construction requirements for compact center type new jute bagging as used on flat bales cut to a length of not less than 98 inches or more than 101 inches in length, weighing not less than 7½ and not more than 8½ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain) and containing a dark green or blue marker center yarn may be used to wrap gin standard and gin universal density bales.

(c) *Salvage jute (burlap) bagging—(1) General requirements.* Salvage jute (burlap) bagging must be processed specifically for cotton bale coverings from once-used, good quality, closely woven, heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. Each one-half pattern (panel) must be composed of not more than three pieces of used bag cloth of the same construction and weight. There must not be more than two crosswise sewn seams and not more than one lengthwise sewn seam when measured across any single width of the panel in any one-half pattern (seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams). Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the

adjoining piece in the seam. Sewing must be with strong thread with not larger than ⅜ inch stitching.

(2) *To wrap flat bales.* Each one-half pattern (panel) used to wrap flat bales must not be less than 108 inches or more than 116 inches in length and must be not less than 48 inches or more than 52 inches in width. The bagging must weigh not less than 8½ and not more than 10 pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(3) *To wrap modified flat bales.* Each one half pattern used to wrap modified flat bales must not be less than 106 inches or more than 116 inches in length and must not be less than 46 inches or more than 52 inches in width. The bagging must weigh not less than 8½ or more than 10 pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(4) *To wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) used to wrap gin standard and gin universal density must not be less than 40 inches or more than 48 inches in width and must be not less than 96 inches or more than 102 inches in length. The bagging must weigh not less than 7½ and not more than 10 pounds per pattern (two panels) at 13.75 moisture content (not moisture regain).

(d) *T2 type new jute bagging.*—

(1) *Used to wrap flat and modified flat bales.* Each one-half pattern of T2 type new jute bagging used to wrap flat and modified flat bales must be not less than 108 inches in length and must not be less than 46 inches in width. The bagging must contain not less than 108 two-ply warp yarns per 12 inches of bagging and not less than 48 weft (filling) yarns per 12 inches of bagging with a minimum weft yarn weight of 14 pounds per spyndle (14,400 yards). The bagging must weigh not less than 6.65 and not more than 7.75 pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

A marker warp yarn made of jute or cotton either plied or single of a size not less than the other warp yarns dyed red with a colorfast nonbleeding dye of a type which will not be subject to permanently staining of cotton fiber under normal weathering conditions must be placed in the center of each panel to distinguish the bagging from other types of jute bagging. The average tensile breaking strength shall not be less than 295 kilograms (650 pounds) in the warp way with a tolerance of minus 45 kilograms (100 pounds) and 60 kilograms (132 pounds) in the weft way with a tolerance of minus 10 kilograms (22 pounds) (10 centimeters by 20 centimeters) ravel strip method.

(2) *Used to wrap gin standard and universal density bales.* T2 type new jute bagging meeting the same fabric construction requirements for T2 type new jute bagging as used on flat and modified flat bales cut to a length of not less than 98 inches or more than 101 inches and not less than 40 inches in width, weighing not less than 5.2 pounds and not more than 6.3 pounds per pattern (two panels) at 13.25 percent moisture content (not moisture regain) may be used to warp gin standard and gin universal density bales.

(e) *Spiral sewn burlap bags used to warp gin standard and gin universal density bales and bales compressed to standard density and universal density at a warehouse.*—(1) *Material.* Spiral sewn burlap bags used to warp gin standard and gin universal density bales and bales compressed to standard density and universal density at a warehouse must be spiral sewn from new burlap which is not less than 60 inches wide before sewing and weighs not less than 13.25 ounces per linear yard (this corresponds to burlap weighing 8.9 ounces per 40-inch width). The material must have a true selvage on each side. Spiral sewn bags made from split burlap with raw edges will not be acceptable.

(2) *Bag size.* The bag size must be tailored to individual bale size at each location. Bags shall fit bales tightly, but must be large enough to minimize bursting and long enough to completely cover and secure heads of bales.

(3) *Seams.* Seams must be sewn with a type 401 stitch, minimum four stitches per inch, and 4/12 or 5/12 cotton thread, or 1,000 denier polypropylene thread meeting ultraviolet inhibitor concentration requirements of paragraph (h)(2)(iii) of this section, with breaking strength of 5 grams per denier.

(f) *Cotton bagging.*—(1) *General requirements.* Bagging made from 100 percent cotton must weigh not less than 7.7 ounces per square yard with a minimum weight of 4 pounds per pattern for flat and modified bales, 3.1 pounds for gin standard density bales, 3 pounds for gin universal density bales, and bales compressed at a warehouse at 8.5 percent moisture content (not moisture regain).

(i) *Panel requirements.* Each panel of bagging must not be less than 48 inches in width, and 112 inches in length for flat or modified flat bales, 100 inches in length and 42 inches in width for gin standard density bales and 96 inches in length and 42 inches in width for gin universal density bales and compressed at a warehouse. Each panel must be constructed with true selvages on each side.

(ii) *Bag requirements.* Sewn cotton bags may be used to wrap gin standard, gin universal density and bales compressed at a warehouse.

(A) *Material.* The bagging must be constructed of warp knitted cotton fabric as specified in subparagraph (f)(3). Bags may be constructed with two panels sewn on each side to form a bag or form a single folded pattern.

(B) *Bag size.* The bag size must be tailored to individual bale sizes at each location. Bags shall fit bales tightly but must be large enough to minimize bursting and long enough to completely cover and secure heads.

(C) *Seams.* Seams must be sewn with a type SSA-1 or LSA-1 seam, type 401 stitch, minimum 6 stitches per inch with 4/12 or 5/12 cotton thread.

(2) *Woven.* The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns and must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging.

(3) *Warp knitted.* The bagging must be constructed with not less than two guide bars. The bagging must contain not less than five wales per inch and not less than six courses per inch. All yarns (plied or single) must be form connected with each other. The bagging must have stabilized construction with elongation or stretch not less than 15 percent or more than 30 percent. Variation in tensile strength in wale and course direction must not exceed 20 percent. The bagging must have a minimum bursting strength of 75 pounds.

(g) *Polyethylene shrink-pack bags used to wrap gin standard density and gin universal density bales.* Polyethylene shrink-pack bags used to wrap gin standard and gin universal density bales must meet the following requirements:

(1) *Density.* The bag must be low density virgin polyethylene.

(2) *Color.* The bag must be clear.

(3) *Gauge.* The gauge shall be not less than 8 mil.

(4) *Gauge tolerance.* The average of any 20 evenly spaced points around the length and width of a bag must be within plus or minus 10 percent of 8 mil. Yield on any order of 2,000 pounds or more shall not vary more than plus or minus 3 percent from the nominal yield.

(5) *Tensile strength.* For machine (length) and transverse (cross) direction the tensile strength must be not less than 2,500 pounds per square inch, and for transverse (cross) direction, not less than 2,000 pounds per square inch.

(6) *Elongation.* For both machine (length) and transverse (cross) direction

the elongation must be not less than 400 percent.

(7) *Impact resistance.* The impact resistance must be not less than 450 grams.

(8) *Slip characteristics.* Bags must be low slip (coefficient of friction not less than 0.50) with no antiblock or slip additive included.

(9) *Tagging.* A piece of woven yarn scrim not less than 5 inches by 7 inches and laminated on each side with polyethylene must be placed inside the bag on the head of bale and heat welded to the cover, or some other suitable reinforcing material must be bonded to the bag.

(10) *Tare weight.* Tare weight shall be not less than 2 pounds per shrink-pack bag.

(11) *Sealing head of bales.* Extra precaution must be taken in sealing heads of bales to provide maximum coverage and protection.

(12) *Shrink ratio.* The ratio of machine (length) direction shrink to the transverse (cross) direction shrink must not exceed 1.5:1.

(13) *Total tare weight.* The total tare weight (i.e. bag and ties) shall be printed on the bag. Printing shall read "total tare = —lbs." and the bale tare weight shall be included in the appropriate space.

(14) *Bag size.* Each bag shall be not less than 87 inches in length when used on 54 inch by 20 inch presses and not less than 83 inches in length when used on 50 inch by 20 inch presses.

(h) *Polypropylene material—(1) General.* Polypropylene material used to wrap bales shall be new polypropylene fabric manufactured in the U.S. from yarn and resins produced in the U.S. and woven specifically for use on cotton bales. The bale covers shall be uniform in size and color, clean, unstained, and free of any extraneous material.

(2) *Yarns.* No scrap, reground, or reworked polymer shall be used, except that unoriented edge trim may be reground and directly recycled during operation of extruder.

(i) *Type.* The yarn shall be crystalline or isotatic polypropylene tape yarn.

(ii) *Dimension.* Yarn dimensions shall be 2.1 mils thick, plus or minus 0.2 mil and 95 mils wide, plus or minus 2 mils.

(iii) *Inhibitor concentration.* The yarn shall be stabilized by a system containing organo-nickel complex ultraviolet light inhibitor. The yarn shall contain organo-nickel complex at a concentration of not less than 0.1 percent nickel as metal from the inhibitor. The Cotton Industry Bale Packaging Committee will have samples checked periodically by a private laboratory at manufacturers' expense.

(3) *Fabric woven from stabilized yarns.*

(i) *Minimum weight.* The fabric must weigh an average of not less than 3 ounces per square yard and no test sample shall weigh less than 2.8 ounces per square yard.

(ii) *Yarn count.* There must be 12 warp yarns, plus or minus 1, per inch; and 10 weft yarns, plus or minus 1, per inch.

(iii) *Color.* The color of the fabric shall be translucent light gold, unless otherwise approved by the Cotton Industry Bale Packaging Committee. The center of each panel must be marked in the weft direction with a clearly visible line printed with white ink running across the entire width of the panel or with a series of three lines having a minimum of 12 inches on each edge and a minimum of 6 inches in the center. The lines must be within one inch of the true center of the length of the panel.

(iv) *Tensile strength.* Minimum tensile strength shall be 125 pounds per inch average in the warp direction and 100 pounds per inch average in the weft direction. Ten samples shall be tested in each direction for this determination and no single test shall be more than 10 pounds per inch below the specified average.

(v) *Elongation.* Fabric shall have an elongation to break of not less than 15 percent average in both warp and weft directions. Ten samples shall be tested in each direction for this determination and no single test value shall be below 12 percent.

(vi) *Selvage.* Each outer edge of the fabric shall be a tucked selvage or natural selvage containing not less than the number of warp ends prevalent in the body of the fabric. A heat cut selvage will not be acceptable. Ends of cut sheets and spiral sewn bags must be finished by heat cutting to give a pin test value of at least 40 pounds per inch.

(vii) *Air permeability.* The fabric in an unstressed state must permit not less than 5 cubic feet per minute per square foot, nor more than 50 cubic feet per minute per square foot of air flow.

(viii) *Weathering resistance.* The fabric shall retain not less than 70 percent of its original tensile breaking strength after 1,200 hours exposure to accelerated weathering.

(4) *Coatings.* Any coating added to the fabric to reduce gloss, fibrillation, slippage, or for other technical reasons, shall be as stable as the fabric to which it has been applied when exposed to accelerated weathering. Such coating must not adversely affect cotton which it is to contact.

(5) *Minimum panel size.* (i) Each panel of bagging must be not less than 52 inches in width and 114 inches in length for use on nonmodified flat presses (28 inch width bales).

(ii) Each panel of bagging must not be less than 49½ inches in width and 114 inches in length for use on modified flat presses (25 inch width bales).

(iii) Each panel of bagging must not be less than 44 inches in width and 100 inches in length for use on gin standard density bales.

(iv) Each panel of bagging must be not less than 44 inches in width and 96 inches in length for use on gin universal density bales.

(6) *Additional specifications for spiral sewn bags.* Spiral sewn polypropylene bags must meet the following requirements:

(i) Fabric shall conform to the specifications for woven polypropylene fabric specifications.

(ii) The fabric from which each bag is sewn shall be a minimum of 60 inches in width.

(iii) The bag size must be tailored to individual bale size at each location. Bags shall fit bales tightly, but must be large enough to minimize bursting and long enough to completely cover and secure heads of bales.

(iv) Seams must be sewn in accordance with the following: Type SSN–1, SSA–1, and LSA–1, Seam, type 401 stitch, minimum four stitches per inch, and 5/12 or 5/12 cotton thread, or 1,000 denier polypropylene thread meeting ultraviolet inhibitor concentration requirements of paragraph (h)(2)(iii) of this section, with breaking strength of 5 grams per denier. Sewn seams at bottom of bags must be a minimum of three-fourths inch from heat cut edges and be of type SSA–1.

Color of polypropylene sewing thread shall be white or natural color inherent in meeting ultraviolet inhibitor specs.

(7) *Additional requirements for half-bag panel combinations.* Half-bag panel combinations must meet the following requirements:

(i) Fabric shall conform to specifications for woven polypropylene fabric specifications.

(ii) The half-bag size must be tailored to individual bale size at each gin location.

(A) *Flat presses.* For flat presses each half-bag shall be not less than 36 inches in depth and each panel shall be not less than 48 inches in width and 112 inches in length.

(B) *Gin universal presses.* For 54 inch by 20 inch gin universal presses, each half-bag shall be not less than 32 inches in depth and each panel shall be not less than 40 inches in width and 98 inches in length. For 50 inch by 20 inch presses, each half-bag shall be not less than 34

inches in depth and each panel shall be not less than 40 inches in width and 96 inches in length.

(C) *Gin standard presses.* For gin standard presses, each half bag shall not be less than 40 inches in width and 100 inches in length.

(iii) Seams must be sewn in accordance with the following: Type SSN-1 seam, type 401 stitch, minimum four stitches per inch, and 4/12 or 5/12 cotton thread or 1,000 denier polypropylene thread meeting ultraviolet inhibitor concentration requirements of paragraph (h)(2)(iii) of this section, with breaking strength of 5 grams per denier. All cuts shall be heat cut or shall be rolled to prevent raveling.

(8) *Identification markings.* Each panel and/or spiral sewn bag must have the name or trademark of the fabric manufacturer (that is, the company weaving the material) suitably printed no more than 36 inches apart in the center of each panel. Each identification mark shall be at least three-fourths inch in height but not more than one inch in height. The identification markings shall be placed on record with the Cotton Industry Bale Packaging Committee and CCC. White ink shall be used for printing logos and centering marks.

(9) *Inspection and certification requirements—(i) Responsibility for inspection.* The fabric manufacturer and the supplier are both responsible for performance of all inspection requirements as specified herein. They may use their own or any other facilities suitable for the performance of such inspection requirements, unless such facilities are disapproved by the Cotton Industry Bale Packaging Committee or CCC.

(ii) *Right to perform inspection or testing.* Reasonable inspection or tests deemed necessary may be performed by the Cotton Industry Bale Packaging Committee and/or CCC to assure that materials conform to prescribed specifications.

(iii) *Inspection or testing expense.* Expense for such inspection or testing shall be borne by the fabric manufacturer or supplier.

(iv) *Certification required by the Cotton Industry Bale Packaging Committee.*—(A) *Submission of samples.* All manufacturers of polypropylene must submit samples to a private testing laboratory selected by the Cotton Industry Bale Packaging Committee or CCC for certification that materials meet all prescribed specifications.

(B) *Approved list.* Upon receipt of testing results, the Cotton Industry Bale Packaging Committee will publicize throughout the cotton industry a list of approved manufacturers and their trademarks.

(C) *Responsibility for components and materials.* The fabric manufacturer shall be responsible for insuring that fabrics are manufactured, examined and tested in accordance with approved specifications and standards. The bag fabricators shall be responsible for insuring that specifications for seams, cutting and sizes are met. Where spiral bags are fabricated by manufacturers other than the supplier of basic fabric, the fabricator's name or trademark shall appear on each pattern in addition to the fabric manufacturer's name or trademark. The bag fabricator, when other than the fabric manufacturer, shall register the the name or trademark with the National Cotton Council's Bale Packaging Committee and such list shall be furnished to ASCS.

(D) *Certification of fabric furnished.* Fabric manufacturers shall certify to customers that the fabric furnished has been manufactured in the United States from yarn and resins produced in the U.S. for use as cotton bale covers, and which meet the material specifications herein, and that the manufacturer is on the Cotton Industry Bale packaging Committee's approved list.

§ 1427.1904 Official tare weights.

The following table shows official CCC tare weights for various combinations of approved wrapping material. CCC will not accept any bales for loans which carry a tare weight different than the one shown below:

Tares for 1981 Crop

Wrapping Materials	Bale ties[6]	
	Wire	High tensile steel strapping
Woven polypropylene[1]	5	6
Polyethylene[2]	6	7
Burlap spiral bags, cotton[3]	7	8
T-2 jute[4]	10	11
Compact and salvage jute bagging[5]	12	13

[1] Woven polypropylene can be identified by its pale yellow color. This category includes all patterns of polypropylene including two sheets, half-bag/sheet combinations and spiral sewn bags. Such material must meet all other requirements in § 1427.1903(h).

[2] Polyethylene bags can be identified by the clear color. The total tare weight is printed on the bag. Such material must meet all other requirements in § 1427.1903(g).

[3] Burlap spiral bags can be identified by the lightweight burlap fabric sewn to form a bag which completely encloses a bale. Cotton bagging is any package material made from all cotton fiber. Bagging must meet all other requirements for that type of bagging set forth in § 1427.1903(e) and (f).

[4] T-2 jute bagging can be identified by the red marker yarn in the center of each pattern.

[5] Compact jute can be identified by the dark blue or green center marking yarns of each panel of bagging. Salvage jute is commonly referred to as sugar bagging and can be identified by seams and markings indicating that the material was previously used for other commodities. Such bagging must meet all other requirements as set forth in § 1427.1903(b) and (c).

[6] Wire or strapping includes all wire or high tensile steel strapping other than conventional hot rolled steel ties with buckles and must meet all applicable requirements in § 1427.1902 (b) and (c).

§ 1427.1905 Test methods.

The following testing methods will be used by CCC in determining whether bagging and bale ties and buckles or fasteners used to package cotton tendered for CCC loans beginning with the 1980 crop of cotton meet the above specifications. Except for polyethylene shrink-pack bags, spiral sewn burlap bags, cotton bags, and bagging manufactured from polypropylene material, each sample of bagging selected for testing will consist of one-half pattern. (Each sample of polyethylene shrink-pack bag and spiral sewn burlap bag and cotton bag will consist of one bag polypropylene material selected for testing and will consist of a minimum of ten randomly selected panels or spiral sewn bags or an equivalent amount of flat goods in cases where the material is tested before it is in panel or spiral sewn bag form.)

(a) *Weight and strength of bale ties and buckles.* For high tensile steel strapping, a given number of feet of strapping will be weighed to determine the number of feet of strapping per pound. Breaking strength and joint strength tests will be made only when determined to be necessary.

(b) *Length.* The length of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device. The sample will be laid out flat on a smooth horizontal surface and the length measured. Both selvages for jute and cotton panels will be measured and the length of each side of polyethylene shrink pack bags will be measured. The length of the sample will be the average of the two measurements rounded to the nearest inch. Jute and cotton measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in ASTM-D-1776-62-T.

(c) *Width.* The width of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device and will include the selvages. The sample will be laid out flat on a smooth horizontal surface and the measurements made perpendicular to the lengths (selvages in the case of jute and cotton). Three width measurements will be taken on each sample. One measurement will be made at the center of the sample and two other measurements will be made approximately 12 inches in from each end of the sample. The average of the three measurements, rounded to the nearest inch, will be the width. For compact center type new jute, the compact center shall be measured

between the outer edges of the outermost yarns in the more compact area. The loosely woven edges shall be measured from the outer edge of the outermost warp yarn of the compact area to the outside edge including selvage. Three width measurements will be taken at locations described above for other width measurements and averaged. Jute and cotton measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in ASTM-D-1776-62-T.

(d) *Warp yarn count.* For new jute (except for the compact center type new jute), T-2 jute and woven cotton bagging, the number of warp ends in the width of the sample including the selvages will be counted at each end of the sample. The average of the two counts will be divided by the width, as determined above. This figure will be multiplied by 12 to determine warp yarns per 12 inches of bagging or by 40 to determine warp yarns per 40 inches of bagging. For compact center type new jute bagging, the number of warp ends in the denser center area will be counted at each end of the sample and averaged. The average of the two counts will be the warp yarn count for the compact center section. The number of warp ends in the outer edges will be counted at each end and at each edge including selvages and averaged. The average of the two counts will be the warp yarn count for the outer edges. For polypropylene bagging, the number of warp ends in a 12 inch width of the sample will be counted. This figure will be divided by 12 to determine the warp yarns per inch of bagging.

(e) *Weft yarn count.* The number of weft (filling) yarns over a measured length of 36 inches on each sample of new jute, and woven cotton bagging will be counted. The number counted divided by 3 will be the weft yarn count per 12 inches. For polypropylene bagging, the number of weft ends in a 12 inch length of the sample will be counted. This figure will be divided by 12 to determine the weft yarns per inch of bagging.

(f) *Weight of bagging.* The weight of bagging, except for polypropylene material, will be determined by weighing on suitable accurate scales, and the weight per pattern will be determined to the nearest one-tenth pound. Several patterns (or bales of bagging patterns) may be weighed simultaneously and the weight averaged. The weight for jute bagging will be calculated on the basis of 13.75 percent moisture content (not moisture regain) and for cotton bagging on the basis of 8.5 percent moisture content (not moisture regain). (Polypropylene fabric weight will be determined as prescribed in subparagraph (k)(3) of this section.)

(g) *Wale count of warp knitted cotton bagging.* The number of wales or ribs running lengthwise of the sample from warp knitted cotton bagging will be counted over a measured width (relaxed state) of 12 inches on each sample. The number counted divided by 12 will be the wale count per inch.

(h) *Course count of warp knitted cotton bagging.* The number of courses or loops which form a line horizontal to the wales or ribs will be counted over a measured length (relaxed state) of 12 inches on each sample of warp knitted cotton bagging. The number counted divided by 12 will be the course count per inch.

(i) *Additional tests on warp knitted cotton bagging.* Elongation or stretch properties of warp knitted cotton bagging will be tested at one pound per inch static load using methods as specified in ASTM-D-2594. Bursting strength will be tested on an approved type of constant rate of traverse machine equipped with a bursting attachment (ball burst) as specified in ASTM-D-231.

(j) *Additional tests for polypropylene material.* The gauge and gauge tolerance of polypropylene material shall be tested in accordance with ASTM-D-374. The tensile strength and elongation shall be tested in accordance with ASTM-D-882-67. Impact resistance should be tested in accordance with ASTM Method B 1709-67 slip characteristics in accordance with ASTM-D-1894. The ratio of machine direction shrink to transverse direction shrink will be calculated in accordance with ASTM-D-2732.

(k) *Additional test procedures for polypropylene material.*—(1) *Yarn dimensions.* Polypropylene material shall also be tested as follows: Yarn dimensions will be tested as specified in ASTM-D-3218-73T.

(2) *Inhibitor concentration.* Yarn shall be removed from the warp direction of each test sample and analyzed for ultraviolet inhibitor concentration by following applicable analytical test procedure as specified in method Military—B 52472B (ME) paragraph 4.4.2.7.2.2. atomic absorption method. Specimen yarns shall likewise be removed from the weft or fill direction and tested for inhibitor concentration. Values obtained less than 0.1 percent nickel as metal for the inhibitor in either warp or weft direction of the fabric shall be deemed nonconformance and constitute failure of this test.

(3) *Fabric weight.* The fabric weight per square yard shall be determined as specified in Federal Test Method Standard No. 191, method 5041.

(4) *Tensile strength and elongation.* A minimum of ten randomly selected samples will be tested for tensile strength and elongation to break at standard conditions and in accordance with Federal Test Method Standard No. 191.

(5) *Accelerated weathering—(i) Preparation of specimens.* The sample unit will be one finished panel or spiral sewn bag or an equivalent amount of flat goods. Three swatches 4 inches by 12 inches shall be cut from each principal direction (warp and weft) of the fabric. Each swatch shall be cut into two 4 inch by 6 inch test specimens: One specimen to be used for initial break strength and the other specimen to be used for break strength after accelerated weathering. The specimens shall be marked to indicate which are cut with the long dimension in the warp direction and which have the long dimension in the weft direction.

(ii) *Initial tensile breaking strength.* The marked control specimens shall be conditioned for 24 hours at the standard condition specified in Federal Test Method Standard No. 191 and shall be tested for breaking strength in accordance with Federal Test Method Standard No. 191, method 5100.1. The result shall be averaged for specimens in warp direction and averaged for specimens in weft direction and the averages shall be recorded as the initial breaking strength in warp and weft directions. An average in warp of less than 125 pounds or less than 100 pounds in the weft direction shall constitute failure of this test.

(iii) *Breaking tensile strength after accelerated weathering.* The balance of the specimens shall be tested in accordance with Federal Test Method Standard No. 191, method 5804 for not less than 1,200 hours, except that the black panel temperature shall be maintained at 155 degrees fahrenheit (F), plus or minus 3 degrees F. The black panel temperature shall be read during the final 10 minutes of a cycle just before the water spray period starts. At the completion of 1,200 hours exposure to accelerated weathering, the specimens shall again be conditioned for 24 hours at the standard conditions specified in Federal Test Method Standard No. 191. After conditioning, the exposed specimens shall be tested for breaking strength in accordance with Federal Test Method Standard No. 191, method 5100.1. An average breaking strength of less than 70 percent of the

initial average breaking strength recorded for its respective warp or fill yarn direction shall constitute failure of this test.

(6) *Ends of heat cut sheets and/or spiral sewn bags.* Heat cut ends of cotton bale cover sheets and spiral tubing shall be evaluated for heat cut strength as specified in ASTM Method D 751. Pin test values of less than 40 pounds, as per this method, shall constitute failure of this test.

(7) *Air permeability.* The fabric shall be tested for air permeability as specified in ASTM D 737-46. Air permeability values of less than 5 or more than 50 cubic feet per minute per square foot will constitute failure of this test.

(l) *Additional test procedures for T2 type new jute bagging.* Tensile strength, breaking load shall be determined for T2 type new jute bagging by a ravel strip method. Strip tests shall be performed on a pendulum type strength tester (or equivalent) having a constant rate of traverse operated at 46 cm (18 inches) per minute, with test specimen dimensions between the grips of the tester being 20 cm by 10 cm.

Signed at Washington, D.C. on August 13, 1981.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-24369 Filed 8-19-81; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 532

[No. 81-460]

Ownership of NOW Accounts; Interpretive Ruling

August 13, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final interpretive rule.

SUMMARY: The Federal Home Loan Bank Board is adopting an interpretive rule regarding the eligibility of individuals and organizations to hold NOW accounts at member institutions. The rule permits the following entities to own NOW accounts: (1) one or more individuals, even if the funds deposited in the account come from a sole proprietorship business or an unincorporated business owned by a husband and wife, and (2) all private and government organizations not operated for profit.

EFFECTIVE DATE: August 19, 1981.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (202-377-6444).

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation and Monetary Control Act of 1980 authorized depository institutions nationwide to offer NOW (negotiable order of withdrawal) accounts beginning December 31, 1980. (Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980), 12 U.S.C. 1832.) This statutory authority restricts NOW accounts to:

> Deposits or accounts which consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit. (12 U.S.C. 1832(a)(2).)

On September 30, 1980, the Board adopted regulations regarding NOW accounts which contain eligibility criteria substantially identical to those quoted above. (Res. No. 80-613, 45 FR 66781, Oct. 8, 1980.) Section 526.1(l) of the Board's Federal Home Loan Bank System regulations provides:

> The [NOW] account must consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit. (12 CFR 526.1(l).)

By Resolution No. 81-295 of May 29, 1981 (46 FR 30113, June 5, 1981), the Board expressed its intent to promulgate a clarifying interpretive rule regarding the scope of the above-quoted statutory and regulatory language. The Board solicited public comment to assist in determining the appropriate scope of the eligibility criteria, and outlined interpretive issues regarding the nature of a "beneficial interest," the definition of "organization," the meaning of the term "other similar purposes," and the eligibility of government entities.

The Board received 108 comment letters. Eighty-six were from member savings and loan associations, 8 from thrift trade associations, 4 from government entities, 3 from hospital trade associations, 2 from commercial bank trade associations, 2 from mutual savings banks, and 1 each from a commercial bank, a farmers' trade association, and a savings and loan service corporation. An analysis of these comments, together with the Board's response, follows:

1. "Beneficial interest." The threshold issue regarding eligibility to hold a NOW account is which individuals or organizations hold "the entire beneficial interest" in the deposited funds. In its request for comments, the Board noted that the Office of General Counsel has previously interpreted the term "beneficial interest" to include: (1) The interests of beneficiaries in fiduciary situations such as trusts and decedents' estates; (2) beneficial ownership interests arising under property law; and (3) interests in specific property arising out of a contract such as an escrow agreement.

One commenter suggested that the funds of a professional corporation should be deemed beneficially owned by the professional(s) who own(s) stock in the corporation. Although the Board does not necessarily disagree with the policy reasons underlying this suggestion, it notes that such an interpretation is precluded by legislative history indicating that 12 U.S.C. 1832(a)(2) is intended to permit only *nonprofit* corporations to hold NOW accounts.

Most of the commenters who addressed the issue agreed that previous interpretations by the Office of General Counsel adequately define the term "beneficial interest." Some commenters suggested that the term should include the interests of individuals under pension, profit-sharing, and retirement plans, and under escrow agreements; however, these interests are covered by the third category of beneficial interest described above. Since there appears to be no need for clarification of the term "beneficial interest," the Board has decided not to address this issue in its final interpretive rule.

2. "Individuals" vs. "organization." When applying the NOW account eligibility criteria, a member institution must determine whether the would-be account holder is an "organization." The distinction is important because an organization must also meet the nonprofit test. In accordance with common legal usage, the Board has previously interpreted the term "organization" to include "a corporation, government or governmental subdivision or agency, business trust, partnership or association, or any other legal or commercial entity." (Preamble, Res. No. 80-613, *supra; see* U.S.C. 1-201(28).)

a. Government entities. In response to the Board's specific request for comment, 23 commenters agreed with the Board's interpretation of the term "organization" to include government entities, while no commenters opposed such an interpretation. Accordingly, the Board has determined to adhere to its current interpretation.

b. Sole proprietorships. Sole proprietorships have not traditionally

been considered "organizations" with an existence independent of their sole proprietors. The Board has previously construed "organization" to exclude sole proprietorships on the basis of this traditional rule, and also because it would be impracticable for a member institution to determine whether funds in an individual's NOW account are funds used in his or her sole proprietorship business.

Seventy-five commenters concurred in the Board's previous interpretation, while only two disagreed. The dissenting commenters pointed to Congress' intent to keep business funds out of NOW accounts. However, the ultimate expression of Congressional intent is found in the explicit wording of 12 U.S.C. 1832(a)(2), which merely prohibits business *organizations* from opening NOW accounts. In keeping with the traditional legal treatment of sole proprietorships, and in the interest of avoiding a rule that would be difficult or impossible to enforce, the Board has decided to treat sole proprietorship funds as beneficially owned by an individual, not an organization.

c. Partnerships. Seven commenters suggested that a partnership should be eligible to hold a NOW account if all the partners are individuals. There is a split of authority regarding whether a partnership is a legal entity with an existence separate from its partners. The Board did not specifically request comment on the issue of partnership eligibility in its May 29 resolution, and it believes the issue warrants further consideration. Accordingly, by a separate resolution published in this issue of the **Federal Register**, the Board is soliciting comment on this question. Until a final interpretive rule is issued, the Board's present rule that for-profit partnerships are ineligible to hold NOW accounts remains in effect.

d. Husband and wife unincorporated businesses. An unincorporated business owned by a husband and wife might constitute a partnership in one state and a sole proprietorship in another, depending on marital property laws. Interpretation of the terms of a federal law is a question of federal law, and federal laws should be applied with a view to uniform results in the same fact situations. Thus, the Board has previously permitted funds of an unincorporated business owned by a husband and wife to be deposited in a NOW account without regard to whether state law treats the business as a sole proprietorship or a partnership.

Fifty-three of 54 commenters who addressed this issue endorsed the Board's approach. The other commenter suggested that the rule should not apply if a married couple have entered into a written partnership agreement. The Board has decided against adopting this suggested modification. A husband and wife in a community property state might have property interests in a sole proprietorship business comparable to those of a married couple in another state who have executed a partnership agreement; the Board believes the eligibility criteria should yield uniform results in both situations. Therefore, the Board has retained the existing husband and wife unincorporated business rule without modification.

3. Qualifying purposes for organizations. Organizations are eligible to hold NOW accounts if they are "operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and * * * not * * * for profit." (12 CFR 526.1 (l).) One possible interpretation of this language is that the term "other similar purposes" suggests those purposes usually served by nonprofit organizations. A more restrictive alternative is to treat the qualifying purpose language as imposing a separate criterion in addition to the nonprofit test.

Thirty-eight commenters recommended that all nonprofit organizations be eligible to hold NOW accounts. The Board believes this interpretation is desirable and appropriate, for three reasons. First, this approach seems most consistent with the Congressional intent expressed in the legislative history of 12 U.S.C. 1832(a)(2). Transcripts of floor debates and committee hearings reveal that the Federal legislators considering H.R. 4986 wished to limit NOW accounts to "individuals and nonprofit organizations," to the exclusion of commercial entities. This suggests that the vague phrase "religious, philanthropic, charitable, educational, or other similar purposes" was meant to refer to the types of purposes generally served by nonprofit entities, and may explain why Congress did not provide more explicit guidance regarding the meaning of that phrase. Second, this interpretation should prove easiest to apply in practice. Third, a broad interpretation is most consistent with the deregulatory purpose underlying the Depository Institutions Deregulation and Monetary Control Act of 1980. In light of these considerations and the benefits that will result to the industry and its customers, the Board has decided not to prohibit members from offering NOW accounts to any nonprofit organizations.

Nineteen commenters suggested that all organizations, including those operated for profit, should be eligible. The Board does not necessarily disagree with the policy reasons given by these commenters, but notes that such authority would be possible only if Congress amends 12 U.S.C. 1832(a)(2) to permit NOW accounts for business organizations.

Ten commenters recommended looking to income tax exemption language under 26 U.S.C. 501(c) (3)–(13), (19), and 528 as proof of eligibility, as proposed by the Federal Reserve Board for purposes of interpreting NOW account eligibility criteria in its regulations; *see* 46 FR 22600, April 20, 1981. The Board does not believe this presents an adequate solution to the interpretive problem. First, in adopting the eligibility criteria at 12 U.S.C. 1832(a)(2), Congress did not indicate an intent to make NOW account eligibility dependent upon tax exemption, much less restrict eligibility to the limited types of tax exempt organization cited above. Second, deeming the tax provisions cited as the exclusive criteria for NOW account eligibility is inconsistent with the clear language of 12 U.S.C. 1832(a)(2). Certain of the tax provisions in question apply only to organizations operated "exclusively" or "solely" for purposes stated therein; however, section 1832(a)(2) applies to any organization operated "primarily" for requisite purposes. Third, if the tax code provisions cited are not deemed the exclusive criteria for NOW account eligibility, member institutions will still have the problem of determining whether organizations not qualifying thereunder are nevertheless eligible as operated primarily for a requisite purpose. The Board has thus concluded that this suggested approach is inconsistent with Congressional intent and would not be easy to administer if given non-exclusive effect.

Three commenters opined that the Board's prior case-by-case interpretations of the eligibility criteria already give sufficient guidance to the industry and public. In addition, 6 commenters wrote to request that certain types of organizations, such as hospitals and condominium associations, be added to the list of eligible organizations. The Board believes, however, that a final interpretive rule stating general principles of eligibility is necessary to aid future interpretation by member

institutions, the public, and the Board, and that such an approach will be more useful than a "laundry list" of eligible organizations.

4. Government entities. The eligibility criteria have historically been interpreted to include at least some government entities as organizations operated for the requisite purposes and not for profit. The primary interpretive issue is whether the phrase "other similar purposes" includes all governmental purposes, or only certain types of governmental activities.

Forty-five commenters recommended that all government entities be eligible to hold NOW accounts. In addition, six commenters opined that the same eligibility criteria that apply to private organizations should be applied to government entities. The Board agrees with these comments and believes that all government entities that are not operated for profit fall within the intended scope of the eligibility criteria. Government entities, as "organizations," should be eligible to the same extent as private sector organizations. As discussed above, the Board has construed the qualifying purposes language to include all nonprofit organizations. There is no basis in the legislative history of 12 U.S.C. 1832(a)(2) for denying NOW accounts to nonprofit government entities; as mentioned earlier, the primary intent of Congress was to preclude commercial NOW accounts. Since Congress did not expressly restrict the term "other similar purposes" to exclude governmental purposes, an interpretation of the eligibility criteria to include government entities is both reasonable and consistent with the deregulatory intent underlying the 1980 amendment of 12 U.S.C. 1832(a)(2). The Board believes this interpretation will benefit member institutions, their public unit customers and taxpayers in general.

One commenter supported an interpretation of the eligibility language, proposed by the Federal Reserve Board, that NOW accounts may only hold those government funds used for schools, libraries, colleges, universities, or hospitals or other medical facilities. (*See* 46 FR 22600, April 20, 1981.) Another commenter expressly opposed this proposed interpretation. The Board believes such an interpretation is unduly restrictive. The qualifying purposes of the eligibility criteria include more than just educational and charitable purposes; there is no basis in the legislative history or the statutory language for applying the qualifying purposes test more restrictively to government organizations than to private organizations.

The Board notes that government organizations operaterd on a for-profit basis are precluded by 12 U.S.C. 1832 from owning NOW accounts. Thus, government and quasi-governmental entities such as the Federal Home Loan Banks and the Federal Home Loan Mortgage Corporation that are operated for profit must be deemed ineligible.

Because this is an interpretative rule, and because it relieves existing restrictions and serves the interest of prompt deregulation, it is exempt from the advance publication requirement of 5 U.S.C. 553(d). In accordance with Recommendation No. 76-2 of the Administrative Conference of the United States, this interpretive rule will be preserved in the *Code of Federal Regulations.*

Accordingly, the Board hereby amends Part 532, Subchapter B, Chapter V of Title 12, *Code of Federal Regulations,* as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 532—BOARD RULINGS

Add a new § 532.2, to read as follows:

§ 532.2 Ownership of NOW accounts.

Section 526.1(l) of this chapter authorizes member institutions to offer NOW accounts, which "must consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit." The Board has interpreted this language to permit the following types of funds to be deposited in a NOW account:

(a) funds beneficially owned by one or more individuals, including funds of a sole proprietorship business;

(b) funds of an unincorporated business owned by a husband and wife; and

(c) funds beneficially owned by any private or government organization that is not operated for profit.

(Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980); 12 U.S.C. 1437, 1464, 1724, 1725, 1726, 1728; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

Dated: August 13, 1981.

Malcolm Draper, Jr.,

Assistant to the Chairman.

[FR Doc. 81-24342 Filed 8-19-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-49-AD, Amdt. 39-41 94]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and repair of Boeing Model 727 series airplanes having cold bonded upper body skin tear straps. Airlines using the ultrasonic inspection techniques for detection of tear strap delamination recommended by the manufacturer have found a significant number of occurrences of such delamination. These straps act to arrest the progression of longitudinal skin cracks. Delamination degrades the tear strap function and could result in rupture of the fuselage skin due to fatigue cracks and subsequent rapid decompression of the cabin.

DATE: Effective date September 25, 1981.

ADDRESSES: Boeing Service Bulletins specified in this Airworthiness Directive may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents are also contained in the rules docket, Office of the Regional Counsel, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Don Gonder, Airframe Branch, ANW-120S, Seattle Aircraft Certification Area Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring inspection and repair of Boeing Model 727 series airplanes having cold bonded upper body skin tear straps was published in the **Federal Register** at 45 FR 74496, November 10, 1980.

The proposal was prompted by the following history. The 727 upper body tear straps are circumferential structural members which in the event of a crack developing in the upper body skin provide a fail-safe capability against pressure vessel rupture. Properly functioning straps stop the progression of longitudinal cracks in the upper body.

limiting the maximum possible rupture size. To function properly the straps must be continuously attached (within specified limits) to the upper body skin. This is accomplished with an adhesive bond. The 727's in which a cold bond manufacturing process has been used for attachment have had a history of adhesive bond degradation and skin/strap delamination. Recent inquiries made by the FAA show such delamination is a widespread problem and for some airplanes can be very extensive.

Boeing has published a service bulletin (No. 727-53-82) which recommends periodic ultrasonic inspection of tear straps and methods of repair if delamination is found. Some airplane operators have incorporated the ultrasonic inspection into their aircraft maintenance program. Those who do use the ultrasonic inspection have reported delamination requiring repair on roughly half of the airplanes inspected. One operator reported an aircraft having thirty delamination locations which required repair. Operators using inspection methods other than ultrasonic have had less success detecting delaminations.

For these reasons the FAA proposed making the ultrasonic inspection mandatory.

Interested persons have been afforded an opportunity to participate in the making of the amendment. In response the Air Transport Association of America (ATA) submitted comments on behalf of its member airlines. One commenter believes the AD action is not justified by the service experience. The FAA does not concur. Reports from operators who have inspected using the ultrasonic method show a substantial disbond problem justifying the AD action.

The majority of the airlines commented that the 6-month initial inspection compliance time was too restrictive and would place and undue burden on the airlines. Desired compliance times given by the airlines ranged from 12 to 18 months. The FAA finds, based on the Model 727 service history, and the manufacturer's recommendation a 14-month compliance time can be accommodated without degrading safety; and the rule, as adopted, permits this.

Most of the airlines also requested the repeat inspection interval be relaxed. Suggested intervals ranged from 15 months to 5 years. One commenter stated that the repeat inspection should not be required. Another commenter stated that the repeat inspection should not be required if no disbond is found during the initial inspection. Pending the accumulation of sufficient additional data to show that the disbonding is not a continuing problem after the initial inspection, the rule, as adopted, requires repeat inspections at intervals not to exceed 24 months.

Several commenters requested that the installation of blind fasteners to repair disbonded tear straps be changed from a temporary to a permanent method of repair. Boeing has revised their Service Bulletin No. 727-53-82 to allow this change. The FAA concurs; and the rule, as adopted, permits the use of blind fasteners as a permanent repair.

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, the Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Boeing: Applies to all Model 727 series airplanes, certificated in all categories, listed as Group I and Group II in Boeing Service Bulletin No. 727-53-82, Revision 3, dated June 19, 1981, or later FAA approved revisions.

Compliance required as indicated.

To detect delamination of the upper body skin bonded tear straps from Fuselage Station 277 to Station 1130 and to correct the delaminated condition accomplish the following unless previously accomplished:

A. Within fourteen (14) months from the effective date of this AD, inspect the upper body skin bonded tear straps for delamination from the body skin in accordance with the ultrasonic inspection procedures of Boeing Service Bulletin No. 727-53-82, Revision 3, or later FAA approved revision.

B. Within 24 months from the initial inspection, reinspect as directed by paragraph A and in accordance with the following schedule:

1. Repeat inspections for Group I airplanes starting with Zone I, alternating between Zones I, II, and III at 24 month intervals in accordance with Boeing Service Bulletin No. 727-53-82, Revision 3, or later FAA approved revisions.

2. Repeat inspections for Group II airplanes alternating between Zones I and II at 24 month intervals in accordance with Boeing Service Bulletin No. 727-53-82, Revision 3, or later FAA approved revisions.

3. Any strap found delaminated, while inspecting a zone, must be inspected along its entire length. (e.g. stringer 14R to stringer 14L).

C. Bond delaminations outside the limits of Boeing Service Bulletin No. 727-53-82, Rev. 3, or later FAA approved revisions are to be repaired before further pressurized flight in accordance with the methods listed in Boeing Service Bulletin 727-53-82, Rev. 3, or later FAA approved revisions. Accomplishment of these repairs constitutes terminating action of this AD for the repaired area.

D. Bond delaminations within the limits of Boeing Service Bulletin No. 727-53-82, Rev. 3, or later FAA approved revisions are to be repaired as required by paragraph C of this AD or are to be ultrasonically reinspected for delamination growth at intervals not to exceed 24 months.

E. Aircraft may be ferried to a maintenance base for repair in accordance with FAR 21.197 and FAR 21.199.

F. Upon request of the operator, and subject to prior approval by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region, an FAA Principal Maintenance Inspector may adjust the compliance times if the request contains substantiating data to justify the change.

G. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

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. 522(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective September 25, 1981.

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

Note.—The FAA has determined that this document 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 effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, small entities. A final evaluation has been prepared for this 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 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 11, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-24244 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-32; Amdt. 39-4190]

Airworthiness Directives; Societe Nationale Industrielle; Aerospatiale (SNIAS) Models SA360C and SA365 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action makes effective for all persons an Airworthiness Directive (AD) that was previously made effective for all known United States owners and operators of the Aerospatiale Models SA360C and SA365 series helicopters by individual telegraphic AD T81-14-51 issued June 30, 1981. The AD requires initial and repetitive inspections and checks of the tail rotor fairing and hub body. Cracks may cause partial failure of the fairing and hub body and possible jamming or failure of the tail rotor.

DATES: Effective August 27, 1981, to all persons except those persons to whom it was made effective by telegraphic AD No. T81-14-51 issued June 30, 1981, which contained this amendment.

Compliance required as indicated in the AD.

ADDRESSES: The applicable service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

These documents may be examined at the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 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: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium. Telephone: 513.38.30 or J. H. Major, Helicopter Policy and Procedures Staff, ASW-211, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION: On June 30, 1981, telegraphic AD T81-14-51 was issued and made effective immediately to all known United States owners and operators of Aerospatiale (SNIAS) Models SA360C and SA365 series helicopters. The AD required initial and repetitive inspections and checks for cracks in the tail rotor fairing and hub body. Cracks may cause partial failure of the fairing or hub body and possible jamming or failure of the tail rotor.

A modification is not presently available to eliminate the necessity for the repetititive inspections and checks. A cracked fairing or hub body must be removed before further flight.

Immediate corrective action was required. Notice and public procedure were impracticable, and good cause existed for making the AD effective immediately to all known United States owners and operators of Aerospatiale (SNIAS) Models SA360C and SA365 series helicopters by telegraphic AD T81-14-51 issued June 30, 1981. The conditions still exist and the AD, revised as noted, is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

The mandatory reporting requirement contained in the telegraphic AD has been eliminated since voluntary reporting will be sufficient. Editorial changes have been made for clarification. These changes between the telegraphic AD and this AD impose no additional burden on persons.

Adoption of the Amendment

§ 39.13 [Amended]

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:

Societe Nationale Industrielle Aerospatiale (SNIAS). Applies to Models SA360C and SA365 Series Helicopters, certificated in all categories (Airworthiness Docket No. 81-ASW-32).

Compliance required as indicated.

To detect possible cracks in the tail rotor internal and external rotating fairing and in the tail rotor hub accomplish the following:

a. Within 5 hours' time in service after receipt of this AD for helicopters which have 45 hours' or more total time in service on the effective date of this AD, inspect in accordance with paragraphs (c) and (d) unless already accomplished, and thereafter at intervals not to exceed 50 hours from the last inspection.

b. Before reaching 50 hours' total time in service for those helicopters which have less than 45 hours' total time in service on the effective date of this AD, inspect in accordance with paragraphs (c) and (d), unless already accomplished, and thereafter at intervals not to exceed 50 hours from the last inspection.

c. Inspect visually for cracks in the tail rotor internal and external rotating fairings in the area of each blade clearance hole.

d. Inspect visually for cracks in the flange of the rotor hub body at the attaching points of the external fairing after removing the external fairing access door.

e. Following initial compliance with this AD, visually check the tail rotor internal and external rotating fairing for cracks before the first flight of each day. The pilot may conduct the check required by this paragraph.

Note.—For the requirements regarding the listing of compliance with the AD in the aircraft's permanent maintenance record, see FAR 91.173(a)(2)(V).

f. If a crack is found in the tail rotor fairing or in the rotor hub body, remove the affected part before further flight. Install a serviceable part and continue the inspections and checks.

g. Equivalent means of compliance 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.

Note.—Aerospatiale SA360/SA365 Service Bulletin No. 05.05 dated May 26, 1981, refers to these inspection and check requirements.

This amendment becomes effective August 27, 1981, to all persons except those persons to whom it was made immediately effective by telegraphic AD T81-14-51, issued June 30, 1981, which contained this amendment.

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

Note.—The Federal Aviation Administration 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 Department of Transportation Regulatory Policy and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the 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 August 6, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-24243 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 81-CE-6]

Designation of Transition Area—Atwood, Kans.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Atwood, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Atwood-Rawlins County Airport, Atwood, Kansas, utilizing the Atwood Non-Directional Radio Beacon (NDB) as a navigational aid. An editorial change is being made in the legal description to make it accurate.

EFFECTIVE DATE: November 26, 1981.

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

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

The last line of the legal description must be changed to read "8.5 miles north of the NDB facility" in order to coincide with the 360° radial bearing. Since this change is editorial in nature, notice and public procedure hereon are not considered necessary.

Discussion of Comments

On pages 27716 and 27717 of the **Federal Register** dated May 21, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Atwood, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rulemaking.

§ 71.181 [Amended]

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 GMT November 26, 1981, by adding the following new transition area:

Atwood, Kansas

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Atwood-Rawlins County Airport, Atwood, Kansas (latitude 39°50'21" N, longitude 101°02'27" W), and within 3 miles each side of the 360° bearing from the Atwood NDB (latitude 39°50'23" N, longitude 101°02'30" W) extending from the 5.5-mile radius area to 8.5 miles north of the NDB facility.

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

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

Issued in Kansas City, Missouri, on August 10, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-24279 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-8]

Alteration of Transition Area; Slidell, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Slidell, Louisiana. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Slidell Airport. This amendment is necessary to provide protection of aircraft executing a new instrument approach procedure using the Picayune VORTAC.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 4, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 24957) stating that the Federal Aviation Administration proposed to alter the Slidell, Louisiana, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, by the Administrator, § 71.181 of Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, November 26, 1981, as follows:

Slidell, Louisiana

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Slidell Airport (latitude 30°20'36"N., longitude 89°49'18"W.); and within 2 miles each side of the Picayune VORTAC 199° radial extending from the 5-mile radius area to 10 miles south of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c).)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant

preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 6, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-24273 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-9]

Designation of Transition Area; Devine, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Devine, Texas. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Devine Municipal Airport. This amendment is necessary to provide protection for aircraft executing approaches using the proposed nondirectional radio beacon (NDB) located on the airport.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 4, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 24960) stating that the Federal Aviation Administration proposed to designate the Devine, Texas, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, by the Administrator, § 71.181 of Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, November 26, 1981, as follows:

Devine, Texas

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Devine Municipal Airport (latitude 29°08'17" N., longitude 98°56'29" W.) and within 3 miles each side of the 184° bearing of the NDB (latitude 29°08'16.78" N., longitude 98°56'19.87" W.) extending from the 6.5-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c).)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 6, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-24278 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 21022A; Reg. Notice No. 91-100]

Emergency Air Traffic Regulations; Update

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Update of emergency air traffic regulations.

SUMMARY: Section 91.100 of the Federal Aviation Regulations (14 CFR 91.100) requires aircraft operators to comply with emergency air traffic regulations issued under that section and covered by Notices to Airmen (NOTAMs) that are also issued under that section. This document is not itself regulatory, but provides notice of regulations already adopted and immediately effective under § 91.100, for which the FAA has also issued NOTAMs. It adds, to Notice 91-100, emergency regulations implementing Special Federal Aviation Regulation No. 44, that are necessary to respond to a shortage in air traffic control personnel.

EFFECTIVE DATE/TIME: As stated in each regulation listed.

ADDRESSES: Send comments on the listed regulations, in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21022A, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may be examined in the Rules Docket, Room 915, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION:

Comments Invited

The regulations issued under § 91.100 and listed herein are emergency final rules involving immediate air traffic requirements throughout the United States. The need for immediate regulatory response under § 91.100 is stated at 46 FR 16666, *et seq.* In issuing the regulations in this notice, the FAA has found that emergency conditions cited in § 91.100 exist or will exist and that the regulations are necessary in order to respond to those conditions in the public interest. Where necessary, these regulations may be supplemented or amended hourly, or even more frequently, as weather or other air traffic conditions change. Accordingly, good cause exists for making these regulations effective immediately, without prior notice and public procedure, other than the public notice already afforded on the draft National Air Traffic Control Contingency Plan (45 FR 75096; November 13, 1980), on the Contingency Plan adopted February 27, 1981 (46 FR 15402; March 5, 1981), and on the adoption of § 91.100 (46 FR 16666, March 13, 1981), and Special Aviation Regulation No. 44 (46 FR 39997; August 6, 1981). Comments were also invited on the emergency regulations previously published in the **Federal Register** in Notice 91-100.

Comments are invited on any aspect of the listed regulations, individually or cumulatively, and on any aspect of the emergency air traffic control conditions they respond to. When § 91.100 was issued, the FAA noted that it was an emergency regulation under Executive Order 12291 and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and had no cost impact in itself since it was only procedural. However, the FAA also stated (at 46 FR 16669) that the regulations distributed in accordance with § 91.100 will be evaluated individually, as appropriate, to determine whether they have cost impacts. To assist the FAA in determining, as soon as practicable after issuance, the cost impacts of the regulations issued under § 91.100,

comments on economic impact are specifically invited.

Commenters wishing the FAA to acknowledge receipt of their comments in response to these rules must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21022A." The postcard will be date/time stamped and returned to the commenter.

Effect of Publication

When § 91.100 was issued (Amendment No. 91-175, March 9, 1981, published in the **Federal Register**, 46 FR 16666, on March 13, 1981), the FAA stated, at 46 FR 16667, that subsequent publication, in the **Federal Register**, of emergency air traffic regulations issued under that section, will provide constructive legal notice of those regulations to all persons who may not have received the NOTAMs concerning those regulations or who otherwise may not have legal notice of the adoption of those regulations. This document provides this constructive legal notice of immediately effective emergency regulations that have already been adopted. Additional emergency rules will be published periodically if the need for their adoption continues.

Availability Prior to Publication: Preflight Requirement

Since there is a necessary time lag between the issuance of emergency air traffice regulations and NOTAMs under § 91.100 and the publication of these regulations in the **Federal Register**, and since these regulations and NOTAMs respond to emergency conditions that exist, or will exist, relating to the FAA's ability to operate the Air Traffic Control System, this document also provides constructive notice that the NOTAMs concerning these regulations are available at operating air traffic facilities and Regional Air Traffic Division offices prior to **Federal Register** publication and as long as they remain effective. Under § 91.5 *Preflight Action* (14 CFR 91.5), each pilot in command is required to familiarize himself or herself with all available information concerning each flight.

Air Traffic Controller Shortage: SFAR No. 44

The emergency air traffic regulations listed in this amendment to Notice 91-100 follow the adoption, by the FAA, on August 3, 1981, of Special Federal Aviation Regulation (SFAR) No. 44 in response to the threat of a strike by Air Traffic Controllers Organization (PATCO), and subsequent organized controller action that in fact occurred. The emergency aspects of that action are described at 46 FR 39997, *et seq.* As a result, air traffic control facilities have experienced staffing shortages that have reduced the level of air traffic that can be handled with the required levels of safety and efficiency. To ensure that these levels of safety and efficiency are fully maintained during this shortage of air traffic personnel, the emergency regulations listed in section 2 of this notice have been issued under § 91.100. Emergency regulations adopted for the period August 10, 1981, through August 16, 1981, are included herein, and will be supplemented, for the indefinite future, with additional regulations until staffing levels improve.

Regulatory Impact

The FAA has determined that the regulations listed in this notice are emergency regulations under section 8(a)[1] of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to these regulations, since they are issued in response to existing or expected emergency conditions relative to FAA's ability to operate the Air Traffic Control System. It has been further determined that the listed regulations are emergency regulations under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If these regulations are later determined to be significant, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Notice of Adoption

Accordingly, pursuant to the authority delegated to me by the Administrator in § 91.100 of the Federal Aviation Regulations (14 CFR 91.100; 46 FR 16666, March 13, 1981) and that cited below, the following emergency air traffic regulations have been adopted, effective as stated therein, and covered by NOTAMs under that section.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)))

In consideration of the foregoing, section 2 of Notice 91-100 is hereby amended by adding the following emergency regulations following the regulation numbered FDC 1/1799.

Air Traffic Controller Shortage of 1981, and related emergency conditions (SFAR-44). Doc. No. 21022A

FDC FDC 1/1814 Emergency Flight Rules August 10, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective 101100Z to 110200Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

FDC 1/1838 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective immediately to 110400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibited are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. This cancels NOTAM FDC 1/1814.

FDC FDC 1/1843 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective 110700Z to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibited are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

FDC FDC 1/1844 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective 110700Z to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. This cancels NOTAM FDC 1/1838 FDC 1/1843.

FDC 1/1845 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective 111100Z to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. This cancels NOTAM FDC 1/1844.

FDC 1/1847 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective immediately to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/ Cleveland /ZOB/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. This cancels NOTAM FDC 1/1845.

FDC 1/1848 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective immediately to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. This change removes Cleveland /ZOB/ from FDC 1/1847. This cancels NOTAM FDC 1/1847.

FDC 1/1855 Reduction of Flight Operations Emergency Flight Rules August 11, 1981.

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100. The Director of Air Traffic Service has ordered pro rata reductions of flight operations effective at 051100 GMT as follows:

1. 50 percent at the following airports: ATL Hartsfield, BOS Logan, CIE Hopkins, ORD O'Hare, DAL Dallas-Ft. Worth Regional, DEN Stapleton, DET Metropolitan Wayne Co., FLL Hollywood International, IAH Houston Intercontinental, MCI Kansas City International, Las McCarran, LAX Los Angeles International, MIA Miami International, MSP WRID-Chamberlain, IGA Laguardia, JFK John F. Kennedy, EWR Newark, PIT Greater Pittsburgh, PHL Philadelphia International, STL Lambert, SFO San Francisco, DCA Washington National.

2. Precoordinated air carrier schedule reductions are required.

3. Exception may be issued or withdrawn by the Air Traffic Control Systems Command Center /ATCSCC/ as system capacity changes. Cancel FDC 1/1581.

FDC 1/1877 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective immediately to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/ New York /ZNY/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. Cancel FDC 1/1848.

FDC 1/1886 Emergency Flight Rules, August 12, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service, effective 121000Z to 130400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC area: New York /ZNY/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. Cancel FDC 1/1877.

FDC FDC 1/1888 Emergency Flight Rules, August 12, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service, effective 121000Z to 130400Z, has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC area: New York /ZNY/, Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. Cancel FDC 1/1886.

FDC FDC 1/1892 Emergency Flight Rules, August 12, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service effective 121000Z to 130400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC area: New York /ZNY/, Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air Taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. Cancel FDC 1/1888.

FDC 1/1906 Emergency Flight Rules, August 13, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 131000Z to 140400Z, Chicago /ZAU/ 131000Z to 140400Z, Fort Worth /ZFW/ 131300Z to 1401000Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. Cancel FDC 1/1892.

FDC FDC 1/1907 Emergency Flight Rules, August 13, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 131000Z to 140400Z, Chicago /ZAU/ 131000Z to 140400Z, Fort Worth /ZFW/ 131300Z to 140100Z, Denver /ZDV/ 131400Z to 131700Z, 132000Z to 140100Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. Cancel FDC 1/1906.

FDC 1/1908 Emergency Flight Rules, August 13, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 131000Z to 140400Z, Chicago /ZAU/ 131000Z to 140400Z, Fort Worth /ZFW/ 131300Z to 140100Z, Denver /ZDV/ 131400Z to 131700Z, 132000Z to 140100Z, Kansas City /ZKC/ 131300Z to 132100Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights.

Cancel FDC 1/1907.

FDC 1/1919 Emergency Flight Rules, August 13, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 132030Z to 140400Z, Chicago /ZAU/ 132030Z to 140400Z, Fort Worth /ZFW/ 132030Z to 140400Z, Denver /ZDV/ 132030Z to 140100Z, Kansas City /ZKC/ 132030Z to 140100Z, Houston / ZHU/ 132030Z to 140100Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights.

Cancel FDC 1/1908.

FDC 1/1931 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas until 140400Z. New York /ZNY/, Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights.

Cancel FDC 1/1919.

FDC 1/1932 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z, Chicago /ZAU/ 141000Z to 150400Z, Fort Worth /ZFW/ 141300Z to 150100Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights.

Cancel FDC 1/1931.

FDC 1/1933 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z, Chicago /ZAU/ 141000Z to 150400Z, Fort Worth /ZFW/ 141300Z to 150100Z, Houston /ZHU/ 141200Z to 150000Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations, carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. Cancel FDC 1/1932.

FDC 1/1934 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z, Chicago /ZAU/ 141000Z to 150400Z, Fort Worth /ZFW/ 141300Z to 150100Z, Houston /ZHU/ 141200Z to 150000Z, Denver /ZDV/ 141300Z to 141600Z and 142200Z to 150200Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. Cancel FDC 1/1933.

FDC 1/1936 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z, Chicago /ZAU/ 141000Z to 150400Z, Minneapolis /ZMP/ 141210Z to 141600Z, Houston /ZHU/ 141200Z to 150000Z, Denver /ZDV/ 141300Z to 141600Z and 142200Z to 150200Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. This NOTAM adds Minneapolis and deletes Ft. Worth from the list of centers with restricted operations. Cancel FDC 1/1934.

FDC 1/1937 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z, Chicago /ZAU/ 141000Z to 150400Z, Minneapolis /ZMP/ 141210Z to 141600Z, Denver /ZDV/ 141300Z to 141600Z and 142200Z to 150200Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. This NOTAM deletes Houston from the list of centers with prohibitions. Cancel FDC 1/1936.

FDC 1/1938 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or Less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z, Chicago /ZAU/ 141000Z to 150400Z, Minneapolis /ZMP/ 141210Z to 141900Z, Denver /ZDV/ 141300Z to 141600Z and 142200Z to 150200Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. This NOTAM extends the effective time for Minneapolis Center. Cancel FDC 1/1937.

FDC 1/1955 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 142230Z to 150400Z, Chicago /ZAU/ 142230Z to 150400Z, Denver /ZDV/ 142230Z to 150200Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code and shall file company name and FAA operating certificate number in the remarks section of the flight plan.

3. Medical Emergency Flights. Note . . . This NOTAM contains added flight plan filing provisions for those air taxi operators using the authorized prefix code under exclusion 2. Cancel FDC 1/1938

FDC 1/1956 Cancel FDC 1/1955

FDC 1/1957 Emergency Flight Rules, August 15, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Air Traffic Service Director has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 151000Z to 160400Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA-issued call sign. Air taxi operators who do not have an FAA-issued call sign shall use the authorized prefix code and shall file their company name in the remarks section of the flight plan.

3. Medical emergency flights. Note . . . This NOTAM contains added flight plan filing provisions for those air taxi operators using the authorized prefix code under exclusion 2.

FDC 1/1958 Emergency Flight Rules, August 15, 1981.

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Air Traffic Service Director has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: Chicago /ZAU/ 151000Z to 160400Z, New York /ZNY/ 151000Z to 160400Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA-issued call sign. Air taxi operators who do not have an FAA-issued call sign shall use the authorized prefix code and shall file their company name in the remarks section of the flight plan.

3. Medical emergency flights. Note . . . This NOTAM contains added flight plan filing provisions for those air taxi operators using the authorized prefix code under exclusion 2. This NOTAM adds Chicago to the list of centers with Prohibitions. Cancel FDC 1/1957.

FDC 1/1961 Cancel FDC 1/1958.

FDC 1/1962 Emergency Flight Rules, August 16, 1981.

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Air Traffic Service Director has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: Chicago /ZAU/ 161000Z to 170400Z, New York /ZNY/ 161000Z to 170400Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA-issued call sign. Air taxi operators who do not have an FAA-issued call sign shall use the authorized prefix code and shall file their company name in the remarks section of the flight plan.

3. Medical emergency flights. Note . . . This NOTAM contains added flight plan filing provisions for those air taxi operators using the authorized prefix code under exclusion 2.

FDC 1/1967 Cancel FDC 1/1962.

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

Ramon A. Alvarez,

Acting Director, Air Traffic Service.

[FR Doc. 81-24347 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket No. RM78-23]

Procedures for Refund of Louisiana First Use Tax by Primary Pipelines—Notice of Effective Date

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of effective date of interim rule.

SUMMARY: On July 17, 1981, the Commission issued Order 10-D (46 FR 38681; July 29, 1981) which amended paragraph (h)(3) of 18 CFR 154.38, effective immediately, contingent upon approval by the Fifth Circuit Court of Appeals for leave to amend Order Nos. 10, 10-A, 10-B and 10-C. Order 10-D provides procedures for the refund by primary pipelines of the Louisiana First Use Tax found invalid by the Supreme Court. The Fifth Circuit granted the Commission's leave to amend on July 31, 1981 and Order 10-D is effective as of that date.

EFFECTIVE DATE: Order No. 10-D is effective as of July 31, 1981.

FOR FURTHER INFORMATION CONTACT:

Fredrick L. Jaffe, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8150, or

John Cameron, Office of the Solicitor, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8469.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24264 Filed 8-19-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Parts 157 and 260

[Order No. 168; RM 80-69]

Interstate Pipeline's Annual Report of Gas Supply: Form No. 15

Issued: August 14, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) revises Form No. 15, "Interstate Pipeline's Annual Report of Gas Supply," for forms filed by April 1, 1982. The revisions include reducing the number of data elements in the form, clarifying accompanying instructions and definitions, changing the format of the statements and schedules in the form and revising the regulations which require the reporting of Form No. 15 data.

As a result of these changes, the respondent reporting requirements should be reduced by more than 50 percent.

DATE: The revisions are effective September 14, 1981 for the forms due April 1, 1982 and for the forms filed annually thereafter.

ADDRESS: Copies of Form No. 15 and the instructions for the form are available at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Wayne Thompson, Chief, Gas Supply Branch, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 4402-B, Washington, D.C. 20426, (202) 357-9077.

SUPPLEMENTARY INFORMATION:

In the matter of Interstate Pipeline's Annual Report of Gas Supply: Form No. 15.

The Federal Energy Regulatory Commission (Commission) revises Form No. 15,[1] "Interstate Pipeline's Annual Report of Gas Supply" (previously entitled, "Annual Report of Gas Supply for Certain Natural Gas Pipelines") and the related regulations at 18 CFR 157.14, 260.7 and 260.7a. These revisions are a part of the Commission's ongoing program to review and evaluate all of the data which are required by the Commission for its regulatory purposes and to eliminate unnecessary reporting requirements. The changes resulting from this rulemaking should reduce respondent burdens by more than 50 percent.

I. Background

A. Description and Uses of Form No. 15

Form No. 15 is prescribed in § 260.7 of the Commission's regulations, and is collected pursuant to the Commission's authority under section 10 of the Natural Gas Act (15 U.S.C. 717-717w).[2] The form prescribes information to be given on an annual basis concerning the total gas supply of each pipeline under the jurisdiction of the Commission.[3] The gas supply information includes a pipeline company's owned reserves, producer contracts for which the producer has received a certificate to sell the gas to the pipeline,[4] gas purchase contracts with other jurisdictional pipelines,[5] purchases of gas from foreign suppliers, purchases of Liquefied Natural Gas (LNG), Synthetic Natural Gas (SNG), coal gas, and short-term or other purchases over which the Commission has regulatory authority.

The data collected in Form No. 15 are used: (a) in considering gas supply issues in certificate applications and curtailment cases; (b) to perform depreciation analyses in rate cases; (c) to make determinations about new or increased sales of natural gas, extensions of facilities, or abandonment of service; and (d) as the basis for the annual publication, "Gas Supplies of Interstate Natural Gas Pipeline Companies."

B. History of Proceedings

The proceedings to revise Form No. 15 in this docket were initiated by a Notice of Proposed Rulemaking issued on August 7, 1980 (45 FR 54082, August 14, 1980). The notice proposed changes to Form No. 15 to: (1) delete data elements which are no longer necessary to the Commission's regulatory functions, (2) make the form more concise, (3) clarify the instructions, (4) clarify and update the definitions, and (5) modify the magnetic tape procedures. The notice also proposed revisions to the Commission's regulations at §§ 260.7 and 260.7a to clarify those regulations and to reflect the changes proposed for the form.

The majority of commenters to the notice[6] favored the proposed deletions of data elements contained in the notice. However, comments also stated that the proposed requirements for data submission, as well as some of the proposed instructions and definitions, would *increase* reporting burdens. Finally, the commenters suggested that a conference between Commission staff and interested persons should be held to discuss various other clarifications and revisions to the form.

As a result of these comments, the Commission issued an Interim Rule of November 6, 1980 (45 FR 75192, November 14, 1980). This Interim Rule deleted those items proposed for elimination in the August Notice of Proposed Rulemaking. (*See* Interim Rule, pp. 7-10 and Attachment A.) These data were not therefore, required in the next filing of Form No. 15 (due April 1, 1981). The Interim Rule also provided for a series of informal public meetings at which further changes to the form were to be discussed.[7] At the meetings, several suggestions were offered for

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[1] Form No. 15 is not being printed by the Federal Register. Copies of Form No. 15 and the instructions for the form are available at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

[2] The authority under section 10 of the Natural Gas Act pertaining to the collection of annual and periodic or special reports was transferred to the Secretary of Energy under the Department of Energy Organization Act. The Secretary of Energy delegated this section 10 authority to the Commission in Delegation Order No. 0204-1 (October 1, 1977).

[3] Form No. 15 was initially promulgated in Order No. 279 (29 FR 4874, April 7, 1964). It has been revised four times prior to this rulemaking: Order No. 337 (32 FR 3292, February 25, 1967); Order No. 339 (35 FR 6962, May 1, 1970); Order No. 476 (38 FR 6810, March 13, 1973); and Order No. 546 (41 FR 9868, March 8, 1976).

[4] Under section 601 of the Natural Gas Policy Act (NGPA) (15 U.S.C. 3301-3432), producers are no longer required to obtain certificates for sales in certain instances.

[5] Under the NGPA, pipelines may also purchase gas from intrastate pipeline companies.

[6] Fourteen comments were filed by sixteen parties. Of these, twelve were from interstate pipelines which are required to file the form, one was from a natural gas user and one was from a gas industry trade association.

[7] After public notice, the meetings were held on December 2, 9, and 16, 1980. *See* Notice of Public Meetings, issued on November 17, 1980 (45 FR 77043, November 21, 1980); Notice of Agenda Change, in Public Meetings, issued December 3, 1980 (45 FR 81062, December 9, 1980); and Notice of Cancellation of Public Meetings and Reopening of Comment Period, issued December 24, 1980 (46 FR 1744, January 7, 1981). Copies of transcripts of the meetings area available in the Commission's Office of Public Information.

improving the format, instructions and definitions for the form.

A Revised Notice of Proposed Rulemaking was issued April 2, 1981 (46 FR 21189, April 9, 1981). That notice incorporated the deletions to Form No. 15 which were described in the November, 1980 Interim Rule. In addition, the Commission proposed several other changes to Form No. 15. (*See* Revised Notice of Proposed Rulemaking, pp. 7–16 and Attachment A.) Most of the proposed revisions were made as a result of suggestions made at the public meetings and in written comments.

The most important changes proposed in this second notice were to: (1) eliminate from Form No. 15 the reporting of detailed reservoir data in Schedule II and to combine Schedules II and III into a new Schedule II entitled, "Committed Reserves and Deliverability Estimates for All Supply Sources"; (2) clarify the definitions and instructions accompanying the form and revise them to conform with other changes proposed in the form itself; (3) change the field map requirement in the form so that maps would be required only if there had been a "substantial" revision in such maps since the last filing; (4) revise the form's magnetic tape layout and instructions to correspond with the printed form and its instructions; and (5) revise § 157.14(a)(10)(vi) of the Commission's regulations to provide for the reporting of certain information respecting individual reservoirs in the certificate application.[8]

II. Summary and Analysis of Comments

In response to the Revised Notice of Proposed Rulemaking, the Commission received seven comments.[9] In general, the comments supported the proposed changes to Form No. 15. Additionally, INGAA and Transco estimated that the filing burden for Form No. 15 would be reduced by at least 90 percent, if the proposed changes were adopted.

The primary concern for many of the respondent pipeline companies and for INGAA was the proposed revision to § 157.14(a)(10)(vi) of the Commission's regulations requiring the reporting of individual reservoir data in an application for a certificate of public convenience and necessity. Columbia, El Paso, Northern and INGAA stated that the requirement to report reservoir data was simply "shifted" from the Form No. 15 to the certificate application. As a result, reporting burdens would probably be increased.

As a solution to this problem, the respondents offered three alternatives: (1) obtain information about individual reservoirs only through specific data requests; (2) require that individual reservoir data be reported either in Form No. 15 or in a certificate application, at the option of a respondent; or (3) require reports of field and reservoir data in certificate applications only as they pertain to new sources of natural gas or to sources in which there have been significant changes from the previously filed data.

The Commission has adopted the essence of the third alternative. The proposed requirement to report reservoir data as they pertain to "existing" supply sources has been eliminated from § 157.14(a)(10)(vi), and individual reservoir data are required only for *new* sources of supply not previously reported. This modification should cause no additional reporting burdens and will eliminate any potential burden attached to reports of data for existing supply sources.

In responses to the first of the other alternatives, the Commission believes that the reporting of these data is more appropriate in certificate applications than in response to specific requests. When new supply sources are at issue in a certificate application, the Commission must obtain certain information about such new sources before it can grant the application. In response to the other alternative, the Commission cannot grant the option of reporting individual reservoir data in either a Form No. 15 filing or in a certificate application because certificate applications are not usually filed at the same time as the Form No. 15. Thus, information in a certificate application does not relate to the same time period as a Form No. 15 filing. Because information about new supply sources is relevant to certificate applications, it should be prescribed for the same time frame as the other information in the application.

The only other problem area which was discussed by more than one commenter concerned the revisions to the magnetic tape instructions and layouts. Transco, Michigan Wisconsin and INGAA noted several areas where there was a lack of consistency between the magnetic tape instructions and layout and between the tape format and the printed form. They each offered suggestions to clarify the magnetic tape requirements and adapt the tape layouts and instructions to the printed form.

The Commission has changed the magnetic tape instructions and layout, where necessary, to correct errors and inconsistencies between tape instructions and layout and between the tape format and the printed format.

El Paso proposed amending the definitions of "reserve additions" and "revisions" so that extensions to a pipeline company's proved area would be included in the definition of "reserve additions," rather than in "revisions" as the revised notice proposed. In support of this suggestion, El Paso claimed that the natural gas industry normally reports extensions as reserve additions.

In its August 1980 Notice of Proposed Rulemaking, the Commission had proposed to expressly except extensions from the category of revisions. However, some industry representatives suggested that the definition of "revisions" include extensions.[10] Given these diverse views, the Commission has decided to include extensions as part of revisions. This alternative, rather than that offered by El Paso, seems more in accordance with industry preference. Furthermore, any changes in reserve estimates (positive or negative) made during the report year as a result of new information, logically includes the enlargement of the proved area (extensions).

El Paso also requested that the filing sequence (order) of Schedule II be defined in the instructions in order to clarify the organization of that schedule.

The Commission believes that it could not impose upon respondents the requirement of a specific filing sequence for Schedule II reports. There is currently no uniformity among pipeline companies in their bookkeeping practices respecting supply source data. In many cases, pipelines run into different supply areas and reporting companies maintain different systems for each area. The requirement for a filing sequence would, therefore, create an unnecessary reporting burden upon such companies. Furthermore, the Commission does not need a specific

[8] The changes proposed in the revised notice for the regulations at §§ 260.7 and 260.7a were essentially the same as the revisions proposed in the August, 1980 Notice of Proposed Rulemaking. *See* Revised Notice of Proposed Rulemaking, pp. 14–15.

[9] Five comments were submitted by natural gas pipeline companies—Columbia Gas Transmission Corporation (Columbia), El Paso Natural Gas Company (El Paso), Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), Northern Natural Gas Company, Division of InterNorth Incorporated (Northern), and Transcontinental Gas Pipe Line Company (Transco); one by a natural gas trade association which represents major long distance gas companies subject to Commission jurisdiction—Interstate Natural Gas Association of America (INGAA); and one by a natural gas user—General Motors Corporation (General Motors).

[10] At the December 9, 1980 meeting to discuss changes to Form No. 15, representatives of Natural Gas Pipeline Company of America, Tennessee Gas Pipeline Company, United Gas Pipe Line Company and INGAA suggested that "revisions" include extensions. *See* Transcript, at 74–76.

filing sequence to effectively utilize the data reported in Schedule II because the code system used therein makes it possible for information to be sorted in every relevant category (*e.g.*, by State, field, company).

El Paso also stated that the requirement to report "Approximate Heating Value (in BTU)" (Schedule II) is superfluous and that, if it is required at all, the instructions should be clarified respecting the manner in which such calculation should be made.

The Commission has retained the requirement to report approximate heating value in Btu. This information was previously required in Schedule III of the form; however, Schedule III was combined with Schedule II with the elimination of individual reservoir reporting. This requirement provides the only estimates in Form No. 15 of recoverable reserves that are salable at a particular point, in Btu's, after plant processing or treating. The data are also useful to isolate any unusually low Btu reserves. The Commission notes that it requires only an *approximation* of gross heating value of salable gas in Btu's because variations are expected to occur over a year's time depending, for example, on reservoirs produced.

El Paso also requested clarification of the term "non-producing reservoirs" respecting the requirement to report the numbers of non-producing reservoirs and the remaining total dry gas in non-producing reservoirs (Schedule II). El Paso was not sure whether non-producing reservoirs related to a respondent's or the entire industry's interest in the reservoir.

In response to EL Paso, the Commission has specifically defined "Non-producing reservoir" in Form No. 15 as a "reservoir in which oil and/or gas proved reserves have been identified, but which did not produce during the report year to the owned or contracted interest of the reporting company regardless of the availability and/or operation of production, gathering or transportation facilities" (Definition No. 21).

Finally, El Paso stated that the requirement to report "Group totals" in Schedule II is unclear and could result in "misuse" of data.

The Commission notes that it had already clarified the use of group totals in the revised notice. (*See* Revised Notice of Proposed Rulemaking, Attachment A in the instructions for Schedule II, Lines 206 to 226, columns (02) to (06). Following the instruction for Lines 206 to 221 is a sample Schedule II which includes an example for reporting group totals.)

Michigan Wisconsin expressed concern about the proposed requirement in the Gas Procurement Activity Statement for information from pending negotiations and agreements concerning anticipated gas supply additions. Michigan Wisconsin stated that it is essential that such negotiations remain confidential in order to protect their contract negotiations and the gas procurement process.

The Commission intended that only general information be reported respecting such negotiations. Accordingly, the instructions in the Gas Procurement Activity Statement have been clarified to require:

> * * * *a general statement concerning* current contract negotiations; producer option agreements; advance payment agreements; negotiations with foreign suppliers; construction of facilities to produce, or contracts for, supplies of LNG, SNG, or coal gas; or any other activity to add gas supplies. (Emphasis added.)

Michigan Wisconsin also stated that clarification was necessary respecting the definition and instructions for reporting underground natural gas storage reserves. In support of this view, Michigan Wisconsin argued that, in its case, natural gas in underground storage does not contribute to its annual gas supply and therefore could not be reported as part of the Annual Scheduled Volumes in Schedule II (lines 222–226).

The Commission agrees that clarification of this matter is necessary and has revised its instructions in Schedule I in accordance with a suggested amendment by Michigan Wisconsin to provide that gas in underground storage should be included in owned reserves. Schedule II instructions have been amended to provide that owned gas in underground storage may be reported by individual storage field or as a total source of supply. When underground storage gas is reported in this manner, the underground storage gas line items for Estimated Annual Scheduled Volumes (Schedule II, Lines 222 through 226) are to be left blank.

Northern objected to the Commission's continued requirement to attach field maps to Form No. 15. Northern insisted that the field map requirement was not of sufficient benefit to justify the undue burden placed upon companies that must file such maps.

The Commission will continue to require that maps be attached to Form No. 15. These maps are essential to the Commission's determination of field development and acreage dedication for individual fields. Because of the broad geographic areas covered by Form No. 15 filings, and the large number of respondents who file the form, it would be virtually impossible for the Commission to maintain reliable maps without the assistance of companies who file them regularly. Furthermore, the Commission proposed in the revised notice to eliminate the requirement to show reservoir outlines on each map and provided that previously-submitted maps need not be refiled unless "substantial revisions" have been made to the maps during the report year. As a result, the map filing burden could be greatly reduced. Northern was also the only commenter who filed objections to the map requirement. In light of its regulatory need for such maps, the Commission believes that this requirement is amply justified.

General Motors was the only natural gas user which filed comments in this proceeding. The comments it filed in the revised notice were similar to those which it filed in response to the August 1980 Notice of Proposed Rulemaking and to its application for rehearing of the November 1980 Interim Rule.[11] General Motors stated that the form provided important data on a regular basis respecting gas supply and future gas deliveries and that, any changes to the form could be detrimental to all gas consumers.

A specific topic of concern for General Motors was the proposed revision in Schedule I whereby annual requirements of natural gas would be reported for only one year instead of the twenty years previously required. General Motors stated that requirements estimates for at least ten years were necessary to the Commission for its assessment of the adequacy of the pipelines' future gas supplies. General Motors added that requirements estimates are used to evaluate the deliverability life of reserves and that such deliverability life is the most important measure of the adequacy of supply. Finally, General Motors alledged that pipeline companies would not suffer a significant increase in reporting burdens if they had to provide their requirements estimates for a ten-year period, because these data would be

[11] The application for rehearing of the Interim Rule was denied with respect to 1980 reports. The Commission, however, granted rehearing "solely for the purpose of further consideration with respect to all future reports." (*See* "Order Denying in Part and Granting in Part for Purposes of Further Consideration the Application for Rehearing of Interim Rule," issued January 7, 1981.) In formulating the final rule in this docket, the Commission considered the comments filed by General Motors in its application for rehearing and those filed in response to the revised notice and addressed those comments in the text of this rule.

gathered in the course of a company's ordinary business planning.

The Commission believes that the annual requirements provision in the new Form No. 15 is sufficient for the determination of the adequacy of a pipeline company's gas supplies. This form is not designed to gather long-term requirements or supplies data; rather, its purpose is to demonstrate a pipeline company's gas supply posture as of a precise date—the end of the report year. Moreover, if long-term increases or decreases in requirements were projected and gauged against deliverability from "currently-owned" and contracted gas supplies, the wrong conclusion could be reached concerning a company's future. This is because a pipeline company will probably acquire additional gas supplies each year in varying amounts, to meet its future requirement. A single-point-in-time estimate of supply and requirements is the best way to calculate such indices as the reserve life index, the deliverability life and the ratio of reserves to production. Furthermore, the data respecting "anticipated future supply additions" are required to be reported in the Gas Procurement Activity Statement of Form No. 15.

The respondent's burden of reporting annual requirements projections for ten or even five years would vary from company to company. As mentioned above, because their supply situations change frequently, not all respondents to the form are able to prepare long-term estimates of requirements. Furthermore, changeable economic conditions, consumer conservation and fuel switching make it difficult for many companies to accurately estimate their requirements for periods beyond one year. Therefore reliable short-term estimates are far more valuable to the Commission than long-term "guesses". For the type of information to be gathered on the new Form No. 15, the imposition of such a reporting burden is, in our opinion, not warranted.

A second objection raised by General Motors went to the Commission's proposed deletion of information about curtailments from Schedule I of Form No. 15 because it is reported in FERC Form No. 16, "Report of Gas Supply and Requirements". General Motors stated that data respecting the curtailments forced upon pipeline companies by their suppliers are important to the understanding of data concerning purchases from other pipelines. Furthermore, General Motors claimed that, contrary to Commission statements, this information is *not* reported in the Form No. 16.

The Form No. 16 was revised by Order No. 88 on May 30, 1980 (Docket No. RM80-20, 45 *Fed. Reg.* 37812, June 5, 1980). As a part of the Form No. 16 revisions, the term "curtailment" was changed to "net deficiency or surplus" to better describe curtailment: the difference between the net available for sale from the pipeline and pipeline requirements. The *actual* net deficiency or surplus is required to be reported in Schedule I of Form No. 16 and the *projected* deficiency or surplus for the following year is required in Schedule V of that form. Thus, Form No. 16 actually prescribes greater detail with respect to curtailments than did the previous Form No. 15. Form No. 16 must also be filed twice a year, so the data are more current than Form No. 15 data. The Commission has deleted the curtailment requirement from Schedule I of Form No. 15 to eliminate a duplication of data and because more frequent reporting of curtailments is required in Form No. 16.

A third concern for General Motors related to the instructions in Schedule I requiring a company's estimate of deliveries from its suppliers. While the Revised Notice of Proposed Rulemaking provided that pipelines shall explain their assumptions concerning pipeline supplies in a footnote, General Motors said that the instructions must also require an explanation of the basis for estimates of future deliveries from their sources, after curtailment. Without such a requirement, General Motors argued, pipeline companies might report deliveries of full contract quantities, even if such volumes may not be received.

The Commission agrees with this comment and suggested revision. Therefore, the instructions in Schedule I have been clarified to provide that pipelines shall report volumes contracted to be purchased from interstate pipelines and other supply contracts and "explain in a footnote how this data was derived".

Finally, General Motors requested that pipelines be required to attach to Form No. 15 copies of all long-term gas supply and service estimates which have been given to persons outside of the company. The data would complement Form No. 15 projections based on known reserves, according to General Motors, and would provide the company's own best estimates of its future supply and demand posture. The requirement would allegedly impose no additional reporting burden and would encourage pipelines to report only their best estimates to public officials and to the public.

For the same reasons that annual requirements and supply data need not be reported, the Commission does not require long-term service estimates to be reported in the Form No. 15. Because the Commission does not prescribe long-term service estimates it will not, therefore, require the attachment of such estimates which have been given to persons outside of the company. The additional reporting burden resulting from this requirement could be considerable, if each pipeline company were required to file *every* estimate given to each customer, public official, investor and any other person. Such information is best collected in individual proceedings rather than in an annual filing which is made by all pipeline companies.

III. Summary of Changes to the Revised Notice of Proposed Rulemaking

The Commission has adopted the changes to Form No. 15 and to §§ 157.14, 260.7 and 260.7a of the regulations which were proposed in the Revised Notice of Proposed Rulemaking.[12] In addition, the Commission has incorporated certain suggestions from the comments to the revised notice, all of which have been discussed in detail in Part II of the preamble to this final rule. These changes are:

(a) Addition of the general definition for "Non-producing Reservoir" (Definition No. 21);

(b) Clarification of the "Gas Procurement Activity Statement" to provide that only a "general statement" is required respecting current contract negotiations; producer option agreements; advance payment agreements; negotiations with foreign suppliers; construction of facilities to produce, or contracts for, supplies of LNG, SNG or coal gas; or any other activities to add gas supplies;

(c) Clarification of the instructions for Lines 101 and 102 of Schedule I to provide that gas in underground storage should be included in owned reserves;

(d) Clarification of the instructions for Lines 103 to 122 of Schedule I to require a footnote explanation of how volume scheduled data was derived with respect to "Other Supply Contracts and Interstate Pipeline Purchases;"

(e) Clarification of the instructions for Lines 201 to 205 of Schedule II to provide that owned gas in underground storage may be reported by individual storage field or as a total; and providing that Lines 222 to 226 which report "Estimated Annual Scheduled Volumes" are to be left blank when underground storage gas is reported by storage field or as a total;

[12] *See* Part I.B. of the preamble to this final rule for a discussion of the history of this proceeding.

(f) Correction and clarification of the magnetic tape layout and instructions to conform with the printed version of the form; and

(g) Revision of the regulations at § 157.14 to provide that reports of individual reservoir data in certificate applications are required only with respect to new sources of supply.

The Commission has made additional minor changes to the form in response to comments to the revised notice. These include the following:

(a) Instruction X of the General Instructions, regarding the resubmission of Form No. 15 has been revised, as suggested, to provide that the entire report and magnetic tape may be refiled when major changes warrant complete resubmission.

(b) The definition of "Certificate Requirement" (Definition No. 2) has been changed in response to a suggestion that it should specify whether "Total Certificate Requirement" should include current Commission approved curtailment plans or be independent of such plans. The definition has been revised to provide that the volume reported should be "without regard" to Commission approved curtailment plans.

Finally, the Commission has made certain non-substantive changes to the regulations at §§ 260.7 and 260.7a to clarify the requirements described therein.

IV. Public Procedure and Effective Date

The Office of Management and Budget (OMB) has not yet approved the revised Form No. 15 under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. §§ 3501–3520). The Commission is, nonetheless, issuing this final rule so that the respondents who file the revised form will have sufficient time to reprogram their computers to report the data in the new format. These companies will then be able to meet the April 1, 1982 deadline for the submission of the revised Form No. 15. Upon receipt of OMB approval for the collection of Form No. 15 data, the Commission will issue a notice in the **Federal Register** which states that such approval has been received.

The changes in this order will be effective on September 14, 1981, for reports to be filed on or before April 1, 1982 and for reports filed thereafter.

(Natural Gas Act, 15 U.S.C. 717–717w; Natural Gas Policy Act, 15 U.S.C. 3301–3432; Department of Energy Organization Act; 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 142)

In consideration of the foregoing, the Commission amends Form No. 15 and Parts 157 and 260 of Chapter I, Title 18 of the Code of Federal Regulations as set forth below.

By the Commission. Commissioner Hughes dissented with a separate statement attached.

Kenneth F. Plumb,

Secretary.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

1. In § 157.14 paragraph (a)(10)(vi) is revised to read as follows:

§ 157.14 Exhibits.

(a) * * *

(10) * * *

(vi) Pipeline companies which have filed annual reports in conformity with § 260.7 of this chapter will be required to file additional information with regard to gas supply and deliverability in support of applications for certificates for authorization to increase existing sales, facilities or capacity; to construct new facilities to make new sales; to alter any type of gas service; and to attach new sources of supply except budget-type applications filed under paragraph (b) of § 157.7 of this chapter. In all other applications the pipeline company may rely on the information set forth in said annual report, by reference thereto, unless otherwise ordered by the Commission. When gas supply and deliverability information is required to be in the application and is not permitted to be incorporated by reference, such information need pertain only to supply and deliverability for that phase of the company operations which would be affected by the facility or sale for which authorization is sought. In those instances, the pipeline company may file only those portions of the annual report for which changes have been made or which are supplemental to the annual report then currently on file with the Commission. For each new source of supply which is reported, the pipeline company shall file detailed gas supply and deliverability information, including a summary of the remaining recoverable salable gas reserves in each reservoir, all factors used for the reserve estimate in each reservoir, a 10-year deliverability projection for each supply source and any other information that the Commission may require. Total system supply and deliverability information shall be included in all applications for authorization to serve major new markets or to serve major existing markets from new sources of gas supply over new routes. The receipt, maintenance, and consideration of any information received by the Commission staff for review under this section is subject to the requirements of paragraph (f) of § 1.36 and § 2.72 of this chapter and the laws of the United States.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

2. Section 260.7 is revised to read as follows:

§ 260.7 FERC Form No. 15, Interstate pipeline's annual report of gas supply.

(a) *Prescription.* The form of Interstate Pipeline's Annual Report of Gas Supply, designated herein as FERC Form No. 15, is prescribed for the year 1981 and thereafter.

(b) *Filing requirements.* (1) *Who must file.* (i) *General rule.* Except as provided in paragraph (b)(1)(ii) of this section, all interstate pipeline companies, as defined by section 2(15) of the Natural Gas Policy Act (15 U.S.C. 3302(15)), shall prepare and file, in accordance with the instructions in Form No. 15, either an original and four copies of the form, or a magnetic tape and accompanying printout of the form.

(ii) *Exceptions.* The following types of interstate pipelines shall prepare and file, in accordance with the instructions in Form No. 15, an original and four copies of only the Identification Schedule (with Certification), the "Synopsis of Gas Supply," and Schedule II of FERC Form No. 15:

(A) any interstate pipeline whose total year-end remaining recoverable gas reserves are owned by such pipeline or controlled by such pipeline pursuant to producer contracts, and which amount to less than 50 billion cubic feet of natural gas at the end of any reporting year; or

(B) any interstate pipeline purchasing its entire supply of natural gas from one or more interstate pipelines that are subject to the general rule in paragraph (b)(1)(i) of this section, or from foreign suppliers.

(2) *When to file.* Such reports shall be filed on or before April 1, for each calendar year ending December 31 of the previous year.

3. Section 260.7a is revised to read as follows:

§ 260.7a Annual statement of gas transported by interstate pipelines for other interstate pipelines.

Each interstate pipeline, as defined by section 2(15) of the Natural Gas Policy Act (15 U.S.C. 3302(15)), which acts only as a transporter of natural gas for another company in interstate

commerce, shall prepare and file, in accordance with the instructions in Form No. 15, an original and four copies of a statement which contains the name and address of each such company for which it transports the gas. Such statement shall be filed on or before April 1 for each calendar year ending December 31 of the previous year.

[FR Doc. 81-24287 Filed 8-19-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 490

Economic Growth Center Development Highways; Change in Requirement for Preparation of Special Studies

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Amendment to final rule.

SUMMARY: As part of a continuing effort to reduce costs and paperwork burdens imposed on the States, the FHWA is amending the procedures that apply to Economic Growth Center Development Highways, 23 CFR Part 490, Subpart A, to delete the requirement for preparation of special studies following implementation of certain growth center projects.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Balek, Office of Program and Policy Planning (Attention: HPP-11), 202-426-0570, or Ms. Susan Goering, Office of the Chief Counsel (Attention: HCC-10), 202-426-0754, Federal Highway Administration, 400 Seventh Street, SW, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: To demonstrate the role that highways can play in encouraging the social and economic development of rural and smaller communities, Congress established the Economic Growth Center Development Highway Program as part of the Federal-aid Highway Act of 1970 (Pub. L. 91-605). Congress thereby authorized the Secretary of Transportation to make grants to the States for demonstration projects that involved the construction, reconstruction, and improvement of development highways.

Since funding was specifically authorized for "demonstration projects," the FHWA's implementing regulation, 23 CFR Part 490A, required that the States perform studies of the growth centers before and after implementation of the development highway projects in order to test the effectiveness of the projects.

In 1973, Congress eliminated the "demonstration" feature of the program, thereby indicating congressional intent that the growth center projects become an element of the overall Federal-aid highway program (Pub. L. 93-87). In 1977, the regulation was amended to eliminate the requirements for studies before project implementation and to limit the requirements for studies after project implementation to growth centers that were approved prior to August 13, 1973, i.e., those projects that were included in the original demonstration phase of the program.

To date, 20 of the 62 studies required under the 1977 amendment have been completed. The results of the studies to date indicate that the process of economic development is far more dependent on other, larger economic forces, including national and regional economic trends, than on relatively small changes in local highway conditions. It is estimated that the remaining 42 studies would cost approximately $5,000 to $10,000 each. Because any additional studies are likely to yield results similar to those of the studies already completed, the FHWA has decided to relieve States of the burden of completing the remaining studies. No additional economic impacts are anticipated as a result of this action. It has also been determined that this action will not have a significant economic impact on a substantial number of small entities. For the foregoing reasons, neither a full regulatory evaluation nor a regulatory impact analysis is required.

Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation (DOT) because it is not anticipated that such action would result in the receipt of useful information. Because this amendment relieves a regulatory burden, the FHWA finds good cause to make this amendment effective in less than 30 days under DOT regulatory procedures. Accordingly, this amendment is effective upon publication.

Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedure Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2).

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures.

PART 490—SPECIAL PROGRAMS

§ 490.107 [Amended]

Accordingly, Chapter I of Title 23, Code of Federal Regulations, Part 490, Subpart A is amended by removing paragraph (e) of § 490.107 and redesignating paragraph (f) as (e).

(23 U.S.C. 143, 315; 49 CFR 1.48(b))

(Catalog of Federal Domestic Assistance Program Numbers 20.205, (Highway Research, Planning, and Construction), 23.003 (Appalachian Development Highway System), and 23.008 (Appalachian Local Access Roads). The provisions of OMB circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: August 6, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81-24247 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Parts 200, 231 and 270

Forms and Reports; Operating Regulations for Exploration Development, and Production; Geothermal Resources Operations on Public, Acquired and Withdrawn Lands

AGENCY: Geological Survey, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will remove some U.S. Geological Survey regulations that are not considered necessary to the effective administration of mineral operations. This action is being taken to fulfill, in part, the policies contained in Executive Order 12291. The intended effect is to reduce reporting requirements, minimize duplication, and remove unnecessary regulations.

EFFECTIVE DATE: September 21, 1981.

FOR FURTHER INFORMATION CONTACT: Stephen H. Spector, (703) 860-6259 (FTS) 928-6259, Branch of Onshore Rules and Procedures, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

SUPPLEMENTARY INFORMATION: The principal authors of this final rulemaking are Stephen H. Spector and Cecil R. Feeney of the Branch of Rules and Procedures, Office of the Deputy Division Chief for Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, Reston, Virginia.

Proposed rulemaking was published on pages 22901 and 22092 in the **Federal Register** of April 22, 1981, and invited comments for 30 days ending May 22, 1981. Only four letters of comment were received. Three of them supported the proposed amendments.

The fourth commenter suggested that the Department of the Interior slow down and give more consideration to its rule changing. Since the commenter did not request an extension of time for commenting nor make specific suggestions regarding the proposed amendments, we are proceeding with the final rulemaking.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

Under the authority of the Act of February 25, 1920 (30 U.S.C. 189), the Geothermal Steam Act of 1970 (30 U.S.C. 1023), and Executive Order 12291 (46 FR 13193), Parts 200, 231 and 270; Chapter II; Title 30 of the Code of Federal Regulations are amended as set forth below.

Dated: July 20, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 200—FORMS AND REPORTS

§ 200.1 [Amended]

1. Part 200 is amended by removing paragraph (g) of § 200.1.

PART 231—OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

§ 231.25 [Removed]

2. Part 231 is amended by removing § 231.25.

§ 231.30 [Removed]

3. Part 231 is amended by removing § 231.30.

PART 270—GEOTHERMAL RESOURCES OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

§ 270.76 [Removed]

4. Part 270 is amended by removing § 270.76.

[FR Doc. 81-24249 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 203

Treasury Tax and Loan Depositaries

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule; Technical Change.

SUMMARY: This technical change eliminates a reference in the regulations to a specific table number published in the Federal Reserve Bulletin. This change is necessary because the reference number of the table has been changed. The effect of this change is to refer to the table by title only which can be located in the Federal Reserve Bulletin table of contents.

DATES: This technical change is effective August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Andrew F. Flott, Systems Accountant, Cash Management Operations Staff, Bureau of Government Financial Operations, Washington, D.C. 20226, 202/566-3025.

PART 203—TREASURY TAX AND LOAN DEPOSITARIES

31 CFR 203.2 is amended by revising § 203.2(d) to read as follows:

§ 203.2 Definitions.

* * * * *

(d) "Federal funds rate" means the weekly Federal funds rate as published in the Federal Reserve Bulletin in the table entitled "Interest Rates, Money and Capital Markets".

* * * * *

Dated: July 28, 1981.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-24304 Filed 8-19-81; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 581

Discharge Review Board (DRB) Procedures and Standards

AGENCY: Department of the Army, DOD.

ACTION: Amendment of Final Rule.

SUMMARY: This rule revises Department of the Army policy for the Army Discharge Review Board. Under the revised policy, certain former members of the inactive reserve components of the Army may be entitled to upgrade of their discharges. Discharge review applicants affected by this rule will be issued an honorable discharge unless the proper grounds exist for the issuance of a general or other than honorable (formerly undesirable) discharge.

Publication of this rule as a proposed rule for the purposes of public comment is considered unnecessary, impractical, and contrary to public interest in view of the Court Order requiring timely publication of the revised policy this rule sets forth.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Major Donald P. Fellers, Army Discharge Review Board, ATTN: SFRB, Washington, D.C. 20310 (202) 695-0086.

PART 581—PERSONNEL REVIEW BOARDS

Accordingly, 32 CFR 581.2, Appendix C; paragraph 2 is revised to read as follows:

§ 581.2 Army Discharge Review Board.

* * * * *

Appendix C—Discharge Review Standards

1. * * *

2. *Propriety.*

(i) A discharge shall be deemed to be proper unless, in the course of discharge review, it is determined that:

(a) There exists an error of fact, law, procedure, or discretion associated with the discharge at the time of issuance; and that the rights of the applicant were prejudiced thereby (such error shall constitute prejudicial error, if there is substantial doubt that the discharge would be remained the same if the error had not been made); or

(b) A change in policy by the Military Service of which the applicant was a member, made expressly retroactive to the type of discharge under consideration, requires a change in the discharge.

(ii) The following applies to applicants who received less than fully honorable administrative discharges because of their civilian misconduct while in an inactive reserve component and who were discharged or had their discharge reviewed on or after April 20, 1971: The DRB shall either recharacterize the discharge to honorable without any additional proceedings or complete a review to determine whether proper grounds exist for the issuance of a less than honorable discharge, taking into account that:

(a) An other than honorable (formerly undesirable) discharge can only be based upon civilian misconduct found to have affected directly the performance of military duties;

(b) A general discharge can only be based upon civilian misconduct found to have had an adverse impact on the overall effectiveness of the military, including military morale and efficiency.

* * * * *

Dated: August 13, 1981.

John O. Roach, II,

Department of the Army Liaison Officer with the Federal Register.

[FR Doc. 81-24242 Filed 8-19-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 1

[CGD 81-063]

Delegation of Authority Under Regulatory Flexibility Act

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: The Regulatory Flexibility Act requires agencies to prepare analyses describing the impact of their regulations on small businesses and other small entities unless the regulations are certified not to have a significant economic impact on a substantial number of small entities. Each Coast Guard District Commander and Captain of the Port is authorized to make this certification for regulations that they issue. This rule formalizes the authorization as a delegation of authority in Coast Guard regulations.

EFFECTIVE DATE: September 21, 1981.

FOR FURTHER INFORMATION CONTACT: William R. Register, Office of the Chief Counsel, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202) 426-1534.

SUPPLEMENTARY INFORMATION: Since this rule relates to management, organization, and procedure, notice and public procedure on it are not required and it may be made effective in less 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. Also, the rule is considered to be nonsignificant under guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been prepared since, as in the case of most delegations of authority, the impact of the rule on the public is expected to be minimal. Its principal impact on the Coast Guard will be to promote greater efficiency in management.

The Regulatory Flexibility Act, Pub. L. 96-354, which became effective on January 1, 1981, requires agencies to consider the effect of proposed and final rules on small entities, i.e., small businesses, organizations, and governments. In connection with these considerations, agency heads are required to make certain findings and determinations as to matters set out in the Act. The Secretary of Transportation has formally delegated authority to the Commandant to make these findings and determinations. The delegation was published in **Federal Register** of April 20, 1981, beginning at page 22593.

Sections 603 and 604 of the Regulatory Flexibility Act require preparation of both an initial and final "regulatory flexibility analysis" for rules that are preceded by a general notice of proposed rulemaking. However, section 605(b) of the Act provides for an exemption from these requirements in cases where the head of the agency certifies that the rules will not have a "significant economic impact on a substantial number of small entities." Each District Commander and Captain of the Port is authorized to make the section 605(b) certification for rules that they issue. This document formalizes the authorization as a delegation of authority in Coast Guard regulations. Proposed and final rules to which this delegation relates include anchorage, drawbridge, and regatta regulations, and safety and security zone regulations. The delegations of authority to field commands to issue these regulations are published in §§ 1.05-1, 6.04-6, 100.35, 147.01-3, and 165.10 of Title 33, Code of Federal Regulations.

In consideration of the foregoing, Part 1 of Title 33, Code of Federal Regulations, is amended by adding a new paragraph (i) to § 1.05-1 to read as follows:

§ 1.05-1 General

* * * * *

(i) The Commandant redelegates to each Coast Guard District Commander and Captain of the Port the authority to make the certification in section 605(b) of the Regulatory Flexibility Act (Sec. 605(b), Pub. L. 96-354, 94 Stat. 1168 (5 U.S.C. 605)) for rules that they issue.

(80 Stat. 944 (49 U.S.C. 1657(e)(2)); 49 CFR 1.45 and 1.46.)

Dated: August 11, 1981.

R. H. Scarborough,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 81-24350 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Parts 1, 114, 115, and 116

[CGD 80-099]

Issuance of Bridge Permits; Delegation of Authority

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: The Coast Guard is renumbering one section in its final rule delegating authority for the issuance of bridge permits. This action is necessary because the number found in the final rule has already been used for a section previously added to 33 CFR Part 1. Three cross references to the renumbered section are also being changed as part of this correction.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Bridge Administration Division (G-NBR/14), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION:

In consideration of the foregoing, the following corrections are made in FR Doc. 81-21856 published on July 27, 1981 (46 FR 38353):

1. On page 38353, § 1.01-50 *Delegations for issuance of bridge permits*, is redesignated § 1.01-60.

2. On page 38353, the last sentence of § 114.01(d) is corrected to read: "These delegations may be found in §§ 1.05-1 and 1.01-60 of this chapter."

3. On page 38354, the first clause in § 115.60(d)(1) is corrected to read: "The District Commander may issue the permit if authorized under § 1.01-60(b) of this chapter;".

4. On page 38355, the second sentence in § 115.60(e) is corrected to read: "The District Commander may approve amendments to any permits which that official is authorized to issue under § 1.01-60(b) of this chapter."

(5 U.S.C. 559; 14 U.S.C. 633; 33 U.S.C. 401, 491, 499, and 525; 49 U.S.C. 1655(g); and 49 CFR 1.46(c) and (q))

Dated: August 12, 1981.

Peter J. Rots,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 81-24349 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1885-7]

Approval and Promulgation of Implementation Plans; Wisconsin; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule and Correction Notice.

SUMMARY: This notice announces final rulemaking approving the deadlines by which the State of Wisconsin has committed itself to remedy certain deficiencies in conditionally approved portions of its ozone and carbon monoxide (CO) State Implementation Plan (SIP). EPA proposed rulemaking for the deadlines on May 6, 1981 (46 FR 25323). No public comments were received. EPA is approving the schedule as proposed. Additionally, EPA is correcting two errors in the notice of final rulemaking of May 6, 1981 (46 FR 25294).

EFFECTIVE DATE: This final rulemaking is effective as of September 21, 1981.

ADDRESSES: Copies of the Wisconsin SIP are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604

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

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Anne Ernstein, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604, (312) 886-6039.

SUPPLEMENTARY INFORMATION: On May 6, 1981, EPA took final rulemaking action on revisions to the Wisconsin ozone and carbon monoxide (CO) State Implementation Plan (46 FR 25294). This included the overall control strategies for ozone and CO, the transportation portion of the carbon monoxide SIP, and the vehicle emission inspection and maintenance (I/M) program.

Wisconsin had submitted these revisions to satisfy the requirements of Part D of the Clean Air Act (Act) as amended in 1977. As a part of this rulemaking, EPA conditionally approved the transportation control portion of the carbon monoxide SIP and the vehicle emission I/M program. A conditional approval requires the State to remedy identified deficiencies by specified deadlines.

A discussion of conditional approval and its practical effect appears in the July 2, 1979 **Federal Register** (44 FR 38583) and the November 23, 1979 **Federal Register** (44 FR 67182).

In a letter dated April 9, 1981, the State of Wisconsin committed itself to remedy the identified deficiencies in the conditionally approved portions of the SIP on a specific schedule. EPA proposed approval of the deadlines in that schedule on May 6, 1981 (46 FR 25323). No comments were received in response to EPA's proposed approval of the schedules. The schedules are listed below:

1. The State of Wisconsin committed itself to submit by January 1, 1982, if necessary, CO control strategies to address identified CO hotspots in the Milwaukee area. These strategies will be adopted from the 1982 Transportation Improvement Program (TIP) for the Milwaukee Urbanized Area.

2. The State of Wisconsin committed itself to submit by August 15, 1981, the funding/manpower resource commitment action taken by the State Legislature.

3. The State of Wisconsin committed itself to submit by August 15, 1981, a revised implementation schedule for its I/M program.

EPA believes that these final dates are necessary to ensure that deficiencies are timely and appropriately corrected so that the SIP will satisfy the requirements of the Act. Therefore, EPA approves the schedule which it had proposed.

In addition, EPA is taking this opportunity to correct two errors in the May 6, 1981 final rulemaking notice. On pages 25295, 25299, and 25300 in the body of the notice and on pages 25300 and 25301 in the codification of the rulemaking, Walworth County was incorrectly listed as a nonattainment county. Walworth County has never been designated nonattainment by the EPA.

Secondly, in section 52.2577, in the Southeastern Wisconsin Intrastate Air Quality Control Region (AQCR 239) the primary/secondary nonattainment area was incorrectly listed as "currently below secondary standards or unclassifiable" when it should have been listed as "attaining the primary standard by December 31, 1981." EPA is today correcting these errors. Because these errors do not affect EPA's final rulemaking in any way, the May 6, 1981 effective date of that rulemaking is not changed by today's action.

Pursuant to the provisions of 5 U.S.C. (605)(b), I hereby certify that this action which is being taken under sections 110 and 172 of the Act will not have a significant economic impact on a substantial number of small entities. Today's action only approves a schedule submitted by the State. It imposes no further conditions than those agreed to by the State.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. This regulation will not be "major" as defined by Executive Order 12291 because this action only approves the deadlines to which the State has committed itself to remedy deficiencies in the conditionally approved portions of its ozone and CO SIP.

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

Under Section 307(b)(1) of the Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the 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 State of Wisconsin was approved by the Director of the Federal Register on July 1, 1981.

This final rulemaking is issued under the authority of sections 110 and 172 of the Act as amended 42 U.S.C. 7410 and 7502.

Dated: August 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Accordingly, on page 46 FR 25300, § 52.2570(c) (16) and (17) are corrected to read as follows:

§ 52.2570 Identification of Plan.

* * * * *

(c) * * *

(16) On July 12, 1979, Wisconsin submitted its ozone and carbon monoxide plan. This included the plan for the Green Bay, Madison, and Milwaukee urban areas which include the ozone nonattainment counties of Brown, Dane, Kenosha, Milwaukee, Ozaukee, Racine and Waukesha. Supplemental materials and

commitments were submitted on September 4, 1979, February 28, 1980, August 12, 1980, September 25, 1980, November 4, 1980 and April 9, 1981.

(17) On July 12, 1979, Wisconsin submitted its vehicle inspection and maintenance program. Supplemental information and commitments were submitted on August 1, 1979, October 16, 1979, May 7, 1980, May 8, 1980, and April 9, 1981.

* * * * *

Also, title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

§ 52.2577 [Amended]

1. Section 52.2577, Attainment dates for National Standards, is amended by changing the "c" to an "e" under the CO column for the Primary/Secondary nonattainment areas in the Southeastern Wisconsin Intrastate (AQCR 239).

2. Section 52.2583 is revised as follows:

§ 52.2583 Control strategy: Carbon monoxide.

(a) Part D Conditional Approval—The Wisconsin plan for Milwaukee is approved provided that the following conditions are satisfied:

(1) The plan must if necessary, contain by January 1, 1982 carbon monoxide strategies for identified hotspots in Milwaukee.

(2) The plan must contain by August 15, 1981 a funding/manpower resource commitment for implementing Wisconsin's I/M program.

(3) The plan must contain by August 15, 1981 a revised schedule for implementing Wisconsin's I/M program.

[FR Doc. 81-23784 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. E-74]

Use Standards for Office Furniture and Furnishings

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation defines three levels of furniture assignment for individuals, including rank and grade limitations, and provides a suggested table of furniture allowances. The present regulation states only that executive type wood office furniture shall be limited to personnel in grades GS-15 and above (or the equivalent) and that agencies may develop additional use criteria for furniture and furnishings. This regulation provides uniform furniture use criteria on which agencies can base the development of these additional use standards.

DATES: Effective date: August 20, 1981.

Expiration date: July 30, 1982.

Comments due on or before: November 30, 1981.

Comments should be addressed to: General Services Administration (FM), Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT: Mr. John M. Allen, Assistant Commissioner for Property Management (703-557-8600).

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

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

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

Federal Property Management Regulations Temporary Regulation E-74

Use Standards for Office Furniture and Furnishings

July 31, 1981.

1. *Purpose.* This regulation provides revised standards for the use of office furniture and furnishings.

2. *Effective date.* This regulation is effective August 20, 1981.

3. *Expiration date.* This regulation expires on July 30, 1982, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all executive agencies.

5. *Background.* An interagency Inspector General (IG) audit of Federal agency property management practices published in July 1980 disclosed that many agencies have not adhered to personal property use standards prescribed by the FPMR, specifically as they apply to furniture and to the development of additional use criteria for employees at all grade levels. This regulation will assist agencies that have not done so to establish uniform furniture standards required by the FPMR.

6. *Use standards for office furniture and furnishings.* a. Office furniture and related furnishings shall be assigned to individuals in accordance with the use standards prescribed in this regulation except as provided by subparagraphs b, e, and f, below. Standards, criteria, and allowances listed below represent limitations. Assignment of lower levels or lesser quantities than those listed is permissible. Compatible office furnishings as described in § 101-26.505-2 are subject to the same grade and rank limitations as office furniture, except that carpeting may be supplied for use by other than executive level personnel when it is determined to be justified in accordance with the provisions of § 101-25.302-5.

(1) *Level A—Executive.* The use of executive type office furniture, whether new, used, or rehabilitated, shall be limited to personnel in the Senior Executive Service and above or their equivalent including military rank. This type of furniture includes all items of executive wood furniture consisting of, or comparable to, the traditional and modern wood office furniture and related items illustrated in the GSA Supply Catalog and listed in Federal Supply Schedule FSC Group 71, Parts IIA and IIC (formerly FSC Group 71, Parts VI, XII, and XXXI).

(2). *Level B—Middle management.* The use of middle management type furniture, whether new, used or rehabilitated, shall be limited to personnel in grades GS-13 through 15 or their equivalent, including military rank. This type of furniture includes all items of unitized wood office furniture and related items illustrated in the GSA Supply Catalog and listed in, or comparable to, Federal Supply Schedule FSC Group 71, Part IIB (formerly FSC Group 71, Part VIII).

(3) *Level C—General.* The use of general office furniture, whether new, used, or rehabilitated, shall be authorized for personnel in grades GS-1 through GS-12 or their equivalent, including military rank. This type of furniture includes all items of contemporary steel, general steel, and general wood office furniture listed in the GSA Supply Catalog, and comparable items.

b. If it has been determined that executive and middle management

personnel are entitled to office furniture and furnishings on the basis of the criteria in subparagraph a, above, the agency head or a designee may authorize similar or matching office furniture to be assigned to secretaries and staff assistants whose duties are in direct support of these personnel and are located in contiguous areas. Staff support personnel in the space not contiguous to the executive or manager shall be provided furniture commensurate with their work assignment and grade.

c. When acquisition of additional or replacement furniture is required in accordance with the provisions of §§ 101-25.104-1, and 101-25.404, types of furniture shall be selected for assignment on the basis of subparagraphs a and b, above.

d. Each agency shall establish criteria and a table of allowances for the use of office furniture and furnishings in consonance with the provisions of § 101-25.104 and this regulation, or shall apply the suggested furniture allowances as shown in the following table:

Suggested Table of Furniture Allowances

Item	SES level A	GS-15 level B	GS-13 and 14 level B or C	GS-1 to 12 level C
Desk, conference	1(a)	1(b)	1(b)	
Desk, flat top	1(a)	1(c)	1(c)	1(a)
Desk, typist's				1(a)
Chair, desk	1	1	1	1
Chair, side	(d)	(d)	(d)	(d)
Credenza/ storage unit	1	1	1(a)	1(f)
Telephone stand	1	1	1(a)	1(b)
Bookcase	1	1	1	1
Table, conference	1	1(b)	1(b)	
Sofa	1	1(b), (e)		
Easy chair	2	1(b), (e)		
Coffee table	1	1(b), (e)		
End table	2	1(b), (e)		
Lamp, table	2	1(b), (e)		
Costumer	1	1	1	1(f)

Legend:
(a) Choice of one.
(b) Supervisory position.
(c) Nonsupervisory position.
(d) As many as required.
(e) Optional in place of table and four side chairs.
(f) When required.

e. The agency head or a designee may authorize exceptions to these use standards, provided that these exceptions are in writing, include adequate justification, and are reviewed at least every two years.

f. Office furniture and related furnishings not authorized for specific individuals, such as file cabinets, coat racks, and portable partitions, shall be considered organizational furniture and are not covered by these use standards.

7. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations should be consolidated at an appropriate agency level and submitted to the General Services Administration (FM), Washington, DC 20406, no later than November 30, 1981.

8. *Effect on other directives.* This regulation supersedes the provisions of § 101-25.302-1.

Ray Kline,

Acting Administrator of General Services.

July 31, 1981.

[FR Doc. 81-24306 Filed 8-19-81; 8:45 am]

BILLING CODE 6820-24-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1069

Rescission of Interpretive Ruling and Rescission of Waiver of Special Conditions; Grantee Personnel Management

AGENCY: Community Services Administration.

ACTION: Notice of rescission of interpretive ruling and rescission of waiver of certain grantee special conditions.

SUMMARY: The Community Services Administration is publishing a rescission of an interpretive ruling issued by the General Counsel on January 12, 1981 and published in the Federal Register on January 19, 1981 (46 FR 4919). The interpretive ruling provided the Agency's legal position on the effect of certain lobbying prohibitions attached to CSA's appropriations acts for fiscal years 1980 and 1981 (Pub. L. 96-123, Pub. L. 96-369 and Pub. L. 96-536). The purpose of publishing this rescission of the January 19, 1981 interpretive ruling is to inform CSA grantees that the Agency has again decided to review the effect of the statutory lobbying prohibitions on present CSA regulations (45 CFR 1069.6). Thus, this notice rescinds the January 19, 1981 interpretive ruling and also rescinds the waiver of special conditions attached to CSA grantees' fiscal years 1980 and 1981 grants relating to lobbying prohibitions.

FOR FURTHER INFORMATION CONTACT: John Meyer, Deputy General Counsel, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506, Telephone (202) 254-6004, Teletypewriter (202) 254-6218.

(Sec. 602, 78 Stat. 530, 42 U.S.C. 2942)

Dwight Ink,

Director.

Notice of Rescission of Interpretive Ruling and Rescission of Waiver of Special Conditions.

1. *Rescission of Interpretive Ruling.* The Community Services Administration is currently preparing to revise its lobbying regulation, found at 45 CFR 1069.6, pursuant to a decision rendered on May 1, 1981, by the Comptroller General of the United States. According to the Comptroller General, there are two distinct legislative lobbying restrictions applicable to CSA appropriations. The first, Pub. L. 536, December 16, 1980, 94 Stat. 3166, continues the appropriation for fiscal year 1981 and incorporates by reference Section 407 of H.R. 4389, Department of Labor, Health and Human Services, Education, and Related Agencies Appropriations 1981, that passed the House of Representatives of August 2, 1980. Section 407 provides as follows:

"Sec. 407. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself. No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient to engage in any activity designed to influence legislation or appropriations pending before the Congress."

The Comptroller General, in his May 1, 1981 decision, concluded as follows:

"* * * that Section 407 is applicable to CSA and its recipients, notwithstanding an Interpretive Ruling and waiver of Special Conditions that CSA promulgated in 46 FR 4919, January 19, 1981, that purported to exempt CSA recipients from the effects of that section."

The Comptroller General stated in his opinion that it found no evidence in the legislative history or in the restriction itself that Congress intended to exempt CSA from its coverage. In his opinion of May 1, 1981, the Comptroller General maintained that Sec. 407 applies to *any* activities by grantees which could be construed as lobbying. Referring to Sec. 407, the Comptroller General stated:

"* * * The second sentence of this restriction prohibits grant or contract recipients from using Federal funds for salaries or expenses of employees or agents while they are engaging in *any* activity designed to influence legislation or appropriations pending before the Congress."

Additionally, the law which continued CSA's appropriation for fiscal year 1981, Pub. L. 96-536, *supra*, also incorporated by reference Section 607(a) of the Treasury, Postal Services and General Government Appropriations Act of 1981. Section 607(a) provides:

"* * * No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress."

The Comptroller General's May 1, 1981 opinion concluded that the above stated legislation applies to CSA:

"The prohibition of 607(a) applies to the use of any appropriation contained in this or any other Act."

Thus, *it is applicable to the use of appropriated funds by CSA.* (Emphasis Added)

The Comptroller General recommended that this agency take immediate action to "advise its recipients that appropriated funds may not be used for grass roots lobbying activities nor to pay the salary or expenses of recipient employees or agents while engaging in direct lobbying activities." Further, the Comptroller General stated that:

"* * * We recommend that the Interpretive Ruling and waiver of Special Conditions promulgated by CSA * * * be rescinded and a new ruling promulgated * * *"

Thus, based on the Comptroller General's opinion, CSA is rescinding its January 19, 1981 Interpretive Ruling found at 46 FR 4919. Until such time as CSA modifies its lobbying regulation, CSA grantees should be advised that 45 CFR 1069.6 is still in effect; in addition, CSA grantees must abide by the restrictions at Section 407 of H.R. 4309 and Section 607(a) of the Treasury, Postal Service and General Governmental Appropriations Act of 1981 as interpreted in the Comptroller General's decision B-202787 issued May 1, 1981.

2. *Rescission of Waiver of Special Conditions.* Based on the above rescission of Notice of Interpretive Ruling, the Director is rescinding the Waiver of Special Conditions (promulgated at 46 FR 4921) attached to CSA grantees' fiscal years 1980 and 1981 grants relating to grantee lobbying prohibitions. Instead, grantees are to comply with the provisions of the special conditions appended to their respective grant packages.

[FR Doc. 81-24283 Filed 8-19-81; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 3

[OST Docket No. 11; Amdt. 3-4]

Delegation of Authority To Affix Official Seal; Maritime Administration

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: Pursuant to Public Law 97-31 the Maritime Administration was transferred from the Department of Commerce to the Department of Transportation. To permit continuity in operations, it is necessary that certain documents be sealed. This document authorizes the Maritime Administration to affix the official seal of the Department of Transportation.

DATE: This amendment becomes effective August 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

In consideration of the foregoing, Part 3 of Title 49, Code of Federal Regulations, is amended as follows:

§ 3.3 [Amended]

In § 3.3, paragraph (a) is amended by adding the words "the Maritime Administrator," immediately after the words "the National Highway Traffic Safety Administrator,".

Effective date: This amendment becomes effective on August 11, 1981.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C., on August 11, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 81-24047 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-62-M

Proposed Rules

Federal Register
Vol. 46, No. 161
Thursday, August 20, 1981

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

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 526 and 532

[No. 81-461]

Partnership NOW Accounts; Request for Comments

Dated: August 13, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Request for comments.

SUMMARY: The Federal Home Loan Bank Board intends to adopt an interpretive rule regarding the eligibility of partnerships to hold NOW accounts at member institutions, and solicits public comment on this issue.

DATE: Comments must be received by September 18, 1981.

ADDRESS: Comments should be sent to the Public Information Office, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Office of General Counsel, Federal Home Loan Bank Board (202-377-6444), at the above address.

SUPPLEMENTARY INFORMATION: By the Depository Institutions Deregulation and Monetary Control Act of 1980, Congress authorized depository institutions nationwide to offer NOW (negotiable order of withdrawal) accounts beginning December 31, 1980. (Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980), 12 U.S.C. 1832.) This statutory authority restricts NOW accounts to:

> deposits or accounts which consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit.
> (12 U.S.C. 1832(a)(2))

On September 30, 1980, the Board adopted regulations regarding NOW accounts which contain eligible criteria substantially identical to those quoted above. (Res. No. 80-613, 45 FR 66781, Oct. 8, 1980.) Section 526.1(l) of the Board's Federal Home Loan Bank system regulations provides:

> The [NOW] account must consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit.
> (12 CFR 526.1(l))

By Resolution No. 81-295 of May 29, 1981 (46 FR 30113, June 5, 1981), the Board expressed its intent to promulgate a clarifying interpretive rule regarding the scope of the above-quoted statutory and regulatory language. The Board solicited public comment to assist in determining the appropriate scope of the eligibility criteria, and outlined interpretive issues regarding the nature of a "beneficial interest," the definition of "organization," the meaning of the term "other similar purposes," and the eligibility of government entities.

By a separate resolution published in this issue of the **Federal Register**, the Board has promulgated an interpretive rule covering major issues of NOW account ownership. However, the Board did not specifically resolve the issue of the eligibility of a for-profit partnership to hold a NOW account. The Board resolution of May 29 requesting comment on eligibility questions did not specifically raise the issue of whether a *partnership* is an "organization" for purposes of the statutory eligibility criteria. There is a split of authority regarding whether a partnership constitutes a legal entity with an existence independent of the individual partners. Because the Board believes the issue warrants further consideration, it solicits comments on the following interpretive options as well as any other aspects of this issue upon which interested persons would like to comment.

1. Partnerships as "organizations." The eligibility criteria at 12 U.S.C. 1832(a)(2) prohibit any "organization" operated for profit from holding a NOW account. The Board has previously interpreted the term organization to include "a corporation, government or governmental subdivision or agency, business trust, partnership or association, or any other legal or commercial entity." (Preamble, Res. No. 80-613, *supra*; *see* U.C.C. § 1-201(28).) Thus, one option is to adhere to this previous interpretation and prohibit for-profit partnership NOW accounts.

2. Partnerships as non-organizations. On the other hand, there is also authority for the proposition that a partnership is not an organization within the meaning of the language of 12 U.S.C. 1832(a)(2). The term "organization" reasonably could be restricted to legal entities. Some courts have held that a partnership is not a legal entity under state law (*e. g.* Reed v. Industrial Accident Commission, 10 Cal. 2d 191, 192, 73 P. 2d 1212, 1213 (1937)), and a partnership is not deemed an intity for some federal law purposes such as diversity jurisdiction (Grynberg v. B. B. L. Associates, 436 F Supp. 564 (D. Colo. 1977)). Pursuant to this view, a partnership could be deemed a mere aggregate of its constituent partners rather than an organization for purposes of NOW account ownership. Thus, pursuant to this view, if a partnership consisted solely of individuals or other intities that qualify under 12 U.S.C. 1832(a)(2), it would be eligible to hold a NOW account notwithstanding the fact that it is a for-profit enterprise. However, if a business corporation is a general or limited partner in the enterprise, the partnership would not be able to maintain a NOW account at a member institution.

3. Other options. The Board also welcomes suggestions regarding criteria such as the number of partners in the partnership or the existence of a written partnership agreement that could be used to limit partnership eligibility in a manner consistent with the Congressional intent underlying 12 U.S.C. 1832(a)(2).

(Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980); 12 U.S.C. 1437, 1464, 1724, 1725, 1726, 1728; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

Malcom Draper, Jr.,

Assistant to the Chairman.

[FR Doc. 81-24431 Filed 8-19-81; 8:45 am]

BILLING CODE 6720-01-M

12 CFR Parts 546, 561, 563c, and 571

[No. 81-463]

Treatment of Goodwill Acquired in Mergers

Dated: August 13, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Withdrawal of proposed amendments.

SUMMARY: The Board has withdrawn its proposal to amend its statement of policy on mergers of savings and loan associations and related amendments with regard to goodwill. The proposal would have established benchmarks for the amount of goodwill that merging associations would have been permitted to include in assets with any excess deducted from their net worth, and would have required a matching of methods and periods for accretion of discounts on assets acquired in a merger with the amortization of goodwill. Upon further consideration, the Board has determined to allow the application of generally accepted accounting principles in this area without regulatory restriction.

EFFECTIVE DATE: August 13, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Moore, Office of Examinations and Supervision (202-377-6515), or Nancy L. Feldman, Office of General Counsel (202-377-6440), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: By Federal Home Loan Bank Resolution No. 80-654, October 23, 1980, 45 FR 72681, November 3, 1980, the Board proposed for public comment revisions to its policy statement on mergers. That proposal provided benchmarks for the amount of goodwill that merging institutioins would be allowed to include in total assets. Any excess would be deducted from net worth for purposes of measuring compliance with the Board's statutory reserve and net-worth requirements. Related changes were also proposed to the regulations delegating merger approval authority. Lastly, the accounting treatment for goodwill contained in a staff memorandum (R31a) was proposed to be adopted as a regulation, requiring amortization of goodwill on a straight-line basis over a period not exceeding ten years; and the accounting rules were proposed to be amended further to require matching the method and periods of goodwill amortization and accretion of discounts on acquired assets.

Twenty-five comment letters were received from savings and loan associations, their affiliates and trade associations, public accounting firms, and Federal Home Loan Banks. Most of the respondents opposed adoption of the proposed changes and argued in favor of using generally accepted accounting principles ("GAAP") in accounting for goodwill.

Benchmark Approach

The Board's primary requirement for a merger approval is that the resulting institution have the managerial and financial resources to operate successfully, including the prospect of generating sufficient income to meet competition and otherwise conduct its affairs in a safe and sound manner. In reviewing the financial resources of merger applicants, the Board looks to the net worth of the proposed resulting institution (definined in 12 CFR 561.13 as the sum of all reserve accounts, except specific or valuation reserves; retained earnings; capital stock; and certain other accounts of an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation) with particular scrutiny given to intangible assets such as goodwill. *See* the last sentence of 12 CFR 571.5(d)(2). This net-worth review requires the assumption that the institution's recorded assets are realizable or will otherwise benefit future periods. Noting its concern that disproportionately large amounts of goodwill might indicate an asset which would not meet these criteria, the Board proposed, in lieu of its case-by-case review of capital adequacy, to establish limitations on the amount of goodwill to be included in the assets of the resulting institution. As proposed, the benchmarks would have allowed 30 percent of the resulting institution's net worth as the maximum amount of goodwill, both at the time of merger and thereafter. However, between 20 and 30 percent would be permitted only if substantiated, as determined by the Board; while up to 20 percent generally would be allowed without substantiation, unless the Board determined to reduce such amount due to an otherwise inadequate financial condition or other reasons.

Respondents generally opposed the benchmark approach on the grounds that the percentages were arbitrary, contrary to GAAP and lack objectivity in implementation because of the uncertainty of the 30-percent or even the 20-percent authorization. Respondents argued further that the proposed 30-percent maximum is inflexible and limits the Board's discretion in approving higher amounts where appropriate and capable of substantiation; it also would tend to discourage mergers because of the requirement to immediately charge to earnings goodwill from previous mergers. Finally, commenters pointed out that the benchmark approach embraces a "liquidation" concept rather than a "going concern" basis for assessing capital adequacy, implying overpayment for an institution rather than a fair arms'-length price with goodwill reflecting the value of unidentifiable intangible assets, as defined by Accounting Principles Board Opinion No. 17.

Upon consideration of the comment letters, staff review and further analysis of the possible effects that this proposal might have in discouraging beneficial mergers, the Board has determined to withdraw its proposed benchmark approach to inclusion of goodwill in an association's assets and to continue its case-by-case basis review of merger applications. Such review would still effectively have been required under the proposed amendments in order to determine adequate substantiation of up to a 30-percent calculation or acceptability of a 20-percent calculation. The Board is persuaded that given the continued necessity of the review, the benchmark approach does not offer sufficient objectivity or administrative timesaving to compensate for the loss of flexibility entailed. Furthermore, the Board believes that imposition of this new limitation could discourage potential merger partners from consummating necessary mergers, tend to set arbitrary prices for institutions, or otherwise operate as an inhibiting factor in an economic area that is particularly well-suited to the unrestricted play of market forces.

Delegation of Authority

The Board specifically requested comment on a proposed provision requiring that each Principal Supervisory Agent (generally the president of a Federal Home Loan Bank), in reviewing merger applications for approval under delegated authority, adjust the net worth of the resulting institution by deducting any amount attributed to goodwill and, if such adjusted net worth would not meet regulatory requirements, forward the merger application to the Board for review. Only one commenter addressed this issue, asserting that the approach was too restrictive; no objection was received from the Federal Home Loan Banks.

Because the nature of this change was a rearrangement of the Board's internal procedures, and, in addition, some confusion had arisen regarding appropriate review procedures during the period the proposal was outstanding, the Board on February 19, 1981, adopted the proposed change in connection with amendments broadening the delegation of merger review to the PSAs. FHLBB Resolution No. 81-90, effective February 27, 1981; 46 FR 14727, March 2, 1981. The regulatory provisions, as recodified in FHLBB Resolution No. 81-403, July 14, 1981, 46 FR 37628, July 22, 1981, Are 12 CFR 546.2(h)(6) and 563.22(e)(6). Accordingly, PSAs currently are required to deduct any amounts designated as goodwill from the resulting institution's net worth under delegated merger approval authority, and the Board reviews all merger applications that indicate an adjusted net worth less than that required by the Board's reserve requirements (12 CFR 563.13).

Accounting Rules

The proposal would have adopted, as a regulation, a staff memorandum providing that goodwill be charged to earnings at the time of acquisition or amortized over a period not exceeding ten years. Many commenters argued that GAAP, as expressed by APB Opinion No. 17, holds that goodwill may be amortized over its estimated life, not to exceed 40 years. This rule recognizes the variability of factors included in goodwill, and the differences in useful lives of such factors. It also was asserted that use of a ten-year period discourages mergers, especially by small acquiring associations, because of the large amount of goodwill which must be charged to earnings each year.

The Board also proposed to add a provision that concerns the accretion of discounts on assets acquired in a merger in which goodwill also results. Currently, discounts on acquired assets may be accreted using the straight-line, sum-of-the-years digits, or level-yield method. Goodwill, on the other hand, must be amortized using the straight-line method. Because of concern that the use of different methods might give rise to distortions in reported net income and resulting net worth, the proposal would have required that the discounts arising from an acquisition be accreted to income on the same method and over the same time period as goodwill is amortized. A substantial number of commenters opposed this "matching requirement", on the basis that discounts apply to specific acquired assets and their amortization thus should relate to the average life of such assets, while goodwill should be appropriately amortized on a different schedule to reflect the future period it benefits.

After reviewing the specific objections and considering other factors, such as an unnecessarily increased paperwork burden the proposed requirement would impose on institutions required to prepare financial statements in accordance with GAAP for other reporting purposes, the Board has determined to withdraw the proposed accounting rules and to direct amendment to R31a to conform that memorandum to GAAP and to provide staff guidance in reviewing the assigned life and amortization method associated with goodwill arising from business combinations.

By withdrawing its proposals in this area, the Board has signified its determination to continue application of GAAP in connection with the accounting for goodwill resulting from mergers of insured institutions, as provided generally in 12 CFR 563.23-3. Merger applicants are expected to describe fully the proposed treatment of goodwill, 12 CFR 571.5(f), substantiating in accordance with GAAP the reasonableness of amounts attributed to goodwill, the method and period of amortization and the adequacy of reserves. This information, together with experienced staff analysis, should enable the Board to review merger applications on a flexible basis.

Accordingly, the Board hereby withdraws its proposed amendments to Part 546 of Subchapter C and Parts 563, 563c and 571 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth at 45 FR 72687.

By the Federal Home Loan Bank Board.

Malcolm Draper, Jr.,

Assistant to the Chairman.

[FR Doc. 81-24356 Filed 8-19-81; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Parts 563 and 563c

[No. 81-462]

Treatment of Gains and Losses From the Sale of Mortgage Assets

Dated: August 13, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rules.

SUMMARY: The Federal Home Loan Bank Board proposes to (1) authorize institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("insured institutions") to defer and amortize gains and losses from the sale of mortgage loans and mortgage-related securities, subject to certain conditions, and (2) eliminate certain restrictions on the current exemption from net-worth requirements relating to losses arising from the sale of certain mortgage loans. The proposal is intended to encourage disposal of such mortgage assets consistent with sound portfolio management.

DATE: Comments must be received by: September 14, 1981.

ADDRESS: Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W. Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: David J. Bristol, Office of General Counsel (202-377-6461), Michael S. Joseph, Office of Examinations and Supervision (202-377-6994), or Susan Kelsey, Office of Policy and Economic Research (202-377-6914), at the above address.

SUPPLEMENTARY INFORMATION: By Resolution No. 80-694 (45 FR 76111, November 18, 1980), the Board adopted 12 CFR 563.13(d), which reduced net-worth and statutory-reserve requirements for insured institutions that recognized losses from the sales of certain low-yielding mortgages when such sales complied with the terms of the regulation. That provision was adopted to provide institutions with increased flexibility to determine the best economic use of assets currently invested in low-yielding mortgages. In the period since § 563.13(d) was adopted, the rise in mortgage interest rates has increased the need institutions have to dispose of mortgages and mortgage-related securities in economically advantageous ways.

Because the typical savings and loan institution's balance sheet is characterized by primarily long-term, fixed-rate mortgage assets and short-term liabilities, during periods of rising interest rates, interest costs on liabilities increase at a faster pace than the interest earned on assets. During such periods, the effective maturity imbalance between assets and liabilities thus results in an earnings squeeze.

However, under certain circumstances, institutions in the above-described situation can improve their earnings and reduce future interest-rate risk through a well-planned mortgage disposition program. In order to sell a mortgage with a coupon below prevailing market rates, the price must be discounted from par (or book value) by an amount sufficient to yield the

purchaser a market rate of return. In an economic environment where investors do not have a strong preference for discount securities, and ignoring income tax considerations, an institution could reinvest the proceeds of the sale in an asset of similar risk at the same market rate of return and be in the same economic position. This is the case because the "loss" from the sale (the difference between part or book value and the proceeds) is exactly offset by the future increased earnings from the reinvested proceeds. However, taking into account certain investor preferences and the existence of tax benefits, the institution actually can improve its economic position through disposition and reinvestment.

One such source of improvement is the opportunity for recovering income taxes previously paid or to preclude their future payment. Because the difference between the book value of the loan and the price realized from its sale is considered a deductible loss for tax purposes, it can reduce current tax liability or be carried back (or carried forward) to reduce tax liability in prior (or future) years, thus producing a significant possible increase in future earnings and intrinsic value of the institution. The institution can invest the combination of the proceeds from the sale and the taxes recovered and increase its earnings even if reinvestment is at the same market rate at which the sold loan was discounted.

Improvement can also result from the ability of an institution to reinvest the sales proceeds at a higher yield than was required to sell the loan ("arbitrage" profits) or by acquiring an asset with less risk to the institution. In addition, if the institution originates new mortgages with the sales proceeds, it earns origination income, servicing fees and the potential earnings from the "float" associated with maintaining tax and insurance escrows. Finally, the institution can reduce its effective maturity imbalance and future interest-rate risk by reinvesting in instruments such as adjustable mortgage loans that more closely match the interest sensitivity of liabilities.

Despite the potential advantages of a mortgage disposition program, institutions are inhibited from undertaking such programs by current generally accepted accounting principles ("GAAP") and regulatory accounting principles ("RAP"). These accounting rules require the institution to record or recognize the full amount of the loss on a sale in the period of the sale. Section 563.23-3 of the Board's Insurance Regulations (12 CFR 563.23-3) requires use of GAAP except where other accounting practices are specifically authorized. Thus, should an institution desire to sell a significant portion of its low-yielding mortgages, it would be required to immediately report the resulting loss of income and erosion of its net worth resulting from the difference between the market value and book value of the sold assets.

The accounting requirement that institutions recognize the entire loss or gain on the sale of mortgages in the period of sale is predicated on the concept that such sale is a completed transaction, representing a termination of the value of the asset to the institution. It is the Board's view that these accounting rules disregard management intent to reinvest the proceeds so as to increase future profitability and reduce future interest-rate risk. Thus, by not considering the use of the proceeds from such sales, the present rules fail to account for the on-going nature of the institution's business and the fact that releasing funds currently invested in mortgages and mortgage-related securities permits improvement of a stream of future earnings and cash flows.

The Board believes that current accounting rules, by failing to reflect the true economic consequences of a sale and reinvestment of the proceeds, effectively inhibit institutions from selling mortgages and mortgage-related securities when it would be in their best interest to do so. Therefore, the Board is proposing to amend its accounting rules by adding a new § 563.14 (12 CFR 563c.14) to allow deferral of gains and losses on the disposition of mortgage loans and mortgage-related securities, in order to encourage institutions to obtain the economic benefits of a mortgage asset disposition program and reinvestment of the proceeds without incurring regulatory net-worth deficiencies. The term "mortgage-related securities" is defined at § 563.17-4(a)(4) (to be codified at 12 CFR 563.17(a)(4)) as "securities based on and backed by mortgages, including [mortgage pass-through] securities guaranteed by the Government National Mortgage Association ("GNMAs"), Mortgage Participation Certificates of the Federal Home Loan Mortgage Corporation, and similar obligations issued by the insured institution or in which the institution is authorized to invest." (FHLBB Resolution No. 81-380, July 2, 1981; 46 FR 36829, July 16, 1981.)

The proposed rule would require that if deferral of gains and losses are made with respect to the disposition of any mortgage loans and mortgage-related securities, such deferral must be made with respect to all such dispositions. The proposal also would require that the amount of gain or loss deferred in any accounting period be adjusted for any income tax liability or benefit attributed to it, computed in accordance with generally accepted accounting principles at the time of disposition. Further, the proposal would require an amortization schedule determined at the time of disposition. The schedule would require subsequent amortization of such adjusted amount over the estimated remaining life of the mortgages sold on a level-yield method with respect to the estimated principal balances of the sold mortgages. The amount deferred would be reported as an adjustment to the value of the institution's mortgage portfolio in subsequent reports to the Board.

Institutions electing to defer gains and losses pursuant to the proposed rule would be required to demonstrate an intent to reinvest sales proceeds so as to improve future profitability and/or reduce interest-rate risk. In the case of a state-chartered institution, the election could be made only if the appropriate state supervisory authority concurred in the use of this accounting treatment. "Disposition" of mortgages assets would include discounted prepayments of existing mortgages and mortgage-related securities, sales of mortgage participations, and exchanges of assets eligible for disposition under the proposed rule.

The Board believes that disposal of mortgage assets, when done in a manner consistent with sound portfolio management, will enable institutions to improve earnings potential and reduce overall interest-rate risk and that therefore, adoption of accounting rules designed to achieve such results is within the Board's discretion with regard to its statutory mandate to determine the calculation of reserve requirements under section 403(b) of the National Housing Act, as amended (12 U.S.C. 17126(b) (1980)).

In addition, the Board is proposing to eliminate certain restrictions currently imposed on the reduction in reserve requirements relating to the sale of low-yielding residential mortgages, as set forth in 12 CFR 563.13(d). The provision now permits institutions to meet lower standards than the current general requirements of (1) an amount equal to four percent of liabilities (for regulatory net worth) and (2) four percent of insured accounts (for the statutory reserve). The statutory reserve may be reduced to an amount equal to three percent of insured accounts, which also

is the statutory minimum, if such result occurs solely because of the sale of low-yielding mortgages, and certain other conditions are met.

The proposed amendments to § 563.13(d) would extend the exemption to sales of all mortgage loans and mortgage-related securities. It would eliminate: (1) the requirement that the mortgages sold have an original interest rate of no more than seven and one-half percent; (2) the current 10-percent-of-portfolio limit on mortgages sold; (3) the maximum amount of such loans that may be sold in any one year; (4) the five-year maximum remaining maturity requirement for such mortgages; (5) the "sunset" clause withdrawing the exemption with respect to mortgage sales after December 31, 1982; and (6) the five-year period after the sale, during which the exemption is effective. The Board believes that all of those provisions may unnecessarily hamper institution management in arranging financially advantageous sales of mortgage assets.

The Board believes that the proposed amendments to § 563.13(d) regarding reserve requirements and proposed new § 563c.14 authorizing optional referral of grains and losses on the disposition of mortgage assets would provide institutions with maximum flexibility to release funds invested in such mortgages. As a practical matter, the Board is aware that some institutions report under accounting principles that would limit use of the optional deferral accounting treatment in proposed § 563.14, but believes that such associations would still be able to utilize § 563.13(d) to enhance future earnings by reinvestment of funds currently invested in low-yielding mortgages.

This proposal addresses the treatment of sales of mortgages and mortgage-related securities because the Board believes that it is with respect to such assets that improved accounting procedures and reserve exemptions are most appropriate, considering the asset/liability imbalance of typical institutions. However, the Board specifically seeks comment on whether the proposed rules, if adopted, should also apply to disposition of other longterm securities, such as those which do not qualify as liquid assets under 12 CFR 523.10(g) of the Federal Home Loan Bank System regulations.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board is providing the following regulatory flexiblility analysis.

1. *Reasons, Objectives, and Legal Basis Underlying the Proposed Rules.*

These matters have been discussed elsewhere in the supplementary information regarding this proposal.

2. *Small Entities to which the Proposed Rule will Apply.*

The proposed rule would apply only to institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

3. *Impact of the Proposal on Small Institutions.*

The proposal would permit more flexible accounting and maintenance of reserves for all insured institutions, regardless of size. Engaging in the practices authorized by the proposed rules is voluntary, and regulatory requirements are uniformly based upon the extent of participation.

4. *Overlapping or Conflicting Federal Rules.*

There are no known Federal rules that may duplicate, overlap of conflict with this proposal.

5. *Alternatives to the Proposed Rule.*

Use of the proposed practices is voluntary, and the proposal would allow institutions to continue to use current accounting and reserve rules.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80-584 (September 11, 1980) have been incorporated into the supplementary information regarding the proposal.

Because there is a present need to afford institutions greater accounting flexibility in an adverse economic climate, the Board has limited the comment period to 30 days.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Parts 563 and 563c, Supchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS & LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. Revise paragraph (d) of § 563.13 to read as follows:

§ 563.13 Reserve accounts.

* * * * *

(d) *Exemption relating to the sale of mortgages.* An institution shall not be required to meet the minimum net-worth requirement set out in paragraph (b)(2) of this section or the statutory-reserve requirement set out in paragraph (a)(2) of this section, to the following extent and subject to the following conditions:

(1) failure to meet the minimum net-worth or reserve requirements shall result solely from losses recognized from the sale of mortgage loans and mortgage-related securities, as defined in § 563a.17-4(a)(4) of this subchapter;

(2) the institution intends to re-invest the proceeds of such sales so as to improve its future profitability and/or to reduce its interest-rate risk;

(3) the authority granted by paragraph (d) of this section shall not be used to reduce the institution's statutory reserve to less than 3 percent;

(4) the exemption shall be effective for no more than the estimated remaining life of the mortgage loans and mortgage-related securities sold;

(5) the institution establishes and maintains a plan setting forth (i) that all of the conditions set out above shall be met; (ii) the benefits, including cash-flow benefits, the institution expects to gain from the exemption; (iii) the institution's plan for building up its statutory reserve to the minimum amount required by paragraph (a)(2) of this section and its net worth to the minimum required by paragraph (b)(2) of this section, within the period described in paragraph (d)(4) of this section; and (iv) a summary of any prior sales made pursuant to this paragraph; and

(6) the institution shall maintain complete records of all transactions undertaken pursuant to this paragraph.

* * * * *

PART 563c—ACCOUNTING REQUIREMENTS

Subpart B—Other Accounting Requirements

2. Add new § 563c.14 to read as follows:

§ 563c.14 Accounting for gains and losses on the disposition of mortgage loans and mortgage-related securities.

(a) *Recognition of gains and losses.* Gains and losses (net of related income taxes) resulting from disposition of mortgage loans and mortgage-related securities (as defined in § 563.17-4(a)(4) of this subchapter) shall be recognized at the time such gains and losses are incurred: *provided*, that an institution may, at its option, elect to defer and amortize all gains and losses (net of related income taxes) resulting from such disposition as provided in paragraph (b) of this section.

(b) *Deferral.*

An institution making this election shall:

(1) demonstrate an intent to reinvest the sale proceeds so as to improve the institution's future profitability and/or reduce interest-rate risk;

(2) if it is a state-chartered institution, only exercise this election if its state supervisory authority has provided the

Corporation either specific or blanket concurrence for state law purposes in the use of this accounting treatment; and

(3) account for such gains and losses as follows:

(i) such gains and losses (net of related income taxes) shall be applied as an adjustment of the carrying value of the portfolio of mortgage loans or other mortgage-related securities, and

(ii) such gains or losses shall be amortized by the interest or level-yield method, as described in § 563.23–1(g)(10)(iii) of this subchapter, over a period not to exceed the estimated remaining life of the disposed mortgage loans or mortgage-related securities.

(c) For purposes of this section, "disposition" includes but is not limited to: (1) prepayments at a discount of an institution's mortgage loans by the existing borrowers; (2) sales of mortgage loans and mortgage-related securities and participation interests therein; and (3) exchanges of assets eligible for disposition under this section.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

Malcolm Draper, Jr.,

Assistant to the Chairman.

[FR Doc. 81-24354 Filed 8-19-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-12]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before: October 19, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for exmaination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on August 12, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
		DESCRIPTION OF PETITION
21369	Public Citizen Health Research Group, Aviation Consumer Action Project, Sidney Wolfe, MD, and Eve Bargmann, MD.	Amend 14 CFR 121.309 and Part 121 Appendix A to require air carriers to provide emergency medical equipment (both medications and diagnostic and lifesaving equipment) in addition to the rudimentary first aid kits now required.
		PETITIONER'S REASONS FOR AMENDMENT
	.....	Each day, unknown numbers of Americans develop serious medical problems while aboard an airplane. Many of these problems may be life-threatening if not promptly treated. Yet any doctor on board who is called to help will find that the plane carries no lifesaving medical equipment, no medications (other than burn compound)—not even a stethoscope. As a result, a person with severe ashtma or diabetic coma, for example, could die for want of treatment while the doctor stands helplessly by.
	.....	According figures from the Air Transport Association, it receives reports of approximately 100 passenger deaths per year. Many of these might be prevented if lifesaving equipment were available.
	.....	Many doctors have expressed their grave concern at this problem. In a survey of over 300 physicians, 88.9% thought that airlines should be required to carry basic medical equipment and medications aboard aircraft. 20% of the 300 doctors had answered calls for help on flights. "Working on passengers without benefit of medications or the bare essentials posed a real problem for many responding physicans," the survey found. (*American Medical News*, p. 9, July 25, 1980). Other doctors have reported in medical journals being called to assist passengers with heart problems, strokes, severe gastrointestinal problems, and diabetic coma. Almost all found the available medical equipment inadequate.
	.....	As the airlines carry more people, and more older persons fly, such problems become ever more likely. Especially on longer, overseas flights, medical assistance on the ground may be hours away.
	.....	Solving this problem should be feasible and fairly inexpensive. Both the American College of Surgeons and the Air Transport Medicine Committee of the Aerospace Medical Association have published lists of emergency medical equipment that airlines should provide. Several foreign air carriers (including SAS, Air France, and El Al) already carry in-flight emergency medical equipment, such as drugs to treat asthma, heart problems, and diabetic insulin shock. Requiring U.S. carriers to do the same should be no great burden, and it may make the difference between a passenger's life and death.
		DESCRIPTION OF PETITION
21779	Stuart O. Miller	Amended §§ 91.41 and 121.311(a) to require children age 4 or less, weighing less than 40 pounds, and less than 40 inches in height, to be seated in their own seats in an FAA-approved restraining device during takeoff, landing, and at the pilot's command.

Petitions for Rulemaking—Continued

Docket No.	Petitioner	Description of the rule requested
		Petitions for Rulemaking: Denied
None this period.		

[FR Doc. 81-24289 Filed 8-19-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 22093]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would require replacement of all clamps and most of the support brackets for fuel and hydraulic system lines in the engine pylons on Airbus Industrie Model A300 series airplanes. The AD is prompted by reports of fuel and hydraulic line attaching clamps breaking in service which could result in line breakage and a consequent fire hazard.

DATES: Comments must be received on or before October 19, 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. 22093, 800 Independence Avenue, SW., Washington, D.C. 20591; or delivered in duplicate to: Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 22093.

Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

The applicable service bulletin may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France.

A copy of the service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., 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, SW., Washington, D.C. 20591, telephone: 202-426-8374.

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 upon the proposed rule. The proposals 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 22093." The post card will be date/time stamped and returned to the commenter.

There have been reports of fuel and hydraulic system line attaching clamps in the engine pylons breaking in service on Airbus Industrie Model A300 series airplanes. Any failure of these clamps, specifically fuel line clamp failures at engine pylon ribs 1 and 3, hydraulic clamp failures at stiffeners 4 and 5 and at ribs 18 and 20, could result in breakage of the fuel and hydraulic lines and cause a severe fire hazard to the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require replacement of all the clamps in the engine pylons with reinforced teflon-lined clamps, and replacement of most of the support brackets with new brackets due to the low resistance of the old clamps to fatigue on certain Airbus Industrie Model A300 series airplanes.

Since all Airbus Model A300 series airplanes on the U.S. aircraft registry were modified in accordance with Airbus Service Bulletin No. A300-54-007 prior to delivery to the United States, no immediate safety hazard exists, and time will permit promulgation of this AD by public notice to affect those airplanes that may enter the U.S. aircraft registry in the future.

The Proposed Amendment

§ 39.13 [Amended]

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:

Airbus Industrie. Applies to Model A300 series airplanes, certificated in all categories.

Compliance is required within the next 750 hours time in service after the effective date of this AD, unless already accomplished.

To prevent breakage of the fuel and hydraulic line attaching clamps in the engine pylons, which could result in line breakage and a consequent fire hazard, accomplish the following:

(a) Remove the existing fuel and hydraulic line attaching clamps and brackets, and install new reinforced teflon-lined clamps and redesigned brackets in accordance with paragraph 2, "ACCOMPLISHMENT INSTRUCTIONS," of Airbus Industrie Service Bulletin A300-54-007, Revision 5, dated December 22, 1978, or an FAA-approved equivalent.

(b) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

(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

[1] Service Bulletin filed as a part of original document.

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 12, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-24245 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 22094]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections for cracks of rear cargo door frames and replacement of the frames as necessary on Airbus Industrie Model A300 series airplanes. This AD is needed to detect cracks which could result in failure of the frames causing depressurization, structural damage and possible loss of the airplane.

DATE: Comments must be received on or before October 19, 1981.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 22094, 800 Independence Avenue, SW., Washington, DC 20591;
or delivered in duplicate to Room 916, 800 Independence Avenue, SW., Washington, DC 20691.

Comments delivered must be marked: Docket No. 22094.

Comments may be inspected at Room 916 between 8:30 am and 5:00 pm.

The applicable service bulletins may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France.

A copy of each service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Cristie, 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, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, DC 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 upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each 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 those comments and a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 22094." The postcard will be dated, time stamped and returned to the commenter.

There have been reports of cracks in the flanges of the rear cargo compartment door frames 67 and 69 found during routine inspections on Airbus Industrie Model A300 series airplanes. Closer examination revealed corrosion attributed to the stresses induced in the frames during installation of titanium rivets. These cracks could cause failure of the frames resulting in depressurization, structural damage, 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 repetitive inspections of rear cargo door frames 67 and 69 for cracks in the external and internal flanges and replacement of the frames as necessary on Airbus Industrie Model A300 series airplanes.

Since all Airbus Model A300 series airplanes on the U.S. registry are currently being inspected in accordance with Airbus Service Bulletin No. A 300-53-108, or have been modified in accordance with Airbus Service Bulletin No. A 300-53-109, no immediate safety hazard exists, and time will permit promulgation of this AD by public notice to affect those airplanes currently on the registry as well as all future airplanes that may be entered on the U.S. aircraft registry.

The Proposed Amendment

§ 39.13 [Amended]

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:

Airbus Industrie: Applies to Model A300 series airplanes, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the aft cargo door frames 67 and 69, accomplish the following:

(a) Within the next 550 hours time in service after the effective date of this AD, unless already accomplished within the last 1450 hours time in service, inspect the rear cargo compartment door frame external flanges in accordance with paragraph 2.B.(1) of Airbus Industrie A300 Service Bulletin A300-53-108, Revision 1, dated October 15, 1979 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(b) If no cracks are found during the inspection required by paragraph (a) of this AD:

(1) The airplane may be returned to service; and

(2) Repeat the inspection in paragraph (a) of this AD at intervals not to exceed 2000 hours time in service from the last inspection.

(c) If, during the inspection required by paragraph (a) of this AD, the total number of cracks found does not exceed 5, or the total length of all cracks found does not exceed 2 inches:

(1) The airplane may be returned to service; and

(2) Repeat the inspection in paragraph (a) of this AD at intervals not to exceed 550 hours time in service from the last inspection.

(d) If, during the inspection required by paragraph (a) of this AD, the total number of cracks found exceeds 5, or the total length of all cracks found exceeds 2 inches, inspect the adjacent internal flange on the forward side of frame 67 and the aft side of frame 69 in accordance with paragraph 2.B(2)(b) of the Service Bulletin, or an FAA-approved equivalent.

(e) If no cracks are found on the internal flanges during the inspection required by paragraph (d) of this AD:

(1) The airplane may be returned to service; and

(2) Repeat the inspections in paragraphs (a) and (d) of this AD at intervals not to exceed 550 hours time in service from the last inspection.

(f) If, during inspection of the internal flanges required by paragraph (d) of this AD, the total number of cracks found does not exceed 5, or the total length of all cracks does not exceed 2 inches:

(1) The airplane may be returned to service; and

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[1] Service Bulletin filed as a part of orginal document.

(2) Repeat the inspections in paragraphs (a) and (d) of this AD at intervals not to exceed 200 hours time in service from the last inspection.

(g) If, during the inspection of the internal flanges required by paragraph (d) of this AD, the total number of cracks found exceeds 5, or the total length of all cracks exceeds 2 inches, before further flight, except as provided in paragraph (i) of this AD, replace the frame in accordance with paragraph 2, "Accomplishment Instructions," of Airbus Industrie A300 Service Bulletin A300-53-109, Revision 4, dated April 25, 1980, or an FAA-approved equivalent.

(h) The inspections and repetitive inspections required by this AD may be discontinued when rear cargo door frames 67 and 69 have been replaced in accordance with Airbus Industrie A300 Service Bulletin A300-53-109, Revision No. 4, dated April 25, 1980, or an FAA-approved equivalent.

(i) In accordance with FAR §§ 21.197 and 21.199 the airplane may be flown to a base where the maintenance required by this AD may be accomplished.

(j) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium.

(k) Upon submission of substantiating data, through an FAA Aviation Safety Inspector, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, may adjust the inspection intervals.

(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 11.85)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be major under the provisions of 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, DC on August 13, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-24246 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ANW-8]

Alteration of V-120 and Revocation of 4 Alternate Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend V-120 from Mullan Pass, ID, to Seattle, WA, and to revoke 4 alternate airway segments. This action would support objectives to eliminate alternate airways from the National Airspace System which do not justify continued designation as airways. Chart clutter would also be reduced.

DATE: Comments must be received on or before September 21, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ANW-8, FAA Building, Boeing Field, Seattle, WA. 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holiday, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ANW-8." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to:

1. Extend V-120 from Mullan Pass, ID, to Seattle, WA.
2. Revoke alternate airway V-2 south between Ellensburg, WA, and Moses Lake, WA, also between Spokane, WA, and Mullan Pass, ID, and revoking alternate airway V-2 north between Seattle, WA, and Spokane, WA, via Wenatchee, WA, Ephrata, WA, also between Spokane, WA, and Mullan Pass, ID.
3. Revoke alternate airway V-23 east between Fort Jones, CA, and Medford, OR.
4. Revoke alternate airway V-357 north between Moses Lake WA, and Wenatchee, WA.

Section 71.123 was republished in the **Federal Register** on January 2, 1981 (46 FR 409).

The Proposed Amendment

§ 71.123 [Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the description of V-120 and revoke 4 alternate airway segments under § 71.123 of Part 71 of the Federal

Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) by:

1. Replacing the words "V-120 From Mullan Pass, ID" with the words "V-120 From Seattle WA; Wenatchee, WA; Ephrata, WA; Spokane, WA; INT Spokane 093°T(072°M) and Mullan Pass, ID, 311°T(291°M) radials; Mullan Pass"

2. Under V-2 replace the words between "V-2 From Seattle," and "Missoula, MT" with the words "WA; Ellensburg, WA; Moses Lake, WA; Spokane, WA; Mullan Pass, ID; 5 miles, 53 miles, 91 MSL,"

3. Under V-23 after the words "Medfore, OR" eliminate the words", including an east alternate via INT Fort Jones 041° and Medford 157° radials"

4. Under V-357 after the words "to Wenatchee;" eliminate the words "including a N alternate from Moses Lake via Ephrata, WA, to Wenatchee."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on August 13, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-24276 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-44]

Proposed Alteration of Control Zone and Transition Area, Jackson, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Jackson, Mississippi, Control Zone and Transition Area. In order to satisfy operational needs, changes have been made in instrument flight procedures at Allen C. Thompson Field, Hawkins Field and Bruce Campbell Field. It is necessary to alter the Control zone and Transition Area descriptions to reflect the changes and provide required controlled airspace protection for IFR aircraft operations.

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

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before October 5, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (MPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to alter the description of the Jackson, Mississippi, Control Zone and Transition Area as follows: (1) eliminate reference to the Hawkins RBN which has been decommissioned; (2) refine the geographic position of Allen C. Thompson Field, Bruce Campbell Field and Hawkins Field Airports; (3) designate a Control Zone extension north of Bruce Campbell Field to afford airspace protection for the instrument approach procedures; (4) increase the basic Control Zone radius at Allen C. Thompson Field to contain Category E aircraft instrument operations; (5) redesignate the Control Zone extension north of Hawkins Field to provide airspace protection for VOR-A instrument approach procedure; (6) increase the basic Transition Area radius at Bruce Campbell Field to provide airspace protection for the VOR-A instrument approach procedure; and (7) redesignate the Transition Area extension north of Hawkins Field to provide airspace protection for the VOR-A instrument approach procedure.

The Proposed Amendment

§§ 71.171 and 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subparts F and G of Part 71 of the Federal Aviation Regulations, as republished (46 FR 455 and 540, respectively), as follows:

1. By amending § 71.171 in the description of the Jackson, Mississippi, Control Zone by removing the present description and substituting therefor, "Within a 6-mile radius of Allen C. Thompson Field (lat. 32°18'40" N., long. 90°04'33" W.); within a 5-mile radius of Hawkins Field (lat. 32°20'04" N., long. 90°13'20" W.); within 2.5 miles each side of the Jackson VORTAC 194° radial, extending from the 5-mile radius zone to 1 mile south of the VORTAC; within a 5-mile radius of Bruce Campbell Field (lat. 32°26'17" N., long. 90°06'10" W.); within 3 miles each side of the 006° bearing from the Bruce RBN (lat. 32°26'24" N., long. 90°06'24" W.) extending from the 5-mile radius zone to 8.5 miles north of the RBN."

2. By amending § 71.181 in the description of the Jackson, Mississippi, Transition Area by deleting the present description and substituting therefor, "That airspace extending upward from 700 feet above the surface within a 10-mile radius of Allen C. Thompson Field (lat. 32°18'40" N., long. 90°04'33" W.); within an 8-mile radius of Hawkins Field (lat. 32°20'04" N., long. 90°13'20" W.); within 3 miles each side of the Jackson VORTAC 194° radial, extending from the 8-mile radius area to the VORTAC; within

a 6-mile radius of Bruce Campbell Field (lat. 32°26'17" N., long. 90°06'10" W.); within 3 miles each side of the 006° bearing from the Bruce RBN (lat. 32°26'24" N.; long. 90°06'24" W.), extending from the 6-mile radius area to 8.5 miles north of the RBN."

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

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

This proposed amendment involves only a small alteration 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. 81-24275 Filed 8-19-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-46]

Proposed Designation of Transition Area, West Jefferson, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the West Jefferson, North Carolina, Transition Area. A standard instrument approach procedure has been developed for the Ashe County Airport. Controlled airspace is required to protect aircraft Instrument Flight Rule (IFR) operations and must be designated before IFR flight procedures can become effective.

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

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: 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:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before October 5, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the West Jefferson, North Carolina, 700-foot Transition Area. This action will provide controlled airspace protection for aircraft executing the NDB RWY 27 standard instrument approach procedure at Ashe County Airport. The Toliver NDB (nonfederal, nondirectional radio beacon), which will support the approach procedure, is proposed for establishment in conjunction with the designation of the Transition Area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181, of Part 71 of the Federal Aviation Regulations, as republished (46 FR 540) by adding the following description:

West Jefferson, N.C.

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Ashe County Airport (Lat. 36°25'58"N., Long. 81°25'17"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)).)

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

This proposed amendment involves only a small alteration 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. 81-24274 Filed 8-19-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81-ANW-11]

Extension of High Altitude Route No. J-517

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend High Altitude Route J-517 from Boise, ID, VORTAC to Hayden, CO, VOR. The majority of aircraft departing or overflying Boise en route to Denver request routing direct Hayden. The proposed extension of J-517 from Boise to Hayden would reduce controller and pilot workload associated with vectoring and rerouting these aircraft by allowing flight paths to be filed along the new route.

DATE: Comments must be received on or before September 21, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ANW-11, FAA Building, Boeing Field, Seattle, WA. 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ANW-11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to extend J-517 from Boise, ID, to Hayden, CO. This proposed change is responsive to the current traffic flow. Most aircraft departing or overflying en route to Denver request routing direct to Hayden. The proposed extension would reduce controller and pilot workload associated with vectoring and rerouting these aircraft by allowing flight plans to be filed along the new route. Section 75.100 was republished in the **Federal Register** on January 2, 1981 (46 FR 834).

The Proposed Amendment

§ 75.100 [Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend J-517 under 75.100 of Part 75 of The Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) by replacing the entire description after the words "Jet Route No. 517" with the words, "From Hayden, CO, to Boise, ID, via Malad City, ID, to Cranbrook, BC, via Spokane, WA, excluding the portion which lies over Canadian territory."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on August 13, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-24277 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1204

Recordkeeping Requirement; Submission to the Office of Management and Budget

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has submitted an information collection request to the Office of Management and Budget (OMB). The purpose of this request is to require manufacturers and importers of omnidirectional CB base station antennas to keep records of certification tests and corrective actions that may be made necessary by a proposed consumer product safety standard applicable to these antennas.

DATE: The Commission submitted the information collection request to OMB on August 14, 1981.

FOR FURTHER INFORMATION CONTACT: Harleigh Ewell, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207 (202) 634-7770.

SUPPLEMENTARY INFORMATION: On August 14, 1981, the Commission published a proposed consumer product safety standard applicable to omnidirectional CB base station antennas to address the risk of injuries and deaths from electric shock caused by contact of these antennas with power lines while the antennas are being installed or taken down (16 CFR Part 1204; 46 FR 41081). The proposed standard would establish performance

tests to determine if the antenna can contact a 14,500 Volt power line without transmitting a harmful amount of current to a person holding the antenna's mast.

If the proposed standard is promulgated, manufacturers and importers of these antennas would be required by section 14 of the Consumer Product Safety Act, 15 U.S.C. 2063, to issue certificates that their products comply with the standard and to base the certificates upon a test of each item or upon a reasonable testing program. Subpart B of the proposed regulation describes the minimum features of a reasonable testing program and includes a requirement that records be kept of the qualification and production testing required by the testing program and of all corrective actions taken. Such records are needed in order to verify that manufacturers and importers are meeting their responsibilities under section 14 of the act and that the antennas being manufactured or imported comply with the standard.

Since the recordkeeping requirement may be subject to section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507, Public Law 96-511, 94 Stat. 2820), the Commission has submitted this information request to OMB for review.

Dated: August 14, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-24238 Filed 8-19-81; 8:45 am]

BILLING CODE 6335-01-M

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16 CFR Part 1306

Information Collection Request for Certain Insulation Contractors; Submission to the Office of Management and Budget

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has submitted an information collection request to the Office of Management and Budget (OMB), as required by law. The purpose of this request is to obtain additional information from insulation contractors concerning the potential economic effects of a ban of urea-formaldehyde (U.F.) foam insulation.

DATE: The Commission submitted the information collection request to OMB on August 13, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Directorate for Economic Analysis, Consumer Product Safety Commission, Washington, D.C., 20207 (301) 492-6962.

SUPPLEMENTARY INFORMATION: On February 5, 1981 the Commission proposed a ban of U.F. foam insulation to address the unreasonable risks of chronic and acute injury associated with the product because of the potential release of formaldehyde gas (46 FR 11188). In the proposal, the Commission specifically solicited comments on a number of economic issues concerning the potential impact of a ban on insulation contractors. In order to gather more detailed information than that obtained in the public comments, the Commission staff intends to conduct a limited telephone survey of approximately 100 insulation contractors over a several week period. The survey will focus on present and past installers of U.F. foam insulation, and will seek information such as the number and type of installations, the revenues derived from these installations, the extent to which substitute insulation materials may be used, and the potential for firms no longer installing U.F. foam insulation to again enter the market. Responses to the survey will be voluntrary. The information obtained from the survey will assist the Commission in deciding whether to issue a final regulation that bans the product.

As required by section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507, Pub. L. 96-511, 94 Stat. 2820), the Commission has submitted this information request to OMB for review.

Dated: August 14, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-24237 Filed 8-19-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

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

Correction

In FR Doc. 81-22780, published at page 39848, on Wednesday, August 5, 1981, on page 39849, in the second column, in the fifteenth line from the bottom "August 5, 1981," should be corrected to read "the date of publication in the **Federal Register.**"

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-133-78]

Books and Records of Foreign Corporations and Operations; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating generally to the books and records of a foreign organization, trade, or business.

DATES: The public hearing will be held on October 6, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by September 22, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-133-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a tool-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 964(c) and 6001 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, January 23, 1981 (46 FR 7401).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by September 22, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-24290 Filed 8-19-81; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Parts 1 and 6a

[LR-10-81]

Mortgage Subsidy Bonds; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to mortgage subsidy bonds.

DATES: The public hearing will be held on November 5, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by October 23, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-10-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 103A of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Wednesday, July 1, 1981 (46 FR 34348).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by October 23, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-24291 Filed 8-19-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Oil and Gas and Sulphur Operations on the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this proposed amendment to 30 CFR 250.12 is to assure that Department of the Interior regulations are as simple and efficient as possible while protecting the Nation's interests as lessor of the lands of the Outer Continental Shelf (OCS) while encouraging the expeditious exploration, development, and production of the national resources of the OCS. The proposed rule would specifically authorize the Director, U.S. Geological Survey (USGS), to consider inordinate delays in obtaining governmental permits and consents when evaluating a lessee's request for a suspension of operations and extension of the primary term of a lease.

DATES: Written comments and recommendations on this proposal to amend 30 CFR 250.12 must be received on or before the close of business September 21, 1981.

ADDRESS: Comments and recommendations may be mailed to: Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860-7395, (FTS) 928-7395.

SUPPLEMENTARY INFORMATION: The proposed rulemaking is part of a Department of the Interior effort to review and streamline existing regulatory requirements, deleting or modifying those requirements found to be excessive, burdensome, and counterproductive. Comments and recommendations are solicited with respect to this proposed rule as well as comments and recommendations on any other regulatory requirements in 30 CFR 250.12.

This proposed rulemaking is intended to result in regulatory requirements that are the simplest and most efficient method for meeting DOI responsibilities on the OCS, thereby protecting the Nation's interests in valuable resource lands.

Discussion of Changes

Following lease sale of OCS tracts and prior to commencement of any operations, a number of Federal, State, and local permits and consents are required. In some instances, delays in obtaining the necessary permits and consents have been of such a duration as to jeopardize exploration and development of a lease within the lease term. Industry has voiced its opinion that such delays create a risk of having the lease term expire without opportunity to explore or develop the lease. To lessen this risk and encourage proper development of the Nation's resources, it is proposed that the Director be specifically authorized to grant suspensions of operations and extensions of the primary term of a lease when inordinate delays are encountered in obtaining governmental permits or consents.

Authors: Dana Ott, Solicitor's Office; Jane Roberts, Platte Clark, and Ron Prehoda, Geological Survey, U.S. Department of the Interior (202/343-

4325, 703/860–7541, 7395, and 6831 respectively).

Environmental Impact, Regulatory Impact Analysis and Impact On Small Entities

It has been determined that the proposed revision of 30 CFR Part 250 does not constitute a major Federal action that would significantly affect the quality of the human environment, and therefore an environmental impact statement is not necessary. It has also been determined that the revisions are not major and do not require a Regulatory Impact Analysis under Executive Order 12291. It has been further determined that there would not be a significant economic effect on a substantial number of small entities, therefore a small entity flexibility analysis is not required under the Regulatory Flexibility Act.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

July 16, 1981.

It is proposed that 30 CFR 250.12(b)(1) be amended by adding a provision (iv) to authorize a suspension if the Director determines that it is justified, because of inordinate delays imposed upon the lessee when attempting to obtain the permits or consents necessary to initiate exploration activities. Section 250.12(b)(1) of 30 CFR is amended by removing the word "or" that precedes subdivision (iii), by replacing the period at the end of (iii) with a comma, and by adding a new subdivision (iv), and revises (b)(3)(iii) to read as follows:

§ 250.12 Suspension of operations and lease cancellation.

* * * * *

(b) * * *

(1) * * *

or (iv) allow for inordinate delays encountered by the lessee, in obtaining any required permit or consent from a Federal, State, or local government authority, including administrative or judicial challenges or appeals.

* * * * *

(3) * * *

(iii) Whether, during the primary term, the lessee has beem prompt and efficient in the exploration of or in attempts to explore the lease.

* * * * *

(43 U.S.C. 1334.)

[FR Doc. 81-24337 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-31-M

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed amendments to 30 CFR 250.50 are to delete the provisions that require the segregation of the portion of an OCS oil and gas lease that is not included in a unit agreement. This deletion is required by an opinion of the Solicitor of the Department of the Interior. This proposed amendment will allow the term of an entire lease to be extended if any part of the lease is included in a unit on which development or production activities justify the extension of the lease term.

DATE: Written comments on this proposal to amend the rule must be submitted on or before September 21, 1981.

ADDRESS: Comments may be mailed to: Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860–7395, (FTS) 928–7395.

SUPPLEMENTARY INFORMATION:

Background

This proposed rulemaking is undertaken to eliminate those regulatory requirements in the existing provisions of 30 CFR 250.50 which require the segregation of the portion of a lease outside a unit. This proposed change is also in keeping with the Department's announced policy to eliminate excessive, burdensome, or counterproductive regulations. In addition to comments on the proposed rulemaking, we welcome comment on all of the provisions of 30 CFR 250.50. It is not, however, the intention of this rulemaking to eliminate any statutory requirements, but rather to reduce as much as possible any additional regulatory burden imposed by the Department and to insure that its regulations are in conformity with the law.

Discussion of Changes

The current provisions of 30 CFR 250.50 contain language requiring the segregation of unitized OCS leases. A unit is formed when the lessees for adjoining leases agree, with the consent of the lessor, to treat an area above a common oil and gas reservoir as one unit. The separately owned lease interests are combined for the purpose of exploration and development of the reservoir, so as to maximize production, minimize costs, and protect correlative rights.

Segregation refers to the practice of separating that portion of a lease which is unitized from that portion which is not committed to the unit, essentially splitting a lease into two leases.

The Solicitor of the Department of the Interior, based upon a recent review of OCS Lands Act (43 U.S.C. 1331 *et seq.*), issued Solicitor's Opinion M–36927 concluding that the Secretary does not have legal authority to require that those portions of the lease not under the unit agreement be segregated from those portions of the lease which are within the unit.

The proposed amendments will remove all references to mandatory segregation to insure the departmental regulations conform with the Solicitor's opinion and are in agreement with law.

Authors: Jack Kelly, Office of the Solicitor, U.S. Department of the Interior (703/860–6736); Platte Clark and Jane Roberts, Geological Survey, U.S. Department of the Interior (703/860–7395 and 7541, respectively).

Environmental Impact, Regulatory Impact Analysis and Impact on Small Entities

The Department of the Interior has determined that this revision of the regulations in 30 CFR 250.50 does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. The Department has determined that this proposed rule is not a major action and does not require the preparation of a regulatory impact analysis under Executive Order 12291. The Department has also determined that this proposed rule will not have a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

William Perry Pendley,

Deputy Assistant Secretary of the Interior.

June 9, 1981.

Section 250.50 is amended as follows:

1. The first sentence of § 250.50(b) is amended by removing the words "* * * or segregated portions of leases * * *".

2. The first sentence of § 250.50(e) is amended by removing the words "* * * or segregated portion of leases * * *".

3. Paragraphs (g), (h), and (i) are revised.

4. Paragraph (j) is removed.

§ 250.50 Authority and requirements for unitization.

* * * * *

(b) [Amended]

* * * * *

(e) [Amended]

* * * * *

(g) If a lease is subject to unitization, the entire lease shall continue in force for the term provided in the lease and as long thereafter as the lease remains part of the unit area and as long as there are operations within the unit area which serve to continue the lease in effect.

(h) Upon the expiration or termination of a unit agreement or when there is an adjustment of a unit area that results in the elimination of a lease from the unit agreement, each lease that was, but is no longer, subject to the unit agreement shall expire unless (1) Its initial term has not expired, (2) drilling, production, or well reworking operations are underway on the lease, or (3) a suspension of production or operations has been ordered or approved for the lease pursuant to 30 CFR 250.12.

(i) When a lease subject to a unit agreement is beyond the initial fixed term of the lease and unitized substances are not being produced, the lease shall expire unless (1) The unit operator conducts a continuous drilling or well reworking program designed to develop or restore the production of unitized substances, or (2) a suspension of operations has been ordered or approved in accordance with 30 CFR 250.12

(j) [Removed]

[FR Doc. 81-24338 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 153 and 161

[CGD 78-098]

Notification of Marine Casualties

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of Advance Notice of Proposed Rulemaking.

SUMMARY: This action withdraws the Advance Notice of Proposed Rulemaking, Docket Number 78-098, published in the **Federal Register** on April 16, 1979 [44FR22476]. The advance notice invited public participation in the development of regulations which would have required notification whenever a collision, stranding, loss of propulsion or steering or other incident of navigation involving tank vessels could be reasonably expected to result in discharge of oil or hazardous substances. Casualty reporting requirements would have been developed to permit appropriate and timely response action while not being overly burdensome on marine traffic.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Gary L. Gregory, Prevention of Enforcement Division (G-WPE), Room 1611, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593 [(202) 426-9578].

SUPPLEMENTAL INFORMATION: The Intergovernmental Maritime Consultative Organization (IMCO) Secretariat presented to the 37th Session of the IMCO Legal Committee a study addressing notification issues arising from the AMOCO CADIZ incident. So IMCO LEG XXXVII/2 (22 Sep 1978). The study references the reporting requirement contained in the International Convention for the Prevention of Pollution from Ships (MARPOL) and notes that the Marine Environmental Protection Committee (MEPC) was considering recommending early implementation of the requirements. (see Resolution A.447 (XI)). After examining regional agreements and Law of the Sea (LOS) articles, the study surmises that "governments consider it desirable that there should be international regulations requiring the master of a vessel to make appropriate reports to the coastal State or States whose coastlines or related interests may be affected by incidents or casualties involving discharges or the probability of discharges." The proposed rulemaking received numerous comments from the affected public, many which expressed the opinion that the regulation was presently unneeded. Upon further review and because of the desirability of having international standards the Coast Guard does not consider unilateral action at this time appropriate. Discussions are continuing at meetings of IMCO and the Coast Guard will continue to cooperate in efforts to develop international standards concerning notification of casualties to coastal states by vessels not bound for that state.

The Advance Notice of Proposed Rulemaking, docket number 78-098, published in the **Federal Register** on April 16, 1979 [44FR22476], is hereby withdrawn.

Dated: August 13, 1981.

W. E. Caldwell,

RADM, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-24351 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 175

[CGD 78-163]

Exception From PFD Carriage Requirement for Sailboards

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The Coast Guard is withdrawing its proposal to exempt sailboard operators from the requirement to carry a personal flotation device. This results from a determination that sailboards should not be subject to Federal regulation. So that State and local governments may be free to regulate sailboards if the need arises, they are being exempted from a provision in the Federal Boat Safety Act of 1971 that would prohibit such action. As the Federal government will no longer be involved in the regulation of sailboards, an exemption previously granted to one sailboard manufacturer that allowed its products to be used without personal flotation devices is being terminated. These actions will allow the Coast Guard to withdraw from an area in which there was never a clearly established need for its involvement, while preserving the opportunity for such involvement at more appropriate levels of government.

FOR FURTHER INFORMATION CONTACT: Mr. Ray Franseen, Consumer Affairs and Administrative Staff, Office of Boating, Public, and Consumer Affairs, (G-BA-1), U.S. Coast Guard Headquarters Building, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone 202-426-1080.

SUPPLEMENTARY INFORMATION: On February 18, 1973 an exemption from the requirements of § 175.15, Title 33, Code of Federal Regulations was granted to Windsurfing International, Inc., allowing a craft it marketed as "Windsurfer" to be used without a personal flotation device. The "Windsurfer" is basically a surfboard with a triangular sail on a swivel mounted mast. There is no rudder nor any rigging or stays. The operator maneuvers the boat through the trim of the hand-held sail and distribution of body weight on the surfboard. In issuing the exemption, the Coast Guard described the "Windsurfer" as "in essence * * * more a novelty craft used as a swimming toy than a vessel used or capable of being used for transportation". At that time the "Windsurfer" was relatively new to the domestic market and the terminology "sailboard" was not in use. Since the granting of the exemption to Windsurfing International, Inc., many

manufacturers both foreign and domestic have manufactured surfboards with an attached free fall sail system and the term "sailboard" has come into common usage.

On March 29, 1979 the Coast Guard published an advance notice of proposed rulemaking at 44 FR 18765 soliciting comments to help it decide whether to withdraw the exemption from the Personal Flotation Device (PFD) carriage requirement issued to Windsurfing International, Inc., to extend the exemption to all other sailboard manufacturers or to develop alternative approaches. Based upon the comments received, the Coast Guard concluded that there would be no significant adverse effect on boating safety to continue to exempt operators of the "Windsurfer" from the PFD carriage requirement.

On July 19, 1980 the Coast Guard published a notice of proposed rulemaking at 45 FR 47876 that was directed at extending the treatment accorded to "Windsurfer" operators to the operators of all sailboards. If adopted, the proposed rule would have amended the regulations governing the carriage of PFD's to except sailboards from their coverage. The comments received on the proposed rule can generally be divided into two categories. The manufacturers of sailboards and most sailboard operators were in favor of granting an exception to all sailboards; however, State and local law enforcement agencies, a few sailboard operators, and other boat operators were generally in favor of terminating the existing exception and requiring all sailboard operators to carry PFDs.

Through the use of many thousand sailboards by both experienced and inexperienced sailboarders, it has become apparent that sailboarding has become a sport, similar to surfing or skiing and that sailboards are not normally being used as a means for transportation. There are differences of opinion as to whether they are practically capable of being used as a means for transportation on the water and thereby qualify as "vessels" subject to regulation under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.). The sailboarder must gain skill in balance and exhibit good dexterity to maintain the sailboard upright and moving. The sailboarder must exhibit some of the skills of a surfboarder, a sailor, and a skier to properly use the sailboard.

Many water sport items have evolved over the years which, although they may be capable of a limited use as a means of noncommercial transportation on the water, have not been subjected to regulation under the Federal Boat Safety Act of 1971. These water sport items include inner tubes, inflatable air mattresses, float boards, and surfboards. It has been determined by the Coast Guard that the sailboards should be treated in a manner similar to water sport items and that formal regulation of sailboards is not needed at this time. The exemption granted to Windsurfing International, Inc. is therefore being terminated and the notice of proposed rulemaking concerning PFD carriage on sailboards is being withdrawn. Although the Coast Guard does not intend to regulate sailboards under the Act, it plans to continue monitoring sailboard activities to determine whether regulatory action may be needed. The Coast Guard will not hesitate to consider imposing requirements on sailboards if it is determined that problems of safety exist.

Although the Coast Guard has determined that regulation of sailboards under the Federal Boat Safety Act of 1971 is not needed at this time, it recognizes that there might be State interest in doing so. The Federal preemption provision in section 10 of the Act (46 U.S.C. 1459) prohibits States from imposing safety standards or associated equipment requirements that are not identical to those issued by the Federal government. However, States may be exempted from this prohibition under Section 9 of the Act (46 U.S.C. 1458). Such an exemption is being granted as part of this action so that States that find it necessary to regulate sailboards may be free to do so. By eliminating Federal involvement in a matter that at present may be better addressed at the State and local level, this action is in furtherance of the Administration's efforts to achieve regulatory reform.

The National Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in this matter. The transcript of the meetings of the National Boating Safety Advisory Council at which this matter was discussed is available for examination in Room 4224, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, D.C. 20593. The minutes of the meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BA/42), U.S. Coast Guard, Washington, D.C. 20593.

Drafting Information

The principal persons involved in drafting this document were Mr. Ray Franseen, project manager, Office of Boating, Public and Consumer Affairs, and Mr. Coleman Sachs, project attorney, Office of the Chief Counsel.

In consideration of its determination that sailboards should not be subject to Federal regulation under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.), the Coast Guard is taking the following actions:

1. Withdrawing the notice of proposed rulemaking docketed as (CGD 78-163) published on July 17, 1980 (45 FR 47876).

2. Exempting each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession over which the United States has jurisdiction and their political subdivisions from that portion of section 10 of the Federal Boat Safety Act of 1971 (Public Law 92-75) that would prohibit them from establishing and enforcing regulations governing the manner in which sailboards are used, operated, or equipped owing to the absence of identical Federal regulations.

3. Terminating the grant of exemption docketed as (CGD 73-29) issued to Windsurfing International, Inc. on February 18, 1973.

(46 U.S.C. 1454, 1458; 49 CFR 1.46(n)(1))

Dated: July 27, 1981.

H. W. Parker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 81-24348 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL-1914-8]

Approval and Promulgation of State Implementation Plans; Extension of Comment Period, State of Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period on proposed rules.

SUMMARY: The purpose of this notice is to extend the public comment period on the proposed EPA promulgation of the State of Idaho air program rules and regulations as proposed in the July 16, 1981 (46 FR 36869) **Federal Register.** This notice grants an additional 30-day comment period.

DATE: Comments are due by September 21, 1981.

ADDRESSES: The relevant materials in this rulemaking may be examined during normal business hours at the following locations:

Central Docket Section (10A-80-2), Environmental Protection Agency, West Tower Lobby, Gallery I, 401 M Street SW., Washington, D.C. 20460;

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, M/S 625, Seattle, Washington 98101-3188;

Idaho Operations Office, Environmental Protection Agency, 422 W. Washington Street, Boise, Idaho 83702.

Comments should be addressed to: Laurie M. Kral, Environmental Protection Agency, 1200 Sixth Avenue, M/S 625, Seattle, Washington 98101-3188.

FOR FURTHER INFORMATION CONTACT: Micahel J. Schultz, Coordination & Planning Section, Environmental Protection Agency, 1200 Sixth Avenue, M/S 625, Seattle, Washington 98101-3188, Telephone: (206) 442-1226, FTS 399-1226.

SUPPLEMENTARY INFORMATION: On July 16, 1981 (46 FR 36869), EPA proposed to promulgate as part of the Idaho State Implementation Plan certain rules which are necessary to operate an air pollution control program for the State of Idaho as well as the authority to issue certain permits associated wth such a program. Additionally, EPA proposed to rescind certain rules from the approved SIP and recognize certain permits which have been issued by the State. Public comment on the proposed changes were invited for a period of 30 days (ending August 17, 1981). EPA Region 10 has received several requests to extend the comment period for an additional 30 days.

In view of the requests for additional time to provide detailed comments, EPA is hereby extending the public comment period for 30 days to September 21, 1981. Comments on the proposed promulgation should be addressed to Laurie M. Kral at the address listed above. Comments received will be evaluated and a final determination published in the **Federal Register.**

(Sections 110, 307, of the Clean Air Act (42 U.S.C. 7410 and 7607)

Dated: August 12, 1981.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 81-24356 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-30-M

40 CFR Part 52

[A-5-FRL-1908-4]

Approval and Promulgation of Implementation Plan; Revisions: Illinois

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On August 20, 1980, October 15, 1980, March 20, 1981 and April 1, 1981, the State of Illinois submitted to the U.S. Environmental Protection Agency (EPA) revisions to the Illinois State Implementation Plan. These revisions to the transportation control plans for the Northeast Illinois (Chicago) area, the Peoria Metropolitan area and the St. Louis Metropolitan area (Illinois portion), were submitted to meet the requirements set forth in the conditional approval published on February 21, 1980 (45 FR 11472). This notice solicits public comment on the revisions of EPA proposed rulemaking action.

DATE: Comments must be received on or before September 21, 1981.

ADDRESS: Written comments should be sent to the following address: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Please submit an original and three copies if possible. Copies of the materials submitted by the State and by the public during the comment period announced in this notice of proposed rulemaking may be examined during normal business hours at the following EPA offices:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

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

FOR FURTHER INFORMATION CONTACT: Anne Ernstein/Randy Cano, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 203 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6039/886-6035.

SUPPLEMENTARY INFORMATION: On February 21, 1980, (45 FR 11472) EPA announced final rulemaking on revisions to the Illinois SIP. The State submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977. In the notice of final rulemaking, EPA conditionally approved the transportation control plans for Northeast Illinois (Chicago) Area, the Peoria Metropolitan Area and the St. Louis Metropolitan (Illinois portion) Area. A discussion of conditional approval was published in the July 2, 1979 **Federal Register** (44 FR 38583) and the November 23, 1979 **Federal Register** (44 FR 67182). A conditional approval identifies deficiencies which the State has agreed to remedy by a certain date. The conditional approval status of the SIP continues until final action is taken and published in the **Federal Register.** Although EPA has not yet completed its rulemaking action on all aspects of the conditional approval, the State agrees to meet the deadlines they committed to in providing the schedules required by the plan approval conditions unless these schedules are disapproved by EPA in its final rulemaking action on Illinois transportation control plans.

On August 20, 1980 and March 20, 1981, the State submitted additional information on the transportation control plans (TCP's)for the Northeast Illinois (Chicago) Area. On October 15, 1980, the State submitted additional information for the St. Louis Metropolitan (Illinois Portion) Area in response to the requirements set forth in the conditional approval published February 21, 1980 (45 FR 11472).

EPA has completed its review of the submittal and finds that the State has satisfied all the requirements set forth in the conditional approval published in the February 21, 1980 **Federal Register** (45 FR 11472) for the transportation control plans for the Northeast Illinois Area, the Peoria Metropolitan and the St. Louis Metropolitan (Illinois portion) Areas.

This section of the notice discusses the plan approval conditions identified by EPA in the February 21, 1980 rulemaking notice (45 FR 11472); the State's responses of August 20, 1980, October 15, 1980, March 20, 1981, and April 1, 1981; and EPA's proposed rulemaking action.

Northeastern Illinois (Chicago) Area

1. *Condition:* EPA requested implementor commitments from the State of Illinois to meet the conditional approval requirements reference in the February 21, 1980, notice of final rulemaking.

State Action: On January 25, 1980, and March 20, 1981, the State submitted information to meet this requirement. In the March 20, 1981 submittal, the State indicated that the most appropriate context for securing implementor commitments was within the framework of the transportation planning process.

EPA's Proposed Action: In EPA's February 21, 1980 **Federal Register** one of the conditional approval items was the submission of the implementor

commitments by February 21, 1981. In clarification of that conditional approval requirement, IEPA submitted a letter to EPA on March 20, 1981 which stated that instead of obtaining implementor commitments by February 21, 1981, IEPA would obtain them within the framework of the existing transportation planning process. USEPA agrees with Illinois' approach because of the variable and complex nature of the transportation planning process and because of the large number of implementors involved. Therefore EPA proposes to allow the condition to be met through the annual transportation planning process under Section 176(c) of the Clean Air Act.

2. *Condition:* The State will submit an inventory identifying the location of carbon monoxide hotspots and a schedule for hotspot elimination.

State Action: On August 20, 1980, the State submitted an inventory and other information. This included correspondence, a referenced schedule and attachments from the Chicago Area Transportation Study.

EPA's Proposed Action: EPA proposes to approve this action.

Peoria Metropolitan Area

1. *Condition:* EPA requested a more detailed description of the transportation planning process.

State Action: On October 15, 1980, the State submitted a detailed description of the transportation air quality planning process.

EPA's Proposed Action: EPA proposes to approve this action.

2. *Condition:* The Tri-County Regional Planning Commission (Tri-County) was asked to provide a description of procedures which will be used to annually determine the consistency and conformity of the transportation control plan with the SIP.

State Action: On October 15, 1980, the State submitted a summary of procedures for an annual determination of consistency and conformity.

EPA's Proposed Action: EPA proposes to approve this action.

Condition: EPA requested details indicating how the emission impact of implemented transportation projects will be annually assessed and reported.

State Action: On October 15, 1980, the State submitted a description of responsible agencies, methodologies, and procedures for annually assessing, monitoring, measuring, and reporting of emission reduction.

EPA's Proposed Action: EPA proposed to approve this action.

4. *Condition:* EPA requested an assement of the social, economic, health, energy, air quality, and welfare impacts of transportation control measures.

State Action: On October 15, 1980, the State submitted a description of how the social, economic, environment, energy and health impacts of each TCM will be evaluated.

EPA's Proposed Action: EPA proposes to approve this action.

5. *Condition:* EPA requested an identification of all potential CO hotspots in the Peoria Metropolitan Area.

State Action: On October 15, 1980, the State submitted a description of a two-step procedure which TCRPC will use to address the identification and committed itself to the elimination of CO hotspots.

EPA's Proposed Action: EPA proposes approval of this condition because TCRPC and IEPA have committed themselves to the development of strategies for the elimination of hotspots. EPA will evaluate the completion of this action through the Section 176(c) Conformity Procedures which is an annual determination by the Federal, State and Local agencies.

6. *Condition:* EPA requested that the State identify a mechanism for informing elected officials and implementors of progress toward meeting emission reduction goals and projects needed to meet these goals.

State Action: On October 15, 1980, the State submitted TCRPC's procedures for informing local elected officials and implementors of the progress in meeting emission reduction goals.

EPA's Proposed Action: EPA proposes to approve this action.

The St. Louis Metropolitan (Illinois Portion) Area

1. *Condition:* EPA requested a more detailed description of the transportation planning process including the criteria used by the lead local agency to assess impacts of strategies.

State Action: The State submission of April 1, 1981, contained pages 35–39 of the section 175 grant application. These pages describe how transportation control measures (TCM) will be analyzed and commitments obtained.

EPA's Proposed Action: EPA proposes to approve this action.

2. *Condition:* EPA requested that implementor commitments be obtained and submitted.

State Action: The February 21, 1980, EPA final rulemaking on the Illinois SIP Plan indicates that information which partically satisfies this requirement had been received. The April 1, 1981, submittal from IEPA provided additional commitments for implementing specific transportation strategies.

EPA'S Proposed Action: EPA proposes to approve this action with the exception to roads and highways. EPA proposes to take no action on these traffic flow improvements which can be categorized as construction of physical modifications to roads and highways. If these measures are to be incorporated into the SIP, EWGCC must provide a project-specific determination of the air quality emission benefits as a demonstration that these are an appropriate part of this control strategy. This project-specific evaluation may be submitted as part of the 1982 ozone SIP.

3. *Condition:* EPA requested the State to submit a schedule for conducting the analysis of the strategies in section 108 of the act.

State Action: On April 1, 1981, the State submitted pages 39 and 47 of the section 175 grant application. This submission contained a schedule for TCM analysis.

EPA's Proposed Action: EPA proposes to approve this action.

4. *Condition:* EPA requested that the State identify procedures for annually determining the consistency and conformity of the transportation control plan with the SIP.

State Action: On April 1, 1981, the State submitted applicable sections of the St. Louis Metropolitan Area Ozone Volume of the Illinois SIP. The submission indicates that specific projects will be reviewed during the transportation planning process to assess potential air quality impacts and checked for conformity with adopted regional goals and plans.

EPA's Proposed Action: This submission is acceptable; therefore, EPA proposes to approve these applicable sections of the Ozone SIP.

5. *Condition:* EPA requested additional information concerning a credit taken in the transportation control for a fifty percent increase in mass transit ridership. Further, EPA requested that EWGCC secure and submit the necessary implementor commitments.

State Action: On April 1, 1981, the State submitted information from East-West Gateway Coordinating Council (EWGCC). This submission decreased the credit from a 50 percent to a 30 percent increase in transit ridership and discussed the strategies which will achieve the increase in mass transit ridership. This goal is believed to be more realistic. The submittal includes commitments for ridesharing program promotion, increases in mass transit ridership, traffic flow improvements, promotion of bicycling and walking

trips, and promotion of alternative fuels. The Illinois State Legislature has recently authorized the formation of local transit districts. Three districts have been formed, and have set local tax levies to fund mass transit.

EPA's Proposed Action: EPA proposes to approve this action.

Pursuant to the provisions of the 5 U.S.C. Section 605(b), the Administrator certified on January 27, 1981 (46 FR 8709) that regulatory actions approving revisions to SIPs under § 110 and 172 of the Act will not, if promulgated, have a significant econimic impact on a substantial number of small entities. Today's action only proposes to approve State actions and therefore, imposes no new requirements.

Under Executive Order 122291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation, if promulgated, will not be "major" as defined by Executive Order 12291, because this action only approves a State action. This action only proposes for public comment additional information submitted by the State to satisfy certain SIP conditional approval items.

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

This proposed rulemaking is issued under the authority of sections 110 and 172 of the Act as amended (42 U.S.C. 7410 and 7502).

Dated: July 9, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-24352 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Parts 52 and 81

[A-1 FRL 1906-8]

Approval and Promulgation of Implementation Plans, Attainment Status Designations; New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The New Hampshire Carbon monoxide (CO) attainment plan for Manchester was approved at 45 FR 24871 (April 11, 1980) conditioned upon the submittal by May 1, 1980, of additional ambient CO monitoring data, and if detemined to be necessary by the date, a plan for meeting the CO standard by December 31, 1982. By letter dated April 23, 1980, Dennis Lunderville, Director, New Hampshire Air Resources Agency, sent a partial response to the condition documenting that the state could not develop a plan that would attain the CO standard by December 31, 1981, and the need for additional monitoring data before a final plan could be adopted. By letters dated January 12, 1981 and February 18, 1981, Mr. Lunderville submitted a list of air quality improving projects in Manchester, a request for an extension of the attainment date beyond 1982, a schedule for developing an attainment plan which achieves standards no later than December 31, 1987, and a request to clarify the jurisdictional boundaries of the designated nonattainment area. EPA is proposing to delete the condition. EPA is also proposing to approve: (1) the request for an attainment date extension; (2) the schedule for developing a plan revision to be submitted in 1982; (3) the list of air quality improvement projects; and (4) the clarification of the boundaries of the nonattainment area.

DATE: Comments may be submitted to EPA at the addresses listed below on or before September 21, 1981.

ADDRESSES: Copies of the SIP revision and documents containing EPA's guidance are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, J.F.K. Federal Building, MA 02203; Public Information Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and the New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, New Hampshire 03301.

Comments should be submitted to Harley F. Laing, Chief, Air Branch, J.F.K. Federal Building, Room 1903, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: John L. Hanisch, Chief, Mobile Source Emissions Section, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, MA 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: The approval of the New Hampshire State Implementation Plan (SIP) submitted by the state to meet the requirements of Part D of the Clean Air Act (45 FR 24869, April 11, 1980) contained a condition that New Hampshire submit an adopted carbon monoxide attainment plan for the city of Manchester, New Hampshire by May 1, 1980. The purpose of this notice is to propose to delete the condition and to approve the supplemental information submitted by the state as a revision to the SIP.

The 1979 SIP revision submitted by the New Hampshire Air Resources Agency (NHARA) stated that the Federal Motor Vehicle Emissions Control Program (FMVECP) was sufficient to demonstrate attainment of standards by 1982 based on ambient air quality monitoring conducted prior to the nonattainment designation. However, the state indicated that the monitoring data used to compute the necessary reductions required to attain the standards might be unreliable because of problems related to siting. Accordingly, the NHARA stated its intent to conduct monitoring at a permanent site during the 1979–1980 winter and to submit a revised plan by May 1, 1980, if necessary, based on the monitoring results. EPA approved the New Hampshire SIP revision conditioned upon the submittal by May 1, 1980 of this revised plan for meeting the carbon monoxide (CO) standard in Manchester by December 31, 1982, if monitoring data showed that control in addition to the FMVECP was needed to attain standards by 1982. As discussed in a letter dated April 23, 1980 from Dennis Lunderville, Director, New Hampshire Air Resources Agency, the NHARA conducted the monitoring program during the winter season, but because the long-term average temperature was 5° F above normal it was determined that the data should not be used for CO plan development. Although the monitored data did show violations of the 8-hour standard which would not be alleviated by the FMVECP alone by 1982, NHARA felt that the date under represented the severity of the problem because the weather was unseasonably mild and CO emissions increase as temperatures decrease.

As further support, the Southern New Hampshire Planning Commission modeled congested intersections to estimate 1982 CO levels. This study predicted 79 locations to be in violation of the 8-hour standard, with the highest value 2½ times the standard. Although the model used is conservative and can be expected to over-predict ambient levels, the study does indicate that Manchester will not attain standards by 1982, and also suggests CO problems are areawide and not just at the monitored site. The NHARA has committed to expand its monitoring program to sample intersections predicted to have the worst violations. The Southern New Hampshire Planning Commission has been awarded a planning grant under Section 175 of the Clean Air Act to analyze alternative strategies and, with assistance from NHARA, develop strategies to attain CO standards for areas where monitoring confirms violations.

By letter dated January 12, 1981, Mr. Lunderville submitted a list of three projects to be completed by 1982 which will contribute to improved air quality in Manchester. The projects are traffic signalization improvements in the central business district in the area with the recorded violation, the realignment of Granite Street to improve traffic flow in the central business district, and a commitment to increase the Manchester Transit Authority bus fleet by 10 percent. These projects are described in a letter dated December 3, 1980 from Mr. M. N. Sharma, Executive Director of the Southern New Hampshire Planning Commission to Mr. Lunderville.

Included in the January 12, 1981 and February 18, 1981 submittals is a schedule for developing a SIP revision containing a comprehensive CO attainment plan for the entire city of Manchester to be submitted to EPA by July 1, 1982. The schedule outlines the responsibilities of the Southern New Hampshire Planning Commission, the New Hampshire Department of Public Works and Highways, and the New Hampshire Air Resources Agency for activities leading to plan adoption and is consistent with designations made in accordance with Section 174 of the Clean Air Act, the Memorandum of Understanding of the Manchester region signed by the above agencies, and the Manchester Section 175 work program.

Based on the information provided by the state, EPA finds that the state has demonstrated that attainment by December 31, 1982 will not be possible despite implementation of all reasonably available measures.

Additionally, in the January 12, 1981 submittal Mr. Lunderville requested that the Section 107 designation be changed from "Metropolitan Manchester" to the "City of Manchester" since locations with violations are within the the city limits, and the original designation does not define official jurisdiction boundaries for "Metropolitan Manchester". Mr. Lunderville also reiterated his request for an extension of the attainment date beyond December 31, 1982 to no later than December 31, 1987.

Proposed Action: After reviewing the supplemental information submitted by the state, EPA finds that the condition imposed at 45 FR 24871 is no longer appropriate. EPA is proposing to delete the condition. EPA is also proposing to approve as revisions to the SIP:

1. The three air quality improving projects discussed above.

2. The schedule for developing a SIP revision to include a comprehensive carbon monoxide plan for the city of Manchester by July 1, 1982.

3. The request for extension of the attainment date beyond December 31, 1982 but no later than December 31, 1987.

4. The change in Section 107 designation from "Metropolitan Manchester" to "City of Manchester."

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

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

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

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7610))

Dated: June 18, 1981.

Leslie A. Carothers,

Acting Regional Administrator.

[FR Doc. 81-24357 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-10-FRL-1909-4]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this rulemaking is to invite public comment on EPA's proposed redesignation of the attainment status for the Puget Sound Air Quality Control Region as promulgated on March 3, 1978 (43 FR 9043). This action will redefine areas to better correspond with the most recent data information available. Additionally, this will allow the State and local planning agencies to more effectively manage the State and local air pollution control regulations.

DATE: Comments are due by September 21, 1981.

ADDRESSES: The information related to this redesignation may be examined during normal business hours at the following locations:

Central Docket Section (10A-81-11), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue M/S 625, Seattle, Washington 98101

State of Washington, Department of Ecology PV-11, Olympia, Washington 98504

Comments should be addressed to: Laurie M. Kral, Air Programs Branch (M/S 625), Enviromental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

FOR FURTHER INFORMATION CONTACT: George C. Hofer, Air Programs Branch (M/S 625), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-1125, (FTS) 399-1125

SUPPLEMENTAL INFORMATION: The Seattle-Tacoma-Everett Federal-Aid Urban Area was designated nonattainment for carbon monoxide (CO) on March 3, 1978 (43 FR 9043). This area was designated as nonattainement because it included areas where CO violations were monitored and because it was a previously established transportation planning study area. Even though the selected area contained portions that had no data showing nonattainment of the CO National Ambient Air Quality Standards (NAAQS), the original area was chosen in order to match the planning boundaries of the local agencies responsible for both transportation planning and development of the Part D Nonattainment Plan.

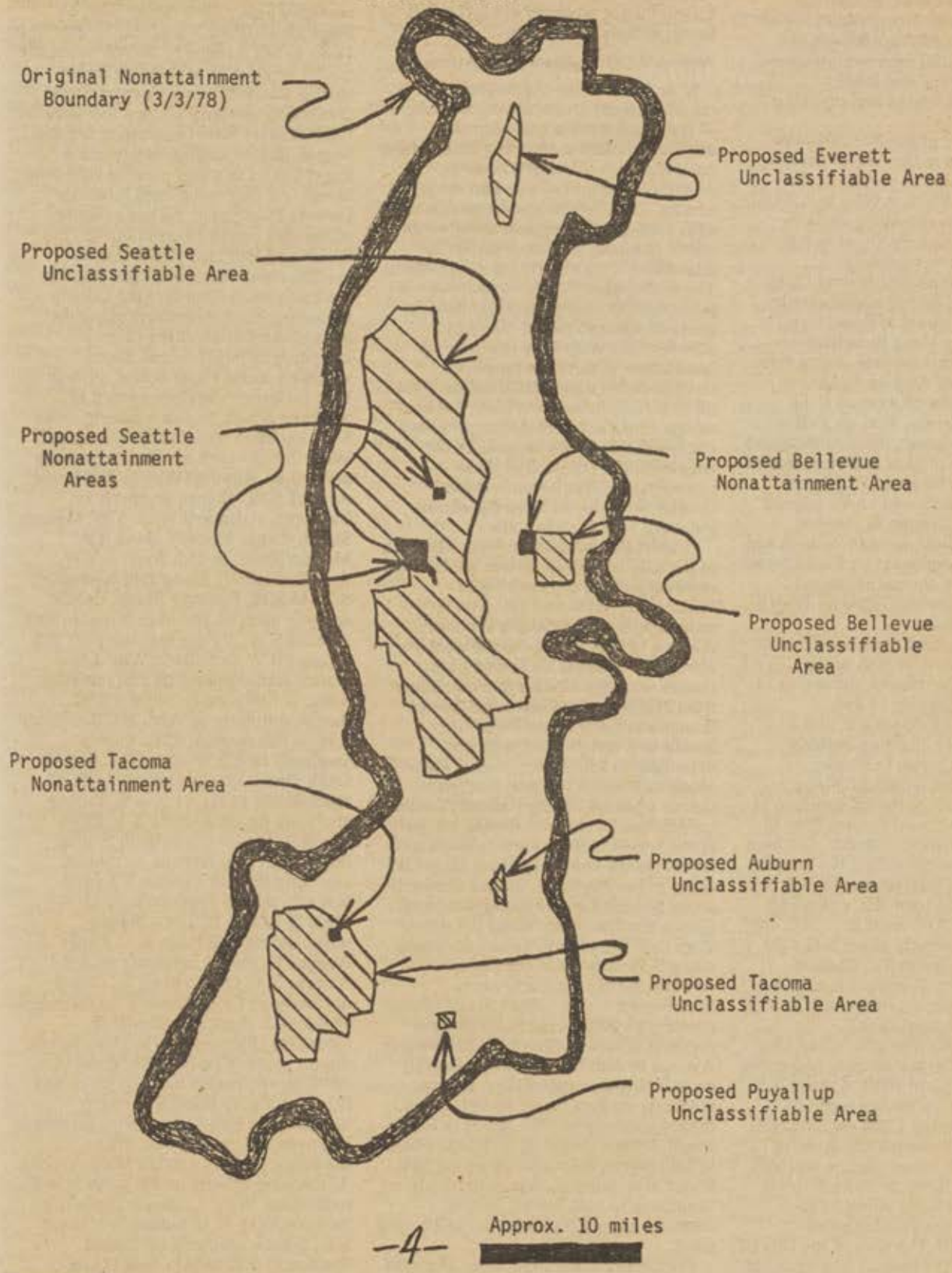
Prompted in part by the recent decision in *Alabama Power v. Costle*, 606 F.2d 1068 (D.C. Cir. 1979) which highlighted the significance of nonattainment area boundaries in siting new stationary sources, the State of Washington submitted a State Implementation Plan (SIP) revision in July of 1980 containing a proposal to redefine the Puget Sound nonattainment area boundaries. Because of problems in defining attainment area boundaries the State of Washington agreed to re-evaluate their proposed SIP revision. EPA worked with the State, in conjunction with an outside contractor, on a modeling effort designed to provide information on the attainment status of areas where no monitoring data exist. Concurrently, the State of Washington offered explanation and received

comments on their proposal at several meetings with the local lead transportation planning agency and two local citizens' advisory groups. As a result of these efforts, the State of Washington submitted a SIP revision on June 19, 1981 containing a proposal to subdivide the original (March 3, 1978) nonattainment area into the smaller nonattainment areas, unclassifiable areas and attainment areas generally depicted in the figure on the next page. (More detailed maps are available for public inspection at the locations listed in the "Addresses" section.) The proposed nonattainment boundaries more accurately represent those sites for which there are monitored violations of the CO NAAQS.

The Clean Air Act Provides that a State, from time to time, may review and revise its list of attainment status designations and submit these revisions to the Administrator for promulgation (Section 107(d)(5) of the Clean Air Act). EPA is today proposing approval of these revisions.

BILLING CODE 6560-38-M

FIGURE SHOWING GENERAL RELATIONSHIPS BETWEEN THE AREAS DISCUSSED IN THIS ACTION



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BILLING CODE 6560-38-C

Proposed CO Nonattainment Areas

The proposed nonattainment areas listed below are based on ambient monitoring data showing violations of the CO NAAQS, EPA guidelines for defining the spatial representativeness of monitoring sites, and local transportation patterns and planning areas.

Seattle—Central Business District (CBD). The area of the City of Seattle within the bounds: beginning at the intersection of Alaskan Way and Royal Brougham Street extending easterly along Royal Brougham Street to 6th Avenue S., thence, northerly-northwesterly along 6th Avenue N. to Jefferson Street, thence northeasterly along Jefferson Street to Broadway, thence northerly along Broadway to Pine Street, thence westerly along Pine Street to Melrose Avenue E., thence northerly on Melrose Avenue E. to Valley Street, thence west on Valley Street to Broad Street, thence southwest on Broad Street to Mercer Street, thence west on Mercer Street to W. Mercer Place, thence northwest on W. Mercer Place to Elliott Avenue W., thence southeast on Elliott Avenue W. to Broad Street, thence southwest on Broad Street to Alaskan Way, thence southeast thence southerly along Alaskan Way S. to the starting point.

Seattle—Dearborn Street and Rainer Avenue Corridor. The area of the City of Seattle bound two blocks either side of the corridor: beginning at the intersection of 4th Avenue S. and Dearborn Street extending easterly along Dearborn Street to Rainier Avenue S., thence southeast along Rainier Avenue S. to the intersection of Rainier Avenue S. and Empire Way S.

Seattle—University District. The area of the City of Seattle within the bounds: beginning at the intersection of N.E. 50th Street and 7th Avenue N.E. extending south along 7th Avenue N.E. to N.E. 43rd Street, thence easterly along N.E. 43rd Street to 15th Avenue N.E., thence northerly on 15th Avenue N.E. to N.E. 50th Street, thence westerly on N.E. 50th Street to the starting point.

Bellevue—CBD. The area of the City of Bellevue within the bounds: beginning at the intersection of 100th Avenue N.E. and Main Street extending easterly along Main Street to 116th Avenue N.E., thence northerly along 116th Avenue N.E. to N.E. 12th Street, thence westerly along N.E. 12th Street to 100th Avenue N.E., thence southerly along 100th Avenue N.E. to the starting point.

Tacoma—CBD. The area of the City of Tacoma within the bounds: beginning at the intersection of S. 9th Street and "C" Court, extending south along "C" Court to S. 13th Street, then easterly along S. 13th Street to "A" Street, thence northerly along "A" Street to S. 9th Street, thence westerly along S. 9th Street to the starting point.

Proposed CO Unclassifiable Areas

In addition to the above proposed nonattainment areas, there are portions of the original nonattainment area, without ambient monitoring data, where an attainment or nonattainment designation must be based on modeling results. The State of Washington and the EPA propose to designate these areas as either attainment or unclassifiable, depending on the modeling information. The model identified intersections with potential CO violations. High density areas of these potential "hot spot" intersections were then enclosed by boundaries to form the proposed unclassifiable areas listed below. (Not all of the identified potential "hot spot" intersections are included in proposed unclassifiable areas because of the isolated nature of each of these intersections) and because these intersections do not have significant potential for CO violations.

Everett Unclassifiable Area. The area of the City of Everett within the bounds: beginning at the intersection of Wetmore Avenue and 13th Street extending southerly along Wetmore Avenue to 21st Street, thence westerly along 21st Street to its termination, thence westerly along a line extending from 21st Street to Possession Sound, thence southerly along Possession Sound to a line parallel with and extending to 35th Street, thence easterly along 35th Street to Federal Avenue, thence southerly along Federal Avenue to Mukilteo Boulevard, thence westerly along Mukilteo Boulevard to Dogwood Drive, thence southerly along Dogwood Drive to Beverly Lane, thence southerly along Beverly Lane to Evergreen Way, thence southwesterly along Evergreen Way to S. Broadway, thence northeast along S. Broadway to Broadway Avenue, thence northerly along Broadway Avenue to 39th Street, thence easterly on 39th Street to McDougall Avenue, thence northerly on McDougall Avenue to 26th Street, thence easterly on 26th Street to Pine Street, thence northerly on Pine Street to 16th Street, thence westerly on 16th Street to Fulton Street, thence northerly on Fulton Street to 15th Street, thence westerly on 15th Street of Broadway, thence northerly on Broadway to 13th Street, thence westerly along 13th Street to the starting point.

Seattle Unclassifiable Area. The area of King and Snohomish Counties (excluding the above proposed nonattainment areas) within the bounds: beginning at the interesection of 196th Street S.W. and Poplar Way extending westerly along 196th Street S.W. to Puget Drive, thence westerly along Puget Drive to 9th Avenue N. thence southerly on 9th Avenue N. to Caspers Street, thence westerly along Caspers Street continuing westerly along a line parallel with Caspers Street extending to Puget Sound, thence southwesterly along Puget Sound to a line parallel with Pine Street and extending from Edwards Point to Pine Street, thence easterly along said line to intersection of Pine Street and Ballinger Road, thence southeasterly along Ballinger Road to the Snohomish County/King County boundary, thence westerly along the Snohomish County/King County boundary to Puget Sound, thence southerly along Puget Sound through the East Duwamish Waterway to S.W. Spokane Street, thence westerly along S.W. Spokane Street to S.W. Admiral Way, thence northerly thence easterly along S.W. Admiral Way to California Avenue S.W., thence southerly on California Avenue S.W. to S.W. Morgan Street, thence easterly along S.W. Morgan Street to 35th Avenue S.W., thence southerly along 35th Avenue S.W. to S.W. Roxbury Street, thence easterly on S.W. Roxbury Street to 16th Avenue S.W., thence southerly on 16th Avenue S.W. to Salmon Way S.W., thence southeasterly on Salmon Way S.W., to Ambaum Boulevard S.W., thence southerly on Ambaum Boulevard S.W. to 8th Avenue S.W., thence southerly on 8th Avenue S.W. to S.W. 160th Street, thence easterly on S.W. 160th Street to 1st Avenue S., thence southerly on 1st Avenue S. to 216th Street S., thence easterly on 216ths Street S. to 35th Avenue S., thence northerly on 35th Avenue S. to 37th Place S., thence southeasterly on 37th Place S. to 40th Place S., thence northeast on 40th Place S. to 42nd Avenue S., thence northerly on 42nd Avenue S. to Orillia Road S., thence northerly on Orillia Road S. to Interstate Highway 5, thence northerly on Interstate Highway 5 to S. 178th Street, thence easterly on S. 178th Street to S. 180th Street, thence easterly on S. 180th Street to Valley Road S., thence northerly on Valley Road S. to Interstate Highway 405, thence easterly on Interstate Highway 405 to Main Avenue S., thence northerly on Main Avenue S. to Bronson Way N., thence easterly on Bronson Way N. to Sunset Boulevard N.E., thence northerly on Sunset Boulevard N.E. to N.E. Park Drive, thence westerly on N.E. Park Drive to Interstate Highway 405, thence

northwest to Lake Washington, thence southwesterly following the west shore to the north end of Lake Washington to a line parallel with and extending from Ballinger Way, then northwesterly along Ballinder Way to N.E. 205th Street, thence easterly on N.E. 205th Street to 56th Avenue W., thence northerly on 56th Avenue W. to 220th Street S.W., thence easterly on 220th Street S.W. to 52nd Avenue W., thence northerly on 52nd Avenue W. to 212th Street S.W., thence easterly on 212th Street S.W. to 44th Avenue W., thence northerly on 44th Avenue W. to 204th Street S.W., thence easterly on 204th Street S.W. to Poplar Way, thence northerly on Poplar Way to the starting point.

Bellevue Unclassifiable Area. The area of the City of Bellevue and King County (excluding the above proposed nonattainment area) within the bounds: beginning at the intersection of 100th Avenue N.E. and Main Street extending easterly along Main Street to Lake Washington Boulevard S.E., thence southerly along Lake Washington Boulevard S.E. to Coal Creek Parkway S.E., thence southeasterly on Coal Creek Parkway S.E. to Newport Way S.E., thence northeast on Newport Way S.E. to 150th Avenue S.E., thence northerly on 150th Avenue S.E. to 156th Avenue S.E., thence northeasterly on 156th Avenue S.E. to S.E. 24th Street, thence easterly on S.E. 24th Street to 168th Avenue S.E., thence northerly on 168th Avenue S.E. to 165th Avenue N.E., thence northerly on 165th Avenue, N.E. to 166th Avenue N.E., thence northerly on 166th Avenue N.E. to 165th Avenue N.E., thence northerly on 165th Avenue N.E. to Northrup Way, thence westerly on Northrup Way to 163rd Avenue N.E., thence northerly on 163rd Avenue N.E. to 164th Avenue N.E., thence northerly on 164th Avenue N.E. to N.E. 24th Street, thence easterly on N.E. 24th Street to 124th Avenue N.E., thence southerly on 124th Avenue N.E. to N.E 12th Street, thence westerly on N.E. 12th Street and a line parallel to N.E. 12th Street to 100th Avenue S.E., thence southerly on 100th Avenue S.E. to the starting point.

Tacoma Unclassifiable Area. The area adjacent to and including part of the City of Tacoma (excluding the above proposed nonattainment area) within the bounds: beginning at the intersection of N. 30th Street and Pearl Street extending southerly along Pearl Street to Westgate Boulevard, thence westerly on Westgate Boulevard to Narrows Drive, thence southerly on Narrow Drive to Jackson Avenue to Bridgeport Way W., thence southerly on Bridgeport Way W. to Custer Road W., thence southwesterly on Custer Road W. to 68th Avenue S.W., thence south on 68th Avenue S.W. to Ardmore Drive, thence southeasterly on Ardmore Drive to Bridgeport Way, thence southerly on Bridgeport Way to Pacific Highway S.W., thence northeasterly on Pacific Highway S.W. to S. Tacoma Way, thence northeasterly on S. Tacoma Way to S. 84th Street, thence easterly on S. 84th Street to Pacific Avenue, thence northerly on Pacific Avenue to S. 72nd Street, thence easterly on S. 72nd Street to Portland Avenue, thence northerly on Portland Avenue to E. 44th Street, thence easterly on E. 44th Street to Roosevelt Avenue, thence northerly on Roosevelt Avenue to Sherman Street, thence easterly on Sherman Street to Granview Avenue, thence northerly along a line extending from Granview Avenue to the Puyallup River, thence northwesterly down the Puyallup River to E. 11th Street, thence southwesterly on E. 11th Street to the City Waterway, thence northerly along the City Waterway following the west shore of Commencement Bay to a line parallel with and extending to N. 30th Street, thence westerly along N. 30th Street to the starting point.

Puyallup Unclassifiable Area. The area of the City of Puyallup within the bounds: beginning at the intersection of 5th Avenue N.E. and 5th Street S.W. extending southerly along 5th Street S.W. to 9th Avenue S.W., thence easterly along 9th Avenue S.W. to 7th Street S.E. thence northerly along 7th Street S.E. to 4th Avenue N.E., thence westerly along 4th Avenue N.E. to 5th Street N.E., thence northerly along 5th Street N.E. to 5th Avenue N.E., thence westerly along 5th Avenue N.E. to 5th Avenue N.W. to the starting point.

Auburn Unclassifiable Area. The area of the City of Auburn within the bounds: beginning at the intersection of Harvey Road and Auburn Avenue extending southerly along Auburn Avenue to "A" Street S.E., thence southerly on "A" Street S.E. to 4th Street S.E., thence southeasterly on 4th Street S.E. to Auburn Way S., thence southerly on Auburn Way S. to "M" Street S.E., thence northerly on "M" Street S.E. to Harvey Road, thence northeasterly on Harvey Road to the starting point.

Proposed CO Attainment Areas

The State of Washington and EPA propose to designate as attainment for CO all portions of the original (March 3, 1978) Puget Sound CO nonattainment area that are not proposed to be designated as nonattainment or unclassifiable in this proposed rulemaking. These proposed attainment areas are areas with monitored attainment or areas without monitoring data but identified, by the screen-line modeling analysis, as lacking the potential for CO violations.

Impact Summary

The primary effect of these redesignations is to change the permit requirements for new major stationary sources and major modifications. Such sources proposing to locate in the current CO nonattainment areas must install the Lowest Achievable Emission Rate (LAER) levels of controls and obtain at least a one-for-one emission offset so that reasonable further progress (RFP) towards attainment is maintained. Such sources proposing to locate in the areas which are proposed to be redesignated as attainment or unclassifiable will have to apply the Best Available Control Technology (BACT) and ensure that the source's emissions will not cause or contribute to violations of the NAAQS for CO. Since LAER and BACT for CO are essentially the same, the only real impact of this redesignation is to eliminate the automatic requirement of a greater than one-for-one offsetting emission reduction. Rather, offsets will only be required to ensure attainment and maintenance of the CO standards.

An additional effect of these proposed redesignations is that a Part D (nonattainment area) plan is no longer required to bring the proposed unclassifiable areas into attainment with the CO standard. This result, however, will have no impact on the currently approved CO nonattainment plans since all the provisions included in those plans are still necessary in order to attain the NAAQS in the remaining CO nonattainment areas.

Pursuant to the provisions of 5 U.S.C. § 605(b) the Administrator has certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This rule constitutes an attainment status redesignation under Section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Interested parties are invited to comment on all aspects of this proposed promulgation. Comments should be submitted, preferably in triplicate, to the address listed in the front of this Notice. Public comments postmarked by September 21, 1981 will be considered in

any final action EPA takes on this proposal.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. This regulation is not major because it is merely changing boundaries of a nonattainment area as requested by the State. There will be no additional regulatory burden.

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

(Section 107(d), 171(2), 301(a) of the Clean Air Act, as amended [42 U.S.C. 7407(d) and 7501(2), 7601(a)])

Dated: July 17, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81-24353 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-36-M

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40 CFR Part 180

[PP OE2364/P184; PH-FRL-1914-7]

Paraquat; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium-ion) derived from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation). This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This amendment will establish a maximum permissible level for residues of the subject chemical in or on rhubarb at 0.05 part per million (ppm).

DATE: Written comments must be received on or before September 21, 1981.

ADDRESS: Written comments to: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 0E2364 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Michigan, Oregon, and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act propose the establishment of a tolerance for residues of the desiccant, defoliant, and herbicide paraquat in or on the raw agricultural commodity rhubarb at 0.05 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed tolerance of 0.05 ppm in or on rhubarb were several rat acute oral feeding studies with the LD_{50} values of 112-150 milligrams (mg) paraquat cation/kilogram (kg) of body weight (bw); a 90-day rat feeding study with lowest level of paraquat producing signs of toxicity at 15 mg/kg/day; and lowest level of paraquat producing death at 17 mg/kg/day; a 2-year dog feeding study with a no-observed-effect level (NOEL) of 50 ppm paraquat dichloride (0.91) mg paraquat cation/kg of body weight); and a one-generation rat reproduction study with a NOEL of 100 ppm (10 mg/paraquat cation/kg, highest level tested); a mouse teratology study (not teratogenic at 10 mg paraquat cation/kg of bw, highest level tested); mutagenic studies with *Salmonella typhimurium* (paraquat was not mutagenic with the following histidine-requiring strains; TA 1535, TA 1537, TA 1538, TA 98, TA 100); and a mutagenic dominant lethal test (not mutagenic to CD-1 strain of mice).

Additional toxicology studies which are desirable include a six-month (minimum) dog feeding study; a rat chronic feeding/oncogenic and mouse oncogenic study; a teratology study in one additional mammalian species; a three-generation reproduction study; and additional mutagenic studies. According to the registration application, the missing studies have either been completed or are still in progress and will be submitted to the agency as soon as reports become available.

The acceptable daily intake (ADI), based on the 2-year dog feeding study (NOEL of 0.91 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.0091 mg/kg of bw/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.5460 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.1010 mg/day. The current action will utilize 0.007 percent of the ADI. The metabolism of paraquat is adequately understood and an adequate analytical method (spectrocolorimetry) is available for enforcement purposes.

Paraquat is a candidate for a rebuttal presumption against registration (RPAR) since it may exceed the risk criteria described in 40 CFR 162.11. However, the amount of paraquat added to the diet from this use on rhubarb, calculated to be 0.00004 mg/day for a 1.5 kg daily diet, is considered extremely unlikely to produce an increase in toxicological or pharmacological effects in humans. Thus, the tolerance that will be established by this proposed rule is considered to pose a negligible increment in risk.

Based on the above information considered by the agency, the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein may request, on or before September 21, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number "[PP OE2364/P184]". All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

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

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

Dated: August 4, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.205 be revised to read as follows:

§ 180.205 Paraquat; tolerances for residues.

Tolerances are estabished for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridiniumion) derived from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation) in or on the following raw agricultural commodities:

Commodities	Part per million
Alfalfa	5
Almond hulls	0.5
Apples	0.05(N)
Apricots	0.05(N)
Avocados	0.05(N)
Bananas	0.05(N)
Barley grain	0.05(N)
Beets, sugar	0.5
Beets, sugar (tops)	0.5
Birdsfoot trefoil	5
Cattle, fat	0.01(N)
Cattle, meat	0.01(N)
Cattle, mbyp	0.01(N)
Cherries	0.05(N)
Citrus fruit	0.05(N)
Clover	5
Coffee beans	0.05(N)
Corn, fresh (inc sweet corn) (K+CWHR)	0.05(N)
Corn fodder	0.05(N)
Corn forage	0.05(N)
Corn grain	0.05(N)
Cottonseed	0.5
Eggs	0.01(N)
Figs	0.05(N)
Goats, fat	0.01(N)
Goats, meat	0.01(N)
Goats, mbyp	0.01(N)
Grass, pasture	5
Grass, range	5
Guar beans	0.5
Guava	0.05(N)
Hogs, fat	0.01(N)
Hogs, meat	0.01(N)
Hogs, mbyp	0.01(N)
Hops, fresh	0.1
Hop vines	0.5
Horses, fat	0.01(N)
Horses, meat	0.01(N)
Horses, mbyp	0.01(N)
Lettuce	0.05(N)
Melons	0.05(N)
Milk	0.01(N)
Nectarines	0.05(N)
Nuts	0.05(N)
Oat grain	0.05(N)
Olives	0.05(N)
Papayas	0.05(N)
Passion fruit	0.2
Peaches	0.05(N)
Pears	0.05(N)
Peppers	0.05(N)
Pineapples	0.05(N)
Plums (fresh prunes)	0.05(N)
Potatoes	0.5
Poultry, fat	0.01(N)
Poultry, meat	0.01(N)
Poultry, mbyp	0.01(N)
Rhubarb	0.05(N)
Rye grain	0.05(N)
Safflower seed	0.05(N)
Sheep, fat	0.01(N)
Sheep, meat	0.01(N)
Sheep, mbyp	0.01(N)
Small fruit	0.05(N)
Sorghum forage	0.05(N)
Sorghum grain	0.05(N)
Soybeans	0.05(N)
Soybean forage	0.05(N)
Sugarcane	0.05(N)
Sunflower seeds	2
Tomatoes	0.05(N)
Wheat grain	0.05(N)

[FR Doc. 81-24339 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP OE2397/P183; PH-FRL-1914-4]

Hexakis; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the combined residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane and its organotin metabolites in or on papays at 2 parts per million (ppm). This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This amendment will establish a maximum permissible level for the combined residues of the subject insecticide in or on papayas at 2 ppm.

DATE: Comments must be received on or before September 21, 1981.

ADDRESS: Written comments to: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number OE2397 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane and its organotin metabolites calculated as the parent compound in or on the raw agricultural commodity papayas at 2 ppm.

The date submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed tolerance of 2 ppm were a two-year dog feeding study with a no-observed-effect level (NOEL) of 1,200 ppm (systemic); a two-year rat feeding study with a NOEL (systematic) of 100 ppm (600 ppm at the highest level fed, noncarcinogenic); an 18-month mouse feeding study (noncarcinogenic at 6,000 ppm, the highest level fed); a multigeneration rat reproduction study with a NOEL of 100 ppm, (the highest level fed); a dominant lethal assay (negative); a mouse bone marrow cytogentic assay (negative); and a rabbit teratology study (negative at 10 mg/kg of body weight (bw) at the highest level fed).

The acceptable daily intake (ADI), based on the two-year rat feeding study (NOEL of 5 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.05 mg/kg of bw/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 3 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.3961 mg/day. The current action will utilize .03 percent of the ADI. Published tolerances utilize 13.2 percent of the ADI.

A teratology study is lacking but the available toxicology data are adequate to support the establishment of the proposed tolerance.

The nature of the residue is adequately understood and adequate analytical methods (gas-liquid chromatography and thin layer chromatography) are available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical. Papaya is not a feed item; therefore, secondary residues are not expected in meat, milk, eggs, or poultry.

Based on the above information considered by the agency, the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein may request, on or before September 21, 1981, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the

proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number "[PP OE2397/P183]." All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

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

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

Dated: August 4, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.362 be amended by alphabetically inserting the raw agricultural commodity "papayas" to read as follows:

§ 180.362 Hexakis (2-methyl-2-phenylpropyl) distannoxane; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Papayas	2
* * * * *	

[FR Doc. 81-24340 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 56, 73, and 74

[CGD 76-053]

Passenger Vessel Subdivison and Damage Stability; Alternative Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to amend the regulations for watertight subdivision and damage stability of passenger vessels by adopting parts of the Inter-Governmental Maritime Consultative Organization (IMCO) Resolution A.265 (VIII) as an alternative to the existing regulations. IMCO Resolution A.265 (VIII) contains a method of assessing damage stability based on the principles of probability, using actual damage statistics as a data base. This new method will allow more flexible subdivision design without diminishing the level of safety provided by the current regulations, which are based on a floodable length criteria. These proposed regulations would permit passenger vessel designers to use either the new or the existing method to evaluate the damage stability of their ships.

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

ADDRESSES: Comments may be mailed to Commandant (G-CMC/24) (CGD 76-053) U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1477, between the hours of 7 a.m. and 5 p.m., Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Perrini, Ship Characteristics Branch (G-MMT-5/12), Room 1206, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-2187. Normal office hours are 7 a.m. to 5 p.m., Monday through Thursday.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person making them, identify this notice (CGD 76-053) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If an acknowledgement is desired, a stamped self-addressed postcard or envelope should be enclosed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial.

IMCO Resolution A.265 (VIII), "Regulations on Subdivision and Stability of Passenger Ships as Equivalent to Part B of Chapter II of the International Convention for the Safety of Life at Sea, 1960" and explanatory notes to the regulations are reproduced in Volume IV of the U.S. Coast Guard's "Commandant's International Technical Series", (USCG CITS-74-1-1). This document may be obtained from the National Technical Information Service, Springfield, Virginia, 22151.

The interested reader desiring a more complete discussion of the IMCO Resolution is directed to "The New Equivalent International Regulations on Subdivision and Stability of Passenger Ships", which appears at page 344 of the 1974 "Transactions of the Society of Naval Architects and Marine Engineers". The "Transactions" can usually be found in the reference sections of technical libraries.

Drafting information

The principal persons involved in drafting this proposal are: Mr. Frank Perrini, Office of Merchant Marine Safety, Project Manager, and Lcdr. William B. Short, Office of the Chief Counsel, Project Counsel.

Discussion of Proposed Regulation

The current Coast Guard regulations concerning passenger vessel subdivision and damage stability (46 CFR Part 73, Watertight Subdivision and Part 74, Stability) are based on practical experience. The basic data was collected approximately forty years ago. Thus the empirical approach taken by these regulations does not fully evaluate the effects of some aspects of current design practice on passenger vessel damage stability. There are four particular factors which are not completely evaluated by the current regulations:

(1) Consideration is not given to the effect of the extent of damage on the probable extent of flooding;

(2) No consideration is given to how the ship's freeboard affects the probability of surviving damage;

(3) Inadequate consideration is given to possible variations in cargo space permeability; and

(4) Stability in the damaged condition (the probability of surviving damage in a seaway) is not given adequate consideration.

Since these important variables are not given full consideration under the current regulations, it is possible for two vessels having the same Factor of Subdivision to have widely differing

probabilities of survival in the event of equivalent damage.

In recognition of a similar problem regarding its own regulations, the Subcommittee on Subdivision and Stability of the Intergovernmental Maritime Consultative Organization (IMCO) proposed alternative regulations for passenger vessel subdivision and stability in 1971. The United States delegation supported this proposal and contributed to its development. The resulting Resolution, A.265 (VIII) "Regulations on Subdivision and Stability of Passenger Vessels as Equivalent to Part B of a Chapter II of the International Convention for the Safety of Life at Sea, 1960", was adopted by IMCO on November 20, 1973.

The Coast Guard proposes to adopt those portions of the IMCO Resolution which address the four factors mentioned above, as an alternative to the current standard of subdivision and damage stability. Consequently, Regulations 1 thru 8 and 19 of IMCO Resolution A.265 (VIII) would be incorporated into the Coast Guard regulations as an alternative to 46 CFR 73.10 and 74.10–15. Regulations 1 through 7 of the IMCO Resolution contain the subdivision and damage stability requirements, regulation 8 concerns stability information, and regulation 19 addresses bilge pumping arrangements. These provisions would be incorporated in §§ 56.50–57, 73.12–5, and 74.12–5. Subsequent to the comment period of this notice, but prior to the effective date of a final rule, this incorporation by reference material will be submitted to the Director of the Federal Register for his approval. The remaining regulations in the IMCO Resolution are not part of this proposal because they repeat existing Coast Guard Regulations.

These proposed rules would require that the alternative regulations be used as a whole. If a designer elected to follow the alternative subdivision requirements, he would also have to use the alternative damage stability standards and bilge piping and pumping requirements. he could not, for example, use the existing subdivision regulations with the proposed alternative damage stability standards, because the calculation methods employed are completely different. The designer would continue, however, to observe each existing Coast Guard subdivision and stability regulation for which no alternative regulation is prescribed.

Basis of the Proposed Regulations

The proposed alternative regulations use the mathematical techniques of statistical inference to assess the relative probability that a vessel will survive damage. This relative probability of survival, called the Attained Subdivision Index (A), is calculated by assuming that each outboard compartment and each group of two or more contiguous compartments is damaged to a depth of one-fifth the maximum beam. For each such damage condition, an individual probability of survival can be calculated considering three factors: (a) The probability of damage as related to longitudinal location, (b) the effect of longitudinal extent of damage, and (c) the effects of freeboard, stability, and heel. The product of these three factors yields the individual probability of survival for each damage case, and the sum of all the positive individual probabilities is the vessel's overall probability of surviving damage. An individual damage case probability will be positive if the vessel has sufficient stability in the damaged condition, thus positive individual probability indicates that the vessel will "survive" that damage condition. Unfortunately, two of the three factors which control individual damage case probability of survival cannot be determined precisely, so we must rely on damage statistics to provide the relative probabilities of both longitudinal location and the extent of longitudinal damage. Certain simplifications and approximations were necessary to make this method useful in a practical sense. Consequently, the individual damage case probabilities of survival, and their sum, the Attained Subdivision Index (A), cannot be considered to be the actual probability of survival. Rather, the Attained Subdivision Index (A), and its component parts, the individual damage case probabilities of survival, are measures of the assessable factors which affect the probability of survival, and (A) is proportional to the probability of survival.

The subdivision of the vessel under consideration must be such that the value of (A) exceeds the value of the Required Subdivision Index (R). The value of (R) represents the minimum acceptable value of (A) and is a function of the number of passengers carried and the length of the vessel. The philosophy used to determine the equation for (R) is similar to that which governs the relationships for the Factor of Safety and the Criterion of Service used in the current regulations: the higher the number of lives at stake and the greater the value of the vessel, the greater the degree of subdivision required. The stability calculation methods of the current regulations and of these alternative regulations were made equivalent by adjusting the coefficients of the equation for (R) so that it produced values equal to the mean (A) value attained by passenger vessels complying with the current regulations.

The alternative regulations place an additional restriction on the subdivision of passenger vessels by requiring a minimum level of subdivision (i.e. one or two compartment subdivision depending on the number of lives at risk) throughout the vessel. This prevents the possibility that a vessel could be designed with an acceptable (A) but still be particularily vulnerable in certain locations.

The specific regulations of IMCO Resolution A.265 (VIII) which the Coast Guard proposes to adopt as an acceptable alternative to current Coast Guard regulations are described below:

Regulation 1—Definitions; provides definitions of terms and symbols unique to the proposed alternative regulations.

Regulation 2—Subdivision Index; sets the requirements for subdivision and the Attained Subdivision Index (A) and defines the Required Subdivision Index (R).

Regulation 3—Special Rules Concerning Subdivision; places limits on the location of forepeak and adjacent bulkheads to assure a two compartment subdivision standard. It also describes the difference between a bulkhead recess and a bulkhead step, which are treated differently in the calculation of (A).

Regulation 4—Permeability; gives the values of permeability to be assumed for passenger accommodation, machinery, stores, and consumable liquid spaces and defines the relationship between cargo space permeability and draft.

Regulation 5—Subdivision and Damage Stability; is the heart of the regulation. It defines the assumed extent of damage longitudinally and vertically as well as the depth of penetration, the required compartmentation standard, and the required metacentric height. It sets limits on the angle of heel and the time of equalization.

Regulation 6—Attained Subdivision Index (A); defines the Attained Subdivision Index and gives the detailed procedure for calculating each of the individual damage case probability components a, p, and s; where:

a is a measure of the probability of damage as related to the position of the damage in the ship's length.

p is a measure of the effect of the variation in longitudinal extent of damage on the probability that only the compartment or group of compartments under consideration may be flooded.

s is a measure of the effect of freeboard, stability, and heel in the final flooded condition for the compartment or group of compartments under consideration.

Regulation 7—Combined Longitudinal and Transverse Subdivision; defines longitudinal bulkheads and decks which contribute to the value of the Attained Subdivision Index and provides the detailed procedure for including these bulkheads in the calculation of (A).

Regulation 8—Stability Information; contains a description of the information to be supplied to the Master of the vessel.

Regulation 9—Bilge Pumping Arrangements; delineates the specific requirements for bilge pumps and piping, and places some restrictions on tank arrangements. Compliance with these restrictions is necessary to assure consistency with the assumptions inherent in Regulations 1 through 7.

Comparison—Current and Proposed Regulations

There are many differences between the current Coast Guard regulations and those of IMCO Resolution A.265 (VIII). The major differences are summarized below.

1. Unlike the current regulations which are based on floodable length calculations, the proposed alternative regulations establish a measure of minimum acceptable damage survival probability and evaluate the safety of the vessel on the basis of this probability.

2. The margin line (an arbitrary line normally located three inches below the bulkhead deck at the side), used to define the limits of sinkage and heel in current regulations, is eliminated by the alternative regulations. The sinkage and heel limitations in the alternative regulations are based on the attainment of satisfactory damage stability (metacentric height, GM), taking into account effective freeboard, provided the undamaged portion of the bulkhead deck is not immersed. Therefore, damage stability parameters are accounted for without imposing an artificial freeboard limit.

3. The current Coast Guard regulations require the use of a uniform average permeability throughout all spaces forward and aft of the machinery space. The proposed alternative regulations, however, specify independent permeabilities to be used for passenger accommodation, machinery, stores, and liquid consumable spaces, thus producing a more accurate representation of the actual permeability distribution. This concept of realistically modeling the actual conditions is also carried over to cargo space permeability values by defining them as an inverse function of draft, as developed from operational data.

4. The current damage stability calculation requirements in 46 CFR 74.10-15(c)(6), permit a minimum freeboard after flooding of 3 inches (75 mm) and a metacentric height (GM) of 2 inches (50 mm), a combination which, while unlikely to occur in practice, is undesirable. IMCO Regulation 5(c)(i)(1) also permits a minimum GM of 2 inches. However, it prescribes higher and more realistic values of minimum GM for vessles which have low values of freeboard in the damaged condition.

5. The damage stability requirements in IMCO Regulations 5(c)(i)(2), 5(c)(i)(3), and 5(c)(ii), through 5(c)(iv) are equivalent to the damage stability standards in 46 CFR 74.10-15(c)(5), (c)(6), and (c)(7), with two exceptions. The maximum acceptable heel in the final stage of flooding is reduced from 15 to 12 degrees, and the assessment of effective freeboard replaces the arbitrary concept of margin line thus permitting sinkage and heel to the bulkhead deck at the side in the undamaged portion of the vessel. The first exception is a modest improvement, the second replaces one method of assessing freeboard with another while ensuring that the waterplane area in the undamaged portion of the vessel is not reduced.

The proposed regulations permit greater flexibility of bulkhead arrangement because they do not tie subdivision to floodable length calculations, and longitudinal bulkheads and decks are considered effective in contributing to the vessel's ability to survive damage. In certain cases, it should be possible for the designer to reduce the number of bulkheads and use longer compartments, which means that vessels can be built at a lower cost without a reduction in their ability to survive damage. Additionally, the designer will have a more flexible method of evaluating the ability to survive damage of unusual designs or novel hull forms.

The Coast Guard has evaluated this proposal under Executive Order 12291 and the Department of Transportation's "Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 dated 22 May 1980)" and has determined that it is neither a major nor a significant rule making. This proposal would amend the regulations for watertight subdivision and damage stability of passenger vessels by adopting parts of the Inter-Governmental Maritime Consultative Organization (IMCO) Resolution A.265 (VIII) as an alternative to the existing regulations. This new method will allow more flexible subdivision design without lowering the level of safety provided by the current regulations. There would be no additional cost, and may in fact reduce cost, but this choice would be with the ship designers. Because this proposal is an alternative to existing regulations, the rule will have no impact on small entities as defined by the Regulatory Flexibility Act Pub. L. 96-354, 19 September 1980 (5 U.S.C. 603). An Environmental Assessment has been prepared and a Finding of No Significant Impact has been made.

In consideration of the foregoing, the Coast Guard proposes to amend Parts 56, 73, and 74 of Title 46, Code of Federal Regulations to read as follows:

PART 56—PIPING SYSTEMS AND APPURTENANCES

1. By adding a new § 56.50-57 to read as follows:

§ 56.50-57 Bilge piping and pumps, alternative requirements.

(a) If a passenger vessel complies with Subparts 73.12 and 74.12 of this chapter, its bilge pumping and piping systems must meet §§ 56.50-50 and 56.50-55 except as follows:

(1) Each bilge pumping system must comply with—

(i) Regulation 19(b) of the Annex to IMCO Resolution A.265 (VIII) in place of § 56.50-55(a)(1), § 56.50-55(a)(3), and § 56.50-55(f);

(ii) Regulation 19(d) of the Annex to IMCO Resolution A.265 (VIII) in place of § 56.50-55(a)(2).

(2) Each bilge main must comply with Regulation 19(i) of the Annex to IMCO Resolution A.265 (VIII) in place of § 56.50-50(d) except—

(i) the nearest commercial pipe size may be used if it is not more than one-fourth inch under the required diameter; and

(ii) each branch pipe must comply with § 56.50-50(d)(2).

(b) The standards referred to in this section, which are contained in the Intergovernmental Maritime Consultative Organization (IMCO) Resolution A.265 (VIII), dated December 10, 1973, are incorporated by reference. This document is available from the National Technical Information Service, Springfield, Virginia, 22151, under the title "Regulations on Subdivision and Stability of Passenger Ships as Equivalent to Part B of Chapter II of the International Convention for the Safety of Life at Sea, 1960" (Volume IV of the U.S. Coast Guard's "Commandant's

International Technical Series", USCG CITS-74-1-1.)

PART 73—WATERTIGHT SUBDIVISION

2. By adding a new § 73.10-2 to read as follows:

§ 73.10-2 Alternative method.

Subpart 73.12 of this chapter may be used to determine the subdivision requirements of a passenger vessel in place of this subpart.

3. By adding a new Subpart 73.12 to read as follows:

* * * * *

Subpart 73.12—Rules for Subdivision; Alternative Method

Sec.
73.12-1 Application.
73.12-3 Definition.
73.12-5 Alternative subdivision requirements.
73.12-7 Incorporation by reference.
73.12-9 Additional requirements.

* * * * *

Subpart 73.12—Rules for Subdivision; Alternative Method

§ 73.12-1 Application.

This subpart applies to each vessel on an international voyage and each vessel of 150 gross tons and over in ocean or coastwise service, except a vessel on a short international voyage that is permitted under Subpart § 75.10-10(a)(6) to carry a number of persons on board in excess of the lifeboat capacity of the vessel, provided that the alternative subdivision requirements of § 73.12-5 are applied.

§ 73.12-3 Definition.

As used in the IMCO regulations, "Administration" means the Commandant, U.S. Coast Guard.

§ 73.12-5 Alternative subdivision requirements.

Regulations 1, 2, 3, 4, 6, and 7 of the Annex to Resolution A.265 (VIII) of the Intergovernmental Maritime Consultative Organization (IMCO) may be used as an alternative method of determining the subdivision requirements of a passenger vessel in place of Subpart 73.10.

§ 73.12-7 Incorporation by reference.

The standards referred to in this section, which are contained in the Intergovernmental Maritime Consultative Organization (IMCO) Resolution A.265 (VIII), dated December 10, 1973, are incorporated by reference. This document is available from the National Technical Information Service, Springfield, Virginia, 22151, under the title "Regulations on Subdivision and Stability of Passenger Ships as Equivalent to Part B of Chapter II of the International Convention for the Safety of Life at Sea, 1960" (Volume IV of the U.S. Coast Guard's "Commandant's International Technical Series", USCG CITS-74-1-1.)

§ 73.12-9 Additional requirements.

If this subpart is used to determine the subdivision requirements of a passenger vessel, Subpart 74.12 and § 56.50-57 of this chapter must also be used.

PART 74—STABILITY

4. By adding a new § 74.10-2 to read as follows:

74.10-2 Alternative damage stability standard.

(a) Subpart 74.12 of this chapter may be used as the damage stability standard for a passenger vessel in place of § 74.10-15.

5. By adding a new Subpart 74.12 to read as follows:

* * * * *

Subpart 74.12—Damage Stability Standards; Alternative Method

Sec.
74.12-1 Application.
74.12-3 Definition.
74.12-5 Alternative damage stability standards.
74.12-7 Incorporation by reference.
74.12-9 Additional requirements.
74.12-11 Stability information.

* * * * *

Subpart 74.12—Stability Standards; Alternative Method

§ 74.12-1 Application.

This subpart applies to each vessel on an international voyage and each vessel of 150 gross tons and over in ocean or coastwise service except a vessel on a short international voyage that is permitted under § 74.10-10(a)(6) to carry a number of persons on board in excess of the lifeboat capacity of the vessel, provided that the alternative subdivision requirements of § 74.12-5 are applied.

§ 74.12-3 Definition.

As used in the IMCO regulations, "Administration" means the Commandant, U.S. Coast Guard.

§ 74.12-5 Alternative damage stability standards.

Regulations 1 and 5 of the Annex to Resolution A.265 (VIII) of the Intergovernmental Maritime Consultative Organization (IMCO) may be used as an alternative method of determining requirements for the damage stability of a passenger vessel in place of § 74.10-15.

§ 74.12-7 Incorporation by reference.

The standards referred to in this section, which are contained in the Intergovernmental Maritime Consultative Organization (IMCO) Resolution A.265 (VIII), dated december 10, 1973, are incorporated by reference. This document is available from the National Technical Information Service, Springfield, Virginia, 22151, under the title "Regulations on Subdivision and Stability of Passenger Ships as Equivalent to Part B of Chapter II of the International Convention for the Safety of Life at Sea, 1960" (Volume IV of the U.S. Coast Guard's "Commandant's International Technical Series", USCG CITS.74.1.1.)

§ 74.12-9 Additional requirements.

If this subpart is used, Subpart 73.12 and § 56.50-57 of this subchapter must also be used.

§ 74.12-11 Stability information.

If this subpart is used, the master of the vessel must have the stability information of Regulation 8(b) of the Annex to IMCO Resolution A.265 (VIII) in addition to the information required under Subpart 74.20 of this chapter.

(49 Stat. 1384, (46 U.S.C. 369); R.S. 4405, (46 U.S.C. 375); R.S. 4462, 46 U.S.C. 416; 49 U.S.C. 1655(b)(1); 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. 81-24341 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-14-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 16

Types of Contracts

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of availability and request for comment on draft Federal acquisition regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding contract types and their selection.[1] Availability of additional

[1] Filed with the Office of the Federal Register as part of the original document.

announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before September 30, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place NW., Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following part of the draft Federal Acquisition Regulation is available upon request for public and Government agency review and comment.

PART 16—TYPES OF CONTRACTS

This part describes types of contracts that may be used in acquisitions other than small purchases under Part 13. It prescribes policies and procedures and provides guidance for selecting a contract type appropriate to the circumstances of the acquisition. Its subparts are as follows:

16.1 Selection of Contract Types
16.2 Fixed-Price Contracts
16.3 Cost-Reimbursement Contracts
16.4 Incentive Contracts
16.5 Indefinite-Delivery Contracts
16.6 Time-and-Materials, Labor-Hour, and Letter Contracts
16.7 Agreements

Dated: August 12, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81-24358 Filed 8-19-81; 8:45 am]

BILLING CODE 3110-01-M

Notices

Federal Register
Vol. 46, No.161
Thursday, August 20, 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

Federal Corp Insurance Corporation

Standard Reinsurance Agreement, and Amendment No. 1—Treaty Surplus Share

AGENCY: Federal Crop Insurance Corporation.

ACTION: Notice.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby gives notice to writers of multiple-peril crop insurance policies of an amendment to the Standard Reinsurance Agreement for 1982 and subsequent crop years. The initial agreement was published as a notice in the **Federal Register** on Monday, January 5, 1981 (46 FR 974–978). This notice is an offer to provide reinsurance coverage on such policies. the intended effect of this notice is to provide an explanation of the amendment. The terms of the Standard Reinsurance Agreement (Form FCIC 456), and Amendment No. 1—Treaty Surplus Share are set forth below to provide writers of multiple-peril crop insurance policies with as much information as possible.

EFFECTIVE DATE: This offer to provide reinsurance to multiple-peril crop insurance writers, as outlined below, is effective for the 1982 crop year.

ADDRESS: Written comments on this notice should be sent to Wayne A. Fletcher, President, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Alan S. Walter, Reinsurance Coordinator, Federal Crop Insurance Corporation, P.O. Box 293, Kansas City, Missouri 64141, telephone 816–926–7937.

The Draft Impact Analysis Statement describing the options considered in developing this notice and the impact of implementing each option is available from the above-named individual.

SUPPLEMENTARY INFORMATION: Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1501 *et seq.*), as amended by Pub. L. 96–365 (September 26, 1980), authorizes and directs FCIC to offer reinsurance, to the maximum extent possible, to writers of multiple-peril crop insurance.

The purposes of this notice are:

1. To continue to offer publicly, to eligible insurers, reinsurance against excess aggregate loses accruing to writers of multiple-peril crop insurance resulting from adverse weather conditions and other unavoidable causes;

2. To provide the method by which the offer may be accepted; and

3. To set forth the terms and conditions of the amended Standard Reinsurance Agreement, and Amendment No. 1—Treaty Surplus Share.

The availability of reinsurance is generally necessary to insurance companies writing multiple-peril insurance. The terms and conditions of the amended Standard Reinsurance Agreement must appear in time for acceptance by eligible insurers in advance of when policies must be marketed, which is generally before planting.

The terms and conditions must be made known promptly so that such multiple-peril policies may be written for the 1982 crop year.

Offer to Provide Reinsurance

This ofer is made to all insurance companies licensed to conduct business in the United States, pursuant to the Federal Crop Insurance Act of 1938, as amended, and to all terms and conditions contained in the amended Standard Reinsurance Agreement.

Comments Requested

Any interested party is invited to comment on the provisions in this Agreement. FCIC will consider all suggestions and may choose to publicly offer an additional or amended agreement incorporating the suggested changes.

Method of Entering Into an Agreement

1. Any company desiring to enter into the Standard Reinsurance Agreement shall mail an application to FCIC enclosing a proposed plan of operation. The material should be mailed to Alan Walter, FCIC, P.O. Box 293, Kansas City, MO 64141. The proposed plan of operation shall include the crop year for which insurance will first be written under this Agreement, the crops to be covered, the States in which the insurance will be written, the use of other reinsurance for policies covered by this Agreement, copies of policy forms to be utilized, premium rates to be charged if different from those charged by FCIC, and the maximum amount of book premium to be covered for the first and subsequent crop seasons under this Agreement. The plan must also identify the legal entities who will be participating in the Agreement as an insurance pool, partnership joint venture, or other legal relationships other than reinsurance, and the legal relationship for these parties.

2. FCIC may ask for additional information, including but not limited to (1) the capability of the Company to underwrite and service the insurance covered by the Agreement and (2) to meet the financial commitments entailed. FCIC may also utilize other information available to it in evaluating the application.

3. Upon review of the application, including any supplementary information obtained by FCIC, FCIC will notify the Company in writing of its acceptance or rejection of the application and the plan of operation.

4. The items in the proposed plan of operation, as submited by the Company and approved by FCIC, become part of the Agreement and may be charged only with written permission of both parties.

5. FCIC reserves the right to limit participation in this program in accord with the funds available.

Accordingly, as outlined above, FCIC herewith publishes in their entirety the amended Standard Reinsurance Agreement, and Amendment No. 1—Treaty Surplus Share, as follows:

Standard Reinsurance Agreement

(Name) _____

(Street or Mailing Address

(City and State) _____

(ZIP Code) _____

(Agreement Number——Tax I.D.) _____

Crop Year for Which Reinsurance Initated With FCIC _____

Section I. Business Reinsured

A. The Federal Crop Insurance Corporation (FCIC) hereby agrees to reinsure the excess liability which may accrue to the Company as a result of losses incurred during the period this Agreement is in force under policies, contracts and binders of multiple-peril crop insurance (hereinafter called "policies") issued or renewed on or after the effective date of this Agreement. This Agreement applies to the business written by the Company listed on the plan of operation as the lead entity (and whose name is listed on this Agreement) plus the business written by other companies listed on the plan of operation and reinsured by the lead entity.

B. The multiple-peril crop insurance subject to this Agreement shall be written exclusively on policy forms and at premium rates approved by FCIC, and the policies so approved shall only be issued on crops and in territories authorized by the FCIC. Such policy forms shall provide coverage identical to the coverage provided by FCIC policies at premium rates not less than those used by FCIC.

C. The plan of operation submitted by the Company and accepted by FCIC is incorporated into this Agreement, and may be changed only upon agreement in writing by both parties except for the maximum amount of book premium to which reinsurance shall apply, which may be limited in accordance with paragraph D of this section.

D. FCIC reserves the right to limit the amount of book premium subject to reinsurance. The maximum amount of book premium which can be written by the Company and reinsured by FCIC for the initial year of this Agreement will be indicated to the Company when the Agreement is approved by FCIC. For subsequent years, FCIC will notify the Company of the maximum amount of book premium to be covered by reinsurance for the next crop year within 30 days after the termination date for this Agreement. FCIC may require the Company to report, in a timely manner in advance of this date, information on expected carryover business and expected new sales so as to be able to administer this clause. The maximum may be raised by FCIC at a later date, in which case notice will be given to the Company. Notwithstanding any of the above, FCIC's ability to sustain the Agreement depends upon the availability of funds and all maximum amounts are subject to a reduction or cancellation within 30 days of the passage of FCIC's Congressional Appropriation.

E. Closing of sales—FCIC may require the Company to immediately refrain from accepting applications for insurance or otherwise accepting liability that could affect the financial situation of FCIC if FCIC closes sales due to adverse risk conditions for any geographic area or for any crop.

F. Refusal of risk—FCIC may require the Company to notify it of the name(s) and address(es) of any applicant(s) refused insurance or cancelled from insurance subject to this Agreement, and the reasons for the action(s). The Company will immediately comply with that requirement.

Section II. Commencement and Termination

A. This Agreement shall become effective upon signature of authorized officials for both the Company and FCIC unless specified otherwise in the plan of operation. FCIC will reinsure only liability accepted on or after the effective date.

B. Either party may terminate this Agreement effective at the end of the current crop year by giving notice to the other party before December 1 unless the Company has insurance in force with a cancellation date earlier than December 31, in which case notification must be not later than April 1. If notice is given after the above dates, the termination shall take effect at the end of the following crop year.

C. FCIC may require the Company to discontinue accepting any applications for insurance after the notice of termination is received.

D. The provisions of Section IV, pertaining to level and timing of expense reimbursement, may be renegotiated for subsequent crop seasons upon written request of either party. The provision as written shall apply if agreement cannot be reached.

Section III. Distribution of Underwriting Gains and Losses

A. An annual computation of underwriting gains or losses for the Company shall be made for each crop year with the gains or losses to be shared between the Company and FCIC according to the formula specified. The computation shall be based upon the loss ratio for the year. The loss ratio shall be computed to the nearest hundredth of a percent with the numbers 5 and above rounded upwards and numbers 4 and below rounded down in calculating the nearest hundredth of a percent.

1. If the loss ratio is over 100 percent but not over 160 percent, the Company's share of the loss is 10 percent of book premium multiplied by the difference between the loss ratio percent and 100 percent, or a maximum of 6 percent of book premium.

2. If the loss ratio is over 160 percent but not over 200 percent, the Company's share of underwriting losses shall be 6 percent of book premium plus 5 percent of book premium multiplied by the difference between the loss ratio percent and 160 percent, or a maximum of 8 percent of book premium.

3. If the loss ratio exceeds 200 percent, the Company's share of losses shall be 8 percent of book premium.

4. FCIC's share of underwriting losses (losses other than the Company's share) shall be charged against the Company reinsurance account maintained by FCIC, and which may show a negative balance.

5. If the loss ratio is less than 100 percent but not less than 76 percent for the crop year, the Company's share of the underwriting gains shall be 33 and ⅓ percent of the book premium multiplied by the difference between the loss ratio percent and 100 percent, or a maximum of 8 percent of book premium. FCIC's share of underwriting gains shall be credited to the Company's reinsurance account.

6. If the loss ratio percent is less than 76 percent for the crop year, the Company's share of underwriting gains shall be 8 percent of book premium. FCIC's share of underwriting gains shall be entered into the Company's reinsurance account.

7. The amount due either party under this paragraph shall be payable upon submission of the annual summary or amendments thereto for the crop season.

B. At the end of the extended period, the Company shall be entitled in 20 percent of the amount in the Company reinsurance account, but not more than 5 percent of the total book premium written by the Company during the extended period. Any premiums subject to a surplus share agreement with FCIC (FCIC share of the surplus) will be excluded in computing the total premium for the extended period. If the Company reinsurance account has a negative balance at the end of the extended period, the Company share shall be zero. The amount due shall be payable upon submission of the annual summary or amendments thereto for the last crop season in the extended period.

C. If the Agreement is terminated by FCIC, the extended period shall be considered to end at the end of the crop year when terminated and the Company shall be entitled to share in any positive balances in the Company reinsurance account according to the provisions in paragraph B.

D. If the Agreement is terminated by the Company to take effect prior to the end of an extended period, the Company share of any positive balance in the Company reinsurance account will be determined upon the basis of the following short term cancellation clause after any distribution for the final year of the Agreement is made in accordance with paragraph A of this section. The formula specified in paragraph B of this section will be computed. The Company will be entitled to an amount equal to:

1. 20 percent of the computed amount if the termination takes effect after the first year of an extended period;

2. 40 percent of the computed amount if the termination takes effect after the second year of an extended period;

3. 60 percent of the computed amount if the termination takes effect after the third year of an extended period;

4. 80 percent of the computed amount if the termination takes effect after the fourth year of an extended period;

Section IV. Expense Reimbursement

A. FCIC shall provide the Company an operating and administrative expense reimbursement allowance equal to 22 percent of the Company's earned book premium on the business covered by this Agreement for Company operating and agent commission expenses. An additional reimbursement of 5 percent of the book premium earned will be provided for new policies issued and for crops added to an existing policy. This additional reimbursement is provided for the purpose of covering the additional expense of selling a policy for the initial year of insurance. This additional reimbursement shall not be applicable to any policy for which the crop was insured the previous year under a multiple-peril policy issued by another company reinsured by FCIC or issued by the Federal Crop Insurance Corporation. FCIC will also reimburse the Company 4 percent of book premium earned and 3 percent of ultimate net losses for direct loss adjustment expenses.

B. It is expressly agreed that FCIC shall not be liable for any dividends, commissions or taxes, or any board, exchange or bureau assessments, or any other expenses of whatever nature incurred by the Company, except the expense reimbursements provided in this section.

C. The expense reimbursement shall be due and payable in accordance with the following schedule:

1. Eighty (80) percent of the estimated reimbursement for Company operating and agent expenses for the crop year shall be due the Company upon submission of its report (due not later than July 15) on the status of the reinsurance account as of the end of June.

2. The remaining reimbursement for operating and agent expenses shall be due upon submission of the end-of-September report.

3. Loss adjustment reimbursement in the amount of 4 percent of book premium shall be due upon submission by the Company of its end-of-July report.

4. Any adjustment in expense reimbursement due the Company or overpayment returnable to FCIC as a result of changes in book premium reported shall be due upon submission of each end-of-month report.

5. Loss adjustment reimbursement in the amount of 3 percent of ultimate netlosses paid under this reinsurance agreement shall be due upon submission of the annual summary report or amendment thereto.

6. FCIC may, at its option, reimburse the Company after each December 15 for up to 25 percent of estimated operating costs that will be due the Company on business sold or renewed with a sales closing date on or before November 1. This payment, if made, will be an advance of moneys otherwise paid in accordance with sub-paragraph C1, above, and will be made based upon the latest monthly report submitted to FCIC.

Section V. Applicability of Premium Subsidy

FCIC shall pay a portion of each producer's premiums on the policies reinsured by this Agreement as authorized by the Federal Crop Insurance Act of 1980. Any restrictions or conditions on eligibility for subsidy imposed on producers insured directly by the Federal Crop Insurance Corporation shall apply to this Agreement. The subsidy shall be considered as premium remitted to the Company and further remitted from the Company to FCIC upon submission of the annual report or amendments thereto for the crop year the subsidy is due.

Section VI. Hail and Fire Exclusion

The Company shall provide the insured the option of deleting the perils of hail and fire from the policies covered by this Agreement, as authorized by the Federal Crop Insurance Act of 1980. A premium credit for the deletion of hail and fire coverages shall be provided in the rates approved by FCIC. Any hail and/or fire losses to crops insured under policies from which hail and fire coverages have been deleted shall not be subject to coverage under this Agreement. The liability of the Company on such policies, if hail and/or fire losses are paid, will be reduced according to provisions in the policy issued to the insured, as approved by FCIC.

Section VII. Reports

A. Within 15 days after the end of each month the Agreement is in force, and on forms mutually acceptable, the Company shall report to FCIC the following statistics on the reinsured business as of the end of the previous month (end of month report):

1. Sales of crop insurance policies with separate totals for new policies for which the higher reimbursement allowance is applicable;

2. Cancellations of insurance contracts;

3. The known amount of book premiums earned for the crop year;

4. The portion of producer premium paid or payable by FCIC (subsidy) for the crop year as provided in Section V;

5. The expense reimbursement allowance earned for the crop year as provided in Section IV; and

6. Ultimate net losses paid to the insured and premiums collected from the insured.

The Company may, at its option if loss volume warrants, make a report indicating the above as of the middle of each month (referred to as an interim report).

B. Not later than April 15 of the calendar year following the crop year under consideration, the Company shall prepare and forward to FCIC an annual summary setting forth the information necessary to make a settlement for the year. The information will be on forms mutually acceptable to both parties to this Agreement and contain all information required by FCIC.

C. The Company shall submit an annual summary of experience for each insured in accordance with forms and at such time as mutually agreed to by both parties to this Agreement.

Section VIII. Retained Liability and Other Reinsurance

A. This Agreement shall apply only to that portion of any insurance which the Company retains net for its own account (except for other reinsurance permitted in paragraphs B and C of this section), and in calculating the amount of any loss hereunder and also in computing the amount on which this Agreement attaches, only loss or losses in respect to that portion of any insurance which the Company retains net for its own account shall be included. It is, however, understood and agreed that the amount of FCIC's liability hereunder with respect to any loss or losses shall not be

increased by reason of the inability of the Company to collect from any other reinsurers, whether specific or general, any amounts which may have come due from them, whether such inability arises from the insolvency of such other reinsurers or otherwise.

B. The Company shall have the right to reinsure the classes of business covered hereunder on a pro rata basis, and if it is agreed that such reinsurance is maintained by the Company, recoveries thereunder shall inure solely to the benefit of the Company and be totally disregarded for purposes of applying all the provisions of this Contract, including, but not by way of limitation, the provisions of Sections III, IV, and V. If the Company utilizes other reinsurance, such provisions will be specified in the plan of operation or amendments thereto.

C. FCIC may offer the Company surplus reinsurance as a supplement to this agreement. Such reinsurance terms will be specified in Amendment I to this Agreement. Liability assumed by FCIC under the surplus agreement will be considered the same as that written through the provisions of the Standard Agreement except with respect to the distribution of underwriting gains or loses, including but not limited to expense reimbursement and premium subsidy. Any underwriting gains or losses that accrue to FCIC as a result of the surplus agreement shall not be entered into the Company reinsurance account.

Section IX. Insolvency

A. In the event of insolvency of the Company, this reinsurance shall be payable directly to the Company or to its liquidator, receiver, conservator or statutory succesor on the basis of the liability of the Company without diminution because of the insolvency of the Company or because the liquidator, receiver, conservator or statutory successor of the Company has failed to pay all or a portion of any claim. It is agreed, however, that the liquidator, receiver, conservator or statutory successor of the Company shall give written notice to FCIC of the pendency of a claim against the Company indicating the policy or bond reinsured which claim would involve a posible liability on the part of FCIC within a reasonable time after such claim is filed in the conservation or liquidation proceeding or in the receivership, and that during the pendency of such claim, FCIC may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses that it may deem available to the Company or its liquidator, receiver, conservator or statutor succesor. The expense thus incurred by FCIC shall be chargeable, subject to the approval of the Court, against the Company as part of the expense of conservation or liquidation to the extent of a pro rata share of the benefit which may accrue to the Company solely as a result of the defense undertaken by FCIC.

Insolvency of one party in a multi-party plan of operation will not affect the liability of any of the other parties under this contract or under any other agreements or guarantees between the parties necessary for the performance of this agreement.

B. It is further understood and agreed that, in the event of the insolvency of the Company, the reinsurance under this Agreement shall be payable directly by FCIC to the Company or to its liquidator, receiver or statutory successor except (a) where the Agreement specifically provides another payee of such reinsurance in the event of the insolvency of the Company and (b) where FCIC with the consent of the direct insured or insureds has assumed such policy obligations of the Company as direct obligations of FCIC to the payees under such policies and in substitution for the obligations of the Company to such payees.

Section X. Arbitration

If any misunderstanding or dispute arises between the Company and FCIC with reference to the amount of premium due, the amount of loss, the amount of expense reimbursement, or to any other factual issue under any provisions of this Agreement, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by FCIC. The Company and FCIC may agree on and appoint an arbitrator who shall invesigate the subject of the misunderstanding or dispute and make a determination. If the Company and FCIC cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed one to be chosen by the Company and one by FCIC.

The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by FCIC.

The Company and FCIC shall bear equally all expenses of the arbitration. Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section shall upon objection by FCIC or the Company, be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

Section XI. Access to Books and Records

FCIC and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of the Company that are pertinent to the business reinsured under this Agreement. The Company shall keep records which fully disclose all matters pertinent to the business reinsured, including premiums and claims paid or payable under this agreement. Records relating to premiums shall be retained and available for three (3) years after final adjustment of premiums, and to reinsurance claims three (3) years after final adjustment of such claims.

Section XII. Errors and Omissions

Inadvertent delays, errors or omissions made in connection with this Agreement or any transaction hereunder shall not relieve either party from any liability which would have attached had such delay, error or omission not occurred, provided always that such error or omission will be recified as soon as possible after discovery.

Section XIII. Salvage and Recoveries

With respect to any salvage or recovery in connection with any loss hereunder received subsequent to the payment of such loss, the loss shall be refigured on the basis on which it would have been settled had the amount of salvage or recovery been known at the time the loss hereunder was originally determined. Any amounts thus found to be due FCIC shall be immediately paid to FCIC by the Company.

Section XIV. Remittances

A. FCIC shall pay the Company the balance equal to the following after submission of each end of month or interim report:

1. Losses paid by the Company for the crop year (loss advances); less

2. Net prior loss advances during the crop year; less

3. Cash premiums collected by the Company for the crop year; plus

4. Unremitted amount due to date for operating expense reimbursements; plus

5. Unremitted amount due to date for loss adjustment expense; less

6. Any amounts due FCIC under any other part of this Agreement.

B. FCIC shall pay the Company any balance due upon submission of the annual summary report or amendments thereto.

C. FCIC shall pay the Company any balance due within 15 days after submission of an end of month, interim, or annual summary report or amendment thereto.

D. If the balance due the Company is negative, the Company shall remit to FCIC with the end of month, interim, annual summary report or amended annual summary report the amount equal to the negative balance.

E. FCIC retains a claim on any premium outstanding to the Company from their insureds on the policies of insurance covered under this Agreement to offset advance loss payments to the Company. The Company shall not encumber FCIC's claim on balances due from the insureds through pledging as collateral on debt or other obligations of the Company, except the company may pledge premiums outstanding as collateral in any amount equal to the amount by which loss payments exceeding the sum of premiums collected plus loss advances from FCIC.

Section XV. Miscellaneous Clauses

A. No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

B. The Company will not discriminate against any employee, applicant for employment, insured or applicant for insurance because of race, color, religion, sex, age, handicap, marital status or national origin.

C. The lead entity(ies) is(are) a guarantor(s) of any or all obligations to FCIC that may arise out of the business conducted under this Agreement. If more than one legal entity is designated as the lead entity, all shall be jointly and severally liable to FCIC under this agreement.

D. Upon execution by the Company and acceptance by FCIC, this agreement replaces and supercedes any previous reinsurance agreement between FCIC and the Company. The extended period under this agreement will terminate when it would have terminated under the previous agreement. Terms of the previous agreement are unchanged and terms of this agreement will not be given retroactive effect. However, the Company Reinsurance Account will contain the balance existing from the prior agreement. All distributions at the end of the extended period will be in accordance with this new agreement.

Section XVI. Sales by Agents

The Company shall sell the policies covered under this Agreement through licensed agents or brokers.

Section XVII. Loss Adjustment

A. The Company shall utilize loss adjustment procedures and methods consistent with those utilized by FCIC. FCIC may, at its own expense, cooperate with the Company in the adjustment of claims.

B. FCIC may require the Company to utilize an approved program for training and certifying loss adjusters. The Company program must be approved either by FCIC or by an organization accepted by FCIC to grant such approval. FCIC may put this clause into effect for the 1983 or later crop years by giving written notice to the Company prior to February 1 of such crop year.

C. FCIC has the right to participate in any action brought against the Company or any of its agents with respect to any policies reinsured under this Agreement.

D. The Company agrees to hold FCIC harmless for any loss FCIC may incur as a result of the Company's conduct in the investigation, negotiation, defense or handling of any claim or suit or in any dealing with its policyholder.

Section XVIII. Definitions

As used in this Agreement the term—

1. "Loss ratio" means the percentage computed by dividing the amount of ultimate net losses for the reinsurance period by the book premium for the reinsurance period, the result multiplied by 100.

2. "Book premiums" means gross premiums earned by the Company on the policies reinsured under the Agreement including the portion of producer premium subsidy paid or due from FCIC or other Governments in accordance with Section V.

3. "Crop year" means the calendar year within which the crops insured by the policies reinsured hereunder are normally harvested or mature for harvest.

4. "Ultimate net loss" means the sum or sums (excluding litigation expenses and all allocated and unallocated loss adjustment expenses incurred by or on behalf of the Company) paid or payable by the Company in settlement of claims and in satisfaction of judgments rendered on account of such claims, after deduction of all salvage, all recoveries and all claims on inuring reinsurances, if any. Liability of FCIC for any damages assessed against the Company arising out of its conduct in the investigation, negotiation, defense, or handling of any claims or suits or in any dealings with its policyholders is specifically excluded under the Agreement. Nothing herein shall be construed to mean that losses under this Agreement are not recoverable until the Company's ultimate net loss has been ascertained, it being understood and agreed that salvage recovered and/or recoveries received by the Company after a loss settlement hereunder shall be applied as if recovered or rceived before the said settlement, and all necessary adjustments shall be made by the parties hereto.

5. "Incurred" as applied to ultimate net losses incurred and to losses incurred shall mean losses happening to crops for the crop year under consideration.

6. "Company" means the party or parties indicated in Item Number 1 of the plan of operation who will participate in writing the reinsured business. At least one of the parties must be a firm authorized to engage in crop insurance business under the laws of the states in which the insurance is to be written. If more than one legal entity is involved, one or more must be designated in the plan of operation as lead entity(ies).

7. "Lead entity" means the party(ies) designated in the plan of operation to serve as quarantor for all the Company obligations to FCIC under this agreement.

8. "Extended period" means the period of time encompassing five crop years beginning with the crop year for which this Agreement is initiated and including the next four crop years with subsequent periods running from the expiration of an extended period through five crop years. If the Agreement is terminated by FCIC, the provisions of Section III, paragraph C shall apply to the timing of the end of the extending period.

9. "Company reinsurance account" means a balance maintained by FCIC for the Company party to this Agreement in accordance with Section III. A separate Company reinsurance account shall apply for each extended period.

Approved and Executed for the Corporation by:

_____

Title— _____

Date— _____

Accepted and Executed for the Company by:

_____

Title— _____

Date— _____

Amendment I—Treaty Surplus Share

(Agreement No. Tax I.D.)
(Name)
(Street or Mailing Address)
(City and State)
(Zip Code)

A. FCIC hereby agrees to provide a surplus reinsurance treaty to the Company as a supplement to the Standard Reinsurance Agreement.

1. For the purposes of this treaty the Company will annually establish, by state, a dollar limit for the book premium (hereinafter referred to as Company line limit). The Company line limit may vary from crop year to crop year and from state to state. Once established for a crop year the Company line limit cannot be changed without the approval of FCIC. The initial Company line limits are set forth in Attachment A hereto and are hereby incorporated into this treaty.

2. Where the book premium exceeds the Company line limit for a state, FCIC will assume a share of the ultimate loss in consideration of an equal proportional share of the book premium. The share is determined as follows:

(a) When the book premium is equal to or less than twice the Company line limit established for the crop year, the book premium in excess of the Company line limit is divided by the total book premium to determine the FCIC share of ultimate net losses and book premium.

(b) When the book premium exceeds twice the Company line limit established for the State, the Company line limit for the state is divided by the total book premium for the state to determine the FCIC share of ultimate net losses and book premium.

(c) The Company's share of the book premium and ultimate net losses will be treated in accordance with the provisions of the Standard Reinsurance Agreement in effect between FCIC and the Company.

B. The Company will report to FCIC, as a part of the monthly and annual summary reports required in Section VII of the Standard Reinsurance Agreement, FCIC's share of the premium and ultimate net losses under this treaty.

C. Responsibility of the Company for premium collection is not changed with this supplement. Premiums will be remitted to FCIC in accordance with the schedule provided for in the Standard Reinsurance Agreement.

D. Notwithstanding the terms of the supplement, FCIC will only reinsure the maximum amount of book premium set out in the Standard Reinsurance Agreement.

E. All terms of the Standard Reinsurance Agreement not inconsistent with this treaty remain in effect.

Approved and Executed for FCIC by:

Title
Date

Accepted and Executed for the Company by:

Title
Date

Wayne A. Fletcher, President, Federal Crop Insurance Corporation, has determined that this notice is exempt from the requirements of Executive Order No. 12291 as a matter dealing with agency management.

Issued in Washington, D.C., on August 20, 1981.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Approved by:
Wayne A. Fletcher,
President, Federal Crop Insurance Corporation.

Dated: August 12, 1981.

[FR Doc. 81-24256 Filed 8-19-81; 8:45 am]
BILLING CODE 3410-09-M

Forest Service

Modoc National Forest Grazing Advisory Board; Meeting

The Modoc Grazing Advisory Board will hold a fall meeting on September 17, 1981.

The Board will field review the Emerson Allotment Management Plan.

Board members will provide their own horses and can plan to assemble at the Patterson Guard Station on the Warner Mountain Ranger District at 10:00 a.m. For further information, contact William E. Britton at 916-233-3521.

G. Lynn Sprague,
Forest Supervisor.

August 12, 1981.

[FR Doc. 81-24251 Filed 8-19-81; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.)

Week Ended August 14, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
August 10, 1981	39892	Freedom Airlines, Inc., 19 Broome County Airport, Johnson City, New York 13790. Application of Freedom Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled air transportation of passengers, property and mail, as follows: "Between the terminal points Cleveland, Ohio, the intermediate points Flint, Michigan, Saginaw, Michigan, Lansing, Michigan, Grand Rapids, Michigan and the terminal point, Chicago, Illinois." Conforming Applications, motions to modify scope, and Answers may be filed by September 8, 1981.
August 11, 1981	39898	Avia International Airlines, Inc., 110 Giralda Avenue, Coral Gables, Florida 33134. Application of Avia International Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural regulations requests that the certificates of public convenience held by Challenge Air Transport, Inc. be transferred to it, and re-issued in the name Challenge Airlines, Inc. Answers may be filed by September 8, 1981.
August 11, 1981	39899	Jet Fleet Corporation, Inc., 8605 Lemmon Avenue, Dallas, Texas 75209. Application of Jet Fleet Corporation, Inc. pursuant to Section 401(h) of the Act and Subpart Q of the Board's Procedural Regulations requests that the certificates of public convenience and necessity to engage in charter transportation issued to Jet Fleet Corporation, Inc. be transferred and reissued by the Board to Jet Fleet International Airlines, Inc.; that the Board approve or exempt any control relationships resulting from this change under Sections 408 and 409 of the Act. Answers may be filed by September 8, 1981.

Date filed	Docket No.	Description
August 13, 1981	39908	U S Air, Inc., Washington National Airport, Washington, D.C. 20001. Application of U S Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a new certificate of public convenience and necessity or for an amendment of its certificate for Route 97F authorizing U S Air to engage in the scheduled air transportation of persons, property, and mail on an unrestricted basis between Cincinnati, Ohio and Toronto, Ontario, Canada. Answers may be filed by August 27, 1981.
August 14, 1981	39914	Balair Ltd., c/o Morris R. Garfinkle, Galland, Kharasch, Calkins & Short, 1054 Thirty-first Street, N.W., Washington, D.C. 20007. Application of Balair Ltd. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment and reissuance of its foreign air carrier permit to conduct charters in foreign air transportation and removal of the restrictions contained in ordering paragraph 3 of Order 77-1-68. Answers may be filed by September 11, 1981.
August 14, 1981	39924	The Flying Tiger Line Inc., 7401 World Way West, P.O. Box 92935, Los Angeles, California 90009. Application of The Flying Tiger Line Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that its certificate for Route 205F be amended by (a) combining the two Transatlantic routes into a single segment; (b) eliminating the designation of specific domestic coterminals in conjunction with its authority between the United States and Belgium, the Netherlands, and Luxembourg; and (c) adding as additional points on its Transatlantic route the countries of Israel, Switzerland, Spain and Portugal. The route segment, as amended, would read as follows: Between a point or points in the United States (except Orange County, Cal.) and a point or points in Belgium, the Netherlands, Luxembourg, the Federal Republic of Germany, Switzerland, Spain, Portugal, and Israel. Conforming Applications, motions to modify scope, and Answers may be filed by September 11, 1981.
August 14, 1981	39926	Transportes Aereos Kantuta, Ltda. Trak Airlines, c/o Robert M. Hausman, Hausman and Rosenthal, Suite 300, 1747 Pennsylvania Ave., N.W., Washington, D.C. 20006. Application of Trak Airlines pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit authorizing it to engage in the nonscheduled transportation of property and mail between the terminal point Miami, Florida, intermediate points in Panama, and terminal points in Bolivia. TRAK also requests authority to engage in off-route charter flights of property between points in the United States, on the one hand, and points outside the United States, on the other hand. Answers may be filed by September 11, 1981.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-24318 Filed 8-19-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-8-85]

Blanket Exemption for Certain Charter Operations in Alaska

AGENCY: Civil Aeronautics Board.

ACTION: Blanket exemption for certain charter operations in Alaska—notice of commuter air carrier fitness determination—Order 81-8-85, order granting exemption.

SUMMARY: The Board has granted a blanket exemption from section 401 of the Act and the Board's regulations to any certificated air carrier to the extent necessary to allow it to engage in interstate charter air transportation of persons and property between two points in Alaska; provided that the carrier holds authority form the Alaska Transportation Commission to conduct its proposed operations and provided that continuous operations on behalf of a single charterer may not be provided for more than six months under the exemption.

FOR FURTHER INFORMATION CONTACT: Patricia N. Snyder, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5207.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-8-85 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-8-85 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 13, 1981.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 81 24318 Filed 8-19-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-8-91; Docket 38770]

Peninsula Airways, Inc.; Order Concerning Mail Rates

Order 81-8-91, August 14, 1981, Docket 38770, fixes temporary intra-Alaska service mail rates for Peninsula Airways, Inc. at the level proposed in Order 81-7-139 (46 FR 39463, August 3, 1981).

Copies of the order are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-24315 Filed 8-19-81; 8:45 am]
BILLING CODE 6320-01-M

[Order No. 81-8-86; Docket No. 35084 etc.]

United Air Lines Inc. et al.; Order

In the matter of applications of United Air Lines, Inc., for an exemption pursuant to section 403 of the Federal Aviation Act of 1958, Docket 35084; Transamerica Airlines, Inc., for an emergency exemption from sections 401 and 403 of the Act, Docket 39715; Emergency Air Transportation Requirements, Docket 39722; and Trans World Airlines, Inc., for an exemption pursuant to section 416(b) of the Act, Docket 39872.

On June 18, 1981, we issued a notice informing the airline industry and the public of the emergency measures we intended to take in the event of a strike or job action by the Professional Air Traffic Controllers Organization (PATCO).[1] In subsequent orders, we exempted certificated and commuter carriers from various requirements of the Federal Aviation Act and our rules and regulations.[1]

We have determined that it is consistent with the public interest to grant further exemptions from our essential air service requirements. In light of the civil air transportation emergency which has curtailed the operations of all carriers, we have decided to exempt temporarily all

[1] 46 FR 32057, June 19, 1981.

[2] Order 81-6-22, August 6, 1981; Order 81-6-148, June 19, 1981 (by Director, BDA, under delegated authority).

essential air service carriers from providing such service in accordance with our EAS determinations to a level that approximates the current cutback in permitted operations: (1) a minimum of one, instead of two, round trips per day will be required; (2) a reduction of up to 50 percent of the required number of available seats will be permitted; (3) service may be provided to any hub regardless of which hub was designated in the essential air service determination; and (4) service to only one hub will be required in cases in which we have required service to two hubs. We will also consider individual requests for waivers of our remaining essential air service requirements.

Consistent with our temporary exemption from the requirements of our essential air service definitions and with Orders 81-8-22 and 81-6-148, we will continue to exempt all certificated and commuter air carriers from 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 require 30-day, 60-day or 90-day notices of terminations, reductions, or suspensions of service, except that this exemption shall not apply to terminations, reductions, or suspensions of service of the last carrier serving a point. In such cases, the requirements of sections 401(j)(1) and 419(a)(3) shall apply for terminations and reductions of service below the reduced essential air service requirements authorized by this order. To the extent that carriers have already taken advantage of our previous exemption and reduced service below the essential level defined in this order, the minimum levels established by this order supersede our earlier order. Those carriers are required to reinstate service at the level required by this order. Affected carriers should contact our staff to arrange a schedule for the reinstitution of such service.

The current reduction in operations has apparently created cash flow problems particularly for commuter carriers providing essential air service. To ease these problems, we will order the Comptroller to pay each carrier currently operating under 419 subsidy rates its ceiling amount of subsidy for the first rate period effective on or after August 1, 1981.[3] These payments will be disbursed at the end of the applicable rate period subject to later adjustment based on actual operations.[4]

In addition, effective for the same rate periods mentioned above, and extending until further action by us, all 419 rates currently in effect will have their rate formulas revised so that 40 percent of each rate will be paid on lump-sum basis,[5] while the remaining 60 percent will be paid on the basis of actual operations. Our intention is to assume coverage of at least a portion of fixed expenses incurred by carriers that experience schedule disruptions. These revised formulas will also form the basis for any adjustments to the authorized ceiling payments discussed above.

In addition, we will entertain specific requests from carriers receiving subsidy under section 406 for permission to subcontract such service to commuter carriers. We will base the amount of such subsidy agreements on the costs of the commuter.

We are also aware that the service disruption may be causing financial difficulties for carriers providing essential air service at communities where subsidy would not normally be required. In such cases, carriers may be reluctant to file suspension notices because, although this could trigger hold-in payments, it would also require us to commence carrier selection proceedings without a guarantee that the incumbent would be selected. We have instructed the staff to accept these notices and consider immediate hold-in payments, but not invite proposals to provide replacement service for the duration of the emergency unless the filing is unrelated to it. If carriers desire such payments because of this emergency situation, they should indicate that the filing of the notice is for this purpose and that they intend to resume normal unsubsidized service. Consequently, no solicitations of proposals would be needed.

We will deny the informal request of various carriers that we exempt them from the requirement that they refund all credits due to customers' credit card accounts within seven business days.[6] We are required to enforce the requirements of Titles I and VII of the Consumer Credit Protection Act,[7] which includes the refund requirement described here. However, our authority to grant exemptions extends only to the requirements of Title IV of the Federal Aviation Act.[8] We therefore have no authority to exempt carriers from the requirements of the Consumer Credit Protection Act. If cases come before the Bureau of Compliance and Consumer Protection which arise out of this requirement they will take into consideration the unusual circumstances created by the air traffic control emergency and the question of whether the carrier made a good faith effort to refund promptly its customers' money in deciding whether to prosecute.

Finally, we will amend our exemptions from the provisions of Part 250 (oversales and denied boarding compensation) and Part 252 (smoking rules) to extend such exemption authority to commuters not designated as providing essential air service, as requested by letter by counsel for the Commuter Airlines Association of America (CAAA). We agree with CAAA that all carriers are facing the same operational problems and should be afforded the same degree of relief.[9] In addition, in this order we will extend our exemptions from DBC and tariff requirements to apply to foreign as well as U.S. air carriers.

We will authorize the exemptions and waivers described throughout this order through September 8, 1981. On that date, the Department of Transportation intends to issue a longer range plan for the operation of the air transportation system which should restore a higher level of air carrier operations. We will accept comments on our actions here from persons requesting modification or curtailment of these exemptions or commenting on the desirability of extending this authority beyond September 9, 1981. All comments should be filed in Docket 39722 by September 1, 1981.

Accordingly,

1. We exempt all U.S. and foreign air carriers and commuter air carriers from the provisions of Part 250 to the extent that they would require more than 100 percent compensation if the airline cannot arrange "alternate transportation" as defined in that Part;

2. We exempt all air carriers providing essential air service from the requirements of the essential air service determinations issued under section 419 of the Act in the following respects:

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[3] Hold-in periods consist of 30 days, while final rates are paid on a monthly basis.

[4] This does not relieve the carriers of their responsibility to file information documenting the actual amount of service operated. Actual payments due the carriers will be based on actual operations. Any adjustments will be made at a later date.

[5] This figure represents the approximate ratio of fixed to total expenses for those carriers operating under 419 rates.

[6] 12 CFR 226.12(e). *See* 14 CFR 374.

[7] 15 U.S.C. 1601 *et seq.*

[8] Section 416(b).

[9] In addition, CAAA pointed out that the exemption from the DBC rules granted in Order 81-8-22 relieved carriers only from the provisions of section 250.9, which describes the written notice that must be given to overbooked passengers who are denied boarding; and that the exemption should have also included relief from section 250.5, which contains the actual requirements for paying denied boarding compensation. We will make clear that the modification of Part 250 applies to the entire Part in the appropriate ordering paragraph to this order.

a. A minimum of one, instead of two, round trips per day will be required; [10]

b. A reduction of up to 50 percent of the required number of available seats will be permitted;

c. Service may be provided to any hub regardless of which hub was designated in the essential air service determination; and

d. Service to only one hub will be required in cases in which we have required service to two hubs;

3. We exempt all certificated air carriers and all commuter air carriers 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; except that this exemption shall not apply to terminations, reductions, or suspensions of the last carrier serving a point; in those cases, the requirements of sections 401(j)(1) and 419(a)(3) shall apply, and such notices shall be required for terminations or reductions below the reduced essential air service requirements authorized by ordering paragraph 2;

4. Effective for the monthly or 30-day rate period in effect for each carrier on the date of adoption of this order, 419 rate formulas will be revised so that 40 percent of the rate will be paid directly and 60 percent of the rate will be paid on the basis of actual operations. These formula revisions for each rate will be made by the Air Carrier Subsidy Need Division;

5. The Comptroller is authorized to make payments equal to subsidy ceiling amounts calculated pursuant to the provisions of all current 419 rate orders currently in effect for the monthly or 30-day rate period in effect on the date of adoption of this order. These payments will be subject to adjustment in the event that application of the rate formulas as revised pursuant to ordering paragraph 4 do not produce subsidy amounts equal to ceiling payments made under the provision of this paragraph;

We deny carriers' requests for exemptions from the seven-day refund requirement of 12 CFR 226.12(e);

7. We amend ordering paragraphs 2 and 3 of Order 81-8-22 by deleting in each the phrase "designated by the Board to provide essential air service;"

8. We amend ordering paragraph 3 of Order 81-8-22 by deleting the phrase "certificated" and inserting instead "U.S. and foreign;"

9. The exemptions and waivers granted here shall become effective immediately;

10. The exemptions, amendments and waivers permitted by this order and by Orders 81-6-148 and 81-8-22 shall expire on September 9, 1981; and

11. This order shall be served on all U.S. certificated and foreign carriers, all commuter air carriers, 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, the Air Transport Association of America, the Commuter Airline Association of America, the aviation agency of each State, Territory and possession of the United States; and all eligible points with effective essential air service determinations.

A copy of this order will be published in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-24317 Filed 8-19-81; 8:45 am]

BILLING CODE 6320-01-M

[10] If any essential air service definitions are currently below this level, they are not affected by this order.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 10-81]

Proposed Foreign-Trade Zone, Baltimore, Md.; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Baltimore, Maryland (the City) requesting authority to establish a general-purpose foreign-trade zone on the Baltimore Harbor, within the Baltimore Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on August 17, 1981. The applicant is authorized to make this proposal under Article 23, Section 466-469, as amended, of the Annotated Code of Maryland.

The applicant proposes to establish a general-purpose zone project within Holabird Industrial Park, a new 170-acre industrial and commercial complex being developed by the City in southwestern Baltimore. The project is designed to help attract new manufacturing and retain established industries in accordance with City and State economic development plans. Covering 20 acres, the zone will be located within the complex on Holabird Avenue at Broening Highway. A developer/operator, will be selected by the City to construct a multi-user building and open space will be reserved for firms requiring their own facilities for processing and light manufacturing.

The application contains evidence of the need for zone services in the Baltimore area. Prospective tenants have indicated an interest in using the zone for processing, assembly, light manufacturing, storage and distribution of products such as machine parts, medical equipment, and electronic components and products.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Stuart S. Keitz (Chairman), Program Manager, Import Administration, U.S. Department of Commerce, Washington, D.C. 20230; Carl W. Johnson, Program Analyst, U.S. Customs Service, Region III, 40 South Gay Street, Baltimore, Maryland 21202; and Colonel James W. Peck, District Engineer, U.S. Army Engineer District Baltimore, P.O. Box 1715, Baltimore, Maryland 21203.

As part of its investigation, the examiners committee will hold a public hearing on September 15, 1981, beginning at 10:00 a.m., in the Constellation Room, 2123 World Trade Center, 401 E. Pratt Street, Baltimore, Maryland 21202. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377-2862) by September 11, 1981. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through October 15, 1981. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be

presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 415 U.S. Customshouse, Gay and Lombard Streets, Baltimore, Maryland 21202;

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2006, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: August 17, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-24321 Filed 8-19-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

[A-588-055]

Acrylic Sheet 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 acrylic sheet from Japan. The review covers the 14 known manufacturers or exporters and 1 transshipper of this merchandise to the United States currently covered by the finding for various time periods up to July 31, 1980. This review indicates the existence of dumping margins in particular periods for certain manufacturers and exporters.

As a result of this review the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value on each of their shipments during the period of review.

Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Susan Crawford, Shelia Forbes or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2209/5289).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 30, 1976, a dumping finding with respect to acrylic sheet from Japan was published in the **Federal Register** as Treasury Decision 76-240 (41 FR 36497). The finding excluded one firm, Mitsubishi Rayon Co., Ltd. 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 acrylic sheet 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 acrylic sheet, which is made by polymerizing methyl methacrylate into a stiff, transparent, high molecluar weight polymer with resistance to ultraviolet radiation, and includes sheet, whether or not cast, extruded, drilled, milled, or ground on the edges. Acrylic sheet is currently classifiable under items 771.4100, 771.4500 and 771.5500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 14 Japanese firms and 1 transshipper engaged in the manufacture of exportation of acrylic sheet to the United States currently covered by the finding. This review covers separate time periods for each of the firms up to July 31, 1980.

The issue of the Department's obligation to conduct administrative reviews of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Eleven exporters stated they did not export acrylic sheet to the U.S. during the review period. The estimated deposit rate for these firms shall be the most recent information for each firm. Two exporters declined to respond to our questionnaire. For these non-responsive exporters we proceeded to use the best information available to determine the assessment and estimated deposit rates. For one firm which was investigated at fair value, the best information is the fair value rate, since the most recent rate (master list) for that firm is not higher than the rate for responding firms in the current period. The best information for the firm not investigated at fair value is the most recent rate (master list) for the firm, since it is higher than rates for responding firms in the current period.

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 either on the F.O.B. packed price to an unrelated purchaser in the United States, or to an unrelated Japanese trading company for export to the United States, as appropriate. Where applicable, deductions were made for inland freight and commissions to unrelated parties in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, or the price to a purchaser in a third country (United Kingdom) when sufficient sales did not exist in the home market, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act. The foreign market values were adjusted, where applicable, for inland freight, loading and handling charges and differences in credit costs, in accordance with § 353.15 of the Commerce Regulations and § 153.10 of the Customs Regulations. An adjustment was also made for differences in packing costs. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Mfr./exporter	Time period	Margin (percent)
Asahi Chemical Ind. Co./Taikyo Sangyo Co	4/1/79-7/31/80	[1] 13.15
C. Itoh & Co., Ltd	1/1/77-7/31/80	[1] 0
Kanase Industries Co., Ltd	4/1/78-7/31/80	[1] 1.36
Kanematsu Gosho	7/1/79-7/31/80	[1] 11.98
Kyowa Gas Chemical Ind., Ltd	4/1/79-7/31/80	46.9

Mfr./exporter	Time period	Margin (percent)
Kyowa Gas Chemical/K. Sakai & Co	9/1/79-7/31/80	7.5
Marubeni Corp	4/1/78-12/31/78	0
	1/1/79-7/31/80	[1] 0
Midorikawa Chemical Ind. Co./Mitsubishi Corp	7/1/79-7/31/80	[1] 7.5
Nitto Jushi Kogyo Co	4/1/78-3/31/79	10.86
	4/1/79-7/31/80	10.86
S.P. International	4/1/78-12/31/78	0
	1/1/79-7/31/80	[1] 0
Sumitomo Chemical Co	4/1/79-7/31/80	[1] 28.5
Taikyo Sanyko Co., Ltd	4/1/79-7/31/80	[1] 13.15
Tsutsunaka/Toyo Menka Kaisha	4/1/78-3/31/79	30.29
	4/1/79-7/31/80	[1] 30.29
Tsutsunaka Plastic Ind. Co./K. Sakai & Co	4/1/78-3/31/79	30.29
	4/1/79-7/31/80	[1] 30.29
Transshipper/country:		
I. J. Langleb Ltd./Hong Kong	1/1/76-7/31/80	5.07

[1] No shipments during this period.

Interested parties may submit written comments on these preliminary results on or before September 21, 1981, and may request disclosure and/or a hearing on or before September 4, 1981. Any request for an administrative protective order must be made no later than August 25, 1981. 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, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of acrylic sheet 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.

(Section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations 919 CFR 353.53))

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 14, 1981.

[FR Doc. 81-24209 Filed 8-19-81; 8:45 am]

BILLING CODE 3510-25-M

[A-583-023]

Clear Sheet Glass From Taiwan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commercial.

ACTION: Notice of final results of administrative review of antidumping finding

SUMMARY: On April 24, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on clear sheet glass from Taiwan. The review covered the two known exporters to the United States for the period July 1, 1979 through July 31, 1980. Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3814/5289).

SUPPLEMENTARY INFORMATION:

Background

On August 21, 1971, a dumping finding with respect to clear sheet glass from Taiwan was published in the **Federal Register** as Treasury Decision 71-226 (36 FR 16508). On April 24, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (46 FR 23278). The Department has now completed its administrative review of the antidumping finding.

Scope of the Review

This review covers imports of clear sheet glass, which is currently classifiable under items 542.3120 through 542.4835 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only two Taiwanese exporters of clear sheet glass to the United States, Hsinchu Glass Works, Inc. and Taiwan Glass Corporation. The review covered the period July 1, 1979 through July 31, 1980. The Department received a request from the petitioner for a disclosure meeting which was denied in part since there were no known shipments to the United States during the period of review and therefore no calculations to disclose. The basis for the estimated deposit rate, prior appraisement instructions ("master lists"), was disclosed but not the master lists themselves or the calculations used by Treasury to derive the lists. There are no known unliquidated entries. Although the Department extended the comment period to June 19, 1981, we received no comments.

Final Results of the Review

The final results of our review are the same as those presented in the preliminary results of review.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit of 1.6 percent and 7 percent of the entered value for Taiwan Glass Corporation and Hsinchu Glass Works, respectively, shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This cash deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of August, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

August 14, 1981.

[FR Doc. 81-24266 Filed 8-19-81; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Finland; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration; Commerce.

SUMMARY: On July 9, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on pig iron from Finland. The review covered the one known exporter for the period September 1, 1971, through June 30, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: August 20, 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:

Background

On July 24, 1971, a dumping finding with respect to pig iron from Finland

was published in the **Federal Register** as Treasury Decision 71–194 (36 FR 13781). On July 9, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review for that finding (46 FR 35540–1). The Department has now completed the administrative review of that finding.

Scope of the Review

Imports covered by this review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of one Finnish firm which manufactured and exported pig iron to the United States during the review period. That firm was Oy Koverhar Ab, which has since merged with its parent company, OVAKO Oy Ab. The review period is from September 1, 1971 through June 30, 1980.

Final Results of the Review

The Department received no comments on the preliminary results of its administrative review. Therefore, the final results are the same as the preliminary results, and we determine that no margins exist.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent margin calculated shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. Since the most recent margin calculated is zero, the Department waives the deposit required for Finnish exports of pig iron. The waiver of deposit shall, remain in effect until publication of the final results of the next administration review. The Department intends to conduct the next administrative review by the end of July 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 14, 1981.

[FR Doc. 81-24287 Filed 8-19-81; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From West Germany; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

SUMMARY: On July 6, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on pig iron from West Germany. The review covered the three known exporters for various time periods through June 30, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: August 20, 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:

Background

On July 24, 1971, a dumping finding with respect to pig iron from West Germany was published in the **Federal Register** as Treasury Decision 71–192 (36 FR 13780). On July 6, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review for that finding (46 FR 34829–30). The Department has now completed the administrative review of that finding.

Scope of the Review

Imports covered by this review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the 3 known exporters of West German pig iron to the United States. They are listed below, together with the period of review for each exporter.

Final Results of the Review

The Department received no comments on the preliminary results of its administrative review. Therefore, the final results are the same as the preliminary results, and we determine that there were no shipments for the firms in the following periods:

Metallhuttanwerke G.m.b.H., 3/1/75–6/30/80
Rheinstahl, A.G., 1/1/73–6/30/80
Duisburger Kupferhutte, 8/1/79–6/30/80

As required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent margin calculated for each firm shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. Since in each case the most recent margin calculated was zero, the Department waives the deposit requirement for West German exports of pig iron. The waiver of deposit shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of July 1982.

(Section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53))

August 14, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-24270 Filed 8-19-81; 8:45 am]

BILLING CODE 3510-25-M

Imported Steel Mill Products Trigger Price Mechanism; Fourth Quarter 1981 Trigger Prices

AGENCY: International Trade Administration, Commerce.

ACTION: Announcement of Fourth Quarter 1981 Trigger Price Levels.

SUMMARY: The Department of Commerce announces that fourth quarter 1981 trigger price bases and extras for most steel mill products covered by the steel trigger price mechanism (TPM) will be unchanged from their third quarter levels; however, the interest component of the TPM delivery charges will increase, causing the total landed trigger prices to increase slightly. The Department uses trigger prices to monitor the prices of steel mill product imports for possible initiation of dumping investigations. Each quarter the Department reviews Japanese steel production and delivery costs and revises trigger prices accordingly. The fourth quarter trigger prices will apply to steel mill products exported to the United States on or after October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Spetrini, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377–3793.

SUPPLEMENTARY INFORMATION: On October 8, 1980 (45 FR 66833), the Department of Commerce published its intention to reinstate the TPM. The Department began its monitoring of all imported basic steel mill products entering the United States on October 21, 1980.

Fourth quarter 1981 trigger price bases and extras for those steel mill products manufactured principally by integrated steel producers will not change from

their third quarter 1981 trigger price levels. However, the interest component of TPM delivery charges increased due to higher U.S. interest rates. This caused the total landed trigger prices to increase about 1 to 2 percent (depending on the product and port of entry) over third quarter levels (see Table 3 for a list of fourth quarter trigger base prices and interest rates).

Base trigger prices and extras of those steel mill products manufactured principally by electric furnace producers will decline from 1.0 percent to 3.5 percent, depending on the product, from their third quarter levels: base trigger prices and extras for Group A (angles, channels, and I-beams) will be 1.8 percent lower than the third quarter levels; Group B (hot rolled merchant quality round, square, round cornered square and flat bars, bar size channels, and strip produced on bar mills) will decline 1.0 percent; and Group C (concrete reinforcing bars) will decline 3.5 percent. The base trigger prices for stainless steel wire products will be unchanged from their third quarter 1981 levels. Certain stainless steel wire extras will increase between 4.1 percent and 7.9 percent. Wire nail base prices and extras will decrease 0.6 percent from their third quarter 1981 levels.

For its calculation of trigger price levels, the dollar/yen exchange rate the Department uses to convert Japanese steel producers' yen-denominated production costs to dollars is the average of the 36 months preceding the calculation and publication of the quarter's trigger price levels. On this basis, the exchange rate used in the Department's fourth quarter 1981 production cost estimate is 217 yen to the dollar (the yen/dollar exchange rate average for August 1978 through July 1981). The Department used a 216 yen/dollar exchange rate average (the average for May 1978 through April 1981) for the third quarter 1981 trigger price calculation.

The Department is adding certain cold finished bar grades to published price coverage and will begin TPM monitoring of these additional grades on products exported to the United States on or after October 1, 1980. The Department is also adding various notes to the TPM Price Manual in order to clarify the existing product coverage (see Table 4 for a listing of coverage expansion and clarification actions).

Production Costs

Integrated Producers

The Department's fourth quarter estimate of Japanese steel production costs reflects an extensive updating of the production cost components. Previously, such a complete updating was done only once a year (for the second quarter production estimate); however, in its effort to assure that these estimates reflect current Japanese production costs, the Department is also doing the complete update for its fourth quarter estimate.

The average production cost for the six major Japanese integrated steel producers estimated for fourth quarter 1981 is about the same as the third quarter estimate and 0.3 percent above the second quarter estimate, the last quarter for which trigger price bases and extras were changed. The 0.3 percent increase does not justify a change in fourth quarter trigger prices from their second and third quarter levels (see Table 1 for a comparison of third and fourth quarter production costs).

Table 1.—*Japanese Production Cost Estimate: Integrated Steel Producers, Third and Fourth Quarters, 1981*

(U.S. dollars per metric ton of finished product)

	3d quarter	4th quarter
Basic raw materials	167.69	166.60
Other raw materials	84.55	88.90
Labor	106.70	106.62
Other expenses	30.54	26.01
Depreciation	33.13	35.86
Interest	27.88	28.67
Profit [1]	31.16	30.89
Yield Credit	(13.64)	(13.81)
Total cost ($/M.T.)	467.81	467.74
Total cost ($/N.T.)	424.39	424.33

[1] Profit = .08 (All raw materials plus labor plus "other expenses")

While third and fourth quarter production cost estimates differ by only $0.07 per metric ton, there were substantial changes in the various production cost components. Cost factors that lowered the estimate include an improvement in average raw steel to finished product yield from 86.0 percent to 86.6 percent, the depreciation of the Japanese yen relative to the U.S. dollar, a decrease in fuel oil usage, and a decrease in "other expenses." The decrease in "other expenses" results principally from an adjustment in this component for the value of blast furnace gas sold by the Japanese steel producers to electric utilities.

Offsetting these was about a one-half percentage point decrease in the five-year average capacity utilization, a slight increase in the price of coking coal (resulting from an adjustment in the Department's estimate of the fiscal 1981 price the Japanese producers would negotiate for the coking coal purchases and the actual negotiated price), and increases in "other raw materials," depreciation, and interest. The five-year average capacity utilization for the total Japanese steel industry for the second quarter of 1976 through the first quarter of 1981 (the period the Department used in its third quarter TPM estimate of Japanese steel production costs) was about 73.4 percent. Moving the five-year period forward one quarter decreases the capacity utilization average to 73.0 percent.

Electric Furnace Producers

The decreases in the production costs of the main Japanese electric furnace producers result largely from decreases in the cost of the purchased scrap component of basic raw materials. This decrease was enhanced somewhat by the slight depreciation of the yen relative to the dollar. In addition, improvements in labor productivity further lowered costs for Group A and C, while an increase in the scrap usage rate moderated the cost decrease for Group B (see Table 2 for a comparison of third and fourth quarter production costs).

Stainless Steel Wire Production Costs

The base trigger prices for stainless steel wire products for fourth quarter 1981 remain at their third quarter levels. The size extras will increase between 4.1 percent and 7.7 percent over their third quarter levels. The finish, straightening and cut length extras have increased 7.9 percent over their third quarter levels. These increases are mainly due to increases in labor and electricity costs.

Wire Nail Production Costs

Commerce's dollar-valued estimate of the current production costs of Japan's wire nail producers decreased 0.6 percent from the third quarter 1981 level. The fourth quarter 1981 production cost decrease is due mostly to the depreciation of the yen relative to the dollar.

Other Charges

TPM trigger prices are an estimate of the production costs of Japanese steel manufacturers plus the cost of transporting and landing the steel in the United States; hence, to the production costs described above and reflected in trigger price bases and extras must be added charges for freight, interest, handling and insurance. Freight and handling charges will not change from their third quarter 1981 levels. Interest charges have been adjusted for the fourth quarter 1981 to reflect the current level of the prime interest rate (see Table 3 for a listing of the new interest charges).

Product Coverage Changes

Coverage Expansion

The Department received a request in October, 1980 to expand the cold finished carbon steel round bar coverage on page 12–1 of the price manual to include AISI grades 1030 through 1060. The coverage had been limited to AISI grades 1008 through 1029. This request was published in the November 20, 1980 **Federal Register** (45 FR 76722) with a thirty day period for public comment. The Department, after analyzing the request and the comments, determined that the expansion of coverage is appropriate. This product coverage expansion will apply or products exported to the United States on or after October 1, 1981.

The Department continues to consider requests for expansion or deletion of coverage of certain products, as published in the **Federal Register** on October 21, 1980 (45 FR 69527); November 20, 1980 (45 FR 76722); and June 16, 1981 (46 FR 31461).

Coverage Clarification

The Department has also received various requests to clarify the existing published price coverage. A number of changes of this type have been made and are listed in Table 4.

Fourth Quarter 1981 Trigger Price Manual

The *Fourth Quarter 1981 TPM Price Manual* will be available in mid-September. Copies may be purchased from the Publications Sales Branch, Room 1617, U.S. Department of Commerce, Washington, D.C., 20230 for $10.00.

Japanese Steel Production Cost Estimates: Electric Furnance Products, Third and Fourth Quarters, 1981

	Groups A[1]		Group B[2]		Group C[3]	
	3d quarter	4th quarter	3d quarter	4th quarter	3d quarter	4th quarter
Basic Raw Materials	$186.12	$182.28	$196.97	$194.86	$187.45	$179.20
Other Raw Materials	41.94	41.27	44.70	43.79	39.76	38.90
Labor	33.00	32.05	36.10	35.97	29.27	29.26
Other Expenses	12.75	13.95	17.54	19.20	15.79	16.42
Depreciation	7.63	7.67	9.11	10.06	8.26	8.54
Interest	11.01	9.41	10.98	9.69	10.81	8.82
Profit[4]	21.90	21.56	23.63	23.46	21.78	21.10
Scrap Credit	(3.07)	(2.59)	(2.80)	(3.40)	(2.65)	(2.68)
Total $/M.T.	311.28	305.60	336.23	332.94	310.47	299.56
Total $/N.T.	282.39	277.24	305.02	302.04	281.66	271.76

[1] Group A products are angles, channels and I-beams.
[2] Group B products are hot rolled merchant quality round, square, round cornered square and flat bars; bar size channels; and hot rolled strip from bar mills.
[3] Group C products are concrete reinforcing bars, plain and deformed.
[4] Profit = .08 (Raw materials + labor + other expenses).

Product Base Prices for Shipment Exported During 4th Quarter, 1981

[All figures in dollars per metric ton]

Page[1]	Product	4th quarter 1981 base prices	4th quarter interest			
			P.	G.	A.	L.
2-1	Wire Rods Commercial Quality	380	16	20	20	25
2-2	Wire Rods Welding Quality	393	16	21	21	26
2-3	Wire Rods High Carbon	429	18	23	23	28
2-4	Wire Rods Cold Heading Quality	448	19	24	24	29
2-6	Wire Rods Cold Finished Bar Quality	455	19	24	24	30
2-8	Mo Alloy Steel Wire Rod	662	28	36	36	43
2-11	Si-Mn-Cr High Carbon Steel Wire Rod	634	27	34	34	42
3-1	Wide Flange Beams and Bearing Piling	386	16	21	21	25
3-5	Standard Carbon Steel Channels[2]	311	13	17	17	21
3-6	Unequal Leg Carbon Steel Angles[2]	328	14	18	18	22
3-7	Equal Leg Carbon Steel Angles[2]	295	12	16	16	19
3-8	Standard Carbon Steel "I" Beams & Junior Beams[2]	359	15	19	19	24
4-1	Sheet Piling	405	17	22	22	27
5-1	Steel Plates	373	16	20	20	24
6-1	Heavy Carbon Steel Rails AREA 115, 132 or 136	421	18	23	23	28
6-2	Light Rail	414	17	22	22	27
6-3	Tie Plates	422	18	23	23	28
8-1	Plain and Deformed Carbon Steel Concrete Reinforcing Bars ASTM A615[4]	286	12	15	15	19
9-1	Hot Rolled Carbon Steel Bar Size Channel[2]	421	18	23	23	28
10-1	Hot Rolled Carbon Bars Special Quality	476	20	26	26	31
10-3	Merchant Quality Hot Rolled Carbon Steel Squares and Round Cornered Squares ASTM-36 or AISI 1020[3]	351	15	19	19	23
10-4	Merchant Quality Hot Rolled Carbon Steel Round Bar ASTM A36 or AISI 1020[3]	351	15	19	19	23
10-5	Merchant Quality Carbon Steel Flat Bars ASTM A36 or AISI 1020[3]	320	13	17	17	21
11-1	Hot Rolled Ni-Cr-Mo Alloy Steel Round Bar, Round Cornered Square Bar and Spring Steel Flat Bar	556	23	30	30	37
11-5	Spheroidize Annealed High Carbon Cr Steel Round Bar	621	26	33	33	41
12-1	Cold Finished Carbon Steel Round and Hexagonal Bar AISI 1008 through 1029	557	23	30	30	37
12-2	Cold Finished Round Steel and Hexagonal Bar AISI 1212 through 1215	629	26	34	34	41
12-3	Cold Finished Round Steel and Hexagonal Bar AISI 12L14 and 12L15	660	28	35	35	43
12-4	Cold Finished, Ni-Cr-Mo Alloy Steel Round Bar	556	23	30	30	37
12-5	Cold Finished Spheroidized Annealed, High Carbon Cr Steel Round Bar, AISI 52100, 50100, 51100	621	26	33	33	41
12-6	Round Stainless Steel Drawn Bar in Sizes under 0.703' Dia	(5)	(5)	(5)	(5)	(5)
14-1	ERW Carbon Steel Pressure Tubing for use in Boilers, Heat Exchangers, Condensers, Etc	621	26	33	33	41
14-6	Continuous Buttweld Pipe	472	20	25	25	31
14-8	ERW Pipe, Excluding Oil Well Casing	495	21	27	27	32
14-12	Submerged Arc Welded Pipe	537	22	29	29	35
14-14	ERW Structural Tubing, ASTM A500 Grades, A, B and C	462	19	25	25	30
14-17	ERW Standard Pipe	479	20	26	26	31
14-19	ERW Piling Pipe ASTM A252	417	17	22	22	27
14-22	SAW Piling Pipe	417	17	22	22	27
14-23	ERW Mechanical Tubing ASTM A513, Type 1—A.W.H.R	556	23	30	30	37

Product Base Prices for Shipment Exported During 4th Quarter, 1981—Continued

[All figures in dollars per metric ton]

Page [1]	Product	4th quarter 1981 base prices	4th quarter interest			
			P	G.	A.	L.
15-1	Seamless Carbon Steel Oil Well Casing, Not Threaded, up to 7' in Outside Diameter	567	24	30	30	37
15-2	Seamless Carbon Steel Oil Well Casing, Not Threaded 7 inches and over in Outside Diameter	566	24	30	30	37
15-4	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, 7 inches and over in Outside Diameter	649	27	35	35	43
15-6	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, up to 7 inches in Outside Diameter	657	27	35	35	43
15-7	Electric Resistance Welded Carbon Steel Oil Well Casing	518	22	28	28	34
15-9	Seamless Carbon Steel Pressure Tubing Suitable for use in Boilers, Superheaters, Heat Exchangers, Condensers, Refining Furnaces, Feed Water Heaters, Cold Finish	1014	42	55	55	67
15-27	Seamless Carbon Steel Oil Well Tubing	813	34	44	44	54
15-28	Seamless Carbon Steel Line Pipe	576	24	31	31	38
15-30	Hot Rolled High Carbon Cr Steel Tube Suitable for use in Manufacture of Ball or Roller Bearings AISI 52100	757	32	41	41	50
15-31	Cold Rolled High Carbon Cr Steel Tube Suitable for use in Manufacture of Ball or Roller Bearings AISI 52100	1126	47	61	61	74
15-32	Seamless Stainless Steel Round Ornamental Tube	2553	107	137	137	166
15-33	Seamless Stainless Steel Square Ornamental Tube	2783	116	150	150	183
16-1	Cold Heading Round Wire Hard Drawn	568	24	31	31	37
16-1	Cold Heading Drawn from Annealed Rods	644	27	35	35	42
16-1	Cold Heading Drawn from Spheroidized Annealed Rods	660	28	35	35	43
16-1	Cold Heading Anneal in Process	664	28	35	35	43
16-1	Cold Heading Spheroidize Anneal in Process	676	28	36	36	44
16-1	Cold Heading Anneal in Process and Drawn from Annealed Rods	717	30	39	39	47
16-1	Cold Heading Spheroidize Anneal in Process and Drawn from Annealed Rods	730	31	39	39	48
16-1	Cold Heading Anneal at Finish Size	644	27	35	35	42
16-1	Cold Heading Spheroidize Anneal at Finish Size	660	28	35	35	43
16-1	Cold Heading Anneal at Finished Size and Drawn from Annealed Rods	697	29	37	37	46
16-1	Cold Heading Spheroidize Anneal at Finished Size and Drawn from Annealed Rods	712	30	38	38	47
16-4	Bright and Annealed Basic Round Wire	467	20	25	25	31
16-5	Galvanized Iron Round Wire	588	25	32	32	39
16-7	Round Baling Wire 14½ Gauge	653	27	35	35	43
16-8	Cold Finished Si-Mn-Cr High Carbon Steel Wire	634	27	34	34	42
16-10	Cold Finished Mo Alloy Steel Wire	662	28	36	36	43
16-12	Upholstery Spring Wire Automatic Coiling and Knotting Type	584	24	31	31	38
16-13	Mechanical Spring Wire ASTM A227 and A648	616	26	33	33	40
16-14	Music Spring Quality Wire ASTM A228 (percent)	1360	4.2	5.4	5.4	6.6
16-16	Oil Tempered Steel Spring Wire ASTM A229	620	26	33	33	41
16-17	Carbon Steel Valve Spring Quality ASTM A230	1030	43	55	55	66
16-18	Automobile Tire Bead Wire 0.037'	722	30	39	39	47
16-19	Galvanized Core Wire for A.C.S.R. ASTM B498 Class "A"	771	32	41	41	51
16-20	Stainless Steel Wire	(5)	(5)	(5)	(5)	(5)
19-1	Galvanized Wire Field Fence ASTM A116	704	29	38	38	46
20-1	Wire Nails	478	20	26	26	32
21-1	Barbed Wire 2 Ply	741	31	40	40	49
22-1	Black Plate ASTM A625	482	20	26	26	32
23-1	Electrolytic Tin Plate	656	27	35	35	43
25-1	Hot Rolled Steel Sheets	331	14	18	18	22
25-2	Hot Rolled Steel Band	316	13	17	17	21
26-1	Electrical Steel Sheets—Grain Oriented, in Coil	1320	55	71	71	87
26-2	Electrical Steel Sheets—Non Oriented, in Coil	718	30	39	39	47
26-3	Cold Rolled Sheets	416	17	22	22	27
27-1	Electro Galvanized Sheets	480	20	26	26	32
27-3	Hot Dipped Galvanized Sheets	484	20	26	26	32
29-1	Hot Rolled Carbon Steel Strip Produced on Bar Mills Cut Lengths [3]	356	15	19	19	23
29-2	Hot Rolled Carbon Steel Strip Produced on Sheet Mills Coils Only	323	13	17	17	21
32-1	Tin Free Steel Sheets	560	23	30	30	37

[1] Page references are to the Third Quarter, 1981 Trigger Price Manual published by the Department of Commerce. The first figure of each page reference corresponds to the AISI product category of that product.
[2] Electric Furnace, Group A.
[3] Electric Furnace, Group B.
[4] Electric Furnace, Group C.
[5] See pages 16-20 to 16-30.

Table 4.—*4th Quarter, 1981 Trigger Price Manual Revised Pages*

Page reference [1]	Product description	Revision
2-2	Wire rods—welding quality	Correct error in size range.
4-1	Sheet piling	Correct listed grades to only reflect U.S. grades of this product.
6-1	Heavy carbon steel rail	Correct size parameters for freight rates.
10-2	Hot rolled carbon steel bars—special quality	Delete bar tolerance extra: All material is to bar tolerances.
12-1	Cold finished round and hexagonal bars	Expand coverage to include grades 1030-1060.
14-12	Submerged arc weld pipe	Clarify limitation of coverage to straight seam product. Does not include spiral weld pipe.
14-14	A500 square and rectangular tubing	Correct freight rates for square and rectangular tubing.
16-8 to 16-9	High carbon alloy wire	Correct identification of size and heat treatment extras.
16-10 to 16-11	Alloy wire	Correct identification of size and heat treatment extras. Clarify inclusion of cold heading quality product.
16-20 to 16-30	Stainless steel wire	Increase extras based on Japanese production cost changes.

[1] Pages refer to 3d quarter, 1981 TPM Price Manual.

Wire Rods—Welding Quality

[2-2—AISI Category 2—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—$393.			
Pacific coast	$34	$9	$16
Gulf coast	41	5	21
Atlantic coast	49	4	21
Great Lakes	62	4	26
Insurance 1 percent of base price + extras + ocean freight			
Extras ($/M.T.):			
1. Heat treatment—			
No heat treatment			Base
Regular anneal			55
Spheroidized anneal			86
2. Sizes 7/32" thru 35/64" (5.5 mm thru 14 mm)			Base
3. Grades 1008–1020			Base

Sheet Piling

[4-1—AISI Category 4—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—$405.			
Pacific coast	$36	$9	$17
Gulf coast	45	5	22
Atlantic coast	49	4	22
Great Lakes	66	4	27
Insurance 1 percent of base price + extras + ocean freight			
Extras ($/M.T.):			
1. Grade—			
A328			Base
A690 (Marine type)			121
2. Shape—			
Straight web—F, FA			14
Arch web—1A, U5, 5, 5L, 6L			14
Arch web—(Equivalent to PDA-27)			Base
Zee—Z14, Z25, Z32, Z38, Z45			14
H type			42
3. Length—			
3 meters to under 6 meters			14
6 meters and over			Base

Heavy Carbon Steel Rails—A.R.E.A. 115, 132, or 136

[6-1—AISI Category 6—Rev. August 1981]

Charges to CIF	Ocean freight Thru 40'	Ocean freight Thru 50'	Ocean freight Over 50'	Handling	Interest
4th quarter base price per metric ton—$421.					
Pacific coast	$35	$39	$42	$10	$18
Gulf coast	42	45	46	5	23
Atlantic coast	50	53	56	4	23
Great Lakes	66	69	72	4	28
Insurance 1 percent of base price + extras + ocean freight					
Extras ($/M.T.):					
1. Quality—					
Carbon					Base
Heat treating (equivalent to head hardening)					[1] 95
End hardening					[2] 3
2. Quantity (per purchase)—					
200 M.T and over					Base
Under 200 through 100 M.T.					[1] 4
Under 100 through 50 M.T.					[1] 7

[1] Per metric ton.
[2] Per rail.

Hot Rolled Carbon Steel Bars (Cut Length 4–12 Meters—Special Quality)

[10-2—Grade/Size—Rev. August 1981]

Grade AISI No.	Sizes: Over 25/64" to Under 25/64"	25/64" to under ¾"	¾" thru 1½"	Over 1½" to under 3"	3" thru 4¾"	Over 4¾"
Rimmed Steel						
1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023	18	[1]	[1]	[1]	[1]	[1]
Killed Steel						
1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1029, 1030, 1035, 1037, 1042, 1043, 1044, 1045, 1046, 1049, and 1050	19	[1]	[1]	[1]	[1]	[1]
1527, 1541	32	14	18	13	14	18
15B37	65	45	47	43	45	47
15B41	71	52	54	51	52	54
1117	55	41	41	37	38	42
1137	41	22	25	21	22	25
1212	31	13	16	10	13	16
1213, 1215	45	29	30	27	27	30
10L30	57	42	43	41	42	43
10L45	45	29	30	27	27	30
12L14, 12L15	69	50	52	49	50	52
15L22	96	65	67	61	63	67

[1] Base.

Cold Finished Carbon Steel Round and Hexagonal Bars—AISI 1008 Through 1060

[12-1—AISI Category 12—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—$557			
Pacific coast	$39	$9	$23
Gulf coast	50	5	30
Atlantic coast	55	4	30
Great Lakes	77	4	37
Insurance 1% of base price + extras + ocean freight			

	Shape: Round	Shape: Hexagon
Extras ($/M.T.):		
1. Size—		
Up to 5/16" inclusive	89	218
Over 5/16" thru 9/16"	57	118
Over 9/16" thru 7/8"	47	72
Over 7/8" thru 3/4"	25	47
Over 3/4" thru 7/8"	Base	10
Over 7/8" thru 1 1/16"	10	25
Over 1 1/16" thru 1 3/4"	19	42
Over 1 3/4" thru 2 1/16"	25	57
Over 2 1/16" thru 3"	35	
Over 3" thru 3 3/4"	47	
Over 3 3/4" thru 4"	57	

Submerged Arc Welded Pipe

[14-12—AISI Category 14—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—see below.			
West coast	Use freight table on page 14-2.	$9	$23
Gulf coast		5	29
Atlantic coast		4	29
Great Lakes		4	35
Insurance 1% of base price + extras + ocean freight			

Outside diameter	API 5L and API 5LX grades						
	5L	X42	X46	X52	X56	X60	X65
1. Base prices including O.D. and grade extras							
18"	566	581	597	620	637	652	669
18"-24"	551	566	581	597	620	637	652
26"-48"	537	551	566	581	597	620	637

W.T.	Outside diameter										
	16	24	26	30	34	36	40	42	44	46	48
2. Galvanizing—1.8 to 2.0 oz. coating (percent of base price extra)											
.250	4.0	4.0	4.0								
.281	4.1	4.1	4.1	4.1	4.1	4.1					
.312	4.1	4.1	4.1	4.2	4.2	4.1	3.9	3.9			
.344	4.2	4.2	4.2	4.2	4.2	4.2	3.9	3.9	3.9	3.9	
.375	4.2	4.2	4.2	4.3	4.2	4.2	4.0	4.0	3.9	3.9	3.9
.406	4.2	4.2	4.2	4.3	4.3	4.2	4.0	4.0	4.0	3.9	3.9
.438	4.2	4.2	4.2	4.3	4.3	4.2		4.0	4.0	3.9	3.9
.469	4.2	4.2	4.2	4.3	4.3	4.2		4.0	4.0	3.9	3.9
.500	4.2	4.2	4.2	4.3	4.3	4.2	4.0	4.0	4.0	3.9	3.9
.562			4.1	4.2	4.2	4.1		3.9	3.9	3.9	3.8
.625			4.1	4.1	4.1	4.1		3.9	3.8	3.8	3.8
.656			4.0	4.1	4.1	4.0		3.8	3.8	3.8	3.8
.688								3.7	3.7	3.7	3.6
.750								3.7	3.6	3.6	3.6

NOTE.—This coverage applies only to straight seam weld pipe. Spiral weld product is not currently covered by published prices.

Electric Resistance Welded Square and Rectangular Structural Tubing—ASTM A500 Grades A, B, and C

[14-14—AISI Category 14—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—use pages 14-15 to 14-16.			
West coast	$40	$9	$19
Gulf coast	52	5	25
Atlantic coast	54	4	25
Great Lakes	81	4	30

Insurance 1% of base price + extras + ocean freight

Extras:
1. Base Prices Including O.D. and W.T. Extras.
2. Pickling.
3. Cold Strip.
4. ROPS (Roll-Over Protective Structure).

High Carbon Alloy Steel Wire—0.062"-0.999" Diameter

[16-8—AISI Category 16—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—$634.			
Pacific coast	$67	$9	$27
Gulf coast	84	5	34
Atlantic coast	87	4	34
Great Lakes	98	4	42

Insurance 1% of base price + extras + ocean freight

Extras ($/M.T.):
1. Grade.
2. Rod Size.
3. Rod Thermal Treatment.
4. Vacuum Degassed.
5. Drawing (An extra from this group must be used).

High Carbon Alloy Steel Wire

[16-9—Rev. August 1981]

AISI No.	Extra
1. Grade:	
9254	Base
9260	[1] 26
5150, 5155, 5160	[1] 72
6150	13
Boron (indicated by "B" in Grade Number)	

High Carbon Alloy Steel Wire—Continued

[16-9—Rev. August 1981]

AISI No.	Extra
2. Size (of rod from which wire was made; if unknown, use base):	
5.5 mm through 13 mm	Base
Over 13 mm but less than 19 mm	[1] 35
19 mm and over	[1] 49
3. Thermal Treatment (of rod from which wire was made; if unknown, use base):	
Spheroidized annealed	Base
Regular anneal only	[1] 29
No heat treatment	[1] 86
4. Vacuum degassed	17
5. Drawing (an extra from this group must be used):	
Size (inches):	
0.812-0.999	186
0.688-0.811	186
0.625-0.687	199
0.562-0.624	199
0.500-0.561	199
0.438-0.499	241
0.375-0.437	241
0.312-0.374	241
0.250-0.311	301
0.188-0.249	341
0.125-0.187	397
0.094-0.124	456
0.062-0.093	525

[1] Minus.

Alloy Steel Wire—0.062"-0.999" Diameter

[16-10—AISI Category 16—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—$662.			
Pacific coast	$67	$9	$28
Gulf coast	84	5	36
Atlantic coast	87	4	36
Great Lakes	98	4	43

Insurance 1% of base price + extras + ocean freight

Extras ($/M.T.):
1. Grade.
2. Rod Size.
3. Rod Thermal Treatment.
4. Aircraft Quality.
5. Bearing Quality.
6. Vacuum Degassed.
7. Drawing (An extra from this group must be used).

NOTE.—This base coverage includes cold heading quality product.

Alloy Steel Wire

[16-11—Rev. August 1981]

	Extra
1. Grade—Use grade extra tables on page 2-9.	
2. Size (of rod from which wire was made; if unknown, use base):	
5.5 mm through 13 mm	Base
Over 13 mm but less than 19 mm	[1] 35
19 mm and over	[1] 49
3. Thermal Treatment (of rod from which wire was made; if unknown, use base):	
Spheroidized annealed	Base
Regular anneal only	[1] 29
No heat treatment	[1] 86
4. Aircraft quality	36
5. Bearing quality	36
6. Vacuum degassed (This extra is not to be used when the aircraft or bearing quality extras are used)	
7. Drawing (An extra from this group must be used):	
Size (inches)—	
0.812-0.999	186
0.688-0.811	186
0.625-0.687	199
0.562-0.624	199
0.500-0.561	199
0.438-0.499	241
0.375-0.437	241
0.312-0.374	241
0.250-0.311	301
0.188-0.249	341
0.125-0.187	397
0.094-0.124	456
0.062-0.093	525

[1] Minus.

Stainless Steel Wire

[16-20—AISI Category 16—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest (percent)
4th quarter base prices per metric ton—see below.			
Pacific coast	$102	$9	4.2
Gulf coast	124	5	5.4
Atlantic coast	124	4	5.4
Great Lakes	161	4	6.6

Interest charge equals F.O.B. trigger base price including size extra times interest factor

Insurance 1% of base price + extras + ocean freight

Extras ($/M.T.):
1. Annealed wire—group I—pages 16-21 to 16-23:
   A. Base prices including grade extras.
   B. Size by grade group.
   C. Small bar.
2. Hard/spring wire—group II—pages 16-24 to 16-25:
   A. Base prices including grade extras.
   B. Size by grade group.
3. Soft/intermediate wire—group III—pages 16-26 to 16-27:
   A. Base prices including grade extras.
   B. Size by grade group.
4. Coating—pages 16-28.
5. Finish—pages 16-29:
   A. Centerless ground.
   B. Centerless ground and polished.
6. Diameter tolerance—pages 16-29.
7. Straightening and cut to length—pages 16-30:
   A. Size range.
   B. Length.
8. Packaging—pages 16-30.

1. Group I—Annealed Wire

Soft wire in which there is no further cold drawing after the last annealing treatment. This wire is made by annealing in open fired furnaces or molten salt followed by pickling, which produces a clean gray matte finish. It is also made with a bright finish by annealing wet, oil or grease drawn wire in a protective atmosphere, and is sometimes described as bright annealed wire.

A. Grades

[16-21—Rev. August 1981]

Grades	Base price
301	2,321
302	2,270
303	2,370
304	2,321
305	2,494
310	4,112
314	4,808
316	3,316
316-L	3,489
317	3,813
317-L	3,968
304-L	2,494
17-4PH [1]	2,644
308	2,470
308-L	2,644
309	3,017
309-L	3,191
321	2,644
302 HQ (18-19LW) [2]	2,445
347	2,967
384	2,917
409	1,634
410	1,335
416	1,306
420	1,365
430	1,365
430-F	1,584
434	1,683
434-A	1,484
446	1,932

[1] May also be designated as type 630 or as UNS 17400.
[2] May also be designated as type 302 CU and as 306.

B. Size [1]

[16-22—Rev. August 1981]

Size	Grade group: 300 series and 17-7PH	Grade group: 400 series	Grade group: 17-4PH—15-5PH
0.574" to 0.703"	218	556	218
.501" to .573"	218	556	218
.500"	234	556	234
.375" to .499"	254	556	254
.3125" to .374"	272	556	272
.250" to .312"	364	556	364
.234" to .249"	413	556	413
.216" to .233"	469	598	469
.200" to .215"	648	648	648
.185" to .199"	668	680	668
.170" to .184"	684	709	684
.155" to .169"	696	740	696
.142" to .154"	715	877	715
.128" to .141"	745	1,012	745
.113" to .127"	832	1,117	739
.099" to .112"	960	1,213	775
.086" to .098"	1,055	1,284	808
.076" to .085"	1,116	1,352	845
.067" to .075"	1,180	1,421	1,024
.058" to .066"	1,295	1,474	1,199
.051" to .057"	1,353	1,524	1,261
.044" to .050"	1,412	1,577	1,320
.038" to .043"	1,540	1,632	1,446
.033" to .037"	1,677	1,823	1,563
.030" to .032"	1,750	1,959	1,750
.027" to .029"	1,920		2,111
.024" to .026"	2,078		2,078
.021" to .023"	2,234		2,239
.019" to .020"	2,389		2,389
.018"	2,542		2,542
.017"	2,575		2,575
.016"	2,618		2,618
.015"	2,739		2,739
.014"	2,877		2,877
.03"	2,999		2,999
.012"	3,126		3,126
.011"	3,247		3,247
.010"	3,540		3,540
.009"	3,671		3,671
.006"	3,834		3,834
.0075"	4,008		4,008
.007"	4,190		4,190
.0065"	4,622		4,622
.006"	5,115		5,115

B. Size [1]—Continued

[16-22—Rev. August 1981]

Size	Grade group: 300 series and 17-7PH	Grade group: 400 series	Grade group: 17-4PH—15-5PH
.00575"	5,606		5,606
.0055"	6,099		6,099
.00525"	7,084		7,084
.005"	7,268		7,268
.00475"	7,391		7,391
.0045"	7,637		7,637
.00425"	8,315		8,315
.004"	8,930		8,930
.00375"	18,775		18,775
.0035"	22,408		22,408
.00325"	25,607		25,607
.003"	28,806		28,806
.0027"	29,854		29,854
.0025"	31,086		31,086
.002"	40,315		40,315

[1] All intermediate sizes to take next higher price.

C. Small Bar

Small cold drawn bar in wire gauges is to be trigger priced using above grade and size extras in conjunction with the following negative extras for the absence of annealing and pickling.

Size range	Extras
0.375" through 0.703"	[1] 77
.216" through .374"	[1] 81
.187" through .215"	[1] 104

[1] Minus.

2. Group II—Hard/Spring Wire

Wire drawn in several drafts as required to produce the high tensile strengths required for such products as spring wire.

A. Grades

[16-24—Rev. August 1981]

Grades	Base price
301	2,321
302	2,270
303	2,370
304	2,321
305	2,494
310	4,112
314	4,806
316	3,316
316-L	3,489
317	3,813
317-L	3,988
321	2,644
17-4PH [1]	2,644
17-7PH [2]	3,341
308	2,470
308-L	2,644
309	3,017
309-L	3,191
302 HQ (18-19LW) [3]	2,445
347	2,967
384	2,917
409	1,634
410	1,335
416	1,306
420	1,365
430	1,365
430-F	1,584
434	1,683
434-A	1,484
446	1,932

[1] May also be designated as type 630 or UNS 17400.
[2] May also be designated as type 302 CU or 306.
[3] May also be designated as type 631 or UNS 17700.

B. Size [1]

[16-25—Rev. August 1981]

Size	Grade group: 300 series and 17-7PH
Over .375"	725
.3125" to .374"	725
.2500" to .312"	725
.234" to .249"	725
.216" to .233"	725
.200" to .215"	725
.185" to .199"	725
.170" to .184"	725
.155" to .169"	725
.142" to .154"	701
.128" to .141"	701
.113" to .127"	701
.099" to .112"	738
.086" to .098"	816
.076" to .085"	874
.067" to .075"	951
.058" to .066"	1,055
.051" to .057"	1,270
.044" to .050"	1,458
.038" to .043"	1,537
.033" to .037"	1,688
.030" to .032"	1,776
.027" to .029"	2,139
.024" to .026"	2,332
.021" to .023"	2,564
.019" to .020"	2,866
.018"	3,467
.017"	3,767
.016"	3,861
.015"	3,949
.014"	4,135
.013"	4,283
.012"	4,589
.011"	5,867
.010"	6,020
.009"	6,258
.008"	6,467

[1] All intermediate sizes to take next higher price.

3. Group III—Soft/Intermediate Wire

Wire drawn one or more drafts after annealing as required to produce minimum strength or hardness. The properties can be varied between soft temper and those approaching spring temper wire. Wire in this temper is usually produced in a variety of dry drawn tempers. Cold heading wire belongs in this group.

A. Grades

[16-26—Rev. August 1981]

Grades	Base price
301	2,321
302	2,270
302 (302HQ, 18-9LW)	2,445
303	2,370
304	2,321
305	2,494
310	4,112
314	4,808
316	3,316
316-L	3,489
317	3,813
317-L	3,988
321	2,644
17-4PH [1]	2,644
308	2,470
308-L	2,644
309	3,017
309-L	3,191
347	2,967
384	2,917
409	1,634
410	1,335
416	1,306
420	1,365

A. Grades—Continued

[16-26—Rev. August 1981]

Grades	Base price
430	1,385
430-F	1,584
434	1,683
434-A	1,484
446	1,932

[1] May also be designated as type 630 or UNS 17400.

B. Size

[16-27—Rev. August 1981]

Size [1]	Grade group		
	300 series and 17-7PH	400 series	17-4PH, 15-5PH
Over 0.375"	493	346	493
.3125" to .374"	493	346	493
.2500" to .312"	493	360	493
.2340" to .249"	493	384	493
.2160" to .233"	493	408	493
.200" to .215"	493	443	493
.185" to .199"	612	473	612
.170" to .184"	642	498	642
.155" to .169"	676	541	676
.142" to .154"	698	611	698
.128" to .141"	753	728	753
.113" to .127"	904	812	904
.099" to .112"	991	924	991
.086" to .098"	1,050	953	1,050
.078" to .085"	1,171	1,006	1,171
.067" to .075"	1,290	1,103	1,290
.058" to .066"	1,409	1,339	1,409
.051" to .057"	1,461	1,583	1,461
.044" to .050"	1,519	1,630	1,519
.038" to .043"	1,652	1,692	1,652
.033" to .037"	1,755	1,894	1,755
.030" to .032"	1,877	2,020	1,877
.027" to .029"	2,048		2,048
.024" to .026"	2,212		2,212
.021" to .023"	2,381		2,381
.019" to .020"	2,541		2,541

[1] All intermediate sizes to take next higher price.

4. Coating

Material provided uncoated or coated with lime (or equivalent to lime) and/or soap will carry no extra. Other coatings require an appropriate extra where additional costs are involved. Metallic coatings include copper, nickel, and lead. Non-metallic coatings include plastics, molybdenum disulfide, etc.

Size

[16-28—Rev. August 1981]

Size range	Metallic		Non-metallic
	Copper	Nickel	
Over 0.154"	117	35	24
.099" to .154"	176	35	24
.063" to .098"	233	48	32
.041" to .062"		76	50
.030" to .040"		108	66
.025" to .029"		103	86
.020" to .024"		139	94
.015" to .019"		177	125
.010" to .014"		216	151

5. Finish

Size Ranges

[16-29—Rev. August 1981]

Size ranges [1]	Centerless ground	Centerless ground and polished
0.595" to 0.703"	542	684
0.501" to 0.594"	542	684
0.500"	599	757
0.375" to 0.499"	613	782
0.3125" to 0.374"	613	782
0.250" to 0.3124"	613	782
0.234" to 0.249"	943	1,143
0.216" to 0.233"	943	1,143
0.200" to 0.215"	1,041	1,271
0.185" to 0.199"	1,217	1,472
0.170" to 0.184"	1,435	1,705
0.155" to 0.169"	1,718	2,009
0.142" to 0.154"	2,002	2,294
0.128" to 0.141"	2,355	2,646
0.113" to 0.127"	2,950	3,266
0.093" to 0.112"	6,008	6,612

[1] Intermediate sizes to take next higher price.

These extras are applicable to all grades listed.

Straightening and cut to length extras are included in the above finish extras.

6. Diameter Tolerance

Standard: AISI or JIS Specification.

	Extra
Standard	Base
Not less than ⅛ standard	108
Closer than ⅛ to ¼ standard	[1] 25
Closer than ¼ standard	[1] 50

[1] Percent of size extra.

7. Straightening and Cut to Length

Use the sum of the appropriate extras from A and B below to form the total extra.

A. Size Range

[16-30—Rev. August 1981]

	Extras
A. Size Range.	
0.595" to 0.703"	113
0.501" to 0.594"	113
0.500"	113
0.375" to 0.499"	142
0.3125" to 0.374"	142
0.170" to 0.3124"	257
0.099" to 0.169"	641
0.051" to 0.098"	1,856
0.032" to 0.050"	2,142
b. Length:	
Under 12"	100
12" to under 18 "	66
18" to under 24 "	66
24" to under 30 "	42
30" to under 36 "	42
36" to under 48 "	42
48" to under 60 "	42
60" to under 72 "	42
72" to under 120 "	35
120" to under 168 "	35
168" to under 192 "	35
192" to under 216 "	35
216" to under 240 "	35
240" to under 264 "	27
264" to under 288 "	27
288" to 316 "	27

8. Packaging

Bundle	28
Wooden boxes	97
Fibre drums	89
Coil carriers	28
Spools: sizes under .020"	173
Both spools and wooden boxes:	
Sizes .020" and greater	97
Sizes under .020"	269

Dated: August 14, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-24134 Filed 8-17-81; 9:41am]

BILLING CODE 3510-25-M

Imported Steel Mill Products Trigger Price Mechanism; Carbon Steel Anti-Surge Provision

AGENCY: U.S. Department of Commerce, International Trade Administration.

SUMMARY: In monitoring carbon steel imports, on a product line basis, for surges possibly caused by dumping or subsidization, the Department of Commerce has determined that surge conditions exist in the following product lines: structural shapes, sheet piling, plates and cold finished bars.

FOR FURTHER INFORMATION CONTACT: Joseph A. Spetrini, Import Administration, U.S. Department of Commerce, Room 1001, Washington, D.C. 20230, (202) 377-3793.

SUPPLEMENTARY INFORMATION: On October 8, 1980 the Department of Commerce announced the reinstatement of the steel trigger price mechanism (TPM) and the addition of the anti-surge provision to the TPM (45 FR 66833). The announcement states the "Whenever aggregate imports exceed 15.2 percent of apparent domestic consumption, the U.S. industry is operating below 87 percent capability utilization, and there appears to be a surge in imports of one or more specific products from one or more specific countries, Commerce will examine the situation to ascertain whether the imports are apparently (1) being dumped on a cost or price basis, (2) the result of government subsidization, or (3) the result of fair competition." That notice also states that "in determining whether there has been a surge in the volume of imports of a particular product or products, Commerce will consider the amount of increase in those imports, the period in which this increase occurred, and the significance of the amount in light of prevailing market conditions and seasonal and recent representative patterns in trade." Starting today Commerce will begin examinations of the surges in the steel products described below. Discussions will be held with the governments of the countries involved, as provided for in the October 8, 1980 notice, and the domestic industry will be consulted.

Aggregate Surge Conditions

Surge conditions are reviewed by the Department of Commerce monthly. A three-month weighted average is calculated to determine whether imports have exceeded the 15.2 percent threshold, and an arithmetic average of the domestic industry's capability utilization is calculated for the same three month period. For the three month period encompassing April, May and June 1981, imports accounted for 18.2 percent of domestic apparent consumption,[1] and the average capability utilization figure is 85.1 percent. Thus, the anti-surge provision of the TPM is now in effect. A summary of recent trends in each of the four product lines which the department is reviewing follows.

Individual Products

Surge conditions exist for the category of structural shapes (AISI import category 3). During the April-June 1981 three month period, imports accounted for 32.4 percent of U.S. apparent consumption. This is above the ten year weighted average of 23.1 percent as well as the 30.4 percent for April-June 1980 and the 25.0 percent for the same three month period in 1979. U.S. imports of structural shapes totalled 574,063 net tons during the April-June 1981 period, substantially above the 484,437 net tons imported during the same three month period in 1980 and the 431,353 net tons imported during the same period in 1979. U.S. imports of structural shapes from all countries reached 996,670 net tons during the first six months of 1981, a 5.0 percent increase over the 948,859 net tons from the same period last year.

Three countries accounted for these increases. Spanish structural shapes accounted for 4.1 percent of U.S. apparent consumption during the April-June 1981 period, which is above the 2.6 percent market share for the same period in 1980 and the 0.6 percent share for the same period in 1979. U.S. imports of Spanish structural shapes amounted to 73,098 net tons during the April-June 1981 period; this is well above the 41,933 net tons imported during the same three month period last year and the 10,777 net tons imported during the same period in 1979. U.S. imports of structural shapes from Spain reached 151,890 net tons during the first six months of 1981, which is 101 percent above the 75,618 net tons imported from Spain during the same period a year ago.

U.S. imports of structural shapes from the Republic of South Africa accounted for 2.6 percent of domestic apparent consumption during the April-June 1981 period, up from 1.2 percent during the same period last year and 0.8 percent during the same period in 1979. Imports of South African structural shapes amounted to 45,865 net tons during the April-June 1981 period, well above the 19,159 net tons for the same three month period in 1980 and the 14,501 net tons imported during the same period in 1979. U.S. imports of structural shapes from South Africa reached 54,374 net tons during the first six months of 1981, which is 22.9 percent above the 44,248 net tons imported from South Africa during the same period a year ago.

U.S. imports of structural shapes from the United Kingdom accounted for 2.4 percent of domestic apparent consumption during the April-June 1981 period. This is above the 0.4 percent of the same three month period last year and the 1.4 percent for the same period in 1979. U.S. imports of structural shapes from the United Kingdom reached 42,663 net tons during the April-June 1981 period; this is above both the 6,518 net tons imported during the same period in 1980 and the 25,223 net tons imported during the same three months in 1979. U.S. imports of structural shapes from the United Kingdom amounted to 77,311 net tons during the first six months of 1981, which is 195 percent above the 26,240 net tons imported from the United Kingdom during the same period a year ago.

The Department of Commerce is beginning to review trade in structural shapes from Spain, the Republic of South Africa and the United Kingdom.

Surge conditions exist for the category of sheet piling (AISI import category 4). During the April–June 1981 three months period, imports accounted for 40.3 percent of U.S. apparent consumption. This is above the ten year weighted average of 17.6 percent as well as the 26.3 percent for April–June 1980 and the 26.9 percent for the same period in 1979. U.S. imports of sheet piling totalled 39,088 net tons during the April–June 1981 period, substantially above the 29,427 net tons imported during the same three month period in 1980 and the 27,666 net tons imported during the same period in 1979. U.S. imports of sheet piling from all countries reached 57,233 net tons during the first six months of 1981, a 24.4 percent increase over the 46,025 net tons for the same period last year.

Imports from Canada and the United Kingdom accounted for these increases. Canadian sheet piling accounted for 5.7 percent of U.S. apparent consumption during the April–June 1981 period, which is above the 0.3 percent for the same period in 1979. U.S. imports of Canadian sheet piling amounted to 5,513 net tons during the April–June 1981 period; this is well above the 330 net tons for the same three month period in 1980 and the 773 net tons for the same period in 1979. U.S. imports of sheet piling from Canada reached 8,752 net tons for the first six months of 1981, which is 1,154 percent above the 698 net tons imported from Canada during the same period a year ago.

U.S. imports of sheet piling from the United Kingdom accounted for 9.8 percent of domestic apparent consumption during the April–June 1981 period, up from 2.2 percent during the same three month period last year and 1.4 percent during the same period in 1979. Imports of sheet piling from the United Kingdom amounted to 9,502 net tons during the April–June 1981 period; this is well above the 2,437 net tons for the same three month period in 1980 and the 1,457 net tons for the same period in 1979. U.S. imports of sheet piling from the United Kingdom reached 11,826 tons during the first six months of 1981, which is 136 percent above the 5,009 net tons imported from the United Kingdom during the same period a year ago.

The Department of Commerce is beginning to review trade in sheet piling from Canada and the United Kingdom.

Surge conditions exist for the category of steel plate (AISI import category 5). During the April–June 1981 three month period, imports accounted for 24.8 percent of U.S. apparent consumption. This is above the ten year weighted average of 17.9 percent as well as the 22.0 percent for the April–June 1980 period and the 14.8 percent for the same period in 1979. U.S. imports of steel plate totaled 631,352 net tons during the April–June 1981 period, substantially above the 525,927 net tons imported during the same three month period in 1980 and the 408,288 net tons imported during the same period in 1979. U.S. imports of plate from all countries reached 1,118,633 net tons during the first six months of 1981, a 12.4 percent increase over the 994,982 net tons for the same period last year.

Imports from Romania and Spain accounted for most of these increases. U.S. imports of Romanian plate accounted for 2.1 percent of domestic apparent consumption during the April–June 1981 period, up from 0.2 percent during the same three month period last year and 0.1 percent during the same period in 1979. U.S. imports of steel plate from Romania amounted to 53,042 net tons during the April–June 1981 period; this is up from the 4,306 net tons for the same three month period in 1980 and the 3,723 net tons for the same period in

[1] Apparent consumption equals domestic shipments plus imports minus exports.

1979. U.S. imports of steel plate from Romania reached 98,360 net tons during the first six months of 1981, which is 1,321 percent above the 6,922 net tons imported from Romania during the same period a year ago.

U.S. imports of steel plate from Spain accounted for 1.4 percent of apparent consumption during the April–June 1981 period, up from 0.7 percent for the same three month period in 1980 and 0.7 percent for the same period in 1979. U.S. imports of Spanish plate amounted to 34,502 net tons during the April–June 1981 period, well above the 16,355 net tons during the same three month period in 1980 and the 18,366 net tons for the same period in 1979. Imports of steel plate from Spain amounted to 50,963 net tons during the first six months of 1981, which is 24.3 percent above the 41,007 net tons imported from Spain during the same period a year ago.

The Department of Commerce is beginning to review trade in steel plate from Romania and Spain.

Surge conditions exist for the category of cold finished bars (AISI import category 12). During the April–June 1981 three month period, imports accounted for 12.8 percent apparent consumption. This is above the ten year weighted average of 7.3 percent as well as the 8.9 percent for the same three month period in 1980 and the 7.5 percent for the same period in 1979. U.S. imports of cold finished bars totaled 64,875 net tons during the April–June 1981 period, substantially above the 38,871 net tons imported during the same three month period in 1980 and the 46,597 net tons imported during the same period in 1979. U.S. imports of cold finished bars from all countries reached 107,686 net tons during the first six months of 1981, a 36.0 percent increase over the 79,156 net tons for the same period last year.

Imports from France, Spain and the United Kingdom accounted for most of these increases. U.S. imports of French cold finished bars accounted for 3.2 percent of domestic apparent consumption during the April–June 1981 period, up from 1.5 percent during the same three month period in 1980 and 2.4 percent during the same period in 1979. U.S. imports of cold finished bars from France amounted to 15,967 net tons during the April–June 1981 period, up from the 6,479 net tons during the same three month period in 1980 and the 14,700 net tons for the same period in 1979. U.S. imports of cold finished bars from France reached 23,202 net tons during the first six months of 1981, which is 69.1 percent above the 13,717 net tons imported from France during the same period last year.

U.S. imports of cold finished bars from the United Kingdom accounted for 1.7 percent of domestic apparent consumption during the April–June 1981 period, up from 0.3 percent during the same three month period in 1980 and 0.8 percent during the same period in 1979. U.S. imports of cold finished bars from the United Kingdom amounted to 8,389 net tons during the April–June 1981 period, up from the 1,312 net tons during the same three month period in 1980 and the 5,221 net tons for the same period in 1979. U.S. imports of cold finished bars from the United Kingdom reached 13,328 net tons during the first six months of 1981, which is 198 percent above the 4,480 net tons imported from France during the same period last year.

U.S. imports of cold finished bars from Spain accounted for 1.3 percent of domestic apparent consumption during the April–June 1981 period, up from 0.4 percent during the same three month period in 1980 and 0.4 percent for the same period in 1979. U.S. imports of cold finished bars from Spain amounted to 6,691 net tons during the April–June 1981 period, up from the 1,882 net tons during the same three month period in 1980 and the 2,408 net tons for the same period in 1979. U.S. imports of cold finished bars from Spain reached 11,482 net tons during the first six months of 1981, which is 117 percent above the 5,283 net tons imported from Spain during the same period last year.

The Department of Commerce is beginning to review trade in cold finished bars from France, the United Kingdom and Spain.

Dated: August 14, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-24135 Filed 8-17-81; 9:41 am]

BILLING CODE 3510-25-M

National Telecommunications and Information Administration

Performance Review Board; Individuals Eligible for Service

Correction

In FR Doc. 81-21783 appearing on page 38398 in the issue of Monday, July 27, 1981, make the following correction:

In the list of names, first line, "* * * Dale N. Ratfield * * *" should have read "* * * Dale N. Hatfield * * *".

BILLING CODE 1505-01-M

COMMUNITY SERVICES ADMINISTRATION

Senior Executive Service Performance Review Board; Update

AGENCY: Community Services Administration.

ACTION: To update listing of personnel serving as members of this Agency's Senior Executive Service Performance Review Board.

SUMMARY: Public Law 95-454 dated October 13, 1978 (Civil Service Reform Act of 1978) requires that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). The following is an updated listing of those individuals who may serve as members of this Agency's PRB.

1. Ivan Ashley, Regional Director, Region I, Boston, Massachusetts
2. David M. Cohen, Deputy Associate Director for Economic Development, Office of Economic Development
3. Ben T. Haney, Regional Director, Region VI, Dallas, Texas
4. Allen S. Gibson, Assistant Inspector General for Investigations, Office of Inspector General
5. Jerrold Speers, Director for Program Development, Office of Community Action
6. W. Astor Kirk, Regional Director, Region III, Philadelphia, Pennsylvania
7. Joseph E. Kratz, Assistant Inspector General for Auditing, Office of Inspector General
8. Frederick Freilicher, General Counsel, Office of Legal Affairs and General Counsel
9. Joe P. Maldonado, Deputy Assistant Director for Community Action, Office of Community Action
10. Josephine Nieves, Regional Director, Region II, New York, New York
11. Curtis Christensen, Controller, Office of Management
12. Alphonse Rodriguez, Regional Director, Region IX, San Francisco, California
13. Eileen Siedman, Deputy Inspector General, Office of Inspector General
14. Wayne Thomas, Regional Director, Region VII, Kansas City, Missouri
15. David E. Vanderburgh, Regional Director, Region VIII, Denver, Colorado
16. William S. Walker, Regional Director, Region IV, Atlanta, Georgia
17. Merrit Van Zant, Deputy Assistant Director for Policy, Planning and Evaluation
18. Rogers Davis, (Executive Secretary), Director of Personnel, Community Services Administration

FOR FURTHER INFORMATION CONTACT: Rogers Davis (202) 254-6170.

Dwight Ink,

Director.

[FR Doc. 81-24038 Filed 8-19-81; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Chief of Engineers Environmental Advisory Board; Meeting

ACTION: Notice of open meeting.

SUMMARY: Under Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), this notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Chief of Engineers Environmental Advisory Board (EAB) meeting. The meeting is to be jointly chaired by Dean Gerald J. McLindon, Chairman, EAB, and Lieutenant General J. K. Bratton, Chief of Engineers, U.S. Army. The meeting is open to the public.

DATE: The meeting will be held from 1300 Monday, September 21, 1981 to 0930 Thursday, September 24, 1981.

ADDRESS: The meeting will be held at the Camelot Hotel, 4956 South Peoria, Tulsa, Oklahoma 74105.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Thomas H. Magness, or CPT Douglas M. Hoon, Assisant Director of Civil Works for Environmental Programs, Office of the Chief of Engineers, Washington, D.C. 20314 (202) 272-0103.

SUPPLEMENTARY INFORMATION: The schedule and proposed agenda of the Environmental Advisory Board meeting having a general theme of Water Conservation and Supply in the 80's is:

21 September—Monday—P.M. Session

1300—Meeting convened
1300-1545—Review of previous EAB reports
1545-1630—Public comments
1630—Meeting recesses

22 September—Tuesday—A.M. Session

0800—Meeting convened
0800-1130—Corps Water Conservation and Supply Policy
1130-1300—Lunch.

P.M. Session

1300-1645—Perspectives of Other Agencies
1645-1700—Public comments
1700—Meeting recessed.

23 September—Wednesday—A.M. Session

0800—Meeting convened
0800-0930—Issues for the 80's
0930—Meeting recessed
1130—Meeting convened
1130—1230—Working reports
1230—Meeting recessed.

24 September—Thursday—A.M. Session

0800—Meeting convened
0800-0915—EAB provides oral report to Chief of Engineers
0915-0930—Public comments
0930—Meeting adjourned.

Meeting room has limited seating capacity. Written statements, to be made part of the minutes, may be submitted prior or up to 10 days following the meeting.

John O. Roach II,

Department of the Army, Liaison Officer with the Federal Register.

[FR Doc. 81-24253 Filed 8-19-81; 8:45 am]

BILLING CODE 3710-92-M

Intent To Prepare Draft Supplement Environmental Impact Statement; Tennessee—Tombigbee Waterway, Ala. and Miss.

August 14, 1981.

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a DSEIS.

SUMMARY: 1. *Proposed Action:* The proposed action is to complete construction and to operate and maintain the TTW. A number of design changes for the waterway have taken place since the Final Environmental Impact Statement (EIS) was filed with the Council on Environmental Quality (CEQ) on 20 April 1971. Also, new information and projections are now available. The Fifth Circuit Court of Appeals has directed that the EIS be supplemented to cover certain of these changes. Specific changes which will be addressed in the DSEIS include:

a. Projected increases in waterway traffic;

b. Increase in the amount of project lands;

c. Modification of the design concept for the Canal Section;

d. The addition of cutoffs to the original River Section design;

e. An analysis of the effects of increased waterway traffic on the lower Black Warrior-Tombigbee waterway and Mobile Harbor.

Other significant changes and/or information identified during the scoping and evaluation process will also be addressed. The DSEIS will include an evaluation of the environmental, social, economic, and engineering impacts associated with the project changes and the alternatives to these changes.

2. *Alternatives:* The number of alternatives which can be addressed is limited since the overall project is approximately 57 percent complete and the navigation facilities are approximately 64 percent complete. The includes work in major segments of the waterway on which construction has advanced to such an extent as to effectively preclude practical future options to design and construction. Faced with these constraints only those alternatives which could be reasonably pursued, based on existing circumstances, will be evaluated in the DSEIS. These include, but may not be limited to, the following:

a. No Action. This alternative will consist of the cessation of all construction activities on the waterway and conduct efforts required to leave the existing waterway in a safe and environmentally acceptable condition.

b. Continue Construction as Planned. This alternative will consist of a continuation of existing construction activities on the waterway.

c. Stop Construction at Columbus. This alternative will assume that the waterway would be maintained to Columbus, Mississippi, with the remainder of the project dismantled and placed in a safe and environmentally acceptable condition.

d. Modify Channel Work in Columbus and Aberdeen Lakes. This alternative will investigate appropriate options to the existing navigation channel design since construction of the channel in these two lakes has not advanced to the extent that modification of the design could not reasonably be pursued.

e. Modify Design of Canal Section. As in the case of the previous alternatives, certain options are still available to the construction concept of the Canal Section since portions of this segment of the waterway are not complete.

f. Other alternatives. As additional feasible alternatives are developed they will be thoroughly evaluated and discussed in the DSEIS.

3. *Scoping Process:*

a. While the scoping process, as outlined by CEQ's Regulations published in the November 29, 1978 **Federal Register**, is not specifically required in the preparation of an EIS supplement, scoping will be utilized to further involve Federal, State, and local agencies and other interested persons in the preparation of the DSEIS. In addition to publication of the Notice of Intent in the **Federal Register**, a copy of this notice will be mailed to individuals, organizations, and agencies soliciting input in lieu of a formal scoping meeting. This will provide broad coverage since the TTW project mailing list is comprised of over 6,000 individual addressees. It should be noted that the

TTW has been discussed extensively in a number of forums including the Congress; the 1977 Presidential Water Resources Project Review; the Courts; Supplemental Environmental Reports; Section 404(b)(1) Evaluation reports as required by the 1977 Clean Water Act; and the media. Oponents, proponents, and other interested parties have presented their views on the TTW over the past decade. Therefore, these views and information, together with the directions of the Court, form the basis of scoping the DSEIS. Additional views and suggestions to be considered in the scoping process will be appreciated. All comments and suggestions on significant issues which should be addressed in the DSEIS should be provided to the Mobile District of the US Army Corps of Engineers at the address shown below by 10 September 1981.

b. Coordination with the US Fish and Wildlife Service as required by the Fish and Wildlife Coordination Act and the Endangered Species Act has been underway and will continue. Coordination required by other laws will also be conducted.

4. *DSEIS Preparation:* It is estimated that the DSEIS will be available to the public on 15 October 1981.

ADDRESS: Questions about the proposed action and DSEIS can be answered by: Mr. N. D. McClure, IV, SAMDL, US Army Engineer District, Mobile, PO Box 2288, Mobile, AL 36628.

Dated: August 14, 1981.

Ronald A. Krizman,

LTC, Corps of Engineers, Acting Commander and Acting District Engineer.

[FR Doc. 81-24252 Filed 8-19-81; 8:45 am]

BILLING CODE 3710-CR-M

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L., 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice in hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, October 6, 1981; Tuesday, October 13, 1981; Tuesday, October 20, 1981; and Tuesday, October 27, 1981 at 10:00 a.m. in Room 3D-321, The Pentagon, Washington, D.C.

The Committee's primary responsbility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency." (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-364, The Pentagon, Washington, D.C.

M. S. Healy,

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

August 17, 1981.

[FR Doc. 81-24314 Filed 8-19-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective September 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Ave., N.W., Rm. 4121, Washington, D.C. 20461 (202) 633-9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama	3.58
Arizona [1]	3.40
Arkansas [1]	3.31
California [1]	3.40
Colorado [1]	3.41
Connecticut [1]	4.15
Delaware [1]	3.84
Florida	3.66
Georgia [1]	3.81
Idaho [1]	3.41
Illinois	3.53
Indiana [1]	3.77
Iowa [1]	3.80
Kansas	3.71
Kentucky [1]	3.77
Louisiana [1]	3.31
Maine	4.12
Maryland [1]	3.84
Massachusetts	4.13
Michigan [1]	3.77
Minnesota [1]	3.80
Mississippi [1]	3.81
Missouri	3.70
Montana [1]	3.41
Nebraska [1]	3.80
Nevada [1]	3.40

State	Dollars per million Btu's
New Hampshire [1]	4.15
New Jersey [1]	3.84
New Mexico [1]	3.31
New York	3.74
North Carolina [1]	3.81
North Dakota	3.76
Ohio [1]	3.77
Oklahoma	3.27
Oregon	3.28
Pennsylvania [1]	3.84
Rhode Island [1]	4.15
South Carolina [1]	3.81
South Dakota [1]	3.80
Tennessee [1]	3.81
Texas	3.20
Utah [1]	3.41
Vermont [1]	4.15
Virginia [1]	3.81
Washington [1]	3.40
West Virginia [1]	3.77
Wisconsin	3.37
Wyoming	2.84

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during June 1981 was $39.55 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective September 1, 1981, is $8.86 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 81, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of April 1981, May 1981, and June 1981.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective September 1, 1981, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, April 1981, May 1981, June 1981. Reported prices for sales of April 1981 were adjusted by the percent change in the nationwide volume-weighted average price from April 1981 to June 1981. Prices for May 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from May 1981 to June 1981. The volume-weighted 3-month average of the adjusted April 1981 and May 1981, and the reported June 1981 prices was then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publicaton are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending August 14, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of June 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or local) and the military are excluded.

Region A	Region B	Region C	Region D	Region E	Region F	Region G	Region H
Connecticut	Delaware	Alabama	Illinois	Iowa	Arkansas	Colorado	Arizona
Maine	Maryland	Florida	Indiana	Kansas	Lousiana	Idaho	California
Massachusetts	New Jersey	Georgia	Kentucky	Missouri	New Mexico	Montana	Nevada
New Hampshire	New York	Mississippi	Michigan	Minnesota	Oklahoma	Utah	Oregon
Rhode Island	Pennsylvania	North Carolina	Ohio	Nebraska	Texas	Wyoming	Washington
Vermont		South Carolina	West Virginia	North Dakota			
		Tennessee	Wisconsin	South Dakota			
		Virginia					

Issued in Washington, D.C. on August 18, 1981.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 81-24446 Filed 8-19-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51299; TSH-FRL-1914-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of five PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-375 & 81-376, & 81-379—October 4, 1981.

PMN 81-380—October 5, 1981.

PMN 81-382—October 6, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51299]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-375	Rachel Diamond.	202-426-2601	E-222
81-376	Rachel Diamond.	202-426-2601	E-222
81-379	Rose Allison	202-426-8815	E-222
81-380	Rachel Diamond.	202-426-2601	E-222
81-382	George Bagley	202-426-2601	E-210

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-375

Close of Review Period. November 3, 1981.

Manufacturer's Identity. Union Carbide Corporation, Old Ridgebury Road, Danbury, CT 06817.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl aluminum halide.

Use. The manufacturer states that the PMN substance will be used as a catalyst for polymerization.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Boiling point ° C—148-152 at 0.006 Torr.

Viscosity (estimated)—4 cps.

Water solubility—N/A material is reactive.

Octanol/Water Partition Coefficient—N/A material is reactive.

Toxicity Data. No useful means of testing the PMN substance.

Exposure. The manufacturer states that the opportunities for significant exposures by any routes during manufacture, processing, distribution and disposal either within Carbide operations or in customers applications are believed to be minimal in view of the enclosed equipment involved.

Environmental Release/Disposal. The manufacturer states that the new chemical substance is converted and incorporated in the polymer matrix during polymerization reaction. Occasionally rejected batches are rendered by appropriate hydroysis or neutralization procedures and then disposed of in approved landfill.

PMN 81-376

Close of Review Period. November 3, 1981.

Manufacturer's Identity. Union Carbide Corporation, Old Ridgebury Road, Danbury, CT 06817.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl aluminum halide.

Use. The manufacturer states that the PMN substance will be used as a catalyst for polymerization.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Boiling point ° C—>205 at 0.03 Torr.

Viscosity (estimated)—4 cps.

Water solubility—N/A material is reactive.

Octanol/Water Partition Coefficient—N/A material is reactive.

Toxicity Data. No useful means of testing the PMN substance.

Exposure. The manufacturer states that the opportunities for significant exposures by any routes during manufacture, processing, distribution and disposal either within Carbide operations or in customer applications are believed to be minimal in view of the enclosed equipment involved.

Environmental Release/Disposal. The manufacturer states that the new chemical substance is converted and incorporated in the polymer matrix during polymerization reaction. Occasionally rejected batches are rendered non-reactive by appropriate hydrolysis or neutralization procedures and then disposed of in approved landfill.

PMN 81-379

Close of Review Period. November 3, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Amine sulfide.

Use. No data were submitted. The manufacturer states that the PMN substance will be used as a site-limited captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Solubility—Miscible in hexane, toluene, cholorform, and acetonitrile. Insoluble in water.

Density—0.93 at 23° C.

Appearance—Viscous yellow liquid.

Toxicity Data.

Acute oral toxicity LD_{50} (rats)—>500 mg/l.

Acute dermal toxicity LD_{50} (rats)—>787 mg/l.

Dermal irritation—Mild-moderate.

Eye irritation—Minimal.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 81-380

Close of Review Period. November 4, 1981.

Manufacturer's Identity. Dow Corning, P.O. Box 1592, S. Sagniaw Road, Midland, MI 48640.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkylmethyl silicone glycol copolymer.

Use. The manufacturer states that the PMN substance will be used as an emulsifier.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

pH—6-7.

Viscosity—100,000-200,000 cps.

Solubility in Water—Insoluble.

Solubility in Hydrocarbons—Soluble.

Refractor Index—1.4397.

Residual SiH—<10 ppm.

Color—Hazy green.

Specific gravity—0.91.

Nonvolatiles—>95%.

Toxicity Data.

Acute oral toxicity LD_{50} (rat)—>5,000 mg/kg.

Dermal toxicity LD_{50} (rabbit)—>2,000 mg/kg.

Dermal irritation (rabbit)—Non-irritating.

Eye irritation (rabbit)—Slightly irritating.

Environmental Test Data.

Ames Salmonella Assay—Not mutagenic.

Fish 96 hr. LC_{50}—>100 ppm.

Daphnia magna 48 hr. LC_{50}—>100 ppm.

Exposure. The manufacturer states that minimum exposure to workers is expected during manufacture. A maximum of two workers could be exposed for a minimum of 8 hrs/day, 42 days/yr during the drumming off process.

Environmental Release/Disposal. The manufacturer states that during manufacture, there will be essentially no environmental release of this material to air, land or water.

PMN 81-382

Close of Review Period. November 5, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of disubstituted benzene, disubstituted benzene, and substituted acrylic acid.

Use. The manufacturer states that the new polymer will be incorporated as a minor constituent of an article for commercial use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	30	50
2d year	30	90
3d year	30	90

Physical/Chemical Properties.

Solubility:

Water—<0.1%.

Octanol—<0.1%.

Glass Transition Temperature—112° C.

Toxicity Data.

Acute oral LD_{50}—>3,000 mg/kg.

Acute dermal LD_{50}—>1,000 mg/kg.

Skin irritation—Slight.

Exposure. The manufacturer states that during manufacture and processing, dermal and inhalation exposure may occur for up to 15 workers for a maximum of 0.5 hr/day for up to 10 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that there will be no release of the new chemical substance to the land and essentially none to the air or water during manufacture and processing.

Most waste generated during manufacture will be incinerated in compliance with applicable regulations. Waste generated during processing and a small part of the waste generated during manufacture will be treated in a biological treatment system. The insolubles removed from this system will be incinerated.

Dated: August 11, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-24344 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-5132; TSH-FRL-1914-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by: PMN 81-383 & 81-384—October 9, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51302]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-383	Rachel Diamond.	202-426-2601	E-222
81-384	Rachel Diamond.	202-426-2601	E-222

Mail address of notice manager: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provideed by the manufacturer on the PMN's received by EPA:

PMN 81-383

Close of Review Period. November 9, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region.

Specific Chemical Identity. Sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'propanesulfonic acid)oxo) anthracene.

Use. Claimed confidential business information.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	300
2d year	100	300
3d year	100	300

Physical/Chemical Properties.

Water solubility—>10 grams per liter at 20° C.

Appearance—Purple, solid, odorless.

Melting point—>200° (392° F.).

Toxicity Data. No data were submitted.

Exposure. The manufacturer estimates that during manufacture and processing an average of 38 workers may have dermal and inhalation exposure for 19 hrs/day, 285 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air, land, and water. All liquids and solids wastes that will be generated by this process, apart from those waste-water streams which are approved for discharge into the publicly owned treatment works (POTW), will be drummed for destruction in a licensed thermal oxidizer or for disposal in a licensed chemically secure landfill, or for treatment or recovery.

PMN 81-384

Close of Review Period. November 9, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided.

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region

Specific Chemical Identity. 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'propanesulfonic acid)oxo) anthrecene, sodium salt.

Use. The manufacturer states that the PMN substance will be used as an intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	300
2d year	100	300
3d year	100	300

Physical/Chemical Properties.

Water solubility—10 grams per liter at 20° C.

Appearance—Purple, solid, odorless.

Melting point (° C.)—>200° (392° F.).

Toxicity Data. No data were submitted.

Exposure. The manufacturer estimates that during manufacture and processing an average of 26 workers may have dermal and inhalation exposure 16 hrs/day, 274 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air, land, and water. All liquid and solid wastes that will be generated by this process, apart from those waste-water streams which are approved for discharge into the POTW, will be drummed for destruction in a licensed thermal oxidizer or for disposal in a licensed chemical secure landfill, or for treatment or recovery.

Dated: August 13, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-24345 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59059 TSH-FRL-1914-6]

Certain Chemicals Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of applications for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny these applications by September 25, 1981. Persons should submit written comments on the applications no later than September 4, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M Street, SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substances that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of the availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives

interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Producers published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before September 4, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M Street SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59058]". Comments received may be seen in Rm. E-107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81-27

Close of Review Period. September 25, 1981.

Manufacture's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$500,000,000.

Manufacturing site—Northeast region.

Specific Chemical Identity. Sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'-propanesulfonic acid)oxo) anthracene.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used in a way that will release less than 1 kg of the substance to the environment as an industrial waste stream to a publicly owned treatment works (POTW) and/or to a chemical landfill. The submitter states that plant processing and use will involve potential skin contact exposure to chemical industry employees. The end use will involve incorporating the chemical into an article.

Production Estimates

	Kilograms per year maximum
Year	2

Physical/Chemical Properties

Appearance and odor—Purple solid, odorless.

Melting point (°C)—< 200°.

Solubility in water—Very soluble at 20° C.

Percent Volatile by volume—Nil.

Evaportation rate (butyl acetate=1)—Nil.

Vapor pressure mm Hg—Nil at 20° C.

Toxicity Data. No data were submitted.

Exposure. The submitter states that at an average 18 workers may have dermal and inhalation exposure for 16 hr/day, 250 days/yr during manufacture and an average of 66 workers may have dermal and inhalation exposure at an average of 21 hr/day, 275 days/yr during processing. A maximum of 4 workers may have dermal exposure for 24 hr/day, 335 days/yr during disposal. There is a slight potential for direct exposure to this new chemical during manual transfer operations associated with drying and packaging and also during sampling, cleaning, and disposal operations. Skin and eye contact may be avoided by the use of protective clothing and equipment. The manufacturer states that the low volatility and solid particulate form of the new chemical substance, and the natures of the synthesis and application minimize the possibility of significant airborne concentrations of mist, vapor, or dust being present.

Environmental Release/Disposal. The submitter states that all liquid and solid wastes that will be generated by this process, apart from those waste-water streams which are applicable for discharge into the POTW, will be drummed for destruction in a licensed thermal oxidizer or for disposal in a licensed chemically secure landfill or for treatment or recovery.

Close of Review Period. September 25, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region.

Specific Chemical Identity. 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'-propanesulfonic acid)oxo) anthracene, sodium salt.

Use. The manufacturer states that the TME substance will be used as a site-limited, industrial intermediate.

Production Estimates

	Kilograms per year maximum
Test marketing	2

Physical/Chemical Properties

Appearance and odor—Purple solid, odorless.

Solubility in water—Very soluble at 20° C.

Melting point (° C) > 200°.

Percent Volatile by Volume—Nil.

Evaporation rate (butylacetate=1)—Nil.

Vapor pressure mmHg—Nil at 20° C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that a maximum of 18 workers may have dermal and inhalation exposure 16 hr/day, 250 days/yr during manufacturing and processing.

Environmental Release/Disposal. The manufacturer states that all liquid and solid wastes that will be generated by this process, apart from these waste-water streams which are approved for discharging into POTW, will be drummed for destruction in a licensed thermal oxidizer or for disposal in a licensed chemically secure landfill, or for treatment or recovery.

Dated: August 12, 1981.

Denise F. Swink,

Acting Director for Managemet Support Division.

[FR Doc. 81-24346 Filed 8-19-81, 8:45 am]

BILLING CODE 6560-31-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Hudson Bay Mining and Smelting Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Hudson Bay Mining and Smelting Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Adobe Oil and Gas 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 Hudson Bay. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

James A. Tobin,

Acting Secretary

[FR Doc 81-24329 Filed 8-19-81 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 Seaway 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. 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.

James A. Tobin,

Acting Secretary.

[FR Doc 81-24328 Filed 8-19-81 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. du Pont de Nemours & Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. du Pont de Nemours & Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain 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 DuPont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc 81-24331 Filed 8-19-81 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. du Pont de Nemours & Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. du Pont de Nemours & Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain 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 Du Pont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc 81-24332 Filed 8-19-81 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. du Pont de Nemours & Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. du Pont de Nemours & Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Colonial 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 DuPont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24333 Filed 8-19-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. du Pont de Nemours & Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. du Pont de Nemours & Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Cit-Con Oil 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 Du Pont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24334 Filed 8-19-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. du Pont de Nemours & Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. du Pond de Nemours & Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain 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 Du Pont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24335 Filed 8-19-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. duPont de Nemours and Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. duPont de Nemours & Co. 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 Conoco, 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 DuPont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvement Act of 1976, requires persons comtemplating 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 Resgister.**

By direction of the Commission.

James A. Tobin.

Acting Secretary

[FR Doc 81-24336 Filed 8-19-81 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; Change to System of Records

AGENCY: General Services Administration.

ACTION: Change to system of records designator.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, Chief, Records Management Branch, telephone (202) 566-0673.

On August 5, 1981, GSA published in the **Federal Register** (46 FR 39895) a notice of a new system of records, Federal Parking Fees Claims GSA/PBS-4. As this notice covers parking records and claims information also being maintained by other agencies and departments, the system designator is changed from GSA/PBS-4 to GSA/GOVT-1.

Dated: August 13, 1981.

Bond R. Faulwell,

Acting Director of Administrative Services.

[FR Doc. 81-24303 Filed 8-19-81 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Federal Council on the Aging; Cancellation of Meeting

Notice is hereby given that the **Federal Register** Notice concerning a meeting of the Federal Council on the Aging on August 31-September 1, 1981 is cancelled. The Notice was published in Volume 46, Wednesday, August 12, 1981, pages 40805-40806.

Further information may be obtained from the Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245-0441.

Dated: August 17 1981

Robert M. Foster,

Acting Staff Director Federal Council on the Aging.

[FR Doc 81-24319 Filed 8-19-81 8:45 am]

BILLING CODE 4110-92-M

Public Health Service

Privacy Act of 1974

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of establishment of a new Privacy Act System of Records 09-25-0148, Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to establish a new Privacy Act System of Records 09-25-0148, Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS. We are also proposing routine uses for this system.

This system will be used to support (1) epidemiological, clinical and biometric investigations into the causes, nature, outcome, therapy, prevention and cost of neurological and communicative disorders and stroke, and (2) review and evaluation of the progress of these research projects, and identification and planning for improvements or for additional research.

PHS invites interested persons to submit comments on the proposed routine uses on or before September 21, 1981.

DATES: PHS has sent a Report of New System to the Congress and to the Office of Management and Budget on July 20, 1981. The system of records will be effective 60 days from the date submitted to OMB unless PHS receives comments on the routine uses which would result in a contrary determination.

ADDRESS: Comments should be addressed to the NIH Privacy Act Coordinator at the address listed below. Comments received will be available for inspection during office hours in Room 3B03, Building 31, at that address.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth Thibodeau, NIH Privacy Act Coordinator, Building 31, Room 3B07, 9000 Rockville Pike, Bethesda, MD 20205, or call 301-496-4606.

SUPPLEMENTARY INFORMATION: The proposed system of records will comprise records generated in research projects supported by the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS) in fulfilling its congressionally mandated responsibility for biomedical research on neurological and communicative disorders and stroke. NINCDS will use the records maintained in this system exclusively for biomedical research and for planning and review of such research.

Most of the research projects using records in the proposed system will be conducted under contracts awarded by NINCDS. In some cases, scientists on the staff of NINCDS will conduct investigations using the records collected under such contracts.

Records collected under this system will be organized and maintained according to the particular study in which they are collected. Records will not be entered into a general or comprehensive data base, nor will there be any general index identifying all persons who are subjects of records in the separate studies covered by this system. However, NINCDS is treating the separate sets of records as a single system under the Privacy Act (1) because all of the sets of records serve the same biomedical research purpose and contain similar types of data, (2) in order to apply consistent policies and practices in the maintenance of such records, and (3) to make it easier for subject individuals to obtain notification of or access to their records.

The records in this system will be maintained in a secure manner compatible with their content and use. Access to individually identified records will be given only to contractor and Institute employees or to collaborators for verification and coding or for statistical and evaluation purposes. Individually identifiable records will be kept in locked file cabinets or rooms under the direct control of the Project Director. Computerized records will be accessible to authorized individuals only through a series of code or keyword commands available from and under direct control of the Project Director or his/her delegated representatives. The computer terminals will be in secured areas; code words to access data files will be changed frequently. Contractors will be notified that they are subject to the provisions of the Privacy Act and the HHS Privacy Act Regulation. Safeguards are implemented in each project in accordance with chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf. 45-13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

The routine uses proposed for this system are consistent with the stated purposes of the system. Two of the routine uses (numbers 1 and 5) are essential to the achievement of the basic research purpose of the system. The proposed routine use number 2 will allow the Department to ensure that

these research activities are properly conducted.

A routine use for disclosure to independent researchers outside of the department is proposed to serve the same public good—improving the health of the American people through biomedical research—as motivates the establishment of this system.

A routine use for disclosure to the Department of Justice in Freedom of Information Act cases is proposed in order to ensure that disclosure of information from this system complies with the requirements of both the Privacy Act and the Freedom of Information Act.

The possibility of lawsuits in which individuals may claim to have been harmed mentally, physically or financially as a result of the research activities supported by this system motivates the proposal of a routine use to allow the Department of Justice to defend the Federal Government, the Department, or employees of the Department in case of such lawsuits.

Disclosure to a congressional office would not violate the privacy of any individual because such disclosure would be made only pursuant to a request of the individual.

Dated: August 14, 1981.

Alair Townsend,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-25-0148

SYSTEM NAME:

Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At National Institutes of Health facilities in Bethesda, Maryland, and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating Federal agencies. Inactive records may be retired to Federal Records Centers. A list of locations is available upon request from the respective System Managers of the subsystems included in this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with neurological diseases, communicative disorders, stroke, and related diseases; normal, healthy volunteers who serve as controls for comparison with patients; relatives of patients; and other individuals whose characteristics or conditions are suited for possible connections with the occurrence of the diseases under investigations. Subject individuals include both adults and children.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, biomedical, and epidemiological information resulting from or contained in direct observations, medical records and other histories, vital statistics reports, records on biological specimens (e.g., blood, urine, etc.), personal interviews, questionnaires, progress reports, correspondence, or research findings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 241, Research and Investigation, and 289a, Establishment of Institutes, of the Public Health Service Act (42 U.S.C. 301, 431).

PURPOSE OF THE SYSTEM:

This system will be used to support:

(1) contracted and contract-related epidemiological, clinical and biometric investigations into the causes, nature, outcome, therapy, prevention and cost of neurological and communicative disorders and stroke;

(2) review and evaluation of the progress of these research projects, and identification and planning for improvements or for additional research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

3. A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

5. The Department contemplates that it may contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

6. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such

individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, computer-accessible forms (e.g. tapes or discs), punched cards, bound notebooks, microfilm, charts, graphs and X-rays.

RETRIEVABILITY:

Information is retrieved by name and/or patient identification number.

SAFEGUARDS:

Access to or disclosure of information is limited to collaborating researchers, contractors and employees, and other authorized biomedical researchers who are involved in the conduct, support or review and evaluation of the research activities supported by this system. Contractors and collaborting or other researchers are required to comply with the provisions of the Privacy Act and with HHS Privacy Act regulations.

Data are kept in secured areas (e.g. rooms which are locked when not in regular use, buildings with controlled access). Data stored in computer-accessible form is accessed through the use of key words known only to principal investigators or authorized personnel; all other information is stored in locked files.

These and other appropriate safeguards are implemented in each project in accordance with chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf. 45-13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records at contractor facilities are retained and destroyed as specified in individual contracts. Records at NIH facilities are retained and destroyed in accordance with the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), item 3000-G-3, which allows the records to be kept until the system manager determines that the data has no further value for scientific research. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGERS AND ADDRESSES:

NINCDS research activities are divided, functionally and administratively, into five programs and one office. In effect, there are six subsystems within this single umbrella system. System Managers have been designated for each subsystem as follows:

Chief, Office of Biometry and Field Studies
Federal Building, Room 7A12
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Communicative Disorders Program
Federal Building, Room 1C11
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Fundamental Neurosciences Program
Federal Building, Room 916
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Neurological Disorders Program
Federal Building, Room 716
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Stroke and Trauma Program
Federal Building, Room 8A08
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Intramural Research Program
NIH Building 36, Room 5A05
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to NINCDS Privacy Act Coordinator, Federal Building, Room 816, 7550 Wisconsin Avenue, Bethesda, MD 20205. and provide the following information:

1. system name,
2. complete name and home address at the time of the study,
3. birthdate,
4. facility conducting the study,
5. disease type (if known),
6. approximate dates of enrollment in the research study.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a 5,000 dollar fine.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURE:

Same as notifications procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURE:

Write to the system manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction.

RECORD SOURCE CATEGOREIS:

Information in these records is obtained directly from individual participants, and from physicians, research investigators and other collaborating persons, and from medical records and clinical research observations at hospitals, HHS agencies, universities, medical schools, research institutions, commercial institutions, state agencies, and collaborating Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-24330 Filed 8-19-81; 8:45 am]
BILLING CODE 4110-85-M

Social Security Administration

Federal Supplemental Security Income for the Aged, Blind and Disabled; Opportunity to Comment on Change in Forms

AGENCY: Social Security Administration, HHS.

ACTION: Notice and opportunity to comment on change in reconsideration and supplemental security income notification forms.

SUMMARY: We propose to revise the Social Security Administration Request for Reconsideration (SSA-561) and Supplemental Security Income Notice of Planned Action (SSA-L8155). The changes we propose would affect only

supplemental security income (SSI) applicants and recipients. We are doing this to explain in simpler language the types of appeal available at the reconsideration level, after an initial determination adverse to the applicant or recipient.

DATE: Your comments will be considered if we receive them no later than September 21, 1981.

ADDRESSES: Send your written comments to Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

Anyone can see copies of all comments we receive at the Office of Regulations, Social Security Administration, 3-A-3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

FOR FURTHER INFORMATION CONTACT: Philip Berge, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7452.

SUPPLEMENTARY INFORMATION: We propose to revise the Social Security Administration (SSA) Request for Reconsideration form and the Supplemental Security Income (SSI) Notice of Planned Action for two reasons. First, we are simplifying and improving operating forms and notices that are to be used by the public. We believe that the revised forms will increase SSI applicants' and recipients' awareness of administrative procedures so that they can make informed, knowledgeable and voluntary decisions in the critical area of SSI appeals. Second, we are revising these forms as a response to court cases which have questioned them.

For the convenience of those who wish to submit comments, we are also publishing the current Notice of Planned Action and Request for Reconsideration. There are, however, two versions of the Notice of Planned Action. One is computer generated (SSA-L8155C1) and the other (SSA-L8155U2) is manually prepared at the district office. The only difference between the two is that the manual notice contains a preprinted statement regarding continuation of benefits if an appeal is filed within 10 days of receipt. The computer generated notice does not have this statement preprinted on it but the statement is printed in the body of the notice by the computer. We are publishing the manual Notice of Planned Action since it contains all the preprinted information.

Publication of these forms does not imply that the Department intends to publish further changes to these or any other forms or notices in the **Federal Register** in the future.

SSI Reconsideration Process

Under our regulations (20 CFR 416.1336; 416.1336; 416.1407; 416.1413) SSI recipients whose benefits are being reduced or terminated for non-medical reasons receive an advance notice called a Supplemental Security Income Notice of Planned Action (SSA-L8155). Recipients being terminated for medical reasons receive a different notice (the SSA-L8156) and different appeal rights. The notice describes the action we intend to take and provides an explanation of the types of appeal and time limits. It also explains that if the receipient appeals within 10 days, he or she then has the right to have benefits continued through the first level of appeal, called reconsideration. SSI recipients (other than those whose benefits are being terminated for medical reasons) who wish to appeal their case must complete a Request for Reconsideration form (SSA-561).

Reconsideration is also the first step in the administrative appeals process for people who have applied for SSI and whose applications were disallowed. To appeal, these people also must fill out an SSA-561. Under SSA's regulations, there are three different types of reconsideration procedures: Case Review, Informal Conference and Formal Conference. Each of these types of reconsideration offers the recipient a different type of procedural rights. Case Review involves a file review and the opportunity for the individual to submit additional evidence. In a Case Review, the claimants do not meet with the decision maker. In addition to the procedures available in Case Review, the Informal Conference permits the individual to present witnesses and oral testimony at a "face-to-face" meeting with the decision maker. Finally, in addition to the Informal Conference procedures, the Formal Conference includes the recipient's right to have SSA issue subpoenas and to cross examine adverse witnesses. In all three procedures, the claimant can be represented during the appeal and a written reconsideration decision is rendered when the case is decided. For SSI applicants whose applications were disallowed on nonmedical grounds, only a Case Review or an Informal Conference is available. For applicants for SSI whose applications were disallowed on medical grounds, Case Review is the only method available. Formal Conference is not available to SSI applicants. For recipients (those receiving SSI benefits) whose benefits are being reduced, terminated or suspended for nonmedical reasons, Case Review, Informal Conference or Formal Conference is available.

Explanation of Changes

The notice of reconsideration procedure is an important step in the appeals process for a substantial number of SSI claimants. It is important that documents used in the reconsideration process describe the claimant's appeal rights in an accurate, clear and readable manner.

One of the law suits which challenges the adequacy of the Notice of Planned Action and the Request for Reconsideration form is *Wall* v. *Califano*, filed in the Northern District of California. As part of the proposed settlement the attorney representing the plaintiff commissioned a readability study of SSA's current and proposed forms. The following is a summary of the results and methodology of the study.

Summary of Plaintiff's Study

The plaintiff's study found, based on available data, that approximately 70 percent of the individuals in the SSI population have not completed the eighth grade. Of this percentage, about 30 percent had not finished the fourth grade. These figures, based upon an extrapolation from available SSA data, are consistent with those compiled by the U.S. Census Bureau on the formal education levels of households living within the general poverty population. (See Bendick and Cautu, The Literacy of Welfare Clients, Social Service Review, March 1978; see also Urban Institute Reprint No. 234-5902-3). These figures were also found to be consistent with spot surveys that have been conducted in other welfare programs. Additionally, based on accepted studies of educational achievement, it appears that individuals who do not complete high school actually function at literacy levels at least one year below the last grade attended (id. at 58-59). Therefore, if 70 percent of the SSI recipients dropped out of school at or below the eighth grade, it is farily safe to estimate their maximum functional literacy skills at between a sixth and seventh grade level. In fact, limited testing in other welfare programs reveals that the "literacy lag" is much greater among recipients than it is in the general population. In some tests, it approached a four year lag (id. at 59-60).

These literacy estimates for SSI recipients do not, of course, take into consideration other significant factors. For example, bilingual problems and gerontological factors may intensify

reading and comprehension difficulties within the population. However, because of the unquantifiable nature of these factors, they are difficult to compute in assessing the literacy levels of recipients. Thus, for purposes of analyzing, drafting and testing the existing and proposed SSI forms, the average literacy level was set at the sixth grade. Arguably, the level could be lower.

With this estimated recipient literacy level, the current SSI notice and appeal form were examined by plaintiff's consultants for "readability" consistency. Readability analysis measures the characteristics of the textual material based on such things as sentence length, syllabic count and word difficulty. Then, scientifically derived formulae were used to predict the grade level attainment necessary to understand the message. In testing the current SSI forms, as well as the new proposals, two techniques were used: The Dale-Chall and Fry tests.

Both techniques were scientifically validated and calibrated to specific grade levels. Under both testing techniques, the grade level at which one can correctly answer 50 percent of questions testing comprehension, is the grade assigned to the material for readability purposes. Based on this standard, a prediction formula was developed by experts to analyze other text material and to predict grade level readability. It should be noted that when narrative material achieves a sixth grade score, for example, it merely means that individuals functioning at that level can correctly answer 50 percent of the questions derived from the subject material. Therefore, readability assessment indicates the *minimum* necessary literacy level.

On the basis of these testing techniques, the plaintiff's study found the *current* SSI Notice of Planned Action (SSA-L8155) to have a readability level of *tenth to eleventh grade*. If special Dale-Chall testing rules were applied, which take into consideration the repetition of unfamiliar words, the notice achieved a ninth grade level. The text in the existing Request for Reconsideration form tests at an even higher grade level. Thus, the current notice and appeal form are beyond the reading and comprehension skills of most SSI recipients. The plaintiff's study concluded that approximately 70 percent of the SSI population would have significant difficulty in understanding these documents.

The study also found that the *proposed* SSI Notice of Planned Action has a readability level of *fifth to sixth grade*. And, if the "special repetition" rule was applied, the notice achieved a fourth to fifth grade level. Although the proposed reconsideration request (SSA-561) form tests at a slightly higher level, it is much simpler than the existing document. All of the revised notices and forms being published fall within the estimated average SSI recipient literacy level. Therefore, based upon these readability techniques, the proposed changes should greatly increase recipient understanding and help insure clear and voluntary decisions by recipients.

SSA Study

In addition to the readability study commissioned by the plaintiff's attorney, SSA conducted a field experiment in July 1980, to study the effectiveness of simplified SSI notices. A research team was sent to five major cities to perform interviews and comprehension tests with SSI recipients. In each city, Philadelphia, Toledo, Dallas, Little Rock and Tampa, approximately 60 recipients were tested using both the current and proposed forms. Questionnaires were completed, interviews tape recorded and test results placed in computers for review and analysis.

The conclusions in SSA's experiment confirmed the predicted results. The test results reveal a substantial increase in recipient awareness of appeal rights when simplified forms are used. In general, participants in the study were better able to explain to the testers the three reconsideration procedures, appeal deadlines, the right to benefit continuation, and overpayment possibilities when they read the simplified notices. On the other hand, they had significant difficulty reading and understanding the current forms.

Conclusion

Based on the expert readability testing by the plaintiff's attorney and the field study performed by SSA, the adoption of these revised forms should be a major step forward in effective communication with SSI recipients.

Other Changes

In addition to the simpler approach to communication, these proposed forms contain several other changes. For example, the front of the proposed Notice of Planned Action has been carefully redrafted to direct the recipient's attention to the back of the notice. This revision was intended to draw attention to the appeal rights of recipients which are set out in detail on the back, and to encourage them to obtain additional information. The back of the proposed Notice of Planned Action (SSA-L8155) makes significant changes in the description of the three available reconsideration procedures. Because the major difference between the Case Review and the Informal and Formal Conferences is the right to meet with the decision maker, this difference is carefully explained in the notice. Other aspects of these procedures are also explained. Additionally, the new notice specifies the administrative form that must be completed to obtain a reconsideration.

The proposed Request for Reconsideration form (SSA-561) also contains some vsubstantial changes which affect only the SSI program (the reconsideration form is used in both the Old Age Survivors and Disability Insurance Programs and the SSI program to request the first level of appeal). Although SSI applicants or recipients must select a Case Review, Informal Conference or Formal Conference on reconsideration, past forms have not contained a specific section to allow for this election. The front of the proposed form now will contain a place for this election. Also, the back of the form repeats the appeal information provided in the earlier Notice of Planned Action so that the recipient is reminded of the available procedures. It also explains to applicants and recipients the situations in which the different types of reconsideration do or do not apply. Finally, the back of the SSA-561 directs the individual's attention to the election section of the front of the form.

Dated: August 3, 1981.

John A. Svahn,

Commissioner of Social Security.

BILLING CODE 4110-07-M

CURRENT SSA-561-U2 (AGENCY COPY)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION

TOE 710

Form Approved
OMB No. 72-R0552

REQUEST FOR RECONSIDERATION

(Do not write in this space)

The information on this form is authorized by law (20 CFR 404.910 – 404.914). While your responses to these questions is voluntary, the Social Security Administration cannot reconsider the decision on this claim unless the information is furnished.

NAME OF CLAIMANT	NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON *(If different from claimant.)*
SOCIAL SECURITY CLAIM NUMBER	SUPPLEMENTAL SECURITY INCOME CLAIM NUMBER

SPOUSE'S NAME AND SOCIAL SECURITY NUMBER *(Complete ONLY in Supplemental Security Income Case)*

CLAIM FOR *(Specify type, e.g., retirement, disability, hospital insurance, supplemental security income, etc.)*

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:

NOTE: If the notice of the determination on your claim is dated more than 65 days ago, include your reason for not making this request earlier. Include the date on which you received the notice of the determination.

I am submitting the following additional evidence *(If none, write "None,")*:

Signature *(First name, middle initial, last name) (Write in ink)*	Date *(Month, day, year)*
SIGN HERE ➧	Telephone Number

Mailing Address *(Number and street, Apt. No., P.O. Box, or Rural Route)*

City and State	ZIP Code	Enter Name of County (if any) in which you now live

Witnesses are required ONLY if this request has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the person requesting reconsideration must sign below, giving their full addresses

1. Signature of Witness	2. Signature of Witness
Address *(Number and street, City, State, ZIP Code)*	Address *(Number and street, City, State, ZIP Code)*

FOR SOCIAL SECURITY OFFICE USE ONLY

SOCIAL SECURITY OFFICE ADDRESS

ROUTING INSTRUCTIONS *(Check one)*

- ☐ State Agency *(Route with disability folder)*
- ☐ Program Service Center
- ☐ BDI, Balto.
- ☐ District Office Reconsideration
- ☐ Division of International Operations, Balto.
- ☐ BDP, Attn ACB, Balto.

Form **SSA-561-U2** (4-80) (Formerly SSA-561)
Prior editions may be used until supply is exhausted

NOTE: Take or mail completed copies to your Social Security Office.

CURRENT SSA-561-U2 (CLAIMANT'S COPY)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION

TOE 710

Form Approved
OMB No. 72-R0552

REQUEST FOR RECONSIDERATION

(Do not write in this space)

The information on this form is authorized by law (20 CFR 404.910 – 404.914). While your responses to these questions is voluntary, the Social Security Administration cannot reconsider the decision on this claim unless the information is furnished.

NAME OF CLAIMANT	NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON *(If different from claimant.)*
SOCIAL SECURITY CLAIM NUMBER	SUPPLEMENTAL SECURITY INCOME CLAIM NUMBER

SPOUSE'S NAME AND SOCIAL SECURITY NUMBER *(Complete ONLY in Supplemental Security Income Case)*

CLAIM FOR *(Specify type, e.g., retirement, disability, hospital insurance, supplemental security income, etc.)*

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:

NOTE: If the notice of the determination on your claim is dated more than 65 days ago, include your reason for not making this request earlier. Include the date on which you received the notice of the determination.

I am submitting the following additional evidence *(If none, write "None,")*:

Signature *(First name, middle initial, last name) (Write in ink)*	Date *(Month, day, year)*
SIGN HERE ➧	Telephone Number

Mailing Address *(Number and street, Apt. No., P.O. Box, or Rural Route)*

City and State	ZIP Code	Enter Name of County (if any) in which you now live

Witnesses are required ONLY if this request has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the person requesting reconsideration must sign below, giving their full addresses

1. Signature of Witness	2. Signature of Witness
Address *(Number and street, City, State, ZIP Code)*	Address *(Number and street, City, State, ZIP Code)*

FOR SOCIAL SECURITY OFFICE USE ONLY

SOCIAL SECURITY OFFICE ADDRESS

Form **SSA-561-U2** (4-80) (Formerly SSA-561)
Prior editions may be used until supply is exhausted

CLAIMANT'S COPY

CURRENT SSA-L8155-U2 (FRONT)

Supplemental Security Income Notice of Planned Action

From: Department of Health and Human Services
Social Security Administration

Date:

Social Security Number:

Your payments (or those of the individual named above) will be changed as follows:

Although we plan to take the action shown above, you may have your prior payment continued or reinstated if you request an appeal within 10 days of receiving this notice.

Important: See other side for an explanation of your appeal rights and other information. ▶

Form SSA-L8155-U2 (3-78) (Formerly SSA-8155A)
Prior editions may be used until supply is exhausted

CURRENT SSA-L8155-U2 (BACK)

Please get in touch with social security if:

You believe the decision shown on the other side of this notice is wrong, **or**

You have any questions or need more information.

Most questions can be handled by phoning or writing any social security office. If you visit a social security office, please bring this notice with you. If the decision in your case is based on incorrect information, we'll be happy to make whatever change is necessary.

YOUR RIGHT TO APPEAL

If you still are not satisfied with the decision, you have the right to appeal. The first step in the appeals process is called reconsideration. **You must request reconsideration in writing within 60 days from the date you receive this notice.**

APPEAL WITHIN 10 DAYS IF YOU WANT THE PRIOR PAYMENT CONTINUED

If you want your prior payment continued while we reconsider our decision, you must request reconsideration within 10 days of receiving this notice. If you ask for reconsideration within 10 days, we will continue or reinstate the prior payment until a reconsideration determination is made, no matter how long it takes. Depending on the outcome of the reconsideration, you may have to pay back any money you were not entitled to receive. For this reason, you may want to waive continuation or reinstatement of the prior payment; then, if you are successful on reconsideration, any money due you will be paid.

If you cannot make a written request for reconsideration within the 10 and 60-day time limits, be sure to contact us by phone. **If you wait longer than 10 days, we will not reinstate the prior payment unless you have a good reason for the delay. And, if you wait longer than 60 days and do not have a good reason for the delay, we will not reconsider our decision.**

There are three different ways to present your case for reconsideration. If you request reconsideration, be sure to tell us which of these procedures you wish to be used in presenting your case. In each, reconsideration will be by a person who had nothing to do with the decision you are appealing. The three methods of reconsideration are:

1. **Case Review.** In a case review, you have the right to review the evidence relating to this decision and to submit any additional oral and written evidence you may have to any social security office.

2. **Informal Conference.** In addition to the rights you have in a case review, in the informal conference you also have the right to present your case to the person who will decide it, to have witnesses testify for you, and to have a summary record kept of the oral and written evidence presented.

3. **Formal Conference.** In the formal conference you have, in addition to the rights you have in a case review and an informal conference, the right to request that we subpoena unwilling witnesses to appear for cross-examination and to bring with them any evidence about your case.

In having your case reconsidered, you can represent yourself or be represented by a lawyer, a friend, or any other person. Contact your social security office for names of organizations that can help you.

Form SSA-L8155-U2 (3-78) (Formerly SSA-8155A)

PROPOSED SSA-561-U2 (FRONT OF AGENCY COPY)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION

TOE 710

Form Approved
OMB No. 0960-0063

REQUEST FOR RECONSIDERATION

The information on this form is authorized by law (20 CFR 404.907 – 404.921 and 416.1407 – 416.1421). While your responses to these questions is voluntary, the Social Security Administration cannot reconsider the decision on this claim unless the information is furnished.

(Do not write in this space)

NAME OF CLAIMANT	NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON *(If different from claimant.)*
SOCIAL SECURITY CLAIM NUMBER	SUPPLEMENTAL SECURITY INCOME CLAIM NUMBER
SPOUSE'S NAME AND SOCIAL SECURITY NUMBER *(Complete ONLY in Supplemental Security Income Case)*	
CLAIM FOR *(Specify type, e.g., retirement, disability, hospital insurance, supplemental security income, etc.)*	

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:

NOTE: If the notice of the determination on your claim is dated more than 65 days ago, include your reason for not making this request earlier. Include the date on which you received the notice of the determination.

I am submitting the following additional evidence *(If none, write "None,")*:

SUPPLEMENTAL SECURITY INCOME RECONSIDERATION ONLY (see reverse)

"I want to appeal your decision about my claim for supplemental security income. I've read the back of this form about the three ways to appeal. I've checked the box below."

☐ Case Review ☐ Informal Conference ☐ Formal Conference

Signature *(First name, middle initial, last name) (Write in ink)*	Date *(Month, day, year)*
SIGN HERE ➧	Telephone Number

Mailing Address *(Number and street, Apt. No., P.O. Box, or Rural Route)*

City and State	ZIP Code	Enter Name of County (if any) in which you now live

Witnesses are required ONLY if this request has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the person requesting reconsideration must sign below, giving their full addresses.

1. Signature of Witness	2. Signature of Witness
Address *(Number and street, City, State, ZIP Code)*	Address *(Number and street, City, State, ZIP Code)*

FOR SOCIAL SECURITY OFFICE USE ONLY

SOCIAL SECURITY OFFICE ADDRESS

ROUTING INSTRUCTIONS *(Check one)*

☐ State Agency *(Route with disability folder)*
☐ Program Service Center
☐ ODO Balto
☐ District Office Reconsideration
☐ Division of International Operations, Balto.
☐ OCRO Balto

Form SSA-561-U2 TEST (4-81) (Formerly SSA-561)
Prior editions may be used until supply is exhausted

NOTE: Take or mail completed copies to your Social Security Office.

PROPOSED SSA-561-U2 (FRONT OF CLAIMANT'S COPY)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION

TOE 710 Form Approved OMB No. 0960-0063

REQUEST FOR RECONSIDERATION

The information on this form is authorized by law (20 CFR 404.907 – 404.921 and 416.1407 – 416.1421). While your responses to these questions is voluntary, the Social Security Administration cannot reconsider the decision on this claim unless the information is furnished

(Do not write in this space)

NAME OF CLAIMANT	NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON *(If different from claimant.)*
SOCIAL SECURITY CLAIM NUMBER	SUPPLEMENTAL SECURITY INCOME CLAIM NUMBER

SPOUSE'S NAME AND SOCIAL SECURITY NUMBER *(Complete ONLY in Supplemental Security Income Case)*

CLAIM FOR *(Specify type, e.g., retirement, disability, hospital insurance, supplemental security income, etc.)*

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:

NOTE: If the notice of the determination on your claim is dated more than 65 days ago, include your reason for not making this request earlier. Include the date on which you received the notice of the determination.

I am submitting the following additional evidence *(If none, write "None,")*:

SUPPLEMENTAL SECURITY INCOME RECONSIDERATION ONLY (see reverse)

"I want to appeal your decision about my claim for supplemental security income. I've read the back of this form about the three ways to appeal. I've checked the box below."

☐ Case Review ☐ Informal Conference ☐ Formal Conference

Signature *(First name, middle initial, last name) (Write in ink)*

SIGN HERE ➧

Date *(Month, day, year)*

Telephone Number

Mailing Address *(Number and street, Apt. No., P.O. Box, or Rural Route)*

City and State	ZIP Code	Enter Name of County (if any) in which you now live

Witnesses are required ONLY if this request has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the person requesting reconsideration must sign below, giving their full addresses.

1. Signature of Witness	2. Signature of Witness
Address *(Number and street, City, State, ZIP Code)*	Address *(Number and street, City, State, ZIP Code)*

FOR SOCIAL SECURITY OFFICE USE ONLY

SOCIAL SECURITY OFFICE ADDRESS

Form **SSA-561-U2 TEST** (4-81) (Formerly SSA-561)
Prior editions may be used until supply is exhausted

CLAIMANT'S COPY

PROPOSED SSA-561 (BACK OF CLAIMANT'S COPY)

HOW TO APPEAL YOUR SUPPLEMENTAL SECURITY INCOME (SSI) DECISION

There are three different ways to appeal. You can pick the appeal that fits your case. The person who gave you this form can tell how these appeals work. You can have a lawyer, friend, or someone else help you with your appeal.

Here are the three ways to appeal:

1. **CASE REVIEW:**

   You can give us more facts about your case. Then we'll decide your case again. You don't meet with the person who decides your case.

   You can pick this kind of appeal in all cases.

2. **INFORMAL CONFERENCE:**

   You'll meet with the person who will decide your case. You can tell that person why you think you're right. You can give us more facts to help prove you're right. You can bring other people to help explain your case.

   You can pick this kind of appeal in all cases *except* two. You can't have it if we turned down your application for medical reasons or, because you're not blind. Also you can't have it if we're giving you SSI but you disagree with the date we said you became blind or disabled.

3. **FORMAL CONFERENCE:**

   This is a meeting like an informal conference. Plus, we can make people come to help prove you're right. We can make them bring important papers about your case. We can do this even if they don't want to help you. You can question these people at your meeting.

   You can pick this kind of appeal only if we're stopping or lowering your SSI check. You can't get it in any other case.

Now you know the three kinds of appeals. You can pick the one that fits your case. Then fill out the front of this form. We'll help you fill it out.

There are groups that can help you with your appeal. Some can give you a free lawyer. We can give you the names of these groups.

NOTE: DON'T FILL OUT THIS FORM IF WE SAID WE'LL STOP YOUR SSI DISABILITY CHECK FOR MEDICAL REASONS OR BECAUSE YOU'RE NO LONGER BLIND. WE'LL GIVE YOU THE RIGHT FORM (SSA-501) FOR YOUR APPEAL.

PROPOSED SSA-L8155 (FRONT)

Supplemental Security Income Notice of Planned Action

From: Department of Health and Human Services
Social Security Administration

Date:

Social Security Number:

Your payments (or those of the individual named above) will be changed as follows:

We won't change your check if you *appeal within 10 days* after getting this notice.

TURN THIS OVER if you think we're wrong ▶

Form SSA-L8155 (Test) (4-81)

PROPOSED SSA-L8155 (BACK)

YOUR RIGHT TO APPEAL

Do you think we're wrong? If so, you have the right to appeal. If you appeal, we'll review our decision. We'll change mistakes. Do you have other questions? If so, get in touch with us. Please bring this notice with you if you come to a social security office.

You have **60 DAYS TO APPEAL** after you get this notice. If you wait more than 60 days, you must have a good excuse.

APPEAL IN 10 DAYS TO KEEP GETTING YOUR SAME CHECK

We won't change your check if you appeal **within 10 days** after getting this notice. You'll keep getting your same check until we decide your appeal. If you lose your appeal, you *might* have to pay some or all of this money back.

HOW TO APPEAL

There are three different ways to appeal. You can pick the one you want. The people in our offices can explain how these appeals work. You can have a lawyer, friend, or someone else help you with your appeal.

Here are the three ways to appeal:

1. **CASE REVIEW:**

   You can give us more facts to add to your file. Then we'll decide your case again. You don't meet with the person who decides your case.

2. **INFORMAL CONFERENCE:**

   You'll meet with the person who will decide your case. You can tell that person why you think you're right. You can give us more facts to help prove you're right. You can bring other people to help explain your case.

3. **FORMAL CONFERENCE:**

   This is a meeting like an informal conference. Plus, we can make people come to help prove you're right. We can make them bring important papers about your case. We can do this even if they don't want to help you. You can question these people at your meeting.

To appeal, you must fill out a form at one of our offices. It is called a Request for Reconsideration, SSA-561. On the form, **YOU PICK THE KIND OF APPEAL YOU WANT.** We'll help you fill it out.

There are groups that can help you with your appeal. Some can give you a free lawyer. We can give you names of these groups.

[FR Doc. 81-23498 Filed 8-19-81; 8:45 am]
BILLING CODE 4110-07-C

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-9014-A]

Alaska Native Claims Selection

On November 20, 1974, Paimiut Corporation, for the Native village of Paimiut, filed selection application AA-9014-A under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Paimiut, including lands within Clarence Rhode National Wildlife Range (Public Land Order 4584).

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn from the National Wildlife Refuge System.

This decision approves approximately 56,214 acres of National Wildlife Refuge System lands for conveyance to Paimiut Corporation. This acreage does not exceed the 69,120 acres permitted under Sec. 12(a)(1).

Paimiut Corporation, in its November 20, 1974 application, excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2651.4 (b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. For these reasons, the water bodies which were improperly excluded in the November 20, 1974 application are considered selected by Paimiut Corporation.

As to the lands described below, the application submitted by Paimiut Corporation is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 62,224 acres, is considered proper for acquisition by Paimiut Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

Lands Outside the Clarence Rhode National Wildlife Range (PLO 4584)

Seward Meridian, Alaska (Unsurveyed)

T. 19 N., R. 91 W.
Secs. 29 to 32, inclusive, those portions outside the Clarence Rhode National Wildlife Range.
Containing approximately 160 acres.

T. 19 N., R. 92 W.
Sec. 6, excluding PLO 1813;
Sec. 7 (fractional), excluding PLO 1813;
Secs. 15 and 16;
Secs. 17 and 18 (fractional);
Secs. 20 and 21 (fractional);
Sec. 22;
Secs. 25 and 26;
Sec. 27 (fractional);
Secs. 35 and 36 (fractional).
Containing approximately 5,850 acres outside PLO 4584.
Aggregating approximately 6,010 acres outside PLO 4584.

Lands Within the Clarence Rhode National Wildlife Range (PLO 4584)

Seward Meridian, Alaska (Unsurveyed)

T. 18 N., R. 89 W.
Sec. 6.
Containing approximately 619 acres.

T. 19 N., R. 89 W.
Sec. 13, exlcuding Native allotments F-15021 Parcel A and F-14682 Parcel C;
Secs. 14 and 17;
Sec. 19, exlcuding Native allotment F-14694 Parcel A;
Secs. 20 to 23, inclusive;
Sec. 24, exlcuding Native allotment F-14978;
Sec. 29.
Containing approximately 5,904 acres.

T. 18 N., R. 90 W.
Sec. 1;
Secs. 3 to 9, inclusive;
Secs. 16 and 17;
Secs. 20 and 21;
Secs. 28 and 29;
Sec. 32, excluding Native allotment F-15946;
Sec. 33.
Containing approximately 8,065 acres.

T. 19 N., R. 90 W.
Sec. 1, exluding Native allotment F-19121 Parcel B;
Sec. 5;
Sec. 6, excluding Native allotments F-14760 Parcel B and F-14757 Parcel A;
Secs. 7, 8, and 10;
Sec. 11, excluding Native allotments F-14559 Parcel B and F-14965 Parcel A;
Sec. 12, excluding Native allotments F-14965 Parcel A, F-150211 Parcel D, F-14673 Parcel C and F-16566 Parcel A;
Sec. 15, excluding Native allotments F-14696 Parcel C;
Secs. 16 to 20, inclusive;
Sec. 21, excluding Native allotments F-19195 Parcel B;
Sec. 22;
Sec. 23, excluding Native allotments F-14672 Parcel B, F-14658 Parcel C, F-14520 Parcel A and F-14689 Parcel C;
Sec. 24, excluding Native allotments F-14689 Parcel C and F-14693 Parcel A;
Secs. 25 to 34, inclusive;
Sec. 36.
Containing approximately 15,875 acres.

T. 18 N., R. 91 W.
Secs. 1 and 2;
Secs. 3 to 9 (fractional), inclusive;
Secs. 10, 11 and 12.
Containing approximately 4,596 acres.

T. 19 N., R. 91 W.
Secs. 1 and 2;
Sec. 3, excluding Native allotments F-14702 Parcel D and F-14706 Parcel B;
Secs. 4 to 28, inclusive;
Secs. 29 to 32, inclusive, those portions within the Clarence Rhode National Wildlife Range;
Secs. 33, 34, and 35;
Sec. 36, excluding Native allotment F-14705 Parcel A.
Containing approximately 21,155 acres.
Aggregating approximately 56,214 acres within PLO 4584.
Total aggregated acreage approximately 62,224 acres.

Excluded from the above-described lands herein conveyed are the submerged lands beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade, and commerce, as depicted on the attached navigability maps, the origianal of which will be found in the easement case file AA-9014-EE.

Also excluded from the above-described lands herein conveyed are lands covered by tidal waters up to the line of mean high tide. Within the above-described lands, the following water bodies were estimated to be tidally influenced:

Ekasluktuli River from its mouth to Sec. 15, T. 19 N., R. 92 W., Seward Meridian;
Lithkealik River from its mouth to Sec. 3, T. 19 N., R. 91 W., Seward Meridian;
Kolimak River from its mouth to Sec. 18, T. 19 N., R. 90 W., Seward Meridian;
Kuttak River from its mouth to Sec. 17, T. 19 N., R. 89 W., Seward Meridian;
An unnamed slough from its mouth in Sec. 20, T. 19 N., R. 89 W., up to and including an unnamed lake in Secs. 26, 27, 28, 33, and 34, T. 19 N., R. 89 W., Seward Meridian;
Kokechik River from its mouth to the mouth of Chelunginik River, Sec. 15, T. 18 N., R. 89 W., Seward Meridian;
Komoiarak Slough in its entirety;
Kwecharak River from its mouth to Sec. 5, T. 17 N., R. 90 W., Seward Meridian.

Actual limits of tidal influence, for water bodies listed above and for any other water bodies within the lands to

be conveyed, if any, will be determined at the time of survey.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on available evidence, they were determined to be nonnavigable.

The lands excluded in the above desription are not being approved for conveyed at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Section 3(e) of ANCSA; or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-9014-EE is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of users allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 3 D1) An easement for an existing access trail twenty-five (25) feet in width from the village of Scammon Bay in Sec. 10, T. 20 N., R. 90 W., Seward Meridian, southwesterly to the village of Hooper Bay in Sec. 26, T. 17 N., R. 93 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g)), that (a) the portion of the above-described lands which were within the boundaries of the Clarence Rhode National Wildlife Range on December 18, 1971, remains subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Paimiut Corporation is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 62,224 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 6,896 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above, excluding those lands which have been withdrawn by PLO 4584 and which are reserved thereby as a national wildlife refuge, will be granted to Calista Corporation, at the same time as conveyance is granted to Paimiut Corporation for the surface estate and shall be subject to the same conditions as the surface conveyance. Section 12(a)(1) provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region. The total amount of wildlife refuge lands which have been approved for conveyance to Paimiut Corporation is approximately 56,214 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the TUNDRA DRUMS.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13 Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 21, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served are:

Paimiut Corporation,
Paimiut, Alaska 99604;
and

Calista Corporation,
516 Dewnali Street,
Anchorage, Alaska 99501.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-24307 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-8104-1, AA-8104-2]

Alaska Native Claims Selection

On July 24, 1974, and July 29, 1975, AHTNA, Incorporated filed selection applications AA-8104-1 and AA-8104-2, respectively, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (1976)) (ANCSA), for the surface and subsurface estates of certain lands withdrawn by Sec. 11(a)(1) of ANCSA.

As to the lands described below, the applications, as amended, submitted by AHTNA, Incorporated, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands selected pursuant to Sec. 12(c) of ANCSA, aggregating approximately 898,071 acres, are considered proper for acquisition by AHTNA, Incorporated and are hereby approved for conveyance pursuant to Sec. 14(e) of the Alaska Native Claims Settlement Act.

Fairbanks Meridian, Alaska

T. 17 S., R. 5 W. (Unsurveyed)
Secs. 1 to 32, inclusive, all;
Secs. 34 and 35, all.
Containing approximately 21,520 acres.

T. 19 S., R. 5 W. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,938 acres.

T. 19 S., R. 7 W. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,938 acres.

T. 17 S., R. 9 W. (Unsurveyed)
Secs. 35 and 36, excluding U.S. Survey 2177.
Containing approximately 375 acres.

Copper River Meridian, Alaska

T. 3 N., R. 1 E. (Unsurveyed)
Secs. 2 to 36, inclusive, all.
Containing approximately 22,237 acres.

T. 5 N., R. 1 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 23,007 acres.

T. 2 N., R. 2 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,942 acres.

T. 4 N., R. 2 E. (Unsurveyed)
Secs. 1 to 34, inclusive, all;
Sec. 35, excluding U.S. Survey 5700;
Sec. 36, all.
Containing approximately 22,808 acres.

T. 6 N., R. 2 E. (Unsurveyed)
Secs. 1 to 4, inclusive, all;
Secs. 9 to 16, inclusive, all;
Secs. 21 to 24, inclusive, all;
Sec. 28, all.
Containing approximately 10,880 acres.

T. 8 N., R. 2 E. (Unsurveyed)
Secs. 1 to 24, inclusive, all;
Sec. 25, excluding Native allotment AA-2627 Parcel A;
Secs. 26 to 35, inclusive, all.
Containing approximately 22,149 acres.

T. 1 N., R. 3 E. (Unsurveyed)
Secs. 1 to 25, inclusive, all;
Sec. 26, excluding U.S. Survey 5133;
Secs. 27 to 36, inclusive, all.
Containing approximately 23,002 acres.

T. 3 N., R. 3 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,877 acres.

T. 5 N., R. 3 E. (Unsurveyed)
Secs. 1 to 20, inclusive, all;
Sec. 21, excluding U.S. Survey 5184 and Trade and Manufacturing site application A-061989;
Secs. 22 to 27, inclusive, all;
Sec. 28, excluding U.S. Survey 5184 and Trade and Manufacturing site application A-061989;
Secs. 29 to 36, inclusive, all.
Containing approximately 22,969 acres.

T. 7 N., R. 3 E. (Unsurveyed)
Secs. 1 to 5, inclusive, all;
Secs. 6 and 7, excluding the Copper River;
Secs. 8 to 36, inclusive, all.
Containing approximately 22,405 acres.

T. 9 N., R. 3 E. (Unsurveyed)
Secs. 1 to 5, inclusive, all;
Secs. 7 to 22, inclusive, all;
Secs. 24 and 25, excluding the Copper River;
Secs. 27 to 34, inclusive, all;
Sec. 36, excluding the Copper River.
Containing approximately 19,956 acres.

T. 10 N., R. 4 E. (Partially Surveyed)
Secs. 1 to 4, inclusive, all;
Secs. 6 and 7, all;
Secs. 9 to 16, inclusive, all;
Secs. 18 and 19, all;
Secs. 21, 22, and 23, all;
Secs. 27, 30, and 32, all.
Containing approximately 13,991 acres.

T. 7 N., R. 5 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,875 acres.

T. 9 N., R. 5 E. (Unsurveyed)
Secs. 1 to 4, inclusive, all;
Sec. 7, all;
Secs. 10 to 13, inclusive, all;
Secs. 17 to 22, inclusive, all;
Secs. 26 to 36, inclusive, all;
Containing approximately 16,616 acres.

T. 11 N., R. 5 E. (Unsurveyed)
Secs. 1 to 24, inclusive, all;
Sec. 25, excluding Native allotment AA-7548;
Secs. 26 to 35, inclusive, all.
Containing approximately 22,177 acres.

T. 8 N., R. 6 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,809 acres.

T. 14 N., R. 6 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,938 acres.

T. 13 N., R. 7 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 23,006 acres.

T. 15 N., R. 7 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,871 acres.

T. 12 N., R. 8 E. (Unsurveyed)
Secs. 1 to 18, inclusive, all;
Secs. 20 to 29, inclusive, all;
Secs. 33, 34, and 35, all.
Containing approximately 19,714 acres.

T. 14 N., R. 8 E. (Unsurveyed)
Secs. 1 to 21, inclusive, all;
Sec. 22, excluding Native allotment F-12305 Parcel B;
Secs. 23 to 26, inclusive, all;
Sec. 27, excluding Native allotment F-17766 Parcel B;
Secs. 28 and 29, all;
Sec. 30, excluding Native allotment F-17744 Parcel B;
Secs. 32, 33, and 34, all.
Containing approximately 20,890 acres.

T. 11 N., R. 9 E. (Unsurveyed)
Secs. 1 to 4, inclusive, all;
Sec. 5, excluding U.S. Survey 3674;
Sec. 6, excluding U.S. Survey 3674 and Native allotment AA-5719;
Sec. 7, excluding U.S. Survey 5046 and the tract of land lying between U.S. Survey 5046 and the centerline of the Glenn Highway;
Secs. 8 to 36, inclusive, all.
Containing approximately 22,385 acres.

T. 15 N., R. 9 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,871 acres.

T. 14 N., R. 10 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,938 acres.

T. 2 N., R. 2 W. (Unsurveyed)
Secs. 1 to 30, inclusive, all;
Secs. 32 to 36, inclusive, all.
Containing approximately 22,314 acres.

T. 6 N., R. 2 W. (Surveyed)
Those portions of the township more particularly described as protracted:
Secs. 3 to 9, inclusive, all;
Secs. 17, 18, and 19, all;
Secs. 29 to 32, inclusive, all.
Containing approximately 8,861 acres.

T. 8 N., R. 2 W. (Partially Surveyed)
Sec. 1, lots 1 to 9, inclusive, SE¼NE¼, E½SE¼, those lands lying west of the Gulkana River, excluding the Gulkana River;
Secs. 2 to 11, inclusive, all;
Sec. 12, lots 1, 2, and 3, those lands lying south and west of the Gulkana River, excluding the Gulkana River;
Secs. 13 to 36, inclusive, all.
Containing approximately 22,778 acres.

T. 1 S., R. 3 W. (Unsurveyed)
Secs. 1 to 23, inclusive, all.
Containing approximately 14,564 acres.

T. 1 S., R. 1 E. (Partially Surveyed)
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, SE¼;
Sec. 3, lots 1 to 4, inclusive, S½NW¼, E½NE¼SW¼, S½SE¼;

Secs. 4 to 9, inclusive, all;
Sec. 10, lots 3 to 6, inclusive, N½NE¼, SW¼NE¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 11, NE¼SE¼;
Sec. 12, E½, N½SW¼, E½SW¼,SW¼, SE¼SW¼;
Sec. 13, lots 6 and 7, NE¼, E½E½SE¼;
Sec. 14, lot 3 excluding U.S. Survey 5735 and the tract of land lying between U.S. Survey 5735 and the centerline of the Richardson Highway; lots 4 and 5; lots 6 and 7, excluding the tract of land lying between U.S. Survey 4846 and the centerline of the Richardson Highway; lots 8 and 9, and W½SW¼;
Sec. 16 to 21, inclusive, all;
Sec. 23, E½NE¼, N½NW¼NE¼, SE¼NW¼NE¼, W½SW¼NW¼NE¼, SW¼NE¼, NW¼; S½, excluding Native allotments AA-5568 Tract 2 and AA-8112;
Sec. 24, excluding Native allotments A-053876 and AA-5568 Tract 2;
Sec. 25, N½N½, excluding Native allotments A-053876 and AA-5568 Tract 2; S½NE¼, E½SE¼NW¼, E½W½ SE¼NW¼, W½SW¼SE¼NW¼, NW¼NW¼SE¼NW¼, W½SW¼ NW¼, W½E½SW¼NW¼, E½SE¼ SW¼NW¼, NE¼NE¼SW¼NW¼, S½;
Sec. 26, excluding Native allotments AA-5568 Tract 2 and AA-8112;
Secs. 27 to 34, inclusive all;
Sec. 35, N½, SW¼, W½W½NW¼SE¼;
Sec. 36, E½, NW¼; and E½SW¼, E½NW¼SW¼, E½W½NW¼SW¼, excluding Native allotment AA-5692.
Containing approximately 18,756 acres.

T. 1 S., R. 3 E. (Partially Surveyed)
Secs. 1 to 15, inclusive, all;
Secs. 16, 17, and 18, excluding the Copper River;
Sec. 19, lots 1 to 6, inclusive, E½SW¼, SE¼;
Sec. 20, lots 1 to 4, inclusive, S½, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 21, lots 1, 2, and 3, SW¼SW¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Secs. 22, 23, and 24, all;
Sec. 25, excluding the Copper River;
Sec. 26, lot 1, and those lands lying north and east of the right bank of the Copper River excluding the Copper River;
Sec. 27, lots 1 to 5, inclusive, SW¼SW¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 28, lots 1 to 4, inclusive, W½, NW¼SE¼, S½SE¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 29, all;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, N½NE¼;
Sec. 32, lots 1, 2, and 3, N½, NE¼SW¼, SE¼;
Secs. 33 and 34, all;
Sec. 35, lots 1 to 4, inclusive, S½NW¼, SW¼, NW¼SE¼, S½SE¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 36, lots 1, 2, and 3, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River.
Containing approximately 20,498 acres.

T. 2 S., R. 4 E. (Partially Surveyed)
Secs. 1 to 5, inclusive, all;
Sec. 6, lot 1, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 7, lots 1 to 9, inclusive, SE¼SW¼, S½SE¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 8, lots 1, 2, and 3, lot 4 excluding Native allotment AA-6014 Parcel A; S½SW¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 9, excluding the Copper River;
Secs. 10 to 14, inclusive, all;
Secs. 15 and 16, excluding the Copper River;
Sec. 17, lots 1, 2, 3, and 4, NW¼NE¼ excluding Native allotment AA-6014 Parcel A; SW¼NE¼, W½, W½SE¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, SE¼;
Sec. 22, lot 2, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 23, excluding the Copper River;
Sec. 24, all;
Sec. 25, excluding the Copper River;
Sec. 26, lots 1 to 8, inclusive, NW¼SW¼, S½NE¼SW¼SW¼, NW¼SW¼SW¼, S½SW¼SW¼, SE¼SW¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River.
Containing approximately 12,912 acres.

T. 6 S., R. 4 E. (Unsurveyed)
Sec. 1, excluding the Copper River;
Secs. 2 to 8, inclusive, all;
Secs. 9 to 19, inclusive, excluding the Copper River;
Secs. 20 to 36, inclusive, all.
Containing approximately 20,827 acres.

T. 1 S., R. 5 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,816 acres.

T. 5 S., R. 5 E. (Unsurveyed)
Sec. 1, all;
Sec. 2, excluding the Copper River;
Secs. 3 to 10, inclusive, all;
Sec. 11, excluding the Copper River;
Secs. 12 and 13, all;
Sec. 14, excluding the Copper River;
Secs. 15 to 21, inclusive, all;
Secs. 22 and 23, excluding the Copper River;
Secs. 24 and 25, all;
Secs. 26 to 29, inclusive, excluding the Copper River;
Sec. 30, all;
Secs. 31, 32, and 33, excluding the Copper River;
Secs. 34, 35, and 36, all.
Containing approximately 21,790 acres.

T. 2 S., R. 6 E. (Unsurveyed)
Secs. 1 to 35, inclusive, all.
Containing approximately 22,240 acres.

T. 4 S., R. 6 E. (Unsurveyed)
Secs. 1 to 5, inclusive, all;
Secs. 6 and 7, excluding the Copper River;
Secs. 8 to 13, inclusive, all;
Secs. 14 to 17, inclusive, excluding the Chitina River;
Secs. 18 and 19, excluding the Copper and Chitina Rivers;
Secs. 20 to 25, excluding the Chitina River;
Secs. 26 to 29, inclusive, all;
Sec. 30 excluding the Copper and Chitina Rivers;
Secs. 31 and 32, excluding Mineral Survey No. 654;
Secs. 33 to 35, inclusive, all;
Sec. 36, excluding the Chitina River.
Containing approximately 20,226 acres.

T. 6 S., R. 6 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,882 acres.

T. 1 S., R. 7 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,816 acres.

T. 3 S., R. 7 E. (Unsurveyed)
Sec. 1, excluding Mineral Survey No. 566, Mineral Survey No. 658, Mineral Survey No. 659, and Mineral Survey No. 660A;
Sec. 2, excluding Mineral Survey No. 660A;
Secs. 3 to 8, inclusive, all;
Sec. 9, excluding Mineral Survey No. 2325;
Secs. 10 to 15, inclusive, all;
Sec. 16, excluding Mineral Survey No. 2325;
Secs. 17 to 22, inclusive, all;
Sec. 23, excluding Native allotment AA-7374;
Secs. 24 and 25, all;
Sec. 26, excluding Native allotment AA-7374;
Secs. 27 to 30, inclusive, all;
Secs. 32 to 36, inclusive, all.
Containing approximately 21,887 acres.

T. 5 S., R. 7 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,820 acres.
Aggregating approximately 898,071 acres.

The lands excluded in the above description are not being approved for conveyence at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are underlying water bodies determined to be navigable and/or tidally influenced; lands are pending a determination under Section 3(e) of ANCSA; or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservations to the United States:

The conveyance issued for the surface and subsurface estates of the lands

described above shall contain the following reservations to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-10438, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site—The uses allowed for a site easement are: Vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading and unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

Site Easement (Airstrip)—The uses allowed for a site easement are: Aircraft landing, vehicle parking (i.e. aircraft, boats, ATV's snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

a. (EIN 2 D9) An easement for an existing access trail, twenty-five (25) feet in width, from Federal Aid Secondary highway designated as FAS 851 in Sec. 9, T. 6 S., R. 4 E., Copper River Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 2a C4) A one (1) acre site easement in Sec. 9, T. 6 S., R. 4 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

c. (EIN 7 C5, D1 L) An easement for an existing access trail, twenty-five (25) feet in width, through Sec. 1, T. 5 S., R. 5 E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 8 D9) An easement for an existing access trail, twenty-five (25) feet in width, from trail EIN 9 D1, D9 in Sec. 5, T. 6 S., R. 6 E., Copper River Meridian, southwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 9 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from EIN 18 C5, D1, L on Chitina's selection in Sec. 32, T. 5 S., R. 6 E., Copper River Meridian, southeasterly along Canyon Creek to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

f. (EIN 14 D1) A one (1) acre site easement, upland of the ordinary high water-mark, in Sec. 7, T. 4 S., R. 6 E., Copper River Meridian, on the left bank of the Copper River near the Copper River bridge. The uses allowed are those listed above for a one (1) acre site.

g. (EIN 14a D1) An easement, sixty (60) feet in width, for an existing road from site EIN 14 D1 in Sec. 7, T. 4 S., R. 6 E., Copper River Meridian, southeasterly to the Chitina-McCarthy Road in Sec. 7, T. 4 S., R. 6 E., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

h. (EIN 16 C3, C5, D1, L) An easement for an existing access trail, twenty-five (25) feet in width, from public land in Sec. 1, T. 4 S., R. 7 E., Copper River Meridian, northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

i. (EIN 17 C3, C5, D1, L) An easement, fifty (50) feet in width, for an existing road from Sec. 36, T. 3 S., R. 7 E., Copper River Meridian, northerly along the Kotsina River to public land. The uses allowed are those listed above for a sixty (60) foot wide road easement.

j. (EIN 20 D1) An easment for an existing access trail, fifty (50) feet in width, from road EIN 17 C3, C5, D1, L in Sec. 2, T. 2 S., R. 6 E., Copper River Meridian, northerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

k. (EIN 23 D9) An easement for a proposed access trail, twenty-five (25) feet in width, from Sec. 1, T. 2S., R. 5E., northeasterly to Sec. 31, T. 1S., R. 6E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

l. (EIN 25 D9) An easement for a proposed access trail, twenty-five (25) feet in width, from Sec. 6, T. 2S., R. 5E., northwesterly to Sec. 36, T. 1S., R. 4E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

m. (EIN 29 D9) An easement for an existing access trail, twenty-five (25) feet in width, from the Copper River at site EIN 29b C4 in Sec. 36, T. 1S., R. 3E., Copper River Meridian, northeasterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

n. (EIN 29a L) An easement for an existing access trail, twenty-five (25) feet in width, from Chitina's site EIN 36 C5 adjacent to the Edgerton Highway in Sec. 15, T. 2S., R. 3E., Copper River Meridian, northeasterly along the east boundary of lot 37, U.S. Survey 4977 to the Copper River. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

o. (EIN 29b C4) A one (1) acre site easement, upland of the ordinary high water mark, in Sec. 36, T. 1S., R. 3E., Copper River Meridian, on the left bank of the Copper River at the terminus of trail EIN 29 D9. The uses allowed are those listed above for a one (1) acre site easement.

p. (EIN 29c C4) A one (1) acre site easement, upland of the ordinary high water mark, in Sec. 7, T. 2S., R. 4E., Copper River Meridian, on the right bank of the Copper River at the terminus of trail EIN 29a L. The uses allowed are those listed above for a one (1) acre site easement.

q. (EIN 32 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, in Sec. 18, T. 1N., R. 3E., Copper River Meridian, easterly, generally paralleling the Dadina River, to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

r. (EIN 33 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 34, T. 2N., R. 2E., Copper River Meridian, northeasterly, generally paralleling the Nadina River to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

s. (EIN 36 D9) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 33, T. 3N., R. 1E., Copper River Meridian, easterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

t. (EIN 37 C5, D9) An easement for an existing access trail, fifty (50) feet in width, from Sec. 31, T. 5N., R. 1E., Copper River Meridian, easterly thence southerly to public land in T. 4N., R. 1E., Copper River Meridian, thence northeasterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

u. (EIN 38 C3, C5, D1, D9, L) An easement, sixty (60) feet in width, for an existing road in Sec. 36, T. 2N., R. 2W., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

v. (EIN 44 C5, D9) An easement for an existing access trail, fifty (50) feet in width, from EIN 37 C5, D9 in Sec. 10, T. 4N., R 2E., Copper River Meridian, southerly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

w. (EIN 45 D9) An easement for an existing access trail, twenty-five (25) feet in width, from EIN 44 C5, D9 in Sec. 35, T. 4N., R. 2E., Copper River Meridian, easterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

x. (EIN 49 D1) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 31, T. 7N., R. 2E., through Sec. 24, T. 6N., R. 2E., Copper River Meridian, to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

y. (EIN 58 E) An easement for an existing access trail, fifty (50) feet in width in Sec. 3, T. 8N., R. 2W., Copper River Meridian, southwesterly to join the eastern terminus of Gulkana village trail EIN 30 E. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

z. (EIN 65 D1, D9) An easement for a proposed access trail, twenty-five (25) feet in width, from Sec. 1, T. 8N., R. 5E., northeasterly to Sec. 31, T. 9N., R. 6E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

aa. (EIN 67 D9) An easement for an existing access trail, twenty-five (25) feet in width,

from public land in Sec. 32, T. 10N., R. 5E., Copper River Meridian, southeasterly through the selection to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

ab. (EIN 69 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 17, T. 10N., R. 4E., Copper River Meridian, westerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

ac. (EIN 70a D9) An easement for an existing access trail, fifty (50) feet in width, from the northern terminus of Chistochina village trail EIN 4 D9 in Sec. 34, T. 10 N., R. 4 E., Copper River Meridian, northerly through the selection to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

ad. (EIN 71 D9) An easement for an existing access trail, fifty (50) feet in width, from approximately mile 47 of the Tok Cutoff in Sec. 25, T. 11 N., R. 5 E., Copper River Meridian northerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

ae. (EIN 71a C4) A one (1) acre easement in Sec. 25, T. 11 N., R. 5 E., Copper River Meridian, at approximate milepost 47 of the Tok Cutoff. The uses allowed are those listed above for a one (1) acre site.

af. (EIN 79 D1) An easement for an existing access trail, fifty (50) feet in width, crossing Sec. 6, T. 13 N., R. 7 E., and Sec. 36, T. 14 N., R. 6 E., Copper River Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

ag. (EIN 80 D9) An easement for an existing access trail, fifty (50) feet in width, from trail EIN 81 D9 in Sec. 9, T. 14 N., R. 6 E., Copper River Meridian, westerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

ah. (EIN 81 D9) An easement for an existing access trail, fifty (50) feet in width, from Mentasta Lake village, northwesterly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

ai. (EIN 83 D9) An easement for an existing access trail, fifty (50) feet in width, Sec. 6, T. 15 N., R. 8 E., Copper River Meridian, westerly along Dry Tok Creek to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

aj. (EIN 84 D9) An easement for an existing access trail, twenty-five (25) feet in width, from site EIN 85 D9 in Sec. 31, T. 15 N., R. 9 E., Copper River Meridian, westerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

ak. (EIN 85 D9) A site easement, upland of the ordinary high-water mark, in Sec. 31, T. 15 N., R. 9 E., Copper River Meridian, on the west shore of Burnt Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site.

al. (EIN 86 D9) An easement for an existing access trail, twenty-five (25) feet in width, from site EIN 85 D9 in Sec. 31, T. 15 N., R. 9 E., Copper River Meridian, southerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

am. (EIN 87 D1) An easement for an existing access trail, twenty-five (25) feet in width, from public land in Sec. 13, T. 19 S., R. 8 W., Fairbanks Meridian, easterly along the Middle Fork Chulitna River and thence southeasterly through Caribou Pass to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

an. (EIN 89 C5, L) An easement, fifty (50) feet in width, for existing power and telephone lines, roughly paralleling the Richardson Highway in Secs. 3, 10, 11, 14, 15, 23, 24, 25, 35, and 36, T. 1 S., R. 1 E., Copper River Meridian, and those utility lines roughly paralleling the Tok Cutoff in Sec. 35, T. 8 N., R. 2 E., Sec. 24, T. 9 N., R. 3 E., Sec. 25, T. 11 N., R. 5 E., Secs. 19, 20, 21, 22, 23, and 24, T. 11 N., R. 7 E., and Secs 6, 7, and 18, T. 11 N., R. 9 E., Copper River Meridian. The uses allowed are those activities associated with the construction, operation and maintenance of power and telephone line facilities.

ao. (EIN 90 C5) A site easement, upland of the ordinary high water mark, in Sec. 33, T. 19 S., R. 5 W., Fairbanks Meridian, on the south shore of Soule Lake. The site is one (1) acre in size, with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site.

ap. (EIN 91 C5, L) An easement, fifty (50) feet in width, for existing powerlines and telephone lines roughly paralleling the Edgerton Highway and old Edgerton Highway, in Sec. 31, T. 1 S., R. 3 E., Copper River Meridian. The uses allowed are those activities associated with the construction, operation and maintenance of the power and telephone line facilities.

aq. (EIN 93 C5) An easement for an existing access trail, twenty-five (25) feet in width, from the Tok Cutoff in Sec. 6, T. 11 N., R. 9 E., Copper River Meridian, westerly along Carlson Creek to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

ar. (EIN 93a C4) A one (1) acre site easement located in Sec. 6, T. 11 N., R. 9 E., Copper River Meridian at the east terminus of trail EIN 93 C5 adjacent to Carlson Creek where it crosses the Tok Cutoff. The uses allowed are those listed above for a one (1) acre site easement.

as. (EIN 95 D9) An easement for an existing access trail, fifty (50) feet in width, from the northern terminus of Chistochina village trail EIN 6a D9 in Sec. 24, T. 10 N., R. 4 E., Copper River Meridian, northerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

at. (EIN 97 C4) An easement for an existing access trail, fifty (50) feet in width, crossing the northeast corner of Sec. 1, T 15 N., R. 9 E., Copper River Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

au. (EIN 99 C4) A site easement for an existing bush airstrip two hundred fifty (250) feet in width and three thousand (3,000) feet in length located in Secs. 16 and 21, T. 3 N., R. 3 E., Copper River Meridian. The uses allowed are those listed above for an airstrip site.

av. (EIN 100 C4) An easement for a proposed access trail, twenty-five (25) feet in width, from bush airstrip EIN 99 C4 in Secs. 16 and 21, T. 3 N., R. 3 E., Copper River Meridian, westerly to trail EIN 44 C5 D9 and public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

aw. (EIN 101 C4) A site easement for an existing bush airstrip two hundred fifty (250) feet in width and three thousand (3,000) feet in length located in Sec. 15, T. 7N., R. 5E., Copper River Meridian. The uses allowed are those listed above for an airstrip site.

ax. (EIN 102 C4) An easement for a proposed access trail, twenty-five (25) feet in width, from bush airstrip EIN 101 C4 in Sec. 15, T. 7N., R. 5W., Copper River Meridian, northeasterly to trail EIN 103 C4. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

ay. (EIN 103 C4) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 32, T. 8N., R. 5E., southeasterly to public lands.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Any right-of-way interest in the Denali Highway (FAP Route 52), extending one hundred fifty (150) feet on each side of the centerline of the Denali Highway, transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public law 86-70 (73 Stat. 141) located in Secs. 32 and 33, T. 17S., R. 5W., Fairbanks Meridian, Alaska;

4. An easement for highway purposes, including appurtenant protective, scenic and service areas, extending one hundred and fifty (150) feet on each side of the centerline of the Glenn Highway (Tok Cutoff), as established by Public Land Order 1613 (23 FR 2376), pursuant to the Act of August 1, 1956 (70 Stat. 898)

and transferred to the State of Alaska pursuant to the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141), located in Sec. 35, T. 8N., R. 2E., Secs. 24 and 25, T. 9N., R. 3E., Sec. 25, T. 11N., R. 5E., and Secs. 6 and 7, T. 11N., R. 9E., Copper River Meridian, Alaska;

5. An easement for highway purposes, including appurtenant protective, scenic and service areas, extending one hundred fifty (150) feet on each side of the centerline of the Richardson Highway, as established by Public Land Order 1613 (23 FR 2376), pursuant to the Act of August 1, 1956 (70 Stat. 898), and transferred to the State of Alaska pursuant to the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141), located in Secs. 3, 10, 14, 15, 23, 24, 25, and 36, T. 1S., R. 1E., and Sec. 1, T. 8N., R. 2W., Copper River Meridian, Alaska;

6. Any right-of-way interest in the Copper River Highway (FAS 851), transferred to the State of Alaska by quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Pub. L. 86–70 (73 Stat. 141), from T. 6S., R. 4E., Copper River Meridian to the village of Chitina located in T. 4S., R. 5E., Copper River Meridian.

7. Any right-of-way interest in the Chitina-McCarthy Road (FAS No. 850) transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Pub. L. 86–70 (73 Stat. 141) as to Secs. 7 and 8 and Secs. 13 to 18, inclusive, T. 4S., R. 6E., Copper River Meridian, Alaska;

8. Rights-of-way for Federal Aid Highways. Act of August 27, 1958, as amended (23 U.S.C. 317):

a. A–067759, located in Sec. 35, T. 8N., R. 2E., Copper River Meridian, Alaska;
b. A–059161, located in Secs. 24 and 25, T. 9N., R. 3E., Copper River Meridian, Alaska;
c. AA–5663, located in Sec. 3, T. 1S., R. 1E., Copper River Meridian, Alaska;
d. AA–2922, located in Secs. 7 and 18, T. 4S., R. 6E., Copper River Meridian, Alaska.
e. AA–6050, located in Secs. 7, 8, and 16, T. 4S., R. 6 E., Copper River Meridian, Alaska.

9. Rights-of-way for Federal Aid Material Sites. Act of August 27, 1958, as amended (23 U.S.C. 317):

a. A–058839 (PBP 52–024–62), located in Sec. 24, T. 9 N., R. 3 E., Copper River Meridian, Alaska;
b. A–058843, located in Secs. 13 and 24, T. 9 N., R. 3 E., Copper River Meridian, Alaska;
c. A–062258, located in Secs. 24 and 25, T. 1 S., R. 1 E., Copper River Meridian, Alaska;
d. AA–5665, located in Sec. 10, T. 1 S., R. 1 E., Copper River Meridian, Alaska;
e. AA–2868, located in Sec. 7, T. 4 S., R. 6 E., Copper River Meridian, Alaska;
F. AA–2858, located in Secs. 7 and 8, T. 4 S., R. 6 E., Copper River Meridian, Alaska;
g. AA–6088, located in Secs. 7 and 8, T. 4 S., R. 6 E., Copper River Meridian, Alaska;

10. A right-of-way, AA–38319, for a Federal Aid Highway, Act of August 27, 1958, as amended (23 U.S.C. 317), located in Secs. 3, 10, 11, 14, 15, 23, 24, 25 and 36, T. 1 S., R. 1 E., Copper River Meridian, Alaska;

11. An easement and right-of-way to operate, maintain, repair and patrol an overhead open wire and underground communication line or lines, and appurtenances thereto, in, on, over and across a strip of land fifty (50) feet in width, lying twenty-five (25) feet on each side of the centerline of the Alaska Communication System's open wire or pole line and/or buried communication cablelines, conveyed to RCA Alaska Communications, Inc. by Easement Deed dated January 10, 1971, AA–6188, pursuant to the Alaska Communications Disposal Act (81 Stat. 441; 40 U.S.C. 771 et seq.) located in Sec. 35, T. 8 N., R. 2 E.; Secs. 13, 24, 25, and 34, T. 9 N., R. 3 E.; Sec. 25, T. 11 N., R. 5 E.; Secs. 6, 7, and 18, T. 11 N., R. 9 E.; Secs. 3, 10, 14, 15, 23, 24, 25, 35, and 36, T. 1 S., R. 1 E., Copper River Meridian, Alaska;

12. A right-of-way, AA–9906, for an electrical transmission line granted to the Copper Valley Electric Association, Inc., under the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), located in Secs. 2, 11, 14, 23, 24, 25, and 36, T. 8 N., R. 2 W., Copper River Meridian, Alaska;

13. A right-of-way, AA–12692, for an electrical transmission line granted to the Copper Valley Electric Association, Inc., pursuant to the Act of October 21, 1976 (90 Stat. 2743), located in Secs. 3, 4, 10, 14, 23, 26 and 35, T. 1 S., R. 1 E., Copper River Meridian, Alaska;

14. Those rights for pipeline purposes and related facilities granted to Amerada Hess Corporation, ARCO Pipeline Comany, Exxon Pipeline Company, Mobil Alaska Pipeline Company, Phillips Petroleum Company, Sohio Pipeline Company and Union Alaska Pipeline Company, their successors and assigns, by the Agreement and Grant dated January 23, 1974, as modified April 27, 1979, pursuant to Section 28 of the Mineral Leasing Act (30 U.S.C. 185), as amended by Pub. L. 93–153 (87 Stat. 576), on November 16, 1973, serial No. AA–5847 and its related facilities more specifically identified as follows:

a. AA–5847, Oil transportation pipeline located in Secs. 2, 11, 14, 23, 24, 25 and 36, T. 8 N., R. 2 W., and Secs. 3, 4, 10, 14, 23, 25, 26 and 35, T. 1 S., R. 1 E., Copper River Meridian, Alaska;
b. AA–8619, Equipment Site, Block Valve Site No. 100, located in Sec. 14, T. 8 N., R. 2 W., Copper River Meridian, Alaska;
c. AA–8615, Mechanical Refrigeration Site No. 6, located in Sec. 11, T. 8 N., R. 2 W., Copper River Meridian, Alaska;
d. AA–8616, Mechanical Refrigeration Site No. 7, located in Sec. 25, T. 8 N., R. 2 W., Copper River Meridian, Alaska;
e. AA–8649, Communication Site, Stuck No. 2 Backbone, located in Sec. 8, T. 1 S., R. 1 E., Copper River Meridian, Alaska;
F. AA–8499, Communication Site, Block Valve Site No. 100, located in Sec. 14, T. 8 N., R. 2 W., Copper River Meridian, Alaska;

15. Access roads rights-of-way granted to the Trans-Alaska Pipeline pursuant to Sec. 28 of the Mineral Leasing Act, 30 U.S.C. 185, as amended by Pub. L. 93–153 (87 Stat. 576), on November 16, 1973 as to:

a. AA–8842, located in Sec. 10, T. 1 S., R. 1 E., Copper River Meridian, Alaska;
b. AA–8843, located in Sec. 3, T. 1 S., R. 1 E., Cooper River Meridian, Alaska.

To date, approximately 908,311 acres selected pursuant to Sec. 12(c) of ANCSA have been approved for conveyance to AHTNA Incorporated.

Within the above described lands, only the following inland water bodies are considered to be navigable:

Chitina River;
Copper River.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the TUNDRA TIMES and the ANCHORAGE TIMES.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board: *provided, however,* Pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 21, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 "C" Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

AHTNA, Incorporated, Drawer G, Cooper Center, Alaska 99573;
State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Forth Avenue, Anchorage, Alaska 99501.

Ann Johnson,
Chief, Branch of Adjudication.

[FR Doc. 81-24320 Filed 8-19-81; 8:45 am]
BILLING CODE 4310-84-M

[A 17000-F (partial)]

Arizona, Classification of Public Lands for State Indemnity Selection

1. Pursuant to the Act of June 20, 1910 (the Enabling Act, as amended), the provisions of Section 7 of the Taylor Grazing Act and the regulations in 43 CFR Part 2400, the public lands described below are hereby classified for State Indemnity Selection. The State of Arizona has filed applications to acquire the described lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been serialized as A 17000-F.

2. The lands involved in this classification notice were previously published as proposed classification A 7712; **Federal Register**, Vol. 38, No. 210, November 1, 1973, 30114-30113; and proposed classification A 7015; **Federal Register**, Vol. 46, No. 19, January 29, 1981, 9788. The proposed transfer was widely publicized. Nearly all comments received supported the proposed classification, and the land is being classified as proposed.

3. The lands lie in Pima county, Arizona in the Tucson vicinity. The lands are described as follows:

Gila and Salt River Meridian

[A 7712]

T. 13 S., R. 11 E.,
Sec. 4: Lots 3, 4.
T. 14 S., R. 12 E.,
Sec. 35: Lots 1, 2, N½NW¼, SW¼NW¼, NW¼SE¼NW¼, SW¼SE¼NW¼, W½SW¼.

The area described contains 382.73±acres.

Gila and Salt River Meridian

[A 7015]

T. 15 S., R. 12 E.,
Sec. 1, Lots 8, 9;
Sec. 3, Lots 1, 2;
Sec. 4, Lots 5 thru 8 incl., 11, 12, 29-38 incl.;
Sec. 5, Lots 53-69 incl.;
Sec. 9, N½NW¼, N½S½NW¼, S½SW¼NW¼;
Sec. 10, Lots 37, 38, 39, 40, 58, 59, 60;
Sec. 19, Lots 1, 2, 3, 4, E½, E½W½;
Sec. 20, W½, SE¼.
T. 16 S., R. 11 E.,
Sec. 6: Lots 3, 4, 5, SE¼NW¼.

The area described contains 1684.88±acres.

This classification decision is based on the following disposal criteria set forth in Title 43, Code of Federal Regulations, Part 2400. Transfer of the lands to the State will help fulfill the Federal Government's common school land grant to the State, and constitutes a public purpose use of the land. Lands found to be valuable for a public purpose use, will be considered chiefly valuable for pulbic purposes (43 CFR 2430.2b).

5. The subject lands are under Section 15 grazing leases to Wingfield Cattle Co., c/o Edward Wingfield, P.O. Box 1608, Nogales, AZ 85621, and Charles W. Reeves, Star Route, P.O. Box 33, Marana, AZ 85238. One range improvement, a fence, is on the Reeves allotment. In the event these lands are clearlisted, this grazing use will be terminated at the time title to the land is transferred to the state. Threatened and Endangered Species and Cultural Resources Evaluations have been performed and approved for subject classification. Any cultural resources on the above described parcels will be managed by the State of Arizona under the terms of the Memorandum of Agreement Regarding Cultural Resource Protection. A study has been made of the area which indicates little potential for mineral exploration. There are no mining claims recorded with BLM for these lands, nor was any evidence of mining activity found on the ground. Rights-of-way will transfer with the land to the state.

6. The public lands classified by this notice are shown on maps on file and available for inspection in the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon, Phoenix, Arizona 85017.

7. On or before September 21, 1981, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3 and 2462.3. Interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

Dated: August 14, 1981.

William K. Barker,
District Manager.

[FR Doc. 81-24301 Filed 8-19-81; 8:45 am]
BILLING CODE 4310-84-M

[Designation Order NM-020-8101]

New Mexico Off-Road Vehicle Designations

August 10, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: ORV Designation.

SUMMARY: Notice is hereby given relating to the use of off-road vehicles on public lands, in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR 8340 to protect sensitive resources. The following described lands under the administration of the Bureau of Land Management are designated as limited or open:

The designation areas located in the Stallion Planning Area, which incorporates the old Stallion and Ladrone Planning Units. The open areas include the public land arroyo bottoms, east of the Rio Grande, in T. 2 S. and T. 3 S., R. 1 E. (except for the upper portion of Arroyo del Tajo, Section 13 and to the east). Approximately 1,230 acres are designated as open.

The limited designation areas include the remainder of public lands in Socorro and Valencia Counties within the Stallion/Ladrone Planning Units. Vehicles are limited to designated roads and trails presently maintained or used for public travel. Approximately 990,000 acres are designated as limited.

This decision was arrived at in 1977 following one and one-half years of public input in the Stallion/Ladrone planning processes. With the finalization of the designation procedures in 1980, the public was again polled and their comments utilized in

arriving at this decision. It is the intent of BLM to use a rule of reason in enforcing this designation: Flexible management to meet the intent of limited designation (while encouraging legitimate ranch, mining and recreation vehicle use) will be followed by the Authorized Officer. An environmental assessment of the decision has been completed and the public is encouraged to inspect it at the office below:

ADDRESS: For further information about these designations, contact the following Bureau of Land Management Office: District Manager, Socorro District Office, P.O. Box 1219, Socorro, NM 87801.

Charles W. Luscher,

State Director.

[FR Doc. 81-24254 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Release of Wilderness Inventory Units From Further Wilderness Consideration

August 12, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given of the release of the following New Mexico wilderness inventory units from further wilderness consideration:

BLM district	Name	Number	Total acreage
Socorro	Magdalena A	NM-020-048A	3,640
	Magdalena B	NM-020-048B	320
	Magdalene C	NM-020-048C	400

SUMMARY: The identified wilderness inventory units were contiguous to the Cibola National Forest's Ryan Hill RARE II Area. The final decision as to whether to designate the Magdalena inventory units WSA's or drop them from further wilderness consideration was, therefore, deferred pending Congressional action on Ryan Hill (Notice of Final Intensive Wilderness Inventory Decisions, pages 75590–75593). All three Magdalena inventory units are less than 5,000 acres in size and dependent upon the Ryan Hill area for wilderness characteristics.

The New Mexico Wilderness Act (Pub. L. 96-550), which was signed into law December 19, 1980, released the Ryan Hill RARE II Area from wilderness consideration.

Since BLM intensive wilderness inventory units NM-020-048A/B/C were dependent for wilderness characteristics upon the Ryan Hill RARE II Area, the Magdalena units are dropped from the BLM wilderness review process and are no longer protected by interim management restrictions. The final decision announced in this notice will become effective August 20, 1981. There is no public comment period on this decision.

FOR FURTHER INFORMATION CONTACT: Jornada Area Manager, Bob Cordell or District Wilderness Specialist, Kent Carlton, Socorro District, Bureau of Land Management, P.O. Box 1219, Socorro, NM 87801.

Larry L. Woodard,

Associate State Director.

[FR Doc. 81-24260 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Brothers Planning Area Grazing Management; Intent To Prepare Environmental Impact Statement and Conduct Scoping Meetings

The Department of the Interior, Bureau of Land Management, Prineville District Office will be preparing an Environmental Impact Statement (EIS) covering the grazing management program on 1,028,000 acres of public land in the Brothers Planning area which comprises the south half of the Prineville District. The final statement is to be completed by September 30, 1982. Various management alternatives for the grazing program have been developed from coordinated planning for all resources through the Bureau's land use planning system. The objectives of the proposed program are to enhance the vegetative resource, provide quality habitat for wildlife, provide a continuous supply of livestock forage, reduce soil erosion, maintain recreational resources, and protect visual and cultural resources.

The EIS will discuss alternatives to the proposed grazing management program. Two alternatives, no action and no livestock grazing, will be included in the EIS. Other alternatives being considered for discussion include at least a higher and lower level of livestock grazing than that in the proposal.

The EIS will identify the impacts that can be expected from implementation of either the proposed grazing management program or any of the alternatives discussed. The statement will be an analytical tool used in making final decisions for managing livestock grazing in the Brothers EIS area.

Three public scoping meetings will be held to identify the significant issues which will be discussed in detail in the EIS. Also to be discussed in the meetings are the various alternatives that could realistically be addressed in the EIS and the possible methods of obtaining public comment on the draft EIS after it is published next year. Input from the public will be sought in those areas. The meetings will be held September 21 at 7:30 p.m. in the basement conference room of the Oregon State Office of the Bureau of Land Management located at 729 N.E. Oregon Avenue in Portland, on September 22 at 7:00 p.m. in the Catholic Church Parish Hall located at 150 East First Street in Prineville, and at 7:00 p.m. September 23, in the Bend Riverhouse Motor Inn located at 3075 North Highway 97 in Bend.

Further information may be obtained from: Bureau of Land Management, Prineville District Manager, P.O. Box 550, Prineville, Oregon 97754, telephone: (503) 447-4115.

Dated: August 12, 1981.

James L. Hancock,

Assistant District Manager.

[FR Doc. 81-24255 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Termination of Disposal Classification

1. By Order of the Oregon State Director, Bureau of Land management, dated January 26, 1971, the following described public lands were classified for disposal through exchange pursuant to Section 2 of the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1412):

Willamette Meridian, Oregon

T. 8 S., R. 46 E., W.M.,
Sec. 34, S½NE¼, SW¼SW¼, E½SW¼, and SE¼.
T. 9 S., R. 46 E., W.M.
Sec. 1, S½SW¼ and SW¼SE¼;
Sec. 3, Lots 1, 2, and 3;
Sec. 12, NE¼ and E½NW¼.
T. 9 S., R. 47 E., W.M.,
Sec. 6, S½SE¼;
Sec. 7, Lots 1, 2, 3, 4, NE¼, E½NW¼, E½SE¼, and NW¼SE¼;
Sec. 8, SE¼SW¼ and SE¼SE¼;
Sec. 9, NE¼SW¼;
Sec. 17, NE¼NW¼.

The areas described aggregate 1,591.18 acres in Baker County, Oregon.

2. The above-described public lands have been eliminated from any exchange proposal; accordingly, pursuant to 43 CFR 2461.5(c)(2), the classification is terminated upon publication of this notice in the **Federal Register.**

3. At 10:00 a.m., on September 21, 1981, the above-described public lands will be relieved of the segregative effect

of the above-mentioned classification order.

Paul M. Vetterick,

Acting State Director.

August 14, 1981.

[FR Doc. 81-24292 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board; Meeting

August 13, 1981.

A meeting of the Prineville District Grazing Advisory Board will be held at 1:00 p.m., September 15, 1981 in the conference room of the District Office located at 185 East Fourth Street, Prineville, Oregon 97754.

The primary agenda item will be expenditure of range betterment fund for F.Y. 1982.

The meeting is open to the public and anyone wishing to comment personally or by written statement is asked to notify the District Manager prior to the meeting for a time allotment.

James L. Hancock,

Assistant District Manager.

[FR Doc. 81-24250 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Salmon District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Salmon District Advisory Council will be held on Wednesday, September 2, 1981 at 10 a.m., at the Salmon District Office in Salmon, Idaho.

Agenda for the meeting will include discussion of:

1. Range improvements and maintenance.
2. Bureau range program.

The meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Salmon District Office by August 28, 1981.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: August 13, 1981.

Harry R. Finlayson,

District Manager.

[FR Doc. 81-24256 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Salmon District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Grazing Advisory Board.

DATE: The meeting will be held at 10:00 a.m., Thursday, September 1, 1981.

ADDRESS: The meeting will be held at the Salmon District Office, Bureau of Land Management, Conference Room, South Highway 93, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Laws 92-463 and 94-579. The purpose of the meeting will be to discuss (1) Range improvement and maintenance; (2) Range Program.

The meeting is open to the public. Anyone may make oral statements to the Board or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467, by August 28, 1981.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection within 30 days following the meeting.

Dated: August 13, 1981.

Harry R. Finlayson,

District Manager.

[FR Doc. 81-24257 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Susanville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 (FLPMA) that a meeting of the Susanville District Grazing Advisory Board will be held on September 14, 1981.

The meeting will begin at 10:00 a.m. in the Susanville District Office of the Bureau of Land Management, Susanville, California.

The agenda for the meeting will include:

1. Signal Butte Well Funding.
2. Wild Horse Program Changes
3. RCD Participation in Range Projects.
4. Use of Range Improvement Dollars.
5. Update on Range Policy.
6. Update on District Matters.
7. Report on Stewardship Recommendations to District Manager.
8. Other Items as Appropriate.
9. Public Comments.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:30 p.m. and 4:30 p.m., or file a written statement for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California, 96130-1090, by September 11, 1981. Depending upon the number of persons wishing to make oral statements, a per person list limit may be established.

Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Ben F. Collins,

Acting District Manager.

[FR Doc. 81-24302 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[U-43018]

Land Outside Right-of-Way for Olmstead-Park City Transmission Line; Lifting of Segregative Effect of Withdrawals for Project No. 765 in Utah; Correction

In FR Doc. 81-7735, page 16336, March 12, 1981, the land description in paragraph No. 1 is amended to include Sec. 33, T. 2 S., R. 4 E., and Sec. 15, T. 3 S., R. 4 E. Paragraph No. 2, is amendd to include Sec. 27, T. 5 S., R. 3 E., Secs. 5, 6, and 7, T. 5 S., R. 4 E., and to delete Sec. 15, T. 3 S., R. 4 E.

Dated: August 13, 1981.

Dean Stepanek,

Acting State Director.

[FR Doc. 81-24295 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[W-71314]

Sweetwater County, Wyoming; Conveyance of Public Land

August 13, 1981.

Notice is hereby given that pursuant to Sec. 203 of the Act of October 21, 1976, (90 Stat. 2750; 43 U.S.C. 1712) the City of Green River, Wyoming, P.O. Box 1140, Green River, Wyoming 82935, has been issued a conveyance document for the following described land:

Sixth Principal Meridian, Wyoming

T. 18 N., R. 107 W.,
Sec. 34, N½NE¼NE¼, W½NE¼, and NW¼SE¼NE¼, S½SE¼NE¼.

Containing 130.00 acres.

The purpose of this notice is to inform the public and interested state and local

governmental officials of the conveyance.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-24297 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[W-15468]

Wyoming; Partial Termination of Classification for Multiple-Use Management and Partial Termination of Mineral Segregation

August 12, 1981.

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964, (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order dated December 1, 1970, (Serial No. W-15468), published in the **Federal Register** December 9, 1970, Vol. 35 No. 238, p. 18683, is hereby terminated insofar as it affects the public lands in the following described areas:

Sixth Principal Meridian, Wyoming

T. 55 N., R. 92 W.,
Secs. 4, 5, and 6.
T. 56 N., R. 92 W.,
Secs. 31, and 32.
T. 57 N., R. 92 W.,
Secs. 5, and 7;
Sec. 18, lot 1, NE¼, and NE¼SE¼.
T. 58 N., R. 92 W.,
Secs. 17 to 20, inclusive, and secs. 29 to 32, inclusive.
T. 55 N., R. 93 W.,
Secs. 1 to 6, inclusive.
T. 56 N., R. 93 W.
T. 57 N., R. 93 W.,
Secs. 1 to 3, inclusive;
Sec. 4, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 5, W½NE¼, SE¼NE¼, W½, and SE¼;
Secs. 6 to 8, inclusive;
Sec. 9, NE¼SW¼, and N½SE¼;
Sec. 10, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 11, E½, NW¼, N½SW¼, and SE¼SW¼;
Sec. 12;
Sec. 13, N½N½;
Sec. 14, N½NE¼;
Secs. 16 to 36, inclusive.
T. 58 N., R. 93 W.,
Sec. 19, lots 1, 2, S½NW¼, E½SW¼, and SE¼;
Sec. 20, lots 3, 4, 5, 6, and 8;
Sec. 21, lots 5, 6, and SE¼NE¼;
Secs. 22 to 28, inclusive;
Sec. 29, NE¼, W½W½, N½SE¼, and SE¼SE¼;
Secs. 30, and 31;
Sec. 32, W½, and SW¼SE¼;
Sec. 33, N½, N½SW¼, SE¼SW¼, and SE¼;
Secs. 34 to 36, inclusive.
T. 55 N., R. 94 W.,
Secs. 1, 2, 3, 5, and 6.
Tps. 56 and 57 N., R. 94 W.
T. 58 N., R. 94 W.,
Sec. 19;
Sec. 20, lots 1, 2, 7, 8, S½N½, and S½;
Secs. 21 to 23, inclusive;
Sec. 24, lots 3 to 6, inclusive, S½N½, and S½;
Secs. 25 to 27, inclusive;
Sec. 28, N½, SW¼, and N½SE¼;
Secs. 29 to 36, inclusive.
T. 56 N., R. 95 W.,
Secs. 4, 5, 6, and 12.
T. 57 N., R. 95 W.
T. 56 N., R. 96 W.,
Secs. 1, 2, 3, and 11.
T. 57 N., R. 96 W.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 26, and 35.
T. 58 N., R. 96 W.
T. 58 N., R. 97 W.,
Secs. 22, 24, 25, and 26.

The public lands within the area described above aggregates some 109,559.73 acres in Big Horn County.

2. The classification order segregated the public lands described above from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334) and from sales under section 2455 of Revised Statutes, 28 Stat. 687, (formerly 43 U.S.C. 1171). At 7:45 a.m. on September 29, 1981, the lands shall be open to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

3. The following described lands were further segregated from appropriation under the general mining laws (30 U.S.C. 21):

T. 57 N., R. 94 W.,
Sec. 23, SE¼;
Sec. 26, NW¼NE¼.

The lands described contains 200 acres in Big Horn County. At 7:45 a.m. on September 29, 1981, the lands will be open to location under the United States mining laws.

4. All of the lands have been and will continue to be open to the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-24294 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[W-71787]

Wyoming; Realty Action; Exchange of Public Lands in Park County for Private Lands in Big Horn County

August 13, 1981.

The following described lands have been determined to be suitable for disposal by exchange under Sec. 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Sixth Principal Meridian, Wyoming

T. 49 N., R. 100 W.,
Sec. 8, S½SE¼;
Sec. 10, S½SW¼, SW¼SE¼.
Containing 200.00 acres.

In exchange for these lands the United States will acquire from The Bar TL Ranch title to lands described as:

Sixth Principal Meridian, Wyoming

T. 49 N., R. 97 W.,
Sec. 4, N½SW¼, NW¼SE¼, SE¼, SE¼;
Sec. 9, NE¼NE¼.
Containing 200.00 acres.

The purpose of the exchange is to diminish private lands in the "Fifteen Mile Wild Horse Area." The value of the lands to be exchanged is equal and the public interest will be well served.

The terms and conditions applicable to the exchange are:

1. A reservation to the United States of the right to construct ditches or canals pursuant to the Act of August 30, 1890 (43 U.S.C. 945);

2. A reservation to the United States of all minerals in the lands to be disposed of. The mineral estate in the lands to be acquired by the United States belong to the United States by virtue of a reservation in the original patent.

Detailed information concerning the exchange including the planning documents and environmental assessment is available for review at the Worland District Office, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

On or before September 14, 1981 interested parties may submit comments to the State Director, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82001. Any adverse comments will be evaluated by the State Director who may vacate or modify this really action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-24296 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[W-15948]

Wyoming; Termination of Classification of Public Lands for Multiple-Use Management

August 12, 1981.

1. On October 4, 1969, (FR Vol. 34 No. 191, pages 15492–15493), the public lands described in the notice aggregating approximately 387,348 were classified

for multiple use management under the Act of September 19, 1964, and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334) and from sales under Section 2455 of the Revised Statutes (43 U.S.C. 1171).

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph 1 above is hereby terminated. This action will restore the lands to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-24300 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Texas

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3937, Block A-22, Brazos Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 14, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-24259 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to 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-2-152

Decided: August 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2512 (Sub-27), filed August 3, 1981. Applicant: CITY TRANSFER & STORAGE CO., 1152 Marine Dr., Astoria, OR 97103. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, 503-226-3755. 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) *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 59583 (Sub-186), filed August 3, 1981. Applicant: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington,

DC 20014. (301) 986–1410. Transporting *general commodities*, between Summerfield, NC, on the one hand, and, on the other, points in the U.S.

Note.—(1) The purpose of this application is to substitute motor-carrier service for abandoned rail-carrier service, and (2) applicant intends to tack this authority with existing regular-route authority.

MC 157343, filed July 27, 1981. Applicant: GOLD TRANSIT SYSTEMS, INC., 501 Couch Dr., Suite 107, Oklahoma City, OK 73102. Representative: Dean McDaniel, P.O. Box 26203, Oklahoma City, OK 73026, (405) 232–1344. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157462, filed August 3, 1981. Applicant: DALLEY-MERRIAM & ASSOCIATES, 7927 Jones Branch Drive, Suite 400, McLean, VA 22102. Representative: Ron Dalley (same as applicant), (703) 556–0990. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157552, filed August 6, 1981. Applicant: GARY P. GUILLORY, d.b.a G & G TRUCKING, Route 2, Box 276, Mansura, LA 71350. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. 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 157573, filed August 6, 1981. Applicant: ATLANTIC-ILLINOIS-PACIFIC, INC., 248 South Gorden St., Kankakee, IL 60901. Representative: Patrick H. Smyth, 19 South LaSalle St., Suite 401, Chicago, IL 60603, 312–263–2397. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–5–126

Decided: August 10, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 141088 (Sub-6), filed July 27, 1981. Applicant: KEYSTONE DELIVERY SERVICE, INC., 60 NW 37th St., Miami, FL 33127. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53d St., Miami, FL 33166, (305) 592–0036. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 156299, filed July 29, 1981. Applicant: Bill Hill, d.b.a. HILL TRUCKING, 104 Castle Ave., Paragould, AR 72450. Representative: Billy Gene Hill (same address as applicant), (501) 236–2953. Transporting *general commodities* between Hamburg, AR, on the one hand, and, on the other, points in the U.S.

Note.—The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service.

MC 157359, filed July 27, 1981. Applicant: ROBERT A. MacDONALD, d.b.a. BOB MacDONALD TRUCKING, Box 9694, Yakima, WA 98909. Representative: Robert A. MacDonald (same address as applicant), (509) 248–1340. 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 157398, filed July 29, 1981. Applicant: CONNIE "B" TRUCKING CO., INC., P.O. Box 1714, Norfolk, VA 23501. Representative: Arthur G. Blakey, 5433 Berry Hill Rd., Norfolk, VA 23502, (804) 461–0635. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157408, filed July 27, 1981. Applicant: SUBURBAN MESSENGER SERVICE, INC., S–4785 Lakeshore Rd., Hamburg, NY 14075. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, (716) 853–0200. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 157429, filed July 31, 1981. Applicant: FEEL GOOD ENTERPRISES, INC., 223 West 3rd, Houston, TX 77018. Representative: C. W. Ferebee, 720 North Post Oak Rd., Suite 230, Houston, TX 77024, (713) 688–6110. Transporting (1) *shipments weighting 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 (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–5–129

Decided: August 12, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 146019 (Sub-3), filed July 31, 1981. Applicant: ST PETERS TRANSPORTATION INC., 14 Heather Dr., St Peters, MO 63376. Representative: Robert E. Reeves (same address as applicant), (314) 441–3534. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 157478, filed August 3, 1981. Applicant: W. BROWN HALL, 3161 Flower St., Huntington Park, CA 90225. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. 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 157518, filed August 4, 1981. Applicant: DONALD W. OVERCAST, SR., d.b.a. DOUBLE D TRUCKING, 1101 Hunter Drive, Mechanicsville, VA 23111. Representative: Barry Weintraub, 8133 Leesburg Pike, Suite, Vienna, VA 22180, (703) 442–8330. Transporting *food and other edible products and by-products 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24285 Filed 8–19–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request

and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPI-230

Decided: August 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 47171 (Sub-218), filed August 6, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant) (803)-879-2101. Transporting *general commodities* (except classes A and B explosives), (1) between points in CO, IA, KS, MN, NE, NM, ND, OK and SD; and (2) between points in CO, IA, KS, MN, NE, NM, ND, OK and SD, on the one hand, and, on the other, points in and east of WI, IL, MO, AR and TX.

MC 59570 (Sub-50), filed August 5, 1981. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Rd., Toms River, NJ 08753. Representative: Harry C. Maxwell, P.O. Box 887, 510 Arthur Dr., Cherry Hill, NJ 08003 (609) 428-4704. Transporting *general commodities* (except classes A and B explosives) between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 75281 (Sub-22) filed August 5, 1981. Applicant: BOOTHEEL TRANSPORTATION COMPANY, a Corporation, P.O. Box 511, Sikeston, MO 63801. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338, (404) 451-0401. Transporting *chemicals*, between points in Vigo and Marion Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 79550 (Sub-12) filed July 27, 1981. Applicant: ERSKINE TRUCKING, INC., 6210 Center Rd., Lowellville, OH 44436. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889-2531. Transporting (1) *ores and minerals*, (2) *clay, concrete, glass or stone products*, (3) *metal products*, (4) machinery, and (5) *building materials*, between points in IN, KY, MI, NY, OH, PA, and WV.

MC 117991 (Sub-6) filed August 3, 1981. Applicant: ZAVITZ BROTHERS LIMITED, R.R. No. 1, Wainfleet, Ontario, CD LOS 1VO. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202, (716) 853-0200. Transporting (1) *food and related products*, between those points in the U.S. east of ND, SD, NE, KS, OK, and TX, and (2) *metal products*, between ports of entry on the international boundary line between the U.S.-Canada in NY, on the one hand, and, on the other, points in NY.

MC 126660 (Sub-15) filed August 3, 1981. Applicant: G & G CARRIERS, INC., P.O. Box 102, 509 Cooper St., Camden, NJ 08101. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966 (215) 357-7220. Transporting (1) *coal and coal products*, between points in Northumberland and Schuylkill Counties, PA, on the one hand, and, on the other, points, in CT, MA, ME, NH, NJ, NY, PA, and VT, and (2) *waste or scrap materials* not identified by industry producing, between points in CT, DE, IL, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VA, VT, and WV.

MC 128290 (Sub-21) filed August 5, 1981. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434-3381. Transporting *packaging materials*, between points in Guilford and Caldwell Counties, NC, Somerset County, NJ, York County, PA, Marion County, IL and Pontotoc County, MS, on the one hand, and, on the other, points in SC, VA, PA, NJ, FL, GA, AL, TN, CT, MA, RI, VT, NJ, NY, OH, IL, IN, MN, WI, MI, IA, MO, KY, CO, KS, NB, OK, TX, MS, AR, MD, ME, NH, DE, NC, LA, WV, and DC.

MC 141870 (Sub-3), filed August 4, 1981. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401 (205) 578-2836. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Kinnet Dairies, Inc., of Columbus, GA.

MC 147570 (Sub-2), filed July 28, 1981. Applicant: KABAT EXPRESS, INC., 1944 Scranton Rd., Cleveland, OH 44113. Representative: Arthur E. Gogol, 7723 Greenwich Rd., Cleveland, OH 44254 (216) 948-2531. Transporting *such commodities* as are dealt in by a manufacturer and distributor of building materials, sealants, and adhesives, between Cleveland, OH, and points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 147681 (Sub-23), filed August 6, 1981. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. #2, West Middlesex, PA 16159. Representative: Michael P. Pitterich (same address as applicant) (412) 528-1200. Transporting *plastic products and food and related products*, between points in Worcester County, MA, on the one hand, and, on the other, points in CT, RI, NY, NJ, PA, OH, KY, TN, MI, IN, IL, MD, VA, WV, DE, and WI.

MC 153541, filed August 4, 1981. Applicant: TURLEY WHOLESALE & BUILDING SUPPLIES, 556 West Jones Creek Rd., Grants Pass, OR 97526. Representative: Dwayne D. Turley (same address as applicant) (503) 476-

2896. Transporting *lumber and wood products*, between points in CA, OR, and WA.

MC 154681 (Sub-2), filed August 3, 1981. Applicant: NORTH CENTRAL TRANSPORTATION, INC., Route #2, Box 83B, Fargo, ND 58102. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402 (612) 340-0808. Transporting *building materials*, between points in Hennepin and Ramsey Counties, MN, on the one hand, and, on the other, points in ND and SD.

MC 156800 (Sub-1), filed August 4, 1981. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (171) 344-8030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Macdermid, Incorporated of Waterbury, CT, and (2) Laticrete International, Inc., of Bethany, CT.

MC 156850, filed June 26, 1981, previously noticed in the **Federal Register** issue of July 20, 1981. Applicant: CHARLES MARKLE, d.b.a. MARKLE TRANSPORT, 12815 W. Carlisle Road, Frazeysburg, OH 43822. Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889-2531). Transporting *general commodities* except classes A and B explosives), between points in Coshocton, Franklin, Licking, Knox and Muskingum Counties, OH, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to reflect Licking County, OH, in Lieu of Holmes County, OH.

MC 157530, filed August 3, 1981. Applicant: PLAINS EXPRESS, INC., 411 Dumas Ave., Dumas, TX 79029. Representative: Jeffrey S. Baird, 621 S. Fillmore, Amarillo, TX 79101 (806) 372-5805. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 157531, filed August 5, 1981. Applicant: FREEDOM TRUCKING, INC., 3161 Bankhead Hwy., Atlanta, GA 30318. Representative: Harry Hyaduck (same address as applicant) (404) 792-0834. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Volume No. OPY-2-151

Decided: August 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1783 (Sub-37), filed July 30, 1981. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Hwy, Nashua, NH 03060. Representative: Charles A. Webb, Suite 1111, 1828 L St. NW, Washington, DC 20036, 202-296-2929. Transporting *footwear*, between points in Hunterdon County, NJ, on the one hand, and, on the other, points in ME, VT, NH, MA, CT, RI, NY, and PA.

MC 16513 (Sub-27), filed July 31, 1981. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Ave., Pennsauken, NJ 08110. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, 703-750-1112. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Colgate Palmolive Company, of New York, NY.

MC 39973 (Sub-6), filed July 29, 1981. Applicant: STANDARD TRUCKING COMPANY, 225 East 16th St., Charlotte, NC 28230. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St. NW, Washington, DC 20036, 202-783-8131. Over *regular routes*, transporting *general commodities* (except classes A and B explosives) (1) between Raleigh and Tarboro, NC, over US Hwy 64, (2) between Smithfield and New Bern, NC, over US Hwy 70, (3) between Nichols, SC and Wilmington, NC, over US Hwy 76, (4) between junction NC Hwy 710 and US Hwy 74 and Wilmington, NC: from junction NC Hwy 710 and US Hwy 74 over US Hwy 74 to Wilmington, (5) between Goldsboro and Washington, NC, over US Hwys 13 and 264, (6) between Wilmington, NC and North Myrtle Beach, SC, over US Hwy 17, (7) between Kinston and Jacksonville, NC, over US Hwy 258, (8) between Clinton, NC and junction US Hwy 258: from Clinton over NC Hwy 24 to junction US Hwy 258, (9) between Goldsboro and Wilmington, NC, over US Hwy 117, (10) between Rocky Mount and Goldsboro, NC, over US Hwys 301 and 117, (11) between Wilmington and New Bern, NC, over US Hwy 17, (12) between Smithfield and Wilmington, NC: from Smithfield over US Hwy 301 to junction US Hwy 701, then over US Hwy 701 to junction US Hwy 421, then over US Hwy 421 to Wilmington, and return over the same route, (13) between Fayetteville and Goldsboro, NC: from Fayetteville over US Hwy 301 to junction US Hwy 13, then over US Hwy 13 to junction US Hwy 117, then over US Hwy 117 to Goldsboro, and return over the same route, (14) between Lizzie and Tarboro, NC, over US Hwys 13 and 258, (15) between Tarboro and Greenville, NC: from Tarboro over US Hwy 64 to junction US Hwy 13, then over US Hwy 13 to Greenville, and return over the same route, (16) between Newton Grove and Kinston, NC, over NC Hwy 55, (17) between Wilson and Kinston, NC, over NC Hwy 58, (18) between Wallace and Beulaville, NC, over NC Hwy 41, (19) between Kenansville and Kinston, NC, over NC Hwy 11, (20) between Washington and New Bern, NC, over US Hwy 17, (21) between Whiteville and Shallotte, NC: from Whiteville over US Hwy 701 to junction NC Hwy 130, then over NC Hwy 130 to Shallotte, and return over the same route, (22) between Wilmington and Southport, NC, over NC Hwys 133 and 87, (23) between Supply and Southport, NC, over NC Hwy 211, (24) between Elizabethtown and Delco, NC, over NC Hwy 87, and (25) between Whiteville and Elizabethtown, NC, over US Hwy 701, serving all intermediate points in routes (1) through (25) above.

MC 107162 (Sub-82), filed July 14, 1981. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 52701. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of salt and related products, between Chicago, IL, Milwaukee, WI and points in Brown County, WI, on the one hand, and, on the other, points in the Upper Peninsula of MI.

MC 108223 (Sub-44), filed July 24, 1981. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., P.O. Box 43050, St. Paul, MN 55164. Representative: Warren K. Wahoske (same address as applicant) 612-786-9650. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of steel rotary blowers and fans, between points in Ashland County, OH, on the one hand, and, on the other, points in the U.S.

Mc 118883 (Sub-9), filed July 31, 1981. Applicant: VAN E. HAMLETT, Osage St., Box 8009, Nashville, TN 37207. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, 615-244-8100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chemrock Corporation, of Nashville, TN.

Mc 128473 (Sub-25), filed July 8, 1981. Applicant: MONTANA EXPRESS, INC., P.O. Box 3346, Butte, MT 59701. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208)343-3071. Transporting *talc and soap stone* between points in MT and CO, on the

one hand, and, on the other, points in AZ, CA, ID, NV, OR, UT and WA.

Mc 138073 (Sub-3), filed July 27, 1981. Applicant: BUF-AIR FREIGHT, INC., 495 Aero Dr., P.O. Box 588, Buffalo, NY 14221. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara St. Buffalo, NY 14202. Transporting (1) *Printed matter* and (2) *such commodities* as are dealt in or used in the manufacture, production and distribution of printed matter, between points in the U.S., under continuing contract(s) with Newsweek, Inc., of New York, NY.

Mc 14043 (Sub-15), filed July 30, 1981. Applicant: APPLE HOUSE, INC., 3726 Birney Ave., Scranton, PA 18505. Representative: Peter Wolff, 722 Pittson Ave., Scranton, PA 18505, 717-342-7595. Transporting *food*, between points in Lackawanna County, PA, on the one hand, and, on the other, points in FL, GA, NC, and SC.

Mc 144893 (Sub-4), filed July 24, 1981. Applicant: NORMAN HOWARD, d.b.a. HOWARD TRUCKING OF UTAH, 1755 East 800 North, St. George, UT 84770. Representative: J. Ralph Atkin, P.O. Box 339, St. George, UT 84770 (801)628-2612. Transporting (1) *malt beverages*, and (2) *such commodities* as are used by or dealt in by breweries between points in Jeferson County, Co. on the one hand, and, on the other, points in AZ and CA.

MC 145353 (Sub-3), filed August 3, 1981. Applicant: NELSON TRANSPORT, INC., P.O. Box 251, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd. Suite 307, Edina, MN 55424, 612-927-8855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Willmar Manufacturing, Division of Waycrosse, and (b) Willmar Cookie Co., Inc., both of Willmar, MN.

MC 147553 (Sub-16), filed July 30, 1981. Applicant: DENNIS MOSS AND GARY MOSS d.b.a. MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208-343-3071. Transport *such commodities* as are dealt in by grocery and food business houses, between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 148142 (Sub-1), filed July 31, 1981. Applicant: GORDON PRIEST, INC., 10 Quarry Rd., Acton, MA 01720. Representative: Robert G. Parks, 20 Walnut St. Suite 101, Wellesley Hills, MA 02181, 617-235-5571. Transporting *petroluem products*, between points in the U.S., under continuing contract(s) with Schultz Lubricants, Inc., of West Boylston, MA.

MC 150053 (Sub-2), filed July 10, 1981. Applicant: JERRY BELL, R.R. #2, P.O. Box 6, Columbus Junction, IA 52738. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, 515-244-2329. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of salt and salt products, between points in Rice County, KS, on the one hand, and, on the other, points, IA, IL, MO, MN, and WI.

MC 153893, filed July 20, 1981. Applicant: CARLILE ENTERPRISES, INC., P.O. Box 10-805, Anchorage, AK 99511. Representative: Arthur R. Hauver, Suite 200, 750 West 2nd Ave., Anchorage, AK 99501, 907-276-6354. Transporting *food and other edible products (including edible by-products* but excluding alcoholic beverages and drugs), *intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers*, between points in AK.

*Note.—This is *not* a fitness-related application.

Volume No. OPY-2-153

Decided: August 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF 563, filed August 3, 1981. Applicant: AMERICAN SHIPPERS, INC., P.O. Box 9313-Baer Field, Fort Wayne, IN 46899. Representative: Phillip A. Renz, Suite 200-Metro Bldg., Fort Wayne, IN 46802, 219-423-3595. As a *freight forwarder*, in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S.

MC 2232 (Sub-19), filed August 5, 1981. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Rd., and Corbin Lane, Morrisville, PA 19063. Representative: Bernard J. Kompare, 10 South LaSalle St., Suite 1600, Chicago, IL 60603, 312-263-1600. Transporting *such commodities* as are dealt in by discount and variety stores, between points in the U.S., under continuing contract(s) with K-Mart Corporation, of Troy, MI.

MC 72423 (Sub-12), 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. *General commodities* (except classes A and B explosives), between points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, PA, SC, SD, TX, UT, VA, WA, WV, WI and WY.

MC 107002 (Sub-590), filed July 31, 1981. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948-5711. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Southern Resins, Div. of Lawter International, of Moundville, AL, and (b) Ashland Chemical Co., Div., Ashland Oil, Inc., of Dublin, OH.

MC 112822 (Sub-491), filed July 13, 1981, published in the **Federal Register**, issue of July 24, 1981, and republished, as corrected, this issue. Applicant: BRAY LINES, INC., 1401 North Little St., Cushing, OK 74023. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264, 303-861-4028. Transporting *petroleum products*, between points in OK, on the one hand, and, on the other, points in the U.S. The purpose of this republication is to correct the commodity description.

MC 144503 (Sub-43), filed July 28, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Bldg., La Crosse, WI 54601, (608) 784-5860. Transporting *such commodities* as are dealt in or used by food business houses, between points in the U.S.

MC 151643, filed July 30, 1981. Applicant: LO-HI TRANSPORTATION, INC., 230 North Main St., P.O. Box 661, Fremont, NE 68025. Representative: Jack L. Shultz, 500 The Atrium, 1200 N St., P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *household furniture and home furnishings*, between points in the U.S., under continuing contract(s) with D & D Investment Co., Inc., d.b.a. Craftmatic Distributing, of Fremont, NE.

MC 155072, filed July 30, 1981. Applicant: TERRY W. JONES, d.b.a. TERRY W. JONES TRUCKING, 90289 Shore Ln., Eugene, OR 97402. Representative: Terry W. Jones (same address as applicant), (503) 689-3598. Transporting *malt beverages and wine*, between points in the U.S., Under continuing contract(s) with McDonald Candy Co., Inc., d.b.a. Western Beverage Co., of Eugene, OR.

MC 156003 (Sub-1), filed July 31, 1981. Applicant: BARRY FREIGHTWAYS, INC., Box 14786, Minneapolis, MN 55414. Representative: Ronald B. Sieloff, Ninth Floor Commerce Bldg., St. Paul, MN 55101, (612) 291-8044. Transporting, over

regular routes, *general commodities* (except classes A and B explosives), (1) between St. Paul and Isle, MN: from St. Paul over City streets to Minneapolis, then over U.S. Hwy 169 to junction MN Hwy 27, then over MN Hwy 27 to Isle, and return over the same route, (2) between Milaca and Foley, MN, over MN Hwy 23, and (3) serving all intermediate points on routes (1) and (2) above.

MC 157572, filed August 6, 1981. Applicant: W. H. KENT, INC., P.O. Box 317, Morrisonville, IL 62546. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with (a) Homa Distributors, of Taylor Springs, IL and (b) Sassatelli Distributing, Inc., of Taylorville, IL.

Volume No. OPY-5-124

Decided: August 7, 1981.
By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

W-9 (Sub-2), filed July 16, 1981. Applicant: SHERIDAN TRANSPORTATION COMPANY, 12, South 12th St., Philadelphia, PA 19107. Representative: Mark D. Russell, Suite 348 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004, (202) 737-2188. Transporting *sugar in bulk*, in tug and barge service, between points on the Atlantic Coast and Gulf Coast.

MC 141088 (Sub-7), filed July 28, 1981. Applicant: KEYSTONE DELIVERY SERVICE, INC., 60 NW. 37th St., Miami, FL 33127. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW. 53d St., Miami, FL 33166, (305) 592-0036. Transporting *such commodities* as are dealt in or distributed by a manufacturer of cosmetics, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Atlanta, GA.

MC 145359 (Sub-41), filed July 28, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Brunswick Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146758 (Sub-16), filed July 20, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie, (same address as applicant), (800) 533-6038. Transporting *meats and meat products*, between points in Anderson County, TX, on the one hand, and, on the other, points in the U.S.

MC 148079 (Sub-2), filed July 8, 1981, previously published in **Federal Register** (republication) on July 29, 1981. Applicant: FRYE TRUCKING COMPANY, INC., Middleton St., P.O. Box 835, Robbins, NC 27235. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629-2818. Transporting (1) *lumber and wood products* and (2) *forest products*,, (a) between points in AL, FL, GA, MD, NC, SC, TN, VA, and WV, (b) between points in CA and WA, on the one hand, and, on the other, points in FL, GA, NC, SC, TN, and VA, and (c) between points in FL, GA, NC, SC, and VA on the one hand, and, on the other, points in AR, CT, DE, IL, IN, KY, LA, MI, MS, NJ, NY, OH, PA, WI, and DC.

Note.—Purpose of republication is to correct part (c).

MC 148178 (Sub-3), filed July 27, 1981. Applicant: FORREST DALE BELVIN, d.b.a. DALE BELVIN TRUCKING, 277 West Sierra, Clovis, CA 93612. Representative: Dale Belvin (same address as applicant), (209) 292-2007. Transporting *air conditioner and heaters*, between points in the U.S., under continuing contract(s) with Luxaire, Inc., of Elyria, OH.

MC 149078 (Sub-10), filed July 21, 1981. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd., P.O. Box 3637, Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945-3002. Transporting (1) *general commodities* (except classes A and B explosives) between points in CA, AZ, WA, OR, NV, and ID, on the one hand, and, on the other, points in the U.S., (2) *such commodities* as are dealt in or used by manufacturers and distributors of sound recordings and radio receiving sets, between New York, NY, and points in Morris, Gloucester Counties, NJ, Carroll County, GA, Marion and Vigo County, IN, Santa Barbara, Los Angeles, Santa Clara, and Santa Cruz Counties, CA, Fairfield and New Haven Counties, CT Worcester County, MA, York County, ME, and Pinellas County, FL, on the one hand, and, on the other, points in the U.S., and (3) *building materials*, between points in Baltimore County, MD, Cuyahoga County, OH, and York County, PA, on the one hand, and, on the other, points in AR, CA, CO, IA, ID, KS, LA, MN, MO, NE, NM, OK, OR, TX, UT, WA, and WY.

MC 152378 (Sub-2), filed July 27, 1981. Applicant: RAIL-HIGHWAY TRANSPORTATION COMPANY, a division of AJF WAREHOUSE DISTRIBUTORS, INC., 11960 Westline Industrial Drive, Suite 330, St. Louis, MO 63141. Representative: Robert L. Cope, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Matchmaker, a division of AJF Distribution Systems, of St. Louis, MO. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 152609 (Sub-2), filed July 27, 1981. Applicant: SHIPPERS FREIGHT SERVICES, INC., 4910 SW. Red Wing Way, P.O. Box 1248, Lake Oswego, OR 97034. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting *paper and paper products*, between points in the U.S., under continuing contract(s) with the American Can Company, of Dale City, CA.

MC 152649 (Sub-7), filed July 24, 1981. Applicant: RIVERLAND TRUCKING CO., INC., West 10th Ave., P.O. Drawer BC, Reserve, LA 70084. Representative: Harry M. England, West 10th St., P.O. Drawer E, Reserve, LA 70084, (504) 536-1191. Transporting *sugar*, between points in the U.S. under continuing contract(s) with Godchaux-Henderson Sugar Company, Inc., of Reserve, LA.

MC 157108, filed July 7, 1981. Applicant: REVCO, INC., Rt. 1, Box 366-A, Amory, MS 38821. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Ave., Memphis, TN 38103, (901) 527-2482. Transporting (1) *forest products, lumber and wood products*, between the facilities of Weyerhaeuser Co., at points in MS and AL, and W. T. Vick Lumber Company, at points in Marion County, AL, on the one hand, and, on the other, points in AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, OH, OK, SC, TN, and TX; (2) *woodworking machinery*, between the facilities of Rose Machinery, Inc., at points in Leflore County, MS, or its vendors, at points in Guilford County, NC, Franklin County, PA, and Forest County, WI, on the one hand, and, on the other, points in AL, AR, KY, LA, and TN; (3) *dump vehicles and dump vehicle bodies*, between the facilities of Palmer Machine Works, Inc., at points in Monroe County, MS, on the one hand, and, on the other, points in AL, AR, LA,

and TN; (4) *nonmetallic minerals*, between the facilities of American Colloid Co., at points in Monroe County, MS, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NC, NE, ND, OH, OK, SC, SD, TN, and TX; and (5) *Mercer commodities*, between Houston, TX, on the one hand, and, on the other, points in IA, IL, LA, MO, MD, NM, OK, SD, and WY.

MC 157178, filed July 16, 1981. Applicant: J-WAY INC., Box 195, Sidney Winsor Road, Chepachet, RI 02814. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425—13th Street, NW., Washington, DC 20004, (202) 737-1030. Transporting *scrap metal*, between points in Providence County, RI, and Worcester County, MA, on the one hand, and, on the other, points in MA, RI, CT, ME, NH, NC, NY, PA, NJ, DE, MD, and VT.

Volume No. OPY-5-128

Decided: August 12, 1981.
By the Commission Review Board No. 3, members Krock, Joyce, and Dowell.

MC 5888 (Sub-66), filed August 6, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th St., Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *chemicals and related products*, between points in Wayne County, MI, and Cook County, IL, on the one hand, and, on the other, points in the U.S.

MC 72069 (Sub-40), filed August 5, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street NW., Washington, DC 20005, (202) 296-3555. Transporting *meat and meat products*, between Richmond, VA, and points in Greensville County, VA, on the one hand, and, on the other, points in MA, RI, CT, MN, NJ, PA, NC, SC, GA, FL, AL, TN, KY, WV, OH, IN, and IL.

MC 114829 (Sub-28), filed August 5, 1981. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling, IL 61081. Representative: Bernard J. Kompare, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under contract(s) with All State Shippers Association, Inc., of Chicago, IL.

MC 115669 (Sub-207), filed August 6, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes, (same address as applicant.), (402) 762-3511. Transporting *such commodities* as are used or dealt in by manufacturers of irrigation systems, between points in Adams County, NE, on the one hand, and, on the other, points in the U.S.

MC 115669 (Sub-208), filed August 6, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes, (same address as applicant.), (402) 762-3511. Transporting *salt and salt products*, between point in KS, on the one hand, and, on the other, points in the U.S.

MC 118838 (Sub-89), filed August 6, 1981. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *machinery*, between point in Trumbull, Mahoning and Stark Counties, OH, and Westmoreland County, PA, on the one hand, and, on the other, points in CA, CO, IA, ID, IL, MN, MT, ND, NE, OR, SD, UT, WA, WI, and WY.

MC 118848 (Sub-29), filed August 6, 1981. Applicant: DOMENICO BUS SERVICE, INC., 71 New Hook Access Rd., Bayonne, NJ 07002. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838-0600. Transporting *passengers and their baggage*, between New York, NY, on the one hand, and, on the other, Atlantic City, NJ, under continuing contract(s) with Stateline Recreation Concepts, Inc., of stateline, NV.

MC 121759 (Sub-2), filed August 3, 1981. Applicant: KIMKRIS TRUCKING CO., INC., 1101 Wright Avenue, Richmond, CA 94804. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111, (415) 986-1414. Transporting *general commodities* (except classes A and B explosives) between points in CA and NV.

MC 140818 (Sub-2), filed August 3, 1981. Applicant: THE GRAYLINE OF SEATTLE, INC., 1218 Third Ave, Suite 400, Seattle, WA 98101. Representative: Clyde H. MacIver, 1415 Fifth Ave., Suite 1900, Seattle, WA 98171, (206) 344-2160. Transporting *passengers and their baggage*, in special or charter operations, beginning and ending at points in WA, and extending to points in the U.S. (except HI).

MC 142059 (Sub-176), filed July 20, 1981. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Illinois Drive, Channahon, IL 60410. Representative: Jack Riley, (same address as applicant), (815) 729-3808. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Georgia-Pacific Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153309, filed August 3, 1981. Applicant: MID-VALLEY TRANSPORTATION & DISPOSAL, P.O. Box 155, Victor, MT 59875. Representative: Dwane D. Clarke (same address as applicant), (406) 642-3375. Transporting *plastic containers*, between points in the U.S., under continuing contract(s) with Northwest Polymeric, Inc., of Hamilton, MT.

MC 153658, filed July 27, 1981. Applicant: GULF ENTERPRISES, INC., P.O. Box 1869, La Porte, TX 77571. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35020, (205) 426-1265. Transporting (1) *chemicals and plastics*, between points in the U.S., under continuing contract(s) with Dow Chemical U.S.A., of Freeport, TX, and (2) *polyvinyl chloride*, between points in the U.S., under continuing contract(s) with Shintech, Inc., of Freeport, TX.

MC 154578, filed July 31, 1981. Applicant: BIL-MAR, INC., 16 Shadowbrook Lane, Milford, MA 01757. Representative: Lawrence T. Sheils, 316 Summer St., Fifth Floor, Boston, MA 02210, (617) 482-3830. Transporting *general commodities* (except classes A and B explosives), (a) between points in ME, NH, VT, MA, CT, and RI, and (b) between points in ME, NH, VT, MA, CT, and RI, on the one hand, and, on the other, points in NJ, NY, and PA.

MC 155869 (Sub-1), filed August 5, 1981. Applicant: UNITED STATES SERVICE CORPORATION, 170 Main Street, Holyoke, MA 01040. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *general commodities* (except classes A and B explosives) between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, and VT, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 157039, filed August 4, 1981. Applicant: JORDAN TRUCKING, INC., R. D. 1, Box 97, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830, (814) 765-9611. Transporting

lumber and lumber products, between points in Clearfield County, PA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 157528, filed August 3, 1981. Applicant: TRAVEL/EASE, INC., 1245 E. Washington, Ave., Madison, WI 53703. Representative: John P. Butters (same address as applicant), (608) 257-5555. To operate as a *broker* at Madison, WI, arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Dane County, WI, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24284 Filed 8-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 19]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 140159 (Sub-14)F (republication), filed January 25, 1980, published in the **Federal Register** issue of April 8, 1980, and republished this issue. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. A Decision of the Commission, Review Board 2, decided October 31, 1980, and served December 16, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over inrregular routes, in the transportation of *salt and salt products* from the facilities of International Salt Company at Retsof, NY, to points in Pennsylvania, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24311 Filed 8-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 145]

Motor Carriers; Permanent Authority Decisions; Restriction Removals Decision

Decided: August 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF 430 (Sub-1)X, filed July 31, 1981. Applicant: MOLLERUP FREIGHT FORWARDING, NEVEDA INC., d.b.a. MOLLERUP FREIGHT FORWARDING COMPANY, Seattle, WA 98133. Representative: Alan F. Wohlstetter, 1700-K Street, N.W., Washington, DC 20006. Applicant seeks to remove the exclusion of service to AK in its permit No. FF-430 to allow service between points in the U.S.

MC 2788 (Sub-5)X, filed July 27, 1981. Applicant: GLOVER TRUCKING CORP. P.O. Box 2706, Holland Station, Suffolk, VA 23437. Representative: Charles Ephraim, 406 World Center Building, 918 Sixteenth Street, NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, and 4 certificates, and in its MC-134564 (Sub-No. 6) permit, and additionally in MC-115056 (Sub-Nos. 2, 13, 14, 15, 16, and 18), authority granted it in MC-FC-78777. It seeks to (1) broaden commodity descriptions as follows: lead certificate, to "clay, concrete, glass or stone products" from crushed rock; "farm products, food and related products, and chemicals and related products" from livestock, agricultural commodities, and fertilizer; and remove all restrictions in the general commodities authority "except classes A and B explosives"; Sub-No. 1, to "food and related products" from animal and poultry feed and feed ingredients; Sub-No. 2 and MC-115056 certificates, to "lumber and wood products" from lumber, from wooden boxes, box shooks, and wood pallets; "recreational products" from fiberglass swimming pools; "food and related products" from pickle products, from sugar, and from pickles; "metal products, and clay, concrete, glass or stone products" from glass jars and jar caps; "metal products, and pulp, paper and related products" from cans; and "lumber and wood products, pulp, paper and related products, and food and related products" from barrels and spices; Sub-No. 4, to "Lumber and wood products, and related materials" from wood fencing and fencing materials; and, in Sub-No. 6 permit, to "chemicals and related products" from agricultural pesticides and emulsifiers; (2) remove restrictions against the transportation of (a) "agricultural commodities between Richmond, VA, and Ahoskie, NC and points in NC within 55 miles of Ahoskie" in the lead, (b) "plywood, veneer, and other laminated wood" in Sub-No. 2 and MC-115056 certificates, and (c)

"commodities in bulk, in tank vehicles" in Sub-No. 6 permit; (3) remove the "origin" restriction in Sub-No. 1; (4) remove the restriction against serving that portion of the commercial zone of Washington, DC lying in VA and MD in Sub-No. 2; (5) change one-way authority to radial authority; and (6) broaden the cities and facilities to county-wide authority as follows: lead certificate, Greensville County, VA (Skippers, VA): points in NC in and east of Rockingham, Guilford, Randolph, Moore, Hoke and Robeson Counties, NC, and Points in Va in and east of Prince William, Fauquier, Culpepper, Madison, Greene, Albemarle, Nelson, Amherst, Bedford, Franklin and Henry Counties, VA (points within 150 miles of Ahoskie, NC, including Ahoskie): lead and Sub-No. 2, Warren, Nash, Wilson, Pitt, Beaufort, Hyde, Tyrrell, Washington, Martin, Edgecombe, Halifax, Northampton, Hertford, Gates, Camden, Currituck, Pasquotank, Perquimans, Chowan and Bertie Counties, NC (Ahoskie, NC and points in that part of NC within 55 miles of Ahoskie); Sub-No. 1, York County, PA (facilities at York, PA), and Pickaway County, OH (facilities near Circleville, OH); MC-115056 certificates, points in NC in and east of Vance, Franklin, Wake, Johnson, Wayne, Lenoir, Jones and Carteret Counties, NC (Sunbury, NC and points in NC within 100 miles thereof): Chowan County, NC (Edenton, NC): Hertford and Bertie Counties, NC (Ahoskie, NC); and, in Sub-No. 6 permit, broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 99653 (Sub-21)X, filed July 28, 1981. Applicant: VICTORY FREIGHT LINES, INC., P.O. Box 763, Pell City, AL 35125. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Applicant seeks to remove restrictions in its Sub-Nos. 3, 6, 7F, 8F, 10F, 11F, 15F, 16F, 17F, and 19F certificates to (A) broaden the commodity descriptions to (1) in Sub-No. 3, (a) "transportation equipment" from wrecked and disabled motor vehicles and replacement motor vehicles, (b) "furniture and fixtures", from new furniture, (c) "clay, concrete, glass or stone products, petroleum, natural gas and their products, lumber and wood products, metal products and transportation equipment," from culvert pipe, petroleum products, empty drums and automobile parts, (d) "metal products," from iron and steel articles, (e) "pulp, paper and related products," from paper and paper articles, and (f) "general commodities, except classes A and B explosives," from general commodities, with usual exceptions; (2) in Sub-No. 6, "machinery, metal products and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from fans, fanwheels, pollution control equipment and equipment, materials and supplies used in the manufacture of fans and fanwheels; (3) in Sub-No. 7F, "machinery and metal products and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from water treatment equipment, pollution control equipment, iron and steel articles, and materials and supplies used in the manufacture of the above commodities; (4) in Sub-No. 8F, "containers and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from containers and materials, equipment and supplies used in the manufacture of containers; (5) in Sub-No. 10F, "metal products, pipe, rubber and plastics products and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from cast iron pipe and hydrants, and valves, couplings, gaskets, and fittings for cast iron pipe and hydrants; (6) in Sub-No. 11F, "building and construction materials, lumber and wood products and parts, and materials, equipment, and supplies used in the manufacture, sale and distribution of the above commodities," from gypsum wall board, lumber, posts, poles, piling, cross ties, particleboard and asphalt and composition board sheets; (7) in Sub-No. 15F, "machinery, metal products, and parts, and materials, equipment and supplies used in the manufacture, sale, and distribution of the above commodities," from air and water pollution control equipment and materials, equipment and supplies used in the manufacture of the above commodities; (8) in Sub-No. 16F, "metal products, pipe and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from cast iron pipe, valves, couplings, gaskets and fittings; (9) in Sub-No. 17F, "metal products, pipe, rubber and plastic products and parts, and materials, equipment and supplies used in the manufacture, sale, and distribution of the above commodities," from cast iron pipe, valves, couplings, gaskets and fittings for pipe; and (10) in Sub-No. 19F, "forest products, building and construction materials and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from forest products, lumber, posts, piling, timber, cross ties, particleboard, insulation sheets, gypsum wallboard, laminated wood products, veneer and materials, equipment and supplies used in the manufacture and distribution of the above commodities; (B) eliminate the (1) "size or weight" restrictions, in Sub-No. 3, (2) "commodities in bulk" and/or "in tank vehicles" restriction, in Sub-Nos. 7F, 8F, and 19F, (3) "AK and HI" restriction, in Sub-Nos. 7F and 15F, (4) "originating at or destined to" restriction, in Sub-Nos. 11F and 19F, and (5) "facilities" restriction, in Sub-Nos. 6, 7F, 8F, 10F, 11F, 16F and 17F; (C) authorize county-wide authority to replace existing city-wide authority: (1) Jefferson, Tuscaloosa, Talladega, Montgomery and Tallapoosa Counties, AL, for Birmingham, Tuscaloosa, Sylacauga, Montgomery, and Alexander City, AL, in Sub-No. 3, (2) Jefferson and Winston Counties, AL, for Birmingham and Addison, AL, in Sub-No. 7F, (3) Jefferson County, AL, for Birmingham, AL in Sub-Nos. 8F and 10F, and Trussville, AL, in Sub-No. 8F, (4) Howard, Garland, Sevier and Pike Counties, AR, and McCurtain County, OK, for Briar, Dierks, Mountain Pine, DeQueen and Murphreesboro, AR, and Wright City and Craig, OK, in Sub-No. 11F, (5) Mobile County, AL, for Mobile, AL, in Sub-No. 15F; and (D) authorize radial authority to replace existing one-way between points in various combinations of states throughout the U.S., in Sub-Nos. 6, 7F, 10F, 11F, 15F, 16F and 17F.

MC 107544 (Sub-160)X, filed June 18, 1981, previously noticed in the Federal Register of July 10, 1981, republished as follows: Applicant: LEMMON TRANSPORT COMPANY, INC., P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 20, 29, 31, 35, 37, 38, 41, 43, 47, 50, 55, 58, 71, 74, 76, 78, 86, 92, 95, 98, 102, 103, 104, 120, 122, 124, 127, 139, 141, 144, 146F, 147F, 150F, E-1, E-2 and E-7 to (A) broaden the commodity descriptions: to "commodities in bulk" from petroleum products, in bulk, in tank vehicles, petroleum and petroleum products, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, (except asphalt and asphalt products, and those commodities, other than naptha), as defined in Appendix XIII which are duplicated in Appendix XV to

Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, propane and butane, in bulk, in tank vehicles, anhydrous hydrazine, in bulk, in tank vehicles, unsymmetrical dimethylhydrazine, in bulk, in tank vehicles, unsymmetrical dimethylhydrazine and anhydrous hydrazine mixtures, in bulk, in tank vehicles, liquefied petroleum gas, in bulk, in tank vehicles, nitrogen tetroxide, in bulk, in tank vehicles, nitrogen tetroxide, in bulk, in tank vehicles, commodities in bulk, in tank vehicles, petroleum and petroleum products (except liquid chemicals), in bulk, in tank vehicles, lubricating oil, in bulk, in tank vehicles, petroleum products (except petro acids and chemicals and asphalt and asphalt products), in bulk, in tank vehicles, nitrogen fertilizer solutions, in bulk, in tank vehicles, plastic materials and synthetic latex, in bulk, carbon black, in bulk, in tank or hopper-type vehicles, natural latex, in bulk, in tank vehicles, dry carbon, in bulk, carbon, dry and spent carbon, in bulk, petroleum and petroleum products, except petrochemicals, acids, and asphalt, in bulk, in tank vehicles, fuel oil, in bulk, salt cake, in bulk, petroleum products (except petrochemicals) in bulk, in tank vehicles, sodium sulfate, in bulk, in tank vehicles, prophyllite, in bulk, in tank vehicles, and liquid coal treating compounds and liquid industrial water treating compounds, in bulk, in tank vehicles, in the lead certificate and in Sub-Nos. 20, 29, 31, 35, 37, 38, 41, 43, 47, 50, 55, 58, 71, 74, 76, 78, 86, 92, 95, 98, 102, 103, 104, 120, 122, 124, 127, 139, 141, 144, 146, 147, 150, E-1, E-2, and E-7 and to "chemicals and related products" from caustic soda, soda ash, bicarbonate of soda, and chlorine, dry or liquid, in bulk, in the lead certificate; (2) replace cities and facilities with city or county-wide authority: in the lead and Sub-No. 20, Knoxville, TN, with Knox, Anderson, Blount, and Sevier Counties, TN; in the lead, Abingdon, Bristol, Big Stone Gap, Norton, and Marion, VA, with Bristol and Norton, VA, Washington, Lee, Wise, Scott, and Smyth Counties, VA, and Sullivan County, TN; in the lead and Sub-No. 20, Warcer, TN, with Warcer, TN; Friendship, NC, with Forsyth and Guilford Counties, NC; in the lead, terminal near Greensboro, NC, with Rockinghan, Guilford, and Randolph Counties, NC; Marion and Wytheville, VA, with Smyth and Wythe Counties, VA; Dock and Boomer, WV, with Kanawha and Fayette Counties, WV; Boomer, WV, with Fayette and Kanawha Counties, WV; Saltville, VA, with Tazewell, Russell, Smyth, and Washington Counties, VA; Harriman and Knoxville, TN, Charleston and Huntington, WV, and Spartanburg and Rock Hill, SC, with Morgan, Roane, Knox, Anderson, and Sevier Counties, TN, Kanawha, Putnam, Wayne, and Cabell Counties, WV, Boyd County, KY, Lawrence County, OH, and Spartanburg, Cherokee, York, Chester, and Lancaster Counties, SC; in Sub-No. 31, Tyner, TN, with Chattanooga, TN; in Sub-No. 35, Thrift and Salisbury, NC, with Davidson and Rowan Counties, NC; in Sub-No. 37, terminal at or near Pineville, NC, with Mecklenburg County, NC, and York County, SC; in Sub-No. 38, Lake Charles, LA, and Saltville, VA, with Calcasieu Parish, LA, and Tazewell, Russell, Smyth, and Washington Counties, VA; Nimbus and Santa Susana, CA, and facilities at Denver, CO, with Nimbus, CA and Los Angeles and Ventura Counties, CA, and Boulder, Denver, Douglas, Jefferson, Arapahoe, and Adams Counties, CO; in Sub-No. 41, terminal near Apex, NC, with Wake County, NC; terminal near Cheraw, SC, with Chesterfield and Marlboro Counties, SC; in Sub-No. 43, Cape Canaveral, FL, with Brevard County, FL; in Sub-No. 47, missile sites in Pima, Cochise, Pinal, and Santa Cruz Counties, AZ, Conway, Faulkner, Van Buren, Cleburne, and White Counties, AR, and Sedgwick, Butler, Sumner, Cowley, Kingman, and Reno Counties KS, with the named counties; in Sub-No. 50, Friendship, NC, with Forsyth and Guilford Counties, NC; Sub-No. 55, Bluefield, WV, with Mercer County, WV, and Bland and Tazewell Counties, VA; facilities at or near Duty, Bartlick, Carbo, and Coeburn, VA, with Dickinson, Russell, and Wise Counties, VA; in Sub-No. 58, terminal at or near Montvale, VA, with Bedford, Botetourt, and Franklin Counties, VA; terminal at or near Roanoke, VA, with Roanoke, VA; in Sub-No. 71, Hercules, CA, with Contra Costa County, CA; Cape Kennedy, FL, with Brevard County, FL; facilities near Cleveland, OH, with Geauga, Portage, Lake, Summit, Medina, Lorain, and Cuyahoga Counties, OH; facilities at or near Davis-Monthan Air Force Base, AZ, Little Rock Air Force Base, AR, and McConnell Air Force Base, KS, with Pima County, AZ, Pulaski, Lonoke, Saline, and Faulkner Counties, AR, and Sedgwick County, KS; Denver, CO, and points within 25 miles of Denver, with Denver, Douglas, Elbert, Arapahoe, Adams, Weld, Boulder, Clear Creek, Jefferson, Park and Gilpin Counties, CO; in Sub-No. 76, Hercules, CA, with Contra Costa County, CA; in Sub-No. 78, facilities at or near Perryville, MD, with Cecil and Harford Counties, MD; in Sub-No. 86, Vicksburg, MS, with Warren and Issaquena Counties, MS, and Madison Parish, LA; in Sub-No. 92, Toledo, OH, with Lucas, Wood, and Ottawa Counties, OH, and Monroe and Lenawee Counties, MI; in Sub-No. 95, Savannah, GA, with Chatham County, GA and Jasper County, SC; in Sub-Nos. 98 and E-7, Romeo, FL, with Marion County, FL, in Sub-No. 103, terminal at or near Montvale, VA, with Bedford and Botetourt Counties, VA; in Sub-No. 104, facilities at or near Piney Point, MD, with St. Mary's County, MD; facilities at or near Front Royal, VA, with Warren, Fauquier, and Rappahannock Counties, VA; facilities at or near Fredericksburg, VA, with Fredericksburg, VA; in Sub-No. 124, Bluefield, WV, with Mercer County, WV, and Bland and Tazewell Counties, VA; Hugheston, WV, with Kanawha County, WV; in Sub-No. 127, Charleston, SC, with Charleston, Berkeley, and Dorchester Counties, SC; in Sub-No. 139, Nitro, WV, with Kanawha and Putnam Counties, WV; in Sub-No. 141, Robbins and Glendon, NC, with Moore County, NC; in Sub-No. 146F, Vicksburg, MS, with Warren and Issaquena Counties, MS and Madison Parish, LA; Bogalusa, LA, with Washington Parish, LA and Pearl River County, MS; in Sub-No. 150F, Muscle Shoals, AL, with Colbert and Lauderdale Counties, AL; in Sub-No. E-1, Salisbury and Thrift, NC, with Rowan and Davidson Counties, NC; and in Sub-No. E-2, Toledo, OH, with Lucas, Wood and Ottawa Counties, OH, Monroe and Lenawee Counties, MI; (3) change one-way to radial authority in all of the above sub-numbers except Sub-Nos. 71, 86, and 102; and (4) eliminate: in the lead, the restriction precluding service at the facilities of Hercules, Incorporated; in Sub-No. 20, the restriction precluding service at Abingdon, Big Stone Gap, and Marion, VA, and points within three miles of Marion; in Sub-Nos. 78 and 104, the originating at and destined to restrictions; in Sub-No. 102, the AK and HI exception; and in Sub-No. 127, the restriction against service at named facilities at or near Canton, NC, and Marion, VA. The purpose of this republication is to (1) expand named points or include additional counties in their previously published expansion as follows: lead, include Scott County, VA (Big Stone Gap, VA); Sub-No. 31, Chattanooga, TN (Tyner, TN); Sub-No. 38, (a) include Boulder County, CO (facilities at Denver, CO) and (b) Nimbus, CA (Nimbus, CA); Sub-No. 47, Pima, Cochise, Pinal, and Santa Cruz Counties, AZ, Conway, Faulkner, Van

Buren, Cleburne, and White Counties, AR, and Sedgwick, Butler, Sumner, Cowley, Kingman, and Reno Counties, KS (missile sites at those named Counties); Sub-No. 58, include Botetourt County, VA (terminal at or near Montvale, VA); Sub-No. 71, include Geauga and Portage Counties, OH (facilities near Cleveland, OH); and Sub-No. E-7, Marion County, FL (Romeo, FL); (2) remove restrictions against service at named points as follows: lead, facilities of Hercules, Incorporated; and Sub-No. 20, Abingdon, Big Stone Gap, and Marion, VA, and points within three miles of Marion; and (3) remove the in tank vehicles restriction in Sub-Nos. 144 and 147.

MC 119631 (Sub-46)X, filed June 30, 1981 and published in the **Federal Register** of July 22, 1981, republished as corrected, this issue. Applicant: DEIOMA TRUCKING COMPANY, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 20, 22, 23, 24, 26F, 27F, 28F, 29F, 30F, 32F, 35F, 36F, 37F, 38F, and 39F certificates and its E-1, E-3, E-4, E-5, and E-6 letter notices as previously published, and to replace the following additional cities and facilities with county-wide authority: (1) in the lead, Parkersburg, WV with Wood County, WV (previously published as Ohio); (2) in Sub-No. 7, Alliance, OH and points within 5 miles thereof, with Stark, Columbiana, Mahoning, and Portage Counties, OH; and Liberty Township (Seneca County), OH with Seneca and Sandusky Counties, OH; (3) in Sub-No. 8, Alliance, OH with Stark, Mahoning, and Columbiana Counties, OH; New Cumberland, WV with Hancock County, WV and Jefferson County, OH; facilities at Curtis Bay, Baltimore, MD, with Baltimore, MD; Liberty Township, Seneca County, OH with Seneca and Sandusky Counties, OH; (4) in Sub-Nos. 16 and 30F, Pekin, OH with Carroll and Stark Counties, OH; (5) in Sub-No. 26F, facilities at or near Boston, MA with Suffolk, Norfolk, Plymouth, Middlesex, and Essex Counties, MA; (6) in Sub-No. 28F, Hammond, IN with Lake County, IN and Cook County, IL; (7) in Sub-No. 38F, Bettsville, OH with Seneca and Sandusky Counties, OH; and Luning, NV with Mineral County, NV. The purpose of this republication is to correct these inadvertent omissions.

MC 127976 (Sub-3)X, filed August 10, 1981. Applicant: J & J TRUCKING CO., INC., 114 North 12th Street, Brooklyn, NY 11211. Representative: Arthur J. Piken, Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description to "transportation equipment" from automobiles and motorcycle parts and accessories; (2) broaden the territory authority to between points in the U.S., under continuing contract(s) with a named shipper; and (3) remove the ex-water restriction.

MC 141512 (Sub-3)X, filed July 27, 1981. Applicant: HOMER'S INC., 10554 W. Donges Court, Milwaukee, WI 53224. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description to "transportation equipment" from wrecked or disabled motor vehicles, replacement motor vehicles, or parts; (2) remove the restriction which limits service to a tow truck or wrecker equipment; (3) remove the restriction to the replacement motor vehicles or parts which limits service to vehicles or parts dispatched to relieve wrecked, damaged, or disabled motor vehicles; and (4) substitute county-wide authority for named cities: Brown County for Green Bay, WE, Outagamie County for Appleton, WI, Winnebago County for Neenah, Menasha, and Oshkosh, WI, and Fond du Lac County for Fond du Lac, WI.

MC 142971 (Sub-4)X, filed August 3, 1981. Applicant: F & W TRANSPORT, CO. INC., 37th Street & River Road, P.O. Box 389, Camden, NJ 08101. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its Sub-No. 3F permit to (1) broaden the commodity description from wooden and plastic cabinets, and materials and supplies used in the manufacture, sale and installation thereof (except in bulk) to "furniture or fixtures and materials and supplies used in the manufacture, sale and installation thereof" and (2) broaden the territorial description to between points in the U.S. under to the continuing contract(s) with a named shipper.

MC 145702 (Sub-7)X, filed August 10, 1981. Applicant: TRANSURFACE CARRIERS, Inc., P.O. Box 271, Northboro, MA 01532. Representative: Alice M. Vogler, 31 Milk Street, Boston, MA 02109. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 4, and 6 permits to: (1) broaden the commodity descriptions in its lead from woodworking hand tools, automatic door-operating equipment, steel strapping, steel strip, builders hardward, industrial hardware, and drapery hardware, to "metal products, machinery, lumber and wood products, and furniture and fixtures"; (2) broaden the commodity description in Sub-No. 1 from medical products and health care products to "pulp, paper and related products, chemicals and related products, ores and minerals, clay, concrete, glass and stone products"; and in Sub-No. 6 from feed ingredients, animal health products, and pesticides to "food and related products and chemicals and related products"; and remove the "in-bulk" restrictions where they appear; (3) broaden the commodity description in Sub-No. 4 from buffing, polishing, cleaning, scouring and washing compounds, wax, soap and paints, to "chemicals and related products"; remove the "in-bulk" restrictions; and (4) expand the territorial descriptions in each of its permits to between points in the United States under a continuing contract(s) with a named shipper.

MC 146442 (Sub-1)X, filed July 30, 1981. Applicant: CLEARFIELD TRANSPORTATION CO., INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews, Suite 1100, 1660 L Street NW., Washington, DC 20036. Applicant seeks to remove restrictions in its lead permit to (1) broaden commodity descriptions to: (a) "food and related products" from cheese, cheese products and ingredients and additives, salt, corn meal, mush, olemargarine, salad dressing, fish bait, butter, and exempt commodities, and (b) "chemicals and related products" from cleaning compounds; (2) delete language limiting transportation of shipments only "when moving in the same vehicle" with other commodities; and (3) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with the Clearfield Cheese Company, Inc.,

MC 153328 (Sub-14)X, filed August 3, 1981. Applicant: RED K TRANSPORT, INC., 400 State Street, Madison, IL 62060. Representative: Harold Carrico (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-No. 5 certificates to (1) broaden the commodity descriptions from (a) lime and limestone products, iron and steel articles, and materials, equipment and supplies used in the manufacture and distribution thereof, to "clay, concrete, glass, or stone products, and metal and metal products, materials, equipment and supplies used in the manufacture and distribution thereof" in the lead; (b) packing house products and fresh meats

to "food and related products" in Sub-No. 5; (2) delete the exception of service to AK and HI in the lead; (3) authorize radial authority in lieu of existing one-way authority between described portions of MO and IL, in Sub-No. 5; and (4) broaden city to county: Taylorville, IL to Christian, IL, in Sub-No. 5.

[FR Doc. 81-24313 Filed 8-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Second Revised ICC Order No. 80, Under Service Order No. 1344]

Rerouting Traffic

To: St. Louis Southwestern Railway Company; Little Rock & Western Railway Corporation; Cadillac & Lake City Railway Company; Oklahoma, Kansas and Texas Railroad Company; Keota Washington Transportation Company; Union Pacific Railroad Company, and [1] Chicago and North Western Transportation Company.

In the opinion of Joel E. Burns, Agent, the Chicago, Rock Island and Pacific Railroad Company is unable to transport promptly traffic offered for movement via its lines, because of an embargo of its lines.

Rerouting authority was granted in Reroute Order No. 63, and should be extended for those carriers which have indicated that tariff modifications cannot be completed by the expiration of Reroute Order No. 63 (June 30, 1981). This matter is considered to be outside the scope of a single railroad as provided by Ex Parte No. 376, and therefore requires this action by the Commission. This order is issued retroactively due to administrative error.

It is ordered:

(a) *Rerouting traffic.* The Chicago, Rock Island and Pacific Railroad Company (RI), being unable to transport promptly traffic offered for movement via its lines because of an embargo of its lines, that lines interim operators named below are authorized to reroute such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

St. Louis Southwestern Railway Company
Little Rock & Western Railway Corporation
Cadillac & Lake City Railway Company
Oklahoma, Kansas and Texas Railroad Company
Keota Washington Transportation Company
Union Pacific Railroad Company
Chicago and North Western Transportation Company

(b) Concurrence of receiving roads to be obtained. The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be rerouted, before rerouting.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted and shall furnish to such shipper the new routing provided for under this order, except when the disability requiring the rerouting occurs after the movement has begun.

(d) Inasmuch as the rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., July 1, 1981.

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-24286 Filed 8-19-81; 8:45 am]

BILLING CODE 7035-01-M

[1] Added.

[En Parte No. 387 (Sub-No. 42)]

Decision; Union Pacific Railroad Company Exemption for Contract Tariff ICC-UP-C-0002

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract and contract tariff can become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By petition filed August 5, 1981,a the Union Pacific Railroad Company (Union Pacific) has requested an exemption from the 30-day notice requirement of 49 U.S.C. 10713(e), in order that Union Pacific's addendum to its contract and contract tariff ICC-UP-C- 0002 may become effective on one day's notice. The contract itself already became effective July 21, 1981, in accordance with the notice requirements of section 10713(e).

The contract provides for the shipper to move a guaranteed percentage of its set up motor vehicle traffic between specified geographic locations on Union Pacific's lines. In exchange, Union Pacific is to provide payments to the shipper for each carload moving under the agreed-upon contract volume. The duration of the contract is six months from July 21, 1981. It will terminate on January 21, 1982. During the 30-day notice period between the date the contract was executed and the date it became effective, the payment amount agreed upon by the parties changed. This changes was in accordance with the terms of the contract. The change, however, made the amount specified in the contract incorrect. The contract addendum corrects the amount specified in the contract.

Union Pacific does not expect any protests concerning the contract addendum. It contends that a 30-day notice period is not required to protect the shipper from abuse of market power.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(i). However, we may address

the same relief under our section 10505 exemption authority and we do so here.

We believe this is the type of exceptional circumstance that warrants an exemption. This is a contract of only six months duration. It is desirable that the full terms agreed to by the parties be in effect for as much of that time as possible. So long as the addendum reflects the terms of the contract (which has become effective), a new notice period is unnecessary. The addendum to the contract and contract tariff can be made effective on one day's notice.

We will impose the following conditions:

If the Commission permits the contract addendum to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract addendum for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the addendum or to disapprove it.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The addendum to the contract tariff to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protects are filed within 15 days of publication in the **Federal Register.**

This action will not signfiicantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: August 17, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24312 Filed 8-19-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL CONVENTION ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, that a meeting of the International Convention Advisory Commission will be held on Thursday, September 23, 1981, 9:30 a.m., Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C.

The Commission will consider a report on the CITES permit system, a report on trade in cactus, a blueprint for Federal activities on international wildlife trade: fiscal year 1982–1985 and miscellaneous other business.

For further information contact Mr. Gordon Brown, Executive Secretary, International Convention Advisory Commission, Suite 220, 1010 Wisconsin Avenue NW., Washington, D.C. 20007, telephone 202/343-7407. Opportunity will be given for oral or written presentations provided that appointments are made with Mr. Brown by 5:00 p.m., September 18, 1981.

Dated: August 14, 1981.

Gordon Brown,

Executive Secretary, International Convention Advisory Commission.

[FR Doc. 81-21286 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-68-M

MERIT SYSTEMS PROTECTION BOARD

Privacy Act of 1974; Amendment of Notice of System of Records

AGENCY: Merit Systems Protection Board.

ACTION: Notice; amendment of notice of system of records.

SUMMARY: The purpose of this notice is to amend a previously published notice of a system of records through clarification of the description of the System Manager.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Kathy W. Semone, Office of the Secretary (202) 632-4525.

SUPPLEMENTARY INFORMATION: On June 23, 1981, the Merit Systems Protection Board published its notice of proposed revised and new systems of records (45 FR 32503). Included among the new systems of records announced by the notice was MSPB/GOVT-1, Appeal and Case Records. This system of records includes the administrative records of appeals and other matters adjudicated by the MSPB under its original and appellate jurisdiction, the records of appeals adjudicated by the Federal Employee Appeals Authority and the Appeals Review Board of the former Civil Service Commission, and the records of the foregoing appeals and other matters which are maintained by Federal agencies which are or were parties to the proceedings. In addition, the system includes the records of appeals maintained in Federal agencies regarding adverse actions initiated prior to September 9, 1974, and which were appealed solely within th agency.

The system notice stated that the system managers of MSPB/GOVT-1, were the Secretary of MSPB, the MSPB Field Offices or the Personnel Officer of the agency within which the appeal was made prior to September 9, 1974. It was not the intention of MSPB to recognize the agency Personnel Officer as the system manager only with respect to the records of appeals arising prior to September 9, 1974. Rather, MSPB recognizes the agency Personnel Officer as the system manager for those records within the system that are maintained by the agency Personnel Officer.

Therefore, the MSPB/GOVT-1 system notice is amended to read as follows:

MSPB/GOVT-1

SYSTEM NAME:

Appeal and Case Records

* * * * *

SYSTEM MANAGER AND ADDRESS:

Secretary, Merit Systems Protection Board, 1717 H Street, N.W. Washington, D.C. 20419, the MSPB Regional Offices, or the Personnel Officer of the agency within which the appeal arose.

* * * * *

Dated: August 14, 1981.

For the Board.

Ersa H. Poston,

Vice-Chair.

[FR Doc. 81-24280 Filed 8-19-81; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL LABOR RELATIONS BOARD

Schedule for Awarding Senior Executive Service Performance Awards (Bonuses)

AGENCY: National Labor Relations Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

FOR FURTHER INFORMATION CONTACT: Ernest Russell, Director of Administration, National Labor Relations Board, 1717 Pennsylvania Ave. NW., Washington, D.C. 20570, (202) 254-9200.

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14

days prior to the date on which the awards will be paid.

SCHEDULE FOR AWARDING SENIOR EXECUTIVE SERVICE BONUSES: The National Labor Relations Board intends to award Senior Executive Service bonuses for the performance rating cycle of March 1, 1980 through December 31, 1980, with payouts scheduled by September 30, 1981.

Dated: Washington, D.C., August 4, 1981.

By direction of the Board.

John Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 81-24299 Filed 8-19-81; 8:45 am]

BILLING CODE 7545-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-34]

Reports, Recommendations, Responses; Availability

• **Aircraft Accident Reports:** *Brief Format, U.S. Civil Aviation, Issue No. 7, 1980 Accidents. (NTSB-BA-81-8).*

• **Marine Accident Report:** *Disappearance of U.S. Freighter SS POET in North Atantic Ocean about October 25, 1980 (NTSB-MAR-81-6).*—As a result of investigation, the Board on July 14 recommended that:

Federal Communications Commission: Monitor the failure rate of the MARTECH, Inc., Whaler EB-2BW Emergency Position Indicating Radiobeacon's (EPIRB) wateractivated switch, and require a design change if the present unacceptable failure rate continues **(M-81-52).** Initiate a design study to develop specifications for an EPIRB which, in addition to transmitting on 121.5 mHz and 243 mHz, will generate a signal that can be received by other ships and, together with the Coast Guard, establish national and propose international listening watch requirements on the selected frequency **(M-81-53).** Require commercial, land-based radio stations to notify the owner or operator of any U.S.-flag vessel over 1,000 gross tons that fails to respond to a traffic list after 48 hours regardless of the originator of the message **(M-81-54).**

U.S. Coast Guard: Establish national and propose international listening watch requirements, in conjunction with the Federal Communications Commission, that would enable the distress signal from an EPIRB to be received by other ships **(M-81-55).** Seek standby legislative authority at an early date to require satellite EPIRB on U.S. vessels as soon as a satellite system is operational **(M-81-56).** Modify the Automated Mutual-Assistance Vessel Rescue System so that Coast Guard search and rescue coordination centers are notified when U.S. ships fail to report as required by the U.S. Maritime Administration **(M-81-57).** Review the procedures contained in the National Search and Rescue Manual regarding unreported and overdue vessels required by the U.S. Maritime Administration to report every 48 hours; determine the adequacy of these procedures and make modifications if necessary **(M-81-58).** Revise its search an rescue procedures to provide that, when a U.S. ship is unreported or overdue, the search and rescue mission coordinator check with the U.S. Merchant Vessel Locator Filing System immediately regarding the regularity of the ship's reporting **(M-81-59).** Check the SS PENNY's Trim and Stability Booklet to determine if the ship's volumetric heeling moments were calculated correctly, and revise the ship's stability information if necessary **(M-81-60).** Conduct further studies to determine if synchronous rolling in quartering seas is a safety problem on ships similar to the POET, and promulgate operational guidance if necessary **(M-81-61).**

U.S. Coast Guard and the U.S. Maritime Administration: Consolidate the compilation of position data on U.S. ships so that it is not necessary for similar information to be coded and stored on separate computers and for two information systems to be accessed during an emergency situation **(M-81-62).** Extend the requirement that all U.S.-flag merchant vessels of 1,000 gross registered tons or more engaged on foreign voyages submit departure, arrival, and 48-hour position reports on domestic voyages; if the necessary legislative authority does not exist, seek such authority **(M-81-63).**

American Bureau of Shipping: Revise its rules to require that, when hull structural damage occurs between special surveys, permanent repairs be completed by the vessel's next special survey and not be deferred to subsequent special surveys as was permitted on the POET **(M-81-64).** By means of a circular letter to all surveyors, reemphasize that saltwater ballast tank survey inspections are required at intermediate surveys **(M-81-65).**

Hawaiian Eugenia Corporation and International Ship Management and Agency Services: Instruct the masters of all its ships of the company policy that the master is to report the ship's position every 48 hours **(M-81-66).** Provide the masters of all its ships with a copy of its standard operating manual and instruct them in the availability of the company's weather routing services **(M-81-67).**

Radio Officers Union of the United Telegraph Workers Union: Before a radio officer can be employed aboard a particular ship, require that the officer have current experience with the type of radio equipment aboard the ship **(M-81-68).**

National Aeronautics and Space Administration: Expedite the establishment of a satellite-assisted search and rescue system for the detection of U.S.-flag vessels in distress **(M-81-69).**

National Cargo Bureau, Inc.: Direct its field surveyors to observe the completion of loading each under-deck area on 'tween-deck-type ships to insure that the grain is trimmed properly and that no significant voids exist before issuing a Certificate of Loading **(M-81-70).**

• **Pipeline Accident Report:** *Colonial Pipeline Company, Petroleum Products Pipeline Failures, Manassas and Locust Grove, Virginia, March 6, 1980 (NTSB-PAR-81-2).*—Recommendations resulting from investigation were issued July 21 to—

Research and Special Programs Administration: Expedite, in cooperation with the American Petroleum Institute and the American Gas Association, the jointly sponsored program to determine the extent of pipe failures in existing pipeline systems with a diameter-to-thickness ratio of 70 or greater, due to fatigue cracks initiated during the rail shipment of the pipe **(P-81-13).** If it is determined that pipe failures in existing pipeline systems with a diameter-to-thickness ratio of 70 or greater due to fatigue cracks initiated during the rail shipment of the pipe are a continuing problem, develop operating and testing guidelines to assist pipeline operators in minimizing pipe failures **(P-81-14).**

Colonial Pipeline Company: Conduct an analysis of previous pipe failures throughout its entire system caused by cracking initiated during the rail shipment of the pipe and report to the Safety Board the results and the intended actions to minimize pipe failure **(P-81-15).**

American petroleum Institute and the American Gas Association: Work with appropriate industry groups and other pipeline companies to advance the state of the art in the development of internal pipeline inspection equipment for the detection of stress cracks in operating pipelines **(P-81-16).**

Recommendations M-81-53, -55,-61, and -62, above, are designated "Class III, Longer-Term Action." All other cited recommendations are "Class II, Priority Action."

• **Railroad Safety Recommendations:** "Class II, Priority Action," issued August 11 to:

Federal Railroad Administration: Initiate rulemaking to require trains which operate on common trackage to have compatible radio equipment which will permit emergency communication **(R-81-81).**

The Kansas City Southern Railway Company: In conjunction with the Missouri Pacific Railroad Company, require both ends of all trains while operating on Missouri Pacific trackage to be equipped with radios operable on a common frequency **(R-81-82).**

Missouri Pacific Railroad Company: In conjunction with The Kansas City Southern Railway Company and the St. Louis Southwestern Railway Company, require both ends of all trains while operating on Missouri Pacific trackage to be equipped radios operable on a common frequency **(R-81-83).**

• **Response to Recommendations:** *R-81-3 through -20, from Urban Mass Transportation Administration (July 17).* **R-81-3:** Aided by the American Public Transit Association, including personnel from individual rail rapid transit systems, and the U.S. Fire Administration (USFA), UMTA will produce emergency preparedness guidelines for improving capability of individual

systems to evacuate passengers under various load conditions. **R-81-4:** UMTA will actively encourage the diverse and numerous rail transit employee unions to work directly with their specific union local officials. **R-81-5:** UMTA's reorganization, to be completed by the end of 1981, will provide for more direct consideration of safety issues in formulating the Administration's rail rapid transit policies and priorities. **R-81-6:** UMTA disseminates guidelines for flammability and smoke emission specifications, developed and periodically improved by the Transportation Systems Center; UMTA will not issue mandatory requirements for applying these guidelines, but will solicit industry and public comment on latest guidelines via the **Federal Register**. **R-81-7:** UMTA will encourage individual rail rapid transit authorities assessment of need for modification or retrofit of cars, in cooperation with local fire officials. **R-81-8:** Capital assistance funds are available to transit properties for procuring new equipment; operational subsidy funds are also curently available for inspection, maintenance, and testing of equipment, although funding may become State, regional or local responsibilities. **R-81-9:** An UMTA rail transit safety program plan will be developed and published for public comment, if needed after reorganization. **R-81-10:** An R. & D. plan, published last September and disseminated to industry, may be revised. **R-81-11:** UMTA does not intend to establish either mandatory or minimum safety standards for specific products or materials used in constructing rail rapid transit cars, nor to establish either mandatory or minimum criteria for certification or identification of such products; UMTA will continue technical and funding assistance and cooperative efforts to achieve optimum safety of individual properties. **R-81-12:** Guidelines for review and evaluation of system safety plans and programs are being developed and will be published. **R-81-13:** UMTA has a program to identify methods to eliminate or control fire threat, develop fire countermeasures, and to maintain a materials information bank. **R-81-14:** UMTA has implemented mutual assistance and cooperative activities with USFA on training and related fire/life safety matters; an UMTA-funded interagency with the Federal Emergency Management Agency (FEMA) will strengthen these activities. **R-81-15:** UMTA's guidelines will be used in transit training/education courses that FEMA/USFA provide through the Federal Emergency Training Center and disseminated to rail transit properties for local training. **R-81-16:** UMTA intends to identify, in the emergency preparedness guidelines manual and related training/education programs, the most effective means of informing rail rapid transit passengers of actions to be taken in the event of an emergency; USFA survey report will be used as source material in identifying the means. **R-81-17:** UMTA in fiscal year 82 will evaluate the need, availability, reliability, maintainability, and benefit of installing fire suppression systems on new rail rapid transit vehicles, if funds are available. **R-81-18:** Without imposition of UMTA requirements, all new rail rapid transit authorities have developed working relationships and agreements with fire, police, and medical services during systems development; improvements may be developed after survey. **R-81-19:** UMTA will acquire participation in new system and future existing system onsite reviews performed by the Administration. **R-81-20:** UMTA does not plan comprehensive formal safety standards for rail rapid transit, since local safety accountability and decisionmaking would be preempted, but will publish guidelines and disseminate them as recommended practices; UMTA's current annual reports, providing statistical information on accidents, incidents, and casualties on rail rapid transit systems, may be expanded to include information on all UMTA program activities. (46 FR 17684, 3-19-81)

Note: Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C.1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

August 14, 1981.

[FR Doc. 81-24204 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Decay Heat Removal System; Meeting

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting on September 8, 1981 in Room 1046, 1717 H Street, NW., Washington, DC to continue its review of shutdown decay heat removal requirements.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statments should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, September 8, 1981

1:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. EST.

Dated: August 17, 1981.

Samual J. Chilk,

Acting Advisory Committee, Management Officer.

[FR Doc. 81-24326 Filed 8-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389A; DD-81-15]

Florida Power & Light Co. (St. Lucie Plant, Unit No. 2); Issuance of Director's Decision

By petition dated June 22, 1981, Mr. George R. Kucik, Esq., on behalf of Parsons & Whittemore, Inc. and Resources Recovery (Dade County), Inc., requested that enforcement action be instituted against Florida Power & Light Co. (FP&L) for the asserted failure by FP&L to abide by an antitrust condition of the license FP&L holds for the St. Lucie Unit No. 2 nuclear power facility. Upon consideration of the information provided by the petitioners, I have determined not to institute the requested enforcement action. The reasons for this decision are set forth in a "Director's Decision Under 10 CFR 2.206", which is available for inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room for the St. Lucie Plant, Unit No. 2, located at Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

Dated at Bethesda, Maryland, this 7th day of August 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-24325 Filed 8-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment will become effective 90 days from the date of this issuance.

The amendment revises the Technical Specifications to implement the requirements of Appendix I of 10 CFR Part 50 based on the guidance provided by NUREG-0472 and NUREG-0133. The chance also assures that releases of radioactive materials in liquid and gaseous effluents are as low as reasonably achievable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR 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 October 30, 1979 as revised May 21 and October 3, 1980, and January 19, 1981, (2) Amendment No. 72 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of August 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-24324 Filed 8-19-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

August 17, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal Budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and

Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D. C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Animal and Plant Health Inspection Service
Movement data for gypsy moth regulated articles
PPQ 541
On occasion
Individuals or households
Households in 10 Northeast States that are moving out of State
Agricultural research and services, 150,000 responses 7,500 hours; $240,300 Federal cost; $25,125 public cost; 1 form, not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

To prevent the spread of gypsy moths. Information obtained relative to planned movements of gypsy moths regulated articles will allow the PPQ inspector to determine the type of certificate or permit to be issued to allow interstate movement of such articles.

• Agricultural Marketing Service
Amendment of subpart—administrative rules and regulations, addition of rules for spearmint oil, marketing order No. 985
On occasion—annually
Farms/businesses or other institutions, producers and handlers of spearmint oil
SIC: 289
Agricultural research and services, 1,200 responses; 86 hours; $40,000 Federal cost; $465 public cost; 4 forms, not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Section 985.54, and 985.55 of the order authorizes the spearmint oil administrative committee to establish rules and regulations to implement those sections. The proposed rules and the forms applicable to these rules would facilitate issuance of annual allotments to producers by the committee and provide a method of identifying spearmint oil. The committee recommends regulations to the Department to make the program operational.

Reinstatements

• Agricultural Stabilization and Conservation Service
Application for review of farm marketing quota
MQ-53
Annually
Farms
Farm income stabilization, 25,000 responses; 4,167 hours; $12,000 Federal cost; $13,959 public cost; 1 form, not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

This form is used by a review committee authorized to settle appeal cases between farmers and county committee decisions involving marketing quota crops (Pub. L. 430).

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

• Bureau of the Census
Census of agriculture area sample pre-test
81A-0213
Nonrecurring
Individuals or households/farms
Households from area class. As places of less than 2,500 population
SIC: Multiple
Other advancement and regulation of commerce, 1,500 responses; 214 hours; $60,000,000 Federal cost; 1 form, not applicable under 3504(h)
Office of Federal Statistical Policy and Standard, 202-673-7974

The pre-test for 1982 census of agriculture area sample (CAAS) will be conducted to field test the screening methodology and provide a means to identify sections on the form which may need further review.

Extensions (Burden Change)

• Bureau of the Census
Quarterly survey of residential alterations and repairs
QHS 730 QHS 731
Quarterly
Individuals or households/businesses or other institutions
Owners or managers of residential rental properties
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 4,800 responses; 800 hours; $203,000 Federal cost; 2 forms, not applicable under 3504(h)
Office of Federal Statistical Policy and Standard, 202-673-7974

These statistics are used by economic analysts to assess the effect of construction activity on the economy and for direct input to the national income and product accounts. They are also used in marketing research conducted by manufacturers and distributors of building supplies and materials.

• Economic Development Administration
Public works application, including employment plan
ED-101A
On occasion
State or local governments
State and local government public authorities, non-professional organizations
SIC: 911, 913
Small businesses or organizations
Area and regional development, 400 responses; 46,000 hours; $500,000 Federal cost; 1 form, not applicable under 3504(h)
William T. Adams, 202-395-4814

Purpose is to make Federal economic development programs work better by linking them with employment and training programs the addendum will produce an employment plan that assures EDA-created jobs are made available to the long-term unemployed.

• International Trade Administration
Distribution license procedure EAR 373.3(d) EAR 373.3(g)
On occasion
Businesses or other institutions
Commercial exporters
Other advancement and regulation of commerce, 281 responses; 447 hours; $130,000 Federal cost; 2 forms, not applicable under 3504(h)
William T. Adams, 202-395-4814

The distribution license is a "bulk type" license designed to facilitate the export of certain commodities under a large-scale international marketing program. This procedure is available for exporters to export to all countries in country groups T and V with certain limited exceptions. This procedure has helped to increase U.S. exports and has also had a favorable effect on the U.S. balance of payments. With a few exceptions, all commodities which normally

• International Trade Administration
Clearance of U.S. exports
EAR 386.2(d) EAR 386.3(j)
On occasion
Businesses or other institutions
Commercial exporters
SIC: Multiple
Other advancement and regulations of commerce, 600,000 responses; 40,000 hours; $72,000 Federal cost; 2 forms, not applicable under 3504(h)
William T. Adams, 202-395-4814

This reporting request requires that shipping information be entered on the reverse side of each export license. The amount in quantity and dollar value of each shipment made under the license must be entered. It also requires a destination control statement to be entered on commercial invoices and

bills of lading. The validated license No. or general license designation must also be entered on the shippers export declaration. These safety precautions are

DEPARTMENT OF DEFENSE

Extensions (Burden Change)

• Department of the Navy
Employment in private shipyards under cognizance of supships, conversion and repair
NAVSEA 4350/2 (form) and NAVSEA 4350-2 (report)
Monthly-quarterly
Businesses or other institutions
SIC: 373
Small business or organizations
Department of Defense—Military, 716 responses; 5,728 hours; $4,000 Federal cost; 1 form, not applicable under 3504(h)
Edward C. Springer, 202-395-4814

The purpose of the employment form is to extend and consolidate the collection of private shipyard data in order to provide more current and complete information concerning employment in the private shipyards.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

Revisions

• Office of Elementary and Secondary Education
Application for school assistance in federally affected areas instructions
4019
Annually
State or local governments
Local educational agencies
SIC: 941
Elementary, secondary, and vocational education, 3,500 responses; 17,500 hours; $15,500 Federal cost; 1 form, $175,000 Public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Pub. L. 81-874 provides that 16 separately identified categories of federally connected pupils are entitled to varying percentages of a rate of payment to their school district. Five basic tables are used to report pupils claimed.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

Extensions (Burden Change)

• Health Care Financing Administration
Inpatient admission and billing—Christian Science sanatorium
SSA-1486
On occasion
Businesses or other institutions
Participating Christian Science sanatoriums SIC: 805,806
Small businesses or organizations
Health, 4,700 responses; 1,566 hours; $28,775 Federal cost, 1 form, not applicable under 3504(h)
Richard Eisinger, 202-395-6880

Institution provider claim for benefits rendered to medicare beneficiary in a Christian Science sanitorium. Generates interim payment to providers and data is used to update master utilization records.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New

• Office of Justice Assistance, Research and Statistics
Equal employment opportunity program guidelines
OJARS (series) 7400
Annually
State or local governments
Criminal justice agencies with 50 or more employees
SIC: 922
Criminal justice assistance, 322 responses; 9,660 hours; $5,152 Federal cost; $96,600 public cost; 1 form, not applicable under 3504(h)
Andy Uscher, 202-395-4814

The equal employment opportunity program guidelines require certain recipients to develop an equal employment opportunity program (EEOP). The EEPO is a written document which contains an identification and analysis of the recipients employment practices and data collected and classified by race, national origin, and sex.

• Office of Justice Assistance, Research and Statistics
Complaint verification form
OJARS form 7400/1
Nonrecurring
Individuals or households
Individuals alleging they have been discriminated against
Criminal justice assistance, 180 responses; 90 hours; $1,466 Federal cost; $900 public cost; 1 form, not applicable under 3504(h)
Andy Uscher, 202-395-4814

The verification form is used to determine the basis on which the allegations of discrimination are based and to clarify the complainant's allegations.

Revisions

• Office of Justice Assistance, Research and Statistics
Multipurpose test of screening procedures adopted for telephone interviewing
BJS/3620
Nonrecurring
Individuals or households
Households in Peoria, Ill., and Hartford, Conn. SMSA's
Criminal justice assistance, 1,300 responses; 1,150 hours; $189,100 Federal cost; $11,500 public cost; 1 form, not applicable under 3504(h)
Andy Uscher, 202-395-4814

The accuracy and efficiency of the NCS depends on the ability of the screening interview to elicit accurate and complete reporting of criminal victimization. The survey will indicate the ability of combinations of screening procedures identified in small tests to reduce underreporting. Unlike the single purpose experiments, these tests will examine the effects of using procedures in combination rather than singly.

Extensions (Burden Change)

• Office of Justice Assistance, Research and Statistics
Financial status report (H-1)
OJARS 7160/1
Quarterly
State or local governments/businesses or other institutions, grant recipients including State agencies, units of local government education, etc.
SIC: 922
Criminal justice assistance, 4,000 responses; 6,000 hours; $67,100 Federal cost; $51,700 public cost; 1 form, not applicable under 3504(h)
Andy Uscher, 202-395-4814

This financial reporting form is prescribed by OMB circulars A-102 and A-110. This information provided is reviewed by the grantor agency to ensure proper use of Federal funds and to monitor grantee cash flow.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

New

• Urban Mass Transportation Administration
Section 3 urban discretionary financial reporting
Quarterly
State or local governments/businesses or other institutions, public mass transportation agencies
SIC: 411
Ground transportation, 1,000 responses; 2,000 hours; $100,000 Federal cost; 1 form, not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

Final reporting is required by OMB circular A-102 and A-110 and UMTA C 5000.1A regional offices review.

• Urban Mass Transportation Administration
Section 5 urban formula financial reporting
Quarterly
State or local governments/businesses or other institutions, public mass transportation agencies
SIC: 411
Ground transportation, 1,400 responses; 2,800 hours; $140,000 Federal cost; 1 form, not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

Financial reporting is required by OMB Circular A-110 and UMTA C 50001. A regional offices review.

• Urban Mass Transportation Administration
Section 16d(2) elderly and handicapped financial reporting
Semiannually
State or local governments
State mass transportation agencies
SIC: 411
Ground transportation, 100 responses; 200 hours; $10,000 Federal cost, 1 form, not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

Financial reporting is required by OMB Circular A-102 and A-110 and UMTA C.5000. 1A regional offices review.

Extensions (Burden Change)

• Urban Mass Transportation Administration
Hazardous materials incident report
On occasion
Businesses or other institutions
Transportation carriers of hazardous materials
SIC: 401, 421, 441, 442, 443, 444, 445, 451
Small businesses or organizations
Other transportation, 15,900 responses; 15,900 hours; $300,000 Federal cost; 1 form, not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

The Hazardous Materials Transportation Act (Pub. L. 93-633) requires DOT to collect information on hazardous materials transportation incidents to be used in evaluating the effectiveness of existing regulations so that modifications can be made if necessary. Also, reports must be filed on discharges of hazardous substances and incidents involving hazardous waste due to the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) and the Resource Conservation and Recovery Act (Pub. L. 94-580).

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

• Comptroller of the Currency
Hearing request letter
On occasion
Individuals or households/businesses or other institutions
Individuals and financial services institutions
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 204 responses; 408 hours; $40,800 Federal cost; $9,649 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Used by interested party to request hearing.

• Comptroller of the Currency
Joint oath of national bank directors
CC 7029-06
Annually
Businesses or other institutions
All national banks
SIC: 602
Small Businesses or organizations
Other advancement and regulation of commerce, 4,450 responses; 2,225 hours; $22,250 Federal cost; $27,812 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

To certify that directors have taken required oath.

• Internal Revenue Service
Statement for recipients (patrons) of taxable distributions received from cooperatives
1099-PATR
Annually
Businesses or other institutions
Form 1096 and instructions
SIC: 861, 514, 515
Small businesses or organizations
Central fiscal operations, 2,695,000 responses; 740,000 hours; $160,789 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 1099-PATR is used to report patronage dividends paid by co-ops (IRC Section 6044). The information is used by IRS to verify reporting compliance on the part of the recipient.

• Internal Revenue Service
Statement for recipients of dividends and distributions (same title for both forms)
1099-DIV 1087-DIV
Annually
Farms/businesses or other institutions
Banks, savings and loan associations, corporations
SIC: All
Small businesses or organizations
Central fiscal operations, 74,633,000 responses, 5,851,646 hours; $1,091,296 Federal cost; 2 forms, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 1099-DIV is used to report the payment of dividends and distributions. Form 1087-DIV is used by nominees (who receive and distribute the payments to others) to report the actual owner of dividends and distributions reported to a recipient on Form 1099-DIV. The information is checked against the recipient's income tax return to verify compliance.

• Internal Revenue Service
Inquiry Received—return cannot be located
95C 95SC 95SP
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers (individual or business) who file tax returns
SIC: All
Small businesses or organizations
Central fiscal operations, 377 responses; 94 hours; $2,648 Federal cost; 3 forms, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. 6011 requires that a tax return be filed if the taxpayer is liable for any tax. It is necessary to have the original return before a change can be made to this return. If the original return has not been filed, an explanation from the taxpayer, as this letter requests, is required.

• Internal Revenue Service
Application for determination of employee stock ownership plan
5309
Nonrecurring
Businesses or other institutions
Corporations wishing to establish stock ownership plan
SIC: All
Central fiscal operations, 287 responses; 144 hours; $7,557 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 5309 is filed with Form 5301, 5303, or 5307 when applying for a determination letter as to a deferred compensation plans qualification status under Section 401(a) of the Internal Revenue Code. The information is used to determine whether the plan qualifies.

• Comptroller of the Currency
Oath of national bank director
CC 7029-07
Annually
Businesses or other institutions
National banks

SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 2,100 responses; 1,050 hours; $10,500 Federal cost; $13,125 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

To certify that directors who were not available to take joint oath or who live in another State have taken oath.

• Internal Revenue Service
Penalties and interest explained
64C, 64SC, 64SP
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers requesting explanation of penalties/interest
SIC: All
Small businesses or organizations
Central fiscal operations, 34,004 responses; 11,334 hours; $240,071 Federal cost; 3 forms, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. sections 6601 and 6671 authorize the assessment of interest and penalties on late or unpaid tax. If the taxpayer does not agree with the IRS, they may submit an explanation as explained by this letter, which will help IRS determine if the penalty can be reduced or eliminated.

• Internal Revenue Service
SSN verification requested
2C
Nonrecurring
Individuals or households
All individual taxpayers who file tax returns
Central fiscal operations, 1,277 responses; 319 hours; $4,487 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Correct social security numbers are required on tax returns by 26 U.S.C. 6109. When two taxpayers use the same number, verification is required from both to determine who should be using the number. This verification is necessary to process the tax returns.

• Internal Revenue Service
Required clarification regarding two taxpayers with similar names
441C
Nonrecurring
Individuals or households
Members recognized religious sect filing Form 4029
Central fiscal operations, 21 responses; 5 hours; $218 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. 1402(g) states individuals may file for exemption from self-employment tax if they are members of a recognized religious sect that does not accept benefits from any private or public insurance. Letter 441C is used to clarify taxpayer's accounts, which have similar names who have filed for this exemption.

• Internal Revenue Service
843 claim, information requested
178C, 178SC, 178SP
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers (individual/business) filing Form 843 claims
SIC: All
Small businesses or organizations
Central fiscal operations, 1,016 responses; 339 hours; $7,156 Federal cost; 3 forms, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. 6404 authorizes the IRS to make adjustments on tax liability per claims filed by the taxpayer. To properly process the claims and allow refunds (26 U.S.C. 6402) it is necessary to have complete information as requested by this letter.

• Comptroller of the Currency
Applications survey
Nonrecurring
Businesses or other institutions
National banks in the State of Illinois
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 400 responses; 100 hours; $175 Federal cost; $3,700 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Data on branching and holding company plans of national banks will help determine regional office staffing needs.

Extensions (Burden Change)

• Comptroller of the Currency
Supplement to application to organize
CC 7020-04
On occasion
Businesses or other institutions
National banks in organization
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 60 responses; 300 hours; $39,000 Federal cost; $6,210 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains data needed to evaluate an application to organize a national bank.

• Comptroller of the Currency
Certificate of increase in capital by change in par value
CC 7028-13
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 60 responses; 15 hours; $600 Federal cost; $133 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains certification of captioned capital increase.

• Comptroller of the Currency
Certificate of completed change in outstanding common stock
CC 7028-15
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 25 responses; 6 hours; $250 Federal cost; $55 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains certification of captioned capital changes.

• Comptroller of the Currency
Certificate of completed reductions in outstanding subordinated notes or debentures
CC 7028-18
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 50 responses; 13 hours; $1,000 Federal cost; $11 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains certification of captioned note reduction.

• Comptroller of the Currency
Certificate of declaration stock divident
CC 7028-12
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 300 responses; 75 hours; $3,000 Federal cost; $665 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains certification of captioned declaration.

• Comptroller of the Currency
Notice of change of control of bank
CC 7028-36
On occasion
Businesses or other institutions

National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 85 responses; 1,700 hours; $85,000 Federal cost; $35,185 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains data needed to evaluate a change in control of a national bank as required by Federal law.

• Comptroller of the Currency
Secretary's certificate-shareholder's ratification of merger agreement
CC 7023-16
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 150 responses; 37 hours; $750 Federal cost; $444 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains verification of shareholders approval of agreement.

• Comptroller of the Currency
Secretary's certificate-publication completion
CC 7023-14
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 150 responses; 37 hours; $750 Federal cost; $333 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains verification that merger notice publication was completed.

• Comptroller of the Currency
Secretary's certificate-shareholders resolutions and amendments
CC 7028-31
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 300 responses; 150 hours; $6,000 Federal cost; $1,331 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains certification of shareholders actions.

• Comptroller of the Currency
Sample waiver of notice of first meeting of organizers
CC 7020-21
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; $444 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.

• Comptroller of the Currency
Certificate of payment of subordinated notes or debentures
CC 7028-10
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 70 responses; 17 hours; $700 Federal cost; $155 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains certification of captioned payment.

• United States Customs Service
Special customs invoice
CF5515
On occasion
Businesses or other institutions
Exporters, brokers, manufacturers
SIC: All
Small businesses or organizations
Federal law enforcement activities, 1,100,000 responses, 91,630 hours; $204,679 Federal cost; $1,665,000 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Used to ascertain duties.

• Comptroller of the Currency
Confidential biographical and financial report
CC 7020-03
On occasion
Businesses or other institutions
Officers, directors of national banks in organization
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 600 responses; 4,800 hours; $195,000 Federal cost; $141,923 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains data needed to evaluate an application to organize a national bank.

• Internal Revenue Service
Statement for recipients of medical and health care payments
1099-Med
Annually
Businesses or other institutions
Accident/health insurance companies/medical service plans
SIC: 632
Central fiscal operations, 5,100,000 responses; 442,000 hours; $187,665 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 1099-Med is used to report payment of $600 or more during the year to a physician or other supplier or provider of services under health, accident, and sickness insurance plans or medical assistance programs. Form 1087-Med is used to report payments received as a nominee. IRS uses the information from both forms to verify reporting compliance.

• Internal Revenue Service
Statement for certain fishing boat crew members
1099-F
Annually
Businesses or other institutions
Commercial fishing boats
SIC: 091
Small businesses or organizations
Central fiscal operations, 77,002 responses; 37,700 hours; $28,055 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Used to report payments to crew members of proceeds from sale of catch or distributions in kind. IRS uses the information to verify that these payments are reported as income by the crew members.

• Internal Revenue Service
Employee representative's quarterly railroad tax return
CT-2
Quarterly
Individuals or households
Employee reps. of railway labor organizations
Central fiscal operations, 280 responses; 280 hours; $6,519 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Employee representatives file quarterly Form CT-2 to report compensation on which Railroad Retirement Tax Act taxes are due. IRS uses the information to ensure that the filer has paid the correct tax. Additionally, Form CT-2 transmits the tax payment.

• Internal Revenue Service
Annual summary and transmittal of U.S. information returns 1096
Annually
Individuals or households/State or local governments/farms/businesses or other institutions

Entity having issued series 1099/1087 forms during year
SIC: All
Small businesses or organizations
Central fiscal operations. 941,759 responses; 461,085 hours; $157,802 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 1096 is used as a cover form to send information returns (Forms 1099 and 1087 Series) to the service center, under IRC Section 6041 and related sections. A separate Form 1096 is used for each type of return sent in by the payer. It is used by IRS to summarize and categorize the forms being sent in.

• Internal Revenue Service
Alternative minimum tax computation 6251
Annually
Individuals or households/businesses or other institutions
Individuals, estates, and trusts with tax preference items
SIC: 673
Central fiscal operations, 138,000 responses; 119,701 hours; $93,578 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 6251 is used by individuals, estates, and trusts having certain tax preference items or certain nonbusiness credits, who may be liable for the alternative minimum tax which is to be added to tax liability. The information is needed to see whether taxpayers are complying with the law.

• Internal Revenue Service
Statement for recipients of dividends and distributions
1099-DIV
Annually
Farms/businesses or other institutions
Banks, savings and loan associations, corporations
SIC: All
Small businesses or organizations
Central fiscal operations, 74,633,000 responses; 5,851,646 hours; $1,091,296 Federal cost; 2 forms, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 1099-DIV is used to report the payment of dividends and distributions. Form 1087-DIV is used by nominees (who receive and distribute the payment to others) to report the actual owner of dividends and distributions reported to a recipient on Form 1099-DIV. The information is checked against the recipient's income tax return to verify compliance.

• Bureau of Alcohol, Tobacco and Firearms
Brewer record of beer racked and bottled, or consumed at brewery
ATF REC 5130 /3
Other—See SF83
Businesses or other institutions
Brewery
SIC: 208
Small businesses or organizations
Federal law enforcement activities, 27,820 responses; 2,309 hours; $10 Federal cost, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Accounting tool, audit trail protection of the revenue. Gallonages ascertains maximum tax to be determined on removal from premises and amounts consumed on the premises, also for tax purposes.

Extensions (no change)

• Comptroller of the Currency
Sample resolutions and amendments to articles of association
CC7029-09
Nonrecurring
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 100 responses; 200 hours; $1,000 Federal cost; $4,140 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains language for amending articles

• Comptroller of the Currency
Sample by-law
CC7029-05
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 100 responses; 500 hours; $2,000 Federal cost; $10,349 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains language for preparing by-law.

• Comptroller of the Currency
Sample articles of association
CC7029-04
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 100 responses, 500 hours; $2,000 Federal cost $10,349 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Provides language for preparing articles.

• Comptroller of the Currency
Application to convert an existing office
CC 7030-02
On occasion
Businesses or other institutions
foreign bank branches in U.S.
SIC: 602
Other advancement and regulation of commerce, 20 responses; 800 hours; $50,000 Federal cost; $23,654 public cost; 1 form, not applicable under 3504 (h)
Kevin Broderick, 202-395-6880

Contains data needed to evaluate an application to convert to a Federal branch.

• Comptroller of the Currency
Certificate of conversion of subordinated notes or debentures
CC 7028-19
On occasion
Businesses or other institutions
National banks
Small businesses or organizations
Other advancement and regulation of commerce, 10 responses; 2 hours; $100 Federal cost; $23 public cost; 1 Form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains certification of captioned note conversion.

• Comptroller of the Currency
Application to establish an operating subsidiary
CC 7025-01
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 40 responses; 120 hours; $6,000 Federal cost; $1,419 public cost; 1 Form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains data needed to evaluate subject application.

• Comptroller of the Currency
Application for a change in corporate title
CC 7026-01
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 90 responses; 180 hours; $45,000 Federal cost; $2,129 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains data needed to evaluate subject application.

• Comptroller of the Currency
Sample minutes of first meeting of directors

CC 7020-36
On occasion
Businesses of 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 minutes which normal documentation of meeting.

• Comptroller of the Currency
Affidavit of publication of charter
CC 7020-40
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; $1,419 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880.

Required to document publication of a national bank charter.

• Comptroller of the Currency
Application to convert to a national banking association
CC 7022-01
On occasion
Businesses or other institutions
National banks
SEC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 10 responses; 200 hours; $25,000 Federal cost; $2,365 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880.

Contains data needed to evaluate subject application.

• Comptroller of the Currency
Organization certificate
CC 7020-20
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; $1,419 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Needed to assure organizers incorporate bank as required by Federal law.

• Comptroller of the Currency
Application to organize a national bank
CC 7020-02
On occasion
Businesses or other institutions
Persons organizing a national bank
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 120 responses; 6,000 hours; $546,000 Federal cost; $124,200 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains data needed to evaluate an application to organize a national bank.

• Comptroller of the Currency
Application to establish a Federal branch of agency
CC 7030-01
On occasion
Businesses or other institutions
Foreign
SIC: 602
Other advancement and regulation of commerce, 40 responses; 1,600 hours; $100,000 Federal cost; $47,232 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick 202-395-6880.

Contains data needed to evaluate proposal
Branch or agency.

• Comptroller of the Currency
Cashier's certification on adoption of amended by-laws
CC 7029-18
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 50 responses; 50 hours; $500 Federal cost; $591 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains certification on by-laws amendments adopted.

• Comptroller of the Currency
Legal notice application to organize a national bank
CC 7020-17
On occasion
Businesses of other institutions
National banks in organization
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 120 responses; 120 hours; $55,800 Federal cost; $1,774 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains data needed to evaluate an application to organize a national bank.

• Comptroller of the Currency
Capital equivalence agreement
CC 7030-10
On occasion
Businesses or other institutions
Foreign banks in U.S.
SIC: 602
Other advancement and regulation of commerce, 40 responses; 40 hours; $800 Federal cost; $1,183 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains data needed to verify capital position of a Federal branch or agency.

• Comptroller of the Currency
Purchase agreement
CC 7023-07
On occasion
Businesses of other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 20 responses; 600 hours; $18,000 Federal cost; $12,418 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Contains purchase agreement and terms.

CONSUMER PRODUCT SAFETY COMMISSION

Agency Clearance Officer—Charles Casper—301-634-7770

New

Questionnaire: insulation contractors
Nonrecurring
Businesses or other institutions
Insulation contractors
SIC: 174
Small Businesses or organizations
Education and training of health care work force, 100 responses; 25 hours; $3,100 Federal cost; 1 form, not applicable under 3504(h)
Mahesh Podar, 202-395-7340

The commission has proposed a ban on up foam insulation. Responses to telephone inquiries of insulation contractors will provide more information on the likely impacts of a ban on those firms, determining recent market trends, and assessing the extent to which substitute insulation materials may be used.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202-632-7513

Extensions (No Change)

• Application for new or modified radio station
Authorization under Part 5 of FCC rules experimental radio services (other than broadcast)

On occasion
State or local governments/businesses of other institutions
Experimental radio applicants and licensees
SIC: 481,482,489
Small Businesses or organizations
Other advancement and regulation of commerce, 800 responses; 2,400 hours; $60,000 Federal cost; 1 form, not applicable under 3504(h)
William T. Adams, 202-395-4814

Required for authorization. Data necessary for commission to make a determination as to if an authorization should be issued for an experimental radio station under Part 5 of FCC rules and regulations and what the interference potential to other services would be.

• Supplemental information for application in the experimental radio services involving government contracts
440-A
On occasion
State or local governments/businesses or other institutions
Applicants who have Federal contracts with the government
SIC: 481,482,489
Small Businesses or organizations
Other advancement and regulation of commerce, 900 responses; 450 hours; $48,000 Federal cost; 1 form, not applicable under 3504(h)
William T. Adams, 202-395-4814

Applicant needs to supply supplemental information when a Federal contract is involved with application. The data is used to confirm whether the Federal contract is valid and if an experimental authorization is required in accordance with the contract.

INTERNATIONAL DEVELOPMENT ASSISTANCE

Agency Clearance Officer—Ms. Melita Yearwood—202-632-0084

New

O• PIC investment mission information form
OPIC 78
On Occasion—Other—See SF83
Businesses or other institutions
U.S. Companies
SIC: All
Small businesses or organizations
Foreign economic and financial assistance, 160 responses; 40 hours; $1,829 Federal cost; 1 form, not applicable under 3504(h)
Phillip T. Balazs, 202-395-4814

Information is needed to determine the appropriateness of respondents for participation in OPIC investment missions.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202-633-0204

New

Quarterly condensed balance sheet (CBS)
CBS
Quarterly
Businesses or other institutions
Class I line-haul railroads
SIC: 401
Ground transportation, 164 responses; 1,148 hours; $2,774 Federal cost; 1 form, not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

Financial data showing carriers current assets and liabilities and expenditures for additions and betterments are essential to the proper administration of the Interstate Commerce Commission Act. Reports are used by the Commission to assess industry growth sudden changes in carrier financial stability and by the Commission and others to identify changes and Trends that may affect the national transportation system.

NATIONAL TRANSPORTATION SAFETY BOARD

Agency Clearance Officer—Mr. William H. Park—202-472-6158

Extensions (No Change)

• Aircraft accident report
NTSB6120.2
On Occasion
Businesses or other institutions
Aircraft operators
Other transportation, 300 responses; 600 hours; $15,000 Federal cost; 1 form, not applicable under 3504(h)
Donald Arbuckle, 202-395-7340.

This form is made part of the official NTSB file of the accident, which is the board's public docket. It fullfills the air carriers' legal requirement for reporting, gives them the opportunity to state the official report of the accident and finally used in accident cause determination and also as a basis for making recommendations to prevent future similar accidents.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202-632-7737

Revisions

• Request for use of auditorium and examination facilities
CSC-855
On occasion
State or local governments/businesses or other institutions
Other than other Fed. Agen. we also rec. req. FR. edu., etc.
SIC: All
Central Personnel Management, 52 responses; 13 hours; $85 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202-395-4814

The office of personnel management extends to the general public the use of its aduitorium, conference rooms, and training and examination facilities, under the "living building program" sponsored by GSA. The form collects pertinent information needed by OPM to screen requestors for eligibility; to schedule rooms for use; to notify requestors; and to document action taken.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

• Regulation 12e: Registration and reporting (17 CFR 240.12b-1 through 240.12b-36)
On occasion
Businesses or other institutions
Per. fil. regis. stmts. or rep. purs. to secs. 12, 13, 15, etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 1 response; 1 hour; $3,290 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202-395-4814

Regulations 12b (17 CFR 240.12b-1 through 240.12b-36) provides instructions and the procedures to be followed by persons filing registration statements and reports under the Securities Exchange Act of 1934. The proposed amendments are designed to implement the integrated disclosure program and to eliminate or revise out-moded or unnecessary regulations.

• Form 10-K, annual report form pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934
Sec 1673
Annually
Businesses or other institutions
Iss. w/sec. reg. under sec. 12(b) or (g) of sec. excg. act.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 7,712 responses; 16,195,200 hours; $545,046 Federal cost; $721,172,000 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form 10-K elicits material information from issuers of publicly-traded securities concerning their financial condition and operations for each fiscal year in order that investors may make

informed and knowledgeable investment decisions. The Commission is proposing to amend from 10-K to include certain information relative to an issuer's fourth fiscal qtr, include 2 new instruc., clarify the signature requiremt. and make tech. amend. necessitated by other prop. in the integ. disclo. system.

- Form 10, registration statement pursuant to section 12(b) or (g) of the Securities Exchange Act of 1934

Sec 1396
On occasion
Businesses or other institutions
Iss. w/sec. listed on a nat'l sec. exchg. and iss. w/total
SIC: Multiple
Other advancement and regulation of commerce, 120 responses; 15,600 hours; $121,740 Federal cost; $846,000 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form 10 elicits information concerning securities registered on national securities exchanges and certain other publicly-traded securities and the issuers thereof, in order that investors may make informed and knowledgeable investment decision concerning such securities. The Commission is proposing to amend the form to include certain uniform disclo. require, eliminate unnec. disclc. require. and make tech. amend. necessitated by other proposals in the integrated disclosure system.

- Securities Act of 1933 registration statement form S-1 (existing and proposed)

Sec 870
On occasion
Businesses or other institutions
Businesses wanting to sell securities publicly
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 585 responses; 1,550,250 hours; $1,262,577 Federal cost; 2 forms, not applicable under 3504(h)
Robert Veeder, 202-395-4814

To help insure that investors have the necessary information to make purchases of securities which are publicly offered for sale the Securities Act of 1933 requires the filing of a registration statement on such securities which makes publicly available the information necessary for informed investment decisions. Form S-1 is the general form prescribed for such a purpose.

- Form S-8, Securities Act registration form for securities to be offered to employees pursuant to certain plans

Sec 1398
On occasion
Businesses or other institutions
Registrants qualified to use form S-8
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 957 responses; 86,130 hours; $242,433 Federal 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-8 is the principal form used to register securities in connection with employee benefit plans.

- Form S-11, Securities Act registration form for registration of securities of certain real estate companies

Sec 907
On occasion
Businesses or other institutions
Real estate com. that seek to offer securities for sale
SIC. Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 84 responses; 75,600 hours; $175,371 Federal 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-11 is prescribed for registration of securities of certain real estate companies.

- Form 8-B, registration statement pursuant to Section 12(b) or (g) of the Securities Exchange Act of 1934 for certain successor issuers

Sec 1857
On occasion
Businesses or other institutions
Issuers w/sec. listed on a nat. securities exchange, et al.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 46 responses; 38 hours; $1,528 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form 8-B 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 simplify the disclosure requirements of the form through consolidation of certain items and incorporation of certain uniform disclosure items.

- Guides for the preparation and filing of registration statements and reports under the Securities Act and Securities Exchange Act

On occasion—quarterly—annually
Businesses or other institutions
Issuers registering securities pursuant to sec. ex. acts
SIC: Multiple
Other advancement and regulation of commerce, 1 response; 1 hour; $13,891 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202-395-4814

The guides set forth the positions of the division of corporation finance of the Commission on particular disclosure and other requirements under the Securities Act and Exchange Act. These guides were promulgated to assist issuers and others participating in the preparation of registration statements and reports.

- Form 10-0, quarterly report form pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Sec 1296
Quarterly
Businesses or other institutions
Iss. w/sec. reg. under Sec. 12 (b) or (g) of the sec. exchg.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 21,894 responses; 4,444,482 hours; $362,018 Federal cost; $185,004,300 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form 10-0 elicits material information from issuers of publicly-traded securities after the end of the issuers' first, second and third fiscal quarters concerning their financial condition and operations in order that investors may make investment decisions on the basis of current information. The Commission is proposing technical amendments to the form and a new instruction concerning integration of filings.

- Regulation S-K (standard instructions for filing forms under Securities Act and Exchange Act)

1892
On occasion—quarterly
Businesses or other institutions
Iss. reg. sec. purs. to the sec. act of 1933, etc.
SIC: Multiple
Other advancement and regulation of commerce, 1 response; 1 hour; $78,718 Federal cost; 1 form, not applicable under 3504(h)

Robert Veeder. 202-395-4814

Regulation S-K is the central repository of uniform disclosure provisions relating to the information which is required to be set forth in registration statements and reports required pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934. The provisions are not self operative but are triggered by the registration form and reports promulgated under both acts.

- Securities Act of 1933 proposed registration Form S-2

Sec 1380
On occasion
Businesses or other institutions
Short registration forms
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 564 responses; 513,240 hours; $661,832 Federal cost; $25,380,000 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. Proposed Form S-2 would be one of the three basic forms prescribed for such a purpose.

- Securities Act of 1933 proposed registration Form S-3

Sec 1379
On occasion
Businesses or other institutions
Short registration forms
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 670 responses; 216,410 hours; $319,991 Federal cost; $12,730,000 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. Proposed Form S-3 would be one of the three basic forms prescribed for such a purpose.

- Regulation C—Registration (17 CFR 230.400 through 230.494)

1898
On occasion
Businesses or other institutions
Any per. who reg. w/the Commission under the sec. act 1933
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 1 response; 1 hour; $18,647 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder. 202-395-4814

Regulation C provides standard instructions to guide persons when filing registration statements under the Securities Act of 1933. The proposed amendments to the rules comprising regulation C are necessary to correspond to revisions in the registration forms and disclosure requirements, as proposed, and to modify or eliminate out-moded and unnecessary regulations.

- Securities Act of 1933 registration form S-2 (existing)

Sec 905
On occasion
Businesses or other institutions
The per. required to submit this reg. stmt are bus., etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 49 responses; 52,920 hours; $145,325 Federal cost; $2,695,000 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-2 is the registration prescribed for such a purpose for companies in the developmental stages which cannot use form S-18.

- Proposed revision of certain exemptions from the registration provisions of the Securities Act of 1933 for transactions involving limited offers and sales

Sec 1972
On occasion
Businesses or other institutions
Iss. who elect offer & sell sec. purs. to sec. 4(6), etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 5,840 responses; 35,040 hours; $235,589 Federal cost; $1,576,800 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202-395-4814

The proposed form will allow the Commission to elicit information necessary in assessing the effectiveness of Regulation D as a capital raising device for small business.

- Securities Act of 1933 registration Form S-16 (existing)

1379
On occasion
Businesses or other institutions
Short form registration
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 745 responses; 253,300 hours; $323,338 Federal cost; $14,900,000 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-16 is one of the three basic registration forms prescribed for such a purpose.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

Extensions (no change)

- Application for designation as fee appraiser

26-6681 26-6681
On occasion
Individuals or households
Appraiser applicants
Veterans housing, 4,000 responses; 1,333 hours; $3,368 Federal cost; 1 form, not applicable under 3504(h)
Robert Neal, 202-395-6880

This form is utilized to obtain information on professional experience from applicants. For evaluation by panels for possible VA fee appraiser designation. Fee appraisers recommend the value of properties proposed for VA financing under 38 U.S.C. 1810 and 1811, ascertain whether properties meet minimum property requirements, (38 U.S.C. 1804) and appraise lots for loans authorized by 38 U.S.C. 1819.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81-24343 Filed 8-19-81, 8:45 am]

BILLING CODE 3110-01-M

OHIO RIVER BASIN COMMISSION

Availability of Adopted Cumberland River Basin Regional Water and Land Resources Plan and Environmental Impact Statement

Pursuant to Section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89-80), the Ohio River Basin

Commission has adopted the Cumberland River Basin Regional Water and Land Resources Plan and Environmental Impact Statement for transmittal to the President and the Congress through the Water Resources Council. This document also serves as the Cumberland River Basin Level B Study Report.

Copies are available on request from the Ohio River Basin Commission, 36 East Fourth Street, Suite 208, Cincinnati, OH 45202.

For the Ohio River Basin Commission.

Frank Kudrna,

Vice-Chairman.

[FR Doc. 81-24293 Filed 8-19-81; 8:45 am]

BILLING CODE 6410-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18037; File No. SR-Amex-81-12]

American Stock Exchange, Inc., Proposed Rule Change; Self-Regulatory Organizations

In the matter of: Proposed Rule Change relating to Amendment of Exchange Rule 421, Comments requested on or before September 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 27, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange proposes to amend Rule 421 governing discretionary accounts in order to streamline and simplify the Rule.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose or an basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. *Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change*

Purpose: Amex rule 421 regulates discretionary accounts carried by member organizations to provide proper supervision. However, certain of its procedural provisions have become outdated and unnecessary. The Amex therefore proposes that these provisions be deleted and that certain other supervisory requirements be added, in order to streamline and simplify the rule. As indicated in more detail below, the proposed amendments will give the Exchange and member organizations greater flexibility to develop effective internal surveillance systems that will provide appropriate investor protection and be best suited to the needs and resources of particular member organizations.

The following provisions are proposed to be deleted from Amex Rule 421:

Requirement of Approval of Discretionary Orders: Member organizations have adopted a variety of procedures to detect "churning" in discretionary accounts, which is perhaps the principal abuse that Rule 421 is designed to prevent. Many firms assign a special code designation to discretionary accounts, which enables the firm's computer to isolate discretionary accounts for monitoring pruposes. Such supervisory procedures are more efficient than the approval of a discretionary order ticket on the day of entry as required by Rule 421, so it would appear unnecessary to require member organizations to follow a procedure which is burdensome and less effective. Moreover, without this requirement member organizations will have greater flexibility to develop effective internal surveillance systems that are best suited to their needs and resources. Exchange field examinations will cover the member firms written statement of supervisory procedures, and should reflect whether the firm's system is satisfactory. In connection with such reviews, smaller member firms that do not have advanced monitoring capabilities will be required to retain their present order approval procedures as part of their internal surveillance system. The Amex therefore proposes to amend Rule 421 to delete the general requirement for initialing and approving orders on the day of entry.

Additional Supervisory Requirements: The Exchange also proposes to add certain requirements to rule 421, to augment the effectiveness of discretionary account supervision by member organizations.

First, it is proposed that registered personnel, after obtaining the required written discretionary authority, also be required to notify their firm of the discretionary authority and obtain approval from a supervisor. While approval for the opening of an account, discretionary or non-discretionary, authority and obtain approval from a supervisor. While approval for the opening account, discretionary or non-discretionary, is already required under Amex Rule 411 (with the approval ehcompassing the account s discretionary character), there may be times when a customer grants discretionary authority over an account after it has been opened. Approval under this circumstance is not now expressly required. Amending Rule 421 to require firm approval of discretionary authority will fill this gap.

Second, the provision of Rule 421 which requires the frequent review of discretionary accounts would be broadened by changing the category of person qualified to conduct such a review, from "regular or allied member" to "any qualified principal or employee delegated such responsiblity under Amex Rule 320." (Rule 320 relates to the supervision and control required with respect to a member's office.)

Finally, the Amex proposes to add a requirement that each member organization maintain a written statement of the specific supervisory procedures governing its discretionary accounts.

(b) *Basis:* The proposed amendment is consistent with Section 6(b) of the Exchange Act in general and furthers the objectives of Section 6(b)(5) of the Act in particular in that it is designed to facilitate transactions in securities and to protect investors and the public interest.

B. *Self-Regulatory Organization's Statement on Burden on Competition.*

The Exchange has determined that the proposed rule change will have no impact on competition.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal**

Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute Proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-24364 Filed 8-19-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18033; File No. SR-Amex-81-13]

American Stock Exchange, Inc.; Proposed Rule Change; Self-Regulatory Organizations

In the matter of proposed rule change relating to Amendment of Commentary .05 under Rule 155. Comments requested on or before September 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 10, 1981, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

(a) The American Stock Exchange, Inc. (the "Exchange") proposes to amend Commentary .05 under Exchange Rule 155 as follows:[1]

Rule 155. Precedence Accorded to Orders Entrusted to Specialists.

* * * * *

Commentary

* * * * *

.05 (i) If a specialist elects to take or supply for his own account the securities named in an order entrusted to him by another member or member organization, [the specialist shall promptly notify] such member or member organization [to confirm the transaction, and the notified party or a member representing the notified party must repond promptly. The transaction must then be either confirmed or rejected with a member and not with a clerk. The notified party or the member representing the notified party must either initial the memorandum record of the specialist which shows the details of the trade and cause it to be returned to the specialist, or initial the trade in the specialist's trading book. The specialist must keep such records for a period of at least twelve months. The provisions of this Commentary .05 shall not apply when a specialist takes or supplies, for an account in which he has an interest, the securities named in an order stored in the Opening Automated Report Service pursuant to Rule 116.] *shall be so notified as follows:*

(a) If such securities were named in an order received by the specialist through the Post Execution Reporting ("PER") System or the Amex Options Switch ("AMOS") System, the Exchange shall furnish a report of the transaction; or

(b) If such securities were named in an order received by the specialist in any other manner, the specialist shall indicate on the copy of the order ticket to be returned to the member or member organization that he executed the order as principal.

(ii) A member or member organization may reject a transaction for which notice is required to be furnished pursuant to paragraph (i) above by so advising the relevant speclialist in writing promptly after receiving such notice. Any such written rejection shall be given to the specialist by a member, not by a clerk. Any transaction not rejected in this manner shall be deemed accepted.

[1] [Brackets] indicate material to be deleted. Italics indicate material to be added.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the rule change and discussed any comments it received on the rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, as set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

(a) Purpose

Commentary .05 under Amex Rule 155 was adopted in response to concerns expressed in the Securities and Exchange Commission's 1963 *Special Study of the Securities Markets* concerning the conflict of interest whenever a specialist purchases from or sells to his "book"—i.e., from or to a customer whose order he represents as agent. The *Special Study* recommended that (i) whenever a specialist deals with the book, a floor member representing the firm which forwarded the order should initial the specialist's memorandum of the transaction, and (2) in its routine surveillance, an exchange should systematically review transactions covered by such memoranda in light of subsequent transactions by the specialist.

Commentary .05 provides that if a specialist elects to take or supply for his own account the securities named in an order entrusted to him by another member, the specialist must notify the member [the "notice requirement"], and the member must promptly either confirm or reject the transaction (the "confirmation requirement").

The proposed amendment of Commentary .05 would simplify the notice requirement and eliminate the confirmation requirement. The purposes of the proposal are to revise the procedures called for under Commentary .05 to make them more consistent with recent technological advances, and to increase the efficiency

with which orders are handled. As explained more fully below, the proposed new procedures would continue to address the concerns express in the *Special Study*.

PER and AMOS Orders

When Commentary .05 was adopted, the only means by which specialists received limit orders was from floor brokers. However, an Amex specialist may now also receive limit orders electronically routed directly to his post from the upstairs offices of member firms via the Post Execution Reporting ("PER") System and/or the Amex Options Switch ("AMOS") System. The requirements of Commentary .05 now apply whenever a specialist executes, as principal, a limit order received through either of these systems.

The Commentary .05 requirements run counter to two important objectives of the PER and AMOS systems, *viz.*, reducing paper flow on the Floor and permitting floor brokers of member firms to use most of their time to execute relatively complicated orders. The Commentary .05 requirements to add to paper on the Floor and involve floor brokers in transactions for which PER and AMOS were intended to relieve the responsibility.

Under the proposed amendment, specialists would no longer be required to provide special notices pursuant to Commentary .05 when they execute, as principal, limit orders received through PER and AMOS. They would be required only to furnish the normal execution report which follows the execution of any PER or AMOS order. A member organization would be permitted to reject a transaction in which a specialist has executed a PER or AMOS limit order as principal, provided that it acts promptly after receiving the execution report.

Execution reports returned to upstairs firms through the PER and AMOS Systems would not specify whether a specialist had executed a particular limit order as principal or agent. However, if a member organization had questions about an execution price and believed that it might wish to reject a transaction, it could inquire, through its floor broker, whether the specialist had acted as principal or agent. If the specialist advised the floor broker that he acted as principal, the floor broker could reject the transaction.

Broker-Delivered Orders

The Exchange is also proposing to amend Commentary .05 with respect to customers' limit orders that floor brokers have entrusted to specialists for execution, or which specialists have received directly from the floor booths of member firms ("broker-delivered orders").

The current notice and confirmation procedures now applicable to broker-delivered orders are more cumbersome than is necessary to achieve the objectives of Commentary .05; therefore, the Exchange proposes that the notice and confirmation requirements contemplated by Commentary .05 be amended with respect to broker-delivered orders as follows:

First, specialists would be relieved of the obligation to fill out special forms to give notice of transactions in which they act as principal. Instead, they would be permitted to give such notice by stamping each relevant order ticket with a uniform notation, such as "principal transaction". Since order tickets are returned to members immediately upon the execution of transactions, this approach would be an efficient method of providing the necessary notice and would not generate unnecessary paper.

Second, members would be relieved of the responsibility to specifically confirm or reject each transaction in which a specialist executes a broker-delivered order as principal. During the years that Commentary .05 has been in effect, only a few transactions by specialists have been rejected pursuant to the terms of the Commentary by the members who placed them. Therefore, to achieve greater efficiency, it seems appropriate to adopt a procedure whereby any transaction not specifically rejected shall be deemed confirmed.

(b) *Basis.*

The proposed rule change is consistent with the general purposes of the Act, and with Sections 6(b) (1) and (5) in particular. By increasing the efficiency with which orders are handled, the proposed new procedures will facilitate transactions in securities. At the same time, the proposed procedures will protect investors and the public interest by continuing to address the concerns expressed in the *Special Study* that were the basis for the original adoption of Commentary .05 as follows:

Conflict-of-Interest Concerns

The theory underlying Commentary .05 is that, due to the conflict of interest present whenever a specialist holding an order as agent elects to execute it as principal, the member who placed the order should have a special opportunity to evaluate the execution and decide whether to accept or reject the transaction. This purpose would continue to be served by permitting members to reject specialists' principal transactions under appropriate circumstances. Under the proposed procedures, a member who receives a report of a transaction in which a specialist executed, as principal, an order held as agent would be permitted to reject the transaction by notifying the specialist in writing. For PER and AMOS orders, the relevant report would be the execution report provided by the Exchange. For broker-delivered orders, the relevant report would be an order ticket indicating that the order had been filled by a specialist acting as principal.

Surveillance

The Exchange's Trading Analysis Department receives daily computer printouts indicating all of the principal transactions of each specialist in equities and options. These printouts contain sufficient information to permit the Trading Analysis Department to perform the surveillance activities contemplated by Commentary .05. Therefore, the written memoranda now called for under Commentary .05 are redundant as a surveillance tool and may be discontinued without adversely affecting the Exchange's surveillance efforts.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The Exchange has determined that the rule change does not have an impact on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others.*

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before September 21, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street,

Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 10, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-24386 Filed 8-19-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18035; File No. SR-CBOE-1981-15]

Chicago Board Options Exchange, Inc.; Proposed Rule Change

In the matter of: Proposed Rule Change Relating to GNMA Options

Comments requested on or before September 8, 1981

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 5, 1981, the Chicago Board Options Exchange, Incorporated, filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

[Changes from CBOE's existing rules are indicated by brackets for deletions and italics for new material.]

Margin Requirements

Rule 20.24

(a) [No change]

(b) [No change]

(c) The requirements set forth in paragraph (b) hereof are subject to the following exceptions, which in each case may be applied at the discretion of the Member Organization with which the account is maintained.

(1) Short call covered by long GNMA. No margin is required in respect of a GNMA call option contract carried in a short position which is covered by a long position in underlying GNMAs within the meaning of Rules 1.1(y) and 20.1(f).

(2) *Short option offset by long option where long option expires with or after short option.* [Spreads with same expiration date.] This subparagraph (c)(2) applies to accounts carrying positions in long call GNMA options (or *long* [short] put GNMA options) which are offset by positions in short call GNMA options (or *short* [long] GNMA options) for the same nominal principal amount of GNMAs, provided that the expiration date of the long calls (or *long* [short] puts) is the same as *or subsequent to* the expiration date of the offsetting short calls (or *short* [long] puts).

(A) When the exercise price of the long call GNMA option (or short put GNMA option) is less than or equal to the exercise price of the offsetting short call GNMA option (or long put GNMA option), no margin is required [, provided that the long option is paid in full].

(B) When the exercise price of the long call GNMA option (or short put GNMA option) is greater than the exercise price of the offsetting short call GNMA option (or long put GNMA option), margin is required equal to the difference in exercise prices multiplied by the appropriate multiplier factor set forth below. For purposes of this subparagraph (c)(2)(B), the multiplier factor to be applied shall depend on the then current highest qualifying rate as defined in Rule 20.1(i). If the then current highest qualifying rate is less than 8%, the multiplier factor shall be 1; if the then current highest qualifying rate is greater than or equal to 8% but less than 10%, the multiplier factor shall be 1.2; if the then current highest qualifying rate is greater than or equal to 10% but less than 12%, the multiplier factor shall be 1.4; and if the then current highest qualifying rate is greater than or equal to 12%, but less than or equal to 14%, the multiplier factor shall be 1.5. The multiplier factor or factors for higher qualifying rates shall be established by the Board (or the Committee designated by the Board) as required.

[(3) Other spreads. This subparagraph (c)(3) applies to accounts carrying positions in long call GNMA options (or short put GNMA options) which are offset by positions in short call GNMA options (or long put GNMA options) for the same nominal principal amount of GNMAs, provided that the expiration date of the long calls (or short puts), is different than the expiration date of the offsetting short calls (or long puts). For each put or call GNMA option contract carried in a short position in the account which is offset by a corresponding option contract carried in a long position in the account, margin must be maintained equal to at least 130% of the current market value of the short option contract plus $1,500, reduced by the current market value of the offsetting long option contract; provided, however, that the minimum margin required for a spread position subject to this subparagraph (c)(3) shall be $1,000.]

(*3*) [4] Short put and short call. This subparagraph (c)(*3*)[4] applies to account carrying positions in short put GNMA options which are offset by positions in short call GNMA options for the same nominal principal amount of GNMAs. The margin required for such a position shall be the margin required for the short put option contract or the margin required for the short call option contract (pursuant to paragraph (b) of this Rule), whichever is greater, plus the current market value of the other contract.

[Rule 20.24 supplements Rule 12.3.]

Determination of Value for Margin Purposes

Rule 20.25. For margin purposes, positions in GNMAs shall be valued at the current cash market price for GNMAs bearing the same stated rate of interest as those in the positions. [Notwithstanding anything to the contrary in Rule 12.5, GNMA options contracts, for] *For* purposes of Rule 20.24, [shall be deemed to have market value and] the term "current market value" as to any position in a particular GNMA option series (as used in that Rule) shall mean the closing price of that series on the Exchange on the day with respect to which a determination of current market value is made.

All long GNMA options must be paid in full.

[* * * Interpretations and Policies]

[.01. The last sentence of Rule 20.25 is intended solely to give meaning to the term "current market value" with respect to any position in a particular GNMA options series for purposes of Rule 20.24. GNMA options contracts, like other options contracts, however, remain governed by Rule 12.5 and shall not be deemed to have market value for purposes of Rule 12.3 (a)(1). As with other option contracts, the premium for a long GNMA option must be fully paid, and the proceeds received from selling a GNMA option may be applied toward satisfaction of the margin requiement.]

[Rule 20.25 supplements Rule 12.5.]

II. Self-Regulatory Organization's Statement of the Purpose of Proposed Rule Change

CBOE's proposed change in Rule 20.24 would eliminate the existing treatment of so-called "time spreads" in GNMA options, according treatment identical to that already accorded so-called "vertical spreads" to "time" spreads where the expiration date of long call GNMA options or long put GNMA options is subsequent to the expiration date of offsetting short call GNMA options or short put GNMA options. No special margin treatment would be accorded "time" spreads where the expiration date of short call GNMA options or short put GNMA options is subsequent to the expiration date of offsetting long call GNMA options or long put GNMA options. The proposed Rule change is intended to improve the CBOE's margin system for GNMA options by more appropriately providing for the risks associated with "time" speads in order to facilitate transactions in GNMA options and promote protection of investors and the public interest in the manner contemplated in Section 6 of the Securities Exchange Act of 1934. The proposed Rule change will eliminate disparate treatment of such spreads and simplify compliance with the margin rules.

The proposed change in Rule 20.25 is intended simply to remove a possible ambiguity that has been called to CBOE's attention. The GNMA option margin rules were intended to provide that the premium for a long option must be fully paid and that the proceeds received from selling an option (and thus acquiring a short option position) may be applied toward the satisfaction of margin requirements. This amendment clarifies that this is the intended result in respect of such rules. This proposed amendment thus eliminates the need for Interpretation and Policy 20.25.01, which would be deleted.

III. Self-Regulatory Organization's Statement on Burden on Competition

The purposed Rules change set forth herein would impose no burdens on competition.

IV. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed Rule change were neither solicited nor received.

V. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this Notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed Rule change, or

(B) Institute proceedings to determine whether the proposed Rule change should be disapproved.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 8, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority

August 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-24362 Filed 8-19-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18039; File No. SR-CBOE-80-8]

Chicago Board Options Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organizations

In the matter of Proposed Rule Change Relating to Amendment No. 2 to CBOE's Proposed Rules for Trading in Options on Government Securities.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)1, notice is hereby given that on August 12, 1981, the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Securities and Exchange Commission proposed rule changes as follows:

CBOE's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed amendments are a second set of amendments to the terms of the proposed rule change set forth in SR-CBOE-80-8, as filed July 1, 1980. The current amendment replaces in their entirety all rules previously proposed and in this regard the amendment would accomplish two principal objectives. First, the amendment would consolidate in a separate chapter of the CBOE Rules, to be designated Chapter XXI, all rules specifically applicable to options on securities issued or guaranteed by the U.S. Government (other than Government National Mortgage Association pass-through securities).[1] All rules of general applicability would be incorporated by reference. Second, the proposed rule change makes certain modifications to the rules originally proposed to, among other things, increase position and exercise limits, modify the options expiration cycle, eliminate the limit order book, require separate account approval for U.S. Government securities options trading, and require corporate affiliates of market makers in U.S. Government securities options to make all books and records pertaining to trading in Government securities, and options and futures thereon, available to the exchange for surveillance and investigation purposes. The substance of these changes is discussed in Section A.

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Purpose of Proposed Rule Change

The basis and purpose of CBOE's proposed rule changes remain the same

[1] The terms of substance of these rules submitted as Amendment No. 1 to SR-CBOE-80-8 were published in the **Federal Register** on December 1, 1980 (45 FR 59612).

as set forth in SR-CBOE-1980-8, Amendment No. 1. As noted, the amendments to these proposed rule changes, set forth above, are intended primarily to consolidate the rule changes contained in Amendment No. 1 into a single new chapter—Chapter XXI—of CBOE's rules. The introduction to Chapter XXI (which would contain all rules uniquely applicable to Government securities options) would make clear the limited application of the chapter and the general applicability of CBOE's other rules to Government securities options except as otherwise provided in the chapter. The rules in Chapter XXI closely parallel the rules contained in Chapter XX which are applicable to GNMA options.

In addition to this reorganization, Amendment No. 2 makes certain substantive changes in and additions to the rules as proposed in Amendment No. 1. Only those changes which are substantive changes from the rules as filed in Amendment No. 1 are described in the following paragraphs.

Rule 21.2. This proposed rule has been amended to give CBOE the authority to condition or terminate the use of a wire connection if necessary or appropriate to maintain a fair market, e.g., if a wire service not available to all Exchange members is deemed to give an unfair advantage to those members with access to it.

Rule 21.3. The two-tiered position limits proposed in Amendment No. 1 are replaced by a single limit of 2000 Government securities option contracts. Because Rule 21.7 is being amended (see below) to set a uniform, higher minimum amount of original issuance required for approval of both Government notes and Government bonds as underlying securities, the rationale for the two-tiered position limits no longer exists. CBOE reserves the right to waive position limits in extraordinary circumstances. Exercise limits (Rule 21.4) are set at the same level as position limits.

Rule 21.6. This rule is being amended to indicate that, in the case of the longest term option series, designation of the expiration year as well as the expiration month is necessary in order to distinguish between options expiring in the same month of different years. The example has been deleted.

Rule 21.7. The two-tiered system with respect to minimum size of initial issuance required for approval of Government securities as underlying securities has been eliminated. As to both Treasury note and Treasury bond options, the required size of initial issuance has been increased in proposed Interpretation and Policy 21.7.01 to $1 billion. Similarly, proposed Interpretation and Policy 21.7.02 is amended to increase to $750 million the minimum public issuance which must be maintained if approval of a security is not to be withdrawn. Proposed Interpretation and Policy 21.7.02 is also amended to reflect the fact that initial approval of an underlying security will extend for a 15 month period following the month when options on that security are opened. That period of initial approval corresponds to the maximum life of any given series of options. Because the setting of criteria for approval of underlying securities necessarily involves judgments which may be revised in the light of experience, CBOE reserves the right to change (e.g., to increase) the minimum size of issuance required for initial or continued approval.

Rule 21.9. Paragraph (a) is amended to change the cycle for Treasury securities options from a January cycle to a March cycle to correspond to the intended cycle for GNMA options. This increases spreading opportunities for investors who might wish to use Government securities options as one leg of a spread and GNMA options as the other. Further, it is made clear that a series may remain open for from 1 up to 15 months following the month when opened. Paragraph (b) is amended to increase the interval between exercise prices at which new series of Government bond options will be opened. Increased volatility of interest rates in recent experience and the consequent volatility in prices of Government bonds suggest that the smaller intervals would result in the opening of too many new options series.

Rule 21.10. Interpretation and Policy 21.10.01 is being added to provide a definite and ascertainable closing time for the Government securities options market. The particular hour (3:00 P.M.) was chosen, in part, to correspond to closing times for Government securities options trading on other Exchanges.

Rule 21.11. This amendment provides that opening rotations in Government securities options are to be overseen by a CBOE employee designated as a Post Coordinator for such options. Because there will not be board brokers or order book officials for Government securities options (as discussed below), this opening function is to be performed by the Post Coordinator. Further, the rule would establish general opening procedures differing from those used for stock options and would provide for changes in those procedures. The proposed rule is paralled to the rule which has been proposed for trading in GNMA options.

Rule 21.12. CBOE is amending this rule to make clear that inaccuracy as well as unavailability of current quotations for the underlying security is grounds for halting or suspending trading of Government securities options.

Rule 21.13. The two-tiered system previously proposed for Government notes and bonds is replaced in this amendment by a unitary system in which bids and offers for all Government securities options shall be expressed in thirty-seconds of a point. Many member firms already have computer programs designed to process Government securities transactions in which the bids and offers are expressed in thirty-seconds of a point. Conforming to this convention will eliminate the necessity for expensive changes in those programs.

Rule 21.14. This change reflects the elimination of a limit order book for Government securities options (as discussed below), and will clarify the priorities of bids and offers for Government securities options in the absence of such a book. Similarly, because of the elimination of the limit order book, paragraphs (ii) through (v) of Rule 6.54 do not apply to Government securities options as stated in Rule 21.15.

Rule 21.17. This rule would make clear that orders for Government securities options contingent upon prices other than those originating on the CBOE will be handled by floor brokers only on a "not-held" basis in view of the character of and relative lack of information concerning completed transactions in Government securities in other markets.

Rule 21.18. This rule would eliminate a limit order book for Government securities options and would transfer the regulatory functions normally performed by board brokers and order book officials to the Post Coordinator for Government securities options. This change reflects CBOE's judgment that, in view of the likely number of series of Government securities options and the anticipated sudden influxes of Government securities options orders upon announcements of Government actions or release of statistical information, the operational problems associated with administering a limit order book would significantly impede trading during periods when prompt trading responses are most vital. In addition, CBOE believes that given the composition of the group of anticipated participants in the planned Government securities options market and the fact

that simple limit order strategies are unlikely to be used as frequently as in CBOE's stock option market it would be neither appropriate nor administratively feasible to maintain a Government securities options limit order book. Finally, in view of the larger dollar amounts which will characterize Government securities options transactions CBOE does not believe that it should expose itself to the increased liabilities which would be associated with maintenance of a Government Securities options limit order book. [As changed, Rule 21.18 is precisely parallel to Rule 20 applying to GNMA options.]

Rule 21.19. This Rule would expand the maximum bid-ask differentials for Government securities options quotations to levels CBOE believes are appropriate in view of the significantly increased volatility of those securities in recent experience. Four categories of differentials geared to different premium levels (referenced to preceding bid prices) are substituted for the originally proposed three categories. These requirements parallel, in large part, those set forth in Rule 8.7(b) applicable to options on stocks and in Rule 20.18 applicable to options on GNMAs. In addition, Interpretation and Policy 20.19.02 would permit waiver of the maximum bid-ask differential in the interest of preserving a fair and orderly market as an alternative to initiating trading halts or suspensions in Government securities options when conditions are present which would otherwise cause such a halt or suspension. CBOE believes that this greater flexibility is appropriate to its proposed Government securities options market, particularly since conditions in the Government securities markets can become very uncertain immediately prior to announcements of pertinent Government action or release of statistical information.

Rule 21.24. This rule merely makes explicit the method by which accrued interest is calculated in determining the aggregate exercise price and follows the method described in Treasury Circular 300 and used in the market for the underlying Government securities.

Rule 21.25. [The proposed margin rules will be supplied in a future amendment.]

Rules 21.26–21.30. These proposed rules provide a supplemental framework for the supervision of Government securities options accounts, the opening of such accounts, and special qualifications of member personnel entitled to handle customers' accounts and orders relating to Government securities options. These rules are identical to Rules 20.26–20.30 applying to GNMA options and are made in order to conform CBOE's Government securities options rules to the requirements of Section 6(b) of the Securities Exchange Act of 1934. Rules 21.27–21.29 pertaining to members' sales practices are intended to insure that relations with customers in Government securities options are conducted and supervised only by personnel specially trained and qualified with respect to Government securities options. Rule 21.30 insures access by CBOE to information pertaining to transactions in Government securities options by members holding appointments as Government securities options market-makers and their corporate affiliates. This rule is intended to enable CBOE to provide surveillance of transactions in Government securities options, Government securities futures, and underlying Government securities which involve those members who are central to Government securities options trading on CBOE (i.e., Government securities options market-makers), whether directly or through a corporate affiliate.

B. Basis Under the Act for Proposed Rule Change.

The proposed rule change is adopted pursuant to Section 6(b)(5) of the Securities Exchange Act of 1934, as amended, in that the rules proposed hereby are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest in connection with transactions in options covering underlying Government securities.

C. Comments Received From Members, Participants or Others on Proposed Rule Change.

Written comments on the proposed rule change have not been solicited or received.

II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) by order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 8, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 17, 1981.

[FR Doc. 81-24361 Filed 8-19-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18038; File No. SR-NASD-81-19]

National Association of Securities Dealers, Inc.; Proposed Rule Change; Self-Regulatory Organizations

In the matter of Proposed Rule Change Relating to Proposed Appendix F under Article III, Section 34 of the Rules of Fair Practice Comments requested on or before September 8, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 7, 1981, the National Association of Securities Dealers, Inc. ("Association") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association proposes to adopt Appendix F to Article III, Section 34 of its rules of Fair Practice ("Section 34") to prescribe standards of fairness and reasonableness for direct participation programs underwritten by members of persons associated with members or in which members or associated persons participate in the distribution thereof.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statement.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Appendix F is intended to implement the authority vested in the Board of Governors of the Association under Section 34 to prescribe standards of fairness and reasonableness relating to the distribution of direct participation programs. More specifically, Appendix F would prescribe certain requirements relating to suitability, disclosure, and organization and offering expenses in connection with the distribution of direct participation programs as well as definitions of relevant terms. Each such provision would be based upon specific authority contained in Section 34.

The statutory basis for Appendix F is found in Section 15A(b)(6) of the Securities Exchange Act of 1934, as amended.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will have an impact on competition to the extent that members or affiliates of members who participate in the distribution of or who sponsor direct participation programs will be subject to the requirements of Appendix F while other members of the Association and non-members will not be subject to such constraints. However, the Association believes the burden imposed is not unduly burdensome or inappropriate in light of the regulatory objectives sought to be achieved in furtherance of the Association's obligations under the Securities Exchange Act of 1934.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

The proposed rule change was published for comments on several occasions. The initial version of the proposed rule change was published as part of a comprehensive package of rules containing the original version of Section 34 and other rules on May 9, 1972. The association received a total of 109 comment letters relating to that version of Section 34 and Appendix F. A summary of those comments was previously filed with the Commission in connection with the submission of Section 34 (see File No. SR-NASD-77-8).

A revision to the May 9, 1972 version of Section 34 and Appendix F was published for member comment in Notice to Members 73-50 (July 13, 1973). All comments relating thereto were filed directly with the Commission. In this connection, attention is directed to Securities Exchange Act Release No. 10260 (July 2, 1973) which solicited public comment regarding certain policy questions relating to the jurisdiction of the Association to regulate issuers of securities.

Finally, the Association solicited comments from members on a revised version of Appendix F in Notice to Members 78-12 (March 10, 1978). The Association recieved a total of 12 comments relating to that rule proposal.

III. Date of Effectiveness of the Proposed Rule Change and timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) by order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 8, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-24363 Filed 8-19-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18036; File No. SR-NYSE-81-16]

New York Stock Exchange, Inc.; Proposed Rule Change by; Self-Regulatory Organizations

In the matter of Proposed Rule Change Relating to increasing ticker and ticker display rates. Comments requested on or before September 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 31, 1981, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Additions and deletions.

Monthly Charges

	Additions	Deletions
NYSE Bond Ticker:		
Cont'l USA First Unit**	$78.90 to $104.80	$70 to $93.
Additional Unit*	$65.40	$58.

Monthly Charges—Continued

	Additions	Deletions
NYSE Bond Ticker Display [1] [2]:		
Cont'l USA First Unit [3] [4] [5]	$65.40 to $78.90	$58 to $70.
Additional Unit [3] [6]	$4.50	$4.
Delayed Prices Service: Continental USA [8]	$157.80	$140.

[1] Charges are "per location" and do not include one time installation, relocation and other miscellaneous charges where applicable, which are generally a direct pass through from communications common carriers to subscribers.
[2] Dependent upon geographical area.
[3] Charges by vendor furnishing equipment are in addition to these charges.
[4] Only one first unit charge applies in an office subscribing to units from two or more vendors.
[5] Plus charges, if any, for interconnecting facilities required in connection with additional units.
[8] *Plus a one-time charge applicable to units in service on August 1, 1981 equal to 21.9 percent of the monthly charge.*

The new rates are effective August 1, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of the proposed rule change is to recover the incremental bond ticker network and delayed prices ticker network expenses resulting from Western Union rate increases recently approved by the Federal Communications Commission (the "FCC"). Three Western Union rate increases are involved. Two are "passthroughs" of rate increases granted to AT&T by the FCC. The third is an increase attributed by Western Union to its higher costs in providing service.

The proposed rule change will affect all subscribers to ticker and ticker display services in the same manner in that all rates are raised by the same percentage (12.7 percent). As the present fees apply equally to all members, non-member broker-dealers and others who subscribe to these services, the increases will likewise so apply.

The Western Union rate increases were effective on May 14, 1981 (13.1 percent), June 15, 1981 (12.3 percent) and June 28, 1981 (5.4 percent).

(2) *Statutory Basis.* The basis under the Act for the proposed rule change is the requirement under section 6(b)(4) that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The proposed rule change also relates to section 6(b)(5) of the Act in that the Exchange's recovery of its costs with respect to its dissemination of bond last sale prices on a current basis and equity last sale prices on a delayed basis enables the Exchange to make available such prices. This serves to prevent fraudulent and manipulative acts, to remove impediments to and perfect the mechanism of a free and open market and to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition. As noted in response to Item II(A)(2), the price increases will, by enabling the Exchange to continue to make available bond last sale prices on a current basis and equity last sale prices on a delayed basis, serve to promote a free and open market and therefore a fair field of competition. By the same token, enabling the Exchange to continue such data dissemination will promote participation in the Exchange's markets and thereby promote competition among others, investors and members.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 8, 1981.

For the Division of Market Regulation, pursuant to delegated authority.

Dated: August 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-24365 Filed 8-19-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 769]

Availability of and Public Hearing on Draft Environmental Impact Statement for Modifications to the International Center, Washington, D.C.

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the National Environmental Policy Act (Pub. L. 91–190) this is a notice to make available a Draft Environmental Impact Statement for Modifications to the International Center, Washington, D.C.

A public hearing will be held by the Department of State on Wednesday, September 16, 1981, at 7:00 P.M., to receive public comments on the Draft Environmental Impact Statement. Oral statements will be received and considered at the public hearing which will be held in the meeting room of the Capital Memorial Seventh Day

Adventist Church, 3150 Chesapeake Street NW., Washington, D.C.

The Draft Environmental Impact Statement and 3-volume Technical Appendices will be available for inspection at most public libraries in Washington, D.C., and at the Offices of the National Capital Planning Commission, 1325 G Street NW., 10th Floor, Washington, D.C.

ADDRESS: Written comments on the report will be received until 4:30 P.M., Monday, October 5, 1981. Address all comments or requests for copies of the Draft Environmental Impact Statement to Mr. James A. Edgins, Director, International Center Project, Room 1890, Department of State, 2201 C Street NW., Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Edgins, Director, International Center Project, Room 1890, Department of State, 2201 C Street NW., Washington, D.C. 20520; (202) 632-9540.

Dated: August 17, 1981.

James A. Edgins,

Director, International Center Project.

[FR Doc. 81-24305 Filed 8-19-81; 8:45 am]

BILLING CODE 4710-05-M

Office of the Secretary

[Public Notice 768; Delegation of Authority No. 148]

Under Secretary of State for Management; Delegation of Authority

By virtue of the authority vested in me as Secretary of State, including the authority of section 4 of the Act of May 26, 1949 (22 U.S.C. 2658) and Executive Order 12293 (46 FR 13969), the following functions are hereby delegated to the Under Secretary of State for Management:

General Delegation

Sec. 1. The functions vested in the Secretary of State by sections 1, 2, 3, 6(d) and 7 of Executive Order 12293;

Board of Examiners

Sec. 2. The functions of prescribing regulations for the appointment of members of the board of Examiners, of appointing of State Department and non-government members of the Board of Examiners and of designating the Chairman of the Board of Examiners under section 6(b) of Executive Order 12293.

General Provisions

(a) Notwithstanding any provision of this delegation of authority, the Secretary of State or the Deputy Secretary of State may at any time exercise any function delegated to any officer of the Department of State by this delegation of authority.

(b) Any officer to whom functions are delegated by this delegation of authority may redelegate such functions, except for such actions as may be required by law to be approved by higher authority.

(c) All previous determinations, authorizations, regulations, rulings, orders, directives, charters, contracts, agreements and other actions made, issued or entered into with respect to any function herein delegated and not heretofore revoked, suspended or otherwise made inapplicable shall continue in force and effect until modified, amended, or terminated by appropriate authority.

Dated: August 4, 1981.

Alexander M. Haig, Jr.,

Secretary of State.

[FR Doc. 81-24281 Filed 8-19-81; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-81-068]

National Boating Safety Advisory Council; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Thursday and Friday, October 1 and 2, 1981, in the Lincoln Room at the Kellogg Center, Michigan State University, East Lansing, Michigan, beginning at 9:00 a.m. on Thursday, October 1, 1981. The meeting is scheduled to recess at 4:00 p.m. on Thursday, October 1, 1981. On Friday, October 2, 1981, the meeting is scheduled to begin at 9:00 a.m. and adjourn in the early afternoon. The agenda for the meeting will be as follows:

1. Review of action taken at the 27th meeting of the Council.
2. Executive Director's Report.
3. Summary of the subcommittee's review of technical requirements and vote on need for regulation changes.
4. Summary of the subcommittee's review of regetta regulations and vote on need for regulation changes.
5. Summary of the subcommittee's review of visual distress signal regulations and vote on need for regulation changes.
6. Subcommittee discussions on personal flotation device, accident reporting, anti-siphon, ignition protection and natural ventilation regulations.
7. Briefing on research and use of test courses for determining horsepower rating for outboard boats.
8. Report on current status of preemption of State laws.
9. Report on current status of PFD exemption for sailboats.
10. Report on motorboat operators licensing.
11. Presentation on readily accessibility of fire extinguishers.
12. Presentation on deletion of owners date of birth and citizenship information from numbering requirement.
13. Briefing on deadweight calculations for level flotation requirements.
14. Discussion of Hull Identification Number (HIN) regulations and vote on need for amending.
15. Discussion and vote on need to require engine weight to be listed on capacity plate.
16. Subcommittee reports to the Council.
17. Member's items.
18. Chairman's session.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Commander Neal Mahan, Executive Director, National Boating Safety Council, U.S. Coast Guard, (G-BA), Washington, DC 20593, or by calling (202) 426-1080.

Issued in Washington, DC on August 17, 1981.

H. W. Parker,

Rear Admiral U.S. Coast Guard, Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 81-24327 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-81-23]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition

of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before September 9, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

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

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21982	Wright Air Lines, Inc	14 CFR 121.291(a)(2)(i)	To allow petitioner to increase the seating capacity of its Convair 600 series aircraft from 44 to 48 passenger seats without first conducting an emergency evacuation demonstration of the full passenger-seating capacity.
21351	Evergreen Helicopters	14 CFR 135.89(b)(3)	To allow petitioner to operate its Learjet Model 25 and 24B aircraft above flight level 350 up to and including flight level 410 without one pilot having to wear and use an oxygen mask.
21812	Mr Geoffrey S. Avery	14 CFR 61.39	To permit petitioner to take the flight test for an airline transport pilot certificate although more than 24 months have elapsed since he passed the required written test for that certificate.
21989	Sundance International Airlines	14 CFR 121.291(a)(1)	To permit petitioner to intoduce its B-727-100 series aircraft configured with 129 passenger seats into passenger-carrying service without first conducting a full-seating capacity emergency evacuation demonstration.
21999	Trans World Airlines, Inc	14 CFR 121.317(b)	To permit the addition of the wording "Fasten Seat Belt While Seated" to the existing single placard on the back side of the center armrest table between seat backs of each first-class double seat installed on TWA's aircraft.
21995	Transamerica Airlines, Inc	14 CFR 121.413(c)(1)	To permit petitioner to conduct inflight training of pilot check airmen in an FAA-approved simulator in lieu of actual inflight training conducted in an aircraft.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
20299	Fishing Unlimited	14 CFR 135.243(b)(3)	To permit petitioner, and pilots employed by him, to serve as a pilot in command under VFR conditions without holding an instrument rating. Withdrawn no longer required. July 27, 1981
20772	Harbor Air Service	14 CFR 135.243(b)(3)	To allow a pilot in command to operate without an instrument rating. Petitioner further requests relief from the 120-day requirement of Section 11. Withdrawn no longer required. July 27, 1981
20611	Christiensen Aviation	14 CFR 135.243(b)(3)	To allow a pilot in command to operate without an instrument rating. Withdrawn no longer required. July 27, 1981
21103	Tate's Greenbrier Airport, Inc	14 CFR 121.291(a)(a)	To allow Mr. Moore to act as pilot in command without an instrument rating. Withdrawn no longer required. July 27, 1981
21301	Lake Mead Air, Inc. (LMA)	14 CFR 135.243(b)(3) and 135.39(b)(2)(i)	To allow Mr. Earl Leseberg to operate as pilot in command in LMA's Part 135 operations without an instrument rating during day visual flight rule conditions. Withdrawn no longer required. July 27, 1981
21338	Trans-West Air Charter	14 CFR 135.297(b)	To delete the Non-Directional Beacon instrument approach procedure demonstration requirement for its company pilots during pilot-in-command proficiency checks. Withdrawn no longer required. July 27, 1981.
21336	Macy's Flying Servcie	14 CFR 135.243(b)(3)	To allow pilots employed by petitioner to operate as pilots in command without having instrument ratings. Withdrawn no longer required. July 27, 1981.
18901	James R. Payne	14 CFR 135.243(b)(3)	To permit petitioner to operate as airplane as pilot in command under Part 135 without holding an instrument rating or an airline transport pilot certificate with an airplane category rating. Withdrawn no longer required. July 27, 1981.
21297	Joe Ware Flying Service	14 CFR 135.243(b)(3)	To allow petitioner to operate as pilot in command in petitioner's Part 135 operation during day visual flight rule condition without an instrument rating. Withdrawn no longer required. July 27, 1981
21352	Bohman Airways Number 2, Inc.	14 CFR 135.243(b)(3)	To permit petitioner's pilots in command to operate an airplane under Part 135 without holding an instrument rating or an airline transport pilot certificate with an airplane category rating. Withdrawn no longer required. July 27, 1981.
21467	Tyee Airlines, Inc	14 CFR 135.243(b)(3)	To permit petitioner's pilots in command to operate an airplane under Part 135 without holding an instrument rating or an airline transport pilot certificate with an airplane category rating. Withdrawn no longer required. July 27, 1981.
21362	Bird's Seaplane Service	14 CFR 135.243(b)(3)	To allow petitioner to operate without meeting the requirement that their pilots have an instrument rating. Withdrawn no longer required. July 27, 1981.

Dispositions of Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21558	Todd's Air Service	14 CFR 135.243(b)(3)	To permit Mr. Terry R. Willis to operate as pilot in command in petitioner's Part 135 operations without having an instrument rating. This operation would be limited to day visual flight rule conditions. Withdrawn no longer required. July 27, 1981.
21405	Warroad Airways, Inc	14 CFR 135.243(b)(3)	To allow petitioner to use pilots in command in Part 135 operations without having instrument ratings when operating in day visual flight rule (VFR) conditions. Withdrawn no longer required. July 27, 1981.
21423	Salmon Air Taxi	14 CFR 135.243(b)(3)	To allow petitioner to use pilots in command, who do not have instrument ratings, when operating in day visual flight rule conditions into remote or isolated areas. Withdrawn no longer required. July 27, 1981.
21421	John P. Bussanich	14 CFR 135.243(b)(3)	To allow petitioner to fly as a pilot in command for Southeast Alaska Airlines in their Part 135 operation without having an instrument rating when operating in day visual flight rule conditions in remote areas. Withdrawn no longer required. July 27, 1981.
21397	Flight Safety Int'l (FSI)	14 CFR 135.303	To permit FSI's employed instructor pilots, seeking FAA approval for check pilot status, to take the flight test in an FAA-approved simulator in lieu of the aircraft. Granted, Aug. 5, 1981.
21985	Zenair Ltd	14 CFR 91.27	To permit petitioner to operate a French-Registered Cricket Mc 12 ultra light aircraft without an airworthiness certificate at the Oshkosh Fly-in. Partial grant, July 31, 1981.
21774	Finnair	14 CFR Parts 21 & 91	To permit petitioner to operate a U.S.-registered DC-10-30 using an FAA-approved master minimum equipment list and to maintain the aircraft under a continuous airworthiness maintenance program. Granted, Aug. 4, 1981.
21979	Valentin GmbH Gerate und Maschinenbau	14 CFR 91.27	To permit operation of a German-registered Taifun 17E aircraft without an airworthiness certificate at the Oshkosh Fly-in. Granted, July 31, 1981.
21813	Piedmont Airlines	14 CFR 121.291	To permit petitioner to introduce B-727-200 airplanes into service carrying 150 passengerfl on or about August 1, 1981, without first conducting a full-scale demonstration of emergency evacuation procedures. Granted, Aug. 4, 1981.
21145	Air Transport Association	14 CFR 121.424	To eliminate the night landing and takeoff requirements for SIC pilots upgrading to PIC in the same airplane type and for SIC pilots transitioning to another type airplane. Granted Aug. 4, 1981.
21303	Ozark Air Lines, Inc.	14 CFR 121.391(a)(3)	To permit petitioner to utilize two flight attendants aboard its DC-9-30 airplanes configured with 110 passenger seats when 10 seats are blocked from use. Denied, July 31, 1981.
21445	Golden Gate Airlines	14 CFR 135.261(b)	To permit petitioner and its flight crewmembers to substitute the flight crewmember rest requirements of Subpart Q of Part 121 for those contained in Part 135. Denied, Aug. 4, 1981.
21444	Flying Tiger Line	14 CFR 121.391(a)	To allow transport of up to nine passengers on the upper deck of B-747 freighter aircraft without a flight attendant when the aircraft are in a 12-20 seat configuration. Denied Aug. 4, 1981.
21605	Alaska Airlines	14 CFR 121.574	To permit petitioner to carry and operate oxygen storage and dispensing equipment for medical use by patients being carried as revenue passengers. Granted July 31, 1981.
21629	Wien Air Alaska	14 CFR 121.291(a)(1)	To allow petitioner to place Boeing 727-100 aircraft in passenger/cargo service using 96 passengers and 2 flight attendants or 86 passengers/2 cargo pallets and 2 flight attendants without first conducting a full-seating capacity emergency evacuation demonstration. Granted July 31, 1981.
21632	California Amphibious Transport (CAT)	Portions of 14 CFR Parts 91 and 135	To permit petitioner to conduct visual flight rule day operations under its Part 135 certificate in the uncontrolled airspace between Long Beach, Calif., and Pebbly Beach, Santa Catalina Island, Calif., with a minimum ceiling and visibility of 500 feet and 1 mile and when the ceiling is at or near 500 feet and the operation is conducted with a seaplane or amphibian down to a minimum overwater altitude of 300 feet above the surface. Relief was also requested for operations of CAT's Grumman airplanes without thunderstorm detection equipment over these same routes. Denied July 31, 1981.
21015	Ransome Airlines (RAN)	14 CFR 135.63(c)(8)	To correct a misunderstanding on the conditions of Exemption 3159 which allows operations without identifying the crew on the load manifest. Specifically RAN wants Condition No. 1 to read: "Each flight must be dispatched through the Ransome Airlines Part 121 dispatch system." Granted Aug. 6, 1981.
21757	Scheduled Skyways, Inc	14 CFR 135.261(b)	To permit assignment of a flight crewmember and for flight crewmembers to accept flight duty time without having had at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the flight assignment. Denied Aug. 7, 1981.
21337	Falcon Jet Corp	14 CFR 21.195(a)	To permit issuance of Special Airworthiness Certificates-Experimental to Dassult/Sud Fan Jet Falcon, for aircraft which are not U.S. Manufactured Aircraft and used for market surveys. Granted Aug. 6, 1981.
21178	Mr. Anton Digirolamo	14 CFR 61.73	To allow petitioner to add Boeing 707 and North American Rockwell 265 type ratings to his pilot certificate without taking a flight test in those aircraft. Denied Aug. 7, 1981.
22041	Arrow Airways, Inc	14 CFR 121.291(a)(b)	To permit petitioner to introduce its B-707-327C airplane into passenger-carrying operations using four flight attendants and configured with 178 passenger seats without first conducting a full-seating capacity emergency evacuation demonstration and a simulated ditching demonstration conducted in accordance with Part 121 Appendix D. Granted Aug. 7, 1981.
21557	Altair Airlines, Inc	14 CFR 121.411, .413, .433	To permit petitioner to use foreign airmen who possess U.S. ATP airman certificates as F-28 simulator and flight instructors but who have not satisfactorily completed petitioner's FAA-approved ground and flight training program on the Fokker F-28 airplane. Granted Aug. 7, 1981.
21606	Sierra Academy of Aeronautics (SAA)	14 CFR 61.153	To allow petitioner's Algerian National Airline students, who have completed SAA's commercial/instrument course, to take the Airline Transport Pilot (ATP) written test without having met the aeronautical experience requirements. Granted Aug. 10, 1981.

Dispositions of Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
20090	Sierra Academy of Aeronautics	14 CFR 61.63(d) (2) and (3) and 61.57(d)(1)	Amendment to Exemption No. 2963A to include students enrolled in the B-707, B-747, DC-8, DC-9, DC-10, Lockheed L1011, Lockheed Hercules, and BAC 1-11 training courses in addition to the B-727 and B-737 courses presently included in the exemption. The present exemption allows its trainees to complete a practical test for the issuance of a type rating to be added to any grade of pilot certificate that includes the items and procedures for testing in an airplane simulator as set forth in Appendix A of Part 61 although SAA does not have an operating certificate issued under Part 21. Granted Aug. 10, 1981.
21994	West Air Holding, Inc.	14 CFR 91.307	To amend Exemption No. 3060 to add 2 aircraft. The present exemption allows operation in the United States under a service to small communities. Exemption specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows. The new exemption would cover until not later than January 1, 1988: 7 BAC-1-111. Granted Aug. 3, 1981.
21972	Kodiak Western Alaska Airlines, Inc.	14 CFR 91.39 and 121.157	To permit operation of two restricted category C-119L aircraft in commercial transportation of 8,000,000 pounds of building supplies from Anchorage, Alaska to various sites in the Kotzebue area. Denied Aug. 11, 1981.
20163	Gene E. Humphrey	14 CFR 135.243	To permit petitioner to serve as pilot in command under VFR and IFR conditions without meeting the minimum total flying hour requirements. Denied Aug. 7, 1981.

[FR Doc. 81-24359 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 136—Installation of Emergency Locator Transmitters (ELT) in Aircraft; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of Special Committee 136 on Installation of Emergency Locator Transmitters (ELT) in Aircraft to be held on September 24-25, 1981 in RTCA Conference Room 267, 1717 H Street NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Tenth Meeting Held on June 2-3, 1981; (3) Consideration of Comments Received on the Fourth Draft of Committee Report on Installation and Performance of Emergency Locator Transmitter Systems; (4) Review Committee Comments on RTCA Document DO-168—Minimum Performance Standards for Emergency Locator Transmitters; and (5) Other Business.

Attendance is open to the Interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on August 12, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-24263 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 146—Airborne Automatic Direction Finding Equipment; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 146 on Airborne Automatic Direction Finding Equipment to be held on September 15-16, 1981 in RTCA Conference 267, 1717 H Street, N.W., Washington, D.C. commencing at 8:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Third Meeting Held on July 29-30, 1981; (3) Review of Draft Minimum Operational Performance Standards for Airborne Automatic Direction Finding Equipment; (4) Assignment of Tasks; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on August 12, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-24262 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-81-10]

St. Lawrence Railroad Co.; Petition for Exemption From Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the St. Lawrence Railroad (St. L) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the St. L be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a ge period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption form this twelve hour limitation.

The St. L seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-10, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before September 11, 1981 will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49 (d)).

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

[FR Doc. 81-24012 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-81-9]

Wisconsin and Southern Railroad Co.; Petition of Exemption From Hours of Service Act

In accordance with CFR 211.41 and 211.9, notice is hereby given that the Wisconsin and Southern (W&S) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the W&S be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The W&S seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-9, and must be submittted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before September 11, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

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

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-24011 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP81-17; Notice 1]

General Motors Corp.; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

General Motors Corporation of Warren, Michigan, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.101-80, Motor Vehicle Safety Standard No. 101-80, *Controls and Displays*. The basis of the petition is that the noncompliance is inconseqential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.2.3 of Standard No. 101-80 requires, by reference to Table 2, that the speedometer display be identified with the words "MPH" and "Km/h." In more than 30,000 1981 model Cadillac Sevilles, General Motors used the word "SPEED" in its informational readout display, a technical noncompliance with Standard 101-80. The company argues that the noncomplying word clearly indicates the function of the display, and that the behavior of the display is obvious also, reading, "O" when the vehicle is stationary and increasing as the vehicle velocity increases. The digital instrument cluster incorporates a two-position switch marked METRIC/ENGLISH which displays speeds in kilometers per hour or miles per hour depending on its setting. For these reasons the petitioner argues that the noncompliance is inconsequential as it relates to safety.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corporation described above. Comments should refer to the docket number be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.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 will be filed, and all comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

Comment closing date: September 21, 1981.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 13, 1981.

Michael M. Finkelstein,

Associate Administrotor for Rulemaking.

[FR Doc. 81-24272 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. EX81-1; Notice 2 and Docket No. IP81-16; Notice 1]

Vintage Reproductions, Inc.; Petitions for Determinations of Inconsequential Noncompliance and Temporary Exemption From Certain Federal Motor Vehicle Safety Standards

On February 5, 1981, the National Highway Traffic Safety Administration (NHTSA) publiched notice of receipt of a petition by Vintage Reproductions,

Inc. of Opa Locka, Fla., for temporary exemption of its Gazelle model from four Federal motor vehicle safety standards, on grounds that compliance would cause it substantial economic hardship (46 FR 11087).

During the pendency of the petition the agency was given reason to believe that Vintage might have understated its requests, and initiated an investigation of the matter (agency file CIR 2399). Examination of a Gazelle revealed additional areas of questionable compliance. NHTSA has secured an understanding from Vintage that it will provide statutory notification and remedy with respect to several of the problem areas. The remaining areas of apparent noncompliance are those which cannot be immediately corrected without causing substantial economic hardship and for which prospective relief, in the form of a temporary exemption, has been requested for periods running from 6 months to 3 years. For the same reason, vehicles already manufactured cannot be easily conformed and Vintage has requested retrospective relief, in the form of a determination that the noncompliances involved are inconsequential as they relate to motor vehicle safety. Because of the substantial identity of the subject matter, the agency had decided to consider these petitions simultaneously. Vintage has withdrawn its earlier petition for temporary exemption and the agency will make no decision with regard to it.

This notice of receipt of petitions for a determination of inconsequentiality and for temporary exemption are published in accordance with 49 CFR 556.7 and 49 CFR 555.7, respectively, the NHTSA regulations on the subject, and do not represent any agency decision or other exercise of judgment concerning the merits of the petitions.

Vintage Reproductions has manufactured less than 100 of its Gazelle model since April 1979 when it began production of the vehicle, which had previously been sold in kit form. The Gazelle is an open passenger car vaguely resembling a 1929 Mercedes SSK. The company had an unaudited net loss of $12,767 in its fiscal year ending April 30, 1981, and a cumulative net loss for the three previous fiscal years. Its primary alternative product line is the "Series 1900 Horseless Carriage" intended to resemble turn-of-the-century machines. It intends to manufacture other replica-type vehicles in the future. To require it to comply with the eight Federal motor vehicle safety standards for which it requests exemption, and to remedy vehicles presently in noncompliance with these standards, would cause it substantial economic hardship. A summary of its request and explanation follow:

Standard No. 101–80, Controls and Displays

Vintage seeks a 1-year exemption from paragraphs S5.3.1 and S5.3.3. The former section requires in essence that the identification of controls located on the dashboard be illuminated whenever the headlamps are activated. No independent lighting is currently provided for this requirement. Vintage argues that ambient light from gauges and other sources may provide sufficient lighting for the controls. It is also considering adding a light external to the panel. The second referenced paragraph requires that light intensities for the controls, gauges, and identification be continuously variable. Vintage provides only an on-off switch. Initial investigation indicates that replacement switches known to it to date are larger in size and would cause interference with the existing electrical harness and auto frame. It will continue its search for a suitable switch or relocate it. It intends to comply within a year but cannot do so immediately without substantial economic hardship.

Vintage argues that its noncompliances with Standard No. 101–80 are inconsequential because the ambient light from the gauges may provide sufficient lighting for identification of the controls. It believes that because of the open nature of the vehicle, it is not likely to be used extensively for driving in darkness or inclement weather.

Standard No. 107, Reflective Surfaces

Although the specular gloss of the inside windshield moulding has not been measured, it would appear to exceed the maximum permitted by the standard. Vintage asks a 6-month exemption to exhaust its inventory of windshield frames, which cost it approximately $100 each. Upon exhaustion of inventory, it will install mouldings whose compliance is not in doubt.

Vintage argues that the apparent noncompliance is inconsequential because of the narrowness of the windshield frame (1 inch), believing that the possibility of hazardous reflection is minimal.

Standard No. 114, Theft Protection

Petitioner seeks a 1-year exemption from paragraph S4.4 which requires means to warn the driver that the ignition key has been left in the locking system. To require immediate compliance would entail reworking a "large inventory of electrical harnesses" in order to incorporate a "buzzer," at financial hardship to it. During the year's exemption, it will redesign its system to meet paragraph S4.4.

This noncompliance is said to be inconsequential because the limited number of vehicles and the price of each ($20,000 to $25,000) necessarily will result in a very low incidence of vehicles being left with keys in the locking system.

Standard No. 201, Occupant Protection in Interior Impact

A 3-year exemption is requested from the requirement of paragraph S3.4 that sun visors be provided, as there is no adequate structure above the windshield frame upon which to install them. In its earlier petition, Vintage stated that the Gazelle "has a padded roll along the entire perimeter of the compartment and dashboard" and in a collision a belted passenger "will not * * * be pitched forward in an area beyond the padded dash."

As there is no header above the windshield, there is no occupant protection function to be served by sun visors, and their absence is a noncompliance with an inconsequential relationship to safety.

Standard No. 202, Head Restraints

Vintage requests an exemption of 6 months in which to complete design and tooling of a new seat design. Immediate compliance with the standard "would cost no less than $400 per vehicle, exclusive of engineering and procurement costs."

In the meantime, equivalent protection is offered in that "the seat design of the Gazelle requires full leg extention and a body angle in excess of ninety-five degrees, thereby creating almost total body immersion within the padded and rolled seat," and for this reason the noncompliance is inconsequential.

Standard No. 206, Door Locks and Door Retention Components

Vintage considers that it complies with this standard with the exception of paragraph S4.1.3 for which it requests an exemption of 3 years. This paragraph requires a locking device with mechanism in the interior of the vehicle. To install the locking device would "entail the engineering of a door of greater depth."

Because the Gazelle "is an open roadster with no windows or permanent side curtains," a locking device would not be anti-theft in nature; its inclusion "would in no way enhance vehicle

performance or passenger safety," therefore failure to provide it is an inconsequential noncompliance.

Standard No. 208, Occupant Crash Protection

There are three aspects of this standard that are not met and Vintage requests 1 year in which to comply. The company has equipped Gazelles with off-the-shelf belts which complied with Standard No. 209 when manufactured but which do not meet current requirements of Standard No. 208 for passenger cars. They do not incorporate emergency locking or automatic locking retractors (S7.1) nor does the latch release at a single point by a push button action (S7.2(c)). Petitioner states that the envelope size of retractors presently available makes installation "extremely difficult" because of interference with the body and the proximity of the retractor to the side. During the exemption it will redesign the frame so that automatic locking retractors can be used. The current assemblies utilize a flip-type lock release, previously acceptable, and a year's exemption will allow Vintage to exhaust its inventory. Vintage has also failed to install the warning system requested by S7.3 and, at the time it is reworking its wiring harness to meet Standard No. 114, it will incorporate a complying seat belt warning system. Effecting these changes at two different times would involve extra expenditures and create a hardship.

Vintage argues that these noncompliances are inconsequential as they relate to motor vehicle safety. The belts themselves meet the same performance standards as current ones and hence, when in place, afford the same means of protection. Because the belts do not have automatic retractors, they lie on the seat when not in use and must be removed if the seat is to be occupied, thus serving the same warning function as a buzzer.

Standard No. 214, Side Door Strength

To require conformance with the side door strength standard would result in a cost increase of $300 per vehicle, but, in the petitioner's view, passengers are protected from side impacts because of the rearward location of the seat, and its placement parallel with the all steel main frame. Vintage asks for a 3-year exemption. Because Vintage believes its current design offers adequate protection, it believes its noncompliance is not significant.

In addition, Vintage acknowledges a noncompliance with Standard No. 205, *Glazing Materials*, in that the AS-1 marking on the windshield is partially obscured by the windshield frame. It has also failed to mark the auxiliary wind deflectors. Current production now complies. Vintage will provide owners of noncomplying vehicles with letters verifying the conformity of the glazing with the performance requirements of Standard No. 205 but has asked to be excused from the requirement to literally mark it, arguing that the noncompliance is inconsequential because the glazing does meet all performance requirements.

In support of its exemption petition Vintage Reproductions argued that a grant would be in the public interest by adding "to the American labor force and economy" the "cost of direct labor" rising from $50,000 in 1979 to $210,000 in 1980. A denial would result in a reduction of labor costs to $94,000 and in a projected net loss of $101,000 in its next fiscal year. As a vehicle of limited appeal, the petitioner believes that the Gazelle ought not to present a hazard to traffic safety since its use will be occasional and limited, rather than used extensively as a family car.

Interested persons are invited to submit comments on the petitions for exemption and inconsequentiality submitted by Vintage Reproductions. Comments should refer to "Docket EX81-1" and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., 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 practicable. Notice of final action on the petition will be published in the **Federal Register.**

Comment closing date: September 21, 1981.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 13, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-24271 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Performance Review Board

AGENCY: Treasury Department.

ACTION: This is a new publication of the Office of the Secretary Performance Review Board (PRB), cancelling the publications of November 1, 1979, Volume 44 FR 62988; and April 30, 1980, Volume 45 FR 28850; in accordance with 5 U.S.C. 4314(c)(4).

SCOPE: This notice applies to all components within the Office of the Secretary, except the Legal Division.

PURPOSE: The purpose of the Board is to review performance appraisals, ratings, recommendations for performance awards, and other personnel actions, and to make recommendations to the Deputy Secretary who is the Appointing Authority.

COMPOSITION OF PRB: Each session of the Performance Review Board will be attended by the Chairperson or her designee and at least two of the members listed below. The Board will be composed of more than 50 percent career appointees in cases involving the appraisal of an SES career appointee. The names and titles of the PRB members are as follows:

Cora P. Beebe, Chairperson, Assistant Secretary (Administration)
John Garmat, Deputy Director, Office of Budget and Program Analysis
Angela Marie Buchanan, Treasurer of the United States
Diane C. Hermann, Director, Office of Equal Opportunity Program
David S. Burckman, Director of Personnel
Paul T. Weiss, Deputy Director of Personnel
Roger W. Mehle, Assistant Secretary (Domestic Finance)
Francis X. Cavanaugh, Director, Office of Government Financing
Robert W. Rafuse, Deputy Assistant Secretary for State and Local Finance
Marc E. Leland, Assistant Secretary (International Affairs)
James A. Griffin, Senior Policy Advisor
Charles Schotta, Deputy Assistant Secretary (Commodities and Natural Resources)
John M. Walker, Jr., Assistant Secretary (Enforcement and Operations)
John P. Simpson, Deputy Assistant Secretary (Operations)
John E. Chapoton, Assistant Secretary (Tax Policy)
David Glickman, Deputy Assistant Secretary, Tax Policy
John G. Ballentine, Deputy Assistant Secretary, Tax Analysis
John G. Wilkins, Director, Office of Tax Analysis
Paul H. Taylor, Fiscal Assistant Secretary
Gerald Murphy, Deputy Fiscal Assistant Secretary

John A. Kilcoyne, Assistant Fiscal Assistant Secretary for Banking
Bruce E. Thompson, Jr., Deputy Assistant Secretary (Legislative Affairs)
John F. Kelly, Assistant Secretary (Public Liaison and Consumer Affairs)
Paul Craig Roberts, Assistant Secretary (Economic Policy)
Manuel H. Johnson, Jr., Deputy Assistant Secretary (Policy Coordination)
John H. Auten, Director, Office of Financial Analysis

FOR FURTHER INFORMATION CONTACT:

Charlene J. Robinson, Executive Secretary, PRB, Room 1306, Main Treasury Building, 15th & Pennsylvania Avenue, NW., Washington, D.C. 20220, Telephone: (202) 566-5468.

This notice does not meet the Department's criteria for significant regulations.

Cora P. Beebe,
Assistant Secretary (Administration).

[FR Doc. 81-24322 Filed 8-19-81; 8:45 am]
BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 161
Thursday August 20, 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

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., August 25, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., Fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matter/Consideration of an order designating persons to administer oaths, issue subpoena and take testimony.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6374.

[S-1271-81 Filed 8-18-81, 10:21 am]

BILLING CODE 6351-01-M

2

FEDERAL ELECTION COMMISSION.

[FR No. 1231]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, August 20, 1981 at 10 a.m.

CHANGE IN MEETING: Add Executive Session at the close of the Open Meeting for the purpose of consideration of Compliance Matters continued from August 18, 1981.

* * * * *

DATE AND TIME: Tuesday, August 25, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel. FOIA Appeals.

* * * * *

DATE AND TIME: Thursday, August 27, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Pending legislation:
  Legislative Recommendations in connection with petition for a writ of certiorari in *FEC v. Machinists Non-Partisan Political League*, and *FEC v. Citizens for Democratic Alternatives in 1980*
Appropriations and budget:
  1983 Budget Report (continued from August 20)
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-1274-81 Filed 8-18-81 4:02 pm]

BILLING CODE 6715-01-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., August 26, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the 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. Agreement No. 9355-8: Modification of the Atlantic and Gulf American-Flag Berth Operators Agreement to add intermodal authority.

2. Agreement No. 10408: Cooperative working arrangement among Northern Pan America Line A/S, Nopal Star Line Limited, Nopal Venezuela Line, Ltd., Rocargo, C.A., Lorentzen Shipping Agency, Inc., Oivind Lorentzen A/S Sobral, and DFDS A/S, to establish Lorentzen Shipping Agency, Inc., as agent, manager and administrator for each of the parties.

Portion closed to the public:

1. Docket No. 79-72: Cargill, Inc. v. Waterman Steamship Corporation—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1273-81 Filed 8-18-81, 3:53 pm]

BILLING CODE 6730-01-M

4

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m. Wednesday, August 26, 1981.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: August 18, 1981.

William W. Wiles,
Secretary of the Board.

[S-1272-81 Filed 8-18-81, 3:14 pm]

BILLING CODE 6210-01-M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Week of August 24, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, August 25:*

2:00 p.m.:
  Briefing on Pending Adjudicatory Proceedings (closed meeting)

Wednesday, August 26:

10:00 a.m.:
  Discussion of Management-Organization and Internal Personnel Matters (closed meeting)

Thursday, August 27:

10:00 a.m.:
  Discussion of Implementation of Early Notification Systems (public meeting)
3:30 p.m.:
  Affirmation/Discussion Session (public meeting)
  Items to be affirmed and/or discussed:
  a. Proposed Rulemaking to Implement the Age Discrimination Act of 1975, as Amended, to Prevent Discrimination on the Basis of Age in Federally Assisted Commission Programs

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary M. Gilbert, (202) 634–1410.

Dated: August 18, 1981.

Gart M. Gilbert,

Office of the Secretary.

[S-1275-81 Filed 8-18-81 4:05 pm]

BILLING CODE 7590-01-M

6

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of August 24, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, August 25, 1981, at 10:00 a.m. and on Thursday, August 27, 1981, following the 10:00 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, and Longstreth determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, August 25, 1981, at 10:00 a.m., will be:

Litigation matter.
Formal orders of investigation.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Regulatory matter regarding financial institution.
Freedom of Information Act appeals.

The subject matter of the closed meeting scheduled for Thursday, August 27, 1981, following the 10:00 a.m. open meeting, will be:

Opinion.

The subject matter of the open meeting scheduled for Thursday, August 27, 1981, at 10:00 a.m., will be:

1. Consideration of whether to grant the request of the law firm of Skadden, Arps, Slate, Meagher & Flom for the return of its records voluntarily submitted to the Commission during the course of the Commission's inquiry into the Firestone Tire & Rubber Co. For further information, please contact Theodore Bloch at (202) 272–2454.

2. Consideration of whether to (1) affirm the decision of the FOIA Officer to release a letter from the Commission's file on the National Kinney Corp., and (2) treat the request for confidential treatment of the appeal letter as part of the FOIA appeal of Bud G. Holman, Esq. For further information, please contact Christina Pfirrman at (202) 272–2432.

3. Consideration of whether to propose for comment Rule 17a–8 under the Securities Exchange Act of 1934 which would require brokers and dealers to make and retain reports and records pursuant to the Currency and Foreign Transactions Reporting Act of 1970. For further information, please contact Elizabeth S. York at (202) 272–2376.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

August 17, 1981.

[S-1270-81 Filed 8-17-81; 4:51 pm]

BILLING CODE 8010-01-M

federal register

Thursday
August 20, 1981

Part II

Advisory Council on Historic Preservation

Urban Development Action Grant Program; Historic Preservation Requirements

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 801

Historic Preservation Requirements of the Urban Development Action Grant Program

AGENCY: Advisory Council on Historic Preservation.

ACTION: Final regulations.

SUMMARY: These final regulations implement the historic preservation review provisions of Section 110 of the Housing and Community Development Act of 1980 (Pub. L. 96-399, 94 Stat. 1614) and Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470). Section 110(c) of Pub. L. 96-399 requires, among other things, the Council to prescribe regulations for expeditious review and comment on Urban Development Action Grant projects which affect properties listed in or eligible for the National Register of Historic Places. The proposed regulations establish this required expedited Council commenting process.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Peter H. Smith, Special Assistant for Urban Affairs, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005; 202-254-3974.

SUPPLEMENTARY INFORMATION: The Council was established by the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and consists of the Secretary of the Interior, the Secretary of Housing and Urban Development, the Administrator of the General Services Administration, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Transportation, the Architect of the Capitol, the Chairman of the National Trust for Historic Preservation, the President of the National Conference of State Historic Preservation Officers, four members from the general public appointed by the President, four historic preservation experts appointed by the President, and a governor and a mayor. The Act generally charges the Council with advising the President and the Congress on historic preservation matters. Section 106 of the Act is designed to protect properties listed in or eligible for inclusion in the National Register of Historic Places through review and comment by the Council on Federal undertakings that affect such properties. The Section 106 process is a public interest process in which the Federal agency sponsoring the project, the State Historic Preservation Officer, the Council, local governments, and interested organizations and individuals participate. The review process is established by the Council's regulations (36 CFR Part 800). For programs authorized by Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), applicants legally assume the status of a responsible Federal official for the purposes of the National Historic Preservation Act. This is authorized by Section 104(h) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(a)). The Section 106 process is designed to assure that alternatives to avoid or mitigate an adverse effect on a property listed in or eligible for inclusion in the National Register are adequately considered in the planning process.

These regulations are required by Section 110(c) of the Housing and Community Development Act of 1980, (42 U.S.C. 5320(c)) and apply only to projects proposed to be funded by the Urban Development Action Grant (UDAG) program of the Department of Housing and Urban Development. The purpose of these proposed regulations is to expedite the Council's commenting process for such applications. Under the provisions of Section 110 of the Housing and Community Development Act of 1980 the State Historic Preservation Officer has a 45 day period to comment on properties listed in the National Register of Historic Places or which meet the Criteria and which will be affected by the proposed UDAG project as determined by the applicant. The Secretary of the Interior, likewise, has a 45 day period in which to make a determination whether the affected properties are eligible for inclusion in the National Register. For the sake of clarity the comment period of the State Historic Preservation Officer is referred to as a "review period" in these proposed regulations. This has been done in order to avoid confusion between comments of the Council required by Section 106 of the National Historic Preservation Act and the comments of the State Historic Preservation Officer required by Section 110(c) of the Housing and Community Development Act of 1980.

The process established by the proposed regulations is basically similar to the existing Section 106 process set forth in 36 CFR Part 800, "Protection of Historic and Cultural Properties." However, the proposed regulations re-structure the normal Section 106 process to better reflect the UDAG program and the legal responsibilities of the applicant and most importantly to expedite the Council's commenting role.

In preparing the final regulation staff members of the Council met with representatives of the Department of Housing and Urban Development.

Comments and the Council's Response

The Council received 11 comments prior to the close of the comment period on February 18, 1981. An additional three comments were received between February 19, 1981, and the Council meeting on June 12, 1981. All comments were submitted to the Council members for review prior to the meeting. Comments were received from two Federal agencies, six cities, the National Conference of State Historic Preservation Officers, and six private organizations.

A number of commentors felt that the regulations were not necessary or that the exiting review process was sufficient for the UDAG process. These regulations were specifically required by the Congress as part of the Housing and Community Development Act of 1980 (Pub. L. 96-399, 94 Stat. 1614). The Council believes that the regulations are responsive to the Congressional mandate to expedite Council review of projects proposed to be funded through the UDAG program of the Department of Housing and Urban Development (HUD).

1. Section 801.1 *Purpose and Authorities.* This section reflects the changes in Council responsibilities as a result of the Housing and Community Development Act of 1980. No changes were made to this section.

2. Section 801.2 *Definitions.* This section includes definitions that are additions to those contained in 36 CFR 800.2 and which reflect the special requirements of the UDAG program. The definition of the "State Historic Preservation Officer Review Period" has been expanded in response to comments to more accurately reflect the role of the State Historic Preservation Officer in providing information to the applicant to assist in making judgments regarding historic and cultural properties and determinations of effect. A number of commentors suggested expansion of the term "Project" defined in § 801.2(c). The Council has rejected these comments as going beyond the scope of the Act. The definition set forth at § 801.2(c) is consistent with the project as defined by HUD at 24 CFR 570.451(g).

3. Section 801.3 *Applicant Responsibilities.* This is a new section that is not contained in 36 CFR Part 800 and reflects the assumption of Federal historic preservation review

requirements by UDAG applicants. There were many comments on this section. The section on identification has been re-worked to more clearly state the methods that should be used to identify National Register properties and properties which meet the Criteria for listing in the National Register. A number of commentors objected to the Executive Director making a final determination on the effect of a proposed project. The Council has rejected these comments because these regulations do not establish a new review process but merely expedite the Council's review process that is set forth at 36 CFR Part 800. As such, the responsibilities of the Executive Director are consistent with statutory mandates and regulations currently in place. One commentor objected to setting a time limit after which the Executive Director cannot raise objections to an applicant's determination of effect. In cases where an applicant makes an earnest effort to comply with the provisions of these regulations, the Council believes that it is in keeping with the Congressional mandate to establish such a deadline. However, if an applicant does not comply with the provisions of these regulations, the Executive Director will, of course, not be bound by the deadline established in § 801.3(c)(2)(i).

4. Section 801.4 *Council Comments.* This section specifies how the Council will respond to an applicant's request for Council comments. While it is similar in process to that specified in 36 CFR 800.6, a number of substantive changes have been made. For example, there is a time limit of 45 days within which to prepare a Memorandum of Agreement in cases of adverse effect determinations. If no agreement is reached by the close of that period, the Executive Director will have 15 days to refer the matter to the Chairman. Based upon the recommendation of the Executive Director, the Chairman will make a decision as to what action the Council will take. If the matter is referred to the Council members, there will be a meeting of either the full Council or a panel of members within 30 days. If the matter is referred to a panel, the panel's comments will be considered the comments of the full Council for the purposes of commenting on a particular UDAG project. This will considerably reduce the time that is required to obtain the comments of the Council and also provide a fixed time limit, no more than 90 days, in which the process will be completed.

This section also provides for the designation of a lead agency for a UDAG project if another Federal agency is involved and for the applicant to accept previous compliance with Section 106 by a Federal agency for the project.

A number of commentors suggested an expanded role for Council members in determining whether or not a proposed project should be heard at a meeting of a panel of Council members or the full Council. An opportunity for Council members to object to the Chairman's decision not to schedule the matter for a hearing before the Council has been provided at § 801.4(e)(1)(ii). This is similar to existing procedure. A new subsection (a) has been added to clarify the Council's responsibilities when the Executive Director objects to an applicant's Determination of No Effect. In reaching such a decision, the Executive Director will evaluate both the validity of the objection and the documentation of the applicant for the determination.

5. Section 801.5 *State Historic Preservation Officer Responsibilities.* This section is basically similar to 36 CFR 800.5, but reflects the State Historic Preservation Officer participation required by other provisions of Section 110. This section reflects the statutory period of 45 days within which the State Historic Preservation Officer may formally comment on an applicant's determination of effect on properties which are listed in the National Register or which may meet the Criteria for listing in the National Register. The time limitation does not preclude the applicant from earlier obtaining information from the State Historic Preservation Officer which will assist the applicant in reaching its conclusions. In response to comments, the manner in which the State Historic Preservation Officer should participate in the process has been more fully defined.

6. Section 801.6 *Coordination with Requirements Under the National Environmental Policy Act.* This is similar to 36 CFR 800.9. A minor change was made in this section in response to a comment.

7. Section 801.7 *Reports to the Council.* This section specifies how an applicant may utilize relevant portions of a completed UDAG application to meet information needs of the Section 106 process. The remainder of the section sets forth report requirements for various stages of the process.

In response to comments and to clarify an applicant's responsibility in a Determination of No Effect, a new subsection (a) has been added defining the documentation necessary to substantiate an applicant's Determination of No Effect.

8. Section 801.8 *Public Participation.* This is a new section which has been added in response to a number of comments stressing the importance of early and continuing involvement of the general public in UDAG projects. This new section encourages UDAG applicants and the Council to fully involve the public throughout the review process. The Council notes that its process is advisory and does not constitute formal administrative hearings. The section is consistent with public participation requirements of the Department of Housing and Urban Development and sets forth a means of informing the public of an opportunity to participate in the process. While a number of commentors felt that the Council should take specific action to ensure that the views of the public were solicited during the process, the Council believes that this section will be sufficient to ensure that the public is fully informed and involved in the process.

9. *Appendices.* An appendix has been added specifically to provide guidance for UDAG applicants in identifying properties listed in the National Register of Historic Places or which meet the Criteria. In addition, a section is included which deals with archeology in an urban context. In response to a number of comments for greater clarity, the appendix has been slightly re-worked and more information added concerning identification of historic and cultural properties. In addition, for more ease in use the appendix has been subdivided into two major sections.

The Council has determined that these regulations are not "major rules" within the meaning of Executive Order 12291. Because these regulations expedite the normal commenting process under Section 106 of the National Historic Preservation Act, they will not cause major increases in costs for local government agencies and will not have significant adverse effects on competition, employment, or investment. Consequently, these regulations have been submitted to the Office of Management and Budget 10 days prior to publication.

Pursuant to 36 CFR 805, "National Environmental Policy Act Implementation Procedures," the Council has determined that an Environmental Impact Statement is not required.

Until the Council completes compliance with the Paperwork Reduction Act of 1980 (Public Law 96-511) concerning applicant reporting requirements in these regulations, applicants are not required to meet the

information requirements set forth in § 801.7(a), (b) and (c). In the interim, applicants should continue to follow the existing provisions governing reports to the Council set forth at 36 CFR 800.13 when supplying information to the Council. The Council is undertaking a review of its information collection requirements, including those in 36 CFR 800.13, to be completed prior to December 31, 1981, as required by the Paperwork Reduction Act.

Principal Authors: Peter H. Smith, Special Assistant for Urban Affairs, John M. Fowler, General Counsel.

Robert R. Garvey, Jr.,

Executive Director.

36 CFR is amended by adding Part 801 to read as follows:

PART 801—HISTORIC PRESERVATION REQUIREMENTS OF THE URBAN DEVELOPMENT ACTION GRANT PROGRAM

Sec.
801.1 Purpose and authorities.
801.2 Definitions.
801.3 Applicant responsibilities.
801.4 Council comments.
801.5 State historic preservation officer responsibilities.
801.6 Coordination with requirements under the National Environmental Policy Act.
801.7 Reports to the Council.
801.8 Public participation.

Authority: Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470); Pub. L. 94-422, 90 Stat. 1320 (16 U.S.C. 470(i)); Pub. L. 96-399, 94 Stat. 1619 (42 U.S.C. 5320).

§ 801.1 Purpose and authorities.

(a) These regulations are required by Section 110(c) of the Housing and Community Development Act of 1980 (HCDA) (42 U.S.C. 5320) and apply only to projects proposed to be funded by the Department of Housing and Urban Development (HUD) under the Urban Development Action Grant (UDAG) Program authorized by Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301). These regulations establish an expedited process for obtaining the comments of the Council specifically for the UDAG program and, except as specifically provided, substitute for the Council's regulations for the "Protection of Historic and Cultural Properties" (36 CFR Part 800).

(b) Section 110(c) of the HCDA of 1980 requires UDAG applicants to: (1) identify all properties, if any, which are included in the National Register of Historic Places and which will be affected by the project for which the application is made; (2) identify all other properties, if any, which will be affected by such project and which, as determined by the applicant, may meet the Criteria established by the Secretary of the Interior for inclusion in the National Register (36 CFR 60.6); and (3) provide a description of the effect, as determined by the applicant, of the project on properties identified pursuant to (1) and (2). If the applicant determines that such properties are affected, the Act requires that the information developed by the applicant must be forwarded to the appropriate State Historic Preservation Officer (SHPO) for review and to the Secretary of the Interior for a determination as to whether the affected properties are eligible for inclusion in the National Register.

(c) Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), requires the head of any Federal agency with jurisdiction over a Federal, federally assisted or federally licensed undertaking that affects a property included in or eligible for inclusion in the National Register of Historic Places to take into account the effect of the undertaking on such property and afford the Council a reasonable opportunity to comment. Under the UDAG program, applicants assume the status of a Federal agency for purposes of complying with Section 106.

§ 801.2 Definitions.

The terms defined in 36 CFR 800.2 shall be used in conjunction with this regulation. Furthermore, as used in these regulations:

(a) "Urban Development Action Grant (UDAG) Program" means the program of the Department of Housing and Urban Development (HUD) authorized by Title I of the Housing and Community Development Act (HCDA) of 1977 (42 U.S.C. 5318) to assist revitalization efforts in distressed cities and urban counties which require increased public and private investment.

(b) "Applicant" means cities and urban counties or Pocket of Poverty Communities which meet the criteria at 24 CFR 570.453. Except as specifically provided below, applicants, rather than the Secretary of HUD, must comply with these regulations.

(c) "Project" means a commercial, industrial, and/or neighborhood project supported by the UDAG program of the Department of HUD, as defined in 24 CFR 570.451(g). A project includes the group of integrally related public and private activities described in the grant application which are to be carried out to meet the objectives of the action grant program and consists of all action grant funded activities together with all non-action grant funded activities. A project is an "undertaking" as defined in 36 CFR 800.2(c).

(d) "State Historic Preservation Officer Review Period" is a 45 day period provided to the appropriate State Historic Preservation Officer by Section 110(c) of the Housing and Community Development Act (HCDA) of 1980 for comment on the formal submission by the applicant of data on properties listed in the National Register or which may meet the Criteria and which will be affected by the proposed UDAG project. This period does not include any period during which the applicant seeks information from the State Historic Preservation Officer to assist the applicant in identifying properties, determining whether a property meets the Criteria for listing in the National Register of Historic Places and determining whether such property is affected by the project.

(e) "Secretary of the Interior Determination Period" is a 45 day period provided by Section 110(c) of the HCDA of 1980 for a determination as to whether the identified properties are eligible for inclusion in the National Register.

§ 801.3 Applicant responsibilities.

As early as possible before the applicant makes a final decision concerning a project and in any event prior to taking any action that would foreclose alternatives or the Council's ability to comment, the applicant should take the following steps to comply with the requirements of Section 106 of the National Historic Preservation Act and Section 110 of the HCDA of 1980.

In order to facilitate the commenting process the applicant should forward to the Council information on the proposed project at the earliest practicable time if it appears that National Register properties or properties which meet the Criteria for inclusion will be affected. This will allow the Council to assist the applicant in expeditiously meeting its historic preservation requirements and facilitate the development of the Council's comments.

(a) *Information Required.* It is the primary responsibility of the applicant requesting Council comments to conduct the appropriate studies and to provide the information necessary for a review of the effect a proposed project may have on a National Register property or a property which meets the Criteria, as well as the information necessary for adequate consideration of modifications or alterations to the proposed project that could avoid, mitigate, or minimize any adverse effects. It is the responsibility of the applicant to provide

the information specified in § 801.7, to make an informed and reasonable evaluation of whether a property meets the National Register Criteria (36 CFR 60.6) and to determine the effect of a proposed undertaking on a National Register property or property which meets the Criteria.

(b) *Identification of properties.* Section 110 of the HCDA of 1980 makes UDAG applicants responsible for the identification of National Register properties and properties which may meet the Criteria for listing in the National Register that may be affected by the project. An appendix to these regulations sets forth guidance to applicants in meeting their identification responsibilities but does not set a fixed or inflexible standard for such efforts. Meeting this responsibility requires the applicant to make an earnest effort to identify and evaluate potentially affected historic properties by:

(1) consulting the National Register of Historic Places to determine whether the project's impact area includes such properties;

(2) obtaining, prior to initiating the State Historic Preservation Officer Review Period, relevant information that the State Historic Preservation Officer may have available concerning historic properties, if any are known, in the project's impact area;

(3) utilizing local plans, surveys, and inventories of historic properties prepared by the locality or a recognized State or local historic authority;

(4) utilizing other sources of information or advice the applicant deems appropriate;

(5) conducting an on-the-ground inspection of the project's impact area by qualified personnel to identify properties which may meet the Criteria for evaluation taking into consideration the views of the State Historic Preservation Officer as to the need for and methodology of such inspections;

(6) applying the Department of the Interior Criteria for Evaluation (36 CFR 60.6) to properties within the project's impact area.

(c) *Evaluation of effect.* Applicants are required by Section 110(a) of the HCDA of 1980 to include in their applications a description of the effect of a proposed UDAG project on any National Register property and or any property which may meet the Criteria.

(1) Criteria of Effect and Adverse Effect. The following criteria, similar to those set forth in 36 CFR 800.3, shall be used to determine whether a project has an effect or an adverse effect.

(i) Criteria of Effect. The effect of a project on a National Register or eligible property is evaluated in the context of the historical, architectural, archeological, or cultural significance possessed by the property. A project shall be considered to have an effect whenever any condition of the project causes or may cause any change, beneficial or adverse, in the quality of the historical, architectural, archeological, or cultural characteristics that qualify the property to meet the Criteria of the National Register. An effect occurs when a project changes the integrity of location, design, setting, materials, workmanship, feeling or association of the property that contributes to its significance in accordance with the National Register Criteria. An effect may be direct or indirect. Direct effects are caused by the project and occur at the same time and place. Indirect effects include those caused by the undertaking that are later in time or farther removed in distance, but are still reasonably foreseeable. Such effects involve development of the project site around historic properties so as to affect the access to, use of, or significance of those properties.

(ii) Criteria of Adverse Effect. Adverse effects on National Register properties or properties which meet the Criteria may occur under conditions which include but are not limited to:

(A) Destruction or alteration of all or part of a property;

(B) Isolation from or alteration of the property's surrounding environment;

(C) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;

(D) Neglect of a property resulting in its deterioration or destruction;

(iii) Special Considerations. If rehabilitation is a project activity, such components of the project may be considered to have no adverse effect and need not be referred to the Council if they are undertaken in accordance with the Secretary of the Interior's Standards for Historic Preservation Projects (U.S. Department of the Interior, Heritage Conservation and Recreation Service, Washington, D.C., 1979) and the State Historic Preservation Officer concurs in the proposed activity. Additionally, the following types of project components or elements will be considered to not normally adversely affect properties listed in the National Register or which meet the Criteria.

(A) Insulation (except for the use of granular or liquid injected foam insulation in exterior walls or other vertical surfaces);

(B) Caulking;

(C) Weatherstripping;

(D) Replacement of Heating, Ventilating and Air Conditioning (HVAC) equipment, provided that such equipment is not historic and that replacement equipment is screened from public view and that the State Historic Preservation Officer and the applicant agree the equipment will not affect those qualities of the property which qualify it to meet the 36 CFR 60.6 Criteria;

(E) In-kind refenestration (for example, replacement of deteriorated windows of a similar configuration, color and material);

(F) Lowering of ceilings, provided the ceilings will not be visible from outside of the building or from an interior public space and that the State Historic Preservation Officer and the applicant agree it will not affect a quality which qualified the building to meet the 36 CFR 60.6 Criteria;

(G) Replacement in-kind of substantially deteriorated material, provided that the State Historic Preservation Officer and the applicant agree;

(H) Installation of machinery, equipment, furnishings, fixtures, etc., in the interior of existing buildings, provided that the State Historic Preservation Officer and the applicant agree such installations will not affect a quality which qualified the building to meet the 36 CFR 60.6 Criteria.

(I) Site improvements such as sidewalk paving and landscaping, provided that the State Historic Preservation Officer and the applicant agree that the site improvement will not affect those qualities of the property which qualify it to meet the 36 CFR 60.6 Criteria.

(iv) Special considerations for archeological sites. Under certain conditions, alteration of land containing archeological resources in the project area may have no adverse effect on those resources. Procedures for determining whether such conditions exist were published by the Council in the **Federal Register** on November 26, 1980 (45 FR 78808), as Part X of the "Executive Director's Procedures for Review of Proposals for Treatment of Archeological Properties." Because the identification of archeological sites in an urban context, and consideration of appropriate treatment methods, present special problems, further guidance is provided in Appendix 2.

(2) Determinations of effect. Prior to submitting an application to HUD, the applicant shall apply the Criteria of Effect and Adverse Effect to all properties which are listed in the National Register or which may meet the Criteria in the area of the project's potential environmental impact. The determination of the Secretary of the

Interior shall be final with respect to properties which are eligible for listing in the National Register. The Council will not comment on affected properties which are not either listed in or eligible for listing in the National Register. In order to facilitate the process, information to be requested from the State Historic Preservation Officer under Section 801.3(b)(2) should include advice on applying the Criteria of Effect and Adverse Effect provided that this period shall not be included in the 45 day State Historic Preservation Officer Review Period. Special attention should be paid to indirect effects, such as changes in land use, traffic patterns, street activity, population density and growth rate. While some aspects of a project may have little potential to adversely affect the significant qualities of a historic property, other project components may meet the Criteria of Effect and Adverse Effect. If any aspect of the project results in an effect determination, further evaluation of the effect shall be undertaken in accordance with these regulations. The resulting determination regarding the effect shall be included in the application.

(i) No Effect. If the applicant determines that the project will have no effect on any National Register property and/or property which meets the Criteria, the project requires no further review by the Council unless a timely objection is made by the Executive Director. An objection may be made by the Executive Director at any time during the UDAG application process prior to the expiration of the period for receiving objections to HUD's release of funds as specified in 24 CFR 58.31. The manner in which the Executive Director shall make an objection is set forth in § 801.4(a).

(ii) Determinations of No Adverse Effect. If the applicant finds there is an effect on the property but it is not adverse, the applicant after receiving the comments of the State Historic Preservation Officer during the State Historic Preservation Officer Review Period shall forward adequate documentation (see § 801.7(a)) of the Determination, including the written comments of the State Historic Preservation Officer, if available, to the Executive Director for review in accordance with § 801.4.

(iii) Adverse Effect Determination. If the applicant finds the effect to be adverse or if the Executive Director objects to an applicant's no adverse effect determination pursuant to § 801.4(a), the applicant shall proceed with the consultation process in accordance with § 801.4(b).

§ 801.4 Council comments.

The following subsections specify how the Council will respond to an applicant's request for the Council's comments required to satisfy the applicant's responsibilities under Section 106 of the Act and Section 110 of the HCDA of 1980. When appropriate, an applicant may waive the Council time periods specified in these regulations.

(a) *Executive Director's Objection to No Effect Determination.* If the Executive Director has reason to question an applicant's determination of no effect, he shall notify the applicant and HUD. If the Executive Director does not object within 15 days of such notification, the project may proceed. If the Executive Director objects, he shall specify whether or not the project will have an adverse effect on National Register property and/or property which meets the Criteria. Normally, the Executive Director will object to a determination of no effect when the record does not support the applicant's determination (see § 801.7(a)). The applicant must then comply with the provisions of subsection (b) if the Executive Director determines that the project will have no adverse effect or subsection (c) if the Executive Director has determined that the project will have an adverse effect.

(b) *Response to Determinations of No Adverse Effect.* (1) Upon receipt of a Determination of No Adverse Effect from an applicant, the Executive Director will review the Determination and supporting documentation required by § 801.7(a). Failure to provide the required information at the time the applicant requests Council comments will delay the process. The Executive Director will respond to the applicant within 15 days after receipt of the information required in § 801.7(a). Unless the Executive Director objects to the Determination within 15 days after receipt, the applicant will be considered to have satisfied its responsibilities under Section 106 of the Act and these regulations and no further Council review is required.

(2) If the Executive Director objects to a Determination of No Adverse Effect, the consultation process pursuant to § 801.4(c) shall be initiated.

(c) *Consultation Process.* If any aspect of the project is found to have adverse effects on National Register property or property which has been determined by the applicant or the Secretary of the Interior to meet the Criteria, the applicant, the State Historic Preservation Officer and the Executive Director shall consult to consider feasible and prudent alternatives to the project that could avoid, mitigate, or minimize the adverse effect on the affected property.

(1) Parties. The applicant, the State Historic Preservation Officer and the Executive Director shall be the consulting parties. The Department of HUD, other representatives of national, State, or local units of government, other parties in interest, and public and private organizations, may be invited by the consulting parties to participate in the consultation process.

(2) Timing. The consulting parties shall have a total of 45 days from the receipt by the Executive Director of the information required in § 801.7(a) to agree upon feasible and prudent alternatives to avoid, mitigate, or minimize any adverse effects of the project. Failure of an applicant to provide the information required in § 801.7(b) will delay the beginning of the time period specified above.

(3) Information Requirements. The applicant shall provide copies of the information required in § 801.7(b) to the consulting parties at the initiation of the consultation process and make it readily available for public inspection.

(4) Public Meeting. An onsite inspection and a Public Information Meeting may be held in accordance with the provisions of 36 CFR 800.6(b). Public hearings or meetings conducted by the applicant in the preparation of the application may, as specified below, substitute for such Public Information Meetings. Upon request of the applicant, the Executive Director may find that such public meetings have been adequate to consider the effect of the project on National Register properties or properties which meet the Criteria, and no further Public Information Meeting is required.

(5) Consideration of Alternatives. During the consultation period, the consulting parties shall, in accordance with the policies set forth in 36 CFR 800.6(b) (4) and (5), review the proposed project to determine whether there are prudent and feasible alternatives to avoid or satisfactorily mitigate adverse effect. If they agree on such alternatives, they shall execute a Memorandum of Agreement in accordance with § 801.4(c) specifying how the undertaking will proceed to avoid or mitigate the adverse effect.

(6) Acceptance of Adverse Effect. If the consulting parties determine that there are no feasible and prudent alternatives that could avoid or satisfactorily mitigate the adverse effects and agree that it is in the public interest to proceed with the proposed

project they shall execute a Memorandum of Agreement in accordance with § 801.4(c) acknowledging this determination and specifying any recording, salvage, or other measures associated with acceptance of the adverse effects that shall be taken before the project proceeds.

(7) Failure to Agree. Upon the failure of the consulting parties to agree upon the terms for a Memorandum of Agreement within the specified time period, or upon notice of a failure to agree by any consulting party to the Executive Director, the Executive Director within 15 days shall recommend to the Chairman whether the matter should be scheduled for consideration at a Council meeting. If the Executive Director recommends that the Council not consider the matter, he shall simultaneously notify all Council members and provide them copies of the preliminary case report and the recommendation to the Chairman. The applicant and the State Historic Preservation Officer shall be notified in writing of the Executive Director's recommendation.

(d) *Memorandum of Agreement.* (1) Preparation of Memorandum of Agreement. It shall be the responsibility of the Executive Director to prepare each Memorandum of Agreement required under this part. As appropriate, other parties may be invited by the consulting parties to be signatories to the Agreement or otherwise indicate their concurrence with the Agreement. In order to facilitate the process, the applicant may provide the Executive Director a draft for a Memorandum of Agreement. At the applicant's option, such draft may be prepared at the time the applicant makes its determinations that properties listed in the National Register or which may meet the Criteria for listing in the National Register may be adversely affected. The applicant must provide the State Historic Preservation Officer an opportunity to concur in or comment on its draft Agreement.

(2) Review of Memorandum of Agreement. Upon receipt of an executed Memorandum of Agreement, the Chairman shall institute a 15 day review period. Unless the Chairman notifies the applicant that the matter has been placed on the agenda for consideration at a Council meeting, the Agreement shall become final when ratified by the Chairman or upon the expiration of the 15 day review period with no action taken. Copies will be provided to signatories. A copy of the Memorandum of Agreement should be included in any Environmental Assessment or Environmental Impact Statement prepared pursuant to the National Environmental Policy Act.

(3) Effect of Memorandum of Agreement. (i) Agreements duly executed in accordance with these regulations shall constitute the comments of the Council and shall evidence satisfaction of the applicant's responsibilities for the proposed project under Section 106 of the Act and these regulations.

(ii) If the Council has commented on an application that is not approved by HUD and a subsequent UDAG application is made for the same project, the project need not be referred to the Council again unless there is a significant amendment to the project which would alter the effect of the project on previously considered properties or result in effects on additional National Register properties or properties which meet the Criteria.

(iii) Failure to carry out the terms of a Memorandum of Agreement requires that the applicant again request the Council's comments in accordance with these regulations. In such instances, until the Council issues its comments under these regulations the applicant shall not take or sanction any action or make any irreversible or irretrievable commitment that could result in an adverse effect with respect to National Register properties or properties which are eligible for inclusion in the National Register covered by the Agreement or that would foreclose the Council's consideration of modifications or alternatives to the proposed project that could avoid or mitigate the adverse effect.

(4) Amendment of a Memorandum of Agreement. Amendments to the Agreement may be made as specified in 36 CFR 800.6(c)(4).

(5) Report on Memorandum of Agreement. Within 90 days after carrying out the terms of the Agreement, the applicant shall report to all signatories on the actions taken.

(e) *Council Meetings.* Council meetings to consider a project will be conducted in accordance with the policies set forth in 36 CFR 800.6(d).

(1) Response to Recommendation Concerning Consideration at Council Meeting. Upon receipt of a recommendation from the Executive Director concerning consideration of a proposed project at a Council meeting, the Chairman shall determine whether or not the project will be considered. The Chairman shall make a decision within 15 days of receipt of the recommendation of the Executive Director. In reaching a decision the Chairman shall consider any comments from Council members. If three members of the Council object within the 15 day period to the Executive Director's recommendation, the project shall be scheduled for consideration at a Council or panel meeting. Unless the matter is scheduled for consideration by the Council the Chairman shall notify the applicant, the Department of HUD, the State Historic Preservation Officer and other parties known to be interested of the decision not to consider the matter. Such notice shall be evidence of satisfaction of the applicant's responsibilities for the proposed project under Section 106 of the Act and these regulations.

(2) Decision to Consider the Project. When the Council will consider a proposed project at a meeting, the Chairman shall either designate five members as a panel to hear the matter on behalf of the full Council or schedule the matter for consideration by the full Council. In either case, the meeting shall take place within 30 days of the Chairman's decision to consider the project, unless the applicant agrees to a longer time.

(i) A panel shall consist of three non-Federal members, one as Chairman, and two Federal members. The Department of HUD may not be a member of such panel.

(ii) Prior to any panel or full Council consideration of a matter, the Chairman will notify the applicant and the State Historic Preservation Officer and other interested parties of the date on which the project will be considered. The Executive Director, the applicant, the Department of HUD, and the State Historic Preservation Officer shall prepare reports in accordance with Section 801.7(b). Reports from the applicant and the State Historic Preservation Officer must be received by the Executive Director at least 7 days before any meeting.

(3) Notice of Council Meetings. At least 7 days notice of all meetings held pursuant to this Section shall be given by publication in the **Federal Register**. The Council shall provide a copy of the notice by mail to the applicant, the State Historic Preservation Officer, and the Department of Housing and Urban Development. The Council will inform the public of the meeting through appropriate local media.

(4) Statements to the Council. An agenda shall provide for oral statements from the Executive Director; the applicant; the Department of HUD; parties in interest; the Secretary of the Interior; the State Historic Preservation Officer; representatives of national,

State, or local units of government; and interested public and private organizations and individuals. Parties wishing to make oral remarks should notify the Executive Director at least two days in advance of the meeting. Parties wishing to have their written statements distributed to Council members prior to the meeting should send copies of the statements to the Executive Director at least 5 days in advance.

(5) Comments of the Council. The written comments of the Council will be issued within 7 days after a meeting. Comments by a panel shall be considered the comments of the full Council. Comments shall be made to the applicant requesting comment and to the Department of HUD. Immediately after the comments are made to the applicant and the Department of HUD, the comments of the Council will be forwarded to the President and the Congress as a special report under authority of Section 202(b) of the Act and a notice of availability will be published in the **Federal Register.** The comments of the Council shall be made available to the State Historic Preservation Officer, other parties in interest, and the public upon receipt of the comments by the applicant. The applicant should include the comments of the Council in any final Environmental Impact Statement prepared pursuant to the National Environmental Policy Act.

(6) Action in Response to Council Comments. The comments of the Council shall be taken into account in reaching a final decision on the proposed project. When a final decision regarding the proposed project is reached by the applicant and the Department of HUD, they shall submit written reports to the Council describing the actions taken by them and other parties in response to the Council's comments and the impact that such actions will have on the affected National Register properties or properties eligible for inclusion in the National Register. Receipt of this report by the Chairman shall be evidence that the applicant has satisfied its responsibilities for the proposed project under Section 106 of the Act and these regulations. The Council may issue a final report to the President and the Congress under authority of Section 202(b) of the Act describing the actions taken in response to the Council's comments including recommendations for changes in Federal policy and programs, as appropriate.

(f) *Suspense of Action.* Until the Council issues its comments under these regulations and during the State Historic Preservation Officer Review Period and the determination period of the Secretary of the Interior, good faith consultation shall preclude the applicant from taking or sanctioning any action or making any irreversible or irretrievable commitment that could result in an adverse effect on a National Register property or property which may meet the Criteria or that would foreclose the consideration of modifications or alternatives to the proposed project that could avoid, mitigate, or minimize such adverse effects. In no case shall UDAG funds be used for physical activities on the project site until the Council comments have been completed. Normal planning and processing of applications short of actual commitment of funds to the project may proceed.

(g) *Lead Agency.* If the project proposed by the applicant involves one or more Federal agencies, they may agree on a single lead agency to meet the requirements of Section 106 of the National Historic Preservation Act and Section 110 of the Housing and Community Development Act of 1980 and notify the Executive Director. If the applicant is the designated lead agency, these regulations shall be followed. If a Federal agency is designated lead agency, the process in 36 CFR Part 800 shall be used.

(h) *Compliance by a Federal Agency.* An applicant may make a finding that it proposes to accept a Federal agency's compliance with Section 106 of the Act and 36 CFR 800 where its review of the Federal agency's findings indicate that:

(1) The project is identical with an undertaking reviewed by the Council under 36 CFR Part 800; and

(2) The project and its impacts are included within the area of potential environmental impact described by the Federal agency;

The applicant shall notify the State Historic Preservation Officer and the Executive Director of its finding of compliance with Section 106 of the Act and 36 CFR Part 800 and provide a copy of the Federal agency's document where the finding occurs. Unless the Executive Director objects within 10 days of receipt of such notice the Council need not be afforded further opportunity for comment. If the Executive Director objects to the finding of the applicant, the applicant shall comply with § 801.4.

§ 801.5 State historic preservation officer responsibilities.

(a) The State Historic Preservation Officer shall have standing to participate in the review process established by Section 110(c) of the HCDA of 1980 whenever it concerns a project located within the State Historic Preservation Officer's jurisdiction by the following means: providing, within 30 days, information requested by an applicant under § 801.3(b); responding, within 45 days, to submittal of a determination by the applicant under Section 110 of the HCDA of 1980 that National Register property or property which meets the Criteria may be affected by the proposed project; participating in a Memorandum of Agreement that the applicant or the Executive Director may prepare under this part; and participating in a panel or full Council meeting that may be held pursuant to these regulations. Pursuant to Section 110(c) of the HCDA of 1980, the State Historic Preservation Officer has a maximum period of 45 days in which to formally comment on an applicant's determination that the project may affect a property that is listed in the National Register or which may meet the Criteria for listing in the National Register. This period does not include the time during which the applicant seeks information from the State Historic Preservation Officer for determining whether a property meets the Criteria for listing in the National Register and whether such property is affected by the project.

(b) The failure of a State Historic Preservation Officer to participate in any required steps of the process set forth in this part shall not prohibit the Executive Director and the applicant from concluding the Section 106 process, including the execution of a Memorandum of Agreement.

§ 801.6 Coordination with requirements under the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

The National Historic Preservation Act and the National Environmental Policy Act create separate and distinct responsibilities. The National Historic Preservation Act applies to those aspects of a project which may affect National Register properties and those which are eligible for listing in the National Register.

The requirements for the National Environmental Policy Act apply to the effect that the project will have on the human environment. To the extent that the applicant finds it practicable to do so, the requirements of these two statutes should be integrated. Some projects, for reasons other than the effects on historic properties, may require an Environmental Impact Statement (EIS) subject to the time requirements for a draft and final EIS, in which case the applicant may choose to separately relate to the State Historic

Preservation Officer, the Department of the Interior, and the Council for purposes of Section 110(c) of the HCDA of 1980. In that event, information in the draft EIS should indicate that compliance with Section 106 and these regulations is underway and the final EIS should reflect the results of this process. Applicants are directed to 36 CFR 800.9, which describes in detail the manner in which the requirements of these two acts should be integrated and applies to all UDAG applicants under these regulations.

In those instances in which an Environmental Impact Statement will be prepared for the project, the applicant should consider phasing compliance with these procedures and the preparation of the Statement.

§ 801.7 Information requirements.

(a) *Information To Be Retained by Applicants Determining No Effect.*

(1) Recommended Documentation for a Determination of No Effect. Adequate documentation of a Determination of No Effect pursuant to Section 801.3(c)(2)(i) should include the following:

(i) A general discussion and chronology of the proposed project;

(ii) A description of the proposed project including, as appropriate, photographs, maps, drawings, and specifications;

(iii) A statement that no National Register property or property which meets the Criteria exist in the project area, or a brief statement explaining why the Criteria of Effect (See Section 801.3(c)) was found inapplicable;

(iv) Evidence of consultation with the State Historic Preservation Officer concerning the Determination of No Effect; and

(v) Evidence of efforts to inform the public concerning the Determination of No Effect.

(2) The information requirements set forth in this section are meant to serve as guidance for applicants in preparing No Effect Determinations. The information should be retained by the applicant, incorporated into any environmental reports or documents prepared concerning the project, and provided to the Executive Director only in the event of an objection to the applicant's determination.

(b) *Reports to the Council.* In order to adequately assess the impact of a proposed project on National Register and eligible properties, it is necessary for the Council to be provided certain information. For the purposes of developing Council comments on UDAG projects the following information is required. Generally, to the extent that relevant portions of a UDAG application meet the requirements set forth below it will be sufficient for the purposes of Council review and comment.

(1) Documentation for Determination of No Adverse Effect. Adequate documentation of a Determination of No Adverse Effect pursuant to Section 801.3(c)(1) should include the following:

(i) A general discussion and chronology of the proposed project;

(ii) A description of the proposed project including, as appropriate, photographs, maps, drawings and specifications;

(iii) A copy of the National Register form or a copy of the Determination of Eligibility documentation for each property that will be affected by the project including a description of each property's physical appearance and significance;

(iv) A brief statement explaining why each of the Criteria of Adverse Effect (See § 801.3(c)(1)) was found inapplicable;

(v) Written views of the State Historic Preservation Officer concerning the Determination of No Adverse Effect, if available; and,

(vi) An estimate of the cost of the project including the amount of the UDAG grant and a description of any other Federal involvement.

(2) Preliminary Case Reports. Preliminary Case Reports should be submitted with a request for comments pursuant to § 801.4(b) and should include the following information:

(i) A general discussion and chronology of the proposed project;

(ii) The status of the project in the HUD approval process;

(iii) The status of the project in the National Environmental Policy Act compliance process and the target date for completion of all the applicant's environmental responsibilities;

(iv) A description of the proposed project including as appropriate, photographs, maps, drawings and specifications;

(v) A copy of the National Register form or a copy of the Determination of Eligibility documentation for each property that will be affected by the project including a description of each property's physical appearance and significance;

(vi) A brief statement explaining why any of the Criteria of Adverse Effect (See § 801.3(c)(1)(b)) apply;

(vii) Written views of the State Historic Preservation Officer concerning the effect on the property, if available;

(viii) The views of Federal agencies, State and local governments, and other groups or individuals when known as obtained through the OMB Circular A-95 process or the environmental review process, public hearings or other applicant processes;

(ix) A description and analysis of alternatives that would avoid the adverse effects;

(x) A description and analysis of alternatives that would mitigate the adverse effects; and,

(xi) An estimate of the cost of the project including the amount of the UDAG grant and a description of any other Federal involvement.

(c) *Reports for Council Meetings.* Consideration of a proposed project by the full Council or a panel pursuant to § 801.4(b) is based upon reports from the Executive Director, the State Historic Preservation Officer and Secretary of the Interior. Requirements for these reports are specified in 36 CFR 800.13(c). Additionally, reports from the applicant and the Department of HUD are required by these regulations. The requirements for these reports consist of the following:

(1) Report of the Applicant. The report from the applicant requesting comments shall include a copy of the relevant portions of the UDAG application; a general discussion and chronology of the proposed project; an account of the steps taken to comply with the National Environmental Policy Act (NEPA); any relevant supporting documentation in studies that the applicant has completed; an evaluation of the effect of the project upon the property or properties, with particular reference to the impact on the historical, architectural, archeological, and cultural values; steps taken or proposed by the applicant to avoid or mitigate adverse effects of the project; a thorough discussion of alternate courses of action; and an analysis comparing the advantages resulting from the project with the disadvantages resulting from the adverse effects on National Register or eligible properties.

(2) Report of the Secretary of Housing and Urban Development. The report from the Secretary shall include the status of the application in the UDAG approval process, past involvement of the Department with the applicant and the proposed project or land area for the proposed project, and information on how the applicant has met other requirements of the Department for the proposed project.

§ 801.8 Public participation.

(a) The Council encourages maximum public participation in the process established by these regulations. Particularly important, with respect to the UDAG program, is participation by the citizens of neighborhoods directly or

indirectly affected by projects, and by groups concerned with historic and cultural preservation.

(b) The applicant, in preparing and following its citizen participation plan called for by 24 CFR 570.456(c)(11)(i)(A), should ensure that adequate provision is made for participation by citizens and organizations having interests in historic preservation and in the historic and cultural values represented in affected neighborhoods. 24 CFR 570.431(c) sets forth criteria for citizen participation plans. These should be carefully considered with specific reference to ensuring that local concerns relevant to historic preservation are fully identified, and that citizens are provided with full and accurate information about each project and its effects on historic properties. The applicant should ensure that potentially concerned citizens and organizations are fully involved in the identification of properties which may meet the National Register Criteria, and that they are fully informed, in a timely manner, of determinations of No Effect, No Adverse Effect, and Adverse Effect, and of the progress of the consultation process. Applicants are referred to 36 CFR 800.15 for Council guidelines for public participation.

(c) The Council welcomes the views of the public, especially those groups which may be affected by the proposed project, during its evaluation of the applicant's determination of effect, and will solicit the participation of the public in Council and panel meetings held to consider projects.

APPENDICES

Appendix 1—Identification of Properties: General

A. Introduction

Because of the high probability of locating properties which are listed in the National Register or which meet the Criteria for listing in many older city downtowns, this appendix is designed to serve as guidance for UDAG applicants in identifying such properties. This appendix sets forth guidance for applicants and does not set a fixed or inflexible standard for identification efforts.

B. Role of the State Historic Preservation Officer

In any effort to locate National Register properties or properties which meet the Criteria, the State Historic Preservation Officer is a key source of information and advice. The State Historic Preservation Officer will be of vital assistance to the applicant. The State Historic Preservation Officer can provide information on known properties and on studies which have taken place in and around the project area. Early contact should be made with the State Historic Preservation Officer for recommendations about how to identify historic properties. For UDAG projects, identification of National Register properties and properties which meet the Criteria is the responsibility of the applicant. The extent of the identification effort should be made with the advice of the State Historic Preservation Officer. The State Historic Preservation Officer can be a knowledgeable source of information regarding cases wherein the need for a survey of historic properties is appropriate, recommended type and method of a survey and the boundaries of any such survey. Due consideration should be given to the nature of the project and its impacts, the likelihood of historic properties being affected and the state of existing knowledge regarding historic properties in the area of the project's potential environmental impact.

C. Levels of Identification

1. The area of the project's potential environmental impact consists of two distinct subareas: that which will be disturbed directly (generally the construction site and its immediate environs) and that which will experience indirect effects. Within the area of indirect impact, impacts will be induced as a result of carrying the project out. Historic and cultural properties subject to effect must be identified in both subareas, and the level of effort necessary in each may vary. The level of effort needed is also affected by the stage of planning and the quality of pre-existing information. Obviously, if the area of potential environmental impact has already been fully and intensively studied before project planning begins, there is no need to duplicate this effort. The State Historic Preservation Officer should be contacted for information on previous studies. If the area has not been previously intensively studied, identification efforts generally fall into three levels:

a. *Overview Study:* This level of study is normally conducted as a part of general planning and is useful at an early stage in project formulation. It is designed to obtain a general understanding of an area's historic and cultural properties in consultation with the State Historic Preservation Officer, by:

(1) assessing the extent to which the area has been previously subjected to study;

(2) locating properties previously recorded;

(3) assessing the probability that properties eligible for the National Register will be found if the area is closely inspected, and

(4) determining the need, if any, for further investigation.

An overview study includes study of pertinent records (local histories, building inventories, architectural reports, archeological survey reports, etc.), and usually some minor on-the-ground inspection.

b. *Identification Study:* An identification study attempts to specifically identify and record all properties in an area that may meet the criteria for listing in the National Register. In conducting the study, the applicant should seek the advice of the State Historic Preservation Officer regarding pertinent background data. A thorough on-the-ground inspection of the subject area by qualified personnel should be undertaken. For very large areas, or areas with uncertain boundaries, such a study may focus on representative sample areas, from which generalizations may be made about the whole.

c. *Definition and Evaluation Study:* If an overview and/or an identification study have indicated the presence or probable presence of properties that may meet the National Register Criteria but has not documented them sufficiently to allow a determination to be made about their eligibility, a definition and evaluation study is necessary. Such a study is directed at specific potentially eligible properties or at areas known or suspected to contain such properties. It includes an intensive on-the-ground inspection and related studies as necessary, conducted by qualified personnel, and provides sufficient information to apply the National Register's "Criteria for Evaluation" (36 CFR Part 60.6).

2. An overview study will normally be needed to provide basic information for planning in the area of potential environmental impact. Unless this study indicates clearly that no further identification efforts are needed (e.g., by demonstrating that the entire area has already been intensively inspected with negative results, or by demonstrating that no potentially significant buildings have ever been built there and there is virtually no potential for archeological resources), and identification study will probably be needed within the area of potential environmental impact. This study may show that there are no potentially eligible properties within the area, or may show that only a few such properties exist and document them sufficiently to permit a determination of eligibility to be made in accordance with 36 CFR Part 60. Alternatively, the study may indicate that potentially eligible properties exist in the area, but may not document them to the standards of 36 CFR Part 60. Should this occur, a definition and evaluation study is necessary for those properties falling within the project's area of direct effect and for those properties subject to indirect effects. If a property falls within the general area of indirect effect, but no indirect effects are actually anticipated on the property in question, a definition and evaluation study will normally be superfluous.

Appendix 2—Special Procedures for Identification and Consideration of Archeological Properties in an Urban Context

A. Archeological sites in urban contexts are often difficult to identify and evaluate in advance of construction because they are sealed beneath modern buildings and structures. Prehistoric and historic sites within cities may be important both to science and to an understanding of each city's history, however, and should be, considered in project planning. Special methods can be used to ensure effective and efficient consideration and treatment of archeological sites in UDAG projects.

1. If it is not practical to physically determine the existence or nonexistence of archeological sites in the project area, the probability or improbability of their existence can be determined, in most cases, through study of:

a. Information on the pre-urban natural environment, which would have had an effect on the location of prehistoric sites;

b. Information from surrounding areas and general literature concerning the location of prehistoric sites;

c. State and local historic property registers or inventories;

d. Archeological survey reports;

e. Historic maps, atlases, tax records, photographs, and other sources of information on the locations of earlier structures;

f. Information on discoveries of prehistoric or historic material during previous construction, land levelling, or excavation, and

g. Some minor on-the-ground inspection.

2. Should the study of sources such as those listed in Section (1)(a) above reveal that the following conditions exist, it should be concluded that a significant likelihood exists that archeological sites which meet the National Register Criteria exist on the project site:

a. Discoveries of prehistoric or historic material remains have been reliably reported on or immediately adjacent to the project site, and these are determined by the State Historic Preservation Officer or other archeological authority to meet the Criteria for the National Register because of their potential value for public interpretation or the study of significant scientific or historical research problems; or

b. Historical or ethnographic data, or discoveries of material, indicate that a property of potential cultural value to the community or some segment of the community (e.g., a cemetery) lies or lay within the project site; or

c. The pre-urbanization environment of the project site would have been conducive to prehistoric occupation, or historic buildings or occupation sites are documented to have existed within the project site in earlier times, and such sites or buildings are determined by the State Historic Preservation Officer or other archeological authority to meet the Criteria of the National Register because of their potential value for public interpretation or the study of significant scientific or historical research questions, and

d. The recent history of the project site has not included extensive and intensive ground disturbance (grading, blasting, cellar digging, etc.) in the location, or extending to the depth at which the remains of significant sites, buildings, or other features would be expected.

B. Where review of sources of information such as those listed in Section (1)(a) above reveals no significant likelihood that archeological resources which meet the National Register Criteria exist on the project site, no further review is required with respect to archeology provided the State Historic Preservation Officer concurs.

C. Where review of sources of information such as those listed in Section (1)(a) above, reveals that archeological resources which meet the National Register Criteria are likely to exist on the project site, but these resources are so deeply buried that the project will not intrude upon them, or they are in a portion of the project site that will not be disturbed, a determination of "No Effect" is appropriate in accordance with § 801.3(c)(2)(i).

D. Where review of sources of information such as those listed in Section (1)(a) above, reveals that archeological resources which meet the Criteria exist or are likely to exist on the project site, and that the project is likely to disturb them, a determination of "No Adverse Effect" may be made in accordance with § 801.3(c)(2)(ii) if:

1. The applicant and/or developer is committed to fund a professionally supervised and planned pre-construction testing program, and to modification of the project in consultation with the State Historic Preservation Officer to protect or incorporate within the project the archeological resources discovered with a minimum of damage to them, or if:

2. The applicant and/or developer is committed to fund a professionally supervised and planned archeological salvage program, coordinated with site clearing and construction, following the standards of the Secretary of the Interior issued pursuant to the Archeological and Historic Preservation Act (16 U.S.C. 469) and the applicant finds that this program negates the adverse effect, in accordance with the standards set forth in Section X of the Council's "Supplementary Guidance for Review of Proposals for Treatment of Archeological Properties" (45 FR 78808).

E. When archeological sites included in the National Register or which meet the Criteria are found to exist on the project site or in the area of the project's environmental impact, and where the project is likely to disturb such resources, and where the adverse effect of such disturbance cannot be negated by archeological salvage, a determination of "Adverse Effect" is appropriate in accordance with § 801.3(a)(2)(iii).

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA	MSPB/OPM		DOT/MA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing August 10, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 1104/Pub. L. 97-33 To amend the International Investment Survey Act of 1976 to provide an authorization for further appropriations, to avoid unnecessary duplication of certain surveys, and for other purposes (Aug. 7, 1981; 95 Stat. 170) Price: $1.50.

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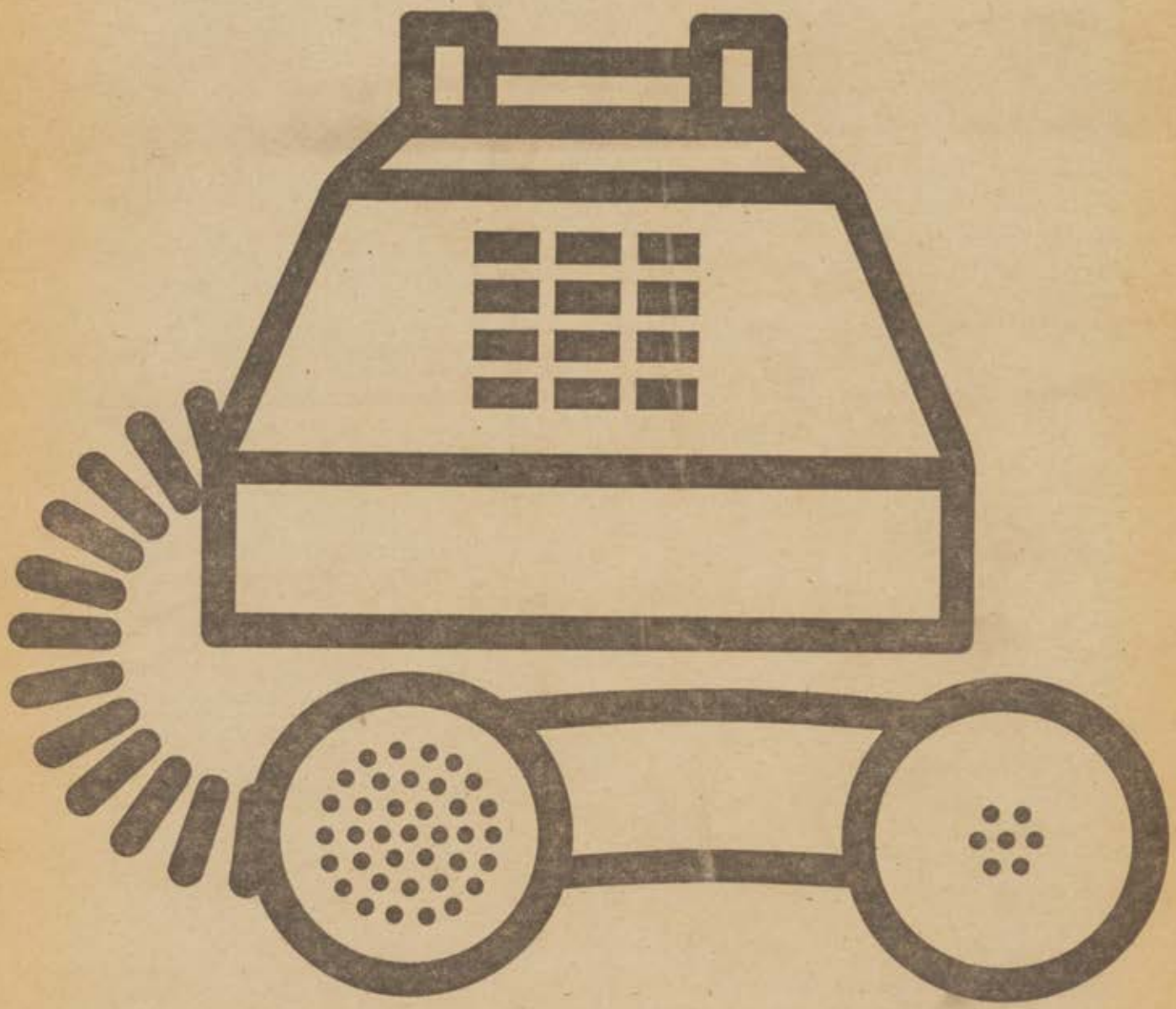
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