9-14-81
Vol. 46 No. 177
Pages 45591-45746

federal register

Monday
September 14, 1981

Highlights

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Presidential Documents

Title 3—

The President

Executive Order 12319 of September 9, 1981

River Basin Commissions

By the authority vested in me as President by the Constitution and laws of the United States, in order to ensure the orderly termination of the six river basin commissions established pursuant to the Water Resources Planning Act (42 U.S.C. 1962 *et seq.*), it is hereby ordered as follows:

Section 1. In accord with the decision of the Water Resources Council pursuant to Section 203(a) of the Water Resources Planning Act (42 U.S.C. 1962b–2(a)), the following river basin commissions shall terminate on the date indicated:

(a) Pacific Northwest River Basins Commission, terminated on September 30, 1981.

(b) Great Lakes Basin Commission, terminated on September 30, 1981.

(c) Ohio River Basin Commission, terminated on September 30, 1981.

(d) New England River Basins Commission, terminated on September 30, 1981.

(e) Missouri River Basin Commission, terminated on September 30, 1981.

(f) Upper Mississippi River Basin Commission, terminated on December 31, 1981.

Sec. 2. All Federal agencies shall cooperate with the commissions and the member States to achieve an orderly close out of commission activities and, if the member States so elect, to carry out an orderly transition of appropriate commission activities to the member States.

Sec. 3. To the extent permitted by law, the assets of the commissions which the Federal Government might otherwise be entitled to claim are to be transferred to the member States of the commissions, or such entities as the States acting through their representatives on the commissions may designate, to be used for such water and related land resources planning purposes as the States may decide among themselves. The terms and conditions for transfer of assets under this Section shall be subject to the approval of the Director of the Office of Management and Budget, or such Federal agency as he designates, before the transfer is effective.

Sec. 4. Federal agency members of river basin commissions are directed to continue coordination and cooperation in future State and inter-State basin planning arrangements.

Sec. 5. (a) Effective October 1, 1981, the following Executive Orders are revoked:

(1) Executive Order No. 11331, as amended, which established the Pacific Northwest River Basins Commission.

(2) Executive Order No. 11345, as amended, which established the Great Lakes Basin Commission.

(3) Executive Order No. 11371, as amended, which established the New England River Basins Commission.

(4) Executive Order No. 11578, as amended, which established the Ohio River Basin Commission.

(5) Executive Order No. 11658, as amended, which established the Missouri River Basin Commission.

(b) Effective January 1, 1982, Executive Order No. 11659, as amended, which established the Upper Mississippi River Basin Commission, is revoked.

Ronald Reagan

THE WHITE HOUSE,
September 9, 1981.

[FR Doc. 81-26767
Filed 9-10-81; 2:30 pm]
Billing code 3195-01-M

Rules and Regulations

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FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 523 and 561

[No. 81-516]

Securities Constituting Permanent Equity

Dated: September 4, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rules.

SUMMARY: The Federal Home Loan Bank Board has adopted amendments to its regulations to ensure appropriate treatment of certain securities that may be issued by savings and loan associations including those issued in connection with assistance provided by the Federal Savings and Loan Insurance Corporation. The amendments define the status of these securities under the liquidity and net worth rules.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Douglas P. Faucette, Senior Associate General Counsel ((202) 377-6410), Thomas Haggerty ((202) 377-6911), or James C. Stewart ((202) 377-6457), Office of General Counsel, Federal Home Loan Bank Board, Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board has adopted several amendments to its regulations to clarify the status of certain securities that may issued by savings and loan associations including those issued in connection with assistance that may be provided by the Federal Savings and Loan Insurance Corporation (FSLIC). The Board has directed a comprehensive staff study of the accounting and legal attributes of these securities that may be issued in return for cash or cash-equivalent notes issued by the FSLIC. Based on the results of that study, the Board has concluded that when such securities are in the nature of permanent equity, they are eligible for treatment as both reserves and net worth under governing statutes. 12 U.S.C. 1726. The Board has received confirmation of this conclusion of the staff study from outside consultants who are expert in the accounting field. Since the current version of the Board's regulatory definition of net worth does not expressly provide for inclusion of securities of this type, the Board is amending § 561.13 to include securities that it and the FSLIC approve as constituting permanent equity capital in accordance with generally accepted accounting principles.

Regarding the appropriate treatment of the assets evidenced by notes issued by the FSLIC for such securities issued by an insured institution when such notes will be substantially equivalent to cash, the Board has concluded that it is proper to deem them as liquid assets which may be used to meet liquidity requirements. Therefore, the Board has amended § 523.10 of the Bank System Regulations to allow this treatment when the notes are issued in return for securities qualifying as equity.

The Board determines that immediate implementation of these amendments serves the public interest by enabling the FSLIC to enter into assistance agreements that will more effectively aid associations. Accordingly, notice and public procedure and thirty day delayed effective date are not warranted.

For the reasons stated above, the Federal Home Loan Bank Board hereby amends Subchapters B and D of Chapter V, Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

1. Amend paragraph (g) of § 523.10 by removing the word "and" at the end of paragraph (g)(6)(ii), by redesignating paragraph (g)(7) as paragraph (g)(8), and by adding a new paragraph (g)(7) to read as follows:

§ 523.10 Definitions for purposes of this section, § 523.11 and § 523.12.

* * * * *

(g) *Liquid assets.* * * *

(7) promissory notes issued to and made to the order of an insured institution by the Federal Savings and Loan Insurance Corporation; and

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

§ 561.13 [Amended]

2. Amend the first sentence of § 561.13 by adding after the second parenthetical and before the phrase "and any other nonwithdrawable accounts," the phrase "if approved by the Corporation, securities which constitute permanent equity capital in accordance with generally accepted accounting principles,".

(Sec. 5, 48 Stat. 134, as amended; 12 U.S.C. 1464. Secs. 402, 403, 406, 48 Stat. 1256, 1257, 1259, as amended; 12 U.S.C. 1725, 1726, 1729. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 81-26727 Filed 9-11-81; 8:45 am]
BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 21823, Amdt. 39-4218]

Avions Marcel Dassault—Breguet Aviation Model Falcon 10 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires reinforcement of the pilot and co-pilot seats and restraint systems on Avions Marcel Dassault—Breguet Aviation Model Falcon 10 airplanes. The AD is needed to prevent loosening of seat belt screws, jamming of movement locking spigots, rupture of the movement actuator coupling endfitting, and rupture of the backrest housings in the pilot and co-pilot seats, which could result in loss of control of the airplane.

DATES: Effective October 14, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Falcon Jet Corporation, 90 Moonachie Avenue, Moonachie, New Jersey 07074. A copy of each service bulletin 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: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require reinforcement of the pilot and co-pilot seats and restraint systems on Avions Marcel Dassault—Breguet Aviation Model Falcon 10 airplanes was published in the Federal Register at 46 FR 31899. The proposal was prompted by the FAA determination that with normal use and adjustment of the pilot and co-pilot seats, the seat belt attachment screws may be loosened, the fore and aft movement locking spigots may be jammed in the disengaged position or may not obtain sufficient engagement when in the engaged position, the up and down movement actuator coupling endfitting may bind and rupture, and the backrest housings may rupture so that the backrest of the seat becomes loose on certain Avions Marcel Dassault—Breguet Aviation Model Falcon 10 series airplanes, which could result in loss of control of the airplane.

Since these conditions are likely to exist or develop on other airplanes of the same type design, the AD requires installation of protective spacers on, and additional securing of, the seat belt attachment screws, modification of the fore and aft movement locking mechanism, installation of a grease fitting for the up and down movement actuator endfitting, and reinforcement of the backrest housings on the pilot and co-pilot seats on certain Avions Marcel Dassault—Breguet Aviation Model Falcon 10 series airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposal is adopted without change except that the pilot seat serial number in paragraph (c) was incorrectly stated and has been corrected.

Adoption of the Amendment

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

Avions Marcel Dassault—Breguet Aviation: Applies to Model Falcon 10 series airplanes, certified in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent loosening of seat belt screws, jamming of movement locking spigots, rupture of movement actuator coupling endfitting, and rupture of backrest housing in pilot and co-pilot seats, accomplish the following:

(a) Within the next 300 hours time in service after the effective date of this AD, on Falcon 10 airplanes serial numbers 1 through 20, 22 through 31, 33 through 38, 41 and 42, modify the pilot and co-pilot seat belt attachments in accordance with paragraph 2, "Accomplishment Instructions," of Avions Marcel Dassault—Breguet Aviation Service Bulletin No. F10 0085, Revision 1, dated November 30, 1979, or an FAA-approved equivalent.

(b) Within the next 300 hours time in service after the effective date of this AD, on Falcon 10 airplanes serial numbers 1 through 49, 51 through 90, 92, 94 through 97, 99, 100, 102 and 104, modify the pilot and co-pilot seat fore and aft movement locking control in accordance with paragraph 2, "Accomplishment Instructions," of Avions Marcel Dassault—Breguet Aviation Service Bulletin No. F10 0143, Revision 1, dated November 30, 1979, and SICMA Aero-Seat Service Bulletin No. 376/F10/BS02, Revision 1, dated November 30, 1979, or an FAA-approved equivalent.

(c) Within the next 600 hours time in service after the effective date of this AD, or before the accumulation of 1600 hours time in service, whichever occurs later, modify and improve greasing of the actuator endfitting on the following pilot and co-pilot seats in accordance with the instructions in paragraph 2, "Accomplishment Instructions," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0148, Revision 2, dated February 1, 1980, and SICMA Aero-Seat Service Bulletin No. 376/F10/BS03, Revision 1, dated November 30, 1979, or an FAA-approved equivalent:

Part No.	Seat serial Nos.
Pilot seat:	
376-2R1	1-52
376-211	53-117
376-22	118-123
Co-pilot seat:	
376-3R1	1-52
376-311	53-83 and 85-117
376-32	118-122

(d) Within the next 600 hours time in service after the effective date of this AD or before the accumulation of 1600 hours time in service, whichever occurs later, on Falcon 10 airplanes serial numbers 1 through 102, 104 through 123, 125 through 128, and 133, modify the pilot and co-pilot seat backrest housings in accordance with the instructions in paragraph 2, "Accomplishment Instructions," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0193, Revision 1, dated November 30, 1979, and SICMA Aero-Seat Service Bulletin No. 376-0017, Revision 2, dated November 30, 1979, or an FAA-approved equivalent.

(e) 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, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Falcon Jet Corporation, 90 Moonachie Avenue, Moonachie, New Jersey 07074. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

This amendment becomes effective October 14, 1981.

(Secs. 313(a), 601, 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)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since there are only a few of these aircraft owned by 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 Washington, D.C., on September 4, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-26831 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-40, Amdt. 39-4208]

Bell Helicopter Textron Model 204 and 205 Series Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which establishes a retirement life of 3,600 hours for the main rotor yoke on Bell Helicopter Textron Model 204 and 205 series helicopters. This AD is needed to establish retirement criteria to prevent yoke failure and possible loss of a helicopter.

DATE: Effective September 30, 1981. Compliance required as indicated in the AD.

ADDRESSES: The applicable service information may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, Attention: Product Support.

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

FOR FURTHER INFORMATION CONTACT: H. A. Armstrong, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 517.

SUPPLEMENTARY INFORMATION: All Bell Model 204 and 205 series helicopters have main rotor yoke Part Number 204-011-102 installed. As a result of three field reports of yokes being cracked, the manufacturer has conducted additional flight and fatigue testing. This testing has determined that yoke stress levels are encountered that make it necessary to establish a 3,600-hour retirement life for the yoke. The yoke previously had no retirement life. Cracked yokes were detected after pilots reported increased vibration levels. No accidents have resulted from these cracks.

Adoption of the Amendment

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

Bell Helicopter Textron (BHT): Amendment 39-4208. Applies to all Model 204 and 205 series helicopters certified in all categories (Airworthiness Docket No. 81-ASW-40).

To prevent possible failure of main rotor yoke Part Number 204-011-102 (all dash numbers), accomplish the following:

a. Unless Bell Helicopter Textron Alert Service Bulletin No. 204-81-11 or 205-81-16, as applicable, has previously been complied with, within 10 days after the effective date of this Airworthiness Directive:

(1) Create a component history card for yoke Part Number 204-011-102 (all dash numbers).

(2) Record the operating time accumulated on the yoke. If the previous operating time cannot be determined, enter 2,400 hours.

(3) Retire yokes with more than 3,3000 hours' time on the compliance date of this AD prior to obtaining an additional 300 hours.

(4) Retire yokes with less than 3,300 hours' time on the compliance date of the AD on or before attaining 3,600 hours.

b. The 3,600-hour life shall continue in effect on all Part Number 204-011-102 yokes.

c. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

d. In accordance with FAR 21.197, flight is permitted to a base where the requirements of this AD may be accomplished.

This amendment becomes effective September 30, 1981.

(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)); 14 CFR 11.89)

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

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

Issued in Fort Worth, Tex., on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-26894 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-38, Amdt. 39-4207]

Bell Model 212 Helicopter; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which establishes a retirement life of 3,600 hours for the main rotor yoke of Bell Model 212 helicopters. A further reduction in the yoke retirement life below 3,600 hours is established for those helicopters utilized in external load operations involving more than four lift events per hours. There have been three reports of yokes being cracked in the center section web. This AD is needed to establish retirement criteria to prevent yoke failure and possible loss of a helicopter.

DATE: Effective September 30, 1981. Compliance required as indicated in the AD.

ADDRESSES: The applicable service information may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, Attention: Product Support.

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

FOR FURTHER INFORMATION CONTACT: H. A. Armstrong, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 517.

SUPPLEMENTARY INFORMATION: All Bell Model 212 helicopters have main rotor yoke Part Number 204-011-102 installed. The main rotor yoke previously had no retirement life. Although there have been no accidents, as a result of three field reports of yokes being cracked, the manufacturer has conducted additional flight and fatigue testing. This testing has determined that yoke stress levels

are encountered that make it necessary to establish a 3,600-hour retirement life for the yoke. This testing has also shown that for frequent external load lift operations, a further reduction in main rotor yoke life is required. For the purpose of this AD, "frequent" external load lift operations is defined as more than four per hour. For each hour of flight operation involving more than four external load lifts per hour, the operator is required to log 5 hours against the 3,600-hour retirement life of the main rotor yoke.

Adoption of the Amendment

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

Bell Helicopter Textron (BHT): Amendment 39-4207. Applies to Model 212 series helicopters certified in all categories (Airworthiness Docket No. 81-ASW-38).

To prevent possible failure of main rotor yoke Part Number 204-011-102 (all dash numbers), accomplish the following:

a. Unless Bell Helicopter Textron Alert Service Bulletin No. 212-81-23 has been previously complied with, within 10 days after the effective date of this Airworthiness Directive:

(1) Create a component history card for yoke Part Number 204-011-102 (all dash numbers).

(2) Record the operating time accumulated on the yoke as follows:

a. For each flight hour of passenger or internal cargo operation, enter 1 hour on the component history card.

b. For each flight hour involving external load operations where more than four lifts per hour occur, including those conducted under Federal Aviation Regulation Parts 133 and 137, enter 5 hours on the component history card.

c. If operating time for the yoke is unknown, enter 2,400 hours on the component history card.

(3) Yokes with more than 3,300 hours time on the compliance date of this AD must be retired prior to obtaining an additional 300 hours time.

(4) Yokes with less than 3,300 hours time on the compliance date of this AD must be retired on or before attaining 3,600 recorded hours.

b. The 3,600-hour life and the above method of recording flight hours on the yoke component history card shall continue in effect on all Part Number 204-011-102 yokes.

c. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

d. In accordance with FAR 21.197, flight is permitted to a base where the requirements of this AD may be accomplished.

This amendment becomes effective September 30, 1981.

(Secs. 313(a), 601, 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)); 14 CFR 11.89)

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

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

Issued in Fort Worth, Tex., on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-29635 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 8168, Amdt. 39-4217]

British Aerospace, Aircraft Group (Formerly British Aircraft Corp.), Model BAC 1-11 Series 200 and 400 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to British Aerospace, Aircraft Group, Model BAC 1-11 series 200 and 400 airplanes, by reducing the scrap life limit of the spring discs in the main landing gear down lock jacks. The AD is needed to prevent collapse of the main landing gear.

DATES: Effective October 14, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041. A copy of the service bulletin 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: A proposal to amend Amendment 39-476 (32 FR 12910), AD 67-25-01, which currently requires repetitive inspections of main undercarriage down lock links and imposes service life limits on the Belleville washers in the main undercarriage down lock jacks on British Aerospace, Aircraft Group, Model BAC 1-11 series 200 and 400 airplanes, was published in the **Federal Register** at 46 FR 27715. The proposal was prompted by an FAA determination, as a result of fatigue tests and quality investigations, that the life expectancy of the spring discs in the main landing gear down lock jacks is less than originally expected. Therefore, in order to prevent collapse of the main landing gear, the FAA is amending Amendment 39-476 by reducing the scrap life limit of the spring discs in the main landing gear down lock jacks on British Aerospace, Aircraft Group, Model BAC 1-11 series 200 and 400 airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. The only comment received offered no objection to the proposed AD. Accordingly, the proposal is adopted without change.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-476 (32 FR 12910), AD 67-25-01, as follows:

1. By adding the following paragraph immediately after existing paragraph (e):

(f) For airplanes with Tonks spring discs, P/N AK43-1283, installed in BAC Modification PM 4676 main landing gear down lock jacks, unless already accomplished, before accumulating 16,000 landings or within the next 3,000 landings after the effective date of this AD, whichever occurs later, remove the spring discs from service in accordance with paragraph 2, "Accomplishment Instructions," of BAC 1-11 Alert Service Bulletin 32-A-PM5700, Issue No. 1, dated May 10, 1979, or an FAA-approved equivalent.

2. By changing the designations of existing paragraphs (f) and (g) to (g) and (h) respectively.

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

This amendment amends Amendment 39-476, (AD-67-25-01).

This amendment becomes effective October 14, 1981.

(Secs. 313(a), 601, 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)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since there are only a few of these aircraft owned by 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 Washington, D.C., on September 4, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-26630 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 72-CE-21-AD, Amdt. 39-4215]

Cessna Model 310, 320, 401, 402, 411 and 421 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule (revision).

SUMMARY: This amendment revises Airworthiness Directive 72-14-08, applicable to Cessna Models 310, 320, 401, 402, 411 and 421 series airplanes to provide relief to owners/operators. Service experience substantiates that an acceptable level of safety will be maintained by increasing the required inspection interval to 60 hours, allowing it to be accomplished concurrently with Cessna Progressive Care Program inspections or by allowing the installation of improved fuel and oil system hoses, equivalent to current production hoses, eliminating the need for the AD repetitive inspections.

EFFECTIVE DATE: September 4, 1981. Compliance: As prescribed in the body of the AD.

ADDRESSES: Cessna Service Letter ME68-23 dated November 1, 1968, and Cessna Service Information Letter ME81-17 dated July 10, 1981, applicable to this AD may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. A copy of the service information is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Leon Edwards, Propulsion Section, ACE-214, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: Amendment 39-1484 (37 FR 13614), AD 72-14-08, requires repetitive visual inspections of the flammable fluid-carrying flexible hose assemblies in the engine compartment on Cessna Model 310, 320, 401, 402, 411, and 421 series airplanes. After issuing Amendment 39-1484, the FAA has evaluated additional service instructions prepared by the manufacturer and has determined that these procedures include actions which permit termination of the repetitive inspection requirements of the original AD. Therefore, the AD is being amended to exclude those airplanes which have improved flexible hose assemblies installed and to increase the repetitive inspection interval to 60 hours for those airplanes with the original flexible hose assemblies.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days after the date of publication in the **Federal Register.**

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising AD 72-14-08, Amendment 39-1484 (37 FR 13614), as follows:

1. Revise Compliance paragraph to read as follows:

On airplanes having 200 hours or more time-in-service and thereafter at intervals not to exceed 60 hours time-in-service, to determine condition of flammable fluid-carrying flexible hose assemblies in the engine compartment, accomplish the following:

2. Revise the Note at the end of paragraph C to read as follows:

Note.—Cessna Service Letter ME68-23, dated November 1, 1968, and applicable Cessna Service Manuals pertain to paragraphs A, B, and C.

3. Add new paragraph D which reads as follows:

D. This AD does not apply to the following airplanes which were manufactured with improved fuel and oil system flexible hose assemblies in the engine compartment:

Model	Serial No.
310R	310R0001 and on.
402C	402C0001 and on.
421C	421C0001 and on.

4. Add new paragraph E which reads as follows:

E. This AD does not apply to those airplanes which have improved fuel and oil system flexible hose assemblies installed in the engine compartment in accordance with Cessna Service Information Letter ME81-17 dated July 10, 1981.

5. Add new paragraph F which reads as follows:

F. Any equivalent method of compliance with this Airworthiness Directive must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209, Telephone (316) 942-4285.

This amendment becomes effective September 4, 1981.

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

Note.—The FAA has determined that this document involves a final regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

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

Appeals of the United States or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on September 4, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-26607 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NE-09, Amdt. 39-4211]

Airworthiness Directives; Sikorsky S-76A Helicopters Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises AD 81-07-51 to extend the replacement time for the redesigned 76102-08001-043 spindle/cuff assemblies from 700 to 2,500 hours time in service as a result of the FAA determination based on subsequent engineering tests and analytical data, and to remove all 76102-08001-041 spindle/cuff assemblies from service by December 15, 1981. The requirements for the mandatory inspection and replacement of the spindle/cuff assemblies and the shear bearings continue in effect for the 76102-08001-043 asemblies and have been incorporated in the Sikorsky S-76A Maintenance Manual, Chapter 4.

DATES: Effective date: September 21, 1981. Comments must be received on or before October 21, 1981.

ADDRESSES: Send comments on the rule to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. ——, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable service bulletins may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. Copies of the service bulletins are contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: William E. Garlock, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7347.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

A main rotor spindle (76102-08001-041) fatigue failure in flight was found to be the cause of a Sikorsky S-76A accident that occurred on March 12, 1981. Telegraphic AD T-81-06-52 was issued March 13, 1981, to require inspections of the spindles and, if crack indications were found, their removal from service. It also required their removal from service prior to 900 hours in service.

On March 20, 1981, emergency telegraphic AD T81-07-51 was issued superseding AD T-81-06-52 and on June 8, 1981, it was published in the Federal Register as Amendment 39-4130 (46 FR 30334), AD 81-07-51.

AD 81-07-51 requires immediate removal from service of all main rotor spindles (spindle/cuff assemblies) with 700 hours or more time in service and initial and repetitive flourescent penetrant inspections of the spindles. It also requires inspections of the spindles and shear bearings under specified conditions.

The main rotor spindles are manufactured as rotary wing head spindle/cuff assemblies under part numbers (P/N) 76102-08001-041 and -043. The 76102-08001-043 assembly is the improved design which has preload bolts installed under the factory assembly requirements of 76102-08000-050 and -051.

The FAA has determined, based on subsequent engineering test and analytical data, that the replacement time for the 76102-08001-043 spindle/cuff assembly can be increased to 2,500 hours time in service and has also determined that the P/N 76102-08001-041 spindle/cuff assemblies must be removed from service by December 15, 1981.

This amendment, therefore, revises Amendment 39-4130 (46 FR 30334), AD 81-07-51, by revising part numbers and requiring that 76102-08001-041 spindle/cuff assemblies be removed from service by December 15, 1981, and replaced with 76102-08001-043 spindle/cuff assemblies.

The increased replacement time for the P/N 76102-08001-043 spindle/cuff assemblies with P/N 76102-08051-103 and -104 spindle preload bolts is specified in the Airworthiness Limitations Section of the latest revision of Chapter 4 of the Sikorsky S-76A Maintenance Manual, publication SA 4047-76-2. The requirements for the mandatory inspections and replacement of these spindle/cuff assemblies, and the shear bearings under certain conditions, are also specified in the latest revision of Chapter 4 of the Sikorsky S-76A Maintenance Manual, SA 4047-76-2, Airworthiness Limitations Section. Compliance with this section is mandatory per §§ 91.163(c) and 43.16 of the Federal Aviation Regulations (FARs) (14 CFR 91.163(c) and 43.16).

Installation of P/N 76102-08001-043 spindle/cuff assemblies with the 76102-08051-103 or -104 spindle preload bolts terminates the requirements of AD 81-07-51.

Need for Amendment

This amendment is an extension of a replacement time thereby relieving a requirement and provides a substantial notice of the requirement for replacing the older design spindle/cuff assembly; thus, it imposes no additional burden on any person. It is found that notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule and was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising Amendment 39-4130 (46 FR 30334), AD 81-07-51 effective September 21, 1981, as follows:

1. In paragraphs 1 through 4, delete "P/N 76102-08001 series" wherever it occurs and insert in its place: P/N 76102-08001-041.

2. Add a new paragraph:

9. Prior to December 15, 1981, remove from service all spindle/cuff assemblies, P/N 76102-08001-041, and replace with spindle/cuff assemblies, P/N 76102-08001-043, with spindle preload bolt P/N 76102-08051-103/-104 in accordance with Sikorsky Service

Bulletin No. 76-65-24B, dated 8-17-81, or later FAA approved revision. Mandatory requirements for the inspection and replacement of the spindle/cuff assemblies and the shear bearings continue in effect for the P/N 76102-08001-043 assemblies and have been incorporated in Chapter 4 of the Sikorsky S-76A Maintenance Manual, SA 4047-76-2, Airworthiness Limitations Section.

3. Add a new paragraph:

10. Installation of P/N 76102-08001-043 spindle/cuff assemblies with the 76102-08051-103 or -104 spindle preload bolts terminates the requirements of AD 81-07-51.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C.

This amendment becomes effective September 21, 1981.

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

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

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 Court of Appeals of the United States, or the United States Court of Appeals for the District of Columbia.

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

Issued in Burlington, Mass., on August 31, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-26388 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80 ARM-20]

Establishment of 700' and 1,200' Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the existing Douglas, Wyoming, transition area and establishes 700' and 1,200' transition areas at Douglas, Wyoming, to provide controlled airspace for aircraft executing the new VOR runway 28 standard instrument approach procedure (SIAP) developed for the Converse County Airport, Douglas, Wyoming.

EFFECTIVE DATE: 0901 g.m.t., November 26, 1981.

FOR FURTHER INFORMATION CONTACT:

David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 340-5494.

SUPPLEMENTARY INFORMATION:

History

On Thursday, April 30, 1981, the FAA published for comment (46 FR 24195) a proposal to establish a 700' and 1,200' transition area at Douglas, Wyoming. The only comments received as a result of this circular expressed no objections.

Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulation establishes 700' and 1,200' transition areas and revokes the existing transition area at Douglas, Wyoming, to provide controlled airspace for aircraft executing the new VOR runway 28 standard instrument approach procedure developed for the Converse County Airport, Douglas, Wyoming.

Drafting Information

The principal authors of this document are David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., November 26, 1981, as follows:

By amending Subpart G, § 71.181 by revoking the existing Douglas, Wyoming, transition area and establishing the following transition areas:

Douglas, Wyoming

That airspace extending upward from 700' above the surface within a 9-mile radius of the Converse County Airport, Douglas, Wyoming, (latitude 42°44'40" N., longitude 105°21'56" W.) within 5 miles each side of the Douglas VORTAC 123° radial extending from the 9-mile radius to 16.5 miles southeast of the VORTAC; and that airspace extending upward from 1,200' above the surface within the area bounded by a line beginning at a point latitude 43°14'00" N., longitude 105°28'01" W., east along the south edge of V26 to latitude 43°28'30" N., longitude 104°30'00" W., to latitude 43°00'00" N., longitude 104°30'00", east to the Wyoming-Nebraska State boundary, south to the north edge of V100, west to the west edge of V19, northwest to latitude 42°27'30" N., longitude 105°52'05" W.; thence to point of beginning, excluding the Casper and Cheyenne, Wyoming, transition areas.

(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 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 (as implemented by DOT Regulatory Policies and Procedures (44 FR 11034) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colo., on September 4, 1981.

Paul K. Bohr,

Acting Director, Rocky Mountain Region.

[FR Doc. 81-26636 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 270

Standard for Determining Btu Content of Natural Gas; Partial Stay of Final Rule

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order granting partial stay of final rule.

SUMMARY: The Federal Energy Regulatory Commission stays, pending further order, the effect of Order No. 93 (Docket No. RM80-33; 45 FR 49077; July 23, 1980) and Order No. 93-A (46 FR 24537; May 1, 1981) insofar as they concluded that the standard they prescribed for determining the Btu content of natural gas codified at 18 CFR 270.204 was in effect from December 1, 1978, to April 24, 1981. The order is subject to the approval of the United States Court of Appeals for the District of Columbia.

DATES: FERC will publish another document in the Federal Register announcing the effective date of the stay if the U.S. Court of Appeals for the District of Columbia approves of this order.

Section 270.204 shall remain effective as to all sales which occurred after April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Teresa Ponder, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8151.

SUPPLEMENTARY INFORMATION: In the matter of final rules for Part 270, Subpart B, §§ 270.201, 270.202, and 270.204; Order Granting Partial Stay of Order Nos. 93 and 93-A Pending Further Order (Docket No. RM80-33).

Issued August 20, 1981.

On July 16, 1980, the Commission issued Order No. 93 (Docket No. RM80-33; 45 FR 49077; July 23, 1980) amending and issuing as final rules the regulation in 18 CFR 270.204 relating to the standard for determining the Btu content of natural gas. On April 24, 1981, the Commission issued Order No. 93-A, entitled "Order Denying Rehearing and Clarifying Order No. 93" (46 FR 24537; May 1, 1981). On July 22, 1981, El Paso Natural Gas Company filed a petition requesting full or partial stay of Order Nos. 93 and 93-A.

Order No. 93-A stated that the measuring standard prescribed in Order No. 93 took effect on December 1, 1978. We wish to reconsider that conclusion. Many pipelines have not yet paid all sums which would be due on the basis of that effective date. To that extent, we wish to preserve the status quo pending reconsideration of the question of the effective date.[1]

[1] Should this reconsideration produce a different conclusion as to the effective date, we will make appropriate adjustments to relieve those who already paid in whole or in part.

The Commission Orders

Order Nos. 93 and 93-A are stayed, pending further order, insofar as they concluded that the standard they prescribed for determining Btu content of natural gas was in effect from December 1, 1978, to April 24, 1981 (the date Order No. 93-A was issued). This order is subject to the approval of the United States Court of Appeals for the District of Columbia Circuit.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26235 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 18 and 112

[T.D. 81-243]

Carriers, Cartmen, Lightermen; Carriage of Bonded Merchandise by Private Carriers

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to simplify the requirements that a private carrier must meet to be designated as a carrier of bonded merchandise. The amendment provides that a private carrier may be designated as a carrier of bonded merchandise if (1) the merchandise (including containerized merchandise) to be transported is the property of the private carrier, and (2) the private carrier files a proper Customs bond. Conforming amendments are also set forth.

EFFECTIVE DATE: October 14, 1981.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: Donald F. Beach, Carriers, Drawback and Bonds Division (202-566-5856). Operational Aspects: Bradley Lund, Inspection and Control Division (202-566-5354), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

On October 27, 1980, a notice of proposed rulemaking was published in the Federal Register (45 FR 70907), requesting comments from the public concerning proposed Customs Regulations amendments to simplify Customs requirements which a private carrier must meet to be designated as a carrier of bonded merchandise.

Section 551, Tariff Act of 1930, as amended (19 U.S.C. 1551), provides that in the discretion of the Secretary of the Treasury, a private carrier, upon application, may be designated as a carrier of bonded merchandise, subject to such regulations and, in the case of each applicant, to such special terms and conditions, as the Secretary may prescribe to safeguard the revenue of the United States with respect to the transportation of bonded merchandise by the applicant.

Section 112.11(a)(4), Customs Regulations (19 CFR 112.11(a)(4)), provides that district directors of Customs may authorize a private carrier to receive and transport imported merchandise in bond if:

(i) The private carrier is the proprietor of a Customs bonded warehouse or bonded container station;

(ii) The merchandise (including containerized merchandise) to be transported is his property, having been imported by him or purchased from another importer; and

(iii) The merchandise is to be transported:

(A) From the port of importation, or port where entered for warehouse, to the private carrier's Customs bonded warehouse or bonded container station for physical deposit;

(B) From the private carrier's Customs bonded warehouse or bonded container station to another Customs bonded warehouse for physical deposit; or

(C) If for exportation, from the private carrier's Customs bonded warehouse or bonded container station to a Customs bonded warehouse at the port of exportation.

Customs believes that the present requirements in § 112.11(a)(4), which must be met by an applicant before being designated as a private carrier of bonded merchandise, are needlessly restrictive. The goal of these requirements, as set forth in 19 U.S.C. 1551, is to safeguard the revenue. Requiring a private carrier to be a proprietor of a Customs bonded warehouse or bonded container station and restricting a private carrier to transporting merchandise to or from the private carrier's bonded warehouse or bonded container station are not necessary to accomplish this goal, and severely limit the number of carriers able to qualify as carriers of bonded merchandise. The carrier's bond and security requirements concerning container stations in §§ 19.40 through 19.49, Customs Regulations (19 CFR 19.40-19.49), are considered adequate to protect the revenue if the private carrier

is restricted to carrying property which it owns.

Accordingly, the notice proposed to amend § 112.11(a)(4) by deleting the requirements in paragraphs (i) and (iii), and by providing that a private carrier may be designated as a carrier of bonded merchandise if (1) the merchandise (including containerized merchandise) to be transported is the property of the private carrier (present subparagraph (ii)), and (2) the private carrier files Customs Form 3588, "PRIVATE CARRIER's BOND."

The deletion of the requirements in paragraphs (i) and (iii) will allow a private carrier's vehicles, which now return empty to company locations after delivering merchandise at ports of export, to load imported merchandise for shipment under the bond for exportation or transportation or for transportation and exportation (Customs Forms 7557, 7559). Private carriers also will be able to deliver their bonded merchandise by the most direct route.

On the basis of the requirement in present § 112.11(a)(4) that a private carrier must be the proprietor of a Customs bonded warehouse or bonded container station to be designated as a carrier of bonded merchandise, § 112.12(b)(3), Customs Regulations (19 CFR 112.12(b)(3)), provides that if a private carrier is the proprietor of Customs bonded warehouses in two or more Customs districts to which imported merchandise will be transported, he shall file Customs Form 3588, "PRIVATE CARRIER's BOND," with the district director for one of the districts, accompanied by a statement showing the location of each warehouse and an additional copy of the bond for each additional district.

Accordingly, it was proposed to amend § 112.12(b)(3) to conform to the amendment of § 112.11(a)(4) which would delete the requirement that a private carrier must be the proprietor of a Customs bonded warehouse or bonded container station to be designated as a carrier of bonded merchandise. Section 112.12(b)(3) would be amended to provide that the private carrier shall file Customs Form 3588 with the district director in the district where the private carrier intends to operate. If the private carrier intends to operate in two or more districts, he shall file the bond with the district director for one of the districts, send a copy of the bond to the district director for each additional district, and include with the bond and copies of the bond a list of all districts in which he intends to operate. If the private carrier is the proprietor of one or more of Customs bonded warehouses or bonded container stations to which imported merchandise will be transported, he shall accompany the bond and copies of the bond by a statement showing the location of each warehouse and container station.

The notice also proposed to amend § 18.2(e), Customs Regulations (19 CFR 18.2(e)), to conform to the proposed amendment to § 112.11(a)(4). Presently, § 18.2(e) provides that an entry for immediate transportation in bond by a private carrier shall be accompanied by a commercial invoice setting forth the particulars of the merchandise and a statement verified by the district director of the district in which the private carrier's warehouse is located requesting permission to transport the merchandise to the private carrier's warehouse. Section 18.2(e) also sets forth a sample statement whereby the warehouse proprietor and carrier requests the permission of the district director to transport the merchandise described in the invoice from the port to his warehouse.

Discussion of Comments

The three comments received in response to the notice were, in general, in favor of relaxing the restrictions on private carriers. Two commenters recommended expanding the proposed relaxation of restrictions.

Specifically, both commenters were of the opinion that § 18.2(e) should be amended or deleted in its entirety because it imposes unnecessary costs and delays on private carriers who are bonded to carry their own merchandise. For example, one of the commenters indicated that because of the different billing systems used by foreign vendors, the commercial invoice is not always available at the time the shipment is placed in bond. In fact, some commercial invoices are not available for several days or even weeks after the shipment is placed in bond. The commenter expressed the view that to require a shipment to remain on the pier until a commercial invoice is available would result in unnecessary detention expense and also subject the shipment to potential general order storage (pursuant to § 4.37, Customs Regulations (19 CFR 4.37)), if the shipment is not entered within five days of the date of entry of the vessel on which the shipment arrived.

In addition, one of the commenters expressed the view that the request in the verified statement under § 18.2(e) for "permission to transport" from the district director of the district to which the merchandise will be carried would deter private carriers from carrying bonded merchandise. For example, because many shipments arrive at ports without advance notice, the coordination of these requests for permission from the district director and the dispatching of trucks for pick-up would be nearly impossible, and would cause, in many instances, several days delay to the private carrier. As a result, possible detention charges and loss of time to the carrier could cause a private carrier to forego the benefits of private carriage.

Customs agrees with the views expressed by the commenters regarding § 18.2(e), and is of the opinion that the private carrier's bond adequately protects the revenue and that requiring the carrier to furnish a verified statement accompanied by a commercial invoice is unnecessary. Accordingly, § 18.2(e) has been deleted.

Also, one of the commenters asked whether a private carrier will be required to obtain a bond for transportation and exportation (Customs Form 7559), if the carrier intends to ship merchandise for both transportation and subsequent exportation, as well as the private carrier's bond (Customs Form 3588). In addition, another commenter questioned the necessity of filing a private carrier's bond pursuant to § 112.12(b)(3), with the district director in one district and a copy of the bond (with a list of all Customs districts in which the carrier intends to operate) with each district director in the districts in which the carrier intends to operate. The commenter believes that this requirement is being maintained by Customs so that each district in which the private carrier operates will know that the carrier is properly bonded. Because many private carriers operate nationwide, the commenter feels that large scale mailing could be avoided by simply adding the private carriers to the list of bonded common carriers and verifying in the same manner as common carrier bonds are verified.

In response to the first question, it is Customs position that a private carrier must obtain a bond for transportation and exportation shipments (Customs Form 7559) in addition to the private carrier's bond (Customs Form 3588), inasmuch as the private carrier's bond does not presently cover transportation and exportation movements. It should be noted that the private carrier's bond, like the common carrier's bond, does cover immediate transportation bond shipments. With respect to the inquiry concerning § 112.12(b)(3), Customs Headquarters is currently exploring the possibility of adding bonded private carriers to the list of bonded common

carriers, thereby enabling Customs to verify private carrier bonds in the same manner as common carrier bonds. Presently, holders of common carrier bonds are published in the Customs Bulletin and are ordinarily verified by Customs districts using the Customs Bulletin or the Automated Bond Information System ("ABIS"). Until such time as Customs has developed a cost-effective and feasible method for adding existing as well as future holders of private carrier bonds to the list of holders of common carrier bonds, the present requirements under § 112.12(b)(3) must be maintained.

In view of the comments received in response to the notice, Customs is adopting the amendments as proposed, with the exception of the proposed amendment to § 18.2(e). Section 18.2(e) is deleted.

It should be noted that the above amendments do not affect Customs requirements relating to the transportation of merchandise in bond by bonded common carriers, contract carriers, or freight forwarders.

Executive Order 12291

Because this will not result in a "major" rule as defined by section 1(b) of E.O. 12291, the regulatory impact analysis and review prescribed by section 3 of the E.O. is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of 5 U.S.C. 603 and 604 (as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act"), because it was the subject of a notice published in the **Federal Register** before January 1, 1981, the effective date of the Act.

Drafting Information

The principal author of this document was Robert J. Pisani, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations

Parts 18 and 112, Customs Regulations (19 CFR Parts 18, 112), are amended as set forth below.

William T. Archey,
Acting Commissioner of Customs.

Approved: August 31, 1981.

John P. Simpson,
Acting Assistant Secretary of the Treasury.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

§ 18.2 [Amended]

In § 18.2, paragraph (e) is removed.

(R.S. 251, as amended, section 551, 565, 624, 46 Stat. 742, as amended, 747, as amended, 759 (19 U.S.C. 66, 1551, 1565, 1624))

PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN

1. Section 112.11(a)(4)(i) and (ii), Customs Regulations (19 CFR 112.11(a)(4)), is revised to read as follows:

§ 112.11 Carriers which may be authorized.

(a) *From port to port in the United States.* The district director may authorize the following types of carriers to receive merchandise for transportation in bond from one port to another in the United States upon compliance with the provisions of this subpart:

* * * * *

(4) Private carriers, if:

(i) The merchandise (including containerized merchandise) to be transported is the property of the private carrier; and (ii) the private carrier files Customs Form 3588, "Private Carriers Bond".

* * * * *

2. Section 112.12(b)(3), Customs Regulations (19 CFR 112.12(b)(3)), is revised to read as follows:

§ 112.12 Application for authorization.

* * * * *

(b) *Special requirements.* In addition to the requirements in paragraph (a) of this section, the specified carriers shall also file with the district director the following documents:

* * * * *

(3) *Private carriers.* The private carrier shall file the bond with the district director in the Customs district where the private carrier intends to operate. If the private carrier intends to operate in two or more Customs districts, he shall file the bond with the district director for one of the districts, send a copy of the bond to the district director for each additional district, and include with the bond and copies of the bond a list of all Customs districts in which he intends to operate. If the private carrier is the proprietor of one or more Customs bonded warehouses or bonded container stations to which imported merchandise will be transported, he shall accompany the bond and copies of the bond by a statement showing the location of each warehouse and container station.

* * * * *

(R.S. 251, as amended, sections 551, 565, 624, 46 Stat. 742, as amended, 747, as amended, 759 (19 U.S.C. 66 1551, 1565, 1624))

[FR Doc. 81-26698 Filed 9-11-81; 8:45 am]
BILLING CODE 4810-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

23 CFR Part 476

Interstate System Withdrawal and Substitution

AGENCIES: Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Amendment to final rule.

SUMMARY: The FHWA and the UMTA are amending the Interstate System Withdrawal and Substitution provisions of 23 CFR 476, Subpart D, to reflect a DOT policy which limits the applicability of the regulation. The policy has been in effect since February 1978, but was omitted from the October 20, 1980, revisions to the regulation (45 FR 69390).

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Shufflebarger, Office of Engineering (Attention: HNG-13), 202-426-0404, or Mr. Frank L. Calhoun, Office of the Chief Counsel (Attention: HCC-10), 202-426-0761, in the Federal Highway Administration (FHWA); or Mr. Albert Lim, Office of Program Analysis (Attention: UTA-31), 202-472-6997, or Mr. John J. Collins, Office of the Chief Counsel (Attention: UCC-10), 202-426-1909, in the Urban Mass Transportation Administration (UMTA); all at 400 Seventh Street, SW., Washington, D.C. 20590. The FHWA hours are from 7:45 a.m. to 4:15 p.m. and the UMTA hours are from 8:30 a.m. to 5:00 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The existing regulation provides for the withdrawal of certain uncompleted or planned highways on the Interstate System in and connecting urbanized areas (within a State) and the authorization of funding for substitute highway and/or mass transit projects. The authority for Interstate System withdrawal and substitution actions is found in 23 U.S.C. 103(e)(4).

The Interstate transfer provisions were first enacted in the Federal-Aid Highway Act of 1973 with the stipulation that they applied only to

routes approved prior to enactment of that Act (August 13, 1973). This stipulation was removed by the Federal-Aid Highway Act of 1976, but the 1976 Highway Act Conference Committee report[1] specified that "* * * The Secretary, before approving any new Interstate designation, must be satisfied that a State does intend to construct an Interstate route and not later request a transfer to a transit project." Upon determining that removal of the statutory stipulation did not require application of 23 U.S.C. 103(e)(4) to mileage designated after enactment of the Federal-Aid Highway Act of 1973 and that either approach (i.e., permitting or denying a withdrawal) was a matter of policy, the DOT carefully considered retaining the earlier stipulation as Departmental policy.

Mileage for Interstate segments designated after August 13, 1973, under 23 U.S.C. 103(e)(1) came from routes which were previously withdrawn from the System under 23 U.S.C. 103(e)(4) and involved intense competition among the States. Permitting withdrawal of and substitution of the redesignated mileage was considered unfair to other States that applied for the same mileage. Further, the DOT concluded that it was the intent of Congress to limit the use of redesignated mileage to the building of other Interstate segments and that repeated withdrawals of the same mileage under 23 U.S.C. 103(e)(4) would be inappropriate and could have severe fiscal impacts on Federal funds.

For these reasons, a Departmental policy was established which continued the prohibition on withdrawal of Interstate segments designated under 23 U.S.C. 103(e)(1) after August 13, 1973. This amendment incorporates the Departmental policy into the Interstate System Withdrawal and Substitution regulation.

Since August 13, 1973, 32 segments have been added to the Interstate System under the provisions of 23 U.S.C. 103(e)(1). Seven of these segments were added as a result of specific legislation and are already prohibited from withdrawal by 23 CFR 476.302(b)(6) unless a comparable statute permitting their withdrawal is enacted. All but two of the remaining 25 segments were under statutory or written administrative prohibition against future withdrawal at the time of their addition. A policy statement by the Secretary of Transportation on June 21, 1978, confirmed that the prohibition applied to all the segments.

[1] H.R. Rep. No. 94-1017 and S. Rep. No. 94-741, 94th Cong., 2d Sess. 44 (1976).

The 1978 Highway Act (November 6, 1978) prohibited any further segment additions and thus stopped the possible repeated withdrawals of the same mileage. Because this greatly reduced potential fiscal impacts, three exceptions to the policy were granted. However, the Department now considers even the limited potential fiscal impacts too great to permit any further exceptions.

Because this amendment is simply intended to incorporate established DOT policy into the regulation, no economic impacts are anticipated. 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 because it is not anticipated that such action would result in the receipt of useful information. Because this amendment simply incorporates established DOT policy into an existing regulation and creates no new regulatory burden, the FHWA and UMTA find good cause to make this amendment effective in less than 30 days under DOT regulatory procedures. Accordingly, this amendment is effective upon issuance.

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 and UMTA have determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures.

PART 476—INTERSTATE HIGHWAY SYSTEM

Accordingly, Chapter I of Title 23, Code of Federal Regulations, Part 476, Subpart D is amended by adding a new paragraph (7) to § 476.302(b) as follows:

§ 476.302 Applicability.

* * * * *

(b) * * *

(7) A segment added to the Interstate System after August 13, 1973, under the provisions of 23 U.S.C. 103(e)(1).

* * * * *

(23 U.S.C. 103(e)(4) and 315; 49 CFR 1.48(b) and 1.51(f))

(Catalog of Federal Domestic Assistance Program Numbers 20.205, Highway Research, Planning, and Construction. 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 September 4, 1981.

L. P. Lamm,

Executive Director, Federal Highway Administration.

Carole Foryst,

Acting Administrator, Urban Mass Transportation Administration.

[FR Doc. 81-26566 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-81-930]

Community Development Block Grant Program; Revisions to Urban County Qualification Requirements; Procedures for Joint Applications From Urban Counties and Metropolitan Cities; and Qualification of Towns and Townships as Metropolitan Cities

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Interim rule.

SUMMARY: The Department of Housing and Urban Development is publishing interim regulations regarding its Community Development Block Grants. This rule (1) amends Community Development Block Grant regulations on the urban county qualification requirements by establishing a three year qualification period, and (2) establishes procedures by which metropolitan cities may join urban counties for purposes of carrying out consolidated community development and housing assistance programs. This rule is published to implement provisions of the Housing and Community Development Act of 1980 which require changes in the Community Development Block Grant program beginning with Federal Fiscal Year 1982.

EFFECTIVE DATE: September 14, 1981. Comment due date: November 13, 1981.

ADDRESS: Comments should be addressed to: The Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Richard K. Fromm, Community Development Specialist, Entitlement Cities Division, Office of Community Planning and Development, Washington, D.C. 20410. Phone: (202) 755-6306. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Under a 1980 amendment to the urban county provisions of the Housing and Community Development Act of 1974 (the "Act"), units of general local government included in an urban county will be included for a period of three years, during which they will be ineligible to receive Small Cities or entitlement grants in their own right unless the urban county does not receive a grant in any year during the three year period. This change was instituted in an effort to provide a more stable base for planning and implementing urban county community development and housing programs under the Community Development Block Grant (CDBG) program. In implementing this change in the Community Develoment Block Grant program the Department is establishing a three year qualification period for urban counties. A county may seek to qualify as an urban county during any year. Upon qualifying, the county will remain an urban county (including its unincorporated areas and a stable group of included units of general local government) for a period of three years. That is, during the three year qualification period no included unit of general local government can be removed from the urban county, nor can any additional unit of general local government be included in the urban county during that period. Nor will any unit of general local government included in an urban county be eligible for a Small Cities grant or entitlement grant as a metropolitan city during the three year urban county qualification period unless the urban county does not receive a grant in any year during the three year period, but rather will remain part of the urban county for the entire three year urban county's qualification period. To assure that included units of general local government remain an effective part of the urban county for the entire three year qualification period, the Department is requiring that necessary cooperation agreements between the urban county and its included units of general local government must cover three successive program years. Also, no urban county will lose its qualification for an entitlement grant during the three year period, even if the population of the urban county falls below 200,000 persons.

The 1980 amendment also provides that upon approval of a joint request from an urban county and a metropolitan city located in whole or in part within the county, the Secretary of HUD may approve inclusion of the metropolitan city as a part of the urban county for purposes of planning and implementing a consolidated community development and housing program. In order to maintain the stability of urban county programs, the Department will only consider joint requests under this provision at the time that the urban county is attempting to qualify for a three year period. Upon Departmental approval of such a joint request, the metropolitan city will be included in the urban county for program planning and implementation purposes for the entire three year urban county qualification period. To this end an urban county and any metropolitan city filing a joint request must have executed a cooperation agreement allowing the county to undertake or assist in undertaking essential community development and housing assistance activities for the three year urban county qualification period, similar to the cooperation agreements between the county and other included units of general local government. The grant amount of a joint recipient is established as the sum of the individual grant amounts of the entitled entities. No metropolitan city may join more than one urban county for any three year period; however, any and all metropolitan cities located, in whole or in part, within one urban county may join that county under this rule.

Finally, this rule implements a 1980 amendment to Section 102 of the Act regarding notifications to "opt out" units of general local government. Specifically, the statutory amendment requires that any county seeking qualifiction as an urban county notify each unit of general local government located within the county which is eligible to elect to have its population excluded from that of an urban county of its opportunity to so "opt out" of the urban county, and states that any such unit of general local government which does not elect to have its population excluded from the urban county will be included as a part of the urban county for the three year period of urban county qualification.

The triennial qualification of urban counties is required by statute to begin with funds appropriated for Federal Fiscal Year 1982. Also, it is not possible to make a final calculation of Fiscal Year 1982 entitlement grants and allocation of Fiscal Year 1982 Small Cities grant funds until the Department has determined the qualifications of counties to receive entitlements as urban counties. Such determinations cannot be made until the necessary notification, negotiation and agreement processes between counties and other units of general local government within their boundaries are completed. Since several months are required to complete those processes, HUD is publishing this rule for interim effect. For these same reasons, it is not appropriate to delay the effective date of these provisions for the 30-day period provided in 5 U.S.C. 553(d).

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address listed above.

The Entitlement Cities Program is listed in the Catalogue of Federal Domestic Assistance under the number 14-218, Community Development Block Grants/Entitlement Cities Program. OMB Circular A-95 applies to this program.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Accordingly the Department amends 24 CFR 570.105 by adding the following paragraphs (e)—(h):

§ 570.105 Urban counties.

* * * * *

(e) *Period of qualification.* (1) Beginning on October 1, 1981, the qualification by HUD of an urban county shall be effective for three successive Federal fiscal years regardless of changes in its population during that period.

(2) During the three year period of qualification, no included unit of general local government may withdraw from nor be removed from the urban county for HUD's grant computation purposes, and no unit of general local government which was not so included may be added during that period.

(3) If some portion of an urban county's unincorporated area becomes incorporated during the three year urban county qualification period, and the urban county ceases to have authority to carry out essential housing and community development activities in the

newly incorporated area without the consent of the governing body of that newly incorporated area, then the newly incorporated area of the county shall be excluded from the urban county for the purpose of calculating the urban county grant amount, and shall be eligible to apply for a Small Cities grant, unless the urban county and the newly incorporated area have submitted an executed cooperation agreement acceptable to HUD by the beginning of the Federal Fiscal Year for which the urban county's grant is being calculated. Such an incorporation of some portion of the unincorporated area of an urban county shall not affect the qualification of the county as an urban county until such time as the urban county must submit documentation for requalification for an additional three year period.

(f) *Grant ineligibility of included units of general local government.* (1) An included unit of general local government cannot become eligible for an entitlement grant as a metropolitan city during the three year period of qualification of the urban county even though its population surpasses 50,000 during that period. Rather, such a unit of government shall continue to be included as an integal part of the urban county for the remainder of the urban county's three year qualification period, unless the urban county does not receive a grant in any year during such three year period.

(2) An included unit of general local government shall be ineligible for grants under the Small Cities program for the three year period of urban county qualification, unless the urban county does not receive a grant in any year during such three year period.

(g) *Notifications of the opportunity to be excluded.* Any county seeking to qualify for an entitlement grant as an urban county for any Federal Fiscal Year shall notify each unit of general local government which is located, in whole or in part, within the county and which is eligible to elect to have its population excluded from that of the urban county under paragraph (b)(1)(iii)(B) of this section, that it has the opportunity to make such an election, and that such an election, or the failure to make such an election, shall be effective for the three year period for which the county qualifies as an urban county. These notifications shall be made 60 days prior to the urban county's submission of documentation to HUD for qualification as an urban county. A unit of general local government which elects to be excluded from participation as a part of the urban county shall notify the county and HUD in writing 15 days prior to the urban county's submission of documentation to HUD for qualification as an urban county.

(h) *Inclusion of a metropolitan city in an urban county.*—(1) *Joint requests and cooperation agreements.* (i) Any urban county and any metropolitan city located, in whole or in part, within that county may submit a joint request to HUD to approve the inclusion of the metropolitan city as a part of the urban county for purposes of planning and implementing a joint community development and housing program. Such a joint request shall only be considered if submitted at the time the county is seeking its three year qualification or requalification as an urban county. Such a joint request shall, upon approval by HUD, remain effective for the period for which the county is qualified as an urban county. An urban county may be joined by more than one metropolitan city, but a metropolitan city located in more than one urban county may only be included in one urban county for any program year. A joint request shall be deemed approved by HUD unless HUD notifies the city and the county of its disapproval and the reasons therefore within 30 days of receipt of the request by HUD.

(ii) Each metropolitan city and urban county submitting a joint request shall submit an executed cooperation agreement to undertake or to assist in the undertaking of essential community development and housing assistance activities.

(2) *Joint grant amount.* The grant amount for a joint recipient shall be the sum of the amounts authorized for the individual entitlement grantees, as described in § 570.102. The urban county shall be the grantee.

(3) *Effect of inclusion.* Upon urban county qualification and HUD approval of the joint request and cooperation agreement, the metropolitan city shall be considered a part of the urban county for purposes of program planning and implementation for the three year period of the urban county qualification, and shall be treated the same as any other unit of general local government which is a part of the urban county.

(4) *Submission requirements.* In requesting a grant under this Part, the urban county shall make a single submission covering all members of the joint recipient which meets the submission requirements of 24 CFR Part 570 Subpart D.

(Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., July 31, 1981.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 81-26656 Filed 9-11-81; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1927-3]

Approval and Promulgation of Implementation Plans; Extension Requests for Carbon Monoxide Attainment Dates; States of Arizona and Nevada

AGENCY: Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: The Environmental Protection Agency today approves revisions to the Arizona and Nevada State Implementation Plans (SIP), which consist of attainment date extensions for the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS). These extensions affect the Maricopa County Urban Planning Area in Arizona and the Truckee Meadows Nonattainment Area in Nevada and meet the requirements of the Clean Air Act. This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective November 13, 1981.

ADDRESSES: Written comments should be addressed to Douglas Grano of the EPA Region 9 Air Programs Branch (address below). Copies of the revisions are available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 M Street, S.W., Room 2404, Washington, D.C. 20460

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

Arizona Department of Health Services, 1740 West Adams Street, Phoenix, AZ 85007

Maricopa Association of Governments, 1820 West Washington Street, Phoenix, AZ 85007

Nevada Department of Conservation and Natural Resources, Division of

Environmental Protection, 201 South Fall Street, Carson City, NV 89710
Washoe Council of Governments, 241 Ridge Street, Reno, NV 89502

FOR FURTHER INFORMATION CONTACT:
Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 556-2938.

SUPPLEMENTARY INFORMATION:

Background

The States have submitted Nonattainment Area Plans (NAP) for the areas in which extensions are being requested. EPA took final action to conditionally approve the Truckee Meadows NAP and the Maricopa County Urban Planning Area NAP in recently published **Federal Register** notices.

On August 19, 1980, the Governor of Nevada submitted a request to extend the CO NAAQS attainment date for the Truckee Meadows Nonattainment Area and on October 30, 1980, the Governor's designee for Arizona submitted a request to extend the CO NAAQS attainment date for the Maricopa County Urban Planning Area.

Discussion

The requests from the respective states were accompanied by demonstrations that attainment of the CO NAAQS is not possible within the period prior to December 31, 1982, despite the implementation of all reasonably available control measures. EPA approves these requests as complying with the provisions of the Clean Air Act, Section 172(a)(2).

As a consequence of the extension, the states must submit plan revisions for the CO nonattainment areas before July 1, 1982. These revisions must meet all the requirements of Section 110 and Part D, of the Clean Air Act as described in the January 22, 1981 **Federal Register**, including the special provisions of Section 172(b)(11) listed below:

1. Establish a program which requires, prior to issuance of any permit for construction or modification of a major emitting facility, an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. (172(b)(11)(A))

2. Establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program. (172(b)(11)(B))[1]

3. Identify other measures necessary to provide for attainment of the applicable national ambient air quality standard not later than December 31, 1987.(172(b)(11)(C))

4. Establish, expand, or improve public transportation measures to meet basic transportation needs, as expeditiously as is practicable; and implement transportation control measures necessary to attain and maintain national ambient air quality standards. (110(c)(5)(B))

EPA is approving these revisions to the Arizona and Nevada SIPs since they meet EPA's requirements for extension requests. This is being done without prior proposal because the revisions are noncontroversial, have limited impact, and no comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, the approval will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action approves state actions.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it approves State actions and would have no significant economic impact. 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 Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plans of the States of Arizona and Nevada was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110, 129, 172, 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7502, 7601(a)))

Dated: September 8, 1981.

John W. Hernandez, Jr.,
Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart D—Arizona

1. Section 52.120, is amended by adding paragraphs (c) (46) to (48) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(46)–(47) [Reserved]

(48) The following amendments to the plan were submitted on October 30, 1980 by the Governor's designee.

(i) Request for Extension of the Carbon Monoxide Attainment Date for the Maricopa County Urban Planning Area.

* * * * *

2. Section 52.122 is amended by revising paragraph (d)(1) and adding paragraph (e) to read as follows.

§ 52.122 Extensions.

* * * * *

(d) * * *

(1) Maricopa County Urban Planning Area for O_3 and TSP.

(e) The Administrator hereby extends to December 31, 1987 the attainment dates for the national standards for carbon monoxide (CO), in the following areas:

(1) Maricopa County Urban Planning Area for CO.

* * * * *

3. In § 52.131, the entry for the "Maricopa County Urban Planning Area" is revised to read as follows:

[1] EPA policy requires establishment of a vehicle inspection and maintenance program only in urbanized areas (1970 population of 200,000 or more; see 44 FR 20372). Consequently, this provision does not apply to the Truckee Meadows Nonattainment Area. As described at 45 FR 53145 Arizona has an operating inspection and maintenance program.

§ 52.131 Attainment dates for national standards.

Air quality control region and nonattainment area	Pollutants							
	TSP				SO_x	NO_x	CO	O_x
	Primary	Secondary	Primary	Secondary				
Maricopa Intrastate: Maricopa County urban planning area nonattainment area.	d	d	b	b	c	e		d

(e) December 31, 1987.

Subpart DD—Nevada

4. Section 52.1470 is amended by adding paragraph (c)(20) to read as follows:

§ 52.1470 Identification of plan.

(c) * * *

(20) The following amendment to the plan was submitted on August 19, 1980 by the Governor.

(i) Request for Extension of the Carbon Monoxice Attainment Date for the Truckee Meadows Nonattainment Area.

5. In § 52.1480, the entry for "Truckee Meadows" is revised to read as follows:

§ 52.1480 Attainment dates for national standards.

Air quality control region and nonattainment area	TSP		Pollutants				
			SO_x		NO_x	CO	O_x
	Primary	Secondary	Primary	Secondary			
Northwest Nevada Intrastate							
Truckee Meadows	e	e	c	c	c	f	f

6. Section 52.1481 is amended by revising paragraph (c)(1) to read as follows:

§ 52.1481 Extensions.

(c) * * *

(1) Truckee Meadows for CO and O_x.

[FR Doc. 81-26059 Filed 9-11-81; 8:45am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A 10-FRL 1923-2]

Approval and Promulgation of Implementation Plan Revisions: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to delete EPA's conditions of approval published June 5, 1980 (45 FR 37821) on portions of the State of Washington's implementation plan, which was submitted on April 29, 1979 to satisfy Part D (Plan Requirements for Nonattainment Areas) of the Clean Air Act as amended in 1977 (hereafter referred to as the Act) (42 U.S.C. 1857 et seq.). In addition, the "Identification of Plan" Section of the rule has been revised to more clearly describe exactly which provisions are included in the State implementation plan (SIP).

EFFECTIVE DATE: September 14, 1981.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-80-9), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, 4224 Sixth Avenue SE., Lacey, Washington 98503

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

FOR FURTHER INFORMATION CONTACT: Richard R. Thiel, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-1230, (FTS) 399-1230.

SUPPLEMENTARY INFORMATION: On July 15 and December 10, 1980 the Washington Department of Ecology (DOE) held public hearings to consider changes to satisfy conditions of EPA's June 5, 1980 approval. The revisions adopted subsequent to these public hearings were submitted to EPA on July 31, 1980 and January 13, 1981. On January 15, 1981 (46 FR 3569) EPA proposed to approve the revisions submitted as satisfying the conditions of approval published June 5, 1980 (45 FR 37821).

Since no comments were received with respect to satisfaction of conditions, EPA will take final action in the same manner as proposed January 15, 1981.

It should be noted that this action deals only with material submitted by DOE to satisfy the conditions of approval published by EPA on June 5 and July 31, 1980. It does not attempt to deal with deficiencies in the SIP precipitated by the *Alabama Power Co.* v. *Costle* ruling and subsequent (August 7, 1980 45 FR 52676) EPA regulations. SIP revisions necessitated by the new EPA requirements will be submitted to EPA at a later date.

Comments

Two comments were received in response to EPA's proposed action (46 FR 3569) to approve the material submitted as changes to correct the SIP deficiencies identified in the EPA final conditional approval published June 5, 1980 (45 FR 37821). The commenters suggested that the Kraft Pulping Mill regulation (WAC 173-405) should include provisions for visible emissions limitations. EPA will evaluate with DOE the requirement for visible emission limits for pulp mills and then make a final determination as to their inclusion in the SIP. No other comments were received.

EPA finds that good cause exists for making the action taken in this notice

immediately effective for the following reasons: (1) Implementation plan revisions are already in effect under State law and EPA approval poses no additional regulatory burden, and (2) EPA has a responsibility under the Clean Air Act to take final action on the portion of the SIP which addresses Part D regulations by July 1, 1979 or as soon thereafter as possible.

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

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

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement for regulatory impact analysis. This regulation is not major because EPA is approving an action taken by the State and, therefore, not establishing new requirements.

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

(Secs. 110, 172, Clean Air Act as amended (42 U.S.C. 7410(a) and 7502))

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart WW—Washington

1. In § 52.2470 paragraphs (c) (16) through (24) are revised and paragraphs (c) (25) and (26) are added as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(16) On June 14, 1974 the State of Washington submitted amendments to WAC 18–24 "State Jurisdiction over Motor Vehicles" to provide for preconstruction review and approval of indirect sources. On June 26, 1975 the Governor submitted further revisions repealing the portion of WAC 18–24 constituting the indirect source review program. On June 5, 1980 EPA removed those portions of WAC 18–24 dealing with indirect source review from the SIP leaving only Sections 020–Definitions and 030–Assumption of Jurisdiction.

(17) On April 4, 1979 the State submitted a request to extend the dates for plan submission for all secondary TSP nonattainment areas. (This request affected the secondary TSP plans submitted April 27, 1979 and, as a result, EPA took no action on the following secondary TSP plans: Kent, Auburn, Port Angeles, Longview, and Seattle (S. Duwamish portion)). On July 30, 1979 (44 FR 4497) EPA approved the extension request.

(18) On April 27, 1979 the Governor submitted an implementation plan revision to satisfy the 1977 amendments to the Clean Air Act for the attainment and maintenance of national ambient air quality standards in all areas of the State. The revision consisted of the following elements:

I. Applicable Regulations (refer to Table 52.2479)
A. Department of Ecology (applicable statewide)
1. Chapter 173–400 WAC General Regulation for Air Pollution Sources—All Sections, dated April 26, 1979.
2. Chapter 173–405 WAC, Kraft Pulp Mills, Sections 011; 021; 031 (1), (4), (5) and (6); 036 (1), (2), (4); 061; 071 (2), (3), (4d, e), (5); 076; 081; 101, dated December 29, 1976.
3. Chapter 173–410 WAC, Sulfite Pulp Mills, Sections 011; 021; 031 (1), (4), (5) and (6); 036 (1), (2), (4); 041; 051; 061 (1) thru (6); 066; 081; 091, dated December 29, 1976.
4. Chapter 173–420 WAC, State Jurisdiction over Motor Vehicles—All Sections dated March 29, 1977. (Note: submitted in error; regulation never adopted. WAC 18–24, dated June 18, 1975 remains in the SIP).
5. Chapter 173–425 WAC, Open Burning—All Sections, dated October 24, 1977.
6. Chapter 173–435 WAC, Emergency Episode Plan—All Sections, dated October 31, 1977.
7. Chapter 173–490 WAC, Volatile Organic Compounds—All Sections, dated April 26, 1979.
8. Chapter 18–52 WAC, Primary Aluminum Plants, Sections 010; 016; 021; 031 (2) and (4); 036(1); 050; 061; 071 (1c), (1f), (2); 076; 091; dated July 28, 1976.
B. Puget Sound Air Pollution Control Agency
1. Regulation I dated December 1974
Article 1
Article 3
Article 6
Article 9—9.02; 9.02A; 9.03; 9.04; 9.05; 9.06; 9.07d; 9.07e; 9.09.
C. Northwest Air Pollution Control Authority
1. Regulations dated August 9, 1978 Section 455.11
D. Spokane County Air Pollution Control Authority
1. Regulation II dated January 6, 1975
Article IV, Section 4.01

II. Nonattainment Plans for Areas Designated Nonattainment as of September 11, 1979
A. Seattle area (TSP, CO, O_3)
B. Tacoma area (TSP, CO, O_3)
C. Kent area (TSP, CO, O_3)
D. Auburn area (TSIP, CO, O_3)
E. Spokane area (TSP, CO)
F. Clarkston area (TSP)
G. Port Angeles area (TSP)
H. Vancouver area (TSP)
I. Longview area (TSP)
J. Yakima area (CO)
III. Extension of Attainment Dates
A. Seattle—CO and O_3
B. Tacoma—O_3

No nonattainment plan was submitted for Vancouver O_3 until June 20, 1979 (see paragraph 18). Also, since the pulp mill and aluminum plant regulations have undergone extensive revisions, they will be resubmitted (see paragraph 23).

On June 5, 1980 (45 FR 37821) EPA published final rulemaking action on the Washington SIP as described below:

1. Approval
(a) Yakima CO nonattainment area strategy;
(b) Extension of attainment date for CO and O_3 for Seattle-Tacoma nonattainment areas;
(c) Inspection and maintenance program;
(d) Deletion of WAC 18–06 (Sensitive Areas).
2. Conditional Approval
(a) New Source Review (WAC 173–400);
(b) Volatile Organic Compounds (WAC 173–490);
(c) Other General Regulations Provisions (Combined Emissions: WAC 173–400–040; Source Test Procedures; WAC 173–400–120(3); No Burn Areas: WAC 173–425);
(d) Seattle-Tacoma CO nonattainment area strategy;
(e) Seattle-Tacoma O_3 nonattainment area strategy; and
(f) Vancouver O_3 nonattainment area strategy; and
(g) Seattle-Tacoma, Vancouver, Spokane and Clarkston Primary TSP strategies.
3. No Final Action
(a) Tacoma SO_2 nonattainment area strategy;
(b) Spokane CO nonattainment area strategy;
(c) Kraft Pulp Mills: WAC 173–405;
(d) Sulfite Pulp Mills: WAC 173–410;
(e) Primary Aluminum Plants: WAC 18–52; and
(f) Energy Facility Site Evaluation Council Regulations: WAC 463–39.
(g) Miscellaneous regulatory provisions, grass seed field burning: WAC 18–16; input sulfur limitation: Puget Sound Air Pollution Control Agency (PSAPCA) Regulation I—Section 9.07(c).
(h) Secondary TSP plans (see paragraph 17)
4. Recission
(a) Portions of WAC 18–24 dealing with indirect source review
(b) All regulations not expressly delineated in paragraph (17) are no longer part of the SIP, except
i. WAC 18–52–031(3): Opacity for Primary Aluminum Plants

ii. PSAPCA Regulation I Section 9.07(c): 90 percent limitation on input sulfur

(19) On June 20, 1979, the Governor submitted the O_3 nonattainment plan for Vancouver and indicated a need for extension of the attainment date beyond 1982. On (date of publication) EPA approved the O_3 nonattainment plan.

(20) On August 17, 1979 the Governor submitted regulations for energy sources which are under the jurisdiction of the Energy Facility Site Evaluation Council. These regulations and the program to implement them were incomplete and therefore EPA took no action at that time. This submission was superseded by the July 31, 1980 submission.

(21) On December 21, 1979 the Department of Ecology submitted the Inspection and Maintenance (I/M) legal authority and a detailed schedule to implement the I/M program. The State committed to submitting a revised transportation control plan for Spokane by May 1, 1980. On June 5, 1980 (45 FR 37821) EPA approved the State inspection and maintenance program based on this information.

(22) On April 1, 1980 the Department of Ecology submitted revised regulations for kraft and sulfite pulping mills and primary aluminum plants adopted March 27, 1980. The regulations were revised to include the new source review requirements in Section 173 of the Act. EPA published conditional approval of the following portions of these regulations on July 31, 1980:

Chapter 173-405 WAC, Kraft Pulp Mills, Sections 011; 021; 031 (1), (4), (5) and (6); 033; 036 (1), (2) (4); 061; 071 (2), (3) (4 d, e) (5); 077; 101, dated March 27, 1980.

Chapter 173-410 WAC, Sulfite Pulp Mills, Sections 011; 021; 031; 033; 036 (1), (2), (4); 041; 051; 061 (1) thru (8); 067; 071; 086; 091, dated March 27, 1980.

Chapter 18-52 WAC, Primary Aluminum Plants, Sections 010; 016; 021; 031 (2), (4); 036(1); 051; 056; 071 (1)(c), 1(f), (2), (3), dated March 27, 1980.

(23) On July 31, 1980 and January 13, 1981 the Department of Ecology submitted revisions to the SIP to satisfy the conditions of approval published June 5, 1980 (45 FR 37821). The revised regulations are dated as follows:

1. WAC 173-400: January 8, 1981
2. WAC 173-490: January 8, 1981
3. PSAPCA Regulation I: Article 1, 3, 6, and 9(9.03, 9.04, 9.05, 9.06, 9.07(d), 9.07(e), and 9.09) dated December 8, 1977. (Refer to Table 52.2479)

A new regulation added to the SIP is WAC 173-402, Civil Sanctions Under Washington Clean Air Act, dated June 24, 1980. On September 14, 1981, EPA approved the foregoing material submitted as satisfying the conditions of approval published June 5, 1980.

(24) On July 31, 1980 the Department of Ecology submitted revisions to the pulp mill and aluminum plant regulations to satisfy the conditions of approval published July 31, 1980 (45 FR 50749). These regulations are dated August 20, 1980. On September 14, 1981, EPA approved the revisions submitted as satisfying the conditions of approval. The portions of the regulations approved as part of the SIP are as follows:

Chapter WAC 173-405, Kraft Pulp Mills, Sections 012; 021; 033; 040 (1), (2), (3), (4), (5), (8), and (17); 072 (1), (4) and (5); 077; 086; and 101.

Chapter WAC 173-410, Sulfite Pulping Mills, Sections 012; 021; 040 (1), (2), (3), (5), and (16); 062 (1), (2) and (3); 067; 086; 090; and 091.

Chapter WAC 173-415, Primary Aluminum Plants, Sections 010; 020; 030 (2)(b), (4), (5), (7), and (11); 040; 050; 060 (1)(c) and (2); 070; and 090.

(25) [Reserved]

(26) On September 10, 1980 the Governor submitted a revised transportation control plan for the Spokane carbon monoxide nonattainment area calling for attainment by December 31, 1982. On December 24, 1980 (45 FR 85007) EPA conditionally approved the transportation control plan.

(27) On March 5, 1980, the State of Washington Department of Ecology submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR Part 58, Subpart C § 58.20. On April 15, 1981 (46 FR 21994) EPA approved the Part 58 monitoring plan.

§ 52.2473 [Amended]

2. Section 52.2473 is amended to clarify the extent of application of the regulations included in the SIP. The following sentence is inserted after the first sentence:

* * * The regulations included in the SIP (See Table 52.2479) are applicable statewide unless otherwise noted in the regulation itself.

§ 52.2479 [Amended]

3. Paragraphs (a)(1) through (a)(6) of § 52.2479 are removed and the following Table 52.2479 is added:

Table 52.2479.—Washington SIP Regulations

Citation	Title	Date of regulation	Date of EPA approval	Federal Register citation	Applicable sections
WAC 173-400	General regs. for air pollution sources	Jan. 18, 1981	Sept. 14, 1981	46 FR 45607	All.
WAC 173-402	Civil sanctions under WA Clean Air Act	June 24, 1980	Sept. 14, 1981	46 FR 45607	All.
WAC 173-405	Kraft pulping mills	Aug. 20, 1980	Sept. 14, 1981	46 FR 45607	012; 021; 033; 040(1), (2), (3), (4), (5), (8), and (17); 072(1), (4) and (5); 077; 086; and 101.
WAC 173-410	Sulfite pulping mills	Aug. 20, 1980	Sept. 14, 1981	46 FR 45607	012; 021; 040(1), (2), (3), (5) and (16); 062(1), (2) and (3); 067; 086; 090; and 091.
WAC 173-415	Primary aluminum plants	Aug. 20, 1980	Sept. 14, 1981	46 FR 45607	010; 020; 030(2)(b), (4), (5), (7) and (11); 040; 050; 060(1)(c) and (2), 070, 090.
WAC 173-425	Open burning	Oct. 24, 1977	June 5, 1980	45 FR 37821	All.
WAC 173-435	Emergency episode plan	Oct. 31, 1977	June 5, 1980	45 FR 37821	All.
WAC 173-490	Emission standards and controls for sources emitting volatile organic compounds.	Jan. 8, 1981	Sept. 14, 1981	46 FR 45607	All.
WAC 18-16	Grass seed field burning	Undated	May 31, 1972	37 FR 10900	All.
WAC 18-24	State jurisdiction over motor vehicles	June 18, 1975	June 5, 1980	45 FR 37821	All.
PSAPCA[1]	Regulation I	Dec. 8, 1977	Sept. 14, 1981	46 FR 45607	Articles 1, 3, 6 and 9 (Sections 9.03, 9.04, 9.05, 9.06, 9.07 (c), (d) and (e), 9.09).
NWAPA[2]	Regulations	Aug. 9, 1978	Sept. 14, 1981	46 FR 45607	Section 455.11.
SCAPCA[3]	Regulation II	Jan. 6, 1975	Sept. 14, 1981	46 FR 45607	Article IV, Section 4.01.

[1] Puget sound air pollution control agency.
[2] Northwest air pollution authority.
[3] Spokane County air pollution control authority.

§ 52.2484 [Removed]

4. Section 52.2484 is removed.

§ 52.2487 [Removed]

5. Section 52.2487 is removed.

§ 52.5488 [Removed]

6. Section 52.2488 is removed.

Note.—Incorporation by reference of the State Implementation Plan for the State of Washington was approved by the Director of the Office of the Federal Register on July 1, 1981.

Dated: September 8, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 81-26658 Filed 9-11-81; 8:45 am]

BILING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1925-6]

Approval and Promulgation of Implementation Plans; Bubble Action for National Distillers Co.'s Old Crow Plant, Woodford County, Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves a State Implementation Plan (SIP) revision submitted by the Kentucky Department for Natural Resources and Environmental Protection according to EPA's Alternative Emission Reduction Policy (bubble policy). EPA proposed approval of the Kentucky revision in the Federal Register on May 20, 1981 (46 FR 27504); no comments were received in response to the proposal.

The Kentucky revision alters the allowable particulate emission limits for three boilers at the National Distillers Company's Old Crow Plant in Woodford County. After reviewing Kentucky's submittal EPA finds that the altered emission limits provide a net air quality benefit, and are consistent with EPA's bubble policy.

DATE: This action is effective October 14, 1981.

ADDRESSES: The Kentucky submittal may be examined during normal business hours at the following locations:

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

Library, Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20005

Environmental Protection Agency, Air Programs Branch, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution Control, W. Frankfort Office Complex, 1050 U.S. 127 South, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Melvin Russell of the Air Programs Branch at the EPA, Region IV address above or call (404) 881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On December 24, 1980, EPA received a SIP revision from the Commonwealth of Kentucky, proposing to use the bubble concept for particulate emissions from three boilers at the National Distillers Company's Old Crow Plant in Woodford County. The three boilers are presently required to meet an allowable emission limit of 0.4 lb/MBTU. The proposed plan would lower the allowable emission limit for two 25 MBTU/hr boilers from 0.4 lb/MBTU to 0.3 lb/MBTU, and raise the emission limit for one 100 MBTU/hr boiler from 0.4 lb/MBTU to 0.413 lb/MBTU. The following table and analysis further clarifies the effect of Kentucky's proposal:

Boiler size	Present allowable emissions	Proposed allowable emissions	Actual emissions
25 Mbtu/hr	0.4 lb/Mbtu	0.3 lb/Mbtu	0.25 lb/Mbtu
25 Mbtu/hr	0.4 lb/Mbtu	0.3 lb/Mbtu	0.25 lb/Mbtu
100 Mbtu/hr	0.4 lb/Mbtu	0.413 lb/Mbtu	0.413 lb/Mbtu
Total plant allowable	0.4 lb/Mbtu	0.375 lb/Mbtu	
Total actual			0.345 lb/Mbtu

The new total plant allowable of 0.375 lb/MBTU is less than the old total plant allowable of 0.4 lb/MBTU, and air quality modeling submitted by Kentucky indicates that enacting this bubble proposal will provide a net air quality benefit. The plant was modelled at the proposed allowables and the previous allowable using the CRSTER Model. The modelling revealed a decrease in the maximum annual mean concentration and the maximum 24-hour concentration; there is no consumption of increment since there is no increase in actual emissions. Under conditions of the permit to be issued by Kentucky to the National Distillers Company (1) particulate emissions from the 100 MBTU/hr boiler shall not exceed 0.413 lb/MBTU, and (2) particulate emissions from either 25 MBTU/hr boiler shall not exceed 03 lb/MBTU.

Action: EPA is today approving the SIP revision submitted by Kentucky. This action is effective October 14, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before November 13, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

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

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in additional cost to the industry or consumers; moreover only one plant is affected.

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

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1981.

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

Dated: September 8, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart S—Kentucky

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

1. Section 52.920 is amended by adding paragraph (c)(20) as follows:

§ 52.920 Identification of plan.

* * * * *

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

* * * * *

(20) Revision to the State Implementation Plan for a bubble action at National Distillers Company's Old Crow Plant in Woodford County, submitted on December 24, 1980, by the Kentucky Department for Natural

Resources and Environmental Protection.

[FR Doc. 81-26637 Filed 9-11-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5994

[M-49376]

Montana; Partial Revocation of Forest Service Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes a Secretarial order as modified by Commissioner's letters of September 12, 1914, and October 12, 1915, which withdrew lands for the Jennings Camp Ranger Station. This action will open the lands to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: October 9, 1981.

FOR FURTHER INFORMATION CONTACT: Edgar D. Stark, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated November 25, 1907, as modified by Commissioner's letters of September 12, 1914, and October 12, 1915, which withdrew lands for the Jennings Camp Ranger Station is revoked insofar as it affects the following described lands:

Principal Meridian

Bitterroot National Forest

T. 2 N., R. 18 W.,

Sec. 27, M&B as follows:

Forest Service Monument consists of a block of granite 3' x 3' x 3½', marked R/1 F.S.N. located at the east end of the Jennings Camp flat on the north side of the river, and markings are visible from the road. Whence the summit of a bald mountain bears N. 60° W. about 30 chains, the junction of trail and road bears S. 17° E., 1 chain, a fir tree 10" D.B.H. marked NW/1 bears due west 44 links distant and a yellow pine tree 10" D.B.H. bears S. 1° E. 1 chain distant, marked NW/1.

Thence N. 10° W.

6.00 chains up foot of mountain between two dikes of granite over slide rock to Corner No. 2, a rock, 22" x 6" x 8" set in mound of stone marked R/2, which is Corner No. 2 of old survey:

Whence a forked yellow pine tree 28" D.B.H. bears N. 10° W., 11 links distant, marked W/2, and a fir tree 20" D.B.H. bears S. 10° W. 56 links distant marked W/2.

Thence S. 63°30' W. 8.00 chains across grass land to pole stand. 37.00 chains through pole stand to Corner No. 3, a rock 4" x 6" x 10" set in ground marked H/2 which is Corner No. 2 of H.A. No. 148.

Whence a fir tree, 16" D.B.H. bears S. 20° W., 60 links distant, marked HW/2.

And a fir tree 14" D.B.H. bears N. 40° W., 45 links distant marked HW/2.

Thence S. 33° E. 6.33 chains to river. 9.00 chains to Corner No. 4, a boulder 18" x 10" x 12" set in ground marked R/4, whence a yellow pine tree 9" D.B.H. bears N. 78° E., 25 links distant, marked WR/4, and a lodgepole pine tree 10" D.B.H. bears N. 30° E., 35 links distant, marked WR/4.

Thence S. 58° E. 4.69 chains across meadow to Corner No. 5, a rock 8" x 8" x 8", set in ground, marked R/5, whence a fir tree 14" D.B.H. bears S. 61° E. 26 links distant, marked WR/5, and a fir tree 10" D.B.H. bears S. 33° W., 26 links distant, marked WR/5.

Thence N. 62°30' E. 30.00 chains through lodgepole and across river twice to Corner No. 6, which is Corner No. 5 of the old survey. A rock 15" x 6" x 10" set in mound of earth, marked R/6. Whence a lodgepole pine tree 6" D.B.H. bears N. 16° W. 66 links distant, and a lodgepole pine tree 12" D.B.H. bears S. 78° W., 6 links distant, marked W/6.

Thence N. 10° W. 2.00 chains to river. 7.00 chains to Forest Service Monument, the place of beginning, containing 45.62 acres of land in Ravalli County.

2. At 8 a.m. on October 9, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest land.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 3, 1981.

[FR Doc. 81-26623 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 56

Piping Systems and Appurtenances

CFR Correction

In October 1, 1980, revision of Title 46, Parts 41 to 69, of the Code of Federal Regulations the text of the table appearing in § 56.95-10 is incorrect. The table set forth below appeared on page 277 of the July 1, 1979 revision of Title 46, Parts 41 to 69. This table remains in force and effect and will appear in the 1981 revision of Title 46.

TABLE 56.95-10—MANDATORY MINIMUM NONDESTRUCTIVE TESTS FOR WELDS

Class	Material	Nominal diameter [1]	Wall thickness [1]	Tests [2] [3] RT [4]	MT [5]	PT [6]	Notes
I, I-L, II-L	Any material	< 3"	≤ 5/16"	No	No	No	(7, 8)
I, I-L, II-L	P-1 materials or C-Mo P-3	≥ 3"	≤ 5/16"	No [9]	Yes	No	(7, 8)
		< 3"	> 5/16"	Yes	No	No	
I, I-L, II-L	Materials other than P-1 or C- Mo P-3	≥ 3"	≤ 5/16"	No [9] [10]	Yes	Yes	(7, 8, 10)
I, I-L, II-L	Any material	≥ 3"	> 5/16"	Yes	No	No	
II	do	≥ 18"	Any				(11)
		< 18"	Any	No	No	No	

[1] The symbol < means less than the dimension stated. The symbol ≤ means equal to or less than the dimension stated. The symbol ≥ means equal to or greater than the dimension stated. The symbol > means greater than the dimension stated.

[2] Fabricators desiring to use ultrasonic testing in lieu of any of the required tests shall submit procedures to the Commandant and obtain approval for its use.

[3] The word "no" means not required. The word "yes" means required.

[4] "RT" means radiographic testing for 100 percent unless otherwise permitted.

[5] "MT" means magnetic particle testing for 100 percent unless otherwise permitted.

[6] "PT" means liquid penetrant testing for 100 percent unless otherwise permitted.

[7] Random radiography of at least 20 percent of joints required for Classes I-L and II-L systems, but ultrasonic testing may be utilized as an alternate inspection method if procedures are approved. Joints examined by radiographic testing or ultrasonic testing need not be tested by magnetic particle testing.

[8] Radiographic testing may be required for certain joining configurations (see § 56.70-15(b)(2)).

[9] When nominal diameter exceeds 4 inches radiographic testing is required regardless of wall thickness. Under such conditions testing by magnetic particle testing or by liquid penetrant testing is not required.

[10] Use liquid penetrant testing for nonmagnetic materials.

[11] Any method of nondestructive testing may be used.

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[General Order 4, Revised; Docket 80-13]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Stay of final rule.

SUMMARY: The Commission's final rules in this proceeding provided in 46 CFR 510.32(j) that the waiver or reduction of forwarding fees for relief agencies or charitable organizations was prohibited. The Commission has determined to consider further the proper treatment of such fees. Accordingly, the provision is stayed pending final resolution of the matter.

DATE: The stay is effective September 3, 1981.

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

SUPPLEMENTARY INFORMATION: The Commission published final rules in this proceeding May 1, 1981 (46 FR 24565). These rules contain a provision which prohibits the waiver or reduction of forwarding fees for relief agencies or charitable organizations (46 CFR 510.32(j)). The Commission has determined to further consider this provision and has determined to stay the provision pending final resolution of the matter.

Therefore, it is ordered, That the effect of § 510.32(j) of Title 46 CFR is stayed pending final resolution of this matter.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-26638 Filed 9-11-81; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC-94; Amdt. No. 80-4]

Minimum Levels of Financial Responsibility for Motor Carriers; Technical Corrections

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Federal corrections to final rule.

SUMMARY: The final rule pertaining to Minimum Levels of Financial Responsibility for Motor Carriers was published on Thursday, June 11, 1981 at 46 FR 30974. A number of technical corrections are being made to the final rule to indicate among other things the OMB approval of the Bureau of Motor Carrier Safety (BMCS) forms. Some are corrections of typographical errors and others contain clarifying language. To prevent any chance of misunderstanding the corrections appearing in this document, the entire paragraph or definition is being reprinted.

EFFECTIVE DATE: The rule was effective on July 1, 1981. The technical corrections contained in this document are effective on September 14, 1981. The requirement that motor carriers secure and retain an endorsement or surety form is effective December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Bureau of Motor Carrier Safety (BMCS), (202) 426-9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The final rule pertaining to Minimum Levels of Financial Responsibility for Motor Carriers was published on Thursday, June 11, 1981 at 46 FR 30974. On page 30982 of that publication, the public was informed that the Office of Management and Budget (OMB) had not approved the two forms (MCS-90) and (MCS-82) that appeared on pages 30985-87 and that the BMCS did not intend to enforce the requirement that motor carriers have the endorsement(s) attached to their policies of insurance for 90 days from either the effective date of July 1, 1981 or the date the OMB approves the forms, whichever was later. The OMB has approved the use of these forms on August 21, 1981 and the use of these forms will be required on and after December 1, 1981.

In approving these forms, the OMB requested a few minor changes be made to Form MCS-90 which make the form more understandable. In making these changes, the BMCS is also making minor conforming changes to the rule. To assure complete understanding of those subsections that are being changed, the complete paragraph or definition is being reprinted.

Note.—The FHWA has determined that this document contains neither a major rule under Executive Order 12991 nor a significant regulation under DOT regulatory procedures. No 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. Accordingly 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 DOT because it is not anticipated that such action would result in the receipt of useful information. Also, because the rule was effective on July 1, 1981, these amendments are effective upon issuance. As stated above, the use of the endorsement and surety forms will be required on and after December 1, 1981.

(Sec. 30, Pub. L. 96-296, 94 Stat. 793; Sec. 108(b)(5), Pub. L. 96-510, 94 Stat. 2767; 23 U.S.C. 315; 49 CFR 1.48 and 301.60)

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: September 2, 1981.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

Accordingly, the following corrections are made in FR Doc. 81-17438 appearing on page 30974 in the issue of Thursday, June 11, 1981, as set forth below.

§ 387.3 [Corrected]

1. On page 30982, column three, under § 387.3, *Applicability*, paragraph (c)(2) is corrected to read "The rules in this part do not apply to the transportation of nonbulk oil, nonbulk hazardous materials, substances, or wastes in intrastate commerce except large quantity radioactive materials."

§ 387.5 [Corrected]

2. On page 30982, column three, under § 387.5, *Definitions*, the definition of *Bodily injury* is corrected to read "includes injury to the body, sickness, or disease including death resulting from any of these."

3. On page 30983, column one, under § 387.5, *Definitions*, the definition of *Property damage* is corrected to read "includes damage to or loss of use of tangible property."

§ 387.7 [Corrected]

4. On age 30983, column two, under § 387.7, *Financial responsibility required*, paragraph (d)(1) is corrected to read "'Endorsement(s) for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980' (Form MCS-90) issued by an insurer(s); or"

§ 387.9 [Corrected]

5. On page 30983, columns two and three, under § 387.9, *Financial responsibility*, minimum levels, the Schedule of Limits—Public Liability is corrected to read as shown below:

Schedule of Limits.—Public Liability

[Freight Vehicles With Gross Vehicle Weight Rating of 10,000 Pounds of More]

Type of carriage	Commodity transported	Combined single limit (CSL)	
		July 1, 1981	July 1, 1983
(1) For-hire (in interstate or foreign commerce).	Property (non-hazardous)	$500,000	$750,000
(2) For-hire and private (in interstate or intrastate commerce).	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquefied compressed gas, or compressed gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000
(3) For-hire and private (in interstate commerce: in any quantity) (in intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101, hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above.	500,000	1,000,000

Form MCS–90 [Corrected]

6. On pages 30985 and 30986, Form MCS–90 is corrected to reflect the anticipated accommodation of ICC regulated carriers as well as those who operate without ICC's authority. Form MCS–90 also reflects the OMB approval number and reads as illustrated (Illustration I).

Form MCS–82 [Corrected]

7. On page 30987, Form MCS–82 is corrected to reflect the anticipated accommodation of ICC regulated carriers as well as those who operate without ICC's authority. Form MCS–82 also reflects the OMB approval number and reads as illustrated (Illustration II).

Illustration I

Endorsement for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980

Definitions as Used in This Endorsement

Accident includes continuous or repeated exposure to conditions which results in bodily injury, property damage, or environmental damage which the insured neither expected nor intended.

Motor Vehicle means a land vehicle, machine, truck, tractor, trailer, or semitrailer with a gross vehicle weight rating of 10,000 pounds or more propelled or drawn by mechanical power and used on a highway for transporting property.

Bodily Injury includes injury to the body, sickness, or disease to any person, including death resulting from any of these.

Environmental Restoration means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage or potential for damage to human health, the natural environment, fish, shellfish, and wildlife.

Property Damage includes damage to or loss of use of tangible property.

Public Liability means liability for bodily injury, property damage, and environmental restoration.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau) and the Interstate Commerce Commission (ICC).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance of use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "X", for the limits shown:

☐ This insurance is primary and the company shall not be liable for amounts in excess of $———— for each accident.

☐ This insurance is excess and the company shall not be liable for amounts in excess of $———— for each accident in excess of the underlying limit of $———— for each accident.

Whenever required by the Bureau or the ICC the company agrees to furnish the Bureau or the ICC a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the Bureau or the ICC, to verify that the policy is in force as of a particular date. The telephone number to call is: ————

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date notice is received by the ICC at its office in Washington, D.C.).

Issued to _____
of _____
Dated at _____
this _____ day of _____, 19—
Amending Policy No. _____
Effective Date _____
Countersigned by _____
Authorized Company Representative
Name of Insurance Company _____

The Motor Carrier Act of 1980 requires limits of financial responsibility according to type of carriage and commodity transported by the motor carrier. It is the Motor Carrier's obligation to obtain the required limits of financial responsibility.

The schedule of limits shown below does not provide coverage. The limits shown in the schedule are for information purposes only.

Schedule of Limits.—*Public Liability*

[Freight Vehicles With Gross Vehicle Weight Rating of 10,000 Pounds or More]

Type of carriage	Commodity transported	Combined single limit (CSL)	
		July 1, 1981	July 1, 1983
(1) For-hire (in interstate or foreign commerce).	Property (non-hazardous)	$500,000	$750,000
(2) For-hire and private (in interstate or intrastate commerce).	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquefied compressed gas, or compressed gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000
(3) For-hire and private (in interstate commerce: in any quantity) (in intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above.	500,000	1,000,000

Illustration II

Motor Carrier Public Liability Surety Bond Under Sections 29 and 30 of the Motor Carrier Act of 1980

Parties—Surety Company and Principal Place of Business Address; Motor Carrier Principal, I.C.C. Docket No. and Principal Place of Business Address.

Purpose—This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of any final judgment or judgments against the Principal for public liability, property damage, and environmental restoration liability claims in the sums prescribed herein; subject to the governing provisions and following conditions.

Governing provisions—(1) Sections 29 and 30 of the Motor Carrier Act of 1980 (49 USC 10927 note) (2) Rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau) (3) Rules and regulations of the Interstate Commerce Commission (ICC).

Conditions—The Principal is or intends to become a motor carrier of property which operates a motor vehicle having a gross vehicle weight rating of 10,000 pounds or more subject to the applicable governing provisions relating to financial responsibility for the protection of the public.

This bond assures compliance by the Principal with the applicable governing provisions, and shall insure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for public liability, property damage, or environmental restoration liability claims (excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal, and the cargo transported by the Principal). If every final judgment shall be paid for such claims resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the applicable governing provisions, then this obligation shall be void, otherwise it will remain in full effect.

Within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety on each motor vehicle subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 for each accident shall not exceed $———, and shall be a continuing one notwithstanding any recovery hereunder.

The surety agrees, upon telephone request by an authorized representative of the Bureau or the ICC, to verify that the surety bond is in force as of a particular date. The telephone number to call is: ———.

This bond is effective from—(12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described herein. The Principal or the Surety may at any time terminate this bond by giving (1) thirty five (35) days notice in writing to the other party (said 35 day notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the Principal is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date notice is received by the ICC at its office in Washington, D.C.). The Surety shall not be liable for the payment of any judgment or judgments against the Principal for public liability, property damage, or environmental restoration claims resulting from accidents which occur after the termination of this bond as described herein, but such termination shall not affect the liability of the Surety for the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

(Affix Corporate Seal)
Date _____
Surety _____
City _____
State _____
By _____

Acknowledgment of Surety

State of _____
County of _____

On this —— day of ———, 19—, before me personally came ———, who, being by me duly sworn, did depose and say that he resides in ———; that he is the ——— of the ———, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the board of directors of said corporation, that he signed his name thereto by like order, and he duly acknowledged to me

that he executed the same for and on behalf of said corporation.

(Official Seal)

Surety Company File No. _____

Title of official administering oath _____

[FR Doc. 81-26482 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries Off the Coast of California, Oregon, and Washington

Correction

In FR Doc. 81-26300, appearing at pages 44989—44991 in the issue for Wednesday, September 9, 1981, make the following change:

On page 44991, the file line which appears at the end of the third column and which now reads:

[FR Doc. 81-26300 Filed 9-8-81; 8:45 am]

should actually read:

[FR Doc. 81-26300 Filed 9-3-81; 3:07 pm]

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 46, No. 177
Monday, September 14, 1981

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 112

Viruses, Serums, Toxins, and Analogous Products; Revision of Packaging Biological Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the packaging requirement now entitled *Packaging desiccated products.* The proposal would make current packaging standards applicable to all biological products rather than just desiccated products. The proposal would also delete the 1,000 dose limit for final containers of mass administration products for poultry.

As proposed, this section would specify the allowable number of doses in a final container of poultry products for administration to individual birds, the allowable number of final containers of biological product in a carton, when and to what extent containers of diluent must be included in a carton with final containers of desiccated product, when final containers of product must be packaged in a carton, and a poultry product labeling requirement for multiple container cartons reflecting the continuance of current labeling requirements.

Average poultry flock size has increased 5 to 10 times since the present 1,000 dose per container limit was established for poultry products. The proposed deletion of specified maximal doses per container for mass administration products would make these products more convenient and economical to use in larger flocks than the present 1,000 dose containers.

Broadening the scope of the section to include all biological products is proposed to make a place in the regulations for current and future standards for packaging products other than desiccated ones.

DATE: Comments must be received on or before November 13, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8245.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as a "non-major" rule.

This proposed rule would have a significant economic effect primarily on producers and consumers of mass administration poultry vaccines. Eighty percent of the total doses of such vaccines produced annually are either Newcastle Disease vaccines, Bronchitis vaccines, or Newcastle Disease-Bronchitis vaccines. It is estimated that production costs for these three types of products can be reduced by 10 percent or more by packaging in 5,000 to 10,000 dose containers rather than the present limit of 1,000 doses per container. It is also estimated that these larger vials of vaccines can be sold at least 10 percent cheaper per dose. Based upon an estimated annual production of 6 billion doses of Newcastle and Bronchitis vaccines, currently selling for approximately $1 per 1,000 doses, the annual reduction in cost to consumers would be expected to be approximately $600,000. No estimate on economic impact is available for the other mass administered poultry products which include vaccines for Laryngotracheitis, Avian Encephalomyelitis, *Pasteurella multocida,* and Bursal disease.

The economic effect of the packaging standards for nondesiccated products should be minimal, because the present revision merely codifies current licensee practices.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

There are currently 11 USDA licensed establishments producing one or more of these mass administration poultry vaccines. Only three of these are considered small entities, i.e., a business which is independently owned and operated and which is not dominant in the field of veterinary biologics manufacturing. It is anticipated that the effects on one of the three establishments will be minimal as it already produces a frozen mass administration poultry vaccine in 5,000 dose containers. There is currently insufficient information to project the specific effect on the other two small business entities concerned. However, a general production cost decrease is expected.

The present limitation of 1,000 doses of desiccated poultry product per final container was intended to insure that all of the vaccine in a container would be used within a short time after reconstitution to prevent significant loss of potency. At the time this standard was enacted in 1961, the 1,000 dose container was convenient for the size of flocks grown. Presently, the average flock is 5 to 10 times larger, and houses have been expanded to accommodate up to 50,000 birds. The current 1,000 dose container no longer meets the need of the poultry industry.

This proposed rule would remove the 1,000 dose per container limit for all mass administration poultry vaccines, i.e., vaccines administered by aerosol or in drinking water. Larger dose vials would enable producers to vaccinate the currently larger flocks of birds more conveniently and with some labor savings in vaccine preparation. As shown above, it is anticipated that the larger dose vials will result in a 10 percent or more cost saving to the consumers of these vaccines. The 1,000 dose limit for poultry products for administration to individual birds has been retained, because the time involved in individual administration still poses a threat of loss of potency if larger, multiple-dose final containers are used.

Presently this section only refers to desiccated products. Packaging standards and a place for future standards are needed for other products. Since the time Part 112.6 was enacted,

changes in the industry have warranted administrative interpretations of the applicability of the section and amendments to the section such as the one for packaging Marek's Disease Vaccine. Cumulative changes in the industry have brought to the attention of the agency the need to revise the entire section to develop a comprehensive, integrated, regulatory program with respect to packaging biological products. The latest change in the industry has been the development of a large, multiple-dose, mass administration poultry biological product which is not manufactured in desiccated form as previous products have been. As there were no standards in the regulations to cover the situation, it is proposed that the entire section be revised to keep the regulations responsive to developments in the industry which the agency is charged with regulating. Therefore, to broaden the scope of the section, the heading would be revised to refer to packaging biological products instead of packaging desiccated products. The body of the section would be changed to refer to nondesiccated as well as desiccated biological products to increase the applicability of the standards to a broader range of products. Proposed changes in language are intended to clarify the broader scope of this section.

PART 112—PACKAGING AND LABELING

Section 112.6 would be revised to read:

§ 112.6 Packaging biological products.

(a) Each multiple-dose final container of a biological product which requires a diluent for administration shall be packaged in an individual carton with a container of the proper volume of diluent for that dose as specified in the filed Outline of Production. Each multiple-dose final container of a product which does not require a diluent for administration need not be packaged in an individual carton unless the final container labeling does not contain all information required by the regulations. Such information must be included in or on a carton. Exceptions are provided in paragraphs (c) and (d) of this section and § 112.8.

(b) Single-dose final containers of a product need not be packaged one per carton. For single-dose products which require a diluent for administration, the number of containers of the proper amount of diluent specified in the filed Outline of Production for the number of doses contained in the carton shall be included in each carton.

(c) Poultry products for mass administration (including, but not limited to such means as drinking water and aerosol sprays) may be packaged in multiple-dose final containers as specified in the filed Outline of Production. Poultry products for administration to individual birds shall not exceed 1,000 doses in each final container. One to ten poultry product final containers may be packaged in a single carton. For products which require a diluent for administration, the number of containers of the proper amount of diluent specified in the filed Outline of Production for the number of multiple-dose final containers contained in the carton shall be included in each carton, except as specified in paragraph (d) of this section. The following requirements apply to cartons containing more than one final container of poultry product or of diluent:

(1) They shall be sealed prior to leaving the licensed establishment;

(2) The contents may not be repackaged after the seal is applied to the carton;

(3) The contents of such cartons may not be sold in fractional units; and

(4) The following statement must appear in a prominent place on the label of the carton: "Federal regulations prohibit the repackaging or sale of the contents of this carton in fractional units. Do not accept if seal is broken."

(d) Diluent for the following products need not be packaged with the final container(s) of the product, but the licensee shall provide the consumer with the required number of containers of the proper amount of diluent as specified in the filed Outline of Production:

(1) Marek's Disease Vaccine

(2) Poultry vaccines administered to individual birds using automatic vaccinating equipment.

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 9th day of September 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-26607 Filed 9-11-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 22125, Notice No. SC-81-5]

Special Conditions; Boeing Model 767 Series Airplanes (Three-Man Crew)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Boeing Commercial Airplane Company Model 767 series airplane having a three-man flightcrew. This airplane will have novel or unusual design features associated with a centralized caution and warning system for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. This notice contains adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary, by means of these novel or unusual design features, to establish a level of safety equivalent to that established in the regulations, applicable to the Boeing Model 767 Series airplanes.

DATE: Comments must be received on or before November 13, 1981.

ADDRESSES: Comments on this proposal may be mailed in duplicate to : Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22125, 800 Independence Avenue SW, Washington, D.C., 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue SW, Washington, D.C. 20591. All comments must be marked: Docket No. 22125. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: James Treacy, Lead Region Staff, FAA Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108. Telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications

received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed based on 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.

Program Status and Type Certification Basis

An announcement of the program status and a statement of the type certification basis for the Boeing 767 was published in the **Federal Register** on January 8, 1981 (46 FR 2241). The certification basis for the Boeing Model 767 series airplane will be Part 25 of the Federal Aviation Regulations (FAR) effective 2/1/65, plus Amendments 25–1 through 25–37; Part 36, Amendments 36–1 through 36–39; Special Federal Aviation Regulation 27, and other amendments as described in the statement of type certification basis with which Boeing has voluntarily elected to comply. The special conditions which may be developed as a result of this notice will form an additional part of the type certification basis for the Model 767.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airpane. Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.49(b), effective October 14, 1980, and will become part of the type certification basis in accordance with § 21.17(a)(2). As stated in the **Federal Register** announcement, the only novel or unusual design feature of the Model 767 series airplane known to the FAA at this time, which necessitates the issuance of special conditions under § 21.16, is the centralized caution and warning system.

Background

On October 13, 1976, the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, filed an application for a type certificate in the transport category for the airplane now designated as the Boeing Model 767.

The Boeing Model 767 will incorporate a centralized system which will provide caution and warning indications to the flightcrew. This system is designed to provide an aural alert to the flightcrew which will direct their attention to the central caution and warning visual display panel to determine the cause of the alert. This system does not provide distinctive aural warnings for each condition but, rather, is designed so that the flightcrew's reaction to each aural alert will be the same with reference to the visual caution and warning display panel. Part 25 does not contain safety standards which are adequate or appropriate for a caution and warning system of this type. Therefore, special conditions are proposed for the Boeing Model 767 series airplanes having a three-man crew and equipped with the centralized caution warning system. Boeing intends to certificate a Model 767 series airplane at a later date which uses a two-man crew. Although a distinction will be made between the crew complement of the two model series, it cannot be determined at this time what differences, if any, will exist in the caution and warning systems of the airplanes.

The special conditions contain the standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions for the Boeing Model 767 airplanes (three-man crew):

A. Instead of the requirements of §§ 25.703, 25.729(e) (2), (3), and (4), 25.841(b)(6), 25.1303(c)(1), and 25.1305(a)(7), for the required individual systems and other warning systems, if installed, a centralized caution and warning system must comply with the applicable requirements of paragraphs B through E of these special conditions.

B. An aural alert audible to all flight crewmembers under all expected operating conditions must be sounded when any of the conditions listed in paragraphs D1 through D7 exist. If the aural alert occurs because of the landing gear configuration warning, overspeed warning, or ground proximity warning of paragraphs D1(d), D3, or D7, respectively, the aural alert must sound continuously while the condition exists. Special means may be provide to cancel these aural warnings during selected nonnormal procedures. Other aural alerts may be cancellable by the flightcrew.

C. A separate and distinct visual caution or warning message must be conspicuously displayed for each caution or warning condition listed in paragraphs D1 through D7. The visual indication must be displayed continuously as long as the condition exists. The visual indication must be visible to all flight crewmembers under all expected lighting conditions. The colors of visual warning and caution displays provided by this system must comply with § 25.1322 (a) and (b), respectively.

D. The centralized caution and warning system must provide aural and visual alerts to the flightcrew for any of the following:

1. An unsafe configuration warning for the following conditions:

(a) A takeoff warning that is automatically activated during the initial portion of the takeoff roll if the airplane is in a configuration, including any of the following, that would not allow a safe takeoff:

(1) The wing flaps or leading edge devices are not within the approved range of takeoff positions; or

(2) Wing spoilers (except lateral control spoilers meeting the requirements of § 25.671), speed brakes, or longitudinal trim devices are in a position that would not allow a safe takeoff.

(b) The takeoff warning required by paragraph D1(a) must continue until either—

(1) The configuration is changed to allow a safe takeoff;

(2) Action is taken by the pilot to terminate the takeoff roll; or

(3) The airplane is rotated for takeoff.

The means used to activate this warning must function properly throughout the ranges of takeoff weights, altitudes, power settings and temperatures for which certification is requested.

(c) A landing gear warning that will function continuously when one or more throttles are closed, if the landing gear is not fully extended and locked and the radio altimeter is below an appropriate safe value to be determined during the flight test program. Failure of the radio altimeter must not inhibit this warning.

(d) A landing gear warning that will function continuously, when the wing flaps are extended beyond the maximum approach position, if the gear is not fully extended and locked.

(e) The system which produces the warnings required by paragraphs D1(a) through D1(d) may use common components.

2. A cabin pressurization warning which activates when the cabin pressure altitude exceeds 10,000 feet. The cabin differential pressure indicator required by § 25.841(b)(5), must be marked to show pressure differential limits.

3. An overspeed warning which activates and functions continuously whenever the speed exceeds V_{MO} plus 6 knots of M_{MO} + 0.01. The upper limit of the production tolerance for the warning device may not exceed the prescribed warning speed.

4. A fire warning which activates whenever a fire is detected in either of the engines or in the auxiliary power unit.

5. An autopilot disconnect warning which activates whenever the autopilot has been completely disconnected, either by the flightcrew or by automatic action of the monitors.

6. If an altitude alert system is installed, it must—

(a) Alert the flightcrew—

(1) Upon approaching a preselected altitude in either ascent or descent, by a sequence of both aural and visual signals in sufficient time to establish level flight at that preselected altitude; or

(2) Upon approaching a preselected altitude in either ascent or descent, by a sequence of visual signals in sufficient time to establish level flight at that preselected altitude, and when deviating above and below that preselected altitude, by an aural and visual signal;

(b) Provide the required signals from sea level to the highest operating altitude approved for the airplane in which it is installed;

(c) Preselect altitudes in increments that are commensurate with the altitudes at which the aircraft is operated;

(d) Be tested without special equipment to determine proper operation of the alerting signals; and

(e) Accept necessary barometric pressure settings if the system or device operates on barometric pressure.

Note.—For operations below 3,000 feet AGL, the system need only provide a visual signal to comply with this paragraph.

7. If installed, a ground proximity warning system which meets the minimum performance standards of TSO–92a or –92b must be incorporated as a subsystem of the centralized caution and warning system.

E. It must be shown that malfunctions which would cause the loss of more than one of the aural or visual alerts in paragraphs D1 through D7 are improbable. In meeting this requirement, consideration may be given to the alerting features of the master caution and master warning lights in the event of the failure of the aural alert. The extent of credit for these lights must be determined by simulator and flight tests.

(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 11.45)

Note.—This action is not a proposed rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Washington, D.C., on August 28, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81–26552 Filed 9–11–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 21

[Docket No. 22126, Notice No. SC–81–6]

Special Conditions: Superchute, Ltd.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the supplemental type certification of Superchute, Ltd., modifications to the Cessna Model 150, 152, 172, and 180 series airplanes. This modification will have novel or unusual design features associated with a parachute system for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations by reason of the novel or unusual features.

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

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 22126, 800 Independence Ave., SW, Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Ave., SW, Washington, D.C. 20591. All comments must be marked: Docket No. 22126. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: David P. West, Airworthiness Standards Program (ACE–215), Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64101, Telephone 816–374–6943.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specfied above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on this proposal. 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 in the Rules Docket for examination by interested persons.

Background

On January 13, 1981, Superchute, Ltd., filed an application for a Supplemental Type Certificate (STC) for the Cessna Model 150K, 150L, and 150M airplanes to install a Superchute system. An amended application dated May 20, 1981, was filed on May 22, 1981, adding the Cessna Model 152, 172, and 180 series airplanes. The Superchute system is a parachute installed in an outside canister on the underside of the airplane connected to a tether line leading aft under the fuselage, up behind the horizontal stabilizer, and forward on the top of the fuselage to a connection at the wing. The Superchute system for parachuting the airplane to the ground is intended for use as a last resort for the survival of the occupants in certain emergency situations.

Type Certification Basis

The applicable airworthiness standards for aircraft are those regulations designated in accordance with § 21.17 and are known as the "type certification basis" for the airplane design. Special conditions may be issued and amended, as necessary, as part of the type or supplemental type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(2) or § 21.101(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane or the modification thereto. Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.49(b), effective October 14, 1980, and will become part of the supplemental type certification basis for the involved airplanes.

The certification basis for the Cessna Model 150K, 150L, 150M, and 152 airplanes is Civil Air Regulations (CAR) Part 3, effective May 19, 1956, as amended by Amendment 3–4 plus FAR § 23.1559 effective March 1, 1978, for the 152. The Cessna Models 150K, 150L, 150M, and 152 are small, two-place (Utility Category), single-engine, high-wing airplanes with a maximum certificated weight of 1600 pounds (150's) or 1670 pounds (152).

The certification basis for the Cessna Model 172 series airplanes is CAR Part 3, effective November 11, 1949, as amended by Amendments 3–1 through 3–12 plus FAR § 21.1559 effective March 1, 1978, for S/N 17271035 and on. The Cessna Model 172 series are small, four-place (Normal Category) or two-place (Utility Category) single-engine, high-wing airplanes with a maximum certificated weight ranging from 2200 pounds to 2400 pounds (Normal Category).

The certification basis for the Cessna Model 180 series airplane is CAR Part 3, effective November 11, 1949, as amended by: (Models 180, 180A and 180B) Amendments 3–1 through 3–8

except paragraphs 3.265 and 3.668 of 3–7; (Models 180C through 180H) Amendments 3–1 through 3–12 except paragraph 3.265 of 3–7 plus paragraph 3.668 only as amended by 3–3 of CAR Part 3 dated May 15, 1956; (Models 180J and 180K) Amendments 3–1 through 3–12 except paragraphs 3.265 and 3.668 and Subpart B plus Subpart B as amended by Amendments 3–1 through 3–5 of CAR Part 3 dated May 15, 1956; and FAR § 23.1559 effective March 1, 1978, for serial numbers 18052490, 18053001, and on. The Cessna 180 series are small, four-to-six place Normal Category, single-engine, high-wing airplanes with a maximum certificated weight ranging from 2550 pounds to 2800 pounds.

The type certification basis for the aforementioned airplanes with the Superchute system installed to be incorporated in the supplemental type certificate is as cited above for the respective models and the special conditions that may result from this notice.

The type design of these airplanes with the Superchute system installed contains a number of novel or unusual design features for an airplane type certificated under the airworthiness requirements incorporated by reference in Type Certificate Numbers 3A19, 3A12, and 5A6. The applicable airworthiness requirements do not contain adequate or appropriate safety standards. Special conditions are necessary to provide a level of safety equal to that established by the regulations incorporated by reference in the respective type certificates and to support a finding by the Administrator that no feature or characteristic of the airplanes with the Superchute system installed makes them unsafe for the category in which supplemental type certification is requested.

These special conditions require in-flight demonstrations of performance of intended function of the Superchute system within an approved flight envelope, in-flight demonstrations that inadvertent parachute deployment will have no detrimental effect on aircraft operation, and that after deployment, the parachute can be jettisoned and the aircraft recovered to resume normal operation in the event that the cause for the emergency descent has been eliminated. The proposed special conditions recognize that Technical Standard Order (TSO)–C23 was intended for man-carrying parachutes and that changes appropriate to the weights and parachute-aircraft interface are required.

The special conditions allow for damage to the aircraft due to ground impact yet propose a fuselage occupant environment that will give the occupants a reasonable chance of escaping serious injury. The special conditions proposed for the system design would require protection from inadvertent pilot operation and inadvertent jettisoning after a deliberate deployment and would provide for a showing of reliability and performance of the system. In recognition of the hazards which could occur in adverse weather, including in high wind conditions after the aircraft is on the ground, a special condition is proposed to show that the parachute can be jettisoned when the tether line is loaded and positioned under these conditions.

To assure that the pilot is aware of the operational limitations of the system, operating limitation special conditions are being proposed. The materials and packaging of existing personnel parachutes are such that a 120-day repacking interval has been required. New parachute materials and the unique packaging proposed for this system may allow a longer repacking interval. The special conditions require prescribing a repacking interval that must be substantiated during the certification program.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions for the Cessna Model 150K, 150L, 150M, 152, 172 through 172P, and 180 through 180K airplanes equipped with a Superchute, Ltd., parachute system:

A. Flight Conditions

1. The Superchute system must be demonstrated in flight to satisfactorily perform its intended function in the critical flight conditions within the flight envelope approved for the superchute system.

2. It must be demonstrated in flight that inadvertent parachute deployment will have no detrimental effect on aircraft operation.

3. It must be demonstrated that the airplane can be recovered to normal flight by jettisoning the parachute during an emergency descent, and the altitude needed to recover to normal flight must be determined.

B. Airframe Conditions

1. The fuselage parachute must meet the applicable requirements of TSO–C23, or other approved equivalent, at weights at which it is to be used.

2. In addition, it must be shown that although the structure may be damaged, the fuselage impact with the ground will result in an occupant environment so that serious injury to the occupants is improbable.

C. System and Equipment Conditions

1. It must be shown that the inadvertent jettisoning of the parachute, after it has been deliberately deployed, is extremely improbable.

2. It must be shown that arming the system, chute deployment, and chute jettisoning can only be accomplished in a sequence which would make inadvertent pilot operation extremely improbable. It must be shown that the system, after arming, may be disarmed at any time prior to chute deployment.

3. The parachute system must be shown to function reliably and to adequately perform its intended function. It must be labeled as to its identification, function, and operational limitations.

4. It must be shown that after impact the parachute can be jettisoned under various adverse weather conditions including high winds.

D. Operating Limitation Conditions

1. Operating limitations must be prescribed to ensure proper operation within the confines of an approved flight envelope and aircraft attitude.

2. An operating limitation must be prescribed that requires the parachute to be repacked at an approved interval.

(Sec. 313(a), 601, 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 11.49(b))

Note.—This action is not a rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Washington, D.C., on September 4, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 16–25621 Filed 9–11–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ANW–7]

Alteration of V–497 and V–298 and Revocation of 2 Alternate Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend V–497, modify V–298, and eliminate two alternate airway segments. This action would support objectives to be responsive to user needs and 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 October 14, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ANW-7, 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-7." 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 avilable for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to: (a) Extend V-497 from The Dalles, OR, to Ephrata, WA; (b) realign V-298 between Yakima, WA, and Pasco, WA; (c) revoke V-25E between The Dalles and Yakima; and (d) revoke the V-448S between Yakima and Moses Lake. The V-497 extension to Ephrata will provide a convenient route from the Portland area to Moses Lake and Spokane clear of special use airspace. The realignment of V-298 will reduce delays in the Pasco terminal area by providing a means for a more efficient application of regulations. Usage of V-25E between Dalles and Yakima does not justify continued designation as an airway. The elimination of V-448S supports objectives to eliminate alternate airways from the National Airspace System. Section 71.123 was republished in the **Federal Register** on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend V-297 and to revoke two alternate airway segments under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

1. Under V-497 after the words "The Dalles," eliminate "OR" and replace it with the words "OR; INT The Dalles 053°T(032°M) and Moses Lakes, WA, 206°T(185°M) radials; Moses Lake; Ephrata, WA"

2. Under V-298 after the words "331° radials to Yakima" replace the words ", INT Yakima 129° and Pasco, WA, 276° radials" with the words "; INT Yakima 129°T(108°M) and Pasco, WA, 274°T(254°M) radials"

3. Under V-25 after the words "Yakima, WA" delete the words ", including an east alternate via INT The Dalles 051° and Yakima 183° radials"

4. Under V-448 delete the entire description and replace it with the words "V-448 From Portland, OR; Yakima, WA, including a south alternate via INT Portland 075°T(054°M) and Yakima 227°T(206°M) radials Moses Lake, WA; Spokane, WA, 45 miles 12 AGL, 21 miles 75 MSL, 20 miles 80 MSL, 59 miles 12 AGL, to Kalispell, MT."

(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 September 3, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-26632 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Plan for Periodic Review of Rules

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Regulatory Flexibility Act review plan.

SUMMARY: The Regulatory Flexibility Act, intended to ensure that agencies consider the impact of their regulations on small entities (including small businesses), requires the Commission and other agencies to publish a plan for the periodic review of regulations that have a significant economic impact on a substantial number of these entities. The purpose of the review is to determine whether the regulations should be continued without change, or should be amended or revoked, consistent with the agency's objectives, in order to minimize this impact. Agencies must review all existing rules within 10 years after the effective date of the act, and must review, within ten years, all new rules adopted after the effective date of the act. In this notice, the Commission publishes its plan for reviewing regulations within a ten year period.

FOR FURTHER INFORMATION CONTACT:
Stephen Lemberg, Assistant General Counsel, Office of the General Counsel, Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C., 20207, (202) 634–7770.

SUPPLEMENTARY INFORMATION:

Background

On January 1, 1981 the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 note, Pub. L. 96–354, 94 Stat. 1164 became effective. The purpose of the RFA, as stated in section 2(b) (5 U.S.C. 601 note), is to require agencies, consistent with their objectives, to fit the requirements of regulations to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. In general, the RFA requires regulatory agencies, including the Commission, to evaluate and take into consideration the impact of their regulations on small entities. The RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their action to ensure that such proposals are given serious consideration.

Section 610 of the RFA requires the Commission to publish in the **Federal Register** a plan for reviewing regulations which have or will have a significant economic impact on a substantial number of small entities. The plan must provide for the review of all regulations existing on the effective date of the section (January 1, 1981) within a ten year period, and must provide for the review, within ten years, of all rules adopted after the January 1, 1981 effective date.

The purpose of the review is to determine whether the regulations should be continued without change, or should be amended or rescinded, consistent with statutory objectives, to minimize any significant economic impact of the regulations on a substantial number of small entities. In reviewing rules, the Commission, as required by section 610(b) of the RFA, will consider the following factors:

(1) The continued need for the rule;

(2) The nature of complaints or comments received concerning the rule from the public;

(3) The complexity of the rule;

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal rules; and, the Commission will also consider, to the extent feasible, the extent to which the rule overlaps, duplicates, or conflicts with state and local governmental rules; and

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

In this document the Commission publishes its plan for the review of regulations as required by section 610 of the RFA. (Although the act required the Commission to publish a plan by July 1, 1981, the Commission staff was not able to meet this date because of on-going activities, including work required for the Commission's reauthorization process. The staff advised SBA that an additional two months were required to complete work on the plan.)

Interested persons should be aware that the RFA review process will require the expenditure of Commission resources. The Commission intends to fulfill its statutory obligations under the RFA while minimizing the costs of the review process. However, since the review period extends for a period of several years beyond the current congressional authorization for the Commission, at this time the Commission is not able to estimate the resources that will be available for the on-going review process. The Commission will incorporate in the RFA review process, wherever possible, information already obtained through another rule review process which the Commission instituted under the Consumer Product Safety Act (CPSA) (15 U.S.C. 2076(m).) (This section was repealed by section 1211(d) of the Consumer Product Safety Amendments of 1981 (Pub. L. 97–35). The Commission has, under this section, closely examined 17 of its regulations and has submitted a report to Congress (May, 1980) that includes an economic impact analysis, a paperwork impact analysis, and a judicial impact analysis of the effects of Commission regulations for the purpose of determining whether rules should be deleted or amended. In preparing an economic impact analysis, the act directed the Commission to take into account the cost impact on, and benefits to, consumers and affected businesses, paying particular attention to small businesses. (In March, 1981 the Commission staff prepared an updated report for the Commission on the status of rule review projects.) Even though this section has been repealed, the Commission will, where appropriate, review individual regulations and make necessary amendments or deletions to minimize adverse impacts on small businesses. This review could be in addition to the review specified in the plan described below.

RFA Plan for Review of Regulations

A. Existing Regulations

The Commission's plan under the RFA for the review of regulations in existence as of January 1, 1981 is as follows:

(1) During 1982–1983, the Commission will solicit written comments from all interested persons on its regulations, in existence as of January 1, 1981, the effective date of the RFA, that may have a significant economic impact on a substantial number of small entities. At the present time the Commission believes that the regulations concerning the Commission's internal operations and regulations specifying administrative procedures for complying with obligations imposed by acts such as the Government in the Sunshine Act, the Privacy Act, the Freedom of Information Act, and the National Environmental Policy Act, would not have a significant economic impact on a substantial number of small entities. As a result, the Commission will not make an effort to solicit comments on the following regulations of Title 16 CFR Chapter II: Parts 1000, 1012, 1014, 1015, 1016, 1017, 1021, 1025, 1028, 1030, 1031, 1032, 1050, 1109, 1118, 1145. In addition, the Commission will not specifically solicit comments on existing regulations that have been substantially outdated by subsequent legislative amendments and will be updated or revoked by the Commission, such as the following regulations at Title 16 CFR, Chapter 11: Parts 1018, 1105, and 1110. However, the Commission intends to actively solicit comments on its other regulations in existence as of January 1, 1981. Although not all of these regulations are likely, in fact, to have a significant economic impact on a substantial number of small entities, the Commission believes that an assessment of the magnitude of the impact, if any, would be assisted by the process of soliciting and evaluating comments from interested persons, especially small entities. The Commission will attempt to solicit comments from as many affected small entities as possible. In order to accomplish this the Commission will, where feasible, contact small entities directly or through trade associations and trade publications, as well as by publication in the **Federal Register**. The Commission will also make an effort to contact those persons who submitted comments during the earlier rulemaking proceeding. The Commission will make available to the public the information obtained as a result of its rule review process conducted under the CPSA.

In an appendix at the end of this document, the Commission has listed the existing regulations under Title 16 CFR Ch. II that the Commission intends to review under section 610 of the RFA.

(2) By the end of 1984, the Commission will have completed the process of soliciting and receiving comments on all of its regulations in existence as of January 1, 1981. Based on the information received in comments, as well as any other available information, the Commission will also complete the process of assessing the degree of economic impact on small entities for each existing regulation. The Commission will publish the results of the assessment and identify those regulations that do and those that do not have a significant economic impact on a substantial number of small entities.

(3) During 1985–86, the Commission intends to complete the process of evaluating the information received and will consider staff recommendations for appropriate administrative action for those regulations that have the most significant economic impact on a substantial number of small entities. Any Commission actions based on these recommendations to minimize the economic impact on small entities will be consistent with the objectives of the statute(s) under which the regulation was issued.

(4) During 1987, the Commission intends to complete the process of evaluating the information received and will consider staff recommendations for appropriate administrative action for any other regulations that have a significant economic impact on a substantial number of small entities. Any Commission action based on these recommendations to minimize the economic impact on small entities will be consistent with the objectives of the statute(s) under which the regulation was issued.

B. Regulations Issued After January 1, 1981

The Commission's plan for the review of regulations issued after January 1, 1981 is as follows:

(1) For regulations issued from January 1, 1981 to January 1, 1984 that may have a significant economic impact on a substantial number of small entities the Commission will begin the review process in 1986. During 1986–1987, the Commission will solicit written comments from all interested persons on these regulations. By the end of 1988, the Commission will have completed the process of soliciting and reviewing comments on all of the regulations, and will have completed the process of assessing the degree of economic impact on small entities. The Commission will publish in the **Federal Register** the results of this assessment and will identify those regulations that do not have a significant economic impact on a substantial number of small entities. During 1989–1991 the Commission intends to evaluate the information received and will consider staff recommendations for appropriate administrative action for those regulations that have a significant economic impact on a substantial number of small entities. Commission action based on these recommendations will be consistent with the objectives of the statute(s) under which the regulations were issued.

(2) For regulations issued after January 1, 1984, the Commission intends to conduct a review process that is the same as that outlined above, involving a three year span of regulations and a process beginning 2 years after the last regulation was issued and extending for a maximum period of five years.

For regulations proposed after January 1, 1981, that have a significant economic impact on a substantial number of small entities, the RFA requires the Commission to prepare and make available for comment an initial regulatory flexibility analysis with a description of alternatives that minimize the economic impact while accomplishing the agency's objectives. Before issuing a final rule, the Commission must explain why each of the alternatives was rejected. These requirements should facilitate the review process for regulations proposed after January 1, 1981.

(5 U.S.C. 610, 94 Stat. 1169; Pub. L. 96–354)

Dated: September 4, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Appendix

The regulations that the Commission intends to review under section 610 of the Regulatory Flexibility Act are as follows:

Title 16 CFR Chapter II, Consumer Product Safety Commission

SUBCHAPTER A—GENERAL

Part
1009 General statements of policy or interpretation.
1019 Procedures for export of noncomplying products.

SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

Part
1115 Substantial product hazard reports.
1201 Safety standard for architectural glazing materials.
1202 Safety standards for matchbooks.
1205 Safety standards for walk-behind power lawn mowers.
1207 Safety standard for swimming pool slides.
1209 Interim Safety standard for cellulose insulation.
1212 Safety standard requiring Oxygen Depletion Safety Shutoff Systems (ODS) for unvented gas-fired space heaters.
1301 Ban of unstable refuse bins.
1302 Ban of extremely flammable contact adhesives.
1303 Ban of lead-containing paint and certain consumer products bearing lead-containing paint.
1304 Ban of consumer patching compounds containing respirable free form asbestos.
1305 Ban of artificial emberizing materials (ash and embers) containing respirable free form asbestos.
1401 Self pressurized consumer products containing chlorofluorocarbons; requirements to provide the Commission with performance and technical data, requirements to notify consumers at point of purchase of performance and technical data.
1402 CB Base station antennas, TV antennas, and supporting structures.
1404 Cellulose insulation.

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

Part
1500 Hazardous substances and articles; administration and enforcement regulations.
1501 Method for identifying toys and other articles intended for use by children under 3 years of age which present choking, aspiration, or ingestion hazards because of small parts.
1505 Requirements for electrically operated toys or other electrically operated articles intended for use by children.
1507 Fireworks devices.
1508 Requirements for full-size baby cribs.
1509 Requirements for non-full-size baby cribs.
1510 Requirements for rattles.
1511 Requirements for pacifiers.
1512 Requirements for bicycles.

SUBCHAPTER D—FLAMMABLE FABRICS ACT REGULATIONS

Part
1602 Statements of policy or interpretation.
1604 Applications for exemption from preemption.
1605 Investigations, inspections, and inquiries pursuant to the Flammable Fabrics Act.
1607 Procedures for the development of flammability standards.
1608 General rules and regulations under the Flammable Fabrics Act.
1610 Standard for the flammability of clothing textiles.
1611 Standard for the flammability of vinyl plastic film.
1615 Standard for the flammability of children's sleepwear: sizes 0 through 6X (FF 3–71).

Part

1616 Standard for the flammability of children's sleepwear: sizes 7 through 14 (FF 5–74).

1630 Standard for the surface flammability of carpets and rugs (FF 1–70).

1631 Standard for the surface flammability of small carpets and rugs (FF 2–70).

1632 Standard for the flammability of mattresses (and mattress pads) (FF 4–72).

SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS

1700 Poison prevention packaging.

1701 Statements of policy and interpretation.

1702 Petitions for exemptions from Poison Prevention Packaging Act requirements; petition procedures and requirements.

1704 Applications for exemption from preemption.

[FR Doc. 81-26851 Filed 9-11-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2 and 35

[Docket No. RM81-38]

Inclusion of Construction Work in Progress for Public Utilities; Notice Extending the Comment Period, Scheduling a Public Hearing and Establishing Service List

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice extending the comment period, scheduling a public hearing and establishing a service list.

SUMMARY: On July 27, 1981, the Commission issued a Notice of Proposed Rulemaking to amend its regulations regarding the inclusion of construction work in progress (CWIP) in rate base of public utilities to relieve severe financial difficulty (46 FR 39445, August 3, 1981). Requests have been received by the Commission to extend the comment periods and to schedule a public hearing. The Commission grants these requests to the extent set forth in the Notice.

DATES: Notice of intent to participate is due September 16, 1981. Comments are due by October 7, 1981. Reply comments are due by November 6, 1981. An opportunity for oral presentations is scheduled for November 19, 1981, and November 20, 1981. Requests to participate in the oral presentations are due by October 7, 1981.

ADDRESS: All filings should reference Docket No. RM81-38 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: James Hoecker, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357-9342.

SUPPLEMENTARY INFORMATION: September 4, 1981.

Requests have been received by the Federal Energy Regulatory Commission (Commission) to extend the period for filing comments in this docket. In addition there has been a request that the Commission schedule oral presentation of the issues raised by this rulemaking, and a request that the Commission provide a service list to facilitate the timely preparation of reply comments. The Commission grants these requests as provided in this order.

On July 27, 1981, the Commission issued a Notice of Proposed Rulemaking in this docket (46 FR 39445, August 3, 1981). The proposed rule focuses on the standards and the extent to which an allowance for construction work in progress should be included in rate base. As originally scheduled by that Notice, comments on the proposal were to be filed by September 23, 1981, and reply comments were to be filed by October 23, 1981.

The Commission scheduled the comment and reply comment periods described in the Notice having decided that three months would be an adequate period for interested persons to consider the comment upon this rulemaking. Although this rulemaking presents many issues of a complex and highly technical nature, the central issues have been discussed and analyzed by industry representatives, regulators, and academics for several years. The questions presented in the Notice and the requests for empirical data contained in that Notice will assist interested persons in transforming background information into concise and useful comments on this proposal.

Requests to extend the comment period in this rulemaking have been received from the American Public Power Association*, the National Rural Electric Cooperative Association (NRECA), and Mr. Joseph Swidler. The American Public Power Association requested that the comment and reply comment periods be extended by a total of four months and the NRECA requested a two and one-half month extension of time to file comments. In support of these requests, both cited to the complexity of issues, the need to retain experts, and anticipated data collection problems.

The extensions requested would serve only to delay substantially the resolution of the issues raised in this rulemaking. However, some additional time for collecting data and coordinating the formulation of responses to the specific questions raised in the Notice may be appropriate since August is traditionally a major vacation month. Therefore, the comment and reply comment periods are extended by a total of two weeks. Comments on the Notice of Proposed Rulemaking are due on Wednesday, October 7, 1981. The reply comments are due on Friday, November 6, 1981.

In addition to requests to extend the comment period, the Commission has also received a request from Morgan Stanley & Company, Incorporated, for a public hearing. A hearing in the accepted sense of the term will not be scheduled, however there will be an opportunity for oral presentations in connection with this proposal. Oral presentations will be scheduled for Thursday, November 19 and Friday, November 20, 1981, in Washington, D.C. The hearing will be held at the Offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. The time the proceedings will begin on each day of the hearing will be announced at a later date.

Requests for oral presentation of views should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should be filed no later than Wednesday, October 7, 1981. Requests should reference Docket No. RM81-38, should indicate the name of the person making the presentation and a phone number at which that person may be contacted, and should indicate the amount of time the person requests for oral presentation. Those having related interests in the rulemaking are encouraged to consolidate their presentations and the Commission reserves the right to group commenters having related interests for the purpose of oral presentation. The Commission will announce the procedures for the consolidated presentations when it determines that such procedures are necessary. Persons making oral presentations will be required to file 15 copies of their testimony with the Secretary no later than the day before the date of their oral presentation. A list of the participants and the room in which the presentation will be held will

*The request of American Public Power Association was joined by the "Public Systems" group.

be available in the Commission's Office of Public Information in Room 1000, 825 North Capitol Street, NE., Washington, D.C., prior to November 19, 1981, and will be available at the Commission on the morning of each day of the hearing. A transcript will be placed in the public file for this docket and be made available for inspection at the Commission's Office of Public Information.

Finally, on request of the "Public Systems" group, a list of participants to the written comment process will be provided to those participants to facilitate the service of initial comments and the filing of reply comments. In order for this to take place, any person intending to file written comments in this rulemaking proceeding shall notify the Secretary of the Commission in writing of that fact on or before September 16, 1981. A service list will then be prepared and mailed to those who have stated an intent to participate. Each person submitting initial comments to the Commission should serve a copy of those comments to those on the service list by the same day as the comments are to be filed, October 7, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28075 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Proposed Changes in Field Organization

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to change the field organization of the Customs Service as follows:

1. In the New Orleans Region, (a) establish a new Customs port of entry at Gramercy, Louisiana; and (b) revoke the designation of Gramercy, Louisiana, as a Customs station.

2. In the San Francisco Region, (a) revoke the designation of Annette Island and Tok, Alaska, as Customs stations under the jurisdiction of the Juneau, Alaska, district; (b) transfer jurisdiction of the Customs stations of Eagle, Haines, and Hyder from the Juneau to the Anchorage, Alaska, district; (c) revoke the designation of Kodiak, Pelican, Petersburg, and Sand Point, Alaska, as Customs ports of entry; and (d) designate Kodiak, Pelican, Petersburg, Barrow, Dutch Harbor, Fort Yukon, Kaktovik, Kenai, and Northway, Alaska, as Customs stations under the jurisdiction of the Anchorage, Alaska, district.

These changes are part of a continuing program to obtain more efficient use of Customs personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

DATE: Comments must be received on or before November 13, 1981.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Richard Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington D.C. 20229, (202-566-8157)

SUPPLEMENTARY INFORMATION:

Background

Gramercy, Louisiana

Gramercy, Louisiana, is currently a very busy Customs station in the New Orleans, Louisiana, Customs region (Region V). In reviewing the application of the South Louisiana Port Commission for designation of Gramercy as a Customs port of entry, Customs has found that the workload at this station has increased significantly over the past few years and now far exceeds the established workload standards used by Customs for creating a new port of entry. The Gramercy station now handles more than 2,000 cargo vessels annually. The minimum requirement recommended in Customs workload standards is 250 cargo vessels annually.

Accordingly, to provide the most economical and efficient service to the public and to meet the expanded needs of the importing community in the Gramercy area, it is proposed to establish Gramercy, Louisiana, as a new port of entry in the New Orleans, Louisiana, Customs district.

The port limits of the proposed port of entry at Gramercy, Louisiana, would include that portion of the Parishes of St. Charles, St. John the Baptist, and St. James, lying within the area bounded on the East where the longitude line of 90°27'30" intersects on the North at the latitude line 30°06' and intersects on the South at the latitude line of 29°57', and bounded on the West where the longitude line of 90°54' intersects on the North at the latitude line of 30°06' and intersects on the South at the latitude line of 29°57'.

Juneau and Anchorage, Alaska

As part of a general revision of the Customs Regulations, by T.D. 77-241, published in the **Federal Register** on October 5, 1977 (42 FR 54274), Part 1 of Title 19, Code of Federal Regulations (19 CFR Part 1), which sets forth the general provisions relating to the operation of the Customs Service including a listing of the Customs regions, districts, ports, and stations, was replaced with a new Part 101 (19 CFR Part 101).

One of the changes set forth in T.D. 77-241 was to amend § 101.4, Customs Regulations, to indicate that Annette Island, Eagle, Haines, Hyder, and Tok, Alaska, were Customs stations in the Anchorage, Alaska, district. Even though this change, which was made to reflect the transfer of the district office from Juneau to Anchorage, was published in the **Federal Register**, the amendment to § 101.4 was never made and that section still incorrectly indicates that these Customs stations are in the Juneau district. Accordingly, it is proposed to amend § 101.4 to indicate that these Customs stations are in the Anchorage district, rather than in the Juneau district.

In order to increase management effectiveness and adjust to the changing traffic patterns in Anchorage, Alaska, it is now considered desirable to abolish rather than transfer Annette Island and Tok as Customs stations. Further, the abolishment of the Customs stations at Annette Island and Tok is warranted by the fact that neither station has been staffed by Customs for some time now due to lack of requests for services. To provide the most economical and efficient service to the public and to meet the expanding needs of the importing public in the Anchorage area, it is also proposed to abolish Kodiak, Pelican, Petersburg, and Sand Point as ports of entry in Anchorage, Alaska, and designate Kodiak, Pelican, and Petersburg as Customs stations in the Anchorage district. All of these areas have peak activity during the summer fishing season and little or no activity at other times. Because there is relatively little activity at these locations at other times, it is not practical or feasible that they be retained as Customs ports of entry, but rather that they be designated as Customs stations. The workload at Sand Point is so small, it would not even be practical to retain it as a Customs station.

The result of the changes in § 101.4 is to abolish two Customs stations, Annette Island and Tok, Alaska, and to designate Customs stations in the Anchorage district as follows:

District	Customs stations	Port of entry having supervision
Anchorage, Alaska	Barrow, Alaska	Fairbanks.
	Dutch Harbor, Alaska	Anchorage.
	Eagle, Alaska	Alcan.
	Fort Yukon, Alaska	Fairbanks.
	Haines, Alaska	Dalton Cache.
	Hyder, Alaska	Ketchikan.
	Kaktovik (Barter Island), Alaska	Fairbanks.
	Kenai (Nikiski), Alaska	Anchorage.
	Kodiak, Alaska	Anchorage.
	Northway, Alaska	Alcan.
	Pelican, Alaska	Juneau.
	Petersburg, Alaska	Wrangell.

These change will update the description of the Alaska Customs field organization in the Customs Regulations. They will also help Customs to use its resources more effectively by abolishing Customs ports and stations which are no longer needed and by creating new stations where they are needed.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington D.C. 20229.

Executive Order 12291

These proposed amendments do not meet the criteria for a "major" regulation as defined by section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act Pub. L. 96–354, 5 U.S.C. 601, et seq.), the Secretary of the Treasury has determined that if promulgated, the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Customs routinely establishes, expands, and eliminates Customs ports of entry throughout the United States to accomodate the volume of Customs-related activity in various parts of the country. Although this proposal may have a limited effect upon some small entities in the affected areas, it is not expected to be significant because the establishment of Customs ports of entry in other locations has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act.

Authority

This change is proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101–5 (46 FR 9336).

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: August 31, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-26699 Filed 9-11-81; 8:45 am]

BILLING CODE 4810-22-M

19 CFR Part 162

Inspection, Search, and Seizure of Vessels by Customs Officers

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations relating to the boarding and search of vessels to: (1) permit Customs officers to board American vesels on the high seas for the purpose of examining the manifest and other documents and papers and examining, inspecting, and searching these vessels without first making a determination that there is probable cause to believe that such vessels are violating or have violated the laws of the United States; and (2) provide that Customs officers are authorized to assist any other agency in the enforcement of United States law on any vessel.

The proposed changes are designed to remove a potentially unnecessary barrier to the effective enforcement of customs and navigation laws consistent with constitutional and statutory principles.

DATE: Comments must be received on or before November 13, 1981.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the commissioner of Customs, Attention: Regulations and Information Division, Room 2426, 1301 Constitution Avenue, NW., Washington D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Dennis Cronin, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington D.C. 20229 (202–566–5476).

SUPPLEMENTARY INFORMATION:

Background

Section 162.3(a), Customs Regulations (19 CFR 162.3(a)), states in part that a Customs officer, for the purposes of examining the manifest and other documents and papers and examining, inspecting, and searching the vessel, may at any time go on board:

(1) Any vessel at any place in the United States or within the Customs waters of the United States;

(2) Any American vessel on the high seas, when there is probable cause to believe that such vessel is violating or has violated the laws of the United States.

The statutory authority for this regulation is section 581(a), Tariff Act of 1930, as amended (19 U.S.C. 1581(a)). However, recent judicial decisions, *United States v. Dominguez*, 604 F. 2d 304 (4th Cir. 1979), and *United States v. Warren*, 578 F. 2d 1058 (5th Cir. 1978) (*en banc*), *rev'g*, 550 F. 2d 219 (5th Cir. 1977), regarding 14 U.S.C. 89, which is substantially similar to 19 U.S.C. 1581(a), conclude that 14 U.S.C. 89 authorizes Coast Guard officers to board American vessels on the high seas without probable cause. These decisions, coupled with the absence of any constitutional or statutory requirement that probable cause be present before Customs officers board American vessels on the high seas, warrant the removal of the probable cause requirement from § 162.3.

Further, Customs frequently is called upon to assist other agencies in the enforcement of United States law upon vessels. In many instances, the statutes authorizing these agencies to seek assistance are similar to 14 U.S.C. 141(b), which states that "The Coast Guard, with the consent of the head of the agency concerned, may avail itself of such officers and employees, advice, information, and facilities of any Federal agency * * * as may be helpful in the performance of its duties."

Customs has determined that it would be advantageous to provide standing authority for Customs offices to assist officers of other agencies in enforcing the laws of the United States on any vessel instead of requiring the consent of the Commissioner of Customs on a case-by-case basis.

The present situation of massive smuggling of contraband by vessel and the need for swift and effective law enforcement response convinces Customs that it must not restrict its lawful authority to enforce the law with

respect to American vessels on the high seas.

Comments

Before adopting this proposal, consideration will be given to any wirtten comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations and Information Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington D.C. 20229.

Inapplicability of Regulatory Flexibility Act

Because the proposed changes are enforcement measures, the amendment is not expected to: have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from small entities through comments, either formal or informal.

Accordingly, the proposed amendment does not require a regulatory flexibility analysis under the provisions of Pub. L. 96–354, the "Regulatory Flexibility Act" (5 U.S.C. 601, *et seq.*).

Authority

These changes are proposed under the authority of R.S. 251, as amended, secs. 455, 581, 46 Stat. 716, as amended, 747, as amended; 19 U.S.C. 1455, 1581.

Drafting Information

The principal author of this document was Robert J. Pisani, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Proposed Amendments

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

It is proposed to amend § 162.3, Customs Regulations (19 CFR 162.3), in the following manner:

1. Section 162.3(a)(2) would be revised and a new paragraph (c) would be added to read as follows:

§ 162.3 Boarding and search of vessels.

(a) * * *

(1) * * *

(2) Any American vessel on the high seas; or

* * * * *

(c) *Assistance of other agencies.* Customs officers are authorized to assist any other agency in the enforcement of United States laws on any vessel.

William T. Archey,

Acting Commissioner of Customs.

Approved: August 26, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-26700 Filed 9-11-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 740

[FHWA Docket No. 81-8]

Relocation Assistance; Revised Interest Payments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The purpose of this amendment is to change the discount rate to be used when computing an interest differential payment for homeowners displaced by Federal or federally assisted highway projects. This amendment would eliminate the requirement that the discount rate must be the prevailing rate paid on passbook savings accounts.

DATE: Comments must be submitted on or before October 29, 1981.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 81–8, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Gerald Starkweather, Relocation Assistance Division, Office of Right-of-Way (202–426–0117); or Reid Alsop, Office of the Chief Counsel (202–426–0800), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours Monday–Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 203(a)(1)(B) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) provides that the replacement housing payment to displace homeowners, provided by section 203, shall include "The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any * * * comparable dwelling". The amount of such payment is to equal the total increase in cost for a mortgage of the same amount and term as was on the acquired dwelling, "reduced to discounted present value". Section 203(a)(1)(B) provides that "the discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located".

In implementing this provision FHWA provided in 23 CFR 740.74(c)(4) that the discount rate "shall be the prevailing rate of the interest paid on *passbook* savings account deposits by commercial banks in the general area in which the replacement dwelling is located". (Emphasis supplied.)

At the time the regulation was issued, interest rates for home mortgages were substantially lower, and the passbook savings rate was a reasonable rate to utilize. With the general escalation of interest rates and with the advent of the savings certificate, and its increased popularity, it is considered necessary to eliminate the requirement that computation of the interest differential payment be based upon the interest rate paid on passbook savings. The current regulation, which limits the discount rate to that paid on passbook savings account deposits has resulted in inordinately excessive interest differential payments.

The use of the passbook savings account rate of interest in computing the differential payment results in a final computed amount which is larger than if higher alternative rates (such as those paid by commercial banks on savings deposited in "certificates of deposit") could be used. Consequently, in certain instances displaced homeowners are currently provided differential payments which, when prudently deposited in these certificates, results in a windfall profit to such persons. In extreme cases use of the passbook rate can result in the computation of interest differential payments that exceed the unpaid balance of the displaced homeowner's mortgage.

Accordingly, FHWA is proposing to amend 23 CFR 740.74(c)(4) to eliminate any reference to passbook savings accounts. Similar changes would also be made in Appendix A to Part 740 which contains a "Format for Computation of Interest Payments". As amended, the regulation would be identical to the language in the statute.

This change would permit the displacing agency to utilize a discount

rate based upon the interest rate paid on accounts other than passbook savings accounts, such as the rate paid on certificates of deposit by commercial banks. It is estimated that this change would reduce the average annual interest differential payment by approximately 40 percent.

Displaced homeowners would still be fully compensated for their increased interest costs, as required by the Uniform Relocation Act. This change would merely eliminate unjustifiable windfalls that are possible under the current regulation because of the escalation of interest rates that have occurred since the regulation was promulgated.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. The FHWA has also determined that this action will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Mr. Gerald Starkweather of the program office at the address specified above.

Because of the growing seriousness of the problem set forth above, and the compounding of the problem as time goes by, the FHWA is requesting that all comments be provided to the agency within 45 days.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. 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)

(23 U.S.C. 315; 42 U.S.C. 4601 *et seq;* 49 CFR 1.48)

Accordingly, it is proposed to amend 23 CFR 740.74(c)(4) and Appendix A of Part 740 to read as set forth below.

Issued on September 3, 1981.

L. P. Lamm,

Executive Director, Federal Highway Administration.

PART 740—RELOCATION ASSISTANCE

1. Paragraph (c)(4) of § 740.74 is amended to read as follows:

§ 740.74 Replacement housing payments for 180-day owner who purchases.

* * * * *

(c) * * *

(4) *Discount rate.* The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

* * * * *

2. Appendix A to Part 740 is revised to read as follows:

Appendix A.—Format for Computation of Interest Payments

Required Information	
1. Outstanding balance of mortgage on acquired dwelling	$
2. Outstanding balance of mortgage on replacement dwelling	$
3. Lesser of Line 1 or Line 2	$
4. Number of months remaining until last payment is due for mortgage on acquired dwelling	
5. Number of months remaining until last payment is due for mortgage on replacement dwelling	
6 Lesser of Line 4 or Line 5	
7. Annual interest rate of mortgage on acquired dwelling	
8. Annual interest rate of mortgage on replacement dwelling (or, if it is lower, the prevailing annual interest rate currently charged by mortgage lending institutions in the general area in which the replacement dwelling is located) (percent)	
9. Prevailing interest rate paid on savings deposits by commercial banks (percent)	
10. If applicable, any debt service costs on the loan on the replacement dwelling, such as points paid by the purchaser which are not reimbursable as an incidental expense	$
Developing of Monthly Payment Figures	
A. Monthly payment required to amortize a loan of $—— (Line 3) in — months (Line 6) at an annual interest rate of — % (Line 7)	$
B. Monthly payment required to amortize a loan of $—— (Line 3) in — months (Line 6) at an annual interest rate of —% (Line 8)	$
C. Monthly payment required to amortize a loan of $—— (Line 3) in — months (Line 6) at an annual interest rate of —% (Line 9)	$
Calculation of Interest Payment	
Step 1—Subatract A from B:	
Monthly payment based on rate for replacement dwelling (B)	$
Monthly payment based on rate for acquired dwelling (A)	$
Result (difference)	$
Step 2—Divide result (difference) of Step 1 by C (carry to 6 decimal places)	$
Result (difference) from Step 1	$
Monthly payment based on savings rate (C)	$
Result (quotient)	
Step 3—Multiply outstanding balance of mortgage on acquired dwelling by result (quotient) of Step 2:	
Outstanding Balance (from Line 3)	$
Result (quotient) of Step 2 ×	
Result (product)	$
Step 4—Add to result (product) of Step 3 any debt service costs on the loan on the replacement dwelling:	
Result (product) of Step 3, first mortgage	$
Result (product) of Step 3, second mortgage[1]	$
Sum or difference, as applicable[1]	$
Add debt service costs on loan on replacement dwelling (Line 10)	$
Amount of interest payment	$

[1] If there is more than one outstanding mortgage on an acquired dwelling, the discounted value of each mortgage must be determined. To do this, a separate computation is made to each mortgage through Step 3. A consolidated Step 4 is then completed.

[FR Doc. 81-26556 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-22-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1927-1]

Commonwealth of Virginia; Proposed Revision of the Virginia State Implementation Plan AH300dVA

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: A revision to the Virginia State Implementation Plan (SIP) for the attainment of ozone and carbon monoxide standards was submitted to the Environmental Protection Agency (EPA) by the Governor on February 16, 1981. The intended effect of the revision is to meet the requirements of Part D of the Clean Air Act, as amended, "Plan Requirements for Nonattainment Areas."

This proposed rule provides a description of the proposed SIP revision, summarizes the previously submitted plan revisions, compares this revision to the requirements and any previously noted deficiencies, identifies major issues in the proposed revision, and proposes approval of the SIP revision, where appropriate.

DATE: Comments must be submitted on or before November 13, 1981.

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

U.S. Environmental Protection Agency, Air Media & Energy Branch (3AH13), Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Ms. Eileen M. Glen

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

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

All comments on the proposed revisions submitted within 60 days of publication of this Notice will be considered and should be directed to Mr. James E. Sydnor, Chief, WV/VA Section, at the EPA, Region III address cited above.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen at the above address or by telephone at 215/597-8187.

SUPPLEMENTARY INFORMATION: On April 4, 1979 (44 FR 20372) EPA published a Notice entitled "General Preamble for Proposed Rulemaking on Approval of State Implemented Plan Revisions for Nonattainment Areas." EPA supplemented the General Preamble on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). The general preamble supplements this proposal by identifying the major considerations that will guide EPA's evaluation of the submittal. The EPA invites public comments on this revision, the identified issues, the suggested corrections, and whether the revision should be approved or disapproved, especially with respect to the requirements of Part D of the Clean Air Act.

This section is divided into three categories entitled Background, Description and Evaluation, and Conclusion. The Background section outlines the development of the Virginia SIP revision and summaries actions already taken by EPA on related submittals. The Description and Evaluation section describes each area plan submittal and EPA's preliminary findings. The Conclusion category is a closing section which again requests public comments on today's proposed actions.

Background

New provisions of the Clean Air Act, enacted in August 1977, Public Law No. 95–95, require States to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each State to submit, to the Administrator, a list of the NAAQS attainment status for all area within the State. The Administrator promulgated these lists on March 3, 1978 (43 FR 8962) and on September 12, 1978 (43 FR 40502). This list was revised on June 27, 1980 at 45 FR 43412 to delete Smyth County from the list of designated nonattainment areas. Various portions of Virginia were designated as nonattainment for ozone and carbon monoxide. As a consequence, the Commonwealth of Virginia was required to develop, adopt, and submit to EPA revisions to its SIP for those nonattainment areas by January 1, 1979. These revisions must conform to requirements of Part D of the Clean Air Act and provide for attainment of the NAAQS as expeditiously as practicable. In accordance with these requirements, Maurice B. Rowe, Secretary of Commerce and Resource, acting on behalf of Governor John N. Dalton, submitted a revised SIP on Janury 11, 1979. This submittal was the subject of a final rulemaking on August 19, 1980 (45 FR 55180) conditionally approving the Commonwealth's ozone and CO Part D plan. Except as noted elsewhere in this notice, the conditions of approval specified in the August 19, 1980 rulemaking will be handled in a separate **Federal Register** notice.

Shortly thereafter, on February 8, 1979 (44 FR 8202), EPA revised the ozone standard from .08 to .12 ppm. As a result of this change in the ozone standard and the need to implement regulations in accordance with Round II Control Techniques Guidelines (CTG's), the Commonwealth revised its Part D nonattainment plan and submitted these revisions on December 17, 1979.

On May 15, 1980, the Commonwealth submitted Part D SIP revisions which dealt only with Chapter 9, Inspection/Maintenance (I/M), of the plan.

The December 17, 1979 and May 15, 1980 submittals were the subject of a proposed rulemaking published in the **Federal Register** on April 7, 1981 (46 FR 20692). We received several comments from citizen groups, industry and state officials. These comments are currently under review by EPA and final action will be taken shortly.

The subject of this Notice, is a February 16, 1981 submittal which deals only with the Richmond nonattainment plan. The plan revision contains the following major differences from the 1979 plan revisions:

1. An air quality analysis based upon more recent air quality monitoring data indicates that the Richmond nonattainment area can attain the ozone air quality standard by December 31, 1982. Therefore, the request for extension of the attainment date until December 31, 1987 is withdrawn for the Richmond nonattainment area.

2. Because of the new attainment date demonstration cited above, the provisions requiring the implementation of an inspection/maintainance program, the implementation of currently planned transportation control measures, and the analysis, adoption and implementation of additional transportation control measures are no longer required.

The following list summarizes the basic requirements for nonattainment area plans as contained in Section 172(b) of the Clean Air Act:

1. Evidence that the proposed SIP revisions were adopted by the State after reasonable notice and public hearing.

The February 16, 1981 submittal satisfies this requirement in that a Notice of Hearing was published in the *Richmond Times Dispatch* on December 22, 1980 and a public hearing was held on January 26, 1981.

2. A provision for implementation of all reasonable available control measures as expeditiously as practicable.

The February 16, 1981 plan makes no changes to this portion of the SIP and, therefore, EPA's previous comments are still appropriate. (45 FR 55228, August 19, 1980).

3. Provisions for reasonable further progress (RFP) as defined in Section 171 of the Clean Air Act.

Chapter 3 of the proposed Plan deletes and replaces the provisions contained in the corresponding chapters submitted January 11, 1979 and December 17, 1979 for the Richmond area only, provides a detailed schedule of emission reductions to be achieved each year, and appears to satisfy this requirement.

4. An accurate inventory of existing sources.

The February 16, 1981 submittal appears to satisfy this requirement.

5. An identification of emissions growth.

Chapter 3 of the February 16, 1981 submittal furnishes this information and appears to satisfy this requirement.

6. A permit program for major new or modified sources, consistent with Section 173 of the Clean Air Act.

This requirement was satisfied by the January 11, 1979 submittal. The December 17, 1979 submittal made several changes to the Commonwealth's permit program and they are discussed in the April 7, 1981 **Federal Register**. The February 16, 1981 submittal makes no changes to this portion of the plan.

7. An identification of and commitment to the resources necessary to carry out the plan.

The Commonwealth commits itself to assign resources as required or needed to carry out the requirements of the SIP. Although this commitment is contingent upon the constraints set by the Governor and the General Assembly, as well as upon the level of Federal funding received, EPA believes it to be sufficient.

8. Contain emission limitations, schedules of compliance and such other measures as may be necessary to attain the standards.

Chapter 7 of this plan revision contains provisions intended to supplement the provisions contained in the corresponding chapters submitted January 11 and December 17, 1979. See below for detailed discussion of this requirement and the Commonwealth's submittal.

9. Evidence of public, local government and State involvement and consultation.

Chapter 11 of the February 16, 1981 submittal details the Commonwealth's compliance with this requirement.

10. Evidence of the enforceability of the regulations and compliance schedules as well as a commitment to implement and enforce the appropriate elements of the plan.

The Commonwealth has long had the legal authority to adopt and enforce regulations pertaining to stationary sources.

11. In areas where attainment will not be achieved until December 31, 1987, the plans must satisfy several requirements.

The Commonwealth believes it now demonstrates attainment of the ozone standard by December 31, 1982 in the Richmond area. EPA agrees with this demonstration and, therefore, any requirements of No. 11 above are no longer applicable to the Richmond area.

The following is a list of Virginia's submittals dealing with nonattainment area plans and a summary of EPA actions thus far:

January 11, 1979: The plan addressed attainment of the .08 ppm ozone standard and installation of RACT for certain sources of volatile organic compounds. EPA published its final rulemaking on August 19, 1980 (45 FR 55180) approving, in part, this submission. At the same time, EPA conditionally approved certain portions and proposed deadlines for correcting the deficiencies (45 FR 55228).

September 7 and 21, 1979: These submittals proposed numerous revisions to the Virginia SIP including the nonattainment area plans. Those portions of these submittals which specifically addressed deficiencies in the January 11, 1979 submittal were approved in the August 19, 1980 rulemaking. The balance of these submittals are being addressed in a separate rulemaking.

December 17, 1979: This plan addresses attainment of the .12 ppm ozone standard and installation of RACT for nine new categories of VOC sources. In addition, Chapter 3, Control Strategy Demonstration, containing the revised design value for Northern Virginia was included in this submittal. It was approved in the August 19, 1980 rulemaking (45 FR 55180).

May 15, 1980: This submittal includes the statutory authority for the implementation of an I/M program and a revised Chapter 9 for the Richmond and Northern Virginia area plans only.

February 16, 1981: This submittal, the subject of today's Notice, pertains to the Richmond area only and is described below.

Chapter 5—Regulations

This submittal contains no changes to Chapter 5.

Chapter 6—Emission Inventory

This submittal contains provisions intended to delete and replace the provisions contained in the corresponding chapters submitted on January 11 and December 17, 1979. The inventory, which EPA had previously questioned (see 46 FR 20692, April 7, 1981), now appears to be acceptable.

Chapter 7—Compliance Schedules

This chapter describes the historical procedure for dealing with compliance and the new requirements of Section 120 of the Clean Air Act which allows a maximum of three years for a source to comply with a new or more stringent emission standard.

The February 16, 1981 plan contains three alternate compliance schedules submitted pursuant to Section 4.02(f) of the Commonwealth's regulations.

EPA requested additional information and supporting material for each of these schedules. This data was submitted as an addenda to the SIP by the Commonwealth on May 27, 1981 and EPA's preliminary findings are detailed below:

J. W. Ferguson & Sons, Inc. is a rotogravure packaging printer subject to the regulations in Section 4.55(m)(2) and has requested an extended compliance schedule pursuant to Appendix N of the Commonwealth's Regulations. Section 4.02(f) is the regulatory authority which provides for such alternate compliance schedules but it does state in § 4.02(f)(7) that alternate compliance schedules must contain the same increments of progress as those in Appendix N.

Description and Evaluation

The following is a brief of the proposed SIP revision submitted on February 16, 1981 and a summary of EPA's preliminary evaluation:

Chapter 2—Air Quality Monitoring Data Analysis

This chapter deletes and replaces the material submitted on January 11, 1979 and December 17, 1979 by the Commonwealth. It contains the design value, the statistical procedures, and monitoring methods used to demonstrate attainment and/or reasonable further progress toward attainment of the standard. EPA believes the material contained therein is acceptable.

Chapter 3—Control Strategy

This chapter deletes and replaces the material submitted on January 11, 1979 and December 17, 1979 by the Commonwealth. It also contains a plan for tracking growth and Reasonable Further Progress.

This chapter also provides for the accommodative concept in dealing with new source growth in nonattainment areas. By letter dated April 15, 1980, the Commonwealth confirmed that any offsets required to allow new source growth would be processed under this system. However, the Commonwealth also agreed that should additional offsets be necessary, the administrative procedures contained in the EPA Emission Offset Interpretative Ruling would be followed.

EPA believes the material contained therein is acceptable.

Chapter 4—New Source Review (NSR)

Chapter 4 is merely a summary of the Commonwealth's NSR program and is not affected by this submittal.

The Company's compliance plan submitted to the Commonwealth on June 3, 1980 contains many increments regarding its schedule for conversion to low-solvent technology and a final compliance date of January 1, 1984. However, several of the increments in this plan differ from those contained in the Company's letter of September 10, 1980. In addition to this discrepancy, the submittal included no letter, variance or other document from the Commonwealth to the Company confirming its approval of the extended compliance schedule and stating the exact increments of progress to be achieved.

EPA has reviewed all the material submitted by the Commonwealth and believes the extended compliance schedule is acceptable. However, before final action can be taken, the above-cited deficiencies must be corrected.

Westvaco Corporation operates three (3) printing plants in the City of Richmond:

1. Plant No. 1 at 320 Hull Street
2. Plant No. 2 at 401 Stockton Street
3. Milk Carton Plant at 2828 Cofer Road

Westvaco is also building a new facility at 3001 Cofer Road.

EPA's preliminary review of this submittal has uncovered several problems. The Company is not merely requesting an extended compliance schedule but is proposing to "bubble" the emissions from the existing plants and possibly those from the new facility. The existing plants are subject to the regulations contained in Section 4.55(m) and the proposed new facility may be subject to new source review requirements.

The plan submitted by Westvaco to the VASAPCB on April 14, 1980 and subsequently submitted to EPA by the Commonwealth on May 27, 1981 contains no emissions data for any of the plants, no control equipment data, no percentage of efficiency calculations or discussions, and no details or discussion comparing its program with the requirements of Section 4.55(m). Furthermore, because the material does not include any emissions data, we are not certain if the new facility constitutes a "major" source and is thus subject to the LAER (Lowest Acheivable Emission Rate) and offset requirements.

As with the Fergusson schedule discussed above, the Commonwealth's submittals of February 16 and May 27, 1981 do not include any documents from the Commonwealth to the Company officially approving or denying Westvaco's request for an extended compliance schedule and "bubble". There is also no copy of any State permit that may have been issued to Westvaco approving the construction of a new source. This information is necessary to clarify whether the new facility's emission offsets are part of the bubble for the existing plants.

EPA cannot approve the Westvaco proposal until the above deficiencies are remedied.

Reynolds Metals Company operates two graphic arts facilities in Richmond which are subject to Section 4.55(m); these are the Richmond South and Bellwood Printing plants. The Company proposed to bring the Richmond South plant into compliance by December 31, 1982 through the use of a low solvent technology and incineration with heat recovery. The control program for the Bellwood Printing plant consists of low solvent technology, incineration with heat recovery, and equipment replacement. The proposal calls for compliance by certain operations by December 31, 1982 and final compliance of all operations by December 31, 1984.

As a result of our preliminary review, EPA again found that the submittal contained no detailed, line-by-line, emissions data, efficiency calculations or comparisons of the Company's projected control program with the requirements of section 4.55(m). Also, again, there is no documentation in this submittal from the Commonwealth to the Company approving or denying its proposed program, setting forth increments of progress in accordance with Appendix N and establishing a final compliance date. These deficiencies must be corrected before EPA can take final action on the proposed control program.

EPA has recently discussed all of the above-mentioned problems with the Commonwealth and will continue to work with the VSAPCB staff and company officials to resolve them.

Chapter 8—Resources

The February 16, 1981 submittal makes no changes to the chapter.

Chapter 9—Inspection/Maintenance

The February 16, 1981 submittal repeals the provisions contained in the corresponding chapters submitted January 11, 1979, December 17, 1979 and May 15, 1980.

As a result of more recent air quality monitoring data, the control strategy demonstration (see Chapter 3) now shows that the implementation of this measure in the Richmond nonattainment area is not required.

Chapter 10—Transportation Source Measures

This submittal proposed deletion of many of the provisions of this chapter as submitted on January 11, 1979.

Since the submittal of the above-mentioned chapter, the control stragtegy for the nonattainment area has been revised and now shows that the ambient air quality standard will be attained on or before December 31, 1982 without the implementation of any transportation source measures. Therefore, the State proposed to withdraw those portions of the January 11, 1979 revision of this chapter relative to Items 2 thru 5 of Chapter 10. They do not propose to evaluate, adopt or implement any future transportation measures. Withdrawal of transportation control measures for the Richmond nonattainment area appears to be acceptable.

Chapter 11—Intergovernmental Responsibilities, Legal Authority, Consultation

The Commonwealth has certified that the appropriate public hearings were held in accordance with State and Federal regulations and procedures.

Chapter 12—Analysis of Effects

This section should be revised to demonstrate what effects, if any, the new regulations will have.

Conclusion

The public is invited to submit, to the address stated above, comments on whether the proposed amendments to the Commonwealth of Virginia air pollution regulations should be approved as a revision of the Commonwealth's SIP. The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination of whether the amendments meet the requirements of Part D and Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans. Deficiencies in the Commonwealth's plan that are not corrected may be cause for conditional approval or disapproval of the proposed revisions to the SIP.

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, if promulgated, only approves State actions and imposes no new requirements.

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

Pursuant to the provisions of 5 U.S.C. Section 605(b) 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. See 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. 7401–7642)

Dated: July 29, 1981.

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 81-26692 Filed 9-11-81; 8:45 am]

BILLING CODE 6560-85-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Ch. I

[CGD 80-136]

Maneuvering Performance Standards for U.S. Flag Vessels

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering development of performance standards and regulations for the evaluation of the maneuvering and stopping characteristics of new vessels: ocean-going tank vessels carrying oils and hazardous materials, passenger vessels, cargo and miscellaneous vessels, and Great Lakes

bulk carriers. Accompanying the standards will be standardized trials maneuvers designed to verify the vessel's maneuvering performance, and to provide the information on maneuvering already required to be posted in the pilothouse.

These performance standards would supplement the existing operations oriented requirements (or example 46 CFR 35.20-40) for the display of a maneuvering information fact sheet in the pilothouse. It is anticipated that the performance standards—a set of maneuvering indices—would be based on the performance of existing vessels, and would provide ship owners, designers, builders, pilots, masters, port authorities, and law enforcement officials with a means to assess a vessel's inherent maneuverability. The regulation effort, to the extent that it applies to tank vessels, would result in the implementation of certain portions of the Port and Tanker Safety Act of 1978.

DATE: Comments must be received on or before January 12, 1982.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/44)(CGD 80-136), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying from 7:00 am to 5:00 pm, Monday through Thursday, at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, 202-426-1477.

FOR FURTHER INFORMATION CONTACT: Mr. H. Paul Cojeen, 202-426-2197.

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 80-136), and include sufficient detail to indicate the basis on which each comment is made. Information that is proprietary should be indicated on the letter accompanying the data. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard. Persons wishing to be placed on the mailing list for documents issued in connection with this project should submit their names and addresses; acknowledgment that they are on the list will be sent if a stamped self-addressed postcard is enclosed. No public hearing is planned at this stage. The Coast Guard will determine whether or not to proceed with regulatory action after the comments on this advance notice have been evaluated. Any proposed regulations will be prepared after consideration of all comments received.

Drafting Information

The principal persons involved in drafting this proposal are Mr. H. Paul Cojeen, Ship Design Branch, Merchant Marine Technical Division, Office of Merchant Marine Safety, and Michael N. Mervin, Project Counsel, Office of the Chief Counsel.

Discussion

The Coast Guard contemplates: (1) Developing a technical basis using the inherent maneuvering performance characteristics of existing vessels; (2) determining those characteristics which best describe maneuvering performance; and (3) establishing a performance rating system for the maneuvering characteristics. For each new vessel, the Coast Guard contemplates: (1) Establishing the preliminary maneuvering characteristics through plan review and assignment of "tentative" ratings; (2) establishing the final performance ratings through maneuvering trials performed in conjunction with the builder's trials; and (3) encouraging supplementary trials to provide more operationally related maneuvering information.

Establishing a technical basis, developing regulations, responding and incorporating comments from the public and industry, and providing the necessary supporting information for implementation of somewhat new and complex performance standards for merchant vessel maneuvering require participation of nearly everyone in the marine industry. To this end, this advance notice is addressed to each group involved in the industry:

- Ship owners and operators—The proposed performance standards might be useful for guidance when purchasing or chartering a vessel, and evaluating ship entry into an unfamiliar port.
- Ship designers—The standards might serve as a guide for design to ensure that inherent controllability is considered in a systematic manner.
- Shipbuilders—Standardized maneuvering trials might complement the existing builders trials.
- Pilots, masters and unions—The discussions demonstrate the Coast Guard's concern for the overall problems of collisions, rammings, and groundings, and the part these contemplated regulations may play; the resulting maneuvering performance indices, when related to the experience of a pilot or master, could aid in the assessment of the safety procedures required.
- Port authorities and the public—The contemplated regulations might lead to both safer and more efficient commerce.
- National and international shipping interests—It is desired that the approach, and its relation to other efforts be understood, including the need for additional data from world-wide sources.
- Captains of the Port and Marine Safety Offices—Vessel maneuvering information could be a useful aid to consideration of port entry and operating conditions, especially under adverse conditions where pollution or hazardous situations might result.

Background and Project History

A master or pilot performs many functions during port entry and harbor navigation. He must have the ability to compensate for many quirks of the vessel and the waterway; but he should not bear responsibility for a vessel with marginal maneuvering characteristics. The master should be able to depend on the ship to maneuver reliably and predictably, which implies that the ship should possess adequate maneuvering characteristics.

This could be based largely on existing "good vessel" maneuverability data. Results from mathematical simulation and full scale trials show that most vessels are maneuverable, and can be handled in a reliable and predictable manner. This is not to say that all vessels maneuver in the same way. The maneuvering characteristics of a vessel are determined by its physical dimensions, the shape of its hull, its power, and the size, type, and location of its rudder. With such design variables, the maneuvering characteristics of ships of conventional design vary widely. In some designs where the owner expressed concern about maneuvering, and requested additional design studies, maneuvering capabilities have been enhanced.

The numerous maritime accidents (ARGO MERCHANT, SANSINENA, OLYMPIC GAMES, MARINE FLORIDIAN) that occurred during the winter of 1976/77 both here and abroad resulted in renewed national and international efforts to reduce the risk of oil pollution from tank vessels. Collisions, rammings and groundings (CRG) continue to occur (MIMOSA/BURMAH AGATE, MASON LYKES/AMOCO CREMONA, AMOCO CADIZ, SEADANIEL/TESTBANK, METULA, AEGEAN CAPTAIN/ATLANTIC EMPRESS, TEXACO NORTH DAKOTA, INDEPENDENTA/EVERYALI, TUPAC YUPANQUI/PANAMA CITY, SUMMIT VENTURE) and remind the Coast Guard

and industry that vessel maneuvering abilities need to be considered. CRGs are a significant source of economic loss and pollution, and one way to reduce the cost is to reduce the number of accidents.

One solution proposed an improvement in the maneuvering and stopping capabilities of large tankers. That premise was evaluated by Card, et al. (1979) in a report[1] to the President. The report, which was forwarded to the President by the Secretary (20 November 1979), concluded that vessels could be designed to maneuver safely and reliably. At present, however, there are no national or international design standards for maneuvering performance.

This project is a step towards implementation of the Port and Tanker Safety Act of 1978 (46 U.S.C. 391a). Subsection (6)(A) of that Act requires the Secretary (i.e., the Coast Guard) to:

"* * * issue * * * regulations for the design, construction, alteration, repair, maintenance, operation, equipping * * * of vessels to which this section applies as may be necessary for increased protection against hazards to life and property, for navigation and vessel safety, and for enhanced protection of the marine environment * * * the regulations * * * shall include but not be limited to standards to improve vessel maneuvering and stopping ability and other features which reduce the possibility of collision, grounding or other accidents * * *"

To accomplish a significant reduction in the number and severity of collisions, rammings, and groundings (CRG), the Coast Guard is pursuing a multi-phased and coordinated effort:

- Posting information on maneuverability.
- Establishing ratings for the inherent maneuvering abilities of vessels.
- Developing bridge design and visibility standards.
- Studying the human aspects of vessel control.
- Developing steering component reliability standards.
- Standardizing navigation rules and aids.
- Evaluating the need for vessel traffic systems.

This project relates to the second item, with the expressed intent of eliminating outliers. Regulations are contemplated only for new U.S. flag vessels, but may have a wider application if the studies and standards are well conceived. Since there are no standards currently available, a well established and sensible technical basis, and reasonable and simple standards would probably be used by ship owners and designers throughout the world.

An international effort is being planned through the auspices of IMCO, which will rely on the results of this project.

The utilization of tugs has been investigated in joint Coast Guard, Maritime Administration and industry programs. Tugs show promise for propulsion and rudder system assistance in emergency situations at low speeds, but are not a substitute for inherent maneuvering capabilities.

Approach

Five maneuverability ratings (A through E), would have the advantage of the quantification of performance into several categories, i.e., outstanding (A and B), average (C and D), and poor. Inherent maneuverability ratings should aid a new master, the pilot, and the Captain of the Port in assessing each vessel's controllability. To assist in the development of ratings, the maneuvering performance of those vessels known by pilots and masters for their "good" performance will be looked at and carefully compared to the majority of the vessels. Comparison of the performance of "bad actors" or outliers would be extremely beneficial, but their identification may prove difficult because of the potential liability aspects.

The final maneuverability performance ratings for each new vessel might be established by use of full scale maneuvering standarization trials which, through a trials agenda, would be integrated with existing builder's trials. These trials would be used to establish the final maneuvering indices based on certain neasures of ship controllability. Three possible measures are:

(1) Turning Ability—

- Turning circle would provide heading angle, path, and speed using shorebased tracking.
- Auxiliary device (lateral thrusters, etc.) performance would be determined for the posting of information on the bridge.

(2) Coursechanging Ability—

- Z-maneuvers would provide rudder angles and times to determine the overshoot angle at full speed.

(3) Stopping Ability—

- The stopping maneuver would provide times and distance from the execution command. The path and heading of the vessel would be recorded with tracking equipment. The performance is highly dependent on vessel speed, and would provide the most information if executed at the vessel maneuvering speed—6 to 8 knots.

A secondary set of trials would be performed (in-service) by the ship's personnel shortly after the vessel is delivered. The purpose would be to provide additional information for the maneuvering display under actual operating conditions, fully loaded, and in more realistic water depths. The trials might include:

Turning Ability—

- Turning circle—can be performed at a different water depth at fully loaded draft, which is especially important for cargo and miscellaneous vessels.
- Accelerating turn can illustrate the potential for its use as an evasive maneuver, as in the rudder kick maneuver.

Coursekeeping Ability—

- Performance in wind and currents, and in shallow water can be incorporated in display and maneuvering information.

Coursechanging Ability—

- Z-Maneuver—the effect of wind, current, and seas, the execution at various speeds, and the relationships with turning diameter are important for the display and maneuvering information.

Stopping Ability—

- Stopping trials based on various engine settings can illustrate the effect of speed on stopping performance. Trials in shallow water, and with different rudder positions, can be performed.

Request for Data, Information, and Comments

There are many factors to be considered in developing the technical basis and regulations related to maneuvering performance. Some of them, along with background or explanation and questions, are posed.

The Coast Guard has collected information on turning and stopping, but needs more Z-maneuver information, especially deep water trials for fully loaded cargo and miscellaneous vessels. The angle and the time to the first overshoot can be obtained by ships' officers, without recording the vessel track.

Question 1. Could ship owners and operators perform 20/20 Z-maneuvers and provide the Coast Guard with overshoot angles and times?

Other maneuvering information—turning circles, Z-maneuvers and crash astern maneuvering trials that have been conducted with Hi-Fix or Radist tracking—are needed. The ship (load conditions, drafts, approach speeds) and environmental (wind, sea and current) conditions are required for both Z-

[1] "Report to the President on an Evaluation of Devices and Techniques to Improve Maneuvering and Stopping Abilities of Large Tank Vessels", Coast Guard Report CG-M-4-79, September 1979. NTIS AD A082711. Copies may be obtained from the National Technical Information Service, Springfield, VA 22161.

maneuvers and standardization trials data. To correlate the trials data, the following additional information would be helpful: hull form characteristics, the general configuration of the afterbody, the forebody configurations if vessel is fitted with a bulbous bow, the rudder area, the type of machinery, and the speed/RPM curve.

Question 2. Would ship owner provide us with maneuvering information gathered during shipyard builder's trials?

Certain owners and operators have conducted extremely thorough maneuvering trials during acceptance trials, or after their vessels have been delivered, using a fixed positioning buoy or precision navigation systems, such LORAN C or DECCA chains, to record the ship track. Results of these trials [2] would be used in the same manner as the shipyard builder's trials.

Question 3. Would owners supply the Coast Guard with these maneuvering trials results? Has the Coast Guard identified the important measures of controllability?

The ratio of rudder area to submerged area used currently in shipyards and design offices can be extremely valuable to the Coast Guard when formulating the alternate performance standards.

Question 4. Would shipyards and designers supply the Coast Guard with these and other design-oriented relationships?

Since some of this data is proprietary, the results that will be published will contain curves and relationships derived from data analysis for many vessels, with no reference to vessel name or owner. The results will be used to show the trends and pertinent features associated with the maneuvering performance by type of vessel. The raw data will be held in confidence and not released in any form.

Various reports will be prepared and distributed during the project, including the Technical Basis in the Fall 1981, and the Alternative Performance Standards in the Winter 1981/82. See Supplementary Information for inclusion on distribution list.

Question 5. Would interested parties provide comments on the above reports?

The costs of implementing the standards, for example, in the form of a five or ten percent increase in rudder area, might be from three sources: additional design, construction, and trials costs. The Coast Guard anticipates that the economic impact will be "insignificant," since the performance is adequate for the majority of the vessels which are being used to establish the basis. If the increased rudder area is assumed, the following rough estimates per vessel are based on four vessels of the same class:

Design	$25,000
Construction	$25,000
Trials	$40,000

Question 6. Could ship owners and shipbuilders comment on the above assumed cost estimates, and suggest direct or indirect benefits of having design and contract guidance for maneuvering performance?

Maneuvering devices (e.g. lateral thrusters) may be desired by operators to supplement the inherent performance of the vessel.

Question 7. Should devices be considered as a replacement for inherent maneuvering performance, especially since they are effective only at low speeds? How would your operations be compromised if the device were inoperative?

Question 8. There are some inherent features of vessels that appear to be linked to poor vessel maneuverability. Ship owner, designer, and pilot association member comments are solicited:

- Stopping—inability or excessive time required to restart diesels in the astern direction?
- High minimum maneuvering speed of large direct drive diesels?
- Lack of control during stopping?
- Vessels of unusual hull form that may not be considered during the establishment of the technical basis?
- Single rudder/twin screw—greatly reduces rudder effectiveness?
- Excessive above water lateral area compared to underwater area, especially in ballast or partial load condition?

Various technical and professional authorities have advocated that maneuvering indices should be given in absolute terms since harbors and waterways are finite. Conversely, the technical basis (and maneuvering indices) will probably be based on non-dimensional parameters in an effort to compress and systematize the trials results.

Question 9. Would maneuvering indices that related to dimensional terms provide the ship owner, design agent, pilot, or master with the most information? What would be the most useful form?

Alternatives

One of the major purposes of the advance notice is to explore the alternatives which could conceivably cover the range between doing nothing, and proposing detailed design and equipment regulations. The final decision will probably be somewhere between the two extremes, and will be based on the responses from this advance notice, the NPRM, if any, pressure for international standards, and the balancing of the costs with the benefits. The Coast Guard suggests the following alternatives for consideration and comment:

Alternative A: Do nothing.

Alternative B: Guidance on maneuvering performance for commercial vessels.

Alternative C: Regulations on tank vessel maneuvering performance and guidance for other vessels.

Question 10. What would be the effect on the overall safety aspects related to collisions, rammings and grounding (CFR) if only tank vessels were required to comply with standards?

Alternative D: Issue regulations for all new commercial vessels—This would include cargo and miscellaneous vessels (including Great Lakes vessels), passenger vessels, and tank vessels carrying oils and hazardous materials.

Question 11. Would standards derived by IMCO without substantial "influence" from domestic interests by advantageous to U.S. ship owners, pilots, designers, or the public in general? How should the timing of final rules and IMCO standards be related?

Question 12. Would ship owners consider paying extra for a vessel to get one with outstanding maneuvering indices (A/A/B/A), rather than one with poor performance (C/C/D/C)?

Alternative E: Issue regulations allowing the use of tugs or maneuvering devices in lieu of inherent maneuvering performance.

Question 13. Would ship owners accept the economic losses of not being able to enter a harbor due to the unavailability of tugs, or the breakdown of devices?

Question 14. Considering the operating costs for tugs, and the additional studies needed to determine tug requirements, would it be preferable to use tugs or to incorporate maneuverability based design features from the point of view of the cost/benefit relationship?

Alternative F: Issue regulations to improve the performance of new and existing commercial vessels.

Analyses and Assessments

Various Executive Orders, Acts of Congress, and publicly stated administration policies have set out

[2] Additional information can be obtained from the Society of Naval Architects and Marine Engineers, One World Trade Center, Suite 1369, New York, 10048: *Code for Sea Trials*, 1973, and *Ship Design and Construction*, 1980.

specific procedures that agencies should follow for the promulgation of regulations. In general, the purpose of these procedures is to ensure that regulations are not undertaken unless the potential benefits to society outweigh the potential costs (Executive Order 12291), that the competitive posture of small business entities are not compromised as compared to larger ones (Regulatory Flexibility Act), and that the public is not burdened unduly with Federal paperwork requirements (Paperwork Reduction Act).

Regulatory Impact Analysis—Executive Order 12291 requires an agency to prepare a Regulatory Impact Analysis if the proposed regulation is a "major rule." This Analysis must contain a cost/benefit analysis of the alternative approaches that were considered.

There are certain guidelines that agencies are required to use to determine whether a proposed regulation is considered a major rule. A major rule would: have an annual effect on the economy of $100 million or more; result in major increases to costs or prices for consumers, individual industries, or federal, state, or local governments; or have a significant adverse effect on competition, employment, productivity, or the ability of United States based enterprises to compete in the world market.

Question 15. Would maneuvering regulations affect the economy, result in major increased costs to the maritime industry, or have an adverse effect on competition, and thus be deemed a major rule?

The Coast Guard submits that reducing marine casualties (from all causes) can provide a net benefit to society. We plan to include in the cost/benefit analysis the direct and indirect losses to the ship owner and to society of representative marine casualties. The direct losses might include: repairs to the vessels, loss of the cargo, loss of the earning capability of the vessel, and salaries and wages for crew members to testify at inquiries, boards, and trials. The indirect costs, though somewhat harder to estimate, are, we feel, valid and are significant. These might include: preparation of testimony including civil suits related to the loss of lives and property, payouts from law suits, losses through diminished reputation with customers, loss of the use of a highway or bridge, loss of fisheries, recreational and other irreplaceable resources, costs to the Coast Guard and waterways users of search and rescue efforts, costs for the investigations (Coast Guard, National Transportation Safety Board, underwriters/hull insurers, owner/operator, pilots associations) report preparation, Congressional testimony and subsequent lawsuits.

Question 16. Are these losses reasonable, and to what extent should they be considered in a complete cost/benefit analysis?

Question 17. Could owners provide cost (both direct and indirect) estimates for use in the cost/benefit analysis?

Regulatory Flexibility Analysis—The Regulatory Flexibility Act requires that the agency consider whether the proposed rules would cause a significant impact on a substantial number of "small business" entities. Small business entities are defined in the Small Business Act as independently owned and operated, and not dominant in their field.

Question 18. Does your business qualify as small?

It may be desirable to incorporate a new data point into the technical basis. The new data point would be established once the first of a class has been tested. This would provide a feedback to the owner and designer, and expand the technical basis (data base).

Question 19. If the Coast Guard were to establish the new data point formally as a "reporting requirement" with the Officec of Management and Budget (OMB), would reporting the results of the trials be considered a significant burden? Could you provide an estimate of the cost and hours to prepare such a report?

A draft regulartory evaluation, including the regulatory flexibility analysis will be developed by the Coast Guard and placed in the file, if the rulemaking proceeds to the NPRM stage. The Coast Guard does not anticipate that the rules developed from this advance notice will meet the criterion for a "major" rule, requiring a full Regulatory Impact Analysis.

If rulemaking continues, an environmental assessment will be prepared to determine the probable effects of maneuvering performance standards. It is not anticipated that an Environmental Impact Statement will be required. The assessment will be placed in the public file.

Participation

The Cost Guard welcomes public comments, critique, and suggestions on this rather complicated and lengthy advance notice. We have allowed an extended period for review of the advance notice, and are planning to distribute additional documents and reports. This approach is designed to fulfill the requirements of the Ports and Tanker Safety Act for consulting with, and receiving and considering the views of other agencies, the maritime community, and environmental groups, during development of regulations.

(46 U.S.C. 369, 391a, 49 U.S.C. 1655(b), 49 CFR 1.46(b))

Dated: September 2, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-26701 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 21, 74, and 94

[Gen. Docket No. 79-188; RM-3247; RM-3497; FCC 81-388]

Amendment of the Commission's Rules With Respect to Digital Termination Systems

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: In anticipation of a great demand for radio services offered over Digital Termination Systems (DTS), the Commission proposes to allocate a portion of a specific GHz band for DTS and associated point-to-point intermodal links to supplement recently allocated GHz band for DTS.

The Commission proposes to authorize private entities as DTS licensees at specific GHz bands. Also, in response to a rulemaking petition to rechannelize the 18 GHz band, the Commission proposes to channelize another portion of the band to accommodate narrowband point-to-point operations.

DATES: Comments must be received by November 2, 1981 and replies by December 2, 1981.

ADDRESS: Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Kenneth R. Nichols, Office of Science, and Technology, 2025 M St., N.W., Washington, D.C. 20554 (202) 632-7025;

Kevin J. Kelley, Domestic Facilities, Common Carrier Bureau, 1229 20th Street N.W., Washington, D.C. 20554 (202) 632-6430, Room A-326.

SUPPLEMENTARY INFORMATION:

[General Docket No. 79-188; RM-3247, RM-3497]

Further Notice of Proposed Rulemaking

In the matter of amendment of Parts 2, 21, 74 and 94 of the Commission's Rules to allocate spectrum at 18 GHz for, and to establish other rules and policies pertaining to, the use of radio in digital termination systems and in point-to-point microwave radio systems for the provision of digital electronic message services, and for other common carrier, private radio, and broadcast auxiliary services; and to establish rules and policies for the private radio use of digital termination systems at 10.6 GHz.

Adopted: August 4, 1981.

Released: September 2, 1981.

By the Commission: Commissioner Jones absent.

I. Introduction

1. This action results from a rulemaking petition [1] filed by the Xerox Corporation (hereinafter "Xerox") and our subsequent issuance of a Notice of Proposed Rulemaking and Inquiry ("Notice") [2] and from another rulemaking petition filed by Farinon Electric ("Farinon"), a division of the Farinon corporation.[3] In part, this Further Notice of Proposed Rulemaking ("Further Notice") is directly related to the First Report and Order ("Order") [4] in which the Commission reallocated spectrum in the 10.55–10.68 GHz (10.6 GHz) band for, and established other rules and policies pertaining to, digital termination systems (DTS) and associated internodal links. We also authorized a new digital communications service employing DTS called Digital Electronic Message Service (DEMS). The allocation of frequencies was made because the Commission found that the establishment of nationwide networks for the transmission of digitally encoded information directly to and from subscribers' premises is in the public interest. In the Notice, we discussed the possibility of authorizing usage of the 17.7–19.7 GHz (18 GHz) band for DTS, and received a number of comments on the use of this band. For the reasons stated below, we propose making the 18 GHz band available for DTS in addition to the 10.6 GHz band previously adopted. The Order only provided for the licensing of DTS facilities and related internodal links to common carriers. In this Further Notice, we propose rules necessary to make the frequencies at 10.6 and 18 GHz available to private radio applicants.

2. The other major component of this Further Notice responds to the request by Farinon Electric to rechannelize the 18 GHz band to permit narrower bandwidth channel assignments than are currently provided for. The meager use, if any, of the 18 GHz band, asserted Farinon, is due to its wideband channelization, poor cost competitiveness with other high capacity communications facilities, the shortened path lengths of several kilometers required for reliability of these systems of high channel density, and problems with service restoration of such a high capacity system. These factors were cited as the major reasons for its proposed rechannelization. Additionally, this petitioner pointed to indications that lighter density microwave systems at 18 GHz using narrowband [5] channels could be attractive for telephone, utility, railroad and oil companies, particularly because of the congestion at lower frequencies. These reasons along with our own projections of possible new uses of the band, persuade us to propose a narrowband channelization scheme which we believe more closely comports with the public interest than does the existing channelization.

3. We think it prudent to consider the proposal for DTS use of 18 GHz as well as Farinon's request in a single proceeding. Both proposals involve narrowband use of this frequency band. 18 GHz is virtually unused under the present wideband channeling scheme.[6] We wish to formulate a comprehensive plan to satisfy an expected demand for services over DTS that may exceed the capacity provided at 10.6 GHz, and to accommodate the prospective need for narrowband channelization for point-to-point uses. We wish to assure the feasibility of sharing the spectrum at 18 GHz among all currently anticipated users. Our goal is to structure the band to encourage the most spectrally efficient use of 18 GHz, particularly in light of the congestion being experienced at lower frequency.[7] The prospect of services being offered over DTS at 18 GHz and the proposed restructuring of the band by Farinon to encourage its use make it particularly appropriate to consider a partial modification of the channeling plan for 18 GHz.

II. Discussion of and Comments on DTS at 18 GHz

4. While most of the parties commenting in response to the Notice supported the allocation of 10.6 GHz to DTS, only a few commented on the use of 18 GHz. Those that favorably commented on the use of 18 GHz for DTS, namely Tymnet, GTE Telenet, and Southern Pacific Communications, suggested that the use of 18 GHz should not be foreclosed without consideration of the band as an alternative. Farinon strongly recommended that we not foreclose the 18 GHz alternative, pointing particularly to the abundance of spectrum there to accommodate DTS growth as well as other services. Xerox, on the other hand, claimed that equipment at 18 GHz is "experimental," of "unproved reliability," and "expensive to install and maintain." [8] Xerox also argued that the more severe rain attenuation at 18 GHz would necessitate more local nodes and internodal links because of the shorter effective service range of the transmitted signal, thus making network implementation more expensive.

5. Xerox's concerns about the use of 18 GHz for DTS are not persuasive reasons to reject 18 GHz for DTS. First, it is not clear how great the actual differences are between use of the 10 GHz and 18 GHz bands. Second, making the 18 GHz portion of the spectrum available for DTS should spur equipment development and thus

[1] This petition, RM-3247, filed on November 16, 1978 requested the reallocation of 10.55–10.68 GHz, and the adoption of other rules and policies for establishment of nationwide digital communications networks.

[2] FCC 79-464, released August 29, 1979; 44 FR 51257, August 31, 1979.

[3] Filed on September 21, 1979. Farinon Electric is now a part of the Harris Corporation.

[4] FCC 81-18, released April 17, 1981; 46 FR 23428, April 27, 1981.

[5] We employ the term "narrowband" herein to refer to channels 5, 10, 20, and 40 MHz, narrower than the 220 MHz channels currently provided for at 18 GHz. In other contexts these narrower channels have been referred to as "wideband".

[6] The 17.7–19.7 GHz band is currently channelized into eight RF channels 220 MHz wide to be used on a cross-polarized basis to derive two communications channels per frequency assignment and a 240 MHz unchannelized segment for channels of 100 MHz or less. *See* Rule § 21.701(j), 47 CFR 21.701(j).

[7] Such congestion most commonly arises because of the growth in the usage of radio services on particular frequencies. However, congestion may also occur because of sharing of these frequencies with newly authorized radio services e.g. the broadcast satellite service (BSS) in the 12.2–12.7 GHz band, an allocation for which was adopted by the 1979 WARC and is proposed to be implemented into our domestic rules. Such operation may be incompatible with the operational-fixed service in the 12.2–12.7 GHz band and may require relocation of an undetermined number of such stations to another frequency band. The 18 GHz band is a candidate for relocation of operational-fixed stations at 12 GHz displaced by BSS. *See* paragraphs 17 and 18 below.

[8] We note, however, that these comments appear to have been submitted in the context of our consideration of a possible exclusive allocation for DTS use at 18 GHz, rather than joint availability of 10.6 GHz and 18 GHz for DTS assignments, as we propose herein.

minimize any cost or reliability differences that exist between 10.6 GHz and 18 GHz equipment. With respect to the problem of signal attenuation due to rain, we note as we did in the Notice, that for a path length of about 10 kilometers (typical for the Xerox Telecommunications Network [XTEN], Xerox's system concept) for the nodal station/user links, excessive rainfall attenuation would only be experienced in the areas of the country with high rainfall rates (30mm/hr or more).[9] Third, as the Commission suggested in Docket 18920 in dealing with the channelization of frequency bands at 18 GHz and above, because of the shorter path lengths practicably achievable, it is appropriate to use these frequencies for local distribution.[10] We believe that given the relatively short path lengths achievable at 18 GHz and the omni-directional or sectorized transmissions that will likely predominate, this band is particularly well suited for this type of local distribution signal coverage. Furthermore, the shorter path length configurations using antennas with superior discrimination characteristic can result in greater spectral efficiency through the more extensive reuse of frequencies.

6. Moreover, although the transmission of electromagnetic waves through the atmosphere will always be subject to the effects of rain or other atmospheric phenomena, the impact on microwave radio systems can be minimized by increasing transmitter power or antenna size,[11] by implementing technological advances in equipment or techniques as well as by shortening the communications link. For example, the continuing development of digital modulation techniques will certainly provide for more efficient use of the spectrum through more efficient packing densities, meaning a greater number of bits per second per hertz.

7. We also recognize that the demand for DTS may exceed our initial estimates made in the Notice.[12] In that case, allocation of spectrum at 18 GHz for DTS would alleviate any resulting spectrum shortage at 10.6 GHz and eliminate the future need for the Commission to reallocate more spectrum to meet any unforseen demand for services offered over DTS. Should applicants other than common carriers be authorized to apply for DTS licenses, an undetermined amount of spectrum additional to that at 10.6 GHz would likely be required to accommodate them.[13] Another beneficial consequence of an allocation at 18 GHz, as we noted in the order at paragraphs 37 and 78, is that its availability may result in a decreased likelihood of mutually exclusive applications, especially for Limited DEMS during the initial 5 years after the Order's release.[14] Furthermore, if these services do not prove themselves in the marketplace, the costs of having the 18 GHz spectrum lie fallow for a limited period can be expected to be low. At this time, there is almost no use of 18 GHz for operational services. We foresee that another consequence of a great demand for DTS services would be an increased opportunity for many firms, including smaller entrepreneurs, to provide a wide range of services. Competition and easy entry are beneficial because they would spur DTS licensees to tailor their services to meet particularized subscriber needs.

8. The allocation of spectrum at 18 GHz would provide the opportunity to relax the criteria for qualifying as an Extended DEMS licensee. These criteria were established to ensure that the development of large-scale DTS networks at 10.6 GHz would not be thwarted by lengthy comparative hearings. We are not proposing such entry criteria at 18 GHz. Additionally, we propose to relax several of the technical standards that were deemed necessary to provide for an efficient use of the 10.6 GHz spectrum. For example, the 18 GHz band will offer wider channel bandwidths per licensee. By relaxing the entry criteria and the technical standards for use of the 18 GHz spectrum, we hope to provide the regulatory environment of maximum flexibility for development of DTS. While doing so, the Commission will not jeopardize what we believe is a well-thought-out approach to meeting the projected requirements for Extended DTS services at 10.6 GHz.

III. Farinon Petition and Comments

9. Farinon proposed that the whole of the 18 GHz frequency band be restructured into narrower channels. This channelization proposal was predicated on the lack of use of these frequencies since 1974 when the existing channel plan was adopted in Docket 18920.[15] That plan consists of eight RF channels 220 MHz wide from which 16 cross-polarized communications channels can be derived and an unchannelized 240 MHz for channels of 100 MHz or less. The Commission had intended the entire band to be primarily a common carrier band [16], but private radio licensees may share the 240 MHz and, when this spectrum is exhausted, may also share the upper adjacent and lower adjacent 220 MHz channels. Farinon proposed that the Commission restructure the 2000 MHz band as follows: (1) three pairs of channels 80 MHz wide with a separation between transmit and receive channels of 1760 MHz; (2) ten pairs of 40 MHz channels with transmit-receive channel separations of 1120 MHz, and (3) seventeen pairs of 20 MHz channels with channel separations of 380 MHz (plus a center segment 40 MHz wide, left unchannelized). An optional plan was

[9] The greater path attenuation at 18 GHz is a function of rainfall rate rather than the amount of rainfall. Statistical studies of rainfall rate distribution indicate that rainfall attenuation would be a serious problem in parts of the Southeastern U.S., especially the Gulf Coast, and probably in the Pacific Northwest for brief periods of the year.

[10] In Docket 18920 "local distribution" is defined "rather loosely to describe those facilities that would be used to connect circuits on a carrier's intercity trunk terminal with numerous customer locations or customer 'clusters'." Further Notice of Proposed Rulemaking, 38 F.C.C. 2d 385, 388. The Commission appeared to deal with local distribution as if it were exclusively point-to-point; in this proceeding we use "local distribution" to encompass point-to-multipoint as well as point-to-point signal coverage. Local distribution as used herein would suggest a modification of this definition only to the extent that there is no analogous trunk terminal at DTS nodal stations providing communications directly to user locations or "clusters". The city node (as configured in XTEN) would be analogous to an intercity trunk terminal.

[11] However, in the Order we imposed maximum power limits in the forms of absolute transmitter output power and absolute effective radiated power. These rules are currently the subject of two petitions for reconsideration submitted by Satellite Business Systems and Local Digital Distribution Company, the notice of which appeared in the Federal Register on June 8, 1981, 46 FR 30391. Both recommend the adoption of power density maximums in watts per Hertz. Nonetheless there are practical limits on the power output from the commonly used solid-state power sources. A limit also exists on the gain of the antenna in that the gain of a parabolic antenna increases with its diameter (or its aperture). Environmental or aesthetic considerations in a downtown urban area (where most DTS use is expected to occur) may limit the size of these antennas.

[12] We continue to hold this view despite the announcement (reported in the Wall St. Journal on May 15, 1981) that Zerox was abandoning plans to build XTEN. Nevertheless we have no information suggesting that the public demand has slackened for services provided by DTS facilities. The specific impact on other prospective providers of these services because of the apparent demise of XTEN is undetermined.

[13] We propose to make such an authorization. *See* paragraphs 32–37 below.

[14] In the Order we defined a Limited DEMS as a service provided over DTS facilities operating in fewer than 30 Standard Metropolitan Statistical Areas (SMA's). An Extended DEMS network provides service over DTS in 30 or more SMSA's. An Extended-Limited bifurcation at 10.6 GHz applies only for five years after the release of the Order. During this period, Limited DEMS applicants only have access to 30 MHz of spectrum, while Extended DEMS may access, in addition to 40 MHz immediately available, a 30 MHz reserve on an as-needed basis before expiration of 5 years.

[15] Second Report and Order, 47 F.C.C. 2d 737 (1974).

[16] *Id.* at 741.

also suggested wherein two pairs of 220 MHz channels could be assigned, which would render all three of the 80 MHz channels and five of the 40 MHz channel pairs unavailable for assignment as such. Farinon made no proposals regarding frequency stability or minimum modulation spectral efficiency, nor did it discuss what the existing standards (or lack thereof) would have on the proposed narrowband channels at 18 GHz.

10. Farinon cited a number of factors that purport to explain the current non-use of the 18 GHz band. The petitioner noted that the 220 MHz channels that comprise 1760 MHz of the 2000 MHz available were intended to accommodate very high-speed data rates on the order of 274 Megabits per second (Mb/s). The large number of communications channels (described in terms of numbers of pulse-code modulated (PCM) voice channels) made possible by these very high data rates raised concerns over the reliability of the radio link. Farinon suggested that shorter path lengths than already required by excessive rain-induced attenuation at 18 GHz would be needed to insure high reliability. Furthermore, Farinon claimed that the forecasted equipment costs for such systems now frequently exceeded the costs of alernative communications systems, principally optical links. Another concern related to reliability that has been more formidable than originally perceived, asserted Farinon, has been the problem of restoring service on a microwave channel carring information up to an equivalent 4032 simultaneous voice channels. Implying that most, if not all, of these problems would be alleviated, Farinon claimed that usage of 18 GHz would be greater if the entire band were rechannelized as it proposed.

11. Relying on its marketing research and experience, Farinon stated that its lighter density microwave systems offering channels of 10 or 20 MHz each with a capacity of 24 or 96 PCM voice channels, respectively, could be made attractive to users. The company suggested that its traditional customers, primarily telephone, utility, railroad and oil companies, would find that the proposed 20 MHz wide channelization meets their needs. There is a market for equipment at 18 GHz, Farinon asserted, because of the congestion in the lower bands, provided the equipment costs dropped sufficiently to offset the shorter achievable path lengths at these frequencies.

12. In response to Farinon's petition, American Telephone and Telegraph Company (AT&T), M/A-COM, Inc., and Datapoint Corporation filed formal comments.[17] M/A-COM and Datapoint essentially supported Farinon in its assertion that the 18 GHz band would be better utilized by restructuring it into narrower channels. M/A-COM, a manufacturer of microwave products and other telecommunications equipment, and Datapoint, a firm designing and providing dispersed data processing systems and associated communications, both agreed with Farinon's perception of the market need for narrowband channels at 18 GHz. More specifically, M/A-COM agreed that the 18 GHz band should be restructed to meet the need for intra-city data transmission. The band's present channelization was adopted in contemplation of the need for wideband transmission for high capacity trunking within the cities or for short links between them. This need, asserted M/A-COM, has not as yet developed, and it questioned whether it ever will. On the other hand, AT&T categorically opposed the Farinon petition on the grounds that Farinon failed to show sufficient need, that spectral inefficiency would result, and the proposed rechannelization could cause conflicts internationally.

IV. Discussion: Allocation Proposal

13. We are aware of the need for facilities to handle the expected burgeoning growth in data communications. The reallocation of 10.55–10.68 GHz for digital termination systems, for example, is testimony to the Commission's recognition of this need. However, thus far the need for high capacity trunking within and between cities provided by 18 GHz radio links, as envisioned in 1974, has not developed. Our records confirm the lack of usage of the frequencies between 17.7 and 19.7 GHz that Farinon and M/A-COM cite. The development of other high capacity media, particularly optical fiber, has likely served to forestall, at least temporarily, the early implementation of radio facilities to serve the purpose originally envisioned. The fact that the need as envisioned in 1974 has not materialized could mean that the demand for services will develop at some later time. Or it could mean that such services, because of technologies like fiber optics, never will develop. Should it be the latter, it might be appropriate to consider a wholesale rechannelization as Farinon requested. However, the growth in data communications is in its infancy and the character of that growth has yet to be determined. Consequently, we cannot now predict with any certainty what facility arrangements will best serve the needs of the data communications user.

14. Nonetheless, in the very extensive Docket 18920 the Commission, with the best information available at the time, made an assessment of prospective data communications needs. And despite the very significant technological advances since the conclusion of that Docket and their impact on the character of the digital communications market, a reallocation of the scope requested by Farinon would suggest that the painstaking considerations made by the Commission in Docket 18920 have been entirely outrun by dramatic unforeseen developments. AT&T, in opposition to the petition, opines that the rechannelization that Farinon proposes could be premature given the impending explosion in the use of digital communications. We agree generally with this opinion. We believe that any attempt to restructure totally the 18 GHz band would be premature, based only on an absence of use over a limited period of time and a customer interest in equipment not yet reflected in actual use of these frequencies.

15. However, the Commission is charged in Section 303(g) of the Communications Act of 1934, 47 U.S.C. 303(g), with insuring the "larger and more effective use of radio". The Farinon petition raises two of the important ways this use can be better effected—by making appropriate channel assignments available and by use of the less congested high frequency bands. Such larger use would be prompted, the petitioner and two of the three commenters urge, by a rechannelization of all of or portions of the 18 GHz band. Our statutory mandate requires us to determine the prospects that any reasonable plan has for increasing efficiency in use of the spectrum.

16. The observation that there has been a virtual non-use of the frequencies between 17.7 and 19.7 GHz applies to the entire band, including the 240 MHz segment set aside for narrowband use. AT&T cited non-use of this segment as evidence that there is no need for a narrow-band rechannelization of the 18 GHz band. In reply, Farinon cited the volume of prospective users expressing interest in its 18 GHz products, who purportedly maintained that the lack of narrowband channelization has served to discourage them from utilizing this

[17] We hereby grant M/A-COM's Motion to Accept Late-Filed Comments submitted on December 21, 1979 and grant Datapoint's Motion to Accept Late Comments submitted on April 1, 1980 because both sets of Comments will serve the public interest in providing more extensive analyses of the issues raised by Farinon's petition.

band. For example, it was suggested that private users, accustomed to channeling plans in the lower frequency bands, have balked at operating their narrowband radio systems in unchannelized spectrum for fear of greater potential interference. The frequency coordination requirements imposed on common carriers and private users to resolve interference conflicts would be greatly simplified by a plan for narrowband channelization, asserted Farinon. Datapoint favored narrowband channelization of the 720 MHz from 18.34 to 19.06 GHz to facilitate low-power, low-cost radio systems to serve the needs of business users for the development of high-speed data transfer. AT&T stated, however, that a need for narrowband channels can be met in the 21.2–23.6 GHz (22 GHz) band, for which the Commission has stated a preference for narrowband operation,[18] and the Farinon demonstrate imminent unavailability of this band before rechannelization of 18 GHz. Our preference then, however, was made in expectation of significant wideband use of 18 GHz. We also noted that "path attenuation at 22 GHz is somewhat greater than at 18 GHz"[19]. We stated in Docket 18920 that we wished "to develop the 18 GHz band and other higher band frequencies in a manner which would encourage the development of each band for a type of use for which we believe it is best, considering technical development and economic incentive."[20] This principle is still relevant, and its application now, while it may be premature insofar as wholesale restructuring of 18 GHz is concerned, offers the prospect that significantly greater use of the band will occur by providing for narrowband channelization. Therefore, we propose to grant Farinon's petition in part and to leave most of the 18 GHz spectrum as presently channelized for wideband systems.

17. Notwithstanding the prospective need for narrowband channelization that all commenters except AT&T foresee, an additional need for 18 GHz spectrum could develop because of broadcast-satellite service (BSS) operation in the 12.2–12.7 GHz (12 GHz) band. Such operation could displace the currently authorized private operational-fixed users at 12 GHz. The Commission tentatively recommended that the U.S. formally propose to the 1983 Regional Administrative Radio Conference for Region 2 (RARC–83, which will allot frequencies and orbital slots for BSS for nations of the Western Hemisphere) that the 12.3–12.7 GHz band for BSS downlinks be extended downward by establishing 12.2 GHz as the lower band limit [21]. In the planning for an interim BSS to be operated domestically (Direct Broadcast Satellites of DBS) the Commission proposes that DBS be authorized to operate in the 12.2–12.7 GHz and 17.3–17.8 GHz bands.[22] According to our records there are over 1700 one-way radio authorizations in 12.2–12.7 GHz band, most of which are in and around the major metropolitan areas. Because the point-to-point operations of operational-fixed licensees would likely interfere with DBS reception, we stated in the Notice of Proposed Policy Statement and Rulemaking on DBS (NPPS/RN) that these licensees

> will be required to make whatever adjustments in technical parameters or assigned frequencies are necessary to prevent harmful interference to operating DBS systems. Thus the terrestrial users will be subject to reassignment within the 12 GHz band or other appropriate bands if they cause interference to a DBS system and cannot adjust their technical parameters to eliminate the interference.[23]

Since the international arrangements for the implementation of BSS have not been made, we will not know which 12 GHz terrestrial systems may have to be reassigned frequencies and which may not need to make changes until after RARC–83.

18. However, despite this uncertainty, as stated in the NPPS/RM on DBS, prudent planning for a potential movement of terrestrial licensees would dictate the selection of an alternate band for the 12 GHz fixed users. Narrowband channelized spectrum at 18 GHz seems quite appropriate. We state here again that we are mindful of the considerable equipment and other costs associated with such a move.[24] It appears that these costs would be minimized by a relocation of 12 GHz operational-fixed licensees to the next higher band already authorized for private licensees, i.e. 18 GHz.[25] Equipment may be better developed at 18 GHz and rain-induced attenuation is certainly less of a factor at 18 GHz than at 22 GHz, it having been cited along with 18 GHz as a possible home for existing or future private operations by the DBS Notice.[26] Despite the costs of relocating to another higher frequency band, we believe that our proposed expansion of narrowband channels at 18 GHz will make this band more attractive for such operational-fixed licensees than it is at present.

19. In proposing a restructuring of the 18 GHz band in accord with our comments above, we propose to accommodate the following uses: 1) currently authorized point-to-point links to accommodate wideband intra-city trunks or inter-city links of digital communications; 2) point-to-point links to accommodate primarily prospective operational-fixed users and DTS operators for associated internodal links, both having need for narrowband channelization (including those 12 GHz users who may be displaced due to operation of broadcast satellite downlinks); 3) point-to-multipoint use by digital termination systems; 4) uplinks functioning as broadcast satellite feeder links; 5) operation of environmental passive sensors in a part of the band where radiated power shall be limited.

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[18] The Commission stated in Docket 18920 that it preferred "most narrow channel systems (to) be developed in the 22 GHz band", comprised of four 600 MHz sub-bands, two of which are primarily for private operational-fixed use. The 22 GHz band is not channelized, however. Second Report and Order, 47 F.C.C. 2d at 742.

[19] 47 F.C.C. 2d at 741.

[20] *Id.* at 740.

[21] As part of the preparation for RARC–83, the Commission made tentative recommendations for U.S. proposals as reflected in the Notice of Inquiry in Docket 80–396, 45 Fed. Reg. 51914 (1980). One of these recommendations was to provide for BSS downlinks in the 12.2–12.7 GHz portion of the 12.1–12.7 GHz band. It had been adopted by the World Administrative Radio Conference (WARC–79) as the band in which BSS might operate. WARC–79 directed, in footnote 841 to the international Table of Frequency Allocations, that RARC–83 divide the 12.1–12.3 GHz band into a lower sub-band for fixed-satellite service (already allocated 11.7–12.1 GHz) and an upper sub-band for broadcasting satellite service (allocated 12.3–12.7 GHz). The precise manner in which this division will be done will be determined at RARC–83. WARC–79 also issued CH Resolution No. 701 resolving that the RARC provide for feeder links (uplink) operation at 17 GHz in a band equal to that at 12 GHz. Although the Commission does not express in the Second NOI implementing WARC, a clear preference for a matching 500 MHz (17.3–17.8 GHz) for BSS feeder links it does express skepticism over using a different channel width for feeder links than for downlinks in the 12.2–12.7 GHz band.

[22] Paragraphs 30 and 32, respectively, of the Notice of Proposed Policy Statement and Rulemaking (NPPS/RM) in General Docket No. 80–603, 46 FR 30124 (1982).

[23] *Id.* at paragraph 36. Footnote 27 in this passage states: "Studies indicate that the terrestrial microwave operations are likely to cause interference to DBS home receivers, while DBS transmissions will probably cause little or no interference to the terrestrial microwave users. See for instance Hiroshi Akima, 'Sharing of the Band 12.2–12.7 GHz Between the Broadcasting-Satellite and Fixed Services', (Boulder, Colorado: Institute for Telecommunication Sciences, January 1980)".

[24] *Id.* at paragraph 38–42 and accompanying footnotes 28–30.

[25] There are virtually no private operational-fixed operations at 18 GHz whereas the next lower band to 12 GHz, 6.575–6.875 GHz, is significantly more congested than the 12 GHz band, usage of which is cited as congested in 17 Standard Metropolitan Statistical Areas (SMSA's) *Id.* footnote 25.

[26] *Id.* at paragraph 40 and accompanying footnote 30.

Spectrum was allocated internationally for these latter two uses at WARC–79.

20. We attempt to avoid any conflict with these allocation agreements that when ratified by the U.S. Senate have the same status as treaty obligations. These agreements are effective domestically, however, only after formal implementation of them into our domestic allocation table. At WARC–79, the international Table of Frequency Allocations was amended by providing for broadcast satellite feeder links (uplinks) in the band from 17.3–18.1 GHz and passive environmental sensors operated in the 18.6–18.8 GHz band. While these bands may be shared with fixed stations like DTS, we expect that the electromagnetic compatibility of passive sensors and of these satellite uplinks with DTS may be problematical in some cases because of the omni-directional coverage of DTS and its higher powered nodal transmitters. Regarding passive sensors, there are limitations imposed on fixed stations sharing the 18.6–18.8 GHz, but they are not quanitifed.[37] Therefore, an allocation for DTS local distribution that avoids both 18.6–18.8 GHz and 17.7–18.1 GHz should obviate concerns about DTS interference potential to passive sensors or about interference to DTS due to broadcast satellite uplinks, respectively. With regard to narrowband links at 18 GHz such as internodal links used with DTS, we believe that they can operate compatibly with passive sensors in the 18.6–18.8 GHz band. The expected relatively small number of narrowband point-to-point links relative to the numbers of point-to-multipoint DTS links between nodal stations and their user stations strongly suggests that the probability of harmful interference to passive sensors is low. Comments, nonetheless, are invited on whether sharing in the 18.6–18.8 GHz band between point-to-point stations and passive sensors would be feasible.

21. As stated above, we do not believe that the lack of use of 18 GHz necessarily justifies at this time a wholesale restructing of the band. There have arisen since 1974, however, prospective demands on the use of this band. Our public interest mandate requires us to assess the potential benefits these new uses would render in light of an as-yet undeveloped need for wideband digital communications. We have explored the potential public benefits of DTS operated at 10.6 GHz in the Notice of Proposed Rulemaking and Inquiry and in the Report and Order in Docket 79–188, and in this proceeding in paragraphs 4–8. For the reasons stated above we now propose that DTS be operated at 18 GHz. Since DTS is effectively omni-directional it would not be advisable to mix point-to-point with omni-directional or point-to-multipoint operations. Operation in separate bands avoids cumbersome, if not extremely difficult or costly frequency coordination procedures. Thus, primarily in consideration of our intent to authorize wider bandwidth assignments at 18 GHz, we propose to reallocate 200 MHz in two segments of the 18 GHz band for DTS. (See Appendix B for proposed changes to the Table of Frequency Allocations § 2.106.) Two paired bands, 18.36–18.46 GHz and 18.94–19.04 GHz would be made available for this purpose; these do not overlap the 200 MHz allocated for passive sensor operation within 18.6–18.8 GHz. The transmit-receive channel separation of 580 MHz between the paired bands is consistent with the 18 GHz channeling scheme presently in our Rules. These two 100 MHz bands will occupy the lower and upper portions, respectively, of existing 220 MHz channels 7 and 8. We solicit public comment, however, on whether the proposed channel separation is consistent with optimal DTS equipment and system design. Additionally, if other DTS channeling plans are considered better suited for efficient spectrum usage, and for optimal system design, we urge submission of detailed comments in that regard.

22. The remaining spectrum between the 100 MHz paired bands for DTS—120 MHz each from existing channels 7 and 8 and the currently unchannelized 240 MHz—total 480 MHz. We propose to make this spectrum from 18.46 to 18.94 GHz accessible to point-to-point private operational-fixed and common carrier systems and to digital termination systems for internodal links. Making these frequencies available would expand the spectrum currently available for narrowband point-to-point operation at 18 GHz. These frequencies could also accommodate those operational-fixed systems that may be displaced from 12.2–12.7 GHz due to domestic broadcast satellite operation there. We welcome the submission of comments on this plan, including recommendations as to how best to encourage usage of 18 GHz given the needs we have identified and the constraints of domestic and international requirements.

V. Technical Standards

23. In deriving a plan for use of the 18 GHz frequencies, spectral efficiency is a foremost consideration. Our major concern here is the specific channel width we propose. M/A–COM suggests that the point-to-point channel width should be compatible with the DTS channel width at 18 GHz. We believe that is it more appropriate to consider the bandwidth of DTS channels separately from the would-be point-to-point uses of the 18 GHz band, since spectrum for point-to-point operations cannot be well shared with wide area coverage systems like DTS. We do propose, however, to maintain the same ratio between the DTS channel width and channel width of the associated internodal links that we adopted in the DTS Order for 10.6 GHz. The Commission adopted DTS channel widths of 5 MHz and 2.5 MHz (for Extended network and Limited network systems, respectively) along with associated point-to-point internodal channels of 2.5 MHz and 1.25 MHz, respectively. In other words, at 10.6 GHz qualified Extended network applicants would be assigned a DTS channel of 5 MHz along with an internodal channel of 2.5 MHz. A Limited network applicant would be assigned a 2.5 MHz DTS channel and an internodal link of 1.25 MHz. M/A–COM recommended that a portion of the spectrum of 18 GHz be channelized in 2.5 MHz segments for point-to-point internodal links for DTS or other uses. We question the feasibility of such operation, however. We believe it more prudent to propose a 5 MHz channel as the narrowest point-to-point channel because of the doubts of insuring adequate information bandwidths. While proposing this minimum width channel, we urge submission of comments of the appropriateness of such a channel for DTS internodal links or other narrowband uses. We also propose a 10 MHz channel width for DTS wide-area coverage, maintaining the 2 to 1 ratio to the internodal link bandwidth of 5 MHz. *See* proposed Rule §§ 21.502 (g) and (h) and 94.189 (g) and (h) in Appendix B. We invite comment as well on this DTS channel bandwidth, which would allow for 10 two-way channels each 10 MHz, within the 200 MHz total proposed for DTS at 18 GHz.

[37] Footnote 3800A to the International Table of Frequency Allocations states that in the 18.6–18.8 GHz band, we should "endeavor to limit as far as possible both the power delivered by the transmitter to the antenna and the e.i.r.p. in order to reduce the risk of interference to passive sensors to the minimum". However, on July 16, 1981 the Commission proposed that footnote USYY22 be added to the domestic allocations table for all fixed and mobile services operating in the 18.6–18.8 GHz band. The footnote would limit the effective radiated power to a maximum of +35 dBW and the power delivered to the antenna to a maximum of −3 dBW. Third Notice of Inquiry, The Implementation of the Final Acts of the World Administrative Radio Conference, 1979 in Docket 80-739, FCC 81-323 (released August 7, 1981).

24. For the spectrum dedicated to DTS, we propose to accommodate the narrowband uses that the petitioner and all commenters but AT&A foresee. We propose a channeling plan that will accommodate varying kinds of needs—from narrowband requirements like DTS internodal links to systems accommodating bit rates upwards of 45 Mb/s. This channeling plan would make available 5, 10, 20, and 40 MHz bandwidths. *See* proposed Rule §§ 21.701(j) and 94.65(k) in Appendix B. The available spectrum for these point-to-point links would be divided into two segments where users could opt for a 5 or 10 MHz channel or a 20 or 40 MHz channel. This plan would allow for great flexibility in the usage of the 18 GHz spectrum. The number of paired 10 MHz channels made available would be 10 totalling 200 MHz. We proposed a total of 3 paired 40 MHz channels for a total of 240 MHz. These two sections total 440 MHz in addition to two 10 MHz segments not part of either the 10 MHz or the 40 MHz channels and leave a center section of 20 MHz. To provide room for the long-range growth of the broadcast auxiliary aural studio-to-transmitter links (STL's) and intercity relay stations (See subpart E of Part 74) [28] as well as similar narrowband point-to-point services, we propose that this 20 MHz sub-band (i.e. 18.69–18.71 GHz) be allocated accordingly. A separate rulemaking to propose specific technical standards for this sub-band is anticipated in the near future.

25. We also propose that the 5 and 20 MHz channels be interstitial channels of bandwidths one-half that of the 10 MHz and 40 MHz channels, respectively. Therefore, we propose to derive ten 5 MHz channels pairs from the spectrum set aside for the ten 10 MHz channel pairs and located at the band edges of the 10 MHz channels. In the spectrum for 40 MHz channels, there would be three 20 MHz channel pairs whose center frequencies would be located at the band edges of the three 40 MHz channels. Farinon's alternate proposal is similar to the channelization we propose in that a portion of the 220 MHz channels is left intact. However, as indicated in paragraph 14 above, we do not believe that the more extensive rechannelization proposed by Farinon or Datapoint is warranted at this time. Farinon recommends in its alternate plan that we make wideband channels available—two pairs of 220 MHz channels (instead of 3 pairs as we propose) in addition to 5 pairs of 40 MHz and 17 pairs of 20 MHz channels. We believe that the spectrum we propose to channelize is sufficient in light of the presently identifiable demand. Further, we do not wish to scrap the old plan entirely. However, the Commission is continually engaged in comparative analyses between current uses of the spectrum and newly proposed ones to determine whether a new use should share common spectrum or should displace the old use. This is a continuing process. The spectrum at 18 GHz will certainly receive our close attention should its development not fulfill the expectations apparent in Docket 18920.

26. The requirement to use spectrally efficient modulation techniques is an important facet of our oversight of the most effective use of the spectrum. The state-of-the-art has advanced to make the achievement of a modulation spectral efficiency of 1.0 bps/Hz a distinct possibility, although it may not be feasible to achieve it 18 GHz. [29] We note that Farinon intended to market equipment at 18 GHz which would achieve 1/3 bps/Hz, i.e. in 20 MHz of spectrum only 96 digitally encoded voice channels or 6.1 Mb/s would be transmitted. Whether we finally adopt the 1 bps/Hz standard for 18 GHz or not, a bit-rate-to-bandwidth ratio of one to three is far too low. However, the prospect that extensive use of 18 GHz is in the offing compels us to propose the minimum bandwidth packing density of 1 bps/Hz for all systems operating at 18 GHz. *See* proposed Rule §§ 21.122(e) and 94.94 in Appendix B. We solicit comments, however, on this point, especially as it relates to the impact of such a requirement on the economic viability of operation at 18 GHz.

27. While also expressing the concern that Farinon proposes to employ spectrally inefficient modulation techniques (M/A–COM also made this point), AT&T cited spectral inefficiency as its rationale for opposing the proposal for relaxed antenna standards. Farinon proposed that Category B and periscope antennas [30] be allowed so as to encourage usage of 18 GHz by limiting equipment costs. Use of these antennas, said AT&T, could cause compatibility problems with other services sharing the same spectrum, e.g. the 18.6–18.8 GHz region where environmental passive microwave sensors are to operate. We propose that no changes be made to the current radiation suppression standards or to the present policy regarding the use of periscopes because of the difficulties establishing their radiation patterns.

28. For the presently channelized 220 MHz channels, cross-polarized signals on the same frequency may be used to derive two channels. [31] Considering the likelihood of polarization shifts, derivation of two DTS channels on the same frequency may not be possible, however. The potential for polarization shifts is significantly greater for DTS with its wide-angle beamwidths than for pencil-beam point-to-point systems. These phenomena are particularly critical in large metropolitan areas where the most intense DTS use is expected, because of specular reflections due to building blockages. However, for the 480 MHz where point-to-point operations would be conducted, use of the opposite orthogonal polarization by licensees employing digital modulation could effectively enhance spectral efficiency, doubling the utilization of the frequencies available to them. We therefore propose the use of linear polarization to derive cross-polarized channels for point-to-point uses. Detailed public comment is invited on the use of cross polarization to derive two channels on the same frequency and on whether the use of circular polarization is a viable alternative to orthogonal linear polarization.

29. The problems cited in paragraph 33 of the Order regarding use of narrow channels with their decreased throughput efficiency, a major facet of which is a decreased spectrum efficiency, are more acute at 18 GHz. Additionally, at 18 GHz significantly more of the information bandwidth would be reduced as a result of the

[28] Allocations to broadcast auxiliary STL's and intercity relays are the subject of two rulemaking petitions filed with the Commission and an outstanding docket, No. 19494. The two petitions were filed by the National Association of Broadcasters and by Mosely Associates, Inc.

[29] Rule § 21.122(a)(1), 47 CFR 21.122(a)(1), requires digitally modulated transmitters operating below 15 GHz to achieve 1.0 bps/Hz modulation spectral efficiency.

[30] Category B is the designation for antennas used in the Private Operational-Fixed Microwave Services, which do not suppress unintended radiation as well as Category A antennas that yield higher gain than Category B antennas. Standard B is the designation for common carrier antennas whose radiation suppression standards are nearly the same as for Category B antennas. Standard A is likewise analogous to Category A. Periscope antennas, primarily because of their uncertain radiation patterns, are not authorized in the common carrier Point-to-Point Microwave Radio Service. Rule § 21.106(a), 47 CFR 21.106(a). New periscope antenna systems in the private services are only authorized upon certification that the radiation suppression standards "meet or exceed the standards for direct-radiating Category A or B antennas." Rule § 94.75(d), 47 CFR 94.75(d). Our understanding has been that such certification has been very difficult to achieve.

[31] Rule § 21.701(j), 47 CFR 21.701(j) sets forth such channelization.

transmitter frequency tolerances.[31] This consideration would apply with particular force to DTS licensees who employ subchannel nodal transmitters to communicate with their users. It would be desirable, therefore, for 18 GHz DTS to operate at frequency stabilities at least as stringent as those at 10.6 GHz. Even at the channel widths that operational-fixed stations would typically employ, in the interests of spectrum conservation, frequency stability should be more stringent than that presently in the Rules for 18 GHz. The state-of-the-art has certainly advanced beyond the level that the existing frequency standard of ±0.03% would suggest.[32] However, we recognize that the achievement of stabilities at 18 GHz in the range of those we have stipulated at 10.6 GHz may not be economically feasible. We propose, then, at 18 GHz frequency stability standards of ±0.001% for DTS nodal stations and ±0.003% for user stations and narrowband common carrier and operational-fixed point-to-point stations used as DTS internodal links, respectively. *See* proposed Rule §§ 21.503(b) and 94.191(b) in Appendix B. These proposed standards are looser by an order of magnitude than those that apply at 10.6 GHz. We urge comment on the feasibility of achieving these frequency stabilities at 18 GHz. Alternatively, we seek recommendations on tighter frequency tolerances that are consistent with optimal spectral efficiency achieveable at affordable equipment costs. Nontheless, it seems clear that wider bandwidths at 18 GHz are needed than at 10.6 GHz to acommodate the greater consumption of bandwidth for a given frequency stability at the higher frequency band. We also seek comment on the advisability of tightening the standard of ±0.03% for non-DTS operations at 18 GHz.

30. We also solicit comments on the feasibility and advisability of making a portion of the spectrum that we are preparing to reallocate available for use by licensees in the Multipoint Distribution Service. We may initiate a separate rulemaking proceeding to deal with this issue depending on the comments received. In particular, we may propose that some spectrum be made available for MDS licensees to be used in conjunction with their existing one-way channels to provide a two-way communication service. In its comments on the original Notice, Microband Corporation urged such action. In the Order we declined to make spectrum available for this purpose. Since we propose to make the frequency assignment criteria more flexible at 18 GHz than they are at 10.6 GHz, we feel it is more appropriate that any expansion of MDS capability other than that proposed in Docket 80-112 [34] be done in this region of the spectrum.

31. Our long-range concern is that the 18 GHz band be structural to maximize its efficient utilization for point-to-point as well as point-to-multipoint communications, including those using DTS. We urge public comment on other issues not addressed directly in this proceeding as well as those raised herein. We intend to obtain as full and complete a record as can be developed to serve as the basis for the early adoption of rules to make the 18 GHz spectrum available for the several uses we have identified above.

VI. Use of DTS By Private Entities

32. The Order had two substantive effects. Spectrum in the 10.55–10.68 GHz band was reallocated to fixed stations for use by digital termination systems and associated internodal links. In addition, common carriers were authorized to provide Digital Electronic Message Service using DTS and associated facilities. We took care to allocate spectrum to the type of *facilities* (i.e. fixed) and not to the radio services (e.g. various common carrier or private radio services) to be provided over those facilities. The philosophy behind this allocation scheme is that different radio services should be authorized in common frequency bands based on the similarity of the radio facilities employed and their electromagnetic compatibility. The same philosophy underlies the reallocation proposed in Docket 80-112. Therefore, we propose to authorize applicants other than common carriers to apply for spectrum allocated in the Order. *See* subpart F, proposed Rule §§ 94.181–94.201 in Appendix B. Additionally, we propose to make spectrum in the 10.6 and 18 GHz band available to these applicants as well as common carriers.

33. Past experience, dating back to the authorization of private terrestrial microwave systems,[35] suggests that the public interest has been well served by allowing eligibles in the private services the option of obtaining their own facilities to satisfy their communications needs.[36] This suggests that DTS should be available to satisfy private communications requirements.[37] We propose to provide for this availability in Part 94 of our Rules, which covers the Private Operational-Fixed Microwave Service.[38]

34. In the Order we established a temporary distinction between Extended and Limited networks at 10.6 GHz. To qualify as an Extended network licensee (and be eligible for a 5 MHz channel pair) an applicant must be committed to serving 30 or more SMSA's within five years. Applicants for Limited network licenses will normally be assigned one 2.5 MHz channel pair. More than one 2.5 MHz channel pair may be assigned to any Limited network applicant upon showing that the spectrum will be fully utilized. We now propose that private radio applicants obtaining DTS licenses and licenses for related internodal links in the 10.6 GHz band comply with these same standards. At 18 GHz, the Limited-Extended distinction would not apply. Small-scale DTS licensees may find 18 GHz attractive due to the wider bandwidth channels and less stringent technical standards than govern usage at 10.6 GHz.

35. Because we are allocating spectrum to facilities rather than to services, the same operational and technical standards would apply to all licensees of DTS facilities. Both common carrier and private DTS licensees would be required to coordinate their frequencies in accordance with the procedures set out in Part 21 of our

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[31] For example, the frequency stability of ±0.0001% of the nodal transmitters (as per XTEN design) and of the receiver could result in greater than a 20 kHz reduction at 10.6 GHz, whereas at 18 GHz (if ±0.0001% were economically achievable in this frequency range) a 37.4 kHz reduction in information bandwidth would result.

[32] *See* Rule § 94.67, 47 CFR 94.67.

[34] *See* Reallocation of ITFS, MDS, AND OFS Frequencies, Notice of Inquiry, Proposed Rulemaking and Order in General Docket 80-112, FCC 80-136 (released May 2, 1980). In this docket, the Commission proposed that the channels between 2500 and 2690 MHz be divided among the Instructional Television Fixed, the Multipoint Distribution, and the Operational Fixed Services. After the channels primarily allocated for a given service are occupied, subsequent applicants in that service would be free to apply for unassigned channels of the other two services.

[35] In the Matter of Allocation of Microwave Frequencies Above 890 MHz, Report and Order, Docket No. 11866, 27 FCC 359 (1966).

[36] This conclusion holds even when common carrier services are also available. Under our rules (Parts 90 and 94) virtually any business or local government is an "eligible" in the private radio services.

[37] The Central Committee on Telecommunications of the American Petroleum Institute (API) suggested in its comments to the Notice that spectrum should be set aside for "possible future private system utilization when necessary." API comments at page 4.

[38] Non-common carriers intending to provide exclusively enhanced services may apply for spectrum under Part 94. The provision of enhanced services as defined in § 64.702, 47 CFR 64.702 is not the provision of common carrier communications services. *See* Second Computer Inquiry, 77 FCC 2d 384, 419, 420 (1980), *reconsiderotion*, 84 FCC 2d 50 (1980).

Rules. Operational and technical rules for DTS as proposed for Part 94 are virtually the same as those set forth in Part 21. Any outstanding conflicts would be resolved expeditiously by the Commission.

36. We have set forth these proposals because we foresee the possibility that the demand for services provided over DTS facilities will be great, and because we wish to promote the development of heretofore virtually unused spectrum. We have intentionally attempted to avoid the spectrum's further "Balkanization" according to service categories. We consider it highly desirable to accommodate technically compatible uses in the same frequency bands without regard to service distinctions. Concurrent use of the spectrum at 18 GHz and at 10.6 GHz by common carriers and private users promotes this ideal.

37. Full and complete comments are requested on all issues raised here. Particularly, we request that these comments address the question of whether our proposal sets forth a regulatory scheme affording all users sufficient options for availing themselves of digital communications or whether there are more appropriate choices. In this regard, we seek comments on whether common carrier applicants should have priority over other applicants in obtaining access to DTS spectrum or whether all applicants should be treated equally. We wish to build a record sufficient for us to develop rules to implement these proposals. We intend to issue rules at the earliest opportunity, consistent with the public interest as evidenced by the comments we receive.

VII. Regulatory Flexibility Act

38. Pursuant to Section 603 of the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, we submit the following statement with this Further Notice in Docket 79-188. The actions that we contemplate—allocating spectrum at 18 GHz for Digital Termination Systems, rechannelizing another portion of it to accommodate narrowband uses including internodal links, and allowing private DTS licensees to access both 10.6 GHz and 18 GHz spectrum—may have a significant impact on a substantial number of small entities. As indicated, we take these actions pursuant to our general authority under Section 303 of the Communications Act, 47 U.S.C. 303.

39. If the Commission allocates frequencies for DTS as proposed, it would create potential business opportunities for both large and small entities in many geographic markets. Should the Commission also authorize rechannelization of a portion of 18 GHz, a significant increase in usage of this spectrum could result. At the same time it could serve as spectrum for 12 GHz private operational fixed microwave stations if any of them are required to operate in another frequency band because of operation of direct broadcast satellite downlinks at 12 GHz. An increase due to these factors presumably would also entail expanded opportunities for small entities including prospective licensees and equipment suppliers. At this time it is not possible, however, to determine how many small entities would be affected for several reasons. First, there is no way to project how many small entities will want to enter the as-yet undeveloped market for services provided over DTS facilities. Second, we have no reliable indication of how many narrowband point-to-point users will be motivated to apply for assignments at 18 GHz by our providing for a new narrowband channelization scheme. And third, it is even more difficult to gauge the impact that use of these bands would have on prospective small entities that could supply equipment to various licensees. Comments are welcome on the extent to which different classes of small entities would be affected by our proposals.

40. Furthermore, there are no small entities now using that portion of the spectrum that we propose to allocate. In order to use the spectrum, small entities, like large entities, would be required to submit applications to the Commission for use of the spectrum. Licensing is required by law of all persons using radio frequencies. It is possible, however, that mutually exclusive applications for spectrum would be received by the Commission and that small entities would have to participate in a hearing to determine which applicant would receive the license. We believe, however, that such a situation is unlikely to occur, because of the abundance of spectrum we propose making available at 18 GHz (in addition to that allocated at 10.6 GHz). Also, small entities electing to apply for spectrum for DTS or narrowband point-to-point facilities may be required to comply with the reporting, recordkeeping and other rules applicable to common carriers. We note that with respect to non-dominant carriers, which many small entities presumably will be, we have recently adopted less burdensome tariff and Section 214 facility application requirements. In addition, many of the reporting requirements apply only to larger companies. We do not believe that there are any federal rules that would duplicate or conflict with the proposed rules.

41. It also does not appear that there are any significant alternatives to the proposed rules that would accomplish the stated objectives of the Communications Act and minimize the impact on small entities as envisioned by the Regulatory Flexibility Act. Public comment is invited as to whether there are such alternatives. In general, we invite comment on the applicability of our proposals to small entities as prescribed in the Regulatory Flexibility Act. As noted, the proposed allocation and rechannelization of frequencies should benefit small as well as large entities. The compliance or reporting requirements are only a necessary concomitant of the benefits realized in using the frequencies.

VIII. Miscellaneous Matters and Ordering Clauses

42. For further information concerning procedures to follow with respect to this rulemaking proceeding, contact Kenneth R. Nichols, (202) 632-7025 or Kevin J. Kelley, (202) 632-6430. For purposes of this non-restricted [39] informal rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time of issuance of a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting, or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff who addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed, written comments for the proceeding, must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official

[39] A non-restricted proceeding is one which does not involve "competing claims to a valuable privilege."

receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* Section 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of these new Commission procedures [40] governing *ex parte* presentations in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632-7000.

43. Accordingly it is ordered, pursuant to the provisions of Sections 1, 4(i), 303 and 403 of the Communications Act, 47 U.S.C. 1, 4(i), 303, and 403 and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, that a further rulemaking proceeding is hereby instituted into the foregoing matters. Members of the public are hereby put on notice that any such policies that may be established in this proceeding may be embodied in the Rules and Regulations of the Commission.

44. It is further ordered that any interested person may file comments on the proposals contained in Parts IV, V and VI of this Further Notice and the supporting analysis on or before November 2, 1981. Reply comments shall be filed on or before December 2, 1981. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419 an original and five copies of all comments shall be furnished to the Commission. All comments received in response to this Notice will be available for public inspection in the Docket Reference Room in the Commission's offices.

45. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

46. It is further ordered, that the Secretary shall cause this further notice of proposed rulemaking to be published in the **Federal Register.**

Federal Communications Commission.

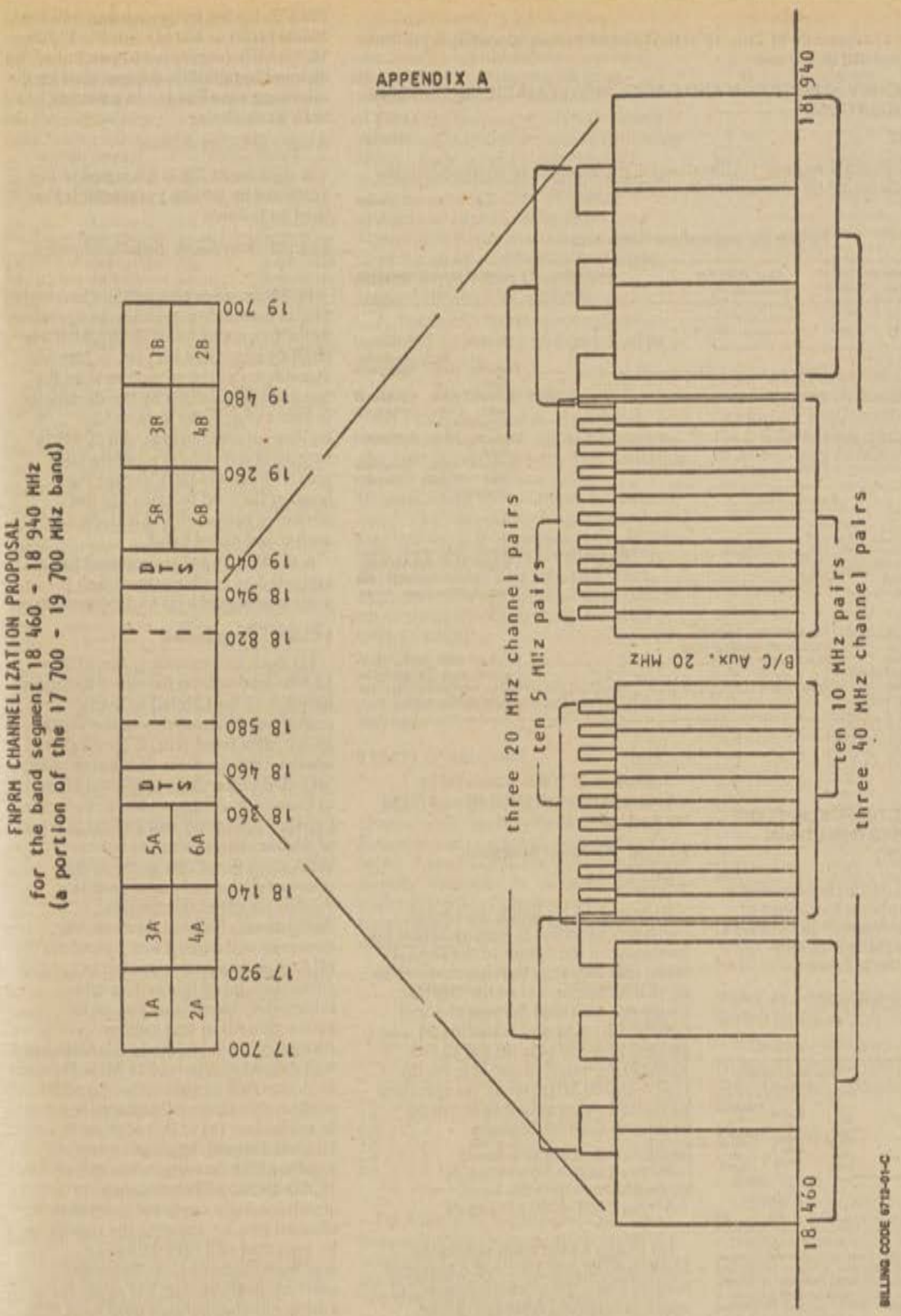
William J. Tricarico,

Secretary.

BILLING CODE 6712-01-M

[40] *See* Report and Order re Policies and Procedures Regarding Ex Parte Communications During Informal Rulemaking Proceedings, 47 R.R. 2d 1213 (1980), in which rule amendments were made to rule § 1.1231, 47 CFR 1.1231.

APPENDIX A



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Appendix B

Chapter I, Parts 2, 21, and 94 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

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

§ 2.106 [Amended]

In § 2.106, the Table of Frequency Allocations is proposed to be amended for the frequency bands 10.55–10.68 GHz and 17.7–19.7 GHz as follows:

Federal Communications Commission

Band (GHz) 7	Service 8	Class of station 9	Frequency 10	Nature of services of stations 11
*	*	* * *	*	*
10.5–10.55	* * *.....			
10.55–10.565	Fixed.....	Fixed.....	.....	Domestic public. Operational fixed.
10.565–10.615	Fixed.....	Fixed.....	.....	Domestic public. Operational fixed. Digital termination nodal stations.
10.615–10.63	Fixed.....	Fixed.....	.....	Domestic public. Operational fixed.
10.63–10.68	Fixed.....	Fixed.....	.....	Domestic public. Operational fixed. Digital termination user stations.
*	*	* * *	*	*
17.7–18.36	* * *.....			
18.36–18.46	Fixed. Fixed-satellite mobile.	.....	Fixed. Mobile. Space.	Domestic fixed public. Operational fixed. Fixed-satellite.
18.69(NG106 18.69–18.71	Fixed. Fixed-satellite.	Fixed.....	.....	Aural studio-transmitter link and intercity relay broadcast.
	Space.....	Fixed-satellite. Domestic fixed public. Opearational fixed..		
18.71–18.94 (NG 106)	Fixed. Fixed-satellite. Mobile.	Fixed. Mobile. Space.....	.....	Domestic fixed public. Operational fixed. Fixed-satellite.
18.94–19.04	Fixed. Fixed-satellite. Mobile.	Fixed. space.....	.....	Digital termination user stations. Fixed-satellite.

* * * * *

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES (OTHER THAN MARITIME MOBILE)

The table in § 21.101(a) is proposed to be amended by applying footnote 4 to the item "12,200 to 40,000" in column 1, "Frequency Range (MHz)" and by adding a footnote [4] as follows:

§ 21.101 Frequency tolerance.

(a) * * *

Frequency range (MHz)	Frequency tolerance (percent)		
	All fixed and base stations	Mobile stations over 3 watts	Mobile stations 3 watts or less [1]
* * *	*	*	
12,200 to 40,000 * [4].....	.03	.03	.03
* * *	*	*	

[4] For stations except Digital Termination System Termination System Nodal Stations operating between 18,360 and 19,040 MHz, the frequency tolerance shall be ±0.003%. Digital Termination System Nodal Stations shall maintain a frequency tolerance of ±0.001% *See* § 21.503(b). DTS Nodal Stations.

3. Section 21.106 is amended by revising paragraph (a)(3) (i) and (ii) to read as follows:

§ 21.106 Emission limitations.

(a) * * *

(3) * * *

(i) In any 4 kHz band, the center frequency of which is removed from the frequency of the center of the Digital Electronic Message Service channel by more than 50 percent of the Digital Electronic Message Service channel bandwidth up to and including 50 percent plus 250 kHz (in the 10,550–10,680 MHz band) or 500 kHz (in the 17,000–19,700 MHz band): As specified by the following equation but in no event less than 50 decibels.

(in the 10,550–10,680 MHz band)

$A = 50 + 0.12(F - 0.5B) + 10 \log_{10} N$

(in the 17,700–19,780 MHz band)

$A = 50 + 0.06(F - 0.5B) + 10 \log_{10} N$

* * * * *

(ii) In any 4 kHz band within the authorized Digital Electronic Message Service band, the center frequency of which is removed from the center frequency of the channel by more than 250 kHz (in the frequency band 10,550–10,680 MHz) or 500 kHz (in the 17,700–19,700 MHz band) plus 50 percent of the channel bandwidth: As specified by the following equation but in no event less than 80 decibels.

$A = 80 + 10 \log_{10} N$ decibels.

4. Section 21.122 is proposed to be amended by adding paragraph (e) to read as follows:

§ 21.122 Microwave digital modulation.

* * * * *

(e) Microwave transmitters employing digital modulation techniques operating in the frequency band 18.36–19.04GHz shall transmit at a bit rate, in bits per second, equal top or greater than the bandwidth specified by the designator in Hertz (e.g., to be acceptable, equipment transmitting at a 20 MB/s rate must not require a bandwidth greater than 20 MHz), except the bandwidth used to calculate the minimum rate shall not include any authorized guard band.

5. Section 21.502 is proposed to be amended by revising paragraph (a) and adding paragaphs (g) and (h) as follows:

§ 21.502 Frequencies.

(a) Each assignment in the 10,550–10,680 band will be for either Extended network or for Limited network operation. Assignments in the 17,700–19,700 MHz band will be for all DEMS applicants regardless of the size of any intended network an applicant chooses to construct. Assignments for Extended network operation will consist of a pair of 5 MHz channels as set out in subsection (b) of this section plus internodal channels as set out in subsection (d) of this section. Assignments for Limited network coverage will consist of a pair of 2.5 MHz channels as designated in subsection (c) of this section plus internodal channels as set out in subsection (d) of this section. Assignments in 17,700–19,700 MHz band will consist of a pair of 10 MHz channels as designated in subsection (g) of this section plus internodal channels set out in subsection (h) of this section. A Limited network applicant or an applicant for an assignment in the 17,700–19,700 MHz band may simultaneously apply for more than one channel pair on showing the service to be provided will fully utilize all spectrum requested. An Extended network licensee may not apply for an additional channel pair until such time as the applicant has operated its initial

channel pair at or near the expected capacity.

* * * * *

(g) Assignements in the 17,700–19,700 MHz band shall be made according to the following plan:

Channel Group A		Channel Group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
1-A	18,360–18,370	1-B	18,940–18,950
2-A	18,370–18,380	2-B	18,950–18,960
3-A	18,380–18,390	3-B	18,960–18,970
4-A	18,390–18,400	4-B	18,970–18,980
5-A	18,400–18,410	5-B	18,980–18,990
6-A	18,410–18,420	6-B	18,990–19,000
7-A	18,420–18,430	7-B	19,000–19,010
8-A	18,430–18,440	8-B	19,010–19,020
9-A	18,440–18,450	9-B	19,020–19,030
10-A	18,450–18,460	10-B	19,030–19,040

(h) The band segments 18,587.5–18,682.5 and 18,717.5–18,812.5 MHz are available to the Point-to-Point Microwave Radio Service and will be used for Digitial Termination Systems operating within the above-listed channels. Assignments in this band shall be made according to the following frequency plan consisting of 20 two-way channels, each 5 MHz wide:

Channel Group A		Channel Group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
11-A	18,587.5–18,592.5V	11-B	18,717.5–18,722.5V
12-A	18,587.5–18,592.5H	12-B	18,717.5–18,722.5H
13-A	18,597.5–18,602.5V	13-B	18,727.5–18,732.5V
14-A	18,597.5–18,602.5H	14-B	18,727.5–18,732.5H
15-A	18,607.5–18,612.5V	15-B	18,737.5–18,742.5V
16-A	18,607.5–18,612.5H	16-B	18,737.5–18,742.5H
17-A	18,617.5–18,622.5V	17-B	18,747.5–18,752.5V
18-A	18,617.5–18,622.5H	18-B	18,747.5–18,752.5H
19-A	18,627.5–18,632.5V	19-B	18,757.5–18,762.5V
20-A	18,627.5–18,632.5H	20-B	18,757.5–18,762.5H
21-A	18,637.5–18,642.5V	21-B	18,767.5–18,772.5V
22-A	18,637.5–18,642.5H	22-B	18,767.5–18,772.5H
23-A	18,647.5–18,652.5V	23-B	18,777.5–18,782.5V
24-A	18,647.5–18,652.5H	24-B	18,777.5–18,782.5H
25-A	18,657.5–18,662.5V	25-B	18,787.5–18,792.5V
26-A	18,657.5–18,662.5H	26-B	18,787.5–18,792.5H
27-A	18,667.5–18,672.5V	27-B	18,797.5–18,802.5V
28-A	18,667.5–18,672.5H	28-B	18,797.5–18,802.5H
29-A	18,677.5–18,682.5V	29-B	18,807.5–18,812.5V
30-A	18,677.5–18,682.5H	30-B	18,807.5–18,812.5H

The assignment of these channels will be in accord with the demonstrated needs of the applicant. The preferred use of these channels is to provide internodal communications for Digital Termination Systems. All applicants for these channels shall follow the frequency coordination procedures of Section 21.100(d).

6. Section 21.503 is proposed to be amended by revising it and designating it paragraph (a) and adding paragraph (b) to read as follows:

§ 21.503 Frequency stability.

(a) In the frequency band 10 550–10 680 MHz the frequency stability of each Digital Termination Nodal Station transmitter authorized for this service shall be ±0.0001%. The frequency stability of each Point-to-Point Microwave Radio Station transmitter used for an internodal link and each Digital Termination User Station transmitter shall be ±0.0003%.

(b) In the frequency band 17 700–19 700 MHz the frequency stability of each Digital Termination Nodal Station transmitter authorized for this service shall be ±0.001%. The frequency stability of each Point-to-Point Microwave Radio Station transmitter used for an internodal link and each Digital Termination User Station transmitter shall be ±0.003%.

7. Section 21.506 is proposed to be amended by revising paragraph (a) to read as follows:

§ 21.506 Transmitter power.

(a) The output power of a Digital Electronic Message Service transmitter shall not exceed 0.5 watt. This limitation applies only to stations using frequencies in the 10 550–10 680 MHz band. The transmitter output power of stations using frequencies in the 17 700–19 700 MHz band will be governed by Section 21.107 of this rule part. Each application for either band shall contain an analysis demonstrating compliance with 21.107(a).

* * * * *

8. Section 21.701 is proposed to be amended by revising paragraph (j) as follows:

§ 21.701 Frequencies.

* * * * *

(j)(1) The 17,700–19,700 MHz band is channelized into bandwidths ranging from narrow to wide (from 5 MHz to 220 MHz). Assignments for wideband point-to-point uses shall be made on the basis of the following frequency plan consisting of six two-way channels, each 220 MHz wide:

Channel group A		Channel group B	
Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)	Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)
1-A	17,810 V	1-B	19,590 V
2-A	17,810 H	2-B	19,590 H
3-A	18,030 V	3-B	19,370 V
4-A	18,030 H	4-B	19,370 H
5-A	18,250 V	5-B	19,150 H
6-A	18,250 H	6-B	19,150 H

(2) Assignments for point-to-point uses requiring channels of 40 MHz bandwidth shall be made on the basis of the following frequency plan consisting of 3 two-way 40 MHz channels with 3 two-way interstitial channels, each 20 MHz wide:

Channel group A		Channel group B	
Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)	Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)
1-A	18,480 V	1-B	18,840 V
2-A	18,480 H	2-B	18,840 H
3-A	18,520 V	3-B	18,880 V
4-A	18,520 H	4-B	18,880 H
5-A	18,560 V	5-B	18,920 V
6-A	18,560 H	6-B	18,920 H
Interstitial channels (20 MHz wide)			
7-A	18,500 V	7-B	18,820 V
8-A	18,500 H	8-B	18,820 H
9-A	18,540 V	9-B	18,860 V
10-A	18,540 H	10-B	18,860 H
11-A	18,580 V	11-B	18,900 V
12-A	18,580 H	12-B	18,900 H

(3) Assignments for point-to-point uses requiring channels of 10 MHz bandwidth shall be made on the basis of the following frequency plan consisting of 20 two-way 10 MHz channels:

Channel group A		Channel group B	
Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)	Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)
1-A	18,595 V	1-B	18,715 V
2-A	18,595 H	2-B	18,715 H
3-A	18,605 V	3-B	18,725 V
4-A	18,605 H	4-B	18,725 H
5-A	18,615 V	5-B	18,735 V
6-A	18,615 H	6-B	18,735 H
7-A	18,625 V	7-B	18,745 V
8-A	18,625 H	8-B	18,745 H
9-A	18,635 V	9-B	18,755 V
10-A	18,635 H	10-B	18,755 H
11-A	18,645 V	11-B	18,765 V
12-A	18,645 H	12-B	18,765 H
13-A	18,655 V	13-B	18,775 V
14-A	18,655 H	14-B	18,775 H
15-A	18,665 V	15-B	18,785 V
16-A	18,665 H	16-B	18,785 H
17-A	18,675 V	17-B	18,795 V
18-A	18,675 H	18-B	18,795 H
19-A	18,685 V	19-B	18,805 V
20-A	18,685 H	20-B	18,805 H

Interstitial channel frequencies assigned of 5 MHz bandwidth are set forth in Section 21.502.

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

9. Section 94.3 is proposed to be amended by adding the following definitions in appropriate alphabetical order:

§ 94.3 Definitions

* * * * *

Control station. * * *

Digital Termination Nodal Station—A fixed point-to-multipoint radio station in a Digital Termination System providing two-way communications with Digital Termination User Stations.

Digital Termination System—A fixed point-to-multipoint radio system consisting of Digital Termination Nodal

Stations and their associated Digital Termination User Stations.

Digital Termination User Station—Any one of the fixed microwave radio stations located at users' premises, lying within the coverage area of a Digital Termination Nodal Station, and providing two-way digital communications with the Digital Termination Nodal Station.

Effective Radiated Power (ERP). * * *

Extended Network—A group of interconnected Digital Termination Systems that provides service to users in at least 30 Standard Metropolitan Statistical Areas.

* * * * *

Frequency Tolerance. * * *

Internodal Link—The communications link between two point-to-point microwave radio stations used to provide two-way communications between Digital Termination Nodal Stations or to interconnect Digital Termination Systems to other communications media.

Limited Network—A group of interconnected Digital Termination Systems that provides service to users in fewer than 30 Standard Metropolitan Statistical Areas. A single Digital Termination System will be considered to be a Limited Network for frequency assignment purposes.

* * * * *

10. Section 94.9 is proposed to be amended by adding paragraph (a)(5) and revising paragraph (b)(1) to read as follows:

§ 94.9 Permissibility of communications.

(a) * * *

* * * * *

(5) Communications on a commercial basis between the licensee and a user, among different premises of a single user, or from one user to another, but only in the frequency bands provided in this Part for Digital Termination Systems and associated internodal links.

(b) * * *

(1) Rendition of a common carrier communications service, except that stations carrying public correspondence associated with public coast stations licensed under Part 81 may continue in operation for the balance of the term of their licenses and for an additional five-year renewal term.

* * * * *

11. Section 94.15 is proposed to be amended by adding paragraph (i) to read as follows:

§ 94.15 Policy governing the assignment of frequencies.

* * * * *

(i) Licensees and applicants for Digital Termination Systems will not be subject to the provisions of paragraphs (a) through (h) of the section. They shall comply with frequency assignment policies and procedures prescribed for Digital Termination Systems and associated internodal links in Subpart F of this Part and § 21.100(d) of this chapter.

12. Section 94.61 is proposed to be amended by revising paragraph (b) and the text of footnote 17, to read as follows:

§ 94.61 Applicability.

* * * * *

(b) Frequencies in the following bands are available for assignment to stations in the Private Operational-Fixed Microwave Service.

* * * * *

6,625 to 6,875	(5), (7), (16)
10,550 to 10,680	(17)
12,200 to 12,500	(5)

* * * * *

[17] Frequencies in this band are shared with the Common Carrier services and may be authorized for Digital Termination Systems, associated internodal links, and other uses. The channelization of this band is indicated in Sections 94.65 and 94.189.

13. Section 94.63 is proposed to be amended by revising the second sentence of paragraph (a) as follows:

§ 94.63 Interference protection criteria for operational fixed stations.

(a) Before filing an application for new or modified facilities under this part the applicant must perform a frequency engineering analysis to assure that the proposed facilities will not cause interference to existing or previously applied-for stations in this service of magnitude greater than that specified in the criteria set forth in paragraph (b) of this section, unless otherwise agreed to in accordance with § 94.15(b). In addition, when the proposed facilities are to be operated in the bands 10,550—10,680 MHz, 18,360—19,040 MHz, 21,200—21,800 MHz, 22,400—23,000 MHz, 31,000—31,200 MHz, or 38,600—40,000 MHz, applicants shall follow the prior coordination procedure specified in § 21.100(d) of this chapter as regards stations in the Domestic Public Radio Services and when the proposed facilities are to be operated in the bands 2655—2690 MHz or 12,500—12,700 MHz, applications shall also follow the procedures in § 21.706 (c) and (d) and the technical standards and requirements of Part 25 of this chapter as regards licenses in the Communication-Satellite Service. *See also* § 94.77.

* * * * *

14. Section 94.65 is proposed to be amended by removing old paragraph (i) and adding new paragraphs (i) through (k) to read as follows:

§ 94.65 Frequencies.

* * * * *

(i) *10,550–10,680 MHz and 18,360–19,040 MHz.* Frequencies in the bands 10,550–10,680 MHz and 18,360–19,040 MHz authorized for Digital Termination Systems and associated internodal links are specified in § 94.137.

(j) *18,460–18,590 MHz, 18,810–18,940 MHz.*

(1) 40 MHz maximum bandwidth.

Paired Frequencies

Transmit (or receive) polarized vertically (V) or horizontally (H)	Receive (or transmit) polarized vertically (V) or horizontally (H)
18,480 V	18,840 V.
18,480 H	18,840 H.
18,520 V	18,880 V.
18,520 H	18,880 H.
18,560 V	18,920 V.
18,560 H	18,920 H.

(2) 20 MHz maximum bandwidth.

Paired frequencies

Transmit (or receive) polarized vertically (V) or horizontally (H)	Receive (or transmit) polarized vertically (V) or horizontally (H)
18,500 V	18,820 V.
18,500 H	18,820 H.
18,540 V	18,860 V.
18,540 H	18,860 H.
18,580 V	18,900 V.
18,580 H	18,900 H.

(k) *18,587.5–18,690 MHz, 18,710–18,812.5 MHz.*

(1) 10 MHz maximum bandwidth.

Paired frequencies

Transmit (or receive) polarized vertically (V) or horizontally (H)	Receive (or transmit) polarized vertically (V) or horizontally (H)
18,595 V	18,715 V.
18,595 H	18,715 H.
18,605 V	18,725 V.
18,605 H	18,725 H.
18,615 V	18,735 V.
18,615 H	18,735 H.
18,625 V	18,745 V.
18,625 H	18,745 H.
18,635 V	18,755 V.
18,635 H	18,755 H.
18,645 V	18,765 V.
18,645 H	18,765 H.
18,655 V	18,775 V.
18,655 H	18,775 H.
18,665 V	18,785 V.
18,665 H	18,785 H.
18,675 V	18,795 V.
18,675 H	18,795 H.
18,685 V	18,805 V.
18,685 H	18,805 H.

(2) 5 MHz maximum bandwidth.

The 20 channels interstitial to the 10 MHz channels listed in this subsection are set forth in Section 94.189.

15. Section 94.67(a) is proposed to be amended by revising the table and adding footnote 6 to read as follows:

§ 94.67 Frequency tolerance.

* * * * *

Frequency band MHz	Tolerance as percentage of assigned frequency
928–929	0.0005
952–960 [1]	0.0005
1,850–1,990	0.002
2,130–2,150	0.001
2,150–2,160	0.001
2,180–2,200	0.001
2,450–2,500	0.001
2,500–2,690	([2])
6,525–6,875	0.005
10,550–10,680	([6])
12,200–12,700	[6]0.005
12,700–18,460	[6]0.03
18,460–18,940	0.003
18,940–40,000	[6]0.03

* * * * *

6. Digital Termination System transmitters must maintain frequency tolerances in accord with § 94.191 in this band.

16. Section 94.71 is proposed to be amended by revising the introductory text of paragraph (b), by adding 10,550–10,680 to the table in paragraph (b) and by adding subparagraph (c)(3) as follows:

§ 94.71 Emission and bandwidth limitations.

* * * * *

(b) The maximum bandwidth that will be authorized per frequency assigned is as follows:

Frequency band MHz	Maximum authorized bandwidth
* * * * *	
6,525–6,875 MHz	5 or 10 MHz [1]
10,550–10,680 MHz	5 MHz [1]
12,200–12,700 MHz	10 or 20 MHz [1]
* * * * *	

(c) * * *

(3) For Digital Termination System channels and point-to-point microwave channels authorized for internodal communications:

(i) In any 4 kHz band, the center frequency of which is removed from the frequency of the center of the Digital Termination System channel by more than 50 percent of Digital Termination System channel bandwidth up to and including 50 percent plus 250 kHz (in the 10,550–10,680 MHz band) or 500 kHz (in the 17,700–19,700 MHz band): As specified by the following equation but in no event less than 50 decibels.

(in the 10,550–10,680 MHz band)
$A = 50 + 0.12(F-0.5B) + 10 \text{ Log } {}_{10}N$
(in the 17,700–19,700 MHz band)
$a = 50 + 0.06(F-0.5B) + 10 \text{ Log } {}_{10}N$

Where:

A = Attenuation (in decibels) below mean output power level contained within the Digital Termination System channel for a given polarization.
B = Bandwidth of Digital Termination System channel (in kHz).
F = Absolute value of the difference between the center frequency of the 4 kHz band measured and the center frequency of the Digital Termination System channel (in kHz).
N = Number of active subchannels of the given polarization within the Digital Termination System channel.

(ii) In any 4 kHz band within the authorized Digital Termination System band, the center frequency of which is removed from the center frequency of the channel by more than 250 kHz (in the 10,550–10,680 MHz band) or 500 kHz (in the 17,700–19,700 MHz band) or 500 kHz plus 50 per-cent of the channel bandwidth: As specified by the following equation but in no event less than 80 decibels.

$A = 80 + 10 \text{ Log } {}_{10}N$ decibels.

(iii) In any 4 kHz band the center frequency of which is outside the authorized Digital Termination System band:

At least $43 + 10 \text{ Log } {}_{10}$ (mean output power in Watts) decibels.

* * * * *

17. Section 94.73 is proposed to be amended by revising paragraph (a)(1) and adding a footnote 6 to paragraph (a)(2) to read as follows:

§ 94.73 Power limitations.

(a) * * *

(1)

Frequency band	Maximum transmitter output power (watts)
952–960 MHz	[1]20
1,850–6,875 MHz	20
10,550–10,680 MHz	0.5
12,200–40,400 MHz	10
* * * * *	

(2)

Frequency band	Maximum allowable ERP [3] dBm
* * * * *	
6,525–40,000 MHz	* * * 80
* * * * *	

[1] Except for Digital Termination Systems as provided in § 94.197.

§ 94.75 [Amended]

18. The table in § 94.75 is proposed to be amended by revising the fourth element under the heading "Frequency band (megahertz)" to "10,550 to 12,700 [3]," and by revising footnote 3 to read, "Except as provided in Section 94.90 and for Digital Termination System antennas whose coverage is omnidirectional or sectorized".

19. Section 94.94 is proposed to be added to read as follows:

§ 94.94 Microwave digital modulation in the 18,360–19,040 MHz band.

For transmitters operated in the 18,360–19,040 MHz band (including for Digital Termination Systems and point-to-point links) the bit rate, in bits per second, shall be equal to or greater than the bandwidth specified by the emission designator in Hertz (e.g., to be acceptable, equipment transmitting at a 20 MB/s rate must not require a bandwidth of greater than 20 MHz), except the bandwidth used to calculate the minimum rate shall not include any authorized guard band.

20. A new Subpart F of Part 94 on *Digital Termination Systems* is proposed to be added to read as follows:

Subpart F—Digital Termination Systems

§ 94.181 Scope.

Digital Termination Systems and associated internodal links are intended to provide for the exchange of digital information between fixed locations.

§ 94.183 Permissible communications.

Unless otherwise directed or conditioned in the applicable instrument of authorization, Digital Termination Systems and associated internodal links may be used to exchange any type of digital information consistent with the Commission's Rules.

§ 94.185 Applications.

(a) A separate application form must be filed for each Digital Termination System. When a set of related applications are filed to form a network of Digital Termination Systems, an exhibit must be included which contains a list of the Standard Metropolitan Statistical Areas (SMSA's) or service areas that will be served by the network and a proposed construction schedule showing the completion dates for each proposed Digital Termination Nodal Station in the network. Applications proposing frequencies specified for Extended networks must contain at least 30 SMSA's.

(b) All applicants for Digital Termination System frequencies must submit as part of the original application a detailed plan indicating how the

bandwidth requested will be utilized. In particular the application must contain detailed descriptions of the modulation method, the channel time sharing method, any error detecting and/or correcting codes, any spatial frequency reuse system and the total data throughput capacity in each of the links in the system. Further, the application must include a separate analysis of the spectral efficiency including both information bits per unit bandwidth and the total bits per unit bandwidth.

(c) Only those applications which state an intent to provide interconnected service to users in at least 30 Standard Metropolitan Statistical Areas (SMSA's) within 60 months of the granting of the application will be eligible for assignment of any of the frequencies designated as Extended network frequencies in § 94.189(b). All other applications will be eligible for assignment of the frequencies designated for Limited network frequencies in § 94.189(c) or of the frequencies designated for all DTS applicants in § 94.189(g).

(d) Digital Termination Nodal Stations may be authorized only as a part of an integrated communication system wherein Digital Termination User Stations associated therewith also are licensed to the Digital Nodal Station licensee. Applications for Digital Nodal Station licenses should specify the maximum number of Digital Termination User Stations to be served by that nodal station. No separate authorization is required for Digital Termination User Stations.

§ 94.187 Time in which station must be placed in operation.

(a) For stations in an Extended network each authorization issued by the Commission will specify the date of the grant as the earliest date of construction and a maximum of 60 months thereafter as the latest time when all construction shall be completed and the station is ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. The schedule filed in accordance with § 94.185(a) shall provide for substantial progress in the early years of the construction period. Furthermore, the licensee must file progress reports with the Commission commencing six months after the date of issue of the authorization and continuing every six months thereafter until construction is completed.

(b) For stations in a Limited network each authorization issued by the Commission will specify the date of the grant as the earliest date of construction and a maximum of 30 months thereafter as the latest time when all construction shall be completed and the stations ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. The schedule filed in accordance with § 94.185(a) shall provide for substantial progress in the early years of the construction period. Furthermore, the licensee must file progress reports with the Commission commencing six months after the date of issue of the authorization and continuing every six months thereafter until construction is completed.

§ 94.189 Frequencies.

(a) Each assignment in the 10,550–10,680 MHz band will be for either Extended network or Limited network operation. Assignments in the 17,700–19,700 MHz band will be for all applicants regardless of the size of the network that an applicant intends to construct.

(i) In the 10,550–10,680 MHz band, assignments for Extended network operations will consist of a pair of 5 MHz channels as set out in subsection (b) of this section plus internodal channels as set out in subsection (d) of this section. Assignment for Limited network operations will consist of a pair of 2.5 MHz channels as designated in subsection (c) plus internodal channels set out in subsection (d) of this section.

(ii) In the 17 700–19 700 MHz band, assignments will consist of a pair of 10 MHz channels as designated in subsection (g) of this section plus internodal channels set out in subsection (h) of this section.

(iii) A Limited network applicant or an applicant for assignment in the 17 700–19 700 MHz band may simultaneously apply for more than one channel pair on showing the service to be provided will fully utilize all spectrum requested. An Extended network licensee may not apply for an additional channel pair until such time as the applicant has operated its initial channel pair at or near the expected capacity.

(b) Extended network assignments in the 10 550–10 680 MHz band shall be made according to the following plan:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency bank limits MHz
1-A	10,565–10,570	1-B	10,630–10,635
2-A	10,570–10,575	2-B	10,635–10,640
3-A	10,575–10,580	3-B	10,640–10,645
4-A	10,580–10,585	4-B	10,645–10,650

Each assignment will consist of one channel from Group A and the same numbered channel from Group B. The channel from Group A will be used for the Digital Termination Nodal Station transmitter and the channel from Group B will be used for Digital Termination User Station Transmitters. The channels will be assigned in each SMSA starting with Channel pair 1 and continuing numerically upward to Channel pair 4. These channels may be subdivided as desired by the license.

(c) Limited network assignments in the 10 550–10 MHz band shall be made according to the following plan:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency bank limits MHz
5-A	10,600.0–10,602.5	5-B	10,665.0–10,667.5
6-A	10,602.5–10,605.0	6-B	10,667.5–10,670.0
7-A	10,605.0–10,607.5	7-B	10,670.0–10,672.5
8-A	10,607.5–10,610.0	8-B	10,672.5–10,675.0
9-A	10,610.0–10,612.5	9-B	10,675.0–10,677.5
10-A	10,612.5–10,615.0	10-B	10,677.5–10,680.0

Each assignment will consist of one channel from Group A and the corresponding channel from Group B. The channel from Group A will be used for the Digital Termination Nodal Station transmitter and the channel from Group B will be used for Digital Termination User Station Transmitters. The channels will be assigned in each SMSA starting with Channel pair 10 and continuing numerically downward to Channel pair 5. These channels may be subdivided as desired by the licensee.

(d) The bands 10 550–10 565 MHz and 10 615–10 630 MHz are available for internodal links and other point-to-point microwave facilities. Assignments in these bands will be made according to the following plan:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency bank limits MHz
11-A	10,550.0–10,552.5	11-B	10,615.0–10,617.5
12-A	10,552.5–10,555.5	12-B	10,617.5–10,620.0
13-A	10,555.5–10,557.5	13-B	10,620.0–10,622.5
14-A	10,557.5–10,560.0	14-B	10,622.5–10,625.0
15-A	10,560.0–10,561.25	15-B	10,625.0–10,626.25
16-A	10,561.25–10,562.5	16-B	10,626.25–10,627.5
17-A	10,562.5–10,563.75	17-B	10,627.5–10,628.75
18-A	10,563.75–10,565.0	18-B	10,628.75–10,630.0

The assignment of these channels will be in accord with the demonstrated requirement of the applicant. The preferred use of these channels is to provide internodal communications for Digital Termination Systems. All applicants for these channels shall follow the frequency coordination procedures of Section 21.100(d). Channels 11–14 will be assigned to Extended network licensees and channels 15–18 will be assigned to Limited network licensees.

(e) The bands 10 585–10 600 MHz and 10 650–10 665 MHz will be available for Extended network applicants when all the available Extended network channels have been assigned or when applications have been accepted for all available Extended network channels. These bands will be available for Limited network applicants only after April 16, 1986. Assignments in these bands will be according to the following plan:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency bank limits MHz
19-A	10,585.0–10,587.5	19-B	10,650.0–10,652.5
20-A	10,587.5–10,590.0	20-B	10,652.5–10,655.0
21-A	10,590.0–10,592.5	21-B	10,655.0–10,657.5
22-A	10,592.5–10,595.0	22-B	10,657.5–10,660.0
23-A	10,595.0–10,597.5	23-B	10,660.0–10,662.5
24-A	10,597.5–10,600.0	24-B	10,662.5–10,665.0

(i) An Extended network licensee will be assigned one pair of channels from Group A and the corresponding pair of channels from Group B. These channels may be adjacent, if available as such. The channel from Group A will be used for the Digital Termination Nodal Station transmitter and the channel from Group B will be used for Digital Termination User Station transmitters. Each pair of channels if adjacent may be used as a single channel by all Extended network licensees. Extended network assignments will start with Channels 19 and 20 and continue numerically upward.

(ii) A Limited network licensee will be assigned one channel from Group A and the corresponding channel from Group B. The channel from Group A is to be used for a Digital Termination Nodal Station transmitter and the channel from Group B is to be used for a Digital Termination User Station transmitter. Limited network assignments will start at Channel 24 and proceed numerically downward.

(f) After April 16, 1986, all unassigned Extended network channels will be rechannelized into 2.5 MHz channels. This spectrum, plus any unassigned Limited network channels, will then become available to either Limited for Extended network applicants.

(g) Assignments in the 17 700–19 700 MHz band shall be made according to the following plan:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
1-A	18,360–18,370	1-B	18,940–18,950
2-A	18,370–18,380	2-B	18,950–18,960
3-A	18,380–18,390	3-B	18,960–18,970
4-A	18,390–18,400	4-B	18,970–18,980
5-A	18,400–18,410	5-B	18,980–18,990
6-A	18,410–18,420	6-B	18,990–19,000
7-A	18,420–18,430	7-B	19,000–19,010
8-A	18,430–18,440	8-B	19,010–19,020
9-A	18,440–18,450	9-B	19,020–19,030
10-A	18,450–18,460	10-B	19,030–19,040

(h) The bands 18 587.5–18 682.5 and 18 717.5–18 812.5 MHz available to point-to-point operational-fixed stations as specified in Section 94.65(l)(1) will be used to provide internodal communications for Digital Termination Systems operated within the above-listed channels. All applicants for frequencies in the 18 587.5–18 812.5 MHz band segment shall follow the frequency coordination procedures of Section 21.100(d). Assignments in this band shall be made according to the following plan consisting of 20 two-way channels, each 5 MHz wide:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
11-A	18,587.5–18,592.5V	11-B	18,717.5–18,722.5V
12-A	18,587.5–18,592.5H	12-B	18,717.5–18,722.5H
13-A	18,597.5–18,602.5V	13-B	18,727.5–18,732.5V
14-A	18,597.5–18,602.5H	14-B	18,727.5–18,732.5H
15-A	18,607.5–18,612.5V	15-B	18,737.5–18,742.5V
16-A	18,607.5–18,612.5H	16-B	18,737.5–18,742.5H
17-A	18,617.5–18,622.5V	17-B	18,747.5–18,752.5V
18-A	18,617.5–18,622.5H	18-B	18,747.5–18,752.5H
19-A	18,627.5–18,632.5V	19-B	18,757.5–18,762.5V
20-A	18,627.5–18,632.5H	20-B	18,757.5–18,762.5H
21-A	18,637.5–18,642.5V	21-B	18,767.5–18,772.5V
22-A	18,637.5–18,642.5H	22-B	18,767.5–18,772.5H
23-A	18,647.5–18,652.5V	23-B	18,777.5–18,782.5V
24-A	18,647.5–18,652.5H	24-B	18,777.5–18,782.5H
25-A	18,657.5–18,662.5V	25-B	18,787.5–18,792.5V
26-A	18,657.5–18,662.5H	26-B	18,787.5–18,792.5H
27-A	18,667.5–18,672.5V	27-B	18,797.5–18,802.5V
28-A	18,667.5–18,672.5H	28-B	18,797.5–18,802.5H
29-A	18,677.5–18,682.5V	29-B	18,807.5–18,812.5V
30-A	18,677.5–18,682.5H	30-B	18,807.5–18,812.5H

The assignment of these channels will be in accord with the demonstrated needs of the applicant. The preferred use of these channels is to provide internodal communications for Digital Termination Systems.

§ 94.191 Frequency tolerance.

(a) In the frequency band 10 550–10 680 MHz the frequency tolerance of each Digital Termination Nodal Station transmitter authorized for this service shall be ±0.0001%. The frequency tolerance of each point-to-point operational-fixed transmitter and each Digital Termination User Station transmitter operated in the frequency band 10,550–10,680 MHz shall be ±0.0003%.

(b) In the frequency band 17 700–19 700 MHz, the frequency stability tolerance of each Digital Termination Nodal Station transmitter authorization this service shall be ±0.001%. The frequency tolerance of each point-to-point fixed transmitter and each Digital Termination User station transmitter in this band shall be ±0.003%.

§ 94.193 Interference.

(a) All harmful interference to other users and blocking of adjacent channel use in the same city and cochannel use in nearby Standard Metropolitan Statistical Areas is prohibited. In areas where SMSA's are in close proximity, careful consideration should be given to minimum power requirements and to the location, height, and radiation pattern of the transmitting antenna. Licensees, permittees and applicants are expected to cooperate fully in attempting to resolve problems of potential interference before bringing the matter to the attention of the Commission.

(b) As a condition for use of frequencies in this subpart each applicant is required to:

(1) engineer the system to be reasonably compatible with adjacent channel operations in the same city; and

(2) cooperate fully and in good faith to resolve whatever potential interference and transmission security problems may be present in adjacent channel operation.

(c) The following interference studies, as appropriate, shall be included with each application for a new or major modification in a Digital Termination Nodal Station:

(1) an analysis of the potential for harmful interference with other stations if the coordinates of any proposed station are located within 80 kilometers (50 miles) of the coordinates of any authorized, or previously proposed station(s) that utilizes, or would utilize, the same frequency or an adjacent potentially interfering frequency; and

(2) an analysis concerning possible adverse impact upon Canadian communications if the station's transmitting antenna is to be located within 55 kilometers (35 miles) of the Canadian border.

§ 94.195 Transmitter power.

(a) In the band 10,550–10,680 MHz the output power of the transmitters for Digital Termination Systems and associated internodal links shall not exceed 0.5 watt. In the 17,700–19,700 MHz band the output power of a Digital Termination System transmitter shall not exceed that specified in the authorization. Further, each application shall contain an analysis demonstrating compliance with § 94.73(a).

(b) The transmitter output power specified in this section is the peak envelope power of the emission measured at the associated antenna input port.

(c) Operating power shall not exceed the authorized power by more than ten (10) percent at any time.

§ 94.197 Radiated power limitation in the 10,600–10,680 MHz band.

The effective isotropic radiated power (EIRP) of stations in the band 10,600–10,680 MHz cannot exceed the following limits.

(1) Digital Termination User Stations—+53 dBm.

(2) Digital Termination Nodal Stations—+70 dBm.

(3) Point-to-point microwave stations used for internodal communications—+70 dBm.

§ 94.199 Antennas.

(a) Transmitting antennas may be omnidirectional or directional consistent with coverage and interference requirements.

(b) The use of horizontal or vertical plane wave polarization, or right hand or left hand rotating elliptical polarization must be used to minimize harmful interference between stations.

(c) Directive antennas shall be used at all Digital Termination User Stations and shall be elevated no higher than necessary to assure adequate service. The Digital Termination User Station antennas shall meet performance Category B and have a minimum power gain of 34 dBi. User antenna heights shall not exceed the height criteria of Part 17 of this chapter, unless authorization for use of a specific maximum antenna height (above ground and above sea level) for each location has been obtained from the Commission prior to the erection of the antenna. Requests for such authorization shall show the inclusive dates of the proposed operation. (*See* Part 17 of this chapter concerning the construction, marking and lighting of antenna structures).

[FR Doc. 81-26205 Filed 9-11-81; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket HM-179, Advance Notice]

Definition of Oxidizer; Extension of Comment Period

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

ACTION: Extension of time to file comments.

SUMMARY: On June 15, 1981, the Materials Transportation Bureau (MTB) published an advance notice of proposed rulemaking under Docket HM-179 (46 FR 31294) pertaining to the definition of an oxidizer. This notice requested comments on efforts to make that definition more specific and to provide tests which shippers may use to determine whether their products are oxidizers for purposes of transportation. By this notice, MTB is extending the comment period 90 days, from September 14, 1981, to December 15, 1981.

DATE: The time for filing comments is extended from September 14, 1981, to December 15, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Ke, Sciences Branch Technical Dvision, Materials Transportation Bureau, Department of Transportation, 400 7th St. S.W., Washington, D.C. 20590. (202–426–2311).

SUPPLEMENTARY INFORMATION: In consideration of a request made by the Harry A. Wray Associates for additional time in which it may file comments on this advance notice of proposed rulemaking, MTB is extending the comment period by 90 days. This extension should allow ample time in which interested persons can assemble technical and historical information on materials which may or may not be currently regulated as oxidizers transported in commerce.

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

Note.—The Material Transportation Bureau has determined that this document will not result in a "major rule" under terms of Executive Order 12291 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.)

Issued in Washington, D.C., on September 4, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-26703 Filed 9-11-81; 8:45 am]
BILLING CODE 4910-60-M

49 CFR Part 175

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

Carriage of Tear Gas Devices Aboard Aircraft; Extension of Comment Period

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

ACTION: Extension of time to file comments.

SUMMARY: On August 10, 1981, the MTB published a notice of proposed rulemaking under Docket HM-166] (46 FR 40540) pertaining to the carriage of tear gas devices on passenger-carrying aircraft. The MTB proposes to relax an existing prohibition in order to permit passengers and crewmembers to carry small tear gas devices in checked baggage. By this notice, MTB is extending the time for filing comments, from September 9, 1981, to October 19, 1981.

DATE: The time for filing comments is extended from September 9, 1981 to October 19, 1981.

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

SUPPLEMENTARY INFORMATION: In consideration of a request made on behalf of the International Air Transport Association (IATA) for additional time in which to file comments on this notice of proposed rulemaking, MTB is extending the comment period by 40 days. This extension should allow sufficient time for IATA to solicit comments from member airlines and submit its consolidated comments to the MTB.

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

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under terms of Executive Order 12291 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.)

Issued in Washington, D.C. on September 4, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-26407 Filed 9-11-81; 8:45 am]
BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Proposal To Remove the Bobcat From Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of potential United States proposal.

SUMMARY: The United States, as a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), may propose changes in the list of animal and plant species included in Appendices I and II for protection by this treaty. Under the terms of CITES, the party nations may consider such proposals either at their biennial meetings or through a postal procedure between the meetings.

This notice announces a preliminary determination that the bobcat is inappropriately included in Appendix II. Information obtained since its listing in 1976 shows that the bobcat is not potentially threatened with extinction unless international trade is controlled and that such control also is unnecessary in order to effectively regulate international trade in other listed species.

The Service invites comments from the public, which will be considered in determining whether the United States should submit a proposal for the CITES parties to consider through the postal procedure.

DATE: The Service will consider all information and comments received by November 13, 1981 in determining whether it should submit the proposal to the party nations.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 536, 1717 H Street, NW., Washington, D.C..

FOR FURTHER INFORMATION CONTACT: Dr. Richard M. Mitchell, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202)653–5948.

SUPPLEMENTARY INFORMATION: The bobcat (*Lynx rufus*) was listed on Appendix II of CITES following the First Meeting of the Conference of the Parties in 1976, when a proposal was adopted to list all Felidae. This was done without supporting evidence as to the population status of the bobcat. Since the U.S. then generally opposed the taking of reservations on any species, it refrained from doing so in this case.

In the years since the inclusion of the bobcat in Appendix II, all states within the U.S. that allow the species to be harvested have taken positive steps in conducting surveys and establishing or improving management programs for it. At least 5 years of harvest data and population trend information have been gathered on a national basis. It is evident that the bobcat is not a currently or potentially threatened species, and that its removal from CITES Appendix II will have no adverse affect on its survival or on the effectiveness of CITES in controlling international trade in other Felidae.

Information supporting these conclusions is summarized below. Persons interested in obtaining further information should contact the Service's Office of the Scientific Authority for a copy of the draft proposal.

Criteria

According to Article II of CITES, Appendix II shall include:

(a) All species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) Other species which must be subject to regulation in order that trade in specimens of certain species referred to in subparagraph (a) of this paragraph may be brought under effective control.

Based on language in the original proposal to list the Felidae in Appendix II, the Service has considered the bobcat to be listed for a combination of reasons (a) and (b) above.

The original listing proposal by the United Kingdom consists of the following statement, without supporting information:

"Inclusion of *Panthera leo* in Appendix I and of all Felidae species in Appendix II except those mentioned in Appendix I and the domestic cat (*Felis catus*):

These proposals extend those from Switzerland to delete certain subspecies from Appendix I, and to place three species on Appendix II. All cats are potentially involved in the fur trade, and the scale of this trade is such that all species must be considered as vulnerable, few populations now remaining unaffected. All wild species not in Appendix I should be on Appendix II, so that the scale of their occurrence in trade can be monitored. Further, the Indian lion is now so reduced in numbers that it should be placed on Appendix I."

It should be noted that Article II of CITES does not provide for listing species in Appendix II because of a need to monitor trade, although once species are listed, trade in them should be monitored.

The nations participating in CITES adopted criteria for listing and delisting species in Appendices I and II at their 1976 meeting. They agree that:

"Criteria for deletion, or transfer from Appendix I to Appendix II, should required positive scientific evidence that the plant or animal can withstand the exploitation resulting from the removal of protection. This evidence must transcend informal or lay evidence of changing biological status and any evidence of commercial trade which may have been sufficient to require the animal or plant to be placed on an appendix initially. Such evidence should include at least a well documented population survey, an indication of the population trend of the species, showing recovery sufficient to justify deletion, and an analysis of the potential for commercial trade in the species or population."

The parties adopted a further resolution concerning the delisting of species at their 1979 meeting:

"Considering that many species have been included on Appendices I and II of the Convention with little or no supporting information;

Considering, also, that criteria for adding species to Appendices I and II (Conf. 1.1) and criteria for deleting species from these appendices (Conf. 1.2) were adopted at the first meeting of the Conference of the Parties (Berne, 1976) to ensure the soundness of decisions on amendments to the appendices;

Observing, however, that these criteria were not applied to inclusions in Appendix I or II that were agreed to before the first meeting of the Conference of the Parties, and observing that there was not adequate time to effectively apply these criteria in inclusions agreed to at that meeting;

Conscious of the need to apply stringent criteria for deletion of species included in Appendix I or II under the criteria for addition, including the requirement of a well-documented population survey;

Convinced, however, that the appendices must be scientifically valid in order that the limited resources for implementing the Convention can be focused on species most in need of protection;

Considering the enormous cost of rigorously documenting the population status of all species in Appendix I or II that were included with little or no information and that apparently do not meet the criteria for addition;

Recognizing, therefore, the need to delete species from Appendix I or II if they were included without supporting information and are not qualified for inclusion under the criteria for addition.

The Conference of the Parties to the Convention

Decides that species included in Appendix I or II during or before the first meeting of the Conference of the Parties may be proposed for deletion from Appendix I or II or for transfer from Appendix I to Appendix II if a careful review of all available information on the status of the species does not lead to the conclusion that the species would be eligible for retention in its present appendix under the adopted criteria. Proposed amendments based on such reviews will be subject to the provisions of Article XV, as are all amendments to Appendices I and II."

Population Status

Presently, the bobcat is found throughout much of the United States, north to the Canadian border, crossing into British Columbia in the west and Nova Scotia in the east, and south into Mexico. The species has been extirpated only in the most densely populated areas of some eastern states and some intensively cultivated midwestern states of the U.S.

The bobcat is the most numerous and widely-distributed felid in North America, inhabiting sagebrush country, semidesert regions, bare mountainsides, montane forests, West Coast chaparral, and woodlands of many types including deciduous and coniferous forests of the east and northeast, subtropical swamp forests of the south and southeast, and dense humid forests of the Cascade Mountains in the northwest.

In Mexico, the species is most abundant in the north, but its range extends southward into the temperate highlands. The bobcat is distributed along the southern boundary of Canada where evidence suggests a recent invasion since the beginning of this century.

Following the inclusion of all Felidae species in Appendix II of CITES in 1977, all states allowing a harvest of bobcats have had to meet standards set by the U.S. Scientific Authority in order to export bobcat skins. These criteria require the states annually to furnish harvest figures (numbers taken, number of trappers, and prices paid for pelts), population estimates and trends, habitat assessment (trends), and management plans.

Method used in estimating bobcat numbers have been left up to each state. Some states employ population models, other use hunter and trapper surveys, a few use line censuses of track data and scent post stations (which show only the relative abundance of bobcats), and many use wildlife habitat inventories and population trends based on harvest data (including information on age-class structure and reproductive condition), or a combination of all the above methods.

In conducting wildlife habitat inventories, states determine the amount of habitat available for bobcats and compare this information to known harvest figures, censuses, direct observations, and other population information. Some State employing this method to estimate populations classify different types of habitat according to relative bobcat abundance. Habitat is classified as supporting high, medium, or low bobcat densities, with each vegetation type assigned a relative abundance designation. In the western states, it is assumed that the maximum density of adult bobcat in high density vegetation types is 1 per 18.4 sq. km based on research conducted by Bailey (1972) in Idaho and Crowe (1975) in Wyoming. Miller and Speake (1979) found the densities of bobcats in the southeastern United States to be 1 per 2.6 sq. km in high density vegetation types.

An estimate of the numbers of bobcats occurring in each state is determined by multiplying the densities of bobcats by the area of high, medium, and low density vegetation types. Population estimates derived in this and other means indicate that there are between 725,000 and 1,020,000 bobcats with a mean of 871,000 in the Continental U.S.

Bobcats have a lifespan of about 12 years in the wild and are sexually active until death. Females reach sexual maturity within a year and are polyestrous from February to June; the peak season is March (Crowe, 1975). After a gestation period of 60–63 days, one to four kittens (an average of 2.8—Bailey, 1972; Crowe, 1975) are born from late May to the end of June. The kittens are weaned between 60–70 days of age and remain with the female until they are two-thirds to three-quarters grown (usually early winter, November-December). Female offspring become sexually mature in the following year, but males do not become sexually mature until the second year.

Crowe (1975) reported a juvenile survival rate of from practically zero to a maximum survival rate of approximately 71 percent, with a 20-year average of 27 percent young survival. Bailey (1972) and Crowe (1975) reported very low natural mortality (about 4 percent) once bobcats survived their second winter. Crowe (1975) found that while the young-of-the-year were extremely susceptible to variations in prey populations, adults were resistant to mortality induced by changes in prey abundance. He concluded that survival rates of the young may be the major factor in bobcat population fluctuations.

The density of bobcats in a given area with no human interference is influenced by social behavior, habitat quality, prey base, and interspecific competition. The number of adults in an area appears to remain relatively stable throughout the year (Bailey, 1972). Bobcats space themselves by mutual avoidance throughout their range and avoidance appears to be greatest between animals of the same sex. Bobcats are territorial in nature, following well-established routes and using feces and urine posts (scrapes) to delineate their territory. According to Bailey (1974), the primary function of territoriality appears to be the spacing of individuals, thus ensuring an adequate supply of resources.

When old enough to become self-sufficient, bobcats wander in search of available territories. Most transient bobcats appear sexually immature (Bailey, 1972), it is probable they do not rear young until they have permanently settled in an area (established a home range). Adult resident bobcats appear to prevent transients from rearing young in their territory.

Crowe (1975) calculated age specific survivorship at approximately 67% of the adults surviving each year in the exploited population. The annual recruitment of bobcats into a population is about 0.71 kittens per female. If it is assumed that the average litter size is 2.8 and that the annual kitten survival rate based on a 20-year average is 26 percent, then the annual recruitment rate of new bobcats into a population is approximately 0.71 kittens per breeding female.

Based on the above population estimates, using the value of 0.71 kittens surviving per female (Crowe, 1975) and assuming that the ratio of males to females in the population is nearly equal, the annual recruitment of young-of-the-year into the population would be 254,000 to 362,000 individuals. The sex ratio among 28,432 bobcats caught by government trappers from 1915 to 1956 was 100 males to 77.6 females (Gashwiler et al., 1961). The greater movements of males could produce a bias in the sex ratio of trapped animals because of increased opportunities for capture.

Crowe (1975) employed a model for exploited bobcat populations in Wyoming to predict the limits within which harvested bobcats may be expected to respond. He found that 33 percent of the bobcats could be harvested from an area annually

without affecting the overall bobcat population. With a recruitment of 254,000 to 362,000 juveniles into an existing population of 725,000 to 1,020,000 adults, the population of bobcats would be anywhere from 979,000 to 1,382,000 before the following hunting and trapping season (usually Dec. 1–Feb. 28). Each state sets a season to manage the bobcat and regulate the harvest. Many states have management plans to annually harvest 10 to 20 percent of the bobcat population. Few exceed this percentage in actual take. In the past 5 years, the annual take of bobcats has averaged about 92,000; thus, the overall U.S. annual take is less than 10 percent of the available population. Since many young-of-the-year and juveniles would not survive their first two years of life, trapping and hunting are probably taking animals out of the population that ordinarily would die from natural causes.

Habitat availability and prey abundance appear to be the determining factors affecting bobcat numbers. Harvesting by man appears to have little direct effect on the overall adult or breeding population because much of the harvest involves nonreproducing individuals. This is reflected in age-class data compiled by most states. Age-classes 0–1 and 1–2 years are most heavily exploited by hunters and trappers. Nearly 53% of the bobcats harvested annually are in these two age groups. Many of these animals are transient juveniles that have not established territories and have not been incorporated into the existing breeding population.

Available information furnished annually by the states indicates the bobcat populations in the U.S. have generally remained stable, with little significant increase or decrease since nationwide data collection began in 1977.

Trade Status

Until recently, bobcat pelts had little monetary value and trapping for commercial purposes was not an important reason for taking the animal. Generally, it was treated as a predator and hunted for sport or bounty. For the past 5 years approximately 92,000 bobcats have been harvested annually. Available data show that in many states 55 percent of the harvest is by trappers and 45 percent by hunters. Only 35 percent of the bobcat pelts harvested are exported (4-year average, 1976–79).

Even without regulation by CITES, evidence that most of the harvest is not exported demonstrates that bobcats probably would continue to be harvested in many states at nearly the present level. While trappers take bobcats primarily for the fur trade, which is largely an export market, hunters shoot them for sport and do not regularly sell the pelts. For example, in 1976–77, California harvested approximately 20,000 animals of which 15,000 were taken by hunters. In addition to commercial and sport harvests, a number of animals are removed annually because of their threat to livestock and poultry. In the southeast and southwest where pelts do not bring top prices, much of the harvest involves sport hunting and predator control.

The bobcat pelts harvested for export are used for manufacture into garments, mostly as trim on cloth coats or as full length coats. Generally, only the larger pelts and prime skins are exported. Even with the tremendous rise in fur prices, especially in 1978–79, the harvest of bobcats and the number of pelts exported did not rise significantly. Possibly this is because only prime pelts are utilized in trade and the numbers required by the European market is limited. The prices paid for pelts reached a peak in 1978–79 ($145) and presently have fallen by at least 30 percent ($103).

Protection

Before 1976, the bobcat was listed as a predator by many states and there were few states with closed seasons or management programs for the species. Many states paid a bounty for the removal of nuisance bobcats. Presently, no state pays a bounty and all states manage the bobcat as a game animal, furbearer or protected species. Currently, (1980–81 season) 11 states list the bobcat as protected against taking and 37 states allow a regulated harvest of bobcats.

Of the states now allowing bobcat harvest, all have a limited season running usually between November 1 to March 31. This season insures against the taking of adults in the breeding season and against the taking of immatures. Thirty-two states require mandatory tagging of all pelts and the reporting of all cats taken. Reporting is usually required within 6 to 7 days after the taking of a bobcat. Some states have a seasonal quota on harvest and others have established a limit or number that each trapper or hunter can take.

All states within the U.S. allowing bobcat harvest presently have the population data and the management ability needed to regulate that harvest by means of seasons, bag limits, mandatory tagging and reporting, and habitat manipulation. This is reflected by the change of status of the bobcat in many states from a predator to a game animal or a furbearer and the strict regulation of the harvest. Each state adjusts its harvest season for the purpose of preventing the taking of excess numbers. For example, in 1980–81, Nevada reduced its trapping season by one-third and this in turn reduced the bobcat harvest by 22 percent, and in 1981–82, South Dakota will close its bobcat season for two years to allow the population to build up.

Each state in the U.S. that allows bobcats to be harvested has established a management program for the species. There is no sound biological basis for establishing additional legal protection. Because approximately 60 percent of all bobcats harvested are utilized within the U.S., the elimination of CITES export requirements would have little impact on the current or future harvest of the species. In effect, each state has determined export will not be detrimental to the survival of the species when a decision is made to allow an annual harvest. Subsequent establishment of bag limits and periods during which harvest is allowed insure the continued survival of the species.

Similar Species

The lynx is the only animal whose pelt might be mistaken for that of the bobcat. While somewhat similar in appearance to the Canadian lynx (*Lynx canadensis*), the bobcat differs from it in having shorter legs, smaller feet with exposed toe pads, ears tufted slightly or not at all, a longer tail not black all around and white at the tip, and shorter fur.

The draft proposal contains illustrations and a full description of characters used to distinguish the bobcat from the lynx or other cats. Pelts of these species are sufficiently distinct that there is no reasonable need to regulate bobcat exports in order to effectively control trade in lynx or other species.

Schedule of Events

The Service requests comment on the present notice for 60 days and plans to reach a final decision on the proposal in December, 1981. At that time, the Service will publish a Federal Register notice of its decision and, if appropriate, send a proposal to the CITES Secretariat for consideration through the postal procedure.

This procedure, set forth in Article XV of CITES, is as follows:

(a) Any party may propose an amendment to Appendix I or II for consideration between meetings by the

postal procedures set forth in this paragraph.

(b) For marine species, [section omitted].

(c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.

(d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under subparagraph (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.

(e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.

(f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of subparagraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

(g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of subparagraph (h), (i), and (j) of this paragraph.

(h) The Secretariat shall notify the Parties that notification of objection has been received.

(i) Unless the Secretariat receives the votes for, against, or in abstention from at least one-half of the Parties within 60 days of the date of notification under subparagraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.

(j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.

(k) The Secretariat shall notify all Parties of the result of the vote.

(l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

Alternatives

As a result of this proposal, there are two alternatives: (1) delete the bobcat from the Appendices altogether or (2) take no action and retain the species in Appendix II.

(1) Delete the bobcat from the Appendices altogether.

CITES controls for the exportation of bobcat pelts generally have not been more restrictive than regulations imposed by individual states on the harvest of the species. Therefore, delisting would not result in any threat to the bobcat because management of bobcats will continue to be exercised by the states. If evidence should later show the species to be potentially threatened by trade, the species could be reinstated in Appendix II.

(2) Retain the bobcat in Appendix II.

This alternative would weaken the effectiveness of CITES as a conservation tool in the U.S. Removal of the bobcat from Appendix II is needed to imporve the integrity of CITES, in compliance with criteria adopted by the party nations. Information now available shows that the species is inappropriately listed in the appendix, which imposes unnecessary permit requirements upon state agencies and the public.

Request for Information

The Service requests information that might be useful in determining if the bobcat is appropriately listed in Appendix II. Please address correspondence to the Office of the Scientific Authority (address given above).

This notice is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. et seq.; 87 Stat. 884, as amended). It was prepared by Dr. Richard L. Jachowski, Office of the Scientific Authority, telephone (202) 653-5948.

Note.—The Department has determined that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601).

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

Literature Cited

Bailey, T. N. 1972. Ecology of Bobcats with Special Reference to Social Organization, Ph.D. Thesis, University of Idaho, Moscow, Idaho, 82 pp.

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Crowe, D. M. 1975. A Model for Exploited Bobcat Populations in Wyoming, J. Wildl. Management, 39(2): 408–415.

Gashwiler, J., W. Robinette, and O. Morris. 1961. Breeding Habits of Bobcats in Utah. J. Mammal. 42(1): 76–84.

Miller, D. S., and D. W. Speake. 1979. Status of the Bobcat. Unpub. Report, Alabama Cooperative Wildlife Research Unit. 16 pp.

[FR Doc. 81-26624 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing

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

ACTION: Notice of proposed change in appendix and request for comments.

SUMMARY: This notice proposes to increase the total allowable level of foreign fishing (TALFF) of Pacific whiting in the fishery conservation zone off the Washington, Oregon, and California coasts by releasing the reserve of Pacific whiting for allocation by the Department of State. Regulations allow the Regional Director to release any part of the whiting reserve to TALFF in excess of domestic needs as soon after August 1 as practical.

DATE: Comments on this proposed action are invited until September 29, 1981.

ADDRESSES: Comments may be mailed to H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sandpoint Way NE., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, 206–527–6150.

SUPPLEMENTARY INFORMATION: On February 10, 1977, a preliminary fishery management plan (PMP) prepared by the Secretary of Commerce was published in the **Federal Register** (42 FR 8578). The PMP established conservation and management measures for the foreign trawl fisheries of the Washington, Oregon, and California region under authority of Section 201(h) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.* The fourth amendment to the PMP, published in the **Federal Register** on May 20, 1981 (46 FR 27483), established an optimum yield of 175,000 mt, a domestic annual harvest (DAH) of 80,000 mt, and a TALFF of 60,000 mt. Because of uncertainties in stock abundance and DAH, 35,000 mt of the optimum yield were held in reserve until better information could be obtained. Provisions were made in the

fourth amendment for the Regional Director or his designee, to release to TALFF any part of the whiting reserve and DAH in excess of domestic needs as soon as practical after August 1 if events and available data justified this action. A 15-day comment period (following publication of the proposal) was established to allow for public review of a proposal to release any part of the whiting reserves or DAH. This action constitutes such a proposal. All pertinent statistics are available for public review in the Regional Office during this time.

The following criteria for release of the reserve and excess DAH were established in the fourth amendment to the PMP. The Regional Director may supplement TALFF with all or part of the Pacific whiting reserve and DAH in excess of domestic needs if, as of July 1:

(1) The results of the spring larval whiting assessment support the OY estimate; and

(2) The part of the Pacific whiting reserve and DAH to be added to TALFF will not be harvested by domestic vessels during the rest of the fishing year, as determined by U.S. catch and effort compared to previously projected U.S. catch and effort for the rest of the fishing year.

Statistics reviewed by the Regional Director indicate that, by July 1, the criteria for release of the whiting reserve were met:

(1) The 1981 whiting larvae survey showed no significant changes in spawning biomass, and thereby supports the 1981 estimate of OY; and

(2) The unharvested balance of the initial DAH estimate of 80,000 mt represents domestic needs and intentions for the remainder of 1981. The inseason survey of shore-based processors reaffirmed the accuracy of the initial domestic annual processing (DAP) estimate of 5,000 mt of whiting. Although one foreign processor (joint venture) ceased processing U.S. harvested whiting in June, demand from other joint venture participants has increased and compensates for this withdrawal; the initial estimate for joint venture processing (JVP) of 75,000 mt therefore remains the same. Consequently, no part of the DAH is available for TALFF and domestic intentions are not to harvest any part of the whiting reserve of 35,000 mt.

Based on the above information, the Regional Director proposes that the 35,000 mt reserve be added to TALFF.

In promulgating regulations providing for this action, the Assistant Administrator determined that this action is consistent with the national standards and other provisions of the Mangnuson Act, and other applicable law. The Administrator of NOAA further determined that this not a "major rule" under E.O. 12291, and that it will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rule does not change any existing collection of information requirements.

Dated: September 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611 is proposed to be amended as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. In § 611.20, Appendix I, Entry 5 is revised to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

Appendix I.—Optimum Yield (OY), Domestic Annual Harvest (DAH), Domestic Annual Processing (DAP), Joint Venture Processing (JVP), Domestic Non-processed Fish (DNP), Reserve, and Total Allowable Level of Foreign Fishing (TALFF), all in Metric Tons

Species and species code	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
* * * *	*		*	*			
5. Northeast Pacific Ocean Fisheries: Washington, Oregon, and California Fisheries.							
Pacific whiting, 704	175,000	80,000	5,000	[13] 75,000		0	95,000
Shortbelly rockfish, 850	10,000	10,000	7,500	2,500		0	[14] 0
Flounders, 129	38,400	38,400	38,400	[14] 0		0	[14] 0
Jack mackerel, 208	55,000	55,000	55,000	[14] 0		0	[14] 0
Rockfishes, excluding Pacific ocean perch, 849	43,300	43,300	43,300	[14] 0		0	[14] 0
Pacific ocean perch, 760	1,000	1,000	1,000	[14] 0		0	[14] 0
Sablefish, 703	13,400	13,400	13,400	[14] 0		0	[14] 0
Other species, 499	26,100	26,100	26,100	[14] 0		0	[14] 0

* * * * * * * *

[13] Includes 200 mt taken incidentally in shortbelly joint venture.
[14] See § 611.70(b)(1)(ii) for incidental catch allowances.

[FR Doc. 81-26704 Filed 9-11-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 177
Monday, September 14, 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.

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; Week Ended September 4, 1981

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.

Subpart Q Applications

Date filed	Docket No.	Description
Sept. 2, 1981	39975	Trenton Hub Express Airline, Inc., Post Office Box 1117, Flemington, New Jersey 08822. Application of Trenton Hub Express Airline, 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 unrestricted nonstop scheduled air transportation of passengers, property and mail as follows: Between and among the terminal point Trenton, New Jersey, and the alternate terminal points: Albany, New York, Atlanta, Georgia, Boston, Massachusetts, Buffalo, New York, Charlotte, North Carolina, Chicago, Illinois, Cincinnati, Ohio, Cleveland, Ohio, Columbus, Ohio, Detroit, Michigan, Fort Lauderdale, Florida, Hartford, Connecticut, Indianapolis, Indiana, Orlando, Florida, Pittsburgh, Pennsylvania, St. Louis, Missouri, Syracuse, New York, Tampa, Florida, Washington, D.C., West Palm Beach, Florida. Conforming Applications, motions to modify scope, and Answers may be filed by September 30, 1981.
Sept. 1, 1981	39972	Golden West Airlines Co., 4200 Campus Drive, P.O. Box 1677, Newport Beach, California 92663. Application of Golden West Airlines Co. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that its certificate of public convenience and necessity for Route 201 be amended so as to authorize the nonstop round trip carriage of persons, property, and mail between the points listed below: Orange County, California— Monterey, California (MRY) Conforming Applications, motions to modify scope, and Answers may be filed by September 29, 1981.
Sept. 4, 1981	39991	Philippine Airlines, Inc., c/o Arthur D. Bernstein, Galland, Kharasch, Calkins & Short, 1054 Thirty-first Street NW., Washington, D.C. 20007. Application of Philippine Airlines, Inc. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests that its foreign air carrier permit be amended to authorize it to engage in foreign air transportation with respect to passengers, property, and mail in accordance with the rights expressed in Paragraph D of the MOU and Annex I of the Agreement as follows: *Under the MOU* *Until September 1, 1981* Route 1: From the Philippines to Palau, Guam and Saipan and return Route 2: From the Philippines via Japan to Honolulu, San Francisco, Los Angeles, one point in the United States to be selected by the Republic of the Philippines and beyond to one other country to be selected by the Republic of the Philippines Route 3: From the Philippines via intermediate points to Guam, Honolulu, San Francisco, Los Angeles, five points in the United States to be selected by the Republic of the Philippines and beyond. *From September 1, 1981 to August 31, 1982* Route 1: From the Philippines to Palau, Guam and Saipan and return Route 2: From the Philippines via Japan to Guam, Honolulu, San Francisco, Los Angeles, two points in the United States to be selected by the Republic of the Philippines and beyond to two countries to be selected by the Republic of the Philippines. Route 3: From the Philippines via intermediate points to Guam, Honolulu, San Francisco, Los Angels, five points in the United States to be selected by the Republic of the Philippines and beyond. *Under the Air Transport Agreement* *From September 1, 1982 and thereafter* Route 1: From the Philippines to Palau, Saipan and Guam and return Route 2: From the Philippins via intermediate points to Guam, Honolulu, San Francisco, Los Angels and five points in the United States to be selected by the Republic of the Philippines and beyond to three countries to be selected by the Republic of the Philippines Route 3: From the Philippines via intermediate points to Guam, Honolulu, San Francisco, Los Angeles and five points in the United States to be selected by the Republic of the Philippines and beyond. Answers may be filed by October 2, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-26662 Filed 9-11-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33068 and 39760; Order 81-9-35]

Application of Pan American World Airways, Inc.; Transpacific Low-Fare Route Investigation (Japan Phase)

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of September 1981.

In the matter of Transpacific Low-Fare route Investigation (Japan Phase) [Docket 33068] and application of Pan American World Airways, Inc. for restriction removal, pursuant to section 401(e)(7)(B) of the Federal Aviation Act of 1958, as amended (U.S.-Japan-Philippines) [Docket 39760].

Order

By Order 81-1-30, December 24, 1980, we granted additional transpacific route authority to U.S. carriers, but reserved judgment on the question of new and improved Japan authority pending United States-Japan aviation discussions. We found that the public

interest would best be served by deferring the question of the award of new authority and of restriction removal until after the talks with the Japanese to afford the U.S. negotiators flexibility in dealing with their Japanese counterparts.

The talks with the Japanese focus on the questions of new entry and new designations under the United States-Japan aviation agreement. Those talks are continuing and some progress is being made. Although we assume that an agreement will be reached, we do not know how many additional designations will be available to U.S. carriers, or if the designations will be on a phased basis, since we cannot predict the negotiating climate with certainty. We can foresee three possible outcomes of the negotiations. First, the parties may fail to reach agreement. In that event, the U.S. retains its Bermuda I multiple designation rights. Second, as part of an overall agreement, both parties could agree to a new designations article which also permits unlimited designations by both parties. The third possible alternative is that there will be limitations on the number or timing of the designations of new carriers in the U.S.-Japan market.

We wish to be in a position to proceed quickly to authorize new U.S. carriers to serve the U.S.-Japan market under any of the several possible resolutions of the talks. In the *Transpacific Low-Fare Route Investigation*, Judge Sobernheim recommended award of multiple authority in the U.S.-Japan market. Therefore, if a multiple-entry policy is adopted, we are in a position to respond promptly to that outcome based upon the record in the *Transpacific* case. We think that it is also desirable to have a forum to consider expeditously the grant of additional authority in the event that the negotiations result in limitations on the number of carriers that may serve the market. This approach will enable U.S. carriers to take quick advantage of opportunities that may result from the discussions.

The record in the *Transpacific* case does not, as presently developed, provide use with a basis for carrier selection.[1] Therefore, we have decided to reopen the record in the *Transpacific* investigation and to remand it for an oral evidentiary hearing before an administrative law judge to consider which U.S.-flag carrier(s) should be selected for primary and back-up authority to serve the U.S.-Japan market and what conditions, terms or limitations, if any, should be attached to that authority.

We confirm our finding that the authorization of new U.S.-flag service to Japan is consistent with the public convenience and necessity.[2] Therefore, the *Japan Phase* of the remanded *Transpacific* case need not consider this issue. Only the selection of a carrier or carriers, and ancillary matters, will be considered.

Certain aspects of the scope and decisional criteria we expect to use in this reopened phase of the *Transpacific* case bear emphasis. The schedule routing should correspond to the present North Pacific Central Pacific and Micronesia routings contained in the existing United States-Japan Air Transport Services Agreement, as amended (Agreement). As noted, we do not know at this time how many additional carriers should be certificated over each routing or whether the designations will be on a phased basis. Therefore, it is necessary to retain the flexibility to license one or more carriers over each or less than all of the schedule routings. We ask the judge to rank the top three applicants overall and the top three applicants for each routing.

In selecting the carrier or carriers to serve the U.S.-Japan market, our primary focus will be on improving the market structure and the level of competition in the U.S.-Japan air transportation system in order to promote a competitive environment that will sustain the greatest public benefits over time. Although we realize that under the terms of the existing agreement with the Japanese, carriers will be able to combine their newly gained authority to service Japan with their other transpacific authority, the focal point of this investigation will be on economically viable service in the U.S.-Japan market. We will also take into account fares and services in determining which carriers will be selected, although these factors may carry less decisional weight than market structure considerations. We do not exclude other factors historically used by the Board for carrier selection where they are relevant.

In Order 81-1-30, we deferred action on the requests of Northwest and Pan American to eliminate certain restrictions on their U.S.-Japan certificate authority. Northwest requests the removal of condition (7) of its certificate of public convenience and necessity for Route 129 which requires it to make a mandatory stop in Honolulu on flights between California and Tokyo.[3] One of the restrictions prevents Pan American from serving points in Japan on flights between the United States and the Philippines.[4] On June 29, 1981, Pan American filed a second application for amendment of its certificate of public convenience and necessity for Route 130 to remove the restriction. Answers in opposition to Pan Am's application were filed by Northwest Airlines, Inc.; DHL Corporation; the Department of the Interior; the Governor of Guam, the Guam Airport Authority, and the Guam Growth Council; the Commonwealth of the Northern Mariana Islands; the Guam Oil and Refining Company; and Jones and Guerrero Company, Inc.[5] On July 22, 1981, Pan Am filed a motion for leave to file an unauthorized reply to the answers of the Guam Oil and Refining Company and Jones and Guerrero Company, Inc.[6] Pan Am's filings and the answers are summarized in Appendix B.

[1] As we stated in Order 80-10-44, we agreed with Judge Sobernheim's conclusion that the record in the *Transpacific* investigation does not present sufficient evidence to rank carrier proposals or award authority on the basis of ranking.

[2] Orders 81-5-5, 81-3-36, 81-1-30.

[3] By Order 81-5-5 we granted Northwest a *pendente lite* exemption for this restriction to permit the carrier to operate nonstop between Los Angeles and San Francisco, California and Tokyo, Japan. By Order 81-9-34 we denied a petition for reconsideration of this exemption and indicated that Northwest's restriction removal application would be disposed of in the *Japan Phase* of the remanded *Transpacific* case. Naturally, our decision to grant Northwest a *pendente lite* exemption will have no bearing on our disposition of its certificate amendment application.

[4] Route 130 contains two transpacific routings that bifurcate at Guam. Since Japan and the Philippines are on separate branches, Pan Am may not serve both countries on the same flight. *See* Order 78-5-165.

[5] The deadline for answers was extended to July 21, 1981, by the Secretary acting under delegated authority.

[6] We will grant Pan Am's motion.

We will consolidate Pan Am's certificate amendment application into the remanded investigation.[7] We will also place in issue the restriction removal request of Northwest and Pan Am that we deferred by Order 81–1–30. In addition, we will place in issue the suspension, alteration or amendment under section 401(g) of the dormant authority of Trans World Airlines to serve Okinawa on Route 164. We will *not*, however, consider as an issue in this reopened phase of the *Transpacific* case any action under section 401(g) with regard to the certificate authority held by Continental, Flying Tiger, Northwest, Pan American and United Air Lines to serve Japan.

In accordance with Board policy, we shall issue the primary and back-up authority in the form of temporary certificates under section 401(d)(8) of the Act.[8] We ask, however, that the parties and the administrative law judge explore the terms of the temporary certificates and the selection of realistic inauguration dates that take into account factors peculiar to the market. The service proposals of the back-up carriers need not necessarily be over the same routing as those of the primary carrier.

We request that all applications, motions to consolidate, petitions to intervene and petitions for reconsideration be submitted within 15 days of the service of this order.[9] Answers should be filed within 10 days thereafter. To reduce the delay and costs of the evidentiary burden associated with traditional carrier selection cases, we invite the parties to explore with the judge ways to reduce the quantity of required exhibit material, eliminate duplication and excessive detail, standarize methodology, and focus on significant facts and assumptions. Although the record in the *Transpcific* case does not permit us to rank carrier proposals, it does contain much useful information. We urge the parties to use the record in that case where possible in the preparation of their exhibits and testimony in this reopened phase. We leave the resolution of these matters to the administrative law judge.

Accordingly, 1. We reopen the record in the *Transpacific Low-Fare Route Investigation*, Docket 33068, and remand it for an oral evidentiary hearing before an administrative law judge;

2. We designate the remanded proceeding as the *Transpacific Law-Fare Route Investigation (Japan Phase)*, Docket 33068;

3. The remanded proceeding shall include consideration of the following issues:

(a) Which carrier or carriers should be authorized to engage in foreign air transportation of persons, property, and mail between a point or points in the United States and a point or points in Japan;[10]

(b) What terms, conditions, or limitations, if any, should be attached to the authority granted;

(c) Does the public convenience and necessity require us to alter, amend, modify, or suspend the certificate authority of Trans World Airlines, Inc. to engage in foreign air transportation of persons, property, and mail between Los Angeles, Ontario and Long Beach, California, the intermediate points Honolulu, Hawaii and Guam, and Okinawa, Japan;

(d) Whether condition (7) of the certificate of public convenience and necessity of Northwest Airlines, Inc. for Route 129 should be deleted;

(e) Whether conditions (9) and (13), and (10), insofar as it relates to service to Japan, of the certificate of public convenience and necessity of Pan American World Airways, Inc. for Route 130 should be deleted;

(f) Whether the condition in the certificate of public convenience and necessity of Pan American World Airways, Inc. for Route 130 which prevents Pan American from serving points in Japan on flights between the United States and the Philippines should be deleted;

4. Applications, petitions for reconsideration, petitions to intervene, and motions to consolidate shall be filed no later than September 24, 1981;

5. Answers shall be filed no later than October 5, 1981;

6. We consolidate the application of Pan American World Airways, Inc. in Docket 39760 into the remanded proceeding in Docket 33068;

7. We grant the motion for leave to file an unauthorized reply of Pan American World Airways, Inc. in Docket 39760;

8. Except to the extent granted, all applications, motions, and other requests are denied; and

9. We shall serve a copy of this order upon all parties to Docket 33068; the Department of the Interior; the Governor of Guam, the Guam Airport Authority, and the Guam Growth Council, the Commonwealth of the Northern Mariana Islands; the Guam Oil and Refining Company; and Jones and Guerrero Company, Inc.; and all certificated air carriers.

We shall publish this order in the **Federal Register.**[11]

By the Civil Aeronautics Board.[12]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–26660 Filed 9–11–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket Nos. 35084, 39715, 39722, 39872; Order 81–9–20]

Applications of United Air Lines, Inc., et al.; Emergency Air Transportation Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of September 1981.

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], application of Transamerica Airlines, Inc. for an emergency exemption from sections 401 and 403 of the Act [Docket 39715], Emergency Air Transportation Requirements [Docket 39722] and application of Trans World Airlines, Inc. for an exemption pursuant to section 416(b) of the Act [Docket 39872].

Order

By Order 81–8–86, August 13, 1981, we granted exemptions from our essential air service requirements in order to relieve carriers form certain service requirements during the service cutbacks resulting from the job action by the Professional Air Traffic Controllers Organization (PATCO).[1] In that order, we also indicated that, in order to ease the financial difficulties

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[7] Our decision to consider Pan Am's application to operate U.S.-Tokyo-Manila service has no bearing on the essential air service needs of Guam, nor does it constitute approval for any reduction in Pan Am's existing service to Guam. While Pan Am's application indicates an intention to reroute Honolulu-Guam-Manila flights via Tokyo, it can reduce its existing service to Guam only in connection with a properly filed notice under section 401(j) of the Act and Part 323 of the Board's regulations. On July 1, 1981, Pan Am filed such a notice to reduce its service between Honolulu and Guam from six roundtrips per week to five, effective October 1, 1981, Docket 39774. By Order 81–9–28 the Board took no action to prohibit Pan Am from reducing its service.

[8] Backup awards will be needed only in the case of limited designations.

[9] Carriers with existing applications in the *Transpacific* case should submit new applications which conform to the scope of the reopened *Japan Phase*. They will not be charged an additional filing fee. Pan Am need not refile its application in Docket 39760. New applicants may file applications under normal procedure.

[10] This includes the issue of carrier fitness.

[11] Appendices A and B filed as part of the original document.

[12] All members concurred.

[1] *See also* Order 81–8–22, August 6, 1981; Order 81–6–146, June 19, 1981 (by Director, BDA, under delegated authority).

experienced by carriers providing essential air service, we would accept 401(j) and 419(a)(3) notices for suspensions of service from nonsubsidized essential air service carriers 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. We stated in that order that "[i]f 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." [3]

By this order we are delegating authority to the Director, Bureau of Domestic Aviation, to authorize the payment of hold-in compensation for the purpose described above. In addition, we will delegate to the Director, BDA, authority to exempt carriers from the notice provisions of sections 401(j) and 419(a)(3) of the Act to the extent that they require 30 or 90 days' notice prior to termination, reduction or suspension of service during the period of service cutbacks.

Upon the filing of a 401(j) or 419(a)(3) notice by a nonsubsidized EAS carrier, the Director, BDA may (1) exempt that carrier from the statutory notice period and (2) authorize payment of hold-in subsidy. These payments should provide sufficient compensation for the actual costs of providing essential air service, but will not cover a carrier's general and administrative expenses. In addition, payments will cover only those losses attributable to the PATCO walk-out, and not those losses unrelated to the emergency situation.[3] Payment will be effective from the date of the filing of the notice. We will exempt carriers from the statutory time periods set forth in sections 401(j) and 419(a)(3) here because of the unusual circumstances resulting from the PATCO job action. The emergency situation was beyond the carriers' control and ability to predict; therefore, we could not expect the carriers to file their notices any earlier.

We have also decided to make an adjustment to Order 81-8-86 in order to clarify which carriers remain bound to file notices of terminations, reductions, or suspensions of service in accordance with ordering paragraph 3 of Order 81-8-86. We here make clear that we will require the filing of a notice from (1) carrier(s) that we have designated as providing essential air service or on whom we are relying to provide essential air service at points where we have defined essential air service; and (2) any air carrier that carried more than 20 percent of the enplanements in the second quarter of 1981 at points where we have not defined essential air service.

Our previous orders exempted carriers from the statutory notice requirements to the extent that such requirements would prohibit service cutbacks required to comply with flight schedule plans established by the FAA.[4] We have not granted exemption authority to carriers to permit them to reduce service without notice when such action is unrelated to the air transportation emergency.[5] Moreover, in cases in which a carrier terminates or reduces service in accordance with this exemption authority but its service is critical to the community's needs, we may override this exemption and order the carrier to maintain service.

In addition, we have decided to extend the effective dates of the exemption authority awarded in Order 81-8-86, except the reduction of EAS levels to one daily round trip. The reduction to one daily round trip was the most drastic of the actions we have taken. It appears that the air traffic control system is operating at sufficient capacity to accommodate these few additional services so we will eliminate that exemption. If any carrier cannot comply with the requirement to provide a minimum of two daily round trips, it should request a specific exemption from this requirement.

We will extend the remaining exemption authority until October 1, 1981, when the first normal schedules under the FAA's long-term plan will be in place.

We will extend the time period for interested persons to file comments on these actions until September 11, 1981. The FAA has indicated that it will release its long-term plan for the operation of the air transportation system on September 8, 1981. Commenters will be able to respond to the effects of the FAA's plan on our actions here.

Accordingly, 1. We delegate authority to the Director, Bureau of Domestic Aviation, to (1) authorize the payment of immediate hold-in subsidy under section 419(a)(7) to carriers currently providing nonsubsidized essential air service that file notices under sections 401(j) and 419(a)(3) of the Act under the circumstances described in this order; (2) exempt carriers from the 30/90 day notice provisions of section 419(a)(3); and (3) exempt individual carriers from the requirement to provide two daily round trips;

2. We require all carriers filing a notice under sections 401(j) and 419(a)(3) in order to receive immediate payments, to supply the following information with their notices:

For the month of July and the period August 1st to date:

(1) EAS departures by aircraft type;

(2) EAS miles flown by aircraft type;

(3) EAS passengers (in the event that more than two points are involved in the EAS service, the passenger totals must be broken out by on-line O&D markets).

In addition, a current schedule of EAS service should be provided;

3. We amend ordering paragraph 3 of Order 81-8-86 by deleting the phrase "the last carrier serving a point" and inserting instead "(1) carrier(s) that we have designated as providing essential air service at points where we have defined essential air service; and (2) any air carrier that carrier more than *20* percent of the traffic in the second quarter of 1981 at points where we have not defined essential air service;"

4. We amend ordering paragraph 10 of Order 81-8-86 by deleting "September 9, 1981," and inserting instead "October 1, 1981; except that our award of exemption authority which permits carriers to provide a minimum of one, instead of two, round trips per day shall expire on September 9, 1981;"

5. We will accept comments from persons requesting modification or curtailment of these exemptions or commenting on the desirability of extending this authority beyond October 1, 1981; comments should be filed in Docket 39722 by September 11, 1981;

6. This order shall be effective immediately. The authority delegated to the Director, Bureau of Domestic Aviation, in ordering paragraph 1 shall expire on November 1, 1981; and

7. We will serve a copy of this order on all U.S. certificated and foreign carriers, all commuter air carriers, the Department of Transportation, the Federal Emergency Management Agency, the Federal Aviation

[3] Order 81-8-86 at 3.

[3] We require all carriers filing a notice under section 401(j) or 419(a)(3) in order to receive immediate payments, to supply the following information with their notices:

For the month of July and the period August 1st to date:

(1) EAS departures by aircraft type.

(2) EAS miles flown by aircraft type.

(3) EAS pasengers (in the event that more than two points are involved in the EAS service, the passenger totals must be broken out by on-line O&D market).

In addition, a current schedule of EAS service should be provided.

[4] Orders 81-8-86, August 13, 1981; 81-8-148, June 19, 1981.

[5] *See* Order 81-9-6, September 1, 1981.

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 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 this Federal Register.

By the Civil Aeronautics Board.[6]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-28665 Filed 9-11-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39595]

Japan Air Lines Co., Ltd. and Northwest Airlines, Inc.; Assignment of Proceeding

In the matter of complaint of Japan Air Lines Company, Ltd. against Northwest Airlines, Inc.: "Export Inland Contract" Rates.

The above-entitled case has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., September 8, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-28661 Filed 9-11-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-9-43]

Midway Airlines Additional Points Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (81-9-43).

SUMMARY: The Board is instituting the *Midway Airlines Additional Points Proceeding* and is proposing to grant unrestricted authority to Midway Airlines at Orlando and Tampa under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the proposed authority shall file, and serve on all persons listed below, no later than September 25, 1981, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order shall be filed in Docket 39752, which we have entitled the *Midway Airlines Additional Points Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Midway Airlines; Florida Department of Transportation, Aviation Bureau; Mayors of Clearwater, Orlando, St. Petersburg and Tampa; and the airport authorities at Orlando and Tampa.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5384.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-43 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-9-43 to that address.

By the Civil Aeronautics Board, September 8, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-28664 Filed 9-11-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39934; Order 81-9-33]

Republic Airlines, Inc.; Approval of Subcontract Service and Compensation at Beloit/Janesville, Wis.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of September 1981.

By this order, the Board is approving the application of Republic Airlines, Inc., to replace Republic's service at Beloit/Janesville, Wisconsin, with service to be provided under a subcontract arrangement by Mid-Continent Airlines, Inc. Under the terms of this arrangement, the Board will pay Republic compensation for losses of $28,700 per month which Republic will pay to Mid-Continent.

On January 16, 1981, Republic filed in Docket 39162 a 90-day notice of intent to terminate service at Beloit/Janesville under section 401(j)(1) of the Federal Aviation Act of 1958, as amended. We prohibited Republic from terminating its service at this point until replacement service is initiated. Subsequently, the Board's essential air service staff has been conducting a carrier selection proceeding under section 419(a)(4) of the Act. Mid-Continent is the only applicant in that proceeding. Republic has advised the Board that, as a consequence of the Federal Aviation Administration's restrictions on aircraft operations following the firing of striking members of the Professional Air Traffic Controllers Organization, the carrier's landing slots at Chicago have been sharply reduced to the point where Republic can no longer maintain reliable service to Beloit/Janesville. Republic states that it has contacted Mid-Continent and that Mid-Continent would be able to initiate service immediately to Beloit/Janesville with Piper Navajo aircraft, using slots currently available to Mid-Continent at Chicago. The service would consist of four round trips between Beloit/Janesville and Chicago per weekday and two round trips over the weekend period. Compensation for losses amounting to $28,700 per month ($344,400 annually) would be paid by the Board to Republic, which would pay the funds to Mid-Continent. This compensation for losses would be in lieu of Republic's existing compensation for serving Beloit/Janesville, and it would be set as a final rate, not subject to retroactive adjustment for as long as it remains in effect. Mid-Continent instituted service on August 17, 1981, pending approval of the proposed subcontract arrangement.

Answers have been filed in the proceeding by Congressman Les Aspin, Rock County Airport Manager Dennis E. VanBeest, and the City of Janesville. In summary, the major points raised in these answers are that: (1) the Board's consideration of this application should not be intertwined with the carrier selection process of Beloit/Janesville; (2) arguments made by Republic about tre number of passengers who use the air service at Beloit/Janesville and the level of service which should be provided at this community are misplaced in this proceeding; (3) Republic should commit itself to supporting the proposed replacement service with, for example, public service announcements or by instructing Republic's personnel to advise Beloit/Janesville-bound passengers of the availability of Mid-Continent's service; (4) the proposed replacement service does not meet Beloit/Janesville's essential service requirements (although two of the persons who raised this point expressed the view that the reduced level of service was acceptable as a temporary expedient); (5) the subcontract arrangement should have a specific termination date; (6) the issues and effects of the firing of the air traffic

[6] All members concurred.

controllers are temporary; (7) replacement service was implemented by Mid-Continent before the Board had approved the subcontract arrangement; (8) Beloit/Janesville had no notice period to review the proposed service; (9) the hasty manner in which replacement service was initiated posed administrative and other difficulties to Rock County officials; and (10) Republic has presupposed that Mid-Continent will be chosen as the replacement carrier at Beloit/Janesville.

We have decided to authorize the replacement service proposed by Republic because the restrictions on aircraft operations due to the reduced capacity of the air traffic control system clearly pose a threat to the uninterrupted provision of essential air service at Beloit/Janesville. Rather than risk a prolonged hiatus of service, we are approving this temporary arrangement so that the community will have service during this period. We wish to emphasize, though, that Republic will continue to be the carrier primarily responsible for the provision of essential air service at Beloit/Janesville. If the replacement service provided proves unnecessary or unacceptable, we shall cancel our authorization of this arrangement and order Republic to resume service.

We have studied the answers carefully, and we believe that the form of action which we are taking here should satisfactorily address the concerns raised in the answers. First, we view our action here as a purely temporary measure. Because we do not know when the replacement service will no longer be desirable, we are not setting a fixed expiration date. Instead, we are reserving the right to unilaterally cancel this arrangement if the replacement service proves unnecessary or unacceptable. Secondly, we expect that Republic will enthusiastically support the replacement service that it is proposing. While we are not prescribing all specific measures that the carrier should take, we shall certainly consider transition problems faced by Beloit/Janesville passengers in considering whether our authorization of the arrangement should be cancelled. We at least expect Republic to aid Mid-Continent in establishing ground services, with reservations, and in informing the public of the replacement schedules. Next, we recognize that the proposed replacement service falls short of our essential air service determination for Beloit/Janesville (Order 79-10-150, October 24, 1979). Again, our action here is a temporary measure which we expect to terminate with either the conclusion of the carrier selection or the restoration of normal air service at Chicago. In Order 81-8-86, adopted August 13, 1981, we permitted carriers which were providing essential air service to reduce their service levels to what effectively amounts to one-half of the essential service determination. The number of round trips to be operated by Mid-continent are in excess of those required by our original determination for Beloit/Janesville, and the 32 one-way seats are well in excess of one-half of those required by our emergency determination. Although the application indicates that Mid-Continent will operate a Dubuque-Beloit/Janesville-Chicago routing, Mid-Continent has informally advised our staff that it will, instead, operate nonstop turnaround service. The compensation reflects this service, which will give Beloit/Janesville passengers more seats to Chicago. Finally, while Mid-Continent is the only applicant in the carrier selection proceeding, our action here is not intended in any way to prejudge the outcome of that process. Until we have made that decision, there can be no guarantee that Mid-Continent will or will not be designated as the essential air service carrier at Beloit/Janesville.

Under section 419(c)(2) of the Act, we must determine that a commuter carrier is fit, willing, and able and that its aircraft conform to applicable safety standards before we pay compensation to it to provide essential air transportation. We have reviewed Mid-Continent's service record, equipment and fuel availability, as well as information from the operational and financial audits performed in the context of our pending carrier selection procedures at Beloit/Janesville[1] and information from the FAA concerning Mid-Continent's compliance with the FAA's safety standards. On the basis of this review we are satisfied that Mid-Continent is fit, willing and able to provide the essential air service at Beloit/Janesville under the terms of its subcontract with Republic. We emphasize, however, that our determination of Mid-Continent's fitness relates solely to and is limited to its scope of operations under the subcontract arrangement with Republic which we are authorizing by this Order. Mid-Continent's fitness to serve Beloit/Janesville as a possible permanent replacement for Republic and more generally under our commuter fitness procedures will be handled in separate proceedings.

[1]Docket 39162.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 419, and 1002(d) thereof, and the regulations promulgated in 14 CFR Part 324:

1. We authorize Mid-Continent Airlines to provide replacement emergency essential air transportation at Beloit/Janesville, Wisconsin, for Republic Airlines, Inc.;

2. We find that Mid-Continent Airlines is fit, willing and able to provide reliable essential air service at Beloit/Janesville under the terms of its sub-contract arrangement with Republic Airlines authorized above;

3. We set the final level of compensation for losses sustained by Republic Airlines, Inc., by virtue of its provision of essential air transportation at Beloit/Janesville, Wisconsin, at $150.00 for each scheduled flight completed beginning August 17, 1981, subject to maximum compensation of $1,200 per weekday and $600 per weekend period;[2]

4. We may, at our discretion, cancel our authorization of Mid-Continent's replacement service at any time after giving 15 days notice;

5. We shall serve this Order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[3]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-26663 Filed 9-11-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Belliasima Knitwear, Inc., 5711 Kennedy Boulevard, North Bergen, New Jersey 07047, producer of women's dresses, suits and sweaters (accepted August 21, 1981); (2) Allentown Manufacturing Company, Inc., 315 Linden Street, Allentown, Pennsylvania 18101, producer of women's shirts, skirts, pants and shorts (accepted August 21, 1981); (3) A. B. Coddington Garment Company, Inc.,

[2]For weekends that fall into two separate calendar months, both weekend days will be considered as part of the latter month for the purposes of calculating both monthly compensation and the monthly compensation ceiling.

[3]All members concurred.

P.O. Box C, LaPorte, Indiana 46350, producer of women's suits, slacks, skirts, shorts, vests and blouses (accepted August 24, 1981); (4) Jack Spector, Inc., 37 East 18th Street, New York, New York 10003, producer of paint brush bristles (accepted August 24, 1981); (5) Nordic Enterprises, Ltd., 15365 Woodburn-Monitor Road, Woodburn, Oregon 97071, producer of men's and women's vests and jackets (accepted August 25, 1981); (6) Conaco, Inc., P.O. Box 428, Birmingham, Alabama 35201, producer of steel castings (accepted August 26, 1981); (7) Lake Castings, Inc., 1737 Camp Street, Sandusky, Ohio 44870, producer of iron castings (accepted August 27, 1981); (8) Handi-Pak, Inc., 224 E. 4th Street, Hermann, Missouri 65041, producer of roller skates and toys (accepted August 28, 1981); (9) Decor Lite Enterprises, 10771 Pearl Street, Garden Grove, California 92642, producer of paneling (accepted August 31, 1981); (10) A & D Carriage House, Inc., R.D. #1, Bethlehem, Pennsylvania 18017, producer of women's blouses (accepted August 31, 1981); (11) Garon Knitting Mills, Inc., 101–109 North 30th Avenue, West, Duluth, Minnesota 55806, producer of headwear, gloves, mittens, hosiery, scarves and sweaters (accepted September 2, 1981); (12) Herreria Fernandez, Inc., P.O. Box 7378, Pampanos Station, Ponce, Puerto Rico 00732, producer of steel fence posts and other metal products (accepted September 2, 1981); (13) Crescent Industrial Safety Products, Inc., Box 703, Johnstown, New York 12095, producer of work gloves, jackets, aprons and other protective apparel (accepted September 2, 1981); (14) Flodin Lumber and Manufacturing Company, Box 309, Plains, Montana 59859, producer of softwood lumber (accepted September 3, 1981); and (15) Twintech, Inc., P.O. Box 207, Meridianville, Alabama 35759, producer of printed circuit boards; electronic training and testing equipment (accepted September 4, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than September 24, 1981.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-26647 Filed 9-11-81; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Export Bibliography

This is to inform the public that the Department of Commerce is planning to publish a special issue of the "International Marketing Newsmemo" which would include a comprehensive bibliography of publications dealing with the "how to" of exporting. Authors, publishers and other interested persons are invited to submit titles to be included in this bibliography.

The bibliography would be intended to serve the needs of the U.S. business community as well as academia. A need for information of this nature has been made apparent through inquiries received by the Department of Commerce from representatives of small- and medium-sized business firms taking the first steps in overseas marketing. In addition, discussions with academicians have revealed that the basic "how to" of exporting needs to accompany the study of theory in this area. An export bibliography should provide the necessary texts for educating the prospective exporter.

Sources presently being used for compilation of this listing are as follows:

Library of Congress Cataloging (LCCC and LIBCON)
GOP and NTIS Data Bases
Monthly Checklist of State Publications
U.S. Department of Commerce Library
81 Ayer Directory of Publications
Ulrich's International Periodicals Directory
The Standard Periodical Directory

Listings would include titles published from 1975 to the present and authorized by the U.S. Government as well as the public and private sectors. The bibliography is intended to be an impartial listing of all titles dealing with the mechanics of exporting retrievable through the aforementioned sources or submitted to the Department in response to this notice.

The Department of Commerce does not intend to endorse any of the publications listed, nor to assume responsibility for the accuracy of the information they contain. For this first printing, subject matter dealing with such topics as the following will be excluded: export policy review, nuclear proliferation, overseas military sales and export legislation. Such categories of publications appear either too broad in scope or are in insufficient demand by exporters to justify inclusion at this time.

Authors, publishers, etc. interested in submitting publication titles to be included in the bibliography should direct correspondence to the Seminars and Educational Programming Section, Office of Export Marketing Assistance, International Trade Administration, Room 2015–B, U.S. Department of Commerce, Washington, D.C. 20230. Submissions should include the following information: author, title, publisher, publication date, number pages, Library of Congress card number, ISBN or ISSN number and a copy of the table of contents and/or summary of the contents. Notification of any similar bibliographies which may already be available would be appreciated. Responses are requested on or before October 14, 1981. Suggestions or comments regarding this bibliography are welcome.

Donald V. Earnshaw,

Deputy Assistant Secretary for Export Development.

[FR Doc. 81-26641 Filed 9-11-81; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Romania; 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 pig iron from Romania. The review covers the only know exporter of this merchandise to the United States, Metalimport. The

review covers the period October 3, 1978 through September 30, 1980. There have been no known shipments to the U.S. during this period and there are no known unliquidated entries.

As a result of this review, the Department has decided to require a cash deposit equal to the margin calculated during the original fair value investigation. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey 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:

Procedural Background

On October 29, 1968, a dumping finding with respect to pig iron from Romania was published in the **Federal Register** as Treasury Decision 68–262 (33 FR 15904). A "Notice of Tentative Determination to Modify or Revoke Dumping Findings" with respect to this merchandise was published by the Department of the Treasury on October 2, 1978 (43 FR 45497–8). Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral views. Treasury received comments but took no further action on the proposed revocation. On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on pig iron from Romania.

Scope of the Review

Imports covered by this review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron casting such as pipe, automobile castings, and machinery parts.

Pig iron is currently classifiable under items 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one exporter of pig iron from Romania to the United States, Metalimport. The review covers the period October 3, 1978 through September 30, 1980. The Treasury Department reviewed all prior periods.

Review of Prior Comments

The Ad Hoc Committee of Merchant Pig Iron Producers of America objected when Treasury published its tentative revocation. The basis of its objection was that "if the impediment against price discrimination is removed, they will be free to resume their proven unfair marketing tactics and will not hesitate to do so."

Since the exporter has neither requested revocation nor provided the written agreement required by § 353.54(e) of the Commerce Regulations, we will not consider this proposed revocation further.

Preliminary Results of the Review

Our records indicate no shipments of pig iron from Romania for the period October 3, 1978 through September 30, 1980, and there are no known unliquidated entries.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

It is our general intention in cases where there are no shipments to determine cash deposit rates on the basis of the margins on the last known shipments. Metalimport has not responded to any questionnaire. Therefore, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit of 70 percent, based on the margin calculated during the original fair value investigation as best evidence, shall be required on all shipments of pig iron from Romania entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

September 4, 1981.

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 81–26629 Filed 9–11–81; 8:45 am]

BILLING CODE 3510–25–M

Steel Trigger Price Mechanism Product Coverage; Decision and Additional Requests for Expansion

AGENCY: International Trade Commission, Commerce.

ACTION: Announcement of the Department of Commerce's decision to expand trigger price coverage and notice of additional requests for expansion.

SUMMARY: The Department of Commerce announces the expansion of coverage on submerged arc welded line pipe to include grade API 5LX X–70. The Department is also publishing notice of additional requests received for product coverage expansion on packaging, finishing, and cut length extras on stainless steel wire; a coating extra for electrogalvanized carbon steel wire; alloy steel rail; and aluminum coated steel sheet. Interested parties are invited to comment within thirty days of this notice on the new coverage requests.

FOR FURTHER INFORMATION CONTACT: Stanley P. Gustafson, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377–3529.

SUPPLEMENTARY INFORMATION: The Department of Commerce has previously announced requests for changes in trigger price product coverage on October 21, 1980 (45 FR 69527), November 20, 1980 (45 FR 76722), January 27, 1981 (46 FR 8637) and June 16, 1981 (46 FR 31461). The Department is hereby announcing a decision on one of the requests in the June 16, 1981 notice and is announcing the receipt of additional requests.

I. Expansion of Coverage on Grade X–70 Line Pipe

The Department received a request to expand coverage on submerged arc welded (SAW) line pipe. This request was published on June 16, 1981 (46 FR 31461) with a thirty day period for public comment.

Based on a review of the comments received and an analysis of the issues, a decision has been made to expand the coverage on SAW line pipe (page 14–12 in the *Third Quarter 1981 TPM Price Manual)* to include grade X–70. The pipe

on that page is to API (American Petroleum Institute) specification 5LX. The current coverage is for grades X–42 through X–65.

X–70 is a basic high strength grade now commonly used in pipeline projects. It has high tensile properties and therefore can have thinner walls, and consequently lighter weight per foot, while providing greater strength. Production of this product requires sophisticated steel-making equipment as well as sophisticated pipe-making equipment. There are currently four domestic producers.

Because the purchasers are pipeline contractors, bids are for large quantities (usually an entire section of pipeline) to be delivered over a long period of time based on the construction schedule. Thus a single failure to bid successfully will have a long-term effect upon production and future investment.

The consumption of X–70 has risen substantially in the last year. Estimates of X–70 consumption in 1978 through 1980 were less than 5,000 metric tons per year. The consumption for 1981 is estimated at 230,000 metric tons based on amounts known to be used in pipeline projects. The number of projected pipeline projects committed to using X–70 indicates that it will command an increasing share of the line pipe market in the future.

The Department received a comment indicating that domestic producers could not supply projected domestic demand. This comment assumed domestic producers would be bidding on Canadian as well as U.S. projects, ignoring the fact that U.S. producers have not been successful in bidding past Canadian projects. Current U.S. capacity indicates that an ability to meet expected 1981 U.S. pipeline demands for X–70 exists. However, full future domestic participation in this growing market will necessitate the expansion of current production facilities. The Department has decided to establish trigger prices for X–70 in order to be able to respond promptly should it appear that unfairly traded importations of X–70 are preventing U.S. producers from competing in this vital and growing market.

The trigger prices for the X–70 grade and the effective date of the coverage change will be announced in a subsequent notice.

II. Notice of Requests for Expansion of Coverage on Stainless Steel Wire

The Department has received several requests for expansion of coverage on stainless steel wire. This product is currently covered on pages 16–20 through 16–30 in the *Third Quarter 1981 TPM Price Manual.* These requests are for the addition of certain extras to the current coverage.

The first request is for the addition of a packing extra (page 16–30) for "cores." These are used for stainless steel lashing wire, the wire used to support telephone and other cables that are strung between utility poles. The lashing wire is wrapped around the other cables and the "core" allows the wire to feed properly into the spinning apparatus that wraps it around the cable. The "cores" are substantially more expensive than the other types of packing covered by the current packing extras.

A second request is to expand the centerless grinding finish extras (page 16–29) to extend the size range to include wire sizes from 0.040" through 0.092". Current centerless grinding extras cover sizes from 0.093" through 0.703". The cost of the extra processing on the smaller sizes is substantial.

A third request is to add finish extras (page 16–29) for taper grinding. This process is used on wire for antennas. The cost of the taper grinding is substantial due to the large amount of material loss which occurs in this process.

A fourth request is to extend the straightening and cut-to-length extras (page 16–30) to include wire sizes 0.031" and smaller in diameter and to add additional size break-outs for cut lengths shorter than 12". Current extras cover diameters from 0.032" through 0.703", and have a single amount for cut lengths shorter than 12".

III. Notice of Request for Amending of Coverage on Electrogalvanized Wire

The Department has received a request to amend coverage to provide a specific extra for electrogalvanized wire. Galvanized wire is currently covered on pages 16–5 and 16–6 in the *Third Quarter 1981 TPM Price Manual* and the extra for regular or commercial coating is applied to electrogalvanized product. This request is for the establishment of a separate extra which reflects the costs attributable to the electrogalvanized product. It is also requested that the ocean freight component of the trigger price include a container vessel rate for electrogalvanized wire.

IV. Notice of Request for Expansion of Coverage to Alloy Rail

The Department has received a request for expansion of coverage in AISI import category 6 to include alloy rail. Current published price coverage in this category is limited to carbon steel rail. The requestor states that imports of alloy rail have increased dramatically in the past three years.

V. Notice of Request for Expansion of Coverage to Aluminum Coated Sheet

The Department has received a request for expansion of coverage in AISI import category 27 to include aluminum coated sheet. Current published price coverage in this category is limited to electrogalvanized and hot dipped galvanized sheets.

Comments on these requests should be submitted to Stanley P. Gustafson, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, on or before October 14, 1981. One copy should be provided for each issue addressed plus a non-confidential copy for the public file.

Dated: September 8, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-26684 Filed 9-11-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Ad Hoc Cost Discipline Advisory Committee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of committee: U.S. Army Ad Hoc Cost Discipline Advisory Committee
Date of meeting: 16–17 September 1981
Place: Room 2E715B, Pentagon, Washington, D.C.
Time: 0900–1700 each day.

This announcement amends the notice published in Vol 46 FR, 43076, on Wednesday, August 26, 1981.

The meeting will be open to the public on September 16, 1981 from 0900–1130 hours to provide the Army program overview and the initiatives to control cost growth in weapon systems. Attendance by the public at the open sessions will be limited to space available. Persons desiring to attend should contact Mary Minor/202–694–1264.

In accordance with the provisions set forth in Section 552b(c), Title 5, U.S. Code exception 4 of Pub. L. 92–463, the meeting will be closed to the public from 1300–1700 on September 16 and from 0900–1700 hours on September 17, 1981. After reviewing the material to be given to the committee, the executive director has determined that financial

information relating to specific programs and contractors will be presented. These data are considered privileged and are provided to the government for management purposes. The manner in which these items are to be presented are inextricably intertwined with the total agenda and can not be separated therefrom. Accordingly, this portion of the meeting will be closed.

Dated: September 9, 1981.

John O. Roach II,

Department of the Army, Liaison Officer with the Federal Register.

[FR Doc. 81-26234 Filed 9-11-81; 8:45 am]

BILLING CODE 3710-06-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Aminoil USA, Inc.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of final action taken on a Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces final action of a Consent Order.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

SUPPLEMENTARY INFORMATION: On July 13, 1981 the ERA of the DOE executed a Proposed Consent Order with Aminoil USA, Inc. of Houston and a **Federal Register** Notice was published on July 29, 1981. (46 FR 38721). Under 10 CFR 205.199I(c), a Proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the thirty-day comment period, the ERA had received two notices of claims against the refund amount of the Consent Order and there were no objections received to the Consent Order. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Aminoil USA, Inc. is an appropriate resolution of the compliance proceeding which it described and it shall become final and effective as proposed, without modification, upon publication of this Notice. Procedures and requirements for documenting proof of claim are being developed. Refunded overcharges received, if any, will remain in a suitable government escrow account pending the determination of their proper disposition.

Issued in Dallas, Texas on the 3rd day of September 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-26628 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Grace Petroleum Corp.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of final action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces final action of a Consent Order.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

SUPPLEMENTARY INFORMATION: On June 30, 1981 the ERA of the DOE executed a Proposed Consent Order with Grace Petroleum Corporation of Oklahoma City and a **Federal Register** Notice was published on July 24, 1981 (46 FR 38122). Under 10 CFR 205.199I(c), a Proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the 30-day comment period, the ERA had received eight notices of claims against the refund amount of the Consent Order and there were no objections received to the Consent Order. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Grace Petroleum Corporation is an appropriate resolution of the compliance proceeding which it described and it shall become final and effective as proposed, without modification, upon publication of this Notice. Procedures and requirements for documenting proof of claim are being developed. Refunded overcharges received, if any, will remain in a suitable government escrow account pending the determination of their proper disposition.

Issued in Dallas, Texas on the 3rd day of September, 1981.

Wayne I. Tucker

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-26625 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Diamond Shamrock Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Program Operation Division, Office of Enforcement, Room 5302, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3517.

SUPPLEMENTARY INFORMATION: On June 26, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Diamond Shamrock Corporation, (Diamond Shamrock) of Amarillo, Texas on May 24, 1979, 44 FR 37330 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Diamond Shamrock pursuant to the Consent Order were requested to submit their notices of claim to the OE.

The following person submitted a notice of claim to the OE: Diamond Shamrock Corporation.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Diamond Shamrock refunded the sum of $55,056.78 by certified check made payable to the United States Department of Energy on May 31, 1979. This sum has been placed into a suitable account pending determination of its proper distribution.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $55,056.78, or to ascertain

the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals (OHA) on August 27, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of September, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-26673 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Eastern of New Jersey, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Adna Day, Program Manager for Product Resellers, Office of Enforcement, Room 5204, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3541.

SUPPLEMENTARY INFORMATION: On December 18, 1979, the OE published notification in the Federal Register that it executed a Consent Order with Eastern of New Jersey, Inc. (Eastern) of Jersey City, New Jersey on October 9, 1979, 44 FR 74899 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund paid by Eastern pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

The OE received no notices of claim to the refunds.

Pursuant to the Consent Order, Eastern is refunding the sum of $425,000 by certified checks made payable to the United States Department of Energy in six equal installments. All such funds received by the OE have been placed into a suitable account pending determination of their proper distribution.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $425,000, or to ascertain the amounts of refunds that such persons are entitled to receive. The OE, therefore, petitioned the Office of Hearings and Appeals on September 1, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the remaining refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, subpart V.

Issued in Washington, D.C. on the 3rd day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-26671 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Houston Natural Gas Corp.; Proposed Consent Order Reissuance

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order reissued and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces the reissuance of a proposed Consent Order published at 46 FR 37751, July 22, 1981 and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

COMMENTS BY: October 14, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [Phone] 214/767-7745.

SUPPLEMENTARY INFORMATION: On July 2, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Houston Natural Gas Corporation, of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Houston Natural Gas Corporation, is a firm engaged in the processing of natural gas and sale of natural gas liquids, natural gas liquid products and certain condensate, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of natural gas liquids, natural gas liquid products and plant condensate, the Office of Enforcement, ERA, and Houston Natural Gas Corporation, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1973 through January 27, 1981, and it included all sales of natural gas liquids, natural gas liquid products and certain condensate which were made during that period. The Consent Order does not settle claims and disputes between the DOE and Houston Natural Gas Corporation concerning sales of crude oil and condensate included in the Proposed Remedial Order issued under DOE case number 610C00329.

2. The DOE alleged that Houston Natural Gas Corporation did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts D, E and K, when determining the prices to be charged for its natural gas liquid products and certain condensate; and, as a consequence, may have charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Houston Natural Gas Corporation have agreed to a settlement in the amount of $750,000, including interest, and a

compromise of civil penalties of $10,000 to be paid on or before 30 days after the effective date of this Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Houston Natural Gas Corporation.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunds

In this Consent Order, Houston Natural Gas Corporation agrees to refund, in full settlement of any civil liability will respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $750,000, including interest, in the manner specified in I. 3. above, plus $10,000 in the compromise of civil penalties. The refunds will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in accordance with applicable laws and regulations. Accordingly, distribution of such refunds requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges, if any, have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of any such overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that thay have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not been required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Houston Natural Gas Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time on October 14, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 28th day of August, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-26672 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Louis H. Haring, Jr.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, 2000 M Street NW., Room 5204, Washington, D.C. 20461, 202/653–3551.

SUPPLEMENTARY INFORMATION: On June 28, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Louis H. Haring, Jr., (Haring) of San Antonio, Texas on June 18, 1979, 44 FR 37670 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Haring pursuant to the Consent Order were requested to submit their notices of claim to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the OE, no comments were received. Therefore, the Consent Order was not modified.

The OE received no notices of claim to the refunds.

Pursuant to the Consent Order, Haring refunded the sum of $160,897.79 by certified checks made payable to the United States Department of Energy in eight quarterly installments. This sum has been placed into a suitable account pending determination of its proper distribution.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $160,897.79, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on August 27, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-26670 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Olin Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submission to the Office of Hearings and Appeals: September 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Claude Corzatt, Acting Program Manager for Natural Gas Liquid Processors, Office of Enforcement, 2000 M Street NW., Room 5204, Washington, D.C. 20461, (202) 653–3541.

SUPPLEMENTARY INFORMATION: On February 21, 1980, the OE published notification in the **Federal Register** that it executed a proposed Consent Order with Olin Corporation, (Olin) of Stamford, Gonnecticut on January 31, 1980, which would not become effective sooner than 30 days after publication, 45 FR 11527 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund of overcharges paid by Olin pursuant to the proposed Consent Order were requested to submit notice of their claims to the OE.

A second notice was published in the **Federal Register** 45 FR 22185 (1980) which stated that no comments were received and, therefore, the proposed Consent Order was finalized and made effective on April 3, 1980.

Pursuant to the Consent Order, Olin refunded the sum of $3,738,926.71 by certified check made payable to the United States Department of Energy. This sum has been deposited in a suitable account pending determination of its proper distribution.

The OE received no notices of claim to the refunds.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $3,738,926.71, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on September 1, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-26668 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Panhandle Eastern Pipe Line Co. Through its Subsidiary Century Refining Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: August 31, 1981.

FOR FURTHER INFORMATION CONTACT:
Office of Enforcement, Attn: Mr. Claude Corzatt, 2000 M Street N.W., Washington, D.C. 20461, (202) 653–3541.

SUPPLEMENTARY INFORMATION: On February 29, 1980 the OE published notification in the **Federal Register** that it executed a proposed Consent Order with Panhandle Eastern Pipe Line Company through its subsidiary Century Refining Company (Century) of Kansas City, Missouri on January 29, 1980 which would not become effective sooner than 30 days after publication, 45 FR 13502 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund of overcharges paid by Century pursuant to the proposed Consent Order were requested to submit their notices of claim to the OE.

A second notice was published in the **Federal Register** 45 FR 26749 (1980). Although interested persons were invited to submit comments regarding the proposed Consent Order to the DOE, no comments were received. Therefore, the proposed Consent Order was finalized and made effective on April 7, 1980.

Pursuant to the Consent Order, Century refunded the sum of $2,700,000 by certified check made payable to the United States Department of Energy. This sum has been deposited in a suitable account pending determination of its proper distribution.

The OE received no notices of claim to the refunds.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $2,700,000, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on August 31, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of September, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-26669 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. OFC 67023-9142-03,04,05-81]

Powerplant and Industrial Fuel Use Act of 1978; Intention To Proceed With Prohibition Order Proceeding

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of intention to proceed with prohibition order proceeding.

SUMMARY: This notice announces the Economic Regulatory Administration's (ERA) intention to proceed with its proposed prohibition order action in the matter of the Department of Defense, Naval Ordnance Station, Indian Head, Maryland.

This notice also establishes the schedule for, and outlines the procedures that will be used in the continuation of the proceeding.

DATE: Comments are due no later than December 4, 1981.

ADDRESS: Fifteen copies of written comments are to be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), P.O. Box 4629 M Street NW., Washington, D.C. 20461.

Docket Nos. OFC 67023–9142–03,04,05–81 should be printed clearly on the outside of the transmittal envelope and on the documents therein.

FOR FURTHER INFORMATION CONTACT:

Jack Vanderberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, (202) 653–4055.

Robert L. Davies, Office of Fuel Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3002, Washington, D.C. 20461, (202) 653–3649.

Walter A. Romanek, Federal Facilities Branch, Office of Fuels Conversion, Economic Regulatory Administration,

Department of Energy, 2000 M Street NW., Room 3214, Washington, D.C. 20461, (202) 653–4500.
Marya Rowan, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–178, Washington, D.C. 20585, (202) 252–2967.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its intention to proceed with the pending prohibition order proceeding relating to the DOD-Naval Ordnance Station's Goddard Powerplant Boilers Nos. 3, 4, and 5 (hereafter referred to as Goddard 3, 4, and 5), located at Indian Head, Maryland.

The proposed prohibition orders for Goddard 3, 4, and 5 were issued on March 28, 1980, pursuant to sections 302(a) and 701(b) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA), and was published in the **Federal Register** on April 3, 1980 (45 FR 22181).

Description of Prohibition Order Proceeding

In accordance with 10 CFR 501.51 of the FUA procedural regulations applicable to existing facilities, the publication of the proposed prohibition orders to Goddard 3, 4, and 5 commenced an initial public comment period of three months during which period interested parties, including the Department of Defense, were given the opportunity to challenge ERA's initial finding that Goddard 3, 4, and 5 have the technical capability to burn an alternate fuel (coal) as their primary energy source. During this period, the recipient of the proposed orders and any other interested parties were required to furnish ERA with any evidence bearing upon the other statutory findings which Section 302(a) of FUA requires ERA to make prior to the issuance of final prohibition orders. Under 10 CFR 501(b)(3), the recipient of the proposed orders was also required, during this period, to identify any exemptions for which Goddard 3, 4, and 5 might qualify, but was not required to submit evidence supporting the claim of entitlement to an exemption. The initial public comment period on the Goddard 3, 4, and 5 proposed prohibition orders expired on June 30, 1980. No comments were received and the recipient of the proposed orders asserted no possible qualification for an exemption from the prohibitions of the proposed orders.

ERA has determined to proceed with the order proceeding on the basis of the evidence now available to it. Accordingly, the publication of this Notice of Intention to Proceed (NOIP), as required by 10 CFR 501.51(b)(4), commences a second three-month comment period during which interested parties may address any relevant issues involving the proposed prohibition orders.

Subsequent to the end of the second three-month period, ERA will, if it intends to issue final prohibition orders, prepare and publish a Notice of Availability of Tentative Staff Analysis. Thereafter, as provided by section 701(d) of FUA and 10 CFR 501.51(b), any interested person wishing a hearing on the proposed prohibition orders may request the hearing within 45 days after publication of the Notice of Availability of Tentative Staff Analysis. Interested persons may also submit written comments on the proposed orders and the Tentative Staff Analysis (TSA) during this 45 day period. If a hearing is requested, ERA will provide interested persons with an opportunity to present oral data, views, and arguments at such a public hearing held in accordance with Subpart C of 10 CFR Part 501.

At the hearing, if any, interested persons will be given the opportunity to question the participating parties about EPA's proposed orders and TSA, including the recommended findings which ERA must make prior to issuing final prohibition orders.

After the hearing, if any, and the close of the final comment period, ERA shall determine whether final prohibition orders will be issued, based upon its review of the entire administrative record. Any final prohibition orders issued, together with a summary of the basis therefor, will be published in the **Federal Register**. Such final orders shall not take effect earlier than 60 days after such publication.

Comment Procedures

ERA hereby gives notice of the commencement of the second comment period which will remain open for a period of three months after publication of the NOIP in the **Federal Register**. During this period, interested parties may submit written data, views, and arguments on the NOIP for the record. Notice of any change in the time for public comment will be published in the **Federal Register**.

The public file containing documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street, N.W., Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m.

(Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7101 et seq.) as amended by Pub. L. 95–509, Pub. L. 95–619, Pub. L. 96–620 and Pub. L. 95–621; Powerplant and Industrial Fuel Act of 1978, Pub. L. 95–620 (42 U.S.C. 8301 et seq.); E.O. 11790, 39 FR 23185 (June 25, 1974); E.O. 12009, 42 FR 46267 (September 15, 1977))

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

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–26667 Filed 9–11–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. GP81–30–000]

Midlands Gas Corp.; Preliminary Finding

Issued: June 2, 1981.

In the matter of U.S. Geological Survey, Casper, Wyoming, Section 108 NGPA Determination, Midlands Gas Corporation, USGS No. M718–0–E *et al.* JD81–19731 *et al.*

On March 4 and 9, 1981, the United States Geological Survey (USGS) in Casper, Wyoming, notified the Federal Energy Regulatory Commission (Commission) that gas produced from the seven wells in question (*see*, appendix for a listing of the wells) did not continue to qualify as stripper well natural gas under section 108 of the Natural Gas Policy Act of 1978 (NGPA). The Commission published notice of the negative determinations in the **Federal Register** on March 27 and April 22, 1981.[1]

Section 108(b)(2) of the NGPA provides that a well which previously qualified as a stripper well may continue to qualify as such even though production exceeds the 60 Mcf per production day stripper well limit during any 90-day production period, if the increase in production was the result of the application of recognized enhanced recovery techniques.

Section 271.803(a) of the Commission's regulations defines recognized enhanced recovery techniques as:

* * * Processes or equipment, or both, which when performed or installed by the producer, increase the rate of production of gas from a well. Processes qualifying as recognized enhanced recovery techniques include mechanical as well as chemical stimulation of the reservoir formation.

[1] In the present case, the 45 day review period did not begin until April 21, 1981. This was due to the fact that Staff, pursuant to § 275.202(b) of the Commission's regulations, sent a letter on April 4, 1981 to the USGS requesting additional information. Staff received the response of the USGS on April 21, 1981 at which time the 45-day review period began.

Equipment may include items installed in the well bore or on the surface.

Normal well maintenance, repair, or replacement of equipment or facilities does not qualify as enhanced recovery techniques. Normal completion operations (as defined by the jurisdictional agency or, if the agency has not defined the term, by state custom or practice) which are performed within the two years of the initial completion do not qualify as recognized enhanced recovery techniques * * *.

In this case, Midlands petitioned the USGS under § 271.806(a)(2)(i) of the Commission's regulations for determinations that the increased natural gas production from the subject wells, which had previously qualified as stripper wells, was the result of the application of a recognized enhanced recovery technique—namely, the installation of tubing two years or more after a well's completion. The USGS determined that the installation of tubing did not constitute an enhanced recovery technique. According to the USGS, the installation of tubing in the gas wells should be considered as part of the completion of the wells. A conference was held on February 26, 1981, at which the USGS agreed to supplement the negative notices of determination with all the information specified in § 274.104(a) of the Commission's regulations, for purposes of Commission review.

On April 3, 1981, Midlands filed with the Commission a protest of the USGS negative determinations. It is Midland's position that the installation of tubing is not a normal completion operation. In addition, Midlands points out that with respect to the non-federal lands in the Bowdoin Field, which are under the jurisdiction of the Montana Board of Oil & Gas Conservation (Montana), Montana has made affirmative determinations that the installation of tubing two or more years after completion of a well is a recognized enhanced recovery technique.[2]

Section 271.803(a) of the Commission's regulations provides that any technique which increases the rate of production of gas from a well should generally qualify as an enhanced recovery technique. However, the Commission in Order No. 44, Docket No. RM79-73 (issued August 22, 1979), provides that normal completion operations performed within two years of the initial completion do not qualify as recognized enhanced recovery techniques. The two-year period was intended to insure that a producer would not delay installation of a normal completion operation in order to establish the well as a stripper well, apply the completion operation, and then claim that it was a recognized enhanced recovery technique.[3]

In the instant case, the tubing was installed more than two years after initial completion of the wells. Since the two year requirement of § 271.803(a) has been met, it appears that there is lack of substantial evidence supporting the USGS negative determinations.

The Commission finds:

On the basis of the record submitted with these determinations, the Commission hereby makes a preliminary finding, pursuant to 18 CFR 275.202(a)(1)(i), that the negative determinations submitted by the USGS that the subject wells do not qualify as section 108 stripper wells are not supported by substantial evidence in the record on which the determinations were made.

By the direction of the Commission.

Kenneth F. Plumb,

Secretary.

Appendix

Midlands Gas Corporation

2761 1-27 SOC et.al. Federal
Docket No. M 718-0-E
FERC No. JD 81-19731

1561 15-36-31 No. 1 Federal
Docket No. M 761-0-E
FERC No. JD 81-19732

1433 Federal No. 1
Docket No. M 38-1-E
FERC No. JD 81-19733

2561 253631
Docket No. M 719-0-E
FERC No. JD 81-19734

2861 Federal 1-28
Docket No. M 763-0-E
FERC No. JD 81-19735

1451 Federal 143531
Docket No. M 760-0-E
FERC No. JD 81-19736

2570 No. 1 Federal
Docket No. M 762-0-E
FERC No. JD 81-22871

[FR Doc. 81-26074 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-85-M

[2] In response to an inquiry from the Commission's Division of NGPA Compliance for an explanation of its position, the USGS reiterated that it did not consider the running of tubing in a well to be an enhanced recovery technique and that, in its opinion, installing tubing is part of the completion of the well no matter when it is done. The USGS further asserts that the lack of tubing in a well results in restricted flow and that other operators who ran tubing within two years of the initial completion are not eligible to claim that the tubing constitutes an enhanced recovery technique.

[3] In Order No. 44-A, Docket No. RM79-73, *mimeo.*, p.6 (issued November 9, 1979), the Commission stated: "the purpose of the two-year waiting period was to discourage producers from engaging in this type of waiting game. We considered a two-year period to be a sufficient deterrent.

ENVIRONMENTAL PROTECTION AGENCY

[EN-9-FRL 1907-3]

Draft General NPDES Permit and Public Hearing for Oil and Gas Operations on the Outer Continental Shelf (OCS) off Southern California

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice of Draft NPDES General Permit and public hearing.

SUMMARY: The Regional Administrator of Region 9 is today, in accordance with the authorities vested in Section 402 of the Clean Water Act, providing notice of a draft general NPDES permit for certain dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category. This draft general NPDES permit proposes effluent limitations, standards, prohibitions and other conditions on discharges from oil and gas facilities. The facilities to be covered by this permit will operate in areas located in the OCS off the coast of Southern California including areas described and leased by the Department of the Interior's Bureau of Land Management in the OCS Lease Sales 35, 48, and the Santa Maria Basin of Lease Sale No. 53. This draft general permit will not permit facilities operating in the territorial seas of California as NPDES permits for these facilities are issued by the State of California. This draft general permit is based on the administrative record available for public review in Region 9 of the Environmental Protection Agency. The fact sheet sets forth the principal facts and the significant factual, legal, and policy questions considered in the development of the draft permit. A copy of the draft permit is reprinted as required by the Consolidated Permit Regulations (40 CFR 122.59).

DATES:

Comment Period—Interested persons may submit comments on the draft general permits and administrative records to the Regional Administrator at the address below no later than October 15, 1981.

Public Hearings—The Hearing Officer designated by the Regional Administrator will conduct a public hearing on October 16, 1981, at the City Council Chambers, 2nd Floor, City Hall, De La Guerra and Anacapa Streets, Santa Barbara, California. The hearing will begin at 1:30 p.m. and 7:30 p.m. and will continue until all persons have been heard.

ADDRESS: Comments should be sent to the Regional Administrator, Region 9,

U.S. Enviornmental Protection Agency, 215 Fremont Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Eugene Bromley, Region 9, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105. (Telephone No. (415) 556–3454).

FACT SHEET AND SUPPLEMENTARY INFORMATION:

I. BACKGROUND

A. General Permits

Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Although such permits to date have generally been issued to individual dischargers, EPA's regulations authorize the issuance of general permits to categories of dischargers (40 CFR 122.59). EPA may issue a single general permit to a category of point sources located within the same geographic area, whose discharges warrant similar pollution control measures. The Director of an NPDES permit program (in this case the Regional Administrator) is authorized to issue a general permit if there are a number of point sources operating in a geographic area that:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring requirements; and
5. In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Act and subjects the discharger to the penalties specified in section 309 of the Act. Any owner or operator authorized by a final general permit may be excluded from coverage by applying for an individual permit. This request may be made by submitting an NPDES permit application, together with reasons supporting the request. The Regional Administrator may require any person authorized by this general permit to apply for and obtain an individual permit. In addition, any interested person may petition the Regional Administrator to take this action. However, an individual permit will not be issued for an oil or gas facility covered by a general permit unless it can be clearly demonstrated that inclusion under a general permit is inappropriate. The Regional Administrator may consider the issuance of individual permits according to the criteria in 40 CFR 122.59(b)(2). These criteria include:

1. The discharge(s) is a significant contributor of pollution;
2. The discharger is not in compliance with the terms and conditions of the general permit.
3. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.
4. Effluent guidelines are subsequently promulgated for the point sources covered by the general permits;
5. A Water Quality Management Plan containing requirements applicable to such point sources is approved; or
6. The requirements listed in 40 CFR 122.59(a) and identified in the previous paragraphs are not met.

B. Oil and Gas Operations on the Outer Continental Shelf Offshore of California

On January 30, 1981, EPA received a request from Chevron U.S.A. for the issuance of a general NPDES permit for Offshore California. This request was followed by numerous requests from oil and oil-related industries that the Agency proceed with the development of and expedite issuance of a final general permit. On March 23, 1981 Region 9 notified Chevron of its intent to develop a general permit and notified state and local agencies, as well as interested parties by letter dated June 15, 1981. To date Region 9 of the U.S. Environmental Protection Agency has issued individual NPDES permits for 15 exploratory drilling vessels and 12 production platforms. These facilities are located seaward of the outer boundary of the territorial seas of the State of California. A review of these NPDES permits, their effluent limitations and monitoring requirements, and the criteria for establishing a general permit clearly indicated that these facilities would be more appropriately controlled by a single general permit. A general permit has been most recently issued for a similar category of point source discharges in the Gulf of Mexico. General permits eliminate, for the Agency, the time-consuming and resource-intensive process of reviewing and evaluating individual permit applications, and significantly reduce the regulatory burden imposed on industry in applying for and obtaining individual permits. For point source discharges from offshore oil and gas operations where the principal issue is the environmental fate and effects of drilling fluid discharges, the provisions for general permits allow the Agency to address cumulative effects of multiple facilities operating in one area in permit reissuance, modification, and revocation. In addition, environmental monitoring can be defined and imposed on facilities operating in a permit area reducing the cost per facility and providing the Agency a better mechanism to address environmental degradation.

In view of the national effort to identify and develop the Nation's natural resources and in view of the Department of the Interior's efforts to accelerate offshore oil and gas lease sales, it is particularly important that EPA expedite issuance of NPDES permits for these facilities where discharges will not significantly affect the marine environment. Facilities entering the areas covered by this permit will be required to notify the Agency of their intent to be covered. This provision is particularly appropriate for mobile drilling units used in exploratory operations on the OCS which drill a limited number of wells at a given site to identify oil reserves. These operations require a permitting action which will allow maximum flexibility, i.e., the ability to move efficiently from one location to another within the general permit area.

II. NATURE OF DISCHARGES FROM OFFSHORE OIL AND GAS FACILITIES

The Offshore Subcategory of the Oil and Gas Extraction Point Source Category includes facilities engaged in the field exploration, drilling, production, well production, and well treatment within the oil and gas extraction industry which are located seaward of the inner boundary of the territorial seas.

Operations within the Offshore Subcategory can be divided into these distinct phases: Exploration, development, and production. Exploratory operations involve drilling to determine the nature and extent of potential hydrocarbon reserves. These operations are usually of short duration at a given site, involve a small number of wells, and are generally conducted from mobile drilling units. These include units with traditional ships' hulls or semisubmersible craft—essentially a floating platform with submerged hulls which support the unit above water.

Development operations involve the drilling of wells once a hydrocarbon reserve has been identified. Developmental drilling averages a large number of wells (20–40) and is usually conducted from a fixed platform.

However, in some instances development wells can be drilled from mobile drilling units.

Production operations usually begin once the drilling unit used in well development operations has been removed and the actual recovery of hydrocarbons from underground geologic formations begins. Production platforms are usually fixed for long periods of time.

The discharges which accompany the recovery of offshore oil and gas resources are discussed below. The discharges are similar for drilling vessels (exploration and development operations) and production platforms with the exception of produced water which does not result from well drilling but from actual hydrocarbon recovery. Produced water from production platforms may be discharged or reinjected into the well. Region 9 has identified a total of 14 discharges which are discussed below.

A. *Drilling Fluids, and Drill Cuttings, (Discharge 001).* Drilling fluid is defined as any fluid sent down the hole including drilling muds, gelling compounds, weighting agents, and any speciality products, from the time a well is begun until final cessation of drilling in that hole. There are two basic types of muds: Water-based and oil-based muds. Water-based muds are usually mixtures of fresh water or seawater with clays. Oil-based muds (invert emulsion muds) are mixtures of diesel oil and clays with water or brine emulsified in the oil.

Drilling fluids are used in both exploration and production drilling to maintain hydrostatic pressure control in the well, lubricate the drilling bit, and remove drill cuttings from the well. Oil-based muds are used for special drilling requirements such as tightly consolidated subsurface formations, water-sensitive clays, and shales. Specific needs of a drilling program may require other additives in the drilling fluids.

Drill cuttings are mineral particles generated by drilling into subsurface geologic formations. Drill cuttings are carried to the surface of the well with the circulation of the drilling fluids and separated from the fluids on the platform by solid separation equipment (screens and shakers).

B. *Produced Water (Formation Water or Brine). (Discharge 002).* Produced water includes water and suspended particulate matter, brought to the surface in conjunction with the recovery of oil and gas from underground geologic formations. Produced waters are primarily generated during the production phase of oil and gas operations with the amount generated dependent upon the method of recovery and the nature of the formation. Geologic formations contain different oil-water or gas-water mixtures which are produced at different times:

1. In some formations, water is produced with the oil and gas in the early stages of production;
2. In others, water is not produced until the formation has been significantly depleted; and
3. In still others, water is never produced.

C. *Produced Sands. (Discharge 003).* Produced sands include sands and other solids removed from the produced waters.

D. *Well Completion Fluids. (Discharge 004).* Well completion fluids include fluids pumped downhole to enhance oil recovery.

E. *Deck Drainage. (Discharge 005).* Deck drainage includes all water resulting from platform washings, deck washings, tank cleaning operations, and run-off from curbs, gutters, and drains including drip pans and work areas.

F. *Sanitary Wastes. (Discharge 006).* Sanitary wastes include human body waste discharges from toilets and urinals.

G. *Domestic Wastes. (Discharge 007).* Domestic wastes include materials discharged from sinks, showers, laundries, and galleys.

H. *Miscellaneous Discharges. (Discharges 008–014).*

Desalinization Unit Discharge. (Discharge 008). Desalinization unit discharge means any wastewater associated with the process of creating fresh water from seawater.

Cooling Water. (Discharge 009). Cooling water means once-through, non-contact cooling water.

Bilge Water. (Discharge 010). Bilge water is water that accumulates in the bilge of the drilling vessel.

Ballast Water. (Discharge 011). Water used by a drilling vessel to maintain proper stability.

Excess Cement. (Discharge 012). Excess cement is unused cement discharged after a well cementing operation.

Blow-out Preventer Fluid. (Discharge 013). Blow-out preventer fluid is a mixture of water and 1–2% hydraulic fluid vented at the ocean floor during periodic testing of the blow-out preventer system as required by the U.S. Geological Survey.

Fire System Test Water. (Discharge 014). Fire system water is seawater discharged during periodic testing of the fire control system.

III. CONDITIONS IN THE DRAFT GENERAL NPDES PERMIT

A. Geographic Areas of Draft General Permit

The draft general permit published today is applicable to dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435) operating in Federal waters on the Outer Continental Shelf (OCS) off the coast of Southern California.

These waters are described in final Environmental Impact Statements for OCS lease sales 35, 48, and 53. These areas include waters: west and northwest of Point Arguello, south and west of Point Conception, of the Santa Barbara Channel from Point Conception to Goleta Point, of the Santa Barbara Channel from Santa Barbara to Ventura, south of Santa Rosa and Santa Cruz Island, of the San Pedro Channel between San Pedro and Laguna, and west of San Clemente Islands in the Tanner Bank area. Under the regulatory provisions of general permits, new information on any portion of the permit area which indicates that the terms and conditions of the permit are inappropriate or do not provide adequate protection of the marine environment under Section 403 of the Act, would require the Regional Administrator to modify the permit or require a facility owner or operator to apply for and obtain an individual permit.

This general permit does not authorize discharges into the territorial seas of the State of California, nor does it authorize discharges into any body of water landward of the inner boundary of the territorial seas or any wetland adjacent to such waters (facilities in the Onshore and Coastal Subcategories as defined in 40 CFR Part 435).

One lease block containing a special biological community is included in the general permit area. The Bureau of Land Management (BLM) has identified a special lease stipulation (Stipulation 7 in Lease Sale No. 48) for this area in Tanner Banks. The stipulation prohibits the discharge of drill cuttings and drilling muds within the 80-meter isobath and within a 1500-meter buffer zone surrounding the 80-meter isobath within OCS parcel P–0369.

B. Application of the General Permit Program

The Regional Administrator of Region 9 has determined that oil and gas facilities operating within the areas described in this permit are more appropriately controlled by a general

permit than by individual permits. There are several reasons for this determination. In accordance with 40 CFR 122.59, these facilities involve similar types of operations, discharge the same types of wastes, require the same effluent limitations and operating conditions, and require the same monitoring requirements. These similarities are discussed in Part II of this fact sheet. Additionally, as discussed earlier, the provisions for general permits allow the Agency to address cumulative effects of multiple facilities operating in one geographic area, and to impose an areawide monitoring program that can more effectively assess environmental degradation.

The Agency will be permitting a large number of exploratory operations with this permitting action. These facilities remain at a site for a short period of time and drill a limited number of wells at each site. The general permit provides these facilities the flexibility to move within a permitted area without applying for and obtaining a new permit. Moreover, the Agency is unable to impose the more stringent new discharger provisions to mobile drilling units operating in this permit area.[1] Therefore, the general permit is the best regulatory mechanism available to the agency to impose uniform effluent limitations and conditions upon all facilities entering the permit area.

The Regional Administrator has also concluded that oil and gas facilities operating under the effluent limitations and conditions of this permit will not cause unreasonable degradation of the marine environment. This determination is based on a review of all of the material available for a determination of the issues in this general permit. The major source of wastewaters generated by these facilities is produced waters; these discharges are discussed in Part III D. of the fact sheet. No limitations have been established for other wastewater pollutants because they are normally reduced incidentally with the removal or reduction of another pollutant parameter, or do not represent a threat to marine water quality. Environmental concerns appear to center around the environmental fate and effects of drilling fluids in the marine environment. In the past year the Agency has undertaken several efforts to examine this issue. The Agency has prepared an extensive analysis of the available information on the environmental fate and effects of drilling fluids and cuttings discharged from oil and gas facilities which is appropriate for this permitting action. The document "Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released Onto the Outer Continental Shelf" presents the scientific basis for the decision to allow the discharge of drilling fluids and cuttings in the issuance of three general permits to oil and gas facilities in the Gulf of Mexico. A review of this document combined with the fact that the permit contains limitations in addition to BPT limitations on these discharges supports the conclusion that oil and gas facilities operating under the effluent limitations and conditions of this permit will not cause unreasonable degradation of the marine environment.

Efforts are presently underway to address the long-term fate and effects of drilling muds and cuttings. EPA's Gulf Breeze Laboratory has also completed a Summary Report of the status of the Agency's Drilling Fluids Hazard Assessment Program which is also part of the administrative record of this permit. In addition, continuing monitoring programs at the Flower Garden Banks in the Gulf of Mexico, and the monitoring program of the interagency Biological Task Force for Georges Bank, as well as on-going bioassay studies to be conducted by industry and the Gulf Breeze Laboratory will provide the Agency additional information to address the potential for long-term fate and effects, bioaccumulation, and food chain concentration of the constituents of drilling fluids and cuttings, as well as other discharges from oil and gas facilities. Under Section 403(c) of the Clean Water Act these permits contain a reopener clause which requires the Regional Administrator to modify or revoke this general permit if new data indicates that continued discharges may cause unreasonable degradation of the marine environment.

This draft general permit is proposed for expiration on December 31, 1983. Discharges during the short term of this permit should not allow unreasonable degradation of the marine environment and the new information on the long-term fate and effects of drilling fluid discharges obtained during the term of the permit will be considered in permit reissuance.

C. Notification by Permittees

Part I, E, of the draft general permit requires each operator of a lease block within the general permit area to notify the Regional Administrator in writing of the commencement and termination of discharges from each facility. However, notification is not required for movements of exploratory rigs within lease blocks specified in the permit once the Agency has been notified that the facility is operating within the general permit area. This written notification must include the owner or operator's legal name and address, lease block number, and the number and type of facilities located within the lease block or area. Failure to provide this written notification means that the facility is not authorized to discharge under this general permit. Individual permit applications are not required to be submitted by persons discharging within the general permit area.

D. Technology-Based Effluent Limitations

The Act requires all dischargers to meet effluent limitations based on the technological capacity of dischargers to control the discharge of their pollutants. Section 301(b)(1)(A) of the Act requires the application of "Best Practicable Control Technology Currently Available" (BPT). On April 13, 1979, EPA promulgated final effluent limitations guidelines establishing BPT for the Offshore Subcategory (40 CFR Part 435). These limitations have been incorporated into these final general permits.

The BPT limitations guidelines restrict the concentration of oil and grease in produced waters to a monthly average of 48 mg/l and a daily maximum of 72 mg/l. However, because these permits require monthly monitoring, a monthly average cannot be calculated and only the daily maximum (72 mg/l) is incorporated into the permits. (See 44 FR 22069, April 13, 1979 for more detailed explanation.)

BPT effluent limitations guidelines require a "no discharge of free oil" limitation for all other discharges associated with drilling operations (deck drainage, drilling fluids, drill cuttings, and well treatment fluids). The term "no discharge of free oil" means that a discharge shall not cause a film or sheen upon or a discoloration on the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines (40 CFR Part 435).

The BPT limitation requires that in sanitary wastes from facilities housing ten or more persons the concentration of chlorine be maintained as close to 1 mg/l as possible. This general permit provides that any exploratory drilling vessel facility using an approved marine sanitation device that complies with

[1] "American Petroleum Institute v. Costle" N. 79-0858 U.S. District Court Western District of Louisiana, July 27, 1981.

Section 312 of the Act shall be in compliance with the permit.

E. Other Discharge Limitations

In addition to the BPT effluent limitations, these permits contain several other conditions.

1. *Drilling Muds and Cuttings. (Discharge 001).* The Agency has conducted bioassay testing of seven generic types of drilling muds and has approved these muds for discharge based on the bioassay results. The permit prohibits the discharge of drilling mud in a volume and/or concentration which, after allowance for initial dilution, would result in exceedances of the limiting permissible concentration (LPC) for a particular drilling mude. The definition of the LPC (Part III C. 17) was derived from the Ocean Discharge Regulations (40 CFR 227.27(a)). (The mud compositions and bioassay results are contained in the administrative record.) Variation from the list of approved muds will require the facility owner or operator to conduct bioassay tests to be submitted to the Regional Administrator within six months of the commencement of discharge. Based on the results of these bioassay tests, authorization for continued discharge will be at the discretion of the Regional Administrator.

The discharge of oil-based drilling fluids constitutes the discharge of free oil and, in accordance with Section 403, is prohibited.

A provision which provides for permit modification or revocation based on new data or information on the toxicity or long-term fate and effects of drilling fluids or their constituents is included in Part I.A.5. of the permit.

2. *Produced Waters. (Discharge 002).* This general permit includes effluent limitations for heavy metals in produced waters. In order to provide a margin of protection from any chromic toxicity, the effluent limitations in the permit are the lesser of 0.01 of the acute toxicity and the California Ocean Plan objectives. In the event that the resulting concentration is less that the ambient concentration in seawater, the permit limitation is based on the seawater concentration. Computer models such as PLUME which was developed by EPA for calculating the dilution which occurs when the produced water is discharged into the marine environment, are available for review at the Environmental Protection Agency, Region 9.

3. *Dispersants, Surfactants, and Detergents.* The facility operator is also required to minimize the discharge of dispersants, surfactants, and detergents except as necessary to comply with the safety requirements of the Occupational Safety and Health Administration and the United States Geological Survey. This restriction applies to tank cleaning and other operations which do not directly involve the safety of workers. This restriction is imposed because detergents disperse and emulsify oil, thereby enhancing toxicity and making the detection of a discharge of oil more difficult. These limitations have been established pursuant to Section 403 of the Act and 40 CFR 125.123(d)(3).

4. The discharge of halogenated phenol compounds is prohibited in accordance with a U.S. Geological Survey Operations Order.

F. Ocean Discharge Criteria

Section 403 of the Act requires that an NPDES permit for a discharge into marine waters be issued in compliance with EPA's guidelines for determining the degradation of marine waters. The final 403(c) Ocean Discharge Criteria guidelines published on October 3, 1980 (45 FR 65952) set forth specific criteria for a determination of unreasonable degradation that must be addressed prior to the issuance of an NPDES permit. If sufficient information is unavailable on the proposed discharge or on its potential effects to make this determination the Director may require the applicant to submit additional information. If it is determined that there will be no unreasonable degradation, the permit may be issued. If a determination of unreasonable degradation cannot be made, the Director must then determine whether a discharge will cause irreparable harm to the marine environment. In assessing the probability of irreparable harm, the Regional Administrator is required to make a reasonable determination that the discharger operating under a permit with monitoring requirements and effluent limitations, will not cause permanent and significant harm to the environment. If further data gathered through monitoring indicates that the continued discharge of a pollutant will produce unreasonable degradation, the discharge must be halted or additional permit limitations established.

The regulations identify ten factors which are to be considered in making the determination of unreasonable degradation: these factors include: (1) The quantities, composition and potential for bioaccumulation or persistence of the pollutants to be discharged; (2) The potential transport of such pollutants by biological, physical or chemical processes; (3) The composition and vulnerability of the biological communities which may be exposed to such pollutants including the presence of unique species or communities of species, the presence of species identified as endangered or threatened pursuant to the Endangered Species Act or the presence of those species critical to the structure or function of the ecosystem such as those important for the food chain; (4) The importance of the receiving water area to the surrounding biological community, including the presence of spawning sites, nursery/forage areas, migratory pathways or areas necessary for other functions or critical stages in the life cycle of an organism; (5) The existence of special aquatic sites including but not limited to marine sanctuaries and refuges, parks, national and historic monuments, national seashores, wilderness areas and coral reefs; (6) The potential impacts on human health through direct and indirect pathways; (7) Existing or potential recreational and commercial fishing, including finfishing and shellfishing; (8) Any applicable requirements of an approved Coastal Zone Management plan; (9) Such other factors relating to the effects of the discharge as may be appropriate, and (10) marine water quality criteria developed pursuant to Section 304(a)(1).

Factors 1, 2 and 3 relate to the composition of the pollutant to be discharged, the physical, chemical and biological transport of the pollutants, and the effects of the pollutants on biological communities, critical species, and endangered species.

The document "Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released onto the Outer Continental Shelf" includes an extensive analysis of the bioassay test studies which address the toxicity of whole drilling muds and their constituents on marine organisms. A summary of current bioassay studies indicates that 72 species of organisms including all major groups from invertebrates to fin fish have been tested. Although the results of the tests vary, they do indicate that the concentrations of most drilling fluid discharges after dilution and dispersion in the water column will not have any significant adverse effect on marine organisms. In addition, this permit limits the discharge of drilling muds and additives to an approved list for which the Agency has bioassay test data, and for which the concentration after initial dilution will be 0.01 of the concentration found to be toxic. Variation from the approved drilling muds and additives list requires the facility owner or operator to conduct bioassay tests with appropriate sensitive marine species.

Such muds must also meet the toxicity test noted above for previously tested muds. At this time the Agency is working with scientists within the Agency, in industry, and in other Federal agencies to develop a list of appropriate species to be used in further bioassay tests. The Regional Administrator may waive the bioassay requirement upon determination by the Regional Administrator that concentrations of components in the drilling mud do not pose a significant threat to marine organisms. The criteria which will be applied in making the determination will be the ranges of component concentrations in the seven drilling muds referred to in the document "Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released onto the Outer Continental Shelf" and additional bioassay analysis or related information.

Factors 5, 7, and 8 relate to the geographic areas covered by these general permits. The general permit areas are described in Part III.A. of the Fact Sheet. The Agency has not identified any special aquatic sites or potential recreational and commercial fishing areas in the general permit area. These permit effluent limitations or conditions should provide adequate protection of the marine environment.

Factor 4 addresses the importance of the receiving water of the permit area to non-resident species and critical habitats. This factor is intended to ensure that potential impacts on spawning sites, nursery/forage areas, migratory pathways, or other critical functions are considered. In considering this factor, the Agency has reviewed the Environmental Impact Statements prepared by the Bureau of Land Management. These sources and the conclusions of the technical support document indicate that discharges from oil and gas facilities operating under the terms and conditions of these general permits will not adversely affect marine species or marine communities beyond the immediate area of the discharges.

The potential impacts to human health (Factor 6) are examined in the technical summary "Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released onto the Outer Continental Shelf." Oil and gas discharges permitted by the general permit should not pose a threat to human health.

Factor 10 requires that the Agency identify conventional, non-conventional, and toxic pollutants in the discharge to be permitted and establish that numeric units in applicable marine water quality criteria will be met with permit limitations. The technical support document contains a thorough analysis of the components of drilling fluids and summaries of the applicable marine water quality criteria have been prepared from the EPA publication, Quality Criteria for Water (the "Red Book"), and from the water quality criteria for toxic pollutants published November 28, 1980 at 45 FR 79318.

The application of dispersion/dilution models from the technical summary indicates that the dilution of drilling fluid components within the mixing zone will be sufficient to reduce the concentrations of pollutants to levels below the numeric limits set in the marine water quality criteria. The report, Analysis of Potential for Violations of Marine Water Quality Criteria Resulting from Oil and Gas Operations, has been placed in the Administrative Record for this general permit. For those drilling muds not previously tested, the permit requires biological toxicity testing. The permit prohibits discharge of muds or any other pollutant if, after initial dilution, the concentration in the receiving water will exceed 0.01 of the concentration found to be toxic or applicable marine water quality criteria.

In the preparation of this general NPDES permit a review has been made of all of the material in the administrative record, all of the material in the file, and all material either admitted or offered in evidence in the evidentiary hearing titled: In re Diamond M Drilling Company (Diamond M General) et al.; Docket No. IX-WP-80-3, now pending before the Administrator and assigned to Administrative Law Judge Thomas B. Yost. A review of all of the material available for a determination of the issues in this general permit discloses that the state of knowledge on these subjects is extensive but not perfect. Areas of uncertainty remain. A complete factual support in the record is not possible or required. It is necessary to make policy judgments as to these matters where no factual certainties exist or are possible.

Based on a consideration of the criteria for unreasonable degradation, applying to the consideration all of the available factual data, and exercising the best judgment possible in the circumstances, the Regional Administrator has determined that the discharges associated with oil and gas facilities located in the general permit area and operating in compliance with this permit will not cause unreasonable degradation of the marine environment.

G. Monitoring and Enforcement

This general permit requires dischargers to monitor monthly, the concentrations of oil and grease in produced water discharges and the chlorine in sanitary waste discharges. In addition, monthly monitoring or estimates of the produced water flow rate is required, as well as semi-annual sampling to demonstrate compliance with the numeric limits placed on heavy metals in produced water discharges. Monthly volume estimates are required for drilling fluids, drill cuttings, deck drainage, produced sand, and well treatment fluids. Discharge Monitoring Reports (DMRs) must be submitted annually. A chemical inventory of all materials actually added down the well must be maintained and all records retained for three years.

H. State Certification

Section 301(b)(1)(C) of the Act requires that NPDES permits contain conditions which ensure compliance with applicable State water quality standards or limitations. Under section 401(a)(1) of the Act, EPA may not issue a NPDES permit until the State in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law.

A formal request for State Certification of this general permit has been submitted to the California State Water Resources Control Board.

I. Oil Spill Requirements

Section 311 of the Act prohibits the discharge of oil and hazardous materials in harmful quantities. In the 1978 amendments to section 311, Congress clarified the relationship between this section and discharges permitted under Section 402 of the Act. It was the intent of Congress that routine discharges permitted under section 402 be excluded from section 311. Discharges permitted under Section 402 are not subject to section 311 if they are:

1. In compliance with a permit under Section 402 of the Act;

2. Resulting from circumstances identified, reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Act, and subject to a condition in such permit; or

3. Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under Section 402 of this Act, which are caused by events occurring within the scope of the relevant operating or treatment systems.

To help clarify the relationship between discharges permitted under Section 402 and section 311 discharges, EPA has compiled the following list of discharges which it considers to be regulated under section 311 rather than under a Section 402 permit. The list is not to be considered all-inclusive.

1. Discharges from a platform or structure on which oil or water treatment equipment is not mounted.
2. Discharges from burst or ruptured pipelines, manifolds, pressure valves or atmospheric tanks.
3. Discharges from uncontrolled wells.
4. Discharges from pumps or engines.
5. Discharges from oil gauging or measuring equipment.
6. Discharges from pipeline scraper, launching, and receiving equipment.
7. Spills of diesel fuel during transfer operations.
8. Discharges from faulty drip pans.
9. Discharges from well head and associated valves.
10. Discharges from gas-liquid separators, and
11. Discharges from flare lines.

J. Other Legal Requirements

The *Endangered Species Act* requires that each Federal Agency shall ensure that any of their actions, such as permit issuance, do not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modifications of their habitats. Although the Bureau of Land Management has undertaken endangered species reviews including full consultation with the Department of Commerce, the National Marine Fisheries Service and the Department of the Interior, Fish and Wildlife Service, with respect to all oil and gas leasing in the general permit area, EPA has submitted a request for separate consultation on the terms and conditions of this draft general permit. Full biological opinions are required within 60 days. EPA recognizes its obligation to comply with the requirements of the Endangered Species Act, and the agency will join in any future consultation with the Secretary with respect to any lease activities not now covered by the Secretary's opinion. Additionally, EPA will initiate consultation should new information reveal impacts not previously considered, if the activities are modified in a manner beyond the scope of the original opinion or should the activities affect a newly listed species.

The *Coastal Zone Management Act* (CZMA) and its implementing regulations (15 CFR Part 930) require that any federally licensed activity affecting the coastal zone with an approved Coastal Zone Management Program (CZMP) be determined to be consistent with the CZMP. EOA's Region 9 has determined that this draft general NPDES permit is consistent with the CZMP. Operations within 1,000 meters seaward of the territorial sea of the State of California may have some effect on the coastal zone of California. For that reason operations under this permit may not be conducted within 1,000 meters of the territorial sea of the State of California until the plan of exploration or development has been certified to the Coastal Commission of the State of California as consistent with the CAMP and has been concurred upon by that Commission.

Section 306 of the Act directs the Administrator to promulgate standards of performance for categories of sources identified in 306(b)(1)(A) which reflect the greatest degree of effluent reduction achievable through best available demonstrated control technology. The Agency has not proposed nor finally promulgated such standards for the Offshore Subcategory of the Oil and Gas Extraction Point source Category. These standards are currently under development. Until these standards, new source performance standards, are finally promulgated, the Agency is not required to conduct an environmental review for the issuance of this general NPDES permit under the National Environmental Policy Act (NEPA).

K. Economic Impact

EPA has reviewed the effect of Executive Order 12291 on this proposed general permit and has determined the proposal not to be major under that order. The proposed permit will result in substantial elimination of regulated facility paperwork by reducing or waiving permit applications and reducing routine reporting.

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

Dated: August 21, 1981.

Frank M. Covington,

Acting Regional Administrator, Region 9.

After review of the facts presented in the Notice of Intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that the proposed general permit, when issued, will not have a significant impact on a substantial number of small entities. This action imposes no new requirements. Moreover, it reduces a significant administrative burden on regulated sources.

Dated: September 1, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[Permit No. CA0110516]

General Permit Authorization to Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), the following discharges are authorized:

Drill Cuttings and Drilling Muds (discharge 001),
Produced Water (discharge 002),
Produced Sand (discharge 003),
Well Completion and Treatment Fluids (discharge 004),
Deck Drainage (discharge 005),
Sanitary Wastes (discharge 006),
Domestic Wastes (discharge 007),
Desalinization Unit Discharge (discharge 008),
Cooling Water (discharge 009),
Bilge Water (discharge 010),
Ballast Water (discharge 011),
Excess Cement Slurry (discharge 012),
BOP Control Fluid (discharge 013), and
Fire Control System Test Water (discharge 014),

from offshore oil and gas facilities (defined in 40 CFR Part 435, subpart A) to receiving waters named the Pacific Ocean, in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II and III thereof.

Offshore operators who fail to notify the Regional Administrator of their intent to be covered by this general permit are not authorized to discharge to the specified receiving waters unless an individual permit has been issued to the facility by EPA, Region 9.

The authorized discharge sites are (by OCS lease parcel number):

in waters west and northwest of Point Arguello,

P-0393	P-0414	P-0438
P-0394	P-0415	P-0437
P-0395	P-0416	P-0438
P-0396	P-0418	P-0439
P-0397	P-0419	P-0440
P-0400	P-0420	P-0441
P-0401	P-0421	P-0443
P-0402	P-0422	P-0444
P-0403	P-0424	P-0445
P-0404	P-0425	P-0446
P-0405	P-0426	P-0447
P-0406	P-0427	P-0448
P-0407	P-0429	P-0449
P-0408	P-0430	P-0450
P-0409	P-0431	P-0451
P-0410	P-0432	P-0452
P-0411	P-0433	P-0453;
P-0412	P-0434	
P-0413	P-0435	

in waters south and west of Pt. Conception,

P-0315	P-0321	P-0328
P-0316	P-0322	P-0330
P-0317	P-0323	P-0331
P-0318	P-0324	P-0332
P-0319	P-0325	P-0333
P-0320	P-0327	P-0338;

in the Santa Barbara Channel from Pt. Conception to Goleta Point,

P-0180	P-0195	P-0348
P-0181	P-0196	P-0349
P-0182	P-0197	P-0350
P-0183	P-0326	P-0351
P-0184	P-0329	P-0352
P-0185	P-0334	P-0353
P-0186	P-0335	P-0354
P-0187	P-0338	P-0355
P-0188	P-0339	P-0356
P-0189	P-0340	P-0357
P-0190	P-0341	P-0358
P-0191	P-0342	P-0359
P-0192	P-0343	P-0360;
P-0193	P-0344	
P-0194	P-0345	

in the Santa Barbara Channel from Santa Barbara to Ventura,

P-0166	P-0215	P-0240
P-0202	P-0216	P-0241
P-0203	P-0217	P-0337
P-0204	P-0231	P-0346
P-0205	P-0232	P-0347
P-0208	P-0233	P-0361;
P-0209	P-0234	
P-0210	P-0238	

in waters south of Santa Rosa and Santa Cruz Islands,

P-0248	P-0362	P-0364;
P-0251	P-0363	

in the San Pedro Channel between San Pedro and Laguna,

P-0295	P-0301	P-0306
P-0296	P-0301	P-0366;

in waters west of San Clemente Island in the Tanner Bank Area,

P-0367	P-0368	P-0369.

The permit shall become effective on———————.

This permit and the authorization to discharge shall expire at midnight, December 31, 1983.

Signed this —— day of ————————.

Sheila M. Prindiville,

Acting Regional Administrator, Region 9.

A. Effluent Limitations and Monitoring Requirements

1. During the period beginning the date notification of commencement of operations is received by the Regional Administrator and lasting through December 31, 1983 the operator is authorized to discharge from outfall(s) serial number 001 (drill cuttings and drilling muds).

a. Such discharges shall be limited and monitored by the operator as specified below:

Effluent charcteristic	Discharge limitations				Monitoring requirements	
	Kilograms/day (lbs/day)		Other units (specify)		Measurement frequency	Sample type
	Daily average	Daily maximum	Daily average	Daily maximum		
Total volume (cubic meters)[1]					Once/month	Estimate.

[1] The total volume of drill cuttings and drilling muds discharged at each site shall each be monitored by an estimate sample type.

b. There shall be no discharge of free oil as a result of the discharge of drill cuttings and/or drilling muds.

c. There shall be no visible floating solids in the receiving waters as a result of these discharges.

d. The discharge of oil-base drilling muds is prohibited.

e. There shall be no discharge of toxic materials in a concentration and/or volume which after allowance for initial mixing, exceeds the limiting permissible concentration defined in Condition III.C.17.

f. The discharge of drill cuttings and drilling muds is prohibited in Areas of Special Biological Significance as designated by Bureau of Land Management (BLM) lease contracts. Areas of Special Biological Significance presently identified in BLM contracts include, but are not limited to, areas in OCS parcel P-0369. Specifically, discharges are prohibited within the 80 meter isobath and within a 1500 meter buffer zone surrounding the 80 meter isobath, within OCS parcel P-0369.

g. Drilling Fluids Inventory. The operator shall maintain a precise chemical inventory of all constituents and their volume added downhole for each well. This inventory shall include diesel fuel and any drilling fluid additives used to meet specific drilling requirements.

Part I.A.1.h Additional Monitoring Requirements: Bioassay of Spent Drilling Muds

Within six (6) months of the initiation of drilling mud discharges, the operator shall demonstrate compliance with condition I.A.1.e. by conducting and reporting the results of a drilling mud bioassay performed for each type of drilling mud discharged. A sample of spent drilling muds, immediately prior to its intended discharge, shall be collected for analysis. The bioassay shall be conducted in accordance with the procedures developed by the Mid-Atlantic Joint Industry Bioassay Program, or other methods approved by the Regional Administrator, Region 9. The following shall be submitted to the Regional Administrator:

(a) The date the sample was collected;

(b) The total volume of spent muds discharged on the date of the sample;

(c) The water depth into which the muds were discharged;

(d) The results of the bioassay, including the survival percentages of all dilutions tested and the graph from which the LC_{50} was extrapolated; and

(e) A list of all components, including the weights, used to compose the drilling muds which are discharged. If commercial names are listed, their chemical constituents shall also be provided.

The bioassay requirement shall be deemed satisfied if the operator discharges a mud for which bioassay test data has previously been submitted to the Agency without regard to whether the operator originally submitted the test data. Copies of this data shall be provided to the Regional Administrator prior to initiation of discharge. The bioassay requirement for a mud not previously tested may be waived by the Regional Administrator upon written request by the permittee. *Provided,* That:

(1) The mud is of one of the generic types which have been tested and accepted for discharge by EPA;

(2) The mud contains no additives not present in the generic mud;

(3) The Regional Administrator determines that, based on the concentrations of components in the proposed mud and bioassays of other muds, the discharge of the mud would not pose a significant threat to marine organisms.

2. During the period beginning the date notification of commencement of operations is received by the Regional Administrator and lasting through December 31, 1983 the operator is authorized to discharge from outfall(s) serial number(s) 002 (produced water).

a. Such discharges shall be limited and monitored by the operator as specified below:

Effluent characteristic	Discharge limitations: Kilograms/day (lbs/day) Daily average	Discharge limitations: Kilograms/day (lbs/day) Daily maximum	Discharge limitations: Other units (specify) Daily average	Discharge limitations: Other units (specify) Daily maximum	Monitoring requirements: Measurement frequency	Monitoring requirements: Sample type
Flow-m³/day (MGD)					Once/month	Composite
Oil and grease				72.0	do	Do.
Arsenic				[1] [2].008	Once/6 months	Do.
Cadmium				[1].003	do	Do.
Total chromium				[1].002	do	Do.
Copper				[1].002	do	Do.
Cyanides				[1].0045	do	Do.
Lead				[1].004	do	Do.
Mercury				[1].00014	do	Do.
Nickel				[1].01	do	Do.
Silver				[1].00016	do	Do.
Zinc				[1].009	do	Do.
Phenols				[1].03	do	Do.

[1] This limit is applicable after initial dilution within a mixing zone defined in Condition III.C.16.
[2] Milligrams per liter.

b. Samples taken in compliance with the monitoring requirements specified in Condition A.2.a., above, shall be taken at the following location: At a point in discharge 002 prior to entry into the waters of the Pacific Ocean.

3. During the period beginning the date notification of commencement of operations is received by the Regional Administrator and lasting through December 31, 1983 the operator is authorized to discharge from the following outfalls.

a. Such discharges shall be limited and monitored by the operator as specified below:

Serial numbers outfalls	Effluent characteristic	Discharge limitations	Monitoring requirements: Measurement frequency	Monitoring requirements: Sample type
003—Produced sand [1]	Quantity(m³)		Once/month	Estimate.
004—Well completion and treatment fluids [1]	Volume (bbl/mo)		Once/month	Estimate.
005—Deck drainage [1]	Volume (bbl/mo)		Once/month	Estimate.
006—Sanitary waste	Flow rate (MGD) Residual chlorine	[2] [3] 1.0 mg/1	Once/month	Estimate.
007—Domestic waste				

[1] There shall be no free oil in the receiving waters as a result of this discharge.
[2] Minimum of 1 mg/1 and maintained as close to this concentration as possible. This requirement is not applicable to facilities intermittently manned or to facilities permanently manned by nine (9) or fewer persons.
[3] Milligrams per liter.

b. Samples taken in compliance with monitoring requirements specified above shall be taken at a sampling point prior to commingling with any other waste stream oreentering Pacific waters.

4.a. During the period beginning the date notification of commencement of operations is received by the Regional Administrator and lasting through the operator is authorized to discharge from outfall(s) serial number(s) 008-014 (miscellaneous discharges).

Discharge:
008—Desalinization Unit discharge
009—Cooling water
010—Bilge Water
011—Ballast Water
012—Excess Cement Slurry
013—Control Fluid From Blow-Out Preventer
014—Fire Control System Test Water

b. There shall be no free oil in the receiving waters as a result of these discharges.

Part I.A.5 Reopener Clause

In addition to any other grounds specified herein, this permit shall be modified or revoked at any time if, on the basis of any new data, the Regional Administrator determines that continued discharges may cause unreasonable degradation of the marine environment.

Part I.A.6 Commencement and Termination of Operations—Notification Requirements

Written notification of commencement of operations including name and address of operator, description and location of operation and of accompanying discharges shall be provided to the Regional Administrator at least fourteen (14) days prior to initiation of discharges. Operators shall also notify the Regional Administrator upon permanent termination of discharge from these facilities.

Part I.A.7 Effective Date for Monitoring Requirement

The monitoring requirements shall take effect upon commencement of discharge.

Part I.A.8 Notification of Relocation by Exploratory Drilling Vessel

No less than fourteen (14) days prior to any relocation and initiation of discharge activities at an authorized discharge site the operator shall provide to the Regional Administrator written notification of such actions. The notification shall include the parcel number and exact coordinates of the new site and the initial date and expected duration of drilling activities at the site.

B. Other Discharge Limitations

1. *Floating Solids or Visible Foam.* There shall be no discharge of floating solids or visible foam in other than trace amounts.

2. *Halogenated Phenol Compounds.* There shall be no discharge of halogenated phenol compounds.

3. *Surfactants, Dispersants, and Detergents.* The discharge of surfactants, dispersants, and detergents shall be minimized except as necessary to comply with the safety requirements of the Occupational Health and Safety Administration and the U.S. Geological Survey.

4. *Sanitary Wastes.* Any facility using a marine sanitation device that complies with pollution control standards and regulations under section 312 of the Act shall be deemed to be in compliance with permit limitations for sanitary waste discharges until such time as the device is replaced or is found not to comply with such standards and regulations.

C. Monitoring and Records

1. *Representative Sampling.* Samples and measurements taken for the purpose of

monitoring shall be representative of the volume and nature of the monitored activity.

2. *Reporting Procedures.* Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

3. *Penalties for Tampering.* The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

4. *Reporting of Monitoring Results.* Monitoring results obtained during the previous 12 months shall be summarized and reported on a Discharge Monitoring Report Form, EPA No. 3320-1 (DMR). In addition, the annual average shall be reported and shall be the arithmetic average of all samples taken during the year. The highest daily maximum sample taken during the reporting period shall be reported as the daily maximum concentration.

If any category of waste (outfall) is not applicable due to the type of operation (e.g., drilling, production) no reporting is required for that particular outfall. Only DMR's representative of the activities occurring need to be submitted. A notification indicating the type of operation should be provided with the DMR's.

The first report is due on the 28th day of the 13th month from the day this permit first becomes applicable to a permittee. Signed and certified copies of these and other reports required herein, shall be submitted to the Regional Administrator at the following address: Director, Enforcement Division, Region 9, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105.

5. *Additional Monitoring by the Permittee.* If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

6. *Averaging of Measurements.* Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

7. *Retention of Records.* The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit for a period of at least three (3) years from the date of the sample, measurement, or report. This period may be extended by request of the Regional Adminsitrator at any time.

8. *Record Contents.*

Records of monitoring information shall include:

a. The date, place, and time of sampling or measurements;

b. The individual(s) who performed the sampling or measurements;

c. The date(s) analyses were performed;

d. The individual(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of such analyses.

9. *Inspection and Entry.* The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substancers or parameters at any location.

D. Reporting Requirements

1. *Anticipated Noncompliance.* The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

2. *Monitoring Reports.* Monitoring results shall be reported at the intervals specified in Part I.C. of this permit.

3. *Twenty-Four Hour Reporting of Noncompliance.* The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

a. Any unanticipated bypass which exceeds any effluent limitation in the permit;

b. Any upset which exceeds any effluent limitations in the permit; and

c. Violation of a maximum daily discharge limitation for any toxic pollutant or hazardous substances, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance, listed as such by the Regional Administrator in the permit to be reported within 24 hours.

Reports should be made to telephone #415-556-6695. The Regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. *Other Noncompliance.* The permittee shall report all instances of noncompliance not reported under Part I.D.3. at the time monitoring reports are submitted. The reports shall contain the information listed in Part I.D.3.

5. *Signatory Requirements.* All reports or information submitted to the Regional Administrator shall be signed and certified in accordance with 40 CFR 122.6.

6. *Availability of Reports.* Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

7. *Penalties for Falsification of Reports.* The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

A. Operation and Maintenance of Pollution Controls

1. *Proper Operation and Maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxilliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. *Duty to Halt or Reduce Activity.* Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost.

3. *Bypass of Treatment Facilities.*

a. *Definitions.* (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which are reasonably to be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused be delays in production.

b. *Bypass not exceeding limitations.* The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section.

c. *Notice.* (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least 10 days before the date of the bypass.

(2) Unanticipated bypass. The permttee shall submit notice of an unanticipated bypass as required in Part I.D.3. (24-hour notice).

d. *Prohibition of bypass.* (1) Bypass is prohibited, and the Regional Administrator may take enforcement action against the permittee by bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxilliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph c. of this section.

(2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if he determines that it will meet the three conditions listed above in paragraph d.(1) of this section.

4. *Upset Conditions.* a. *Definition.* "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless of improper operation.

b. *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination, made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. *Conditions necessary for a demonstration of upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Part I.D.3. (24-hour notice); and

(4) The permittee complied with any remedial measures required under Part II.B.4 (duty to mitigate).

d. *Burden of proof.* In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. *Removed Substances.* Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

B. General Conditions

1. *Duty to Comply.* The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action or for requiring a permittee to apply for and obtain an individual NPDES permit.

2. *Duty to Comply with Toxic Effluent Standards.* The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3. *Penalties for Violation of Permit Conditions.* The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 303, 306, 307, or 308 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

4. *Duty to Mitigate.* The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

5. *Permit Actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notification of planned charges or anticipated noncompliance, does not stay any permit condition.

6. *Civil and Criminal Liability.* Except as provided in permit conditions on "Bypasses" (Part II.A.3.) and "Upsets" (Part II.A.4.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. *Oil and Hazardous Substance Liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

8. *State Coastal Zone Management Plan Consistency.* Discharge from drilling vessels, production platforms or other facilities engaged in exploratory drilling or production of oil and gas within 1000 meters seaward of the territorial seas of California is prohibited until the plan of exploration or developments, for each affected parcel, is determined to be consistent with the Coastal Zone Management Plan by the Coastal Commission of the State of California.

9. *State Laws.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

10. *Property Rights.* The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

11. *Severability.* The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Part III Other Requirements

A. When the Regional Administrator May Require Application for an Individual NPDES Permit

The Regional Administrator may require any person authorized by this permit to apply for and obtain an individual NPDES permit when:

a. The discharge(s) is a significant contributor of pollution;

b. The discharger is not in compliance with the conditions of this permit;

c. A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

d. Effluent limitation guidelines are promulgated for point sources covered by this permit;

e. A Water Quality Management Plan containing requirements applicable to such point source is approved; or

f. The point source(s) covered by this permit no longer:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations or operating conditions;

(4) Require the same or similar monitoring; and

(5) In the opinion of the Regional Administrator are more appropriately controlled under a general permit than under individual NPDES permits.

The Regional Administrator may require any operator authorized by this permit to apply for an individual NPDES permit only if the operator has been notified in writing that a permit application is required.

B. When an Individual NPDES Permit May Be Requested

a. Any operator authorized by this permit may request to be excluded from the

coverage of this general permit by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request to the Regional Administrator (no later than 90 days after the publication).

b. When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to that owner or operator is automatically terminated on the effective date of the individual permit.

c. A source excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source.

C. Definitions

1. "Cooling water" means once through non-contact cooling water.

2. "Daily maximum" means the average concentration of the parameter specified during any 24-hour period that reasonably represents the 24-hour period for the purposes of sampling.

3. "Deck drainage" means all waste resulting from platform washing, deck washings, and run-off from curbs, gutters, and drains including drip pans and wash areas.

4. "Desalinization unit discharge" means wastewater associated with the process of creating fresh water from seawater.

5. "Domestic waste" includes discharges from galleys, sinks, showers, and laundries.

6. "No discharge of free oil" means a discharge that does not cause a film or sheen upon or a discoloration on the surface of the water or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

7. "Drill cuttings" means particles generated by drilling into subsurface geological formations.

8. "Drilling fluids" means any fluid sent down the hole, including drilling muds and any specialty products, from the time a well is begun until final cessation of drilling in that hole.

9. "Produced waters" means waters and particulate matter associated with oil and gas producing formations. Sometimes the terms "formation water" or "brine water" are used to describe produced water.

10. "Produced sands" means sands and other solids removed from the produced waters.

11. "Sanitary waste" means human body waste discharged from toilets and urinals.

12. The term "territorial seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

13. "Well completion and treatment fluids" means any fluids sent down the drill hole to improve the flow of hydrocarbons into or out of geological formations which have been drilled.

14. A "discrete sample" means any individual sample collected in less than fifteen minutes.

15. For flow rate measurements, a "composite sample" means the arithmetic mean of no fewer than eight individual measurements taken at equal intervals for twenty-four hours or for the duration of the discharge, whichever is shorter.

For oil and grease measurements, a "composite sample" means four samples taken over a twenty-four hour period analyzed separately and the four samples averaged. The daily maximum limitation for oil and grease is based on this definition of a composite sample.

For measurements other than flow rate or oil and grease, a composite sample means a combination of no fewer than eight individual samples obtained at equal time intervals for twenty-four hours or for the duration of the discharge, whichever is shorter.

16. Mixing Zone—the zone extending from the sea's surface to seabed and extending laterally to a distance of 100 meters in all directions from the discharge point or to the boundary of the zone of initial dilution as calculated by a plume model approved by the Regional Administrator, whichever is greater.

17. Limiting Permissible Concentration—that concentration of a constituent which, outside the boundaries of a mixing as defined in Part III.C.16 above, does not exceed applicable marine water quality criteria, or, when there are no applicable water quality criteria, that concentration of a waste which, after allowance for initial mixing will not exceed a toxicity threshold defined as 0.01 of a concentration shown to be acutely toxic to appropriate sensitive marine organisms in a bioassay carried out in accordance with Condition I.A.1.h. When there is reasonable scientific evidence on a specific waste material to justify the use of an application factor other than 0.01, the Regional Administrator may approve the use of such alternative factor in calculating the LPC.

[FR Doc. 81-26118 Filed 9-11-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

Correction to Report No. 1306; Petitions for Reconsideration of Actions in Rule Making Proceedings

September 4, 1981.

Public Notice released on September 1, 1981, (46 FR 44885; September 8, 1981) which was inadvertently listed as Report No. 1306 should be corrected to read "Report No. 1307".

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-26723 Filed 9-11-81; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee; Amateur Radio Services Subcommittee; Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of the Amateur Radio Services Subcommittee of the National Industry Advisory Committee (NIAC) to be held Friday, September 25, 1981. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A-106, 1229—20th Street, N.W., Washington, D.C. at 10:00 A.M.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items: Opening of meeting by Vice-Chairman Mr. Meserve

Introduction of new Amateur Radio Services Subcommittee Chairman

1. Opening statement by new Chairman Mr. Dunn and approval of minutes and attachments of the May 18, 1981 meeting.

2. Report on status and promulgation of operational Amateur Radio Communications Emergency Plans, FCC staff.

3. Progress reports and information on previously assigned activities of subcommittee members.

a. *Local Government Planning*, Mr. Estevez, Mr. Newland.

b. *Broadcast Services*, Mr. Payne.

c. *Citizens Band*, Mr. Flinn.

d. *Red Cross & Salvation Army*, Mr. Estevez, Mr. Lindholm.

e. *Independent Traffic Nets and Networking*, Mr. Estevez, Mr. Lindholm.

f. *Radio Amateur Civil Emergency Service*, Mr .Snyder.

g. *Military Affiliate Radio System*, Mr. Dunn, Mr. Hurd, Mr. Todd. Others as available.

h. *New Operational and Technical Advances in High Speed Data and Information Transmission for Emergency Communications*, Mr. Green.

i. *Plain Language Rules*, Mr. Imlay.

j. *Other Reports.*

4. Establishment of Subcommittee Working Groups, Mr. Dunn.

5. Developing More Trained Amateurs for Emergency Operations, Mr. Green.

6. Report of Rebroadcast Recommendation, FCC staff.

7. Electromagnetic Pulse, Mr. Meserve.

8. Determination of the number of NIAC Amateur Radio Services Subcommittee meetings per year.

9. New business

10. Federal agency and public comments

11. Establish next Amateur Radio Services Subcommittee Meeting Date.

12. Establish Agenda Items and Timetable for next Meeting.

13. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those

desiring more specific information about the meeting may telephone the Executive Secretary, National Industry Advisory Committee, at the FCC on (202) 632-7232.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-26702 Filed 9-11-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974: Notice of Amendments to and Annual Publication of Systems of Records

Subsection (e)(4) of the Privacy Act of 1974 requires Federal agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. 5 U.S.C. § 552a(e)(4), 88 Stat. 1896, 1899–1900. The Federal Deposit Insurance Corporation ("FDIC") last made such an annual publication on September 26, 1980 (45 FR 63920). That publication cited the last actual full publication of the FDIC's Systems of Records at 43 FR 37152 (August 21, 1978). Also, subsection (e)(11) of the Privacy Act requires 30 days notice of a change to an agency's intended use of information ("routine use") for one of its Systems of Records prior to the change's effective date. 5 U.S.C. 552a(e)(11), 88 Stat. 1896, 1900.

Since September 1980, the FDIC finds that numerous changes must be made to its Systems of Records, including new routine uses. On May 21, 1981 (46 FR 27759), FDIC published notice of proposed changes to its Systems of Records. Specifically, the FDIC proposed new routine uses for eight of its existing Systems of Records. Also, the FDIC proposed to establish two new Systems of Records ("Employee Financial Disclosure Statements—FDIC" (30–64–0006) and "Financial Payments and Payroll Deduction System—FDIC" (30–64–0008)), new system locations for two of the existing Systems of Records, and extensions in the retention and disposal periods for four different systems. Finally, because of the extensive changes made to them, two of the existing FDIC Systems of Records ("Unofficial Personnel System—FDIC" (30–64–0015) and "Medical Records and Emergency Contact Information System—FDIC" (30–64–0017)) were to be republished in their entireties.

Comments on these proposed changes were requested from the public, as well as from the Director of the Office of Management and Budget, the Speaker of the House of Representatives and the President of the Senate. Only one comment was received, this from the United States Office of Personnel Management ("OPM"). Referring to FDIC Systems of Records 30–64–0006 and 30–64–0015, OPM characterized these FDIC systems as "duplicative" of OPM's comparable government-wide systems and stressed that FDIC employees will still retain their rights of appeal to OPM under OPM's rules and regulations (5 CFR Parts 294 and 297) with regard to OPM's government-wide systems of records. Also, OPM suggested a new routine use for FDIC System of Records 30–64–0006. Referring to subsection (b)(1) of the Privacy Act of 1974 (5 U.S.C. 552a(b)(1), 88 Stat. 1896, 1897), which provides in pertinent part that there may be disclosure of a record to those persons in the agency maintaining the record "who have a need for the record in the performance of their duties," OPM stated that for purposes of subsection (b)(1), employees of OPM are considered to be "employees" of the other agency maintaining the record for which OPM has already published a system of records. Hence, another routine use should be added to Systems of Records 30–64–0006 for the disclosure of information in that system to OPM.

The FDIC has chosen not to adopt the recommendations of OPM. Concerning OPM's statements of "duplicative" FDIC systems, the fact remains that FDIC Systems of Records 30–64–0006 and 30–64–0015 are not necessarily duplicative of similar systems maintained by OPM. As for OPM's suggestion that there be added another routine use to FDIC Systems of Records 30–64–0006, under the "Categories of Records" section of Systems of Records 30–64–0006, there are provisions for the maintenance of records on FDIC employees pertaining to bank ownership and indebtedness and such information can be particularly sensitive. Under specific conditions already contained in the routine uses of this system, there can be disclosure to other Federal agencies, including OPM.

No other comments were filed in response to the FDIC's proposed amendments to its Systems of Records and FDIC's Board of Directors adopted the amendments to its Systems of Records as proposed. No substantive changes other than those adopted in this publication have occurred in any FDIC Systems of Records since FDIC's last annual publication. There are certain technical changes in this publication that vary from the earlier proposal. First, new sentences added to existing FDIC systems, which were printed in italics in the May 21 **Federal Register** proposal, are now printed in regular Roman type. Also, several minor typographical errors that appeared in the May 21 **Federal Register** notice of proposed changes are now made.

The full text of each of the systems which have been amended and have changed since FDIC's last annual publication appears below. This includes the two new Systems of Records being adopted by the FDIC. The full text of the FDIC Systems of Records also appears in Privacy Act Issuances, 1980 Compilation, Volume IV, page 272. Copies of this volume are available at the Depository Libraries and Federal Information Centers throughout the United States. Finally, this notice of the changes to and the annual publication of the FDIC's Systems of Records shall become effective October 14, 1981.

Dated: September 8, 1981.

Hoyle L. Robinson,

Executive Secretary.

Table of Contents

30-64-0018 Grievance Records.

30-64-0002

SYSTEM NAME:

Bank and Proposed Bank Irregularity Records System—FDIC.

SYSTEM LOCATION: Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street NW., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, officers and employees of FDIC insured banks who have been involved in reported irregularities. Directors and officers of noninsured banks and organizers of proposed banks which have applied for Federal deposit insurance and who have been involved in reported irregularities. Customers of FDIC insured banks, and other individuals, who have been involved in reported irregularities at such banks. In addition, the system may contain information on individuals who have been the subject of background checks designed to uncover irregularities bearing on these individuals' fitness to be directors, officers, or employees of the banks or to control its management. These individuals may include the following: directors, officers and employees of FDIC insured banks; directors and officers of uninsured banks and organizers of proposed banks which have applied for Federal deposit insurance; and controlling shareholders of banks endeavoring to gain control over FDIC insured banks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains interagency correspondence, intra-agency memoranda and reports of investigation. May contain newspaper clippings. May contain Federal or State criminal law enforcement agency investigatory and/or arrest and conviction reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 5, 6, 7, 9, 18 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1815, 1816, 1817, 1819, 1828, 1829).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) In the event that information contained in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (2) In the event of litigation, the appropriate records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) 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 the individual; (4) Disclosure may be made to the bank affected by a discovered irregularity; (5) Disclosure may be made to another Federal or State financial institution regulatory agency if the individual involved has notified that agency of his intent to acquire controlling interest in a bank or bank holding company, has filed an application for a bank charter or to form a bank holding company, or has or will become associated with an insured bank under that agency's supervision.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on file cards and in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Indexed cards and file folders are maintained in lockable metal cabinets.

RETENTION AND DISPOSAL:

Destruction after five years. Destruction is by shredder.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Bank Supervision, FDIC, 550 17th Street NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429. Inquiries must provide the full name of the inquirer. All inquiries must include a notarized statement attesting to the identity of the inquirer.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

FDIC insured banks and applicants for Federal deposit insurance; Federal and State banking supervisory authorities; newspapers; Federal and State criminal law enforcement and prosecutorial agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to section 310.13(a) of the FDIC's rules and regulations, investigatory material compiled for law enforcement purposes, concerning irregularities involving officers, directors, employees, customers, or other individuals at FDIC insured banks; directors and officers of noninsured banks; or organizers of proposed banks which have applied for Federal deposit insurance, is exempted from the accounting provisions of section 310.10(d)(2) of the FDIC's rules and regulations and may be withheld from disclosure to the extent that such disclosure may interfere with the investigation and preparation of any civil, criminal, or administrative law enforcement proceedings. Federal criminal law enforcement investigatory reports maintained as part of this system may be the subject of exemptions imposed by the originating agency pursuant to 5 U.S.C. 552a(j)(2).

30-64-0004

SYSTEM NAME:

Changes in Bank Control Ownership Records—FDIC.

SYSTEM LOCATION:

Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street NW., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been involved in the change of bank control or ownership in FDIC insured banks and/or have obtained loans from insured banks, when such loans are secured by 25 percent or more of the outstanding stock of an insured bank.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name of the individual seller or purchaser of shares of stock, the number of shares of stock involved and outstanding, the name of the bank whose control is changing, the purchase price of the stock, the names of beneficial owners if the shares are registered in another name, the total number of shares owned by the seller, purchaser, or beneficial owner, both before and after the transaction, the personal history, business background and experience, and pending legal or administrative proceedings involving each purchaser or beneficial owner, financial and income statements of purchasers or beneficial owners, the source of funds used in the purchase, the identity of any person who will solicit stockholders in connection with the

purchase, the terms and conditions of the acquisition, any plans to make a major change to the business or corporate structure of the acquired bank, copies of invitations, tenders, or advertisements used in making tender offers to stockholders, comments by State and Federal regulatory agencies, and changes of directors and chief executive officers within one year of the change in control and a statement of their past and current business and professional affiliations. In the case of loans, contains all of the information listed above and contains the name and location of the lending bank, the name and address of the borrower, the amount of the loan and the name of the bank issuing the stock securing the loan and the number of shares securing the loan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USE AND THE PURPOSES OF SUCH USES:

(1) The name of the bank whose control is changing, the seller and purchaser, and the number of shares involved, may be distributed to periodicals for publication; (2) in the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) in the event of civil, criminal, or administrative law enforcement proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (4) disclosure may be made to the appropriate State banking authority and the appropriate Federal financial institutions regulatory agency as required by the Change in Bank Control Act of 1978 (section 7(j)(11)) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(11)) as added by section 602 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, (92 Stat. 3686); (5) disclosure may be made to a law enforcement or other government agency, whether Federal or State, for the purpose of identity verification; (6) disclosure may be made to a congressional office from the record of an individual as may be necessary to respond to an inquiry from the congressional office made at the request of the individual; (7) the records may be disclosed to third parties for the purposes of verifying the accuracy and/or completeness of any of the information contained in these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on index cards.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable metal filing cabinets.

RETENTION AND DISPOSAL:

Destruction after 10 years. Destruction is by shredder.

SYSTEM MANAGER(S) AND ADDRESS:

Director Division of Bank Supervision FDIC, 550 17th Street NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The persons who are acquiring control of an FDIC insured bank, the bank in which control is changing, the bank which makes a loan secured by 25 percent or more of the outstanding voting stock of an insured bank, and state and federal regulatory agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0005

SYSTEM NAME:

Consumer Complaint and Inquiry Records—FDIC.

SYSTEM LOCATION:

Division of Bank Supervision, Office of Consumer and Compliance Programs, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 and the appropriate FDIC Regional Office for complaints or inquiries originating within or involving a bank located in an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed complaints or inquiries concerning activities and practices of FDIC insured banks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the names of individuals and the nature of their complaints or inquiries. Contains correspondence and records of other communications between the FDIC and the individuals filing complaints and/or making inquiries. May contain correspondence between the FDIC and the bank in question and/or Federal or State supervisory authorities. May contain copies of supporting documents supplied by a complainant and intra-agency memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 202 of Title II of the Federal Trade Improvement Act (15 U.S.C. 57a(f); Sec. 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Since records are compiled and used for investigation and resolution of consumer inquiries and complaints, disclosure may be necessary to the institution which is the subject of the complaint; (2) reolution of the complaint or inquiry may also require disclosure limited to the name of the inquirer and the nature of the inquiry, to third party sources during the course of the investigation; (3) transmittal may be made to the Federal or State supervisory authority that has direct supervision over the financial institution that is the subject of the complaint; (4) in the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statue or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or proxecuting such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (5) in the event of civil, criminal or administrative proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the

development of the proceedings; (6) disclousre 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 the individual.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer discs and tapes.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable metal filing cabinets; computer tapes and discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained for two years after receipt unless updated by correspondence received during the previous year. Correspondence files are destroyed by shredder; computer tapes and discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Bank Supervision, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the individual on whom the record is maintained; institutions that are the subject of the complaint; the appropriate agency, whether Federal or State, with supervisory authority over the institution; Congressional offices that may initiate the inquiry; and other third party sources mentioned in "Routine Use" above.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0006

SYSTEM NAME:

Employee Financial Disclosure Statements—FDIC

SYSTEM LOCATION:

Office of the Executive Secretary, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former officers and employees, including Special Corporation employees and employees occupying noncompetitive positions, of FDIC required to file Public Financial Disclosure Reports pursuant to the Ethics in Government Act of 1978 (92 Stat. 1836); current and former employees required to file Confidential Statements of Employment and Financial Interests pursuant to Executive Order 11222 and FDIC's implementing regulation, 12 CFR Part 336; current and former bank examiners and assistant bank examiners required to file disclosures of their personal indebtedness to insured banks or affiliates thereof pursuant to Part 336; and all current and former employees required to disclose their ownership of insured bank securities and other outside interests pursuant to Part 336.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system includes records relating to, or data directly furnished by the subject individual, on the following four forms: (1) Financial Disclosure Reports, Standard Form 278—Contains financial information such as income from salaries, honoraria, dividends, rent, interest, trusts and capital gains; interest in property held in a trade or business or for investment or the production of income; income from the sale, exchange or purchase of real property or property such as stocks and bonds; gifts; reimbursements; liabilities in excess of $10,000 owed to any creditors; copies of and documents relating to qualified blind trusts; information on positions held in private organizations and on agreements with private employers; and other documents that may be generated in the course of administering the Ethics in Government Act of 1978; (2) Confidential Statements of Employment and Financial Interests, FDIC Form 6130/15—Contains statements of personal and family holdings, interests in business enterprises and real property, creditors, outside employment, and other documents that may be generated in the course of administering the provisions of Executive Order 11222 and Part 336; (3) Confidential Disclosures of Indebtedness by Bank Examiners, FDIC Form 6130/16—Contains information on extensions of credit (loans and credit cards) by FDIC insured banks and noninsured banks to examiners and assistant examiners; may also contain memoranda and correspondence relating to requests for approval of certain loans extended by insured banks to examiners and assistant examiners; (4) Disclosures of Direct or Indirect Financial Interest in Bank or Other Interest in Corporation Decision, FDIC Form 6130/17—Contains information on whether or not Corporation employees own or control, directly or indirectly, any securities of an insured bank or its affiliates, and if so, lists specific securities; also contains information on other outside interests which may impact on an employee's official duties; may also contain memoranda and correspondence relating to requests for approval or retention of bank securities by Corporation employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title II of the Ethics in Government Act of 1978 (92 Stat. 1836); Section 402 of Executive Order 11222 dated May 8, 1965; Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Financial Disclosure Reports may be disclosed upon written request to any requesting person pursuant to Section 205 of the Ethics in Government Act of 1978 (92 Stat. 1836), as amended, or as otherwise authorized by law; (2) Confidential Statements of Employment and Financial Interests, Confidential disclosures of Indebtedness by Bank Examiners, and disclosures of Direct or Indirect Financial Interest in Bank or Other Interests in Corporation Decision may be disclosed where the Director of the Office of Government Ethics or the Chairman of the Board of Directors of the FDIC determines that good cause has been shown for such use (a) to the appropriate Federal, State or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order where FDIC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (b) to provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual; (c) to another Federal agency or to a court where the Government is party to a judicial proceeding before the court; (d) to any source where necessary to obtain information relevant to a conflict-of-interest investigation or determination;

(e) in response to a request for discovery or for an appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on index cards.

RETRIEVABILITY:

Indexed alphabetically by name of individual.

SAFEGUARDS:

Maintained in lockable metal filing cabinets in lockable office to which only authorized personnel have access.

RETENTION AND DISPOSAL:

(1) Financial disclosure Reports—Retained for six years and then destroyed by shredding. (2) Confidential Statements of Employment and Financial Interests—Retained two years after separation of employee or two years after employee leaves the position for which the Confidential Statement was required and then destroyed by shredding. (3) Confidential disclosures of Indebtedness by Bank Examiners—(a) for examiners required to file Confidential Statements, retained two years after separation of employee or two years after employee leaves the position for which the Confidential Statement was required; (b) for assistant examiners, destroyed when Corporation employment is terminated. Destruction is by shredding. (4) disclosures of direct or Indirect Financial Interest in Bank or Other Interest in Corporation Decision—(a) for employees required to file Financial disclosure Reports, retained for six years and then destroyed; (b) for employees required to file Confidential Statements, retained two years after separation of employee or two years after employee leaves the position for which the Statement was required; (c) for all other employees, destroyed when Corporation employment is terminated. In all cases, destruction is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Ethics Counselor, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FCIC, 550 17th Street, N.W., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the individual on whom the record is maintained or a person designated by them and from the Corporation's Ethics Counselor and support personnel

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0007

SYSTEM NAME:

Employee Education System—FDIC.

SYSTEM LOCATION:

Employee Development Branch, FDIC, 550 17th Street, NW, Washington, D.C. 20429; Division of Bank Supervision Training Center, FDIC, 1701 N. Fort Myer Drive, Arlington, Virginia 22209 for all FDIC bank examiners: and the appropriate FDIC Regional Office for employees assigned to an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the educational history of employees prior to their employment with the FDIC, and educational progression of employees while employed by the FDIC. Information includes employee's schools of attendance, courses completed or enrolled in, dates of attendance, tuition fees and expenses, and may include per diem and travel expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order No. 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) to the United States Office of Personnel Management, the Merit System Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance; (4) to vendors, carriers, or other appropriate third parties, by the FDIC Office of Corporate Audits, for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and computer discs.

RETRIEVABILITY:

File folders—alphabetically by name; computer discs—social security number.

SAFEGUARDS:

File folders are stored in lockable metal cabinets, computer discs are accessed by only authorized personnel.

RETENTION AND DISPOSAL:

Permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, FDIC, 550 17th Street, N.W., Washington, D.C. 20429; Director, Division of Bank Supervision, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 for records maintained at Division of Bank Supervision Training Center; the appropriate FDIC Regional Director for records maintained in FDIC Regional Offices (See Appendix A for the location of FDIC Regional Offices.)

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained and the training institution in which the employee is enrolled.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0008

SYSTEM NAME:

Financial Payments and Payroll Deduction System—FDIC

SYSTEM LOCATION:

Office of Fiscal Management, FDIC, 1850 K Street, NW, Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees and individuals providing goods and/or services to the FDIC under contractual arrangements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the following information of FDIC employees: mailing addresses and home addresses: rate and amount of pay; hours worked; leave accrued and leave balances; life insurance, health insurance and retirement deductions; tax exemptions; and payroll deduction authorizations (including, where applicable, State or Federal tax liens, bankruptcies, attachments, and wage garnishments and the designated co-owner or beneficary, and their social security number). Further the system contains records relating to employees' claims for reimbursement of official travel expenses including travel authorizations, advances, and vouchers showing amounts claimed, exceptions taken as a result of audit, advance balances applied; records relating to claims for reimbursement for relocation expense including authorizations, advances, vouchers showing amounts claimed and amounts paid; records pertaining to education expense reimbursement, incentive award payments, fiduciary responsibility reimbursements, advances or other funds owed to the Corporation. Records on individuals that are not employees of the FDIC consist of all documents relating to the purchase of goods and/or services from individuals including contractual documents and amounts paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) In the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or State, charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) In the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) Disclosure may be made to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority; and the Equal Employment Opportunity Commission to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (5) Disclosure may be made to a congressional office from the record of an individual in respose to an inquiry from the congressional office made at the request of the individual; (6) Disclosure may be made to the United States Treasury Department for preparation of savings bonds; (7) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions, insurance carriers and charity funds.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, and computer discs.

RETRIEVABILITY:

File folders and record cards are indexed by name; computer discs are indexed by Social Security Number or specialized identifying number.

SAFEGUARDS:

File folders and record cards are stored in lockable metal cabinets, computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained by the FDIC for three years and then transferred to Federal Records Center or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Accounting and Corporate Services, FDIC, 550 17th Street, NW. Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW, Washington, D.C. 20429

RECORDS ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the persons on whom the records are maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0009

SYSTEM NAME:

Examiner Employment, Training, and Education Records—FDIC

SYSTEM LOCATION:

Division of Bank Supervision Training Center, FDIC, 1701 North Fort Myer Drive, Arlington, Va. 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FDIC assistant examiners who have been candidates for determination of progress to become a commissioned bank examiner (progress evaluation candidates). FDIC examiners who attend, or have attended, graduate schools of banking (graduate school of banking students).

CATEGORIES OF RECORDS IN THE SYSTEM:

Progesss Evaluation Candidates—contains a statement of the candidate's education, home address, date and place of birth, and experience, a report of evaluation of a progress evaluation panel, the consolidated findings of each progress evaluation panel member, the candidate's case studies, basic work papers, and responses, and, in the case of an unsuccessful candidate, the candidate's complete work papers and responses, as well as the individual findings of each progress evaluation panel member.

Graduate school of banking students—contains the student's name, enrollment data, record of attendance,

record of completion or graduation and general correspondence between the FDIC and the student's school of enrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance; (4) to vendors, carriers, or other appropriate third parties, by the FDIC Office of Corporate Audits, for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All categories are stored in file folders.

RETRIEVABILITY:

All categories are indexed by name.

SAFEGUARDS:

All categories are maintained in lockable metal filing cabinets.

RETENTION AND DISPOSAL:

Progress Evaluation Candidates' records maintained for three years for the successful candidate and then destroyed by shredder, records of unsuccessful candidate retained until the candidate's successful completion or until the candidate leaves the FDIC's employ. Graduate School of Banking student records are permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429. Inquirers must provide their full name and identify the category or categories of which they are inquiring.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

Progress Evaluation Candidates—the candidate, the candidate's personnel record, and members of the candidate's progress evaluation panel. Graduate school of banking students—the student, the student's school, and the student's personnel record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to section 310.13(c) of the FDIC's rules and regulations, testing material used solely to assess individual qualifications for appointment or promotion, the disclosure of which would compromise the objectivity or fariness of the testing, evaluation or examination process, may be withheld from disclosure.

30-64-0012

SYSTEM NAME:

Payroll and Employee Financial Records—FDIC.

SYSTEM LOCATION:

Office of Fiscal Management, FDIC, 1850 K Street, N.W., Washington, D.C. 20006 and the appropriate FDIC Regional Office for employees working out of regional offices. (See Applendix A for the location of FDIC Regional Offices.) Information pertaining to state or federal tax liens, bankrupticies, attachments, and wage garnishments also is maintained in the Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the following information on FDIC employees: mailing addresses and home addresses; rate and amount of pay; hours worked; leave accrued and leave balances; life insurance, health insurance and retirement deductions; tax exemptions; and payroll deduction authorizations (including, where applicable, state or federal tax liens, bankruptcies, attachments, and wage garnishments which have been legally executed by the appropriate taxing or judicial authority).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819): Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and, to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions insurance carriers and charity funds; (2) records are periodically made available for inspection to auditors employed by the General Accounting Office; (3) relevent records in this system of records may be referred, as a routine use to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting any violation of law, rule or regulation: (4) in the event of litigation, relevant records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (5) disclosure may be made to the United States Office of Personal Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and Equal Employment Opportunity Commission, to the extent necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (6) disclosure may be made to a congressional office from the records of an individual in response to an inquiry from the congressional office made at the request of the individual; (7) disclosure may be made by the FDIC Office of Corporate Audits to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, record cards and computer discs.

RETRIEVABILITY:

File folders and record cards indexes by name; computer discs are indexed by social security number.

SAFEGUARDS:

File folders, record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Year-end trial balances (the individual earnings record) are retained during the employment and then transferred to the Federal Records Center, where the records are maintaned indefinitely. Deduction authorizations and documents used to develop the records are retained for the period of use and up to an additional 3 years after which they are disposed of by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Accounting and Corporate Services, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for th location of FDIC Regional Offices.) General Counsel, Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 for records maintained by the Legal Division.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained. Where an employee is subject to a tax lien, a bankruptcy, an attachment, or a wage garnishment, information also is obtained from the appropriate taxing or judicial entity.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0013

SYSTEM NAME:

Savings Bond Payroll Deduction Systems—FDIC.

SYSTEM LOCATION:

Office of Fiscal Management, FDIC, 1850 K Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees who have authorized payroll deductions for the purchase of United States Savings Bonds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the name and address of the employee; the amount of the employee's salary to be withheld; the denomination of bond to be purchased; the series of the bond; the owner's name, address, and social security number; the designated co-owner or beneficiary, and their social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) the United States Treasury Department for the preparation of savings bonds; (2) the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (3) a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (4) to vendors, carriers, or other appropriate third parties, by the FDIC Office of Corporate Audits, for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, and computer discs.

RETRIEVABILITY:

File folders and record cards are indexed by name; computer discs are indexed by social security number.

SAFEGUARDS:

File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained for 2 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Accounting and Corporate Services, FDIC, 550 17th Street NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0014

SYSTEM NAME:

Travel Voucher System—FDIC.

SYSTEM LOCATION:

Office of Fiscal Management, FDIC, 1850 K Street, NW., Washington, D.C. 20006, Administrative Section, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429, and the appropriate FDIC Regional Office for employees assigned to an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FDIC employees who travel on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains records relating to employees' claims for reimbursement of

official travel expenses including travel authorizations, advances, and vouchers showing amounts claimed, exceptions taken as a result of audit, advance balances applied, and amounts paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 10(a) of the Federal Deposit Insurance Act (12 U.S.C. 1820(a)); Travel Expense Act of 1949 (5 U.S.C. 5701–5709); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) in the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or State, charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) in the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) disclosure may be made to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (5) 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 the individual; (6) disclosure may be made by the FDIC Office of Corporate Audits to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and computer discs.

RETRIEVABILITY:

File indexed by name; computer discs by social number.

SAFEGUARDS:

File folders are stored in lockable room; computer discs are accessed by only authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained for three years, then file folders are shredded and computer discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director Division of Accounting and Corporate Services, FDIC, 550 17th Street NW., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0015

SYSTEM NAME:

Unofficial Personnel System—FDIC.

SYSTEM LOCATION:

Office of Personnel Management, FDIC, 1709 New York Avenue, NW., Washington, D.C. 20429. In addition records are maintained at the Division or Office levels in the FDIC Washington Office and at the FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees and applicants to and graduates of the FDIC upward mobility program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of personnel-related records that are maintained in addition to those kept in the official personnel folder pursuant to the Federal Personnel Manual Suppl. 296–31, Table 8, Sec. 1 (The United States Office of Personnel Management has Privacy Act responsibility for those systems of records which are goverment-wide in nature and it requires agencies to maintain them. Include among these is the Official Personnel Folder. While OPM has designated the FDIC as being responsible for disclosing to its current employees the contents of their Official Personnel Folder, notice of the existence and character of this system is published by the Office of Personnel management as "General Personnel Records", OPM/GOVT–1.) This system contains records of various types. They are: (1) records maintained in the Washington and regional offices which may contain information on individuals relating to: birthday; social security number; past and present salaries, grades, and position titles; home address and telephone number, emergency contacts, addresses and telephone numbers, employment history; original applications, resume, and letters of reference; statement of bank loans and stock ownership; record of equipment and material issued to the individual; record of leave and time-and-attendance; written notes or memoranda on employee performance; counseling; examiner assignments and lists of banks examined; records relating to on-the-job training; and data documenting reasons for personnel actions, decisions, or recommendations made about an employee; disciplinary and adverse action backup material; claims for benefits under the Civil Service Retirement System; Group Life Insurance; documents related to on-the-job injuries; (2) parking permit records containing information (name, address, and type of automoble) about FDIC employees who have applied for (or are members of the applicants' carpool) a parking permit in the FDIC's Washington office garage; (3) FDIC personnel awards including information supporting the employee's nomination for one of these awards; (4) dental insurance records including information on earnings, number and name of dependents, sex, birth date, home address, and social security number; (5) employee locator records containing the employee's name, social security number, division or office assignment, office telepone number and office room number; and (6) upward mobility

program coordinator files initiated by the FDIC Office of Employee Relations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101). For category (6), Sec. 717 of the Equal Employment Opportunity Act (42 U.S.C. 2000e–16).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

With regard to category (1) above, the records are primarily maintained to be used by the empoyee's supervisor for preparation of general personnel action; however, in the case of categories (1), (2), (3) and (6), disclosures may be made, where relevant: (a) to financial and credit institutions for loan and credit reference purposes (solely to verify the employee's employment with the FDIC, date of employment, and pay grade); (b) [Reserved]; (c) to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdiction; (d) in the event of litigation, to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (e) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (f) to State authorities regarding reasons for a former employee's separation from FDIC service, where the inquiry is made pursuant to the former employee's application for unemployment compensation; (g) to Federal and State regulatory agencies, for reasons related to FDIC business, as to the temporary work location of FDIC bank examiners.

Disclosure may be made, in the case of category (4) above, to the dental insurance carrier in support of a claim for dental insurance benefits. In category (5) above, except for the employee's Social Security Number, all information in the record is available to the public. In category (6) above, disclosure may be made to appropriate FDIC managers, supervisors and Office of Personnel Management individuals who are involved in the assessment, evaluation and selection of an applicant for upward mobility training and/or in the monitoring and evaluation of the upward mobility participant during the training period. In categories (1), (2) and (4) above, disclosure may be made by the FDIC Office of Corporate Audits to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on file cards and in file folders. Category (5) is maintained on computer discs, category (6) by file folders.

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Maintained in lockable metal cabinets.

RETENTION AND DISPOSAL:

Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the Division or Office which compiled and maintained the information. Parking permit records are kept for one year and then destroyed. Records of unsuccessful upward mobility candidates are retained for four years after submission; records of successful applicants are maintained until two years after leaving the employ of the FDIC.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, FDIC, 550 17th Street, NW., Washington, D.C. 20429, for Corporation level records. For FDIC Division or Office levels, the Head of the appropriate Division or Office; for FDIC Regional Offices, the Regional Director. (See Appendix A for the location of FDIC Regional Offices); For Parking Permit Records and Employee Locator Records, the Director, Division of Accounting and Corporate Services, FDIC, 550 17th Street, NW., Washington, D.C. 20429. For the upward mobility program, Director of Employee Relations, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Individuals to whom the records pertain; their immediate supervisors or persons at other supervisory levels; other fellow employees. For upward mobility, record source categories would include educational institutions which the applicant has attended.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30–64–0017

SYSTEM NAME:

Medical Records and Emergency Contact Information System—FDIC.

SYSTEM LOCATION:

Health Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical record of the employee, including the date of visit to the FDIC Health Unit, the diagnosis, and the treatment administered. Attached to this record is a separate sheet containing the name and telephone number of the person to contact in the event of an emergency involving the employee. Also contained are the American Red Cross donor cards containing the donor's name, blood type, and dates of donations; Standard Form 78 (Certificate of Medical Examination); and Standard Form 177 (Statement of Physical Ability for Light Duty Work).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. Sec. 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

No disclosure (including intra-agency disclosure) of information contained in the medical files is made without prior written consent of the employee concerned. In the event of an emergency, the emergency contact would be notified. For American Red Cross donor cards, disclosure of name and blood type is made only to the

American Red Cross in response to specific requests for emergency donations to ensure that donor will be accepted immediately on arriving at Blood Center.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On 8" x 10" cards with a separate emergency contact sheet attached to it. American Red Cross donor cards are stored alphabetically in wooden files in the Health Unit.

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Kept in lockable metal cabinets in the nurse's office of the Health Unit. Only the nurse and substitute nurse are allowed access to the files. The Health Unit is locked whenever the nurse is absent.

RETENTION AND DISPOSAL:

Kept for the duration of the employee's tenure with the FDIC and for five years thereafter, then destroyed. Medical records are kept for the duration of the employee's tenure with the FDIC and for five years thereafter, then destroyed. Standard Forms 78 and 177 are reviewed by the Corporation Nurse. If a disability is noted, the form is kept by the nurse; otherwise, the form is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, 550 17th Street, NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

The medical records are compiled by the employee and the nurse during the course of visits to the Health Unit for treatment. The information on the emergency contact sheet is supplied by the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-26096 Filed 9-11-81; 8:45 am]
BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organization Amendments of 1981

AGENCY: Public Health Service, HHS.

ACTION: Notice regarding "Health Maintenance Organization Amendments of 1981".

SUMMARY: This notice explains the relationship between the recently enacted amendments to Title XIII of the Public Health Service Act, "Health Maintenance Organizations," and the current Public Health Service (PHS) regulations on health maintenance organizations (HMOs).

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Acting Director, Office of Health Maintenance Organizations, Park Building—Room 3–10, 12420 Parklawn Drive, Rockville, Maryland 20857, 301–443–4106.

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 amended Title XIII of the PHS Act by enacting the HMO Amendments of 1981. These provisions became effective on August 13, 1981, when Pub. L. 97–35 was signed into law. To the extent that the regulations issued by PHS on HMOs (42 CFR Part 110) are inconsistent with Title XIII, as amended, the provisions of Title XIII will govern HMOs.

Persons with questions about specific provisions of the HMO Amendments of 1981 should direct them to the Acting Director at the address listed above.

Dated: September 3, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-26655 Filed 9-11-81; 8:45 am]
BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Upland Oil and Gas Preleasing Studies—Alaska; Invitation for Study Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of invitation to submit applications for conducting studies on National Wildlife Refuge Lands of Alaska.

SUMMARY: In anticipation of establishment of a leasing program for oil and gas activities on applicable Alaska National Wildlife Refuge lands, pursuant to Section 1008 of the Alaska National Interest Lands Conservation Act (ANILCA), the Department of the Interior is accepting applications from industry and the public for conducting geophysical exploration studies and/or other environmental studies.

DATES: Solicitation to be effective September 14, 1981, and will close December 14, 1981.

ADDRESS: Applications should be submitted to the following address: Regional Director, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: the U.S. Fish and Wildlife Service, Keith Schreiner, at (907) 276–3800 in Alaska or William Reffalt, (202) 343–4791 in Washington, D.C.

SUPPLEMENTARY INFORMATION: The Department of the Interior invites interested parties to sumbit study applications for oil and gas assessment and environmental characteristics and wildlife resources which would be affected by the exploration for and development of oil and gas on applicable refuge lands in Alaska. These lands, administered by the U.S. Fish and Wildlife Service, are situated south of the Brooks Range and described in more detail in the notice published at 46 FR 24307 (April 30, 1981). Units of the National Wilderness Preservation system are excluded as are certain other lands withdrawn from mineral leasing, identified as cemetery and/or historic sites or where title is otherwise encumbered by outstanding rights. This invitation is made part of the implementation of Section 1008 of the Alaska National Interest Lands Conservation Act. Information gained from applications will be used by the U.S. Fish and Wildlife Service to assist in structuring comprehensive conservation plans and compatibility assessments for oil and gas study activities on Alaskan Refuge lands. A permit may or may not be issued for studies based on compatibility analysis by the U.S. Fish and Wildlife Service.

Information gained from studies must be made available to the Secretary through the Fish and Wildlife Service upon request. All geologic information will be treated in accordance with the provisions of the Freedom of Information Act 5 U.S.C. 552. USGS will use study and application information as part of their oil and gas resource assessment program. The U.S. Fish and Wildlife Service will utilize study information, in part, to determine how best to meet long and short-term management objectives on refuge lands.

Applications should include the location of the work proposed, the periods over which the work could be performed, a description of the methods to be used, a description of the camp configurations and moving procedures, land or air operations necessary, equipment to be used, operating configuration and procedures, noise levels, if possible, and a description of the support requirements for study, including the number of personnel involved in the studies. Those interested parties should contact the U.S. Fish and Wildlife Service prior to submitting applications to be appraised of any additional information that may be required.

A grouping requirement for effort(s) of study may be imposed by the Fish and Wildlife Service.

F. Eugene Hester,

Acting Deputy Director, Fish and Wildlife Service.

September 8, 1981.

[FR Doc. 81-26648 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

[NTL-7]

Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases; Removal of Crude Oil by Means Other Than an Approved Lease Automatic Custody Transfer System

AGENCY: Geological Survey, Interior.

ACTION: Interim notice and request for public comment.

SUMMARY: This notice to lessees and operators is being promulgated to provide procedures that the U.S. Geological Survey may use to prevent the unauthorized movement of crude oil for which it is responsible.

DATE: This interim notice will be effective October 1, 1981. Comments on this notice must be received by October 14, 1981.

ADDRESS: Comments may be mailed to Mr. Gerald R. Daniels, Chief, Branch of Fluid Minerals Management, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Daniels, (703) 860-7535, (FTS) 928-7535.

SUPPLEMENTARY INFORMATION: Because of reports alleging the unauthorized movement of crude oil and the need for the prevention of such future incidents, this interim notice will be effective October 1, 1981. The seriousness of such a situation makes it imperative and in the public interest to have the procedures contained in this interim notice available for use prior to receipt of comments and publication as final.

It is recognized, however, that this interim notice to lesses and operators may require modifications to accomplish the desired result. Therefore, the U.S. Geological Survey is requesting that the public forward for consideration suggestions for improving and comments on the interim notice. The interim notice to lessees and operators is set forth below.

Dated: September 8, 1981.

Andrew V. Bailey,

Acting Chief, Conservation Division.

Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases

[NTL-7]

Removal of Crude Oil From Federal and Indian Oil and Gas Leases by Means Other than an Approved Lease Automatic Custody Transfer System

In accordance with the pertinent provisions of the onshore oil and gas operating regulations (30 CFR Part 221) and the terms of the various oil and gas leases issued pursuant to the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181-287), the Mineral Leasing Act for Acquired Lands of August 7, 1947, as amended (30 U.S.C. 351-359), the Allotted Indian Land Leasing Act of March 3, 1909, as amended (25 U.S.C. 396), and the Tribal Lands Leasing Act of May 11, 1938, as amended (25 U.S.C. 296d), the Deputy Conservation Manager for Oil and Gas (DCM) of the U.S. Geological Survey has the authority to prescribe the means by which both the quantity and quality of oil removed from jurisdictional lands is to be measured and reported. Jurisdictional lands include all onshore Federal and Indian leases, except those on the Osage Indian Reservation, Oklahoma.

All crude oil produced from jurisdictional lands is to be stored and measured in accordance with the requirements of 30 CFR 221.33 and 221.34. This notice is to reinforce the regulations and to clarify for lessees/operators the requirements of the U.S. Geological Survey with respect to the removal of crude oil from jurisdictional lands by means other than an approved Lease Automatic Custody Transfer System (LACTS).

The removal of crude oil from storage tanks, pits, or other facilities on jurisdictional leases by means other than an approved LACTS requires, without exception, the timely and proper completion of a run ticket.

While run tickets may be printed in a number of acceptable formats, those used for the removal of crude oil from Federal and Indian leases must, as a minimum, provide space for recording the following information:

1. Date of removal.
2. Federal or Indian lease number or, as appropriate, the communitization agreement number or unit participating area.
3. Lessee/operator lease name.
4. Lessee/operator name.
5. Transporter/purchaser name.
6. Tank number or identification of other facility.
7. Tank size.
8. Top and bottom gauge of storage tank. If oil is removed by transport truck from pits, spill sites, or other facilities, the top and bottom gauge of the truck tank and the capacity thereof.
9. Quality measurements, i.e., the BS&W content and the observed temperature and gravity (°API) of the crude oil.
10. Signature blocks for the representative of both the lessee/operator and transporter/purchaser and for the date and time of such signatures.

A run ticket must be fully and properly completed by the purchaser/transporter prior to removal of any oil from a Federal or Indian lease.

If multiple truck loads of oil are removed from a lease, or other approved sales point, a fully and properly completed run ticket must be furnished for each truck load.

A copy of all such completed run tickets must be left at the facility, or delivered to the representative of the lessee/operator, before removal of the oil. Lessees/operators are to require, where oil is removed by truck transport, that a fully and properly completed copy of the run ticket by physically in the possession of the truck driver.

Failure to comply with this notice will result in the issuance of an incident of noncompliance. Moreover, any oil which is removed from a lease in violation of these requirements will be considered as having been illegally removed from the lease and will result in the initiation of further appropriate action.

Effective Date: This notice shall become effective October 1, 1981.

[FR Doc. 81-26620 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Gulf Oil Exploration and Production Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is here by given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3964, Block 204, West Cameron Area, offshore Louisiana.

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 govering 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 Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 31, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-28651 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Indian Affairs

Fort Peck Assiniboine and Sioux Tribes; Plan for the Use and Distribution of Fort Peck Assiniboine and Sioux Tribes Judgment Funds in Docket 184 Before the United States Court of Claims

September 2, 1981.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on August 5, 1980, in satisfaction of the award granted to the Fort Peck Assiniboine and Sioux Tribes in United States Court of Claims Docket 184. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated April 29, 1981, and was received (as recorded in the Congressional Record) by the House of Representative on May 5, 1981, and by the Senate on May 7, 1981. The plan became effective on July 28, 1981, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The funds appropriated on August 5, 1980, in satisfaction of the award granted to the Assiniboine and Sioux Tribes of Fort Peck Reservation in Docket 184 before the United States Court of Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

Per Capita Payment Aspect

"Seventy (70) percent of the funds shall be distributed by the Secretary of the Interior (hereinafter 'Secretary') in the form of per capita payments, in sums as equal as possible, to all persons duly enrolled as tribal members and born on or prior to and living on the effective date of this plan. The Secretary's determination concerning eligibility to share in the per capita payment shall be final.

Programing Aspect

"Thirty (30) percent of the funds, and any amounts remaining after the per capita payment provided above, shall be invested by the Secretary and the principal and interest and investment income accrued shall be available for expenditure by the tribal governing body, on an annual budgetary basis subject to the approval of the Secretary, for social and economic programs. Such programs may include, but are not limited to, land acquisition and the development of local reservation community projects.

General Provisions

"The per capita shares of living competent adults shall be paid directly to them. Shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR Part 4, Subpart D. Shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. Shares of minors shall be handled pursuant to 25 CFR 60.10(a) and (b)(1) and 104.4.

"None of the funds distributed per capita or made available under the programing aspects of this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs."

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 81-28654 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-02-M

Yankton Sioux Tribe; Plan for the Use and Distribution of Yankton Sioux Judgment Funds in Dockets 332–D and 332–C–2 Before the United States Court of Claims

September 2, 1981.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on July 16, 1980, in satisfaction of the award granted to the Yankton Sioux Tribe in United States Court of Claims Docket 332–D, and in Docket 332–C–2 on July 22, 1980. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated April 6, 1981, and was received (as recorded in the Congressional Record) by the Senate on April 9, 1981, and by the House of Representatives on April 10, 1981. The plan became effective on July 17, 1981, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The funds appropriated on July 22, 1980, for Docket 332–C–2 and July 16, 1980, for Docket 332–C in satisfaction of awards granted to the Yankton Sioux Tribe before the United States Court of Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

Per Capita Payment Aspect

"Eighty (80) percent of the funds shall be distributed by the Secretary of the Interior (hereinafter 'Secretary') in the form of per capita payments, in sums as equal as possible, to all persons duly

enrolled as tribal members and born on or prior to and living on the effective date of this plan. The Secretary's determination concerning eligibility to share in the per capita payment shall be final.

Programing Aspect

Land Purchase Program

"Ten (10) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, in the tribal Land Purchase Program.

Loan Program

"Five (5) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, in the tribal Loan Program.

Senior Members Benefits Program

"Two (2) percent of the funds, and any amounts remaining from the per capita payment provided above, shall be invested by the Secretary, and this amount and the interest and investment income accrued shall be distributed in payments as equal as possible to all tribal members who have attained the age of at least sixty (60) years on the date such payments are declared. Such date shall not be earlier than six (6) months from the date that per capita payments, as provided above, are actually made.

Higher Education Assistance Program

"Two (2) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, in the tribal Higher Education Assistance Program in the form of grants and loans.

General Tribal Needs

"One (1) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, for general tribal needs including administrative operations.

General Provisions

"The per capita shares of living competent adults shall be paid directly to them except as provided below. Shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D. Shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. Shares of minors shall be handled pursuant to 25 CFR 60.10(a) and (b)(1) and 104.4.

"Adults who are determined by the Yankton Sioux Business and Claims Committee and the Agency Superintendent to be in arrears in debts owed to the tribe shall have their shares placed in Individual Indian Monies (IIM) accounts; and the Agency Superintendent shall have the authority to apply all or part of such shares to the payment of delinquent debts.

"Should any funds in any of the above-cited general program categories not be needed or be found in excess of programing goals in any given annual budget, such funds may be transferred by the Business and Claims Committee, with the approval of the Secretary, to another of the above-cited general program categories.

"None of the funds distributed per capita or made available under the programing aspects of this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs."

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 81-26653 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Serial No. A-16420]

Realty Action; Noncompetitive Sale; Public Land in Maricopa County, Ariz.

In Federal Register Document 81-24396 appearing on pages 42534 and 42535 of the issue for August 21, 1981, the following change should be made:

Township 2 North, Range 7 East, G&SRM

Section 43, SW¼SW¼SW¼SW¼SW¼SW¼ *should read* Section 34, SW¼SW¼SW¼SW¼SW¼SW¼.

M. J. Schnitker,

Acting District Manager.

[FR Doc. 81-26652 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-02-M

[F-14835-A, F-14835-A2, F-14835-EE]

Alaska Native Claims Selection

On November 22, 1974, Atmautluak Limited, for the Native village of Atmautluak, filed selection application F-14835-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 Atmautluak, Alaska.

As to the lands described below, selection application F-14835-A 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 83,017 acres, is considered proper for acquisition by Atmautluak Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

U.S. Survey No. 2052 situated at Tundra, Alaska.

Containing 4.22 acres.

Seward Meridian Alaska (Unsurveyed)

T. 9 N., R. 72 W.
- Secs. 3 to 10, inclusive;
- Secs. 15 to 22, inclusive;
- Secs. 27, 28 and 29;
- Sec. 30, excluding Native allotments F-14378 and F-17809 Parcel A;
- Sec. 31;
- Sec. 32, excluding Native allotment F-15484;
- Sec. 33.

Containing approximately 14,298 acres.

T. 10 N., R. 72 W.
- Secs. 3 to 10, inclusive;
- Secs. 15 to 22, inclusive;
- Secs. 27 to 34, inclusive.

Containing approximately 15,267 acres.

T. 11 N., R. 72 W.
- Sec. 29;
- Sec. 30, excluding U.S. Survey 2052 and Native allotments F-14220 and F-14980 Parcel B;
- Secs. 31 to 34, inclusive.

Containing approximately 3,705 acres.

T. 8 N., R. 73 W.
- Sec. 4, excluding Native allotments F-13999 and F-15617;
- Sec. 5, excluding Native allotments F-17927 Parcel A and F-18896;
- Sec. 6, excluding Native allotments F-15483 and F-17927 Parcel A;
- Sec. 7, excluding Native allotment F-17927 Parcel A;
- Sec. 8, excluding Native allotments F-17927 Parcel A and F-18896.

Containing approximately 2,597 acres.

T. 9 N., R. 73 W.
- Sec. 1, excluding Native allotment F-18865;
- Secs. 2 to 9, inclusive;
- Sec. 10, excluding Native allotment F-17809 Parcel B;
- Secs. 11, 12 and 13;
- Sec. 14, excluding Native allotment F-14389 Parcel B;
- Secs. 15 to 19, inclusive;
- Sec. 20, excluding Native allotment F-13263;

Sec. 21, excluding Native allotments F-13263, F-17810 and F-17811 Parcel A;
Sec. 22, excluding Native allotment F-18892;
Secs. 23 to 27, inclusive;
Secs. 28 and 29 excluding Native allotment F-13263;
Secs. 30 to 33, inclusive;
Sec. 34, excluding Native allotment F-17811 Parcel B;
Sec. 35, excluding Native allotments F-15483 and F-18885;
Sec. 36, excluding Native allotment F-15483.

Containing approximately 20,078 acres.

T. 10 N., R. 73 W.
Secs. 1 and 2 excluding Native allotment F-18867;
Sec. 3, excluding Native allotment F-16907 Parcel A;
Secs. 4 to 17, inclusive;
Sec. 18, excluding Native allotment F-14960 Parcel A;
Secs. 20 and 21;
Sec. 22, excluding Native allotment F-14239;
Secs. 23 to 28, inclusive;
Sec. 33;
Sec. 34, excluding Native allotment F-14256 Parcel A;
Sec. 35, excluding Native allotments F-14256 Parcel A, F-18897 and F18898;
Sec. 36, excluding Native allotment F-14054.

Containing approximately 16,346 acres.

T. 11 N., R. 73 W.
Sec. 25, excluding Native allotments F-14220, F-14980 Parcel B and F-17956;
Secs. 26 to 36, inclusive.

Containing approximately 4,542 acres.

T. 8 N., R. 74 W.
Sec. 1, excluding Native allotments F-15483 and F-18885;
Sec. 2, excluding Native allotment F-15938;
Sec. 3;
Sec. 4, excluding Native allotments F-14252 Parcel B, F-17334 Parcel B and F-17923 Parcel A;
Sec. 9, excluding Native allotments F-14257 Parcel B, F-14962 Parcel D, F-15578 and F-17334 Parcel B;
Sec. 10, excluding Native allotment F-15940;
Sec. 11, excluding Native allotments F-15938, F-15939, F-15945 and F-17467 Parcel B;
Sec. 12;
Sec. 14, excluding Native allotments F-15939 and F-17467 Parcel B;
Sec. 15, excluding Native allotments F-025351, F-15940 and F-17467 Parcel B;
Sec. 16, excluding Native allotment F-15943;
Sec. 21;
Sec. 22, excluding Native allotment F-025351;
Sec. 23.

Containing approximately 5,305 acres.

T. 11 N., R. 74 W.
Secs. 25 and 36, excluding Notice allotment F-13387.

Containing approximately 875 acres.
Aggregating approximately 83,017 acres.

Excluded from the above-described lands herein approved for conveyance 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 original of which will be found in the easement case file (F-14835-EE).

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 description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Section 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for 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 F-14835-EE, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporations 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 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 1 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Kasigluk in Sec. 2, T. 9 N., R. 75 W., Seward Meridian, southeasterly to Atmautluak and on to Bethel. 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 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. Airport lease AA-9030 containing 114 acres, lying within Secs. 17 and 20, T. 9 N., R. 73 W., Seward Meridian, issued to the State of Alaska, Department of Public Works, Division of Aviation (now the Department of Transportation and Public Facilities), under the provisions of the Act of May 24, 1928, as amended (49 U.S.C. 211-214); 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.

A school site lease, AA-13181, containing 6.720 acres, in Sec. 20, T. 9 N., R. 73 W., Seward Meridian, Alaska (unsurveyed) granted to the State of Alaska, pursuant to and subject to the terms and conditions of section 302 of the Federal Land Policy and Management Act of 1976, Public Law 94-579 of October 21, 1976 (90 Stat. 2743) and the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. Sec. 1622(i)) will terminate upon conveyance of title of said land to the above-named corporation.

Atmautluak Limited is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or

approved for conveyance is approximately 83,017 acres. The remaining entitlement of approximately 9,143 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Atmautluak Limited, and shall be subject to the same conditions as the surface conveyance.

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 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,* Purusant 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, 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 October 14, 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:

Atmautluak Limited, Atmautluak, Alaska 99559

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Sandra C. Thomas,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-28627 Filed 9-11-81 8:45 am]

BILLING CODE 4310-84-M

National Park Service

[INT FES 81-38]

Bighorn Canyon National Recreation Area, Montana-Wyoming; Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service, Department of the Interior, has prepared a final environmental impact statement for the proposed General Management Plan, Development Concept Plan, and Wilderness Designation for Bighorn Canyon National Recreation Area, Montana-Wyoming. The proposed combined general management plan and development concept plan provides the basis for long range management and development of the recreation area. The document also contains a proposal to designate 8,108 acres of the national recreation area as a wilderness, although it is presently uncertain whether a formal recommendation for designation of the wilderness area will be forwarded to the Congress. The four alternatives considered include no action, emphasizing cultural resources and providing minimal recreational development, providing opportunities for a large range of recreational and social activities, and establishing a regional cultural and recreational area through cooperative efforts with applicable agencies and groups.

A limited number of copies are available upon request to the Superintendent, Bighorn Canyon National Recreation Area, P.O. Box 458, Fort Smith, Montana 59035; or Regional Director, Rocky Mountain Region, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225.

Public reading copies will be available at the above locations and at the following location: Office of Public Affairs, National Park Service, Department of the Interior, 18th & C Streets NW., Washington D.C. 20240, (Telephone (202) 343-6843).

Dated: September 8, 1981.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 81-28677 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-48)]

Bessemer and Lake Erie Railroad Co., et al.; Exemption for Contract Tariff ICC-NW-C-0004

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioners are granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and their contract and contract tariff may be made 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: On August 27, the Bessemer and Lake Erie Railroad Company, the Lake Terminal Railroad Company, the Norfolk and Western Railway Company, and the Union Railroad Company filed a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). They request that we permit them to make tariff ICC-NW-C-0004 effective on one day's notice. The petition is supported by the shipper.

This contract covers only inter-plant movements of iron or steel articles and scrap iron between facilities of the U.S. Steel Corporation and consequently does not have significant commercial implications. U.S. Steel has informed the railroads that early implementation of the rates and services provided in this contract is imperative in order to prevent plant shutdown or production curtailment. Furthermore, early implementation of this contract will not impair the ability of the railroads to perform their common carrier responsibilities to other shippers on their lines.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on nor less than 30 nor more than 60 day's notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505

exemption authority in exceptional situations.

The railroads shall be granted a waiver and may file their contract and contract tariff on one day's notice. In this case, only these railroads and one shipper are affected. The public should not be harmed by moving the effective date of this contract forward by a few days. Section 10505 permits an exemption in a case such as this, where the statutory provision is not necessary to carry out the national transportation policy and where either the transaction is of limited scope or the application of the provisions is not needed to protect shippers from the abuse of market power. Allowing the contract to take effect on one day's notice is consistent with the rail policy described in 49 U.S.C. 10101a.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: September 8, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26645 Filed 9-11-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-152

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107012 (Sub-II-184TA), filed August 12, 1981. Originally published in the Federal Register, August 24, 1981.[1] Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Appliances* from Memphis, TN to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, KS, KY, LA, MN, MS, NC, NM, NV, OK, SC, SD, TX, UT, VA, and WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sunbeam Applicance Company, 5400 West Roosevelt, Chicago, IL 60650.

Note.—Common control may be involved.

MC 142723 Sub-II-4TA), filed September 1, 1981. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract, irregular: Such merchandise as is dealt in by retail grocery stores, and equipment, materials and supplies used in the conduct of such business* (except commodities in bulk), between Allegheny and Butler counties, PA, on the one hand, and, on the other, points in the U.S., under a continuing contract(s) with Giant Eagle Markets, Inc. of Pittsburgh, PA for 270 days. Supporting shipper: Giant Eagle Markets, Inc., 101 Kappa Drive, Pittsburgh, PA 15238.

MC 141590 (Sub-II-1TA), filed September 2, 1981. Applicant: NOAH E. FERRIS, d.b.a. CONTRACT FURNITURE CARRIERS, 7004 Peters Creek Road, P.O. box 7586, Roanoke, VA 24019. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *Foodstuffs and related products, and materials, supplies and equipment used in the productions, sale and distribution of foodstuffs and related products,* between points in Bedford County, VA, on the one hand, and, on the other, points in CA, KS, OK, and TX and points in the U.S. in and east of MN, IA, MO, AR, and LA; (2) *Hosiery,* and *materials, supplies and equipment used in the production, sale and distribution of hosiery,* (a) between points in Grenada County, MS; Pulaski County, VA; Shelby County, TN; Camden County, NJ; and Rockingham County, NC; and, (b) between points in Grenada County, MS; Pulaski County, VA and Shelby County, TN, on the one hand, and, on the other, points in CA for 270 days. An underlying ETA seeks 120 day authority. Supporting shippers: Golden West Foods, Inc., P.O. Box 335, Bedford, VA 24523, Pennaco Hosiery Inc., 1155 Morehead St., Memphis, TN 38107.

MC 148412 (Sub-II-5TA), filed September 1, 1981. Applicant: GRIBBLE TRUCKING, INC., Rd. 3, Rockwood, PA 15557. Representative: John Fullerton, 407 N. Front St., Harrisburg, PA 17101. Contract, irregular: *Iron and steel forgings* between the facilities of Meadville Forging Co. at Meadville, PA on the one hand, and, on the other, points in IN, IL, KY, MI, NY and OH for 270 days under continuing contract(s) with Meadville Forging Co. An underlying ETA seeks 120 days authority. Supporting shipper: Meadville Forging Co., Meadville, PA 16335.

MC 107012 (Sub-II-189TA), filed September 2, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Ft. Wayne, IN 46801. Representative: David

[1] The purpose of this republication is to include the destination state of AZ, which was omitted from the first publication.

D. Bishop (same address as applicant). *Parts, materials, and supplies used in the manufacture and distribution of fireplaces* from points in IL, IN, MI, MN, NY, PA and WI to Appanoose and Henry Counties, IA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Heatilator Inc., Div. of HON Industries, 1915 W. Saunders Rd., Mt. Pleasant, IA 52641.

MC 144864 (Sub-II-1TA), filed September 1, 1981. Applicant: PERRY STEEL TRANSPORT, INC., 3747 Shepard Rd., Perry, OH 44981. Representative: Manfred Rosenbaum (same address as applicant). *Primary metal products*, from points in OH to points in PA, NY, NJ, MD, VA, WV, KY, TN, GA, IN, MI, IL, WI, DE, and DC, for 270 days. Supporting shipper(s): There are nine supporting shippers' statements attached to this application which may be examined at the Philadelphia Regional office.

MC 151707 (Sub-II-21TA), filed September 1, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market Street, 15th floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (same as applicant). *Contract: Irregular: Aluminum, Zinc, and Zinc Ingots; Scrap Aluminum and Materials and supplies used in the manufacture thereof* between Cleveland, OH, and points in the US east of ND, SD, WY, CO and NM under continuing contract(s) with Apex International Alloys, Inc. for 270 days An underlying ETA seeks 120 days authority. Supporting shipper: Apex International Alloys, Inc., 6700 Grant Ave., Cleveland, OH 44105.

MC 151707 (Sub-II-21TA), filed September 1, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market Street, 15th floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (same as applicant). *Contract: Irregular: Such commodities as dealt in by wholesale/retail food stores* between points in the US under continuing contract(s) with H. J. Heinz Co., Pittsburgh, PA, for 270 days. Supporting shipper: Heinz USA Div. of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 127820 (Sub-II-2TA), filed August 31, 1981. Applicant: TRANS-SERVICE, INC., 1943 S. Lawn Ext., Coshocton, OH 43812. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Lumber and building products*, between points in and east of WI, IL, KY, TN and MS. Restricted to movements originating at or destined to facilities used by Carolina Mills Lumber Co., Inc., Cherokee Wood Preserving, Inc., Collum's Lumber Mill and Spartanburg Forest Products, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Cherokee Wood Preserving, Inc., P.O. Box 2882, Spartanburg, SC 29304; Collum's Lumber Mill, Hwy. 278, Allendale, SC 29810; Carolina Mills Lumber Co., Inc., 1425 E. Dublin-Granville Rd., Columbus, OH 43229; Spartanburg Forest Products, Inc., P.O. Box 2882, Spartanburg, SC 29304.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 156294 (Sub-3-2TA), filed September 2, 1981. Applicant: HENDRICKS AND ANDERSON, INC., 446 W. Cedar Street, Franklin, KY 42134. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Tape and surgical supplies and materials and supplies used in the manufacture and distribution of the aforementioned* between the facilities of The Kendall Company at Franklin, KY on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: The Kendall Company, P.O. Box 348, Franklin, KY 42134.

MC 157848 (Sub-3-1TA), filed August 24, 1981. Applicant: O.K.T., INC., P.O. Box 353, Rockingham, NC 28379. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract:* Irregular, *paper products* between Florence, SC, on the one hand, and, on the other hand, points in and east of WI, IL, KY, TN and MS under continuing contract with South Carolina Industries, Inc., of Florence, SC. Supporting shipper(s): South Carolina Industries, Inc., P.O. Box 4000, Florence, SC 29501.

MC 156294 (Sub-3-3TA), filed September 3, 1981. Applicant: HENDRICKS AND ANDERSON, INC., 446 W. Cedar Street, Franklin, KY 42134. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Metal products* between Franklin, KY on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: The Anaconda Company, Brass Division, Route 1, Box 355B, Franklin, KY 42138; Sealed Power Corporation, P.O. Box 486, 709 Blackjack Rd., Franklin, KY 42134.

MC 145710 (Sub-3-1TA), filed September 2, 1981. Applicant: MACON FARMS TRUCKING, INC., P.O. Box 925, Cheraw, SC 29520. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Washington, D.C. 20036, 202-887-5868. *Contract:* Irregular: *carbonated soft drinks* from Miami, FL to Brunswick, GA and Savannah, GA under continuing contract(s) with South Florida Beverage Corporation, Miami, FL. Supporting shipper: South Florida Beverage Corporation, 7777 Northwest 41 St., Miami, FL 33512.

MC 151985 (Sub-3-5TA), filed September 2, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Suite 10, Atlanta, GA 30318. Representative: John C. Bach, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346. *Printed matter*, between the facilities of I.P.D. Printing & Distributing, Inc., located at or near Chamblee, GA on the one hand, and points in the U.S. (except AK and HI), on the other hand. Supporting shipper: I.P.D. Printing & Distributing, Inc., 5800 Peachtree Road, Chamblee, GA, 30341.

MC 145230 (Sub-3-5TA), filed September 3, 1981. Applicant: H & S MOTOR LINES, INC., P.O. Box 248, Wesson, MS 39191. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205-2628. *Contract* carrier; *irregular* routes; *lighting fixtures, fluorescent, high density discharge, with equipment of electrical apparatus, with or without lamps*, from the facilities of Day-Brite Lighting, Division Emerson Electric Co., at or near Tupelo, MS, to Los Angeles and San Francisco, CA; Atlanta, GA; Chicago, IL; Detroit, MI; New York, NY; Toledo, OH; Dallas, Ft. Worth, and Houston, TX; and Salt Lake City, UT, under continuing contract(s): with Day-Brite Lighting of Tupelo, MS. Supporting Shipper(s): Day-Brite Lighting, Division Emerson Electric Co., 1015 S. Green St., Tupelo, MS 38801.

MC 154103, (Sub-3-19TA), filed September 3, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell Same address as applicant. *Elevators knocked down, elevator parts*, between the plant sites and facilities of Dover Corporation located at or near Horn Lake, MS, Walnut, MS, Middleton, TN, Cincinnati, OH, and points in the U.S. Supporting shipper: Dover Corporation, Elevator Division, Horn Lake, MS 38637.

MC 152045 (Sub-3-2TA), filed September 3, 1981. Applicant: CASON COMPANIES, INC. d.b.a. CASON BUILDERS SUPPLY, 1880 Spartanburg Highway, Hendersonville, NC 29739 Representative: Charles Ephraim, Ephraim and Flint, 406 World Center Building, 918-16th Street, N.W., Washington, D.C. 20006. *Contract;* irregular; (1) *Pulp, paper and related products*, (2) *Instruments and photographic goods* and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between points in Henderson County,

NC, on the one hand, and, on the other, points in the U.S., pursuant to continuing contract(s) with Kimberly-Clark Corporation, Berkley Mills, of Balfour, NC. Supporting shipper: Kimberly-Clark Corporation, Berkley Mills, Balfour, NC 28706.

MC 157480 (Sub-3–1TA), filed September 3, 1981. Applicant: GOLDEN ISLES COACHES, INC., 4140 Norwich Street Extension, Brunswick, GA 31520. Representative: James Perry Fields, 1612 Union Street, Brunswick, GA 31520. *Passengers and their baggage in special and charter operations* between Glynn County, Camden County, GA and Duval County, FL and points in the U.S. Supporting shipper: Coastal Tours, P.O. Box 574, St. Simons Island, GA 31522 and Ground Transportation Services, P.O. Box 31261, Jacksonville, FL 32230.

MC 157905 (Sub-3–1TA), filed September 3, 1981. Applicant: RAY HARMON & SON, INCORPORATED, Route 4, Box 280, Savannah, TN 38372. Representative: Ray Harmon same as applicant. *New and Used Mobile Homes* between Hardin County, TN, and points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OK, SC, TX, OH, VA. Supporting shipper: Clayton Homes, Inc., Airport Road, Savannah, TN 38372.

MC 157482, (Sub-3–1TA), filed August 3, 1981. Republication—Originally Published in **Federal Register** of Aug. 12, 1981, Volume 46, No. 155, page 40835. Applicant: CHARLES J. POTEAT, Route #9, Box 438, Morganton, NC 28655. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. *contract carrier;* irregular routes; *beverages,* from Morganton, NC to Charleston, WV and Roanoke, VA, under continuing contract(s) with Nawa, Inc. Supporting shipper(s): Nawa, Inc., 1500 East Union St., Morganton, NC 28655.

MC 157428, (Sub-3–1TA), filed August 4, 1981. Republication—Originally Published in **Federal Register** of Aug. 12, 1981, Volume 46, No. 155, page 40834. Applicant: PIONEER WAREHOUSE CARRIER, INC., P.O. Box 2087, Sebastian, FL 32958. Representative: Mr. Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *contract carrier;* irregular routes; *General commodities (except Classes A and B explosives),* between the facilities of Pioneer Warehouse Corporation located at Pennsauken, NJ, on the one hand, and, on the other, points and places in AL, AR, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, under continuing contract(s) with Pioneer Warehouse Corporation of Pennsauken, NJ. Supporting shipper(s): Pioneer Warehouse Corporation, 8301 National Highway, Pennsauken, NJ 08110.

MC 142064 (Sub-3–4TA), filed September 2, 1981. Applicant: CAROLINA CARPET CARRIERS, INC., P.O. Box 6, Williamston, SC 29697. Representative: Mitchell King, Jr., Esq., P.O. Box 5711 Greenville, SC 29606. *Contract:* Irregular: *Malt beverages, wine and brandy* between points in the US (except AK and HI) under continuing contract(s) with Acme Distributing Co. of Spartanburg, Inc., Better Beer and Wine Company, Central Distributing Company, Southern Distributing Co., Inc. and Stevens Corporation. Supporting shipper(s): There are five (5) statements of support attached to this application which may be examined at the ICC office, Atlanta, GA.

MC 157511 (Sub-3–1TA), filed September 2, 1981. Applicant: JIM STUDER RESOURCES, INC., 1243 Mountain Brook Circle, Signal Mountain, TN 37377. Representative: R. J. Studer Same address as applicant: *Contract:* Irregular: *Coal in bulk,* from Van Buren and Sequatchie counties TN to Polk county GA, under continuing contracts(s) with Sequatchie Valley Coal Corporation. Supporting Shipper: Sequatchie Valley Coal Corporation, 5519 Highway 153, Suite 16, Hixson, TN 37415.

MC 157925 (Sub-3–1TA), filed August 31, 1981. Applicant: DANNY GOUGE d.b.a. GOUGE TRUCKING COMPANY, Route 1, Box 34, Greenmountain, NC 28740. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, D.C. 20005. *Clay, concrete, glass and stone products, and ores and minerals, and materials and supplies used in the manufacture and distribution thereof,* between points in Mitchell and Avery Counties, NC, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper(s): Harris Mining Company, Spruce Pine, NC 28777.

MC 155407 (Sub-3–1TA), filed August 31, 1981. Applicant: D. P. GALLIMORE & SONS, INC., Route 1, Ellerbe, NC 28338. Representative: P. Pratt Gallimore (Same address as applicant). *Processed Pork and skin* from Holly Ridge, NC to AL, AR, AZ, CA, CO, CT, DE, FL, GA, IA, IL, IN, KY, LA, MA, MD, ME, MI, MN, MO, MS, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, WI. Supporting shipper: Carolina Meat Processors, Inc., P.O. Box 38, Holly Ridge, NC 28445.

MC 153679 (Sub-3–3TA), filed August 31, 1981. Applicant: CUMBERLAND FREIGHT LINE, INC., 201–25th Avenue North, Nashville, TN 37202. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, TN 37219. *Contract carrier,* irregular routes: *General commodities (except classes A & B explosives)* between points in the U.S. under a continuing contract with Allen Canning Company, Siloam Springs, AR. Supporting Shipper: Allen Canning Company, P.O. Box 250, 305 East Main St., Siloam Springs, AR 72761.

MC 133732 (Sub-3–1TA), filed August 31, 1981. Applicant: V. F. CARTER DELIVERY SERVICE, 6855 Cisco Garden Road, Jacksonville, FL 32219. Representative: V. F. Carter (Same address of applicant). *Household Applicances,* from Jacksonville, FL to points in FL and GA on shipments which have had prior movement in interstate commerce from General Electric Co., at or near Norcross, GA. Supporting shipper: General Electric Company, 1225 Chattahoochee Ave. NW., Atlanta, GA 30318.

MC 144989 (Sub-3–5TA), filed August 31, 1981. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Court, Charlotte, NC 28205. *Contract carrier:* irregular: (1) *Such commodities as are dealt in or used by Textile Manufacturing companies, and* (2) *Machinery, Machinery Parts and accessories (except in bulk),* between points in the GA counties of Catoosa, Walker, Murray, Whitfield, Gilmer, Pickens, Gordon, Chattooga, Floyd, Bartow, Cherokee, Cobb, Paulding, Polk, Haralson and Douglas, on the one hand, and, on the other, points in the U.S. (except AK and HI). There are 5 statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 105984 (Sub-5–3TA), filed August 31, 1981. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Contract irregular: *rubber and plastic products, and related products, materials and supplies used in the manufacture and distribution thereof,* between points in Cooke County, TX and Kimball County, NE, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Poly Pipe Industries, Gainsville, TX.

MC 111672 (Sub-5–2TA), filed August 31, 1981. Applicant: R & M TRUCK LINE,

INC., P.O. Box 422, Oskaloosa, IA 52577. Representative: Ronald R. Adams, Myers, Knox & Hart 600 Hubbell Building, Des Moines, IA 50309. *Malt beverages and empty malt beverage containers,* (1) between Oskaloosa, IA, on the one hand, and, on the other, LaCrosse and Milwaukee, WI; Belleville, IL; Memphis, TN; and Winston-Salem, NC; and (2) between Ottumwa, IA, on the one hand, and, on the other, LaCrosse and Milwaukee, WI; Belleville, IL; Memphis, TN; and Winston-Salem, NC. Supporting shippers: Beadel Distributing, Inc., 208 N.J Oskaloosa, IA 52577 and Iowa Beverage Distributing, Inc., 651 Gateway Drive, Ottumwa, IA 52501.

MC 123476 (Sub-5–11TA), filed August 31, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *Roofing Materials, (except in bulk in tank vehicles)* from Frankling, OH to points in St. Louis, MO and the MO counties of Jefferson, St. Louis, Franklin, St. Charles and Lincoln and points in IL on or south of Highways 24, 125, I–72 and I–74 and on or west of I–57. Supporting shipper: Georgia-Pacific Corp., 6025 Byassee, Hazelwood, MO 63042.

MC 146853 (Sub-5–7TA), filed August 31, 1981. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Petroleum oil, in drums,* from Denver, CO, to Omaha, NE, and pts in ND, SD, and WY. Supporting shipper: Silco Oil Co., 11575 E. 40th Avenue, Denver, CO 80329.

MC 152742 (Sub-5–2TA), filed August 31, 1981. Applicant: N & C DISTRIBUTING COMPANY, INC., 402 East "F" Street, Lawton, OK 73502. Representative: Ray K. Babb, Jr., 1100 Classen Dr., Ste. 221, Oklahoma City, OK 73103. Contract; Irregular: *Malt Beverages,* between Wichita Falls, TX, and Fort Sill Military Base, OK. Supporting shipper: Falls Distributing Company, Inc., 3811 Tarry Road, Wichita Falls, TX 76318.

MC 156834 (Sub-5–2TA), filed August 31, 1981. Applicant: NEBRASKALAND TRUCKING, INC., Route 3, Box 63, Blair, NE 68008. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Lumber and lumber products,* from Arcadia, Scotia, Willits, and Red Crest, CA to Tyler and San Antonio, TX. Supporting shipper: Powell Lumber Co., P.O. Box T, Lake Charles, LA 70602.

MC 157061 (Sub-5–2), filed August 31, 1981. Applicant: ATLAS CARRIERS, INC., 800 S. Main St., Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. (1) *Copper and aluminum wire and cable* from facilities of Kagan Dixon Wire Corp. at or near Osceola, AR, to points in CA, NJ, MO, Spokane, WA, and New York, NY, and its commercial zone; (2) *Materials and supplies used in the manufacture of commodities in (1) above* from points in the U.S. to facilities of Kagan Dixon Wire Corp. at or near Osceola, AR. Supporting shipper: Kagan Dixon Wire Corp., P.O. Box 643, Osceola, AR 72370.

MC 157996 (Sub-5–1TA), filed August 31, 1981. Applicant: FRANA LEASING, INC., Calmar, Iowa 52132. Representative: Thomas E. Leahy, Jr., 1980 financial Center, Des Moines, Iowa 50309. Contract, irregular; *Malt beverages,* between pts in the U.S. under contract with Frana Beer Distributing Co., Inc. Supporting shipper: Frana Beer Distributing Co., Inc., Calmar, IA 52132.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 134387 (Sub-6–25TA), filed August 31, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Michael J. O'Neill, 811 S. 59th Ave., Phoenix, AZ 85043. *General commodities,* between points in Spokane County, WA on the one hand, and, on the other, points in CA, OR, UT, and CO, restricted to traffic originating at or destined to the facilities of URM Stores, Inc., for 270 days. Supporting shipper: URM Stores, Inc., P.O.B. 3365 Spokane, WA 99220.

MC 157955 (Sub-6–1TA), filed August 26, 1981. Applicant: DON BROWNING, d.b.a. BROWNING TRUCKING, 9325 Malad, Boise, ID 83709. Representative: David E. Wishney, POB 837, Boise, ID 83701. *Lumber and wood products* from points in CA, ID, MT, OR, UT, WA and WY to points in CA, CO, ID, NV, OR, UT, WA and WY, for 270 days. Supporting shippers: There are five shippers. Their statements may be examined at the Regional Office listed.

MC 15707 (Sub-6–1TA), filed August 28, 1981. Applicant: C & B FURNITURE TRANSPORT CO., INC., 20107 146th S.W., Renton, WA 98055. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Furniture and Fixtures, blanket wrapped, crated or boxed,* between WA, OR, CA, NV, UT and ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 14 shippers. Their statements may be examined at the Regional office listed.

MC 157952 (Sub-6–1TA), filed August 27, 1981. Applicant: C MILE TRANSPORT, LTD., Box 424, Exeter Rd., 100 Mile House, B.C. VOK 2E0. Representative: George Costello (same as applicant). *Contract Carrier;* irregular routes: (1) *Lumber and Wood Products;* (2) *Salt and Salt Products;* (3) *Irrigation Equipment and Accessoral Parts;* (4) *Farm Hardware and Ranch Equipment:* between the ports of entry on the U.S.-Canadian International Boundary Line at WA, ID, and MT and AZ, CA, CO, NV, OR, UT, WA, WY, for 270 days. Supporting shippers: There are 9 supporting shippers. Their statements may be examined at the office listed above.

MC 150256 (Sub-6–2TA), filed August 28, 1981. Applicant: CAL COAST TRUCKING, INC., 4290 Maywood Ave., Vernon, CA 90058. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Contract Carrier:* Irregular routes: *Magazines and printed material,* between Los Angeles County and Orange County, CA, on the one hand, and, on the other, points in CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Periodical Distributors, Inc., 4280 Maywood Ave., Vernon, CA 90058. Playgirl Inc., 3420 Ocean Park Blvd., Santa Monica, CA 90405.

MC 140373 (Sub-6–1TA), filed August 28, 1981. Applicant: COOK TRUCKING SERVICE, INC., 305 S. Harbor Blvd., Fullerton, CA 92632. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Contract Carrier,* Irregular Route: *Sugar Beet or cane in bags or liquid in tank truck or bulk in hoppers,* from points in CA to points in NV and AZ, for the account of Holly Sugar Corporation, for 270 days. Supporting shipper: Holly Sugar Corporation, P.O. Box 1052, Colorado Springs, CO 80901.

MC 151428 (Sub-6–4TA), filed August 28, 1981. Applicant: J & H TRUCKING, INC., 12425 Telephone, Chino, CA 91710. Representative: David B. Rosenman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract Carrier,* Irregular routes: *Food and related products, and chemicals and related products,* from points in FL, IA, IL, KY, LA, MI, MO, NJ, OH, SC and VT to points in Los Angeles County, CA, under a continuing contract(s) with E. T. Horn, Inc. of Los Angeles, CA, for 270 days. Supporting

shipper: E. T. Horn, Inc., 16141 Heron Ave., La Mirada, CA 90638.

MC 157988 (Sub-6-1TA), filed August 28, 1981. Applicant: LIDO LIMOUSINE SERVICE, INC., 11524 La Maida St., No. Hollywood, CA 91601. Representative: Ron Hirano, 777 No. Broadway, #310, Los Angeles, CA 90012. *Common carrier;* regular routes: *Passengers and their baggage* by chartered limousines primarily for Chinese speaking passengers; from (1) Los Angeles, CA to Las Vegas, NV via Interstate 10 to 15 and return via same route; (2) Los Angeles to San Francisco, CA via Hwy 5 to 580 to 80 to 101 and return via the same route; (3) San Francisco, CA to Lake Tahoe, NV via Hwy 80 to 50 and return via same route, for 180 days. Supporting shippers: R. Y. Property, 2146 Mt. Olympus Rd., Los Angeles, CA 90046; San Yuan Restaurant, 403 So. Schug Ave., Orange, CA 92667; TOT Encouted, 939 So. Broadway, Los Angeles, CA 90015.

MC 136798 (Sub-6-1TA), filed August 25, 1981. Applicant: THE FORTUNE CORPORATION d.b.a. MAUST TRANSFER CO., 1762 Sixth Ave. S., Seattle, WA 98134. Representative: George S. Holzapfel, 100 S. King St., #6000, Seattle, WA 98104. *Contract carrier,* irregular route, *containerized canned salmon,* in shipments having prior or subsequent movement by water, between the Port of Bellingham, South Terminal, WA, and the Port of Seattle, WA, under a continuing contract with the Port of Bellingham, South Terminal, for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: The Port of Bellingham, South Terminal, 625 Cornwall Ave., Bellingham, WA 98227.

MC 148597 (Sub-6-1TA), filed August 28, 1981. Applicant: NORRIS SUPPLY COMPANY INC., 325 S. Eighteenth St., Sparks, NV 89431. Representative: Mike Pavlakis P.O. Box 646, Carson City, NV 89702. *Petroleum products; crude petroleum; natural Gas or gasoline; coal products,* between points in NV and OR, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Defense Fuel Region West, 3171 N. Gaffey St., San Pedro, CA 90731.

MC 147695 (Sub-6-2TA), filed August 28, 1981. Applicant: ONAHU TRANSPORTATION COMPANY, INC., P.O. Box 39, Bethune, CO 80805. Representative: Winston A. Hollard, P.O. Box 1169, Arvada, CO 80001-1169. (1) *General Commodities except for Class A & B Explosives, Commodities in Bulk in Tank Vehicles and Livestock,* between Lenexa, KA. and Denver, CO. Supporting shipper: J.C. Penney Co., 10500 Lackman Road, Lenexa, KA 66250. (2) *Dry Cleaning Powders and Liquid Cleaners,* Denver and Longmont, CO., to Salina, Wichita, Kansas City, KS. Supporting shippers: Heritage Consumer Services, 1109A Kembark, Longmont, CO 80501. (3) *Animal Health Products, to include Biologicals, Pharmaceuticals, Insecticides and Related Items.* Lenexa, KS to Commerce City and Denver, CO., for 270 days. Supporting shipper: Bayvet, Division of Cutter Laboratories, Inc., 15560 W. 110th St., Lenexa, KS 66219. For 270 days.

MC 157369 (Sub-6-1TA), filed August 27, 1981. Applicant: ROLL OUT PRODUCTIONS, INC., 204 West Mariposa, San Clemente, CA 92672. Representative: Jerry Rappaport, 16530 Ventura Blvd., Suite 208, Encino, CA 91436. *Contract Carrier,* irregular routes: *Equipment, materials and supplies, musical instruments, sound equipment, lighting equipment, props, and other equipment for theatrical, stage and television shows and productions,* between points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Mac Davis Show, 9348 Santa Monica Blvd., Suite 200, Beverly Hills, CA 90210.

MC 158002 (Sub-6-1TA), filed August 31, 1981. Applicant: SAHARA EXPRESS, DIVISION OF SAHARA PACKING COMPANY, P.O. Box 1932, Corona, CA 91720. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786. *Contract carrier;* Irregular routes: *General Commodities* (except Classes A and B explosives), between points in CA, OR and WA on the one hand, and, on the other, points in the U.S., under continuing contract with 7/24 Freight Sales, Inc. of Modesto, CA, for 270 days. Supporting shipper: 7/24 Freight Sales, Inc., P.O. Box 3981, Modesto, CA 95352.

MC 158002 (Sub-6-2TA), filed August 31, 1981. Applicant: SAHARA EXPRESS, DIVISION OF SAHARA PACKING COMPANY, P.O. Box 1932, Corona, CA 91720. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786. *Contract carrier;* irregular routes: *General Commodities* (except Classes A and B explosives), between points in CA on the one hand, and, on the other, points in NE, IA, MN, WI, IL and MI under continuing contract with F. A. K., Inc. of Long Beach, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: F. A. K., Inc., 110 W. Ocean Blvd., Suite 523, Long Beach, CA 90802.

MC 144882 (Sub-6-3TA), filed August 26, 1981. Applicant: STATEWIDE DISTRIBUTION SERVICES, INC., P.O. Box 58926, Vernon, CA 90058. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract carrier,* irregular route; *paper and paper products, plastic or plastic articles, furniture* and *fixtures* between points in OR and WA, on the one hand and, on the other, points in CA for 270 days. Supporting shipper: Scott Paper Co., Scott Plaza II, Philadelphia, PA 19113.

MC 147896 (Sub-6-5TA), filed August 26, 1981. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: David B. Rosenman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Transportation equipment,* between points in Los Angeles, Riverside, San Diego, and Ventura Counties, CA, on the one hand, and, on the other, points in Cobb County, GA, Peoria and Tazewell Counties, IL, Muscatine and Woodbury Counties, IA, Auglaize, Cuyahoga, Lake and Stark Counties, OH, and Polk County, OR, for 270 days. Supporting shipper(s): Johnson Tractor, Inc., P.O.B. 351, Riverside, CA 92501; Wallace Machinery Co., P.O.B. 5992, Oxnard, CA 93030; Hawthorne Machinery, Inc., P.O.B. 708, San Diego, CA 92112.

MC 145110 (Sub-6-1TA), filed August 27, 1981. Applicant: Willamet Industries, Inc., Trucking Division, P.O. Box G, Beaverton, OR 97005. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *paper and paper articles,* from Sebastian County, AR to Dallas and Ft. Worth, TX, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper(s): West-Ark Specialties, 7209 Jenny Lind Rd., Ft. Smith, AR 72908.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26640 Filed 9-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-395]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: September 2, 1981.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth

specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specifc portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed.

Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

MC 124174 (Sub-176), filed June 27, 1980, previously published in the **Federal Register** issue of September 3, 1980. Applicant: MOMSEN TRUCKING CO., a Corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting (1) *hides, skins, chromes, tannery byproducts, equipment, materials, and supplies, gelatin and glue,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S.

Note.—This republication corrects the commodity description.

[FR Doc. 81-26644 Filed 9-11-81; 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. OP1-255

Decided: September 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1041 (Sub-5), filed August 28, 1981. Applicant: B. N. CORKUM TRANSPORTATION COMPANY, 326 Ballardvale St., Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617)-742-3530. Transportation *general commodities* (except classes A and B explosives), between points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, and VA.

MC 65781 (Sub-10), filed August 24, 1981. Applicant: BARRETT MOVING & STORAGE CO., 7100 Washington Avenue South, Eden Prairie, MN 55344. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333-1341. Transporting *chemicals and related products*, between points in Carver, Scott and Hennepin Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 67340 (Sub-14), filed August 13, 1981. Applicant: RESORT BUS LINES, INC., 1010 Nepperhan Ave., Yonkers, NY 10703. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021, (516) 482-0881. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at New York, NY, and points in Westchester and Putnam Counties, NY, and extending to points in the U.S.

MC 77061 (Sub-39), filed August 3, 1981, previously noticed in **Federal Register** issue of August 17, 1981. Applicant: SHERMAN BROS., INC., 29534 Airport Road (Box 706), Eugene, OR 97440. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224-4840. Transporting (1) *transportation equipment*, (2) *machinery*, (3) *building materials*, and (4) *metal products*, between points in ND, SD, WY, CO, AZ and NM.

Note.—This republication clarifies the territorial descriptions.

MC 85621 (Sub-12) (partial republication), filed July 7, 1981, previously noticed in the **Federal Register** issue of August 11, 1981. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Representative: R. Kent Henslee, 754 Chestnut Street, P.O. Box 246, Gadsden, AL 35902. Over *regular* routes transporting *general commodities* (except classes A and B explosives), over the routes specified in the previous publication.

Note.—Applicant intends to tack the requested authority with its existing authority. The purpose of this partial republication is to indicate applicant's intent to tack. The rest of the publication remains the same.

MC 88380 (Sub-42), filed August 25, 1981. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, P.O. Box 4309, Fort Worth, TX 76106. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332-4415. Transporting *metal products*, between points in St. John the Baptist Parish, LA, on the one hand, and, on the other, points in the U.S.

MC 110191 (Sub-42), filed August 14, 1981. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Ave., Norfolk, VA 23502. Representative: W. P. Davis, P.O. Box 1006, Norfolk, VA 23501, (804) 853-4344. Transporting *containers, container closures, and container accessories*, between points in Venango County, PA, on the one hand, and, on the other, those points in VA on and east of Interstate Hwy 95.

MC 110191 (Sub-43), filed August 14, 1981. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Ave., Norfolk, VA 23502. Representative: W. P. Davis, P.O. Box 1006, Norfolk, VA 23501 (804) 853-4344. Transporting *foodstuffs, beverages, and beverage preparations*, between points in CT, DE, FL, GA, MD, NJ, NY, NC, OH, PA, SC, VA, WV, and DC.

MC 115880 (Sub-5), filed August 25, 1981. Applicant: BROOKFIELD BUS SERVICE, INC., 3 Railroad Place, Maspeth, NY 11378. Representative: Arthur Wagner, 342 Madison Avenue, New York, NY 10017. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, between New York, NY, and points in Nassau, Suffolk and Westchester Counties, NY, on the one hand, and, on the other, points in the U.S.

MC 125561 (Sub-5), filed August 24, 1981. Applicant: SUNNYSIDE TRANSFER, INC., P.O. Box 526, 7th & Railroad, Sunnyside, WA 98944. Representative: James M. Peterson, 520 Franklin, Richland, WA 99352 (509) 375-1683. Transporting *general commodities* (except classes A and B explosives), between points in Benton, Franklin, and Yakima Counties, WA, on the one hand, and, on the other, points in Clackamas, Multnomah, and Washington Counties, OR.

MC 134210 (Sub-4), filed August 25, 1981. Applicant: PRINS TRUCKING, INC., 5718 Lawndale, Hudsonville, MI 49426. Representative: D. Richard Black, Jr., 7610 Cottonwood Drive, P.O. Box 294, Jenison, MI 49428, (616) 457-9290. Transporting *petroleum, natural gas and their products*, between points in Nenango County, PA, on the one hand, and, on the other, points in IL, IN, MI and OH. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance.

MC 140510 (Sub-2), filed August 25, 1981. Applicant: GLOBE MOVING & STORAGE, INC., 1007 Cedar Street, Flint, MI 48504. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 489-5724. Transporting *household goods* between points in MI, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a Certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC 140510.

Note.—The purpose of this application is to convert applicant's Certificate of Registration in MC 140510 to a Certificate of Public Convenience and Necessity and extend its operating rights.

MC 141431 (Sub-3), filed August 24, 1981. Applicant: CAL-VALLEY TRANSPORTATION, INC., 1315 E. Holt Blvd., Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945-3002. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with J. R. Wood, Inc., of Atwater, CA.

MC 141590 (Sub-3), filed August 24, 1981. Applicant: NOAH E. FERRIS, d.b.a. CONTRACT FURNITURE CARRIERS, 7004 Peters Creek Road, P.O. Box 7586, Roanoke, VA 24019.

Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168–0025, (703) 629–2818. Transporting (1) *hosiery*, (a) between points in Grenada County, MS, Shelby County, TN, and Pulaski County, VA and (b) between points in Grenada County, MS, Shelby County, TN, and Pulaski County, VA, on the one hand, and, on the other, points in CA, NC, and NJ, (2) *furniture and fixtures*, between points in Carroll and Grayson Counties, VA, on the one hand, and, on the other, points in AZ, CA, OR, and WA, and (3) *food and related products*, between points in Bedford County, VA, on the one hand, and, on the other, points in CA, KS, OK, and TX, and those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 142630 (Sub-3), filed August 25, 1981. Applicant: FUGAZY CONTINENTAL CORPORATION OF NEW JERSEY, INC., 667 Madison Ave., New York, NY 10021. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10017, (212) 755–9500. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, between Atlantic City, NJ, on the one hand, and, on the other, Philadelphia, PA, and points in NY and CT. 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 applications for common control to team 1, room 6354.

MC 144330 (Sub-95), filed August 26, 1981. Applicant: UTAH CARRIERS, INC., 3220 N. Hwy 89, Layton, UT 84041. Representative: John T. Caine, 2568 Washington Blvd., Ogden, UT 84401, (801)–393–5367. Transporting *glass and glass products*, between points in Wichita, Clay and Archer Counties, TX and Jefferson County, MO, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, MT, WY, UT, CO, AZ and NM.

MC 145220 (Sub-18), filed August 24, 1981. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 5, Box 242, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 39687, (803) 244–9314. Transporting *food and related products*, between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MD, MA, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC.

MC 148240 (Sub-1), filed August 24, 1981. Applicant: SHELBY WILLIAMS INDUSTRIES, INC., PO Box 111, Canton, MS 39046. Representative: Fred W. Johnson, Jr., PO Box 1291, Jackson, MS 39205 (601) 355–3543. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Jay-Zee, Inc., of Maryland Heights, MO.

MC 150290 (Sub-6), filed August 26, 1981. Applicant: MIDLAND TRANSPORTATION CO., INC., 801 West Artesia Blvd., Compton, CA 90220. Representative: William Davidson, 5501 Pacific Blvd., Huntington Park, CA 90255, (213) 589–6073. Transporting *chemicals and related products and packaging materials*, between points in Onondaga County, NY and Sandusky and Seneca Counties, OH, on the one hand, and, on the other, points in the US.

MC 150770 (Sub-2), filed August 24, 1981. Applicant: COTANT TRUCK LINES, INC., 420 W. Chubbuck Rd., Chubbuck, ID 83201. Representative: Timothy R. Stivers, PO Box 1576, Boise, ID 83701, (208) 343– Transporting *rubber and plastic products, automotive parts, tires, and such commodities* as are dealt in by grocery stores and food business houses, between points in AZ, CA, NV, UT, ID, OR, and WA.

MC 150951 (Sub-4), filed August 18, 1981. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston St, Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant) (401) 943–4800. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with General Fabrics, of Pawtucket, RI.

MC 153161 (Sub-2), filed August 24, 1981. Applicant: WAYNE SOLVENTS, INC., 120 Grace Avenue, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR and LA. 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 applications for common control to team 1, room 6354.

MC 154701, filed August 17, 1981. Applicant: CARL SOWELL, d.b.a. SOWELL TRUCKING, 1365 Paramount Ave., Pocatello, ID 83201. Representative: Davis E. Wishney, P.O. Box 837, Boise ID 83701, (208) 336–5955. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with J. R. Simplot Company, of Boise, ID, and Border Blenders Ag. Supply, of Chester, MT.

MC 156061 (Sub-2), filed August 26, 1981. Applicant: LAND & SEA, INC., Route 6, Twin Falls, ID 83301. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *lumber and wood products and building materials*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 157600, filed August 6, 1981. Applicant: GOLDEN WEST SCENIC TOURS, INC., Berry St. at Highway 88, Pine Grove, CA 95665. Representative: John F. Richardson (same address as applicant) (209) 296–5555. As a *broker*, at Pine Grove, CA, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in CA and extending to points in the U.S.

MC 157761, filed August 18, 1981. Applicant: DENNIS C. CLUCK, 3816 Littlestown Pike, Westminister, MD 21157. Representative: William T. Fitzgerald, 6 North Court St., Westminister, MD 21157, (301) 876–2455. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass or stone products*, between points in Adams County, PA, on the one hand, and on the other, Baltimore and points in Frederick, Carroll, Baltimore and Harford Counties, MD.

MC 157881, filed August 25, 1981. Applicant: EVERFRESH TRANSPORT, INC., PO Box 711, Derby, NY 14047. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. Transportng *food and related products*, between points in the U.S., under continuing contract(s) with Castle and Cooke Foods, Inc., of Hauppauge, NY.

MC 157910, filed August 25, 1981. Applicant: ALPHA OMEGA LINE, INC., 739 Vandalia, St. Paul, MN 55114. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transportng *general commodities* (except classes A and B explosives), between points in CO, IA, IL, IN, KS, MI, MN, MO, MT, ND, NE, OH, SD, WI and WY. 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 affadavit 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 1, Room 6358.

MC 157911, filed August 24, 1981. Applicant: TOMMY HANKINS, d.b.a. TOMMY & SONS TRUCKING, 2708 Norman Ave., Bakersfield, CA 93303. Representative: Earl N. Miles, 3704 Candlewood Drive, Bakersfield, CA, (805) 872–1106. Transportng *such commodities* as are dealt in or used by distributors of irrigation materials, equipment and supplies, between points in the U.S., under continuing contract(s) with Western Oilfield Supply Co., of Bakersfield, CA.

Volume No. OPY–4–354

Decided: September 3, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams. (Member Williams not participating.)

MC 1977 (Sub-57), filed August 12, 1981. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Transportng *general commodities*, (except classes A and B explosives). (1) Between points in the U.S. located in and west of the states of WI, IL, MO, AR, and LA, and (2) Between points in CO on the one hand, and, on the other, points in the U.S. Located east of the states of WI, IL, MO, AR, and LA.

MC 60887 (Sub-8), filed August 14, 1981. Applicant: HARRY H. LONG MOVING-STORAGE & EXPRESS INC., 1631 S. Lynndale Drive, Appleton, WI 54911. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *general commodities* (except classes A and B explosives), between points in Outagamie County, WI, on the one hand, and, on the other, those points in the Upper Peninsula of MI.

MC 97127 (Sub-19), filed August 14, 1981. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box 2397, Batesville, AR 72501. Representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood Ave., Fort Smith, AR 72902, (501) 782–1001. Transporting *general commodities* (except classes A and B explosives), between points in Shelby County, TN, on the one hand, and, on the other, points in AR.

Note.—Applicant intends to tack with existing regular-route authority.

MC 121107 (Sub-26), filed August 20, 1981. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., P.O. Box 207, Farmville, NC 27828. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., NW, Washington, DC 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 134467 (Sub-80), filed August 14, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203 (303) 839–5856. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 139957, filed August 17, 1981. Applicant: A. & J. CARTAGE, INC., 8221 S. School Ave., La Grange, IL 60525. Representative: Robert G. Paluch, 7800 W. 60th Place, P.O. Box 356, Summit, IL 60501 (312) 563–0660. Transporting *commodities in bulk*, between points in IL, IN, MI, and WI, on the one hand, and, on the other, points in the U.S.

MC 144757 (Sub-14), filed August 20, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 412 Oshkosh, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701 (605) 343–4036. Transporting (1) *machinery*, and (2) *rubber and plastic products*, between points in SD and WY, on the one hand, and, on the other, points in AR, CA, CO, IN, IA, MI, NE, OR, and TN.

MC 148107 (Sub-7), filed August 19, 1981. Applicant: JESSE J. MESA, d.b.a. J.J. MESA TRUCKING CO., 1500 S. Zarzamora St., San Antonio, TX 78207. Representative: Ronald Mercier (same address as applicant) (512) 223–1859. Transporting *tile facing or flooring* between points in TX, on the one hand, and, on the other, points in FL, GA, AL, MS, TN, KY, IN, IL, MO, NE, KS, LA, NV, and AR.

MC 149497 (Sub-13), filed August 24, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023 Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant) (715) 359–2907. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Oshkosh Truck Corporation, of Oshkosh, WI.

MC 157807, filed August 20, 1981. Applicant: JOSE A. RAMOS AND MILAGRO CABRERA, a partnership d.b.a. PROMOTOURS 2667 Harrison St., San Francisco, CA 94110. Representative: Jose A. Ramos (same as applicant) (415) 647–7296. To operate as a *broker* at San Francisco, CA in arranging for the transportation of passengers and their baggage between points in CA and NV.

MC 157817, filed August 20, 1981. Applicant: SUPERTONE TRANSPORTATION LIMITED, 58 Marathon Crescent, Willowdale, Ontario, Canada M2R 2L7. Representative: Robert D. Gunderman, 101 Niagara St., Buffalo, NY 14202 (716) 854–587. Transporting *textile and fibre products*, between points in the U.S., under continuing contract(s) with Fibre Products of Canada Company Limited, of Weston, Ontario, Canada.

Volume No. OPY–4–356

Decided: September 1, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 97457 (Sub-9), filed August 17, 1981. Applicant: WARNER & SONS TRUCKING CO., 6556 Belding Rd., Belding, MI 48809. Representative: Gregory G. Prasher, 500 Calder Plaza, Grand Rapids, MI 49503 (616) 459–9487. Transporting *general commodities*, (except classes A and B explosives), between Chicago, IL, and Detroit, MI, on the one hand, and, on the other, those points in MI on and west of a line beginning at Mackinaw City and extending along Interstate Hwy 75 to its junction with U.S. Hwy 27, then along U.S. Hwy 27 to Lansing, then along U.S. Hwy 127 to the MI–OH State line.

MC 136267 (Sub-9), filed August 21, 1981. Applicant: BELS PRODUCE CO., INC., P.O. Box 348, Montrose, MI 48457. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167 (313) 349–3980. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of foodstuffs, between points in the U.S., under continuing contract(s) with Aunt Jane Foods, Inc., of Croswell, MI, C. F. Cates & Sons, of Faison, NC, and Old Virginia, Inc., of Front Royal, VA.

MC 142517 (Sub-3), filed August 19, 1981. Applicant: HOWARD DELIVERY SERVICE, INCORPORATED, P.O. Box 542, 1900 W. 16th St., Broadview, IL 60153. Representative: Francis W. McInerney, 1000 16th St. NW. #502, Washington, DC 20036 (202) 783–8131. Transporting *motor vehicle parts, components, materials, and supplies*, between points in the U.S., under continuing contract(s) with General Motors Corporation (General Motors Warehousing & Distribution Division), of Detroit, MI.

Volume No. OPY–5–142

Decided: September 1, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 228 (Sub-82), filed August 19, 1981. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Michael J. Marzano, 99 Kinderkamack Road, Westwood, NJ 07675 (201) 666–5111. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in the U.S., under continuing contract(s) with Short Line Bus Systems, Inc., of Mahwah, NJ.

MC 15728 (Sub-13), filed August 20, 1981. Applicant: AUTO PRODUCTS TRANSPORT, INC., 28000 Southfield, Lathrup Village, MI 48076. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684 (616) 941–5313. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper and paper products, between the facilities of Westvaco Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 31879 (Sub-45), filed June 10, 1981. Initially published in the Federal Register on August 3, 1981. Applicant: EXHIBITORS FILM & DELIVERY SERVICE, INC., 101 West 10th Ave., North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 767–5600. Transporting *wearing apparel*, between points in Boyle County, KY, Boone and Carroll Counties, AR, Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Benton, Prowers, and Baca Counties, CO, Laramie and Goshen Counties, WY, Bond, Calhoun, Christian, Clinton, Cook, DuPage, Fayette, Greene, Jersey, Kane, Macon, Macoupin, Madison, Marion, Monroe, Montgomery, Morgan, Perry, Pike, Randolph, St. Clair, Sangamon, Scott, Shelby, Washington, and Will Counties, IL, and Bernalillo, Colfax, Currey, De Baca, Guadalupe, Harding, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Sante Fe, Socorro, Taos, Torrance, Union, and Valencia Counties, NM, and points in IA, MO, KS, and NE. This application is republished to show the complete territorial description of the authority sought.

MC 45398 (Sub-3), filed August 21, 1981. Applicant: F. J. BERNERD & SON, INC., 2400 Barnum Ave., Stratford, CT 06497. Representative: Mark C. Ellison, 300 Interstate N. Parkway, Suite 329, Atlanta, GA. Transporting *household goods* between points in CT, DE, MA, ME, MD, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 48958 (Sub-224), filed August 17, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189 (806) 374–1641. Transporting *dental, hospital, and surgical supplies*, between points in the U.S., under continuing contract(s) with Johnson & Johnson Products, Inc., of New Brunswick, NJ.

MC 65419 (Sub-7), filed August 17, 1981. Applicant: ARMORED CAR COMPANY, INC., 1031 South Sixth Street, P.O. Box 32930, Louisville, KY 40232. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602 (502) 223–8244. Transporting *money, bullion, securities, bonds, and other commodities and articles of unusual value*, between points in the U.S., under continuing contract(s) with the Federal Reserve Bank of St. Louis, of St. Louis, MO.

MC 71478 (Sub-54), filed August 19, 1981. Applicant: THE CHIEF FREIGHT LINES COMPANY, 2401 North Harvard Avenue, Tulsa, OK 74115. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603 (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in CT, IL, IN, KY, KS, MA, MO, NJ, NY, OH, OK, RI, WV, and PA, and those points in TX, on and east of U.S. Hwy 75.

MC 114098 (Sub-57), filed July 31, 1981. Published originally in the Federal Register on August 19, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 425 13th St., NW, Suite 1032, Washington, DC 20004 (202) 628–4600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clow Corporation of Oak Brook, IL, and Associated Mechanical Erectors, Co., Inc., of Rock Hill, SC. This application is republished to show the complete authority requested by applicant.

MC 118089 (Sub-47), filed July 13, 1981. Published initially in the Federal Register (Republication) on August 12, 1981. Applicant: ROBERT HEATH TRUCKING , INC., 2909 Avenue C., P.O. Box 2501, Lubbock, TX 79408. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, 303–839–5856. Transporting *food and related products*, between Kansas City, MO; points in Buchannan and Atchison Counties, MO; points in Kansas; and points in Hale, Parmer, Potter, Randall and Lubbock Counties, TX on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

Note.—This republication is to authorize service from and to all points in Kansas rather than the three counties.

MC 135678 (Sub-33), filed July 22, 1981. Initially published in the Federal Register on August 12, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106 (405) 528–3884. Transporting *automobile parts, wheels, and tires*, between points in AR, OK, TX, NM, CA, CO, AZ, and NV. This application is republished to include AR.

MC 138438 (Sub-111), filed August 21, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1 Williamsport, MD 21975. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740 (301) 739–4860. Transporting (1) *metal products*, and (2) *machinery*, between points in the U.S.

MC 140968 (Sub-7), filed August 21, 1981. Applicant: VALLEY TRANSPORT, INC., P.O. Box 68, Drayton, ND 58225. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424 (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between the facilities of American-Canadian Centers, Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144598 (Sub-6), filed August 20, 1981. Applicant: C & J TRANSPORT, INC., Route 32, P.O. Box 42, North Vassalboro, ME 04962. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW , Washington, DC 20005 (202) 296–3555. Transporting *coal* between points in WV and PA, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, and RI.

MC 147348 (Sub-16), filed August 21, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72214. Representative: James M. Duckett, 221 W. Second, Suite 411, Little Rock, AR 72201 (501) 375–3022. Transporting *such commodities* as are dealt in by retail, discount and grocery stores, between Houston, TX, on the one hand, and, on the other, points in AR.

MC 147768 (Sub-3), filed August 17, 1981. Applicant: IMPERIAL BULK CARRIERS, INC., 7061 South Willow Springs Rd., Countryside, IL 60525. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *roofing pitch*,

creosote, and tar, between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, NE, KS, OK, and TX.

Volume No. OPY–5–143

Decided: September 1, 1981.

By the Commission, Review Board No 3, Members Krock, Joyce, and Dowell.

MC 148259 (Sub-1), filed August 19, 1981. Applicant: WM. MEYERS MOVERS, INC., 353 West Lake St., Elmhurst, IL 60126. Representative: Terrence E. Budny, 3 First National Plaza, 70 West Madison St., Suite 3200, Chicago, IL 60602 (312) 372–1121. Transporting *household goods,* between points in IL, on the one hand, and, on the other, points in AR, KY, NJ, NY, PA, TN, WV, and VA.

MC 151569 (Sub-2), filed August 19, 1981. Applicant: NEIL WADE TRUCKING, INC., 5225 N. Minnesota, Portland, OR 97217. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224–4840. Transporting (1) *food and related products* between points in OR, WA, CA, ID, AZ, NV, NM, MT, CO, UT, and WY, and (2) *motor vehicle parts and accessories,* between points in OR, WA, and CA.

MC 153328 Sub 9, filed June 19, 1981. Published originally in the **Federal Register** on July 15, 1981. Applicant: RED K. TRANSPORT, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 321 North Spring Ave., Cape Girardeau, MO 63601, (314) 335–6636. Transporting (1) *pulp, paper and related products* and (2) *printed matter,* (a) between points in Riverside County, CA, Middlesex County, CT, Stephens County, GA, Cook, De Kalb, and Iroquois Counties, IL, Adams County, IA, Hardin County, KY, Lenawee County, MI, Dunklin County, MO, Bergen County, NJ, Lake County, OH, Douglas County, OR, and Lamar County, TX, and (b) between points in (a) on the one hand, and, on the other, points in the U.S.

MC 153328 (Sub-16), filed August 17, 1981. Applicant: RED K TRANSPORT, INC., 2345 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 400 State Street, Madison, IL 62060 (618) 451–2323. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of closet and bathroom accessories and juvenile furniture, between St. Louis, MO, and points in Los Angeles County, CA, and Cape Girardeau County, MO, on the one hand, and, on the other, points in the U.S.

MC 153479 (Sub-1), filed August 13, 1981. Applicant: KAYE TRUCKING AND LEASING COMPANY, INC., P.O. Box 632, Lucasville, OH 45648. Representative: Stephen C. Fitch, 155 East Broad St., Columbus, OH 43215 (614) 461–1337. Transporting *commodities in bulk,* between points in Scioto, Jackson, Ross, and Pike Counties, OH, on the one hand, and, on the other, Detroit, MI, Pittsburgh, PA, Richmond, VA, and points in IN, KY, and WV.

MC 153559 (Sub-1), filed August 17, 1981. Applicant: PLAZA EXPRESS, INC., 6467 Van Nuys Blvd., Suite 460, Van Nuys, CA 91401. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609 (213) 945–2745. Transporting *bathroom vanities* and *medicine cabinets,* between points in San Bernardino County, CA, on the one hand, and, on the other, points in the U.S.

MC 153679 (Sub-3), filed August 21, 1981. Applicant: CUMBERLAND FREIGHT LINE, INC., 501 25th Ave., North, Nashville, TN 37202. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 38219 (615) 244–8100. Transporting *foodstuffs,* between points in the U.S., under continuing contract(s) with Allen Canning Company of Siloam Springs, AR.

MC 156379, filed June 26, 1981, previously noticed in the **Federal Register** issue of July 23, 1981. Applicant: RONALD HAGEMAN, d.b.a. HAGEMAN ENTERPRISES, Rural Route No. 1, Box 259–22, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501 (515) 682–8154. Transporting *trailers* designed to be transported by passenger automobiles, and *buildings* complete or in sections, between points in IA, IL, and MO.

Note.—This republication deletes the phrase "mounted on wheeled undercarriages" from the previous publication.

MC 156409, filed June 8, 1981. Applicant: E. E. MCAFEE AND D.W. MCAFEE d.b.a. MCAFEE TRUCKING COMPANY, Route 1 Michie, TN 38357. Representative: Phil R. Hinton, Box 801 411 Waldron St., Corinth, MS 38834 (601) 286–2231. Transporting *ores and minerals,* between those points in TN, west of the Tennessee River, those in AL, on and north of Interstate Hwy 20, and those in MS, on and north of U.S. Hwy 82.

MC 156468, filed June 24, 1981. Applicant: P.E.T.S. LEASING, INC., 266 Front Street, Winchendon, MA 01475. Representative: Ernest J. Coderre (same address as applicant) (617) 297–2635.Transporting *furniture* and furniture parts between points in IL, IN, IA, KS, LA, MA, MI, MN, MS, MO, NE, NC, OH, OK, PA, TN, TX, and WI.

MC 157589, filed August 5, 1981. Applicant: SWEET MANUFACTURING COMPANY, P.O. Box 1086, 2000 E. Leffel Lane, Springfield, OH 45501. Representative: James A. Hagen, 2912 Mystic Lane, Springfield, OH 45503 (513) 390–3516. Transporting (1) *lumber and wood products,* under continuing contract(s) with Middle State Mfg., Inc., of Columbus, NE, and The Champion Company, of Springfield, OH, (2) *metal products,* under continuing contract(s) with Nucor Corporation, of Norfolk, NE, Middle State Mfg. Inc., of Columbus, NE, Farmaster (a div. of Wickes Corp.), of Dublin, GA, Joslyn Mfg. & Supply, Inc. (Galv. Div.), of Columbus, OH, The Champion Company, of Springfield, OH, Van Gorp Corp., Subsidiary of Emerson Electric, of Pella, IA, Benjamin Steel Co., Inc. of Springfield, OH, Cooper Energy Services, Superior Operations-Div. of Cooper Ind., of Springfield, OH (3) *machinery,* under continuing contract(s) with Nucor Corporation, of Norfolk, NE, Middle State Mfg. Inc. of Columbus, NE, Farmaster (a div. of Wickes Corp.), of Dublin, GA, Anchor Rubber Company, of Dayton, OH, FMC Corporation, Drive Div., of Philadelphia, PA, Cooper Energy Services, Superior Operations-Div. of Cooper, Ind., of Springfield, OH, Ohio Western Steel Company, of Springfield, OH, and Elliott Company, of Springfield, OH, and (4) *rubber and plastic products,* under continuing contract(s) with Anchor Rubber Company, of Dayton, OH, Champion Company, of Springfield, OH, Dunham Rubber & Belting Co., of Indianapolis, IN, Scandura, Inc., of Charlotte, NC, and Fenner America Ltd., of Middletown, CT, between points in the U.S.

MC 157758, filed August 17, 1981. Applicant: NOLAND TRANSPORTATION, INC., P.O. Box 2, Irvine, KY 40336. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391 (606) 744–3503. Transporting (1) *metal products,* between points in Powell County, KY, on the one hand, and, on the other, points in the U.S., (2) *fertilizer,* points in Fayette County, KY, on the one hand, and, on the other, points in the U.S., and (3) *lumber and wood products,* between points in Estill County, KY, on the one hand, and, on the other, points in the U.S.

MC 157778, filed August 19, 1981. Applicant: HAROLD L. RAY, d.b.a. HAROLD L. RAY TRUCK & TRACTOR SERVICE, INC., Box 127, Cisne, IL 62823. Representative: Michael W. O'Hara, 300

Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *Mercer commodities*, between points in IA, IL, IN, KS, KY, LA, MI, MO, OH, OK, PA, SC, TN, TX, VA, WI, and WV.

MC 157798, filed August 20, 1981. Applicant: SENIORTOURS, INC., 308 E. Spicer Ave., Wildwood, NJ 08260. Representative: Robert J. Holt and Christopher J. Plagge (Same address as applicant.) (609) 729–0880. To operate as a *broker* at Wildwood, NJ, arranging the transportation of *passengers and their baggage*, in the same vehicle with passengers, between points in Cape May County, NJ, on the one hand, and, on the other, points in FL.

MC 157829, filed August 21, 1981. Applicant: E. C. R. CO., INC., 705 Caldwell Street, Paducah, KY 42001. Representative: H. S. Melton Jr., P.O. Box 7406, Paducah, KY 42001 (502) 442–5442. Transporting *petroleum and petroleum products*, between points in Marshall and McCracken County, KY, Scott, and Mississippi Counties, MO, Posey, Gibson, and Vanderburgh Counties, IN, on the one hand, and, on the other, points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Graves, Hopkins, Henderson, Hickman, Lyon, Livingston, Marshall, McCracken, Trigg, and Union Counties, KY, Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, White, and Williamson Counties, IL, Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Scott, and Stoddard Counties, MO, Posey County, IN, Carroll, Dickson, Dyer, Gibson, Henry, Houston, Humphreys, Montgomery, Obion, Stewart, and Weakley Counties, TN.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26642 Filed 9-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 161]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 9, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 56344 (Sub-6)X, filed August 26, 1981. Applicant: ALERT MOTOR FREIGHT, INC., P.O. Box 1045, Delran, NJ 08075. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions from its Sub-No. M1 certificate to broaden the commodity description from heaters and parts, radiator, enamel ware, plumbing supplies, sheet metal, and corrugated metal products to "metal products".

MC 105007 (Sub-82)X, filed August 24, 1981. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 66 certificate to (1) broaden the commodity description to "food and related products" from hides; and (2) substitute radial authority in place of existing one-way authority.

MC 114457 (Sub-589)X, filed August 21, 1981. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: Alan D. Swenson (same address as above). Applicant seeks to broaden the commodity description in its Sub-No. 580 certificate, authorizing service between points in the U.S., by removing all restrictions in its general commodities authority "except classes A and B explosives".

MC 120906 (Sub-II)X, filed August 26, 1981. Applicant: SPECIAL SERVICE DELIVERY, INC., 3950 Detroit Avenue, Toledo, OH 43612. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Applicant seeks to remove restrictions in its Sub-Nos. 3 and 5 certificates to (1) broaden the community descriptions from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)" in both Sub-Nos.; (2) remove facilities limitations in Sub-No. 5; (3) replace Toledo, OH, with Lucas County, OH, in Sub-Nos.; (4) replace one-way authority with radial authority between Lucas County, OH, and named MI counties in Sub-No. 3; (5) delete weight and ex-air limitations in Sub-No. 3; (6) remove originating at or destined to restrictions in Sub-No. 5; and (7) delete the restrictions against transportation of commercial papers, documents and written instruments as are used in the conduct of banks and banking institutions, and film from Sub-No. 3.

MC 127602 (Sub-30)X, filed August 24, 1981. Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., P.O. Box 1774, Litchfield Park, AZ 85340. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 6, 8, 9, 11, 12, 13, 17F, 23F, 26, and 28 certificates to (1) broaden the commodity descriptions to: (a) "food and related products" from canned goods (sheet 5), peanut butter, syrup, extracts, mustard, vinegar, canned and preserved food products, coffee, cereals, flour, dessert and beverage preparations, spices, and honey (sheet 6), and cheese in containers (sheet 7), in Sub-No. 6: from meats, meat products and byproducts, as described in the *Descriptions case*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles) in Sub-No. 11, sheet 4: and from food in Sub-No. 26, sheet 6; (b) "farm products, and household goods" from livestock, agricultural commodities, and household goods as defined by the Commission, in Sub-No. 6, sheet 6; (c) "pulp, paper and related products" from cheese packaging supplies in Sub-No. 6, sheet 7: and from paper boxes, trading stamps and cancelled trading stamps, in Sub-No. 11, sheets 3 and 4; (d) "general commodities, except classes A and B explosives" from household goods as defined by the Commission and general commodities, with various exceptions, in Sub-No. 26, sheet 2; (e) "machinery, metal articles, and those commodities which because of their size or weight require the use of special equipment" from contractors' equipment, machinery, and supplies in Sub-No. 26, sheet 6; (f) "petroleum, natural gas and their

products" from lubricating oil and grease in containers, in Sub-No. 26, sheet 6; and (g) remove all restrictions in the general commodity authorities "except classes A and B explosives" in each certificate; (2) authorize service at all intermediate points in regular-route authorities in the lead certificate and Sub-Nos. 3, 6, 8, 9, 11, 23, 26 and 28; (3) expand off-route points to county-wide authority as follows: lead certificate, Pottawattamie County, IA (Council Bluffs, IA); Sub-No. 6, Pierce County, NE (points within 25 miles of Foster, NE) sheet 2: Cedar, Dixon, Knox, Pierce and Wayne Counties, NE (points within 15 miles of Coleridge, NE) sheet 4: Wayne, Pierce, Cedar and Knox Counties, NE (points within 15 miles of Wausa, NE) sheet 4: Holt, Dakota and Antelope Counties, NE (Ewing, Goodwin, and Copenhagen, NE) sheet 4; Sub-No. 11, DuPage County, IL (terminal site in DuPage County, IL); Sub-Nos. 13 and 26, Pottawattamie County, IA (facilities near Underwood, IA); Sub-No. 26, Brown County, KS (Hiawatha, KS) sheet 2: Lancaster County, NE (Firth and Hickman, NE) (sheet 3: Lancaster, Cass and Otoe Counties, NE (Prairie Home, Nehawka, Otoe, Avoca, Alvo, Weeping Water, Manley, Elmwood, and Murdock, NE) sheet 3: Pawnee, Johnson and Gage Counties, NE (DuBois, Steinauer, Mayberry, Armour, Wymore, Blue Springs, Elk Creek, Barneston, Liberty, and Holmesville, NE) sheet 4: Johnson County, NE (Graf, NE) sheet 4: Otoe County, NE (Palmyra and Syracuse, NE) sheet 5: Pottawattamie County, IA (Council Bluffs, IA), and Cass, Nemaha, Otoe and Richardson Counties, NE (Murray, Julian, Paul, Barada, Rulo, Preston, Salem, and Verdon, NE) sheet 5: Doniphan County, KS (White Cloud and Iowa Point, KS) sheet 5: and Atchison County, MO (plantsite ner Phelps City, MO) sheet 5: (4) expand named points and plantsites in the irregular-route authorities to countywide authority, and substitute radial authority in place of one-way authority: lead certificate, Deuel, Keith and Lincoln Counties, NE (Chappell, Ogallala, and North Platte, NE); Sub-No. 6, Otoe and Cass Counties, NE (Nebraska City and Plattsmouth, NE): Woodbury County, IA (Sioux City, IA) and Reno County, KS (Hutchinson, KS): Clay, Yankton, Davison, Beadle, Spink, Brown, Union, Lincoln, Minnehaha, Brookings, Kingsbury, Codington, Lake, Moody and Turner Counties, SD (Burbank, Volin, Mission Hill, Yankton, Mitchell, Huron, Redfield, Aberdeen, Jefferson, Elk Point, Beresford, Worthing, Sioux Falls, Dell Rapids, Brookings, Arlington, Watertown, Canton, Lennox, Madison, Flandreau, Parker, Vermillion, Viborg, and Centreville, SD): Antelope, Pierce and Boone Counties, NE (Tilden, NE and points within 25 miles thereof): Knox, Holt, Antelope, Cedar and Pierce Counties, NE (Creighton, NE and points in NE within 30 miles of Creighton): and McLeod and Brown Counties, MN (Hutchinson and New Ulm, MN) and Hughes County, SD (Pierre, SD): Sub-No. 11, Grundy County, IL (Morris, IL), Woodbury County, IA (Sioux City, IA): Woodbury County, IA (plantsite at Sioux City, IA), Kankakee County, IL (plantsite at Momence, IL): DuPage County, IL (plantsite at Carol Stream, IL): Arlington Heights County, IL (warehouse at Elk Grove, IL); and Sub-No. 26, Nemaha County, NE (Auburn, NE); (5) Sub-No. 6, sheet 7, remove the restriction limiting transportation of traffic to that originating at and destined to the described points; Sub-No. 11, sheets 2 and 3, remove the phrase "for purposes of joinder only," and the restriction limiting transportation of shipments to those "moving radially between points in the Chicago, IL commercial zone, on the one hand, and, on the other, Sioux City, IA and Omaha, NE"; Sub-No. 17, remove tacking and interlining restrictions; and Sub-No. 26, remove restrictions (a) limiting service over regular routes to specific commodities, moving to or from specified points with and without restriction, and (b) prohibiting the pickup or delivery of traffic which originates at or is destined to Atchison, KS and St. Joseph, MO.

MC 136161 (Sub-39)X, filed August 27, 1981. Applicant: ORBIT TRANSPORT, INC., P.O. Box 365, LaSalle, IL 61301. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to (1) broaden the commodity descriptions in its Sub-Nos. 25F and 26F certificates to: "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, and machinery" from glass, metal, plastic and clay and clay products, feldspar, talc, molds and machinery used in the manufacture of glass products, bottle coating systems, and parts and accessories for these commodities; and, in its Sub-No. 32 certificate, to "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, gift items, and machinery" from glass, metal, plastic, feldspar, talc, and clay articles and products, gift items, molds and machinery used in producing glass, plastic and metal articles, bottle coating systems, and parts and accessories for these commodities; (2) remove "except commodities in bulk" restrictions in Sub-Nos. 25 and 26; (3) replace authority to serve shipper facilities at named points with countywide authority: Sub-No. 25, St. Francois County, MO (facilities near Flat River, MO); Sub-No. 26, Marion County, IL (facilities near Centralia, IL); and Sub-No. 32, Washington County, KY (facilities near Springfield, KY); and (4) remove "except AK and HI" in each certificate.

MC 136711 (Sub-43)X, filed August 28, 1981. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 94968, Oklahoma City, OK 73143. Representative: G. Timothy Armstrong, P.O. Box 1124, El Reno, OK 73036. Applicant seeks to remove restrictions in its Sub-No. 40F certificate to (1) broaden the commodity description in part (B) from crushed rock, stone, gravel, sand, mineral aggregates and synthetic aggregates, in bulk, and in part (C) from crushed rock, clay, stone, sand, mineral aggregates and synthetic aggregates, in bulk, to "commodities in bulk"; (2) remove the restriction against the transportation of named commodities from (a) points in MO, (b) I MO county to points in KS, NE, and TN and (c) points in MO to points in KS and TN, and, from and to a named facility in St. Louis, MO, and an AR point and from named facilities in AL; and (3) remove in bulk restriction.

MC 136818 (Sub-133)X, filed August 31, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 West Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Applicant seeks to remove restrictions in its Sub-No. 114F certificate to broaden the commodity description from iron and steel articles, to "metal products" in its authority to serve 16 western States.

MC 140033 (Sub-102)X, filed August 28, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: L. S. Richey (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 25, 40, and 57F certificates to (1) broaden commodity descriptions in: Sub-Nos. 25 and 40 to "chemicals and related products" from lime (except in bulk), and from toilet preparations; and in Sub-No. 57, "building materials" from fiberglass; (2) change one-way authority to radial authority; and (3) broaden the facilities and named points to countywide authority as follows: Sub-No. 25, Ellis County, TX (Midlothian, TX), Wayne County, MI (Allen Park, MI), Rock County, WI (Beloit, WI), Prince Georges County, MD (Brentwood,

MD), San Bernardino County, CA (Cucamonga, CA), Bristol County, MA (Fall River, MA), Broome County, NY (Kirkwood, NY), Green County, WI (Monroe, WI), Stark County, OH (Massillon, OH), Rowan County, NC (Salisbury, NC), Santa Clara County, CA (San Jose, CA), Shawnee County, KS (Topeka, KS), Clark County, WA (Vancouver, WA), Lycoming County, PA (Williamsport, PA), and Wayne County, OH (Wooster, OH); Sub-No. 40, Jacksonville, FL (facilities near Jacksonville, FL); and Sub-No. 57, Young County, TX (Graham, TX), King County, WA (Kirkland, WA), Montgomery County, NY (Amsterdam, NY), and McHenry County, IL (Union, IL).

MC 144923 (Sub-2)X, filed August 31, 1981. Applicant: KELTRAN, INC., 210 Industrial Parkway, Buffalo, NY 14224. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden the commodity description to "food and related products" from malt beverages; (2) remove the "in container" restriction; and (3) broaden the territorial description to authorize service between points in the U.S., under contract(s) with the named shippers.

MC 145603 (Sub-4)X, filed August 25, 1981. Applicant: B & H TRUCKING CO., INC., 570 West 17th Street, Indianapolis, IN 46202. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to (1) broaden the commodity descriptions in its Sub-No. 3F certificate to (a) "metal products" from lead and lead products, and (b) "waste or scrap materials not identified by industry producing" from scrap batteries; and (2) change the territorial descriptions to authorize radial authority in place of one-way authority.

MC 146758 (Sub-19)X, filed August 27, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main Street, Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (1) broaden the commodity description from such commodities as are dealt in or used by manufacturers and converters of paper and paper products (except commodities in bulk) to "pulp, paper, and related products"; (2) delete plantsite restrictions; (3) remove originating at or destined to restrictions and (4) authorize radial service in place of existing one-way authority between Portage and Wood Counties, WI, and, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 146817 (Sub-13)X, filed August 31, 1981. Applicant: GEORGE CAVES, d.b.a. CAVES TRUCKING, P.O. Box 29357, Lincoln, NE 68529. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 6F, 7F, and 8F certificates to (1) broaden the commodity descriptions to: "food and related products" from meats, meat products and byproducts, and articles distributed by meat packinghouses as described in the *Descriptions case*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) in Sub-Nos. 3, 6 and 8; and sugar (except in bulk) in Sub-No. 7; (2) replace one-way service with radial service; (3) remove the restriction in Sub-No. 6 limiting traffic to that originating at the named facilities and destined to the named destinations; and (4) substitute countywide authority in place of the named facilities and points: Sub-Nos. 3, 6 and 8, Carroll, Crawford, Hardin, Cherokee, Woodbury, Webster, Polk and Warren Counties, IA (facilities near Carroll, Denison, Iowa Falls, Cherokee, Sioux City, Ft. Dodge, and Des Moines, IA), and Saline, Lancaster, Douglas and Sarpy Counties, NE and Pottawattamie County, IA (Crete, Lincoln, and Omaha, NE); Sub-No. 7, Cerro Gordo County, IA (Mason City, IA), Carver County, MN (Chaska, MN), and Erie County, NY (Buffalo, NY).

MC 147311 (Sub-8)X, filed August 27, 1981. Applicant: T & S TRANSPORTATION, INC., P.O. Box 9729, Richmond, VA 23228. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to broaden the territorial description to Hamilton County, OH, from Cheviot, Bridgetown, and Miamitown, OH.

MC 147832 (Sub-8)X, filed August 10, 1981. Applicant: JIM EDDLEMAN, d.b.a. J & J CATTLE CO., 3395 Wright Street, Wheatridge, CO 80033. Representative: James A. Beckwith, Suite 100, 1365 Logan Street, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5, 6, and 7 certificates to (A) broaden existing commodity descriptions to include "materials, equipment and supplies used in the production and processing of" meats and meat products (Sub-No. 2), frozen fruits, berries, vegetables, and fish (Sub-No. 5), foodstuffs and meats (Sub-No. 6), and meats and canned goods (Sub-No. 7); (B) change the territorial descriptions to authorize radial service in place of one-way service; (C) remove the limitation on service in Sub-No. 6 which restricts transportation of traffic to that originating at and destined to the named origins and destinations; and (D) broaden the named facilities and points to county-wide authority: Sub-Nos. 2, 5, 6 and 7, Adams, Arapahoe, Douglas, Jefferson and Denver Counties, CO (Denver, CO); Sub-No. 5, Pueblo County, CO (Pueblo, CO); Sub-No. 6, Delta County, CO (Delta, CO), and Adams County, CO (facilities at Brighton, CO); and Sub-No. 7, Boulder, Adams, Arapahoe, Morgan, Larimer and Logan Counties, CO (Boulder, Brighton, Englewood, Fort Morgan, Loveland, and Sterling, CO).

MC 146199 (Sub-1)X, filed August 26, 1981. Applicant: T. G. & J. C. GARLAND, d.b.a. AQUARIAN LINES, Rte. 1, Box 281, Van Alstyne, TX 75095. Representative: T. G. Garland (same address as above). Applicant seeks to (1) broaden the commodity description in its Sub-No. 2F certificate by removing "except commodities in bulk, and those requiring special equipment" from existing authority to transport paper and paper products, and materials, equipment and supplies; and in its Sub-No. 3F certificate by removing all restrictions in the general commodities authority "except classes A and B explosives"; (2) substitute countywide authority in Sub-No. 2 in place of the plantsite as follows: Lexington and Richland Counties, SC (Columbia, SC); and (3) in Sub-No. 3, authorize service at all intermediate points on regular routes between Oklahoma City, OK and Wichita Falls, TX.

MC 133405 (Sub-18)X, filed August 26, 1981. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 1470, LaPlata, MD 20646. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814. Applicant seeks to remove a restriction in its Sub-No. 14 certificate to broaden the commodity description from malt beverages to "food and related products."

[FR Doc. 81-26643 Filed 9-11-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants Under the Clean Air Act; Phillips Petroleum Co. and Phillips Pipe Line Co.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Phillips Petroleum Company and Phillips Pipe*

Line Company, Civil Action No. CIV 81–C–4964 has been lodged with the District Court for the Northern District of Illinois. The proposed decree requires Phillips Petroleum Company and Phillips Pipe Line Company to comply with applicable organic material emission limitations at their gasoline loading rack terminals in Kankakee, East St. Louis, and Forsyth, Illinois; East Chicago, Indiana; and Columbus, Ohio. The decree also requires that Phillips Petroleum pay a civil penalty of $5,000 and Phillips Pipe Line a civil penalty of $10,000.

The proposed decree may be examined at the Office of the United States Attorney, Room 1500 South, 219 S. Dearborn Street, Chicago, Illinois 60604 at the Region V Office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed judgment until October 14, 1981. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530. The comments should refer to *United States* v. *Phillips Pipe Line Company and Phillips Petroleum Company*, and should include the Department of Justice reference number 90–5–2–1–408.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–26650 Filed 9–11–81; 8:45 am]

BILLING CODE 4410–01–M

[Order No. 954–81]

Modification to List of Bureau of Prisions Institutions

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: Attorney General Order No. 646–76 (41 FR 14805), as amended, classifies and lists the various Bureau of Prisons institutions. This order modifies the list by deleting McNeil Island, Washington as a Federal Prison Camp and redesignating the Federal Correctional Institution, Lompoc, California as U.S. Penitentiary, Lompoc, California.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ira B. Kirschbaum, Assistant General Counsel, Bureau of Prisons, U.S. Department of Justice, 320 First Street, N.W., Washington, D.C. 20534 (202–724–3062).

SUPPLEMENTARY INFORMATION: This order is not a rule within the meaning of the Administrative Procedure Act, 5 U.S.C. 551(4), the Regulatory Flexibility Act, 5 U.S.C. 601(2), or Executive Order No. 12291, Sec. 1(a).

By virtue of the authority vested in me as Attorney General by 18 U.S.C. 4001, 4003, 4081, 4082, Attorney General Order No. 646–76, as amended, is further amended as follows:

(1) In Subparagraph A, by adding United States Penitentiary, Lompoc, California;

(2) In Subparagraph B, by deleting Federal Correctional Institution, Lompoc, California; and

(3) In Subparagraph C, by deleting Federal Prison Camp, McNeil Island.

Dated: September 2, 1981.

William French Smith,

Attorney General.

[FR Doc. 81–26649 Filed 9–11–81; 8:45 am]

BILLING CODE 4410–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Shoreham Nuclear Power Station Unit 1; Meeting

The ACRS Subcommittee on Shoreham Nuclear Power Station Unit 1 will hold a meeting on September 30, 1981, Room 1046 at 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the Long Island Lighting Company's request for an Operating License. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, September 30, 1981

8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Long Island Lighting Company, 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 Staff Engineer, Mr. David C. Fischer (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. John C. McKinley.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: September 8, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–26679 Filed 9–11–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–320]

Metropolitan Edison Co., et al.; Granting of Relief From Appendix J Requirements

The Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of Appendix J to 10 CFR Part 50, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors", to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company. The relief relates to the leakage testing

requirements for tests in areas which are radiologically inaccessible.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulation in 10 CFR Chapter I, which are set forth in the NRC Staff Safety Evaluation Report in this matter dated.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d) (4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief (2) dated May 11, 1981, and (3) the Commission's letter to the licensee dated September 2, 1981.

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 item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, TMI Program Office.

Dated at Bethesda, Maryland this September 2, 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81-26680 Filed 9-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-387 OL and 50-388 OL]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 and 2); Memorandum and Order on Hearing Schedule

September 8, 1981.

This Order relates to matters involved in the hearing which commences on October 6, 1981.

1. The hearing will begin at 9:00 a.m. in the Gennetti Best Western Motor Inn, 77 E. Market Street, in Wilkes-Barre on October 6. Sessions of the hearing will be held three days each week—Tuesday through Thursday—during the month of October. However, the schedule may be extended to maintain progress.

2. Sessions of the hearing for individuals who requested an opportunity to make a statement of their position will be conducted on two occasions. The first on October 8 at the Motor Inn, 77 E. Market Street, in Wilkes-Barre and the second, October 23, at the Hotel Colone, 3rd and Market Street in Berwick. Both sessions will begin at 9:00 a.m. Statements will be limited to five minutes for each individual. However, written comments will be included in the hearing record if a request is made and if the comments are not of unreasonable length.

3. Pursuant to agreement, lead intervenors have been designated for the following contentions: 4–20–21 (SEA); 1 (ECNP); 6–17 (CAND); 2 (ECNP–CAND); and 9 (SEA–ECNP).

4. Since there are several motions for summary disposition outstanding where responses are not required for several weeks, and additional motions may be filed, the Board believes it necessary to revise its Order of August 14 on the order in which contentions will be considered at the meeting. The revision is as follows: 17–9–11–21–1–2–4–14–6–20. Except for emergency planning issues, this places all contentions, or parts of contentions, with an uncontested status at the beginning of the hearing proceedings.

5. The Board will issue a decision on motions for summary disposition and other motions as soon as responses have been received or the time for such has expired.

Dated at Bethesda, Maryland, this 8th day of September 1981.

For the Atomic Safety and Licensing Board.

James P. Gleason,

Chairman, Administrative Judge.

[FR Doc. 81-26681 Filed 9-11-81; 8:45 am]

BILING CODE 7590-01-M

[Docket Nos. 50-352 and 50-353]

Philadelphia Electric Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register** (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered:

Philadelphia Electric Company

Limerick Generating Station, Units 1 and 2

Construction Permit Nos. CPPR–106 and CPPR–107

This Board is being constituted pursuant to a notice published by the Commission on August 21, 1981, in the **Federal Register** (46 FR 42557–58) entitled, "Receipt of Application for Facility Operating Licenses; Consideration of Issuance of Facility Operating Licenses; Availability of Applicant's Environmental Report; and Opportunity for Hearing."

The Board is comprised of the following Administrative Judges:

Lawrence Brenner, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555;

Dr. Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555;

Dr. Peter A. Morris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 8th day of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-26682 Filed 9-11-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22187; 70-6632]

Allegheny Power System, Inc.; Proposal by Holding Company To Issue Short-Term Notes to Banks and Commercial Paper to Dealer

September 4, 1981.

Allegheny Power System, Inc. ("Allegheny") 320 Park Avenue, New York, New York 10022 a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 50 promulgated thereunder.

Allegheny proposes to issue, reissue, sell and renew from time to time through March 31, 1983 short-term notes to banks and commerical paper to a dealer in a maximum aggregate principal amount outstanding at any one time of $225,000,000, including any notes to banks or commerical paper as may still be outstanding pursuant to the

Commission's order of March 31, 1980 (HCAR No. 21504). Such notes and commercial paper will be issued and renewed from time to time prior to March 31, 1983 provided that no such notes or commercial paper shall mature after September 30, 1983. As of September 30, 1981, it is expected that Allegheny will have $40,000,000 of short-term debt outstanding if the Bath County transactions proposed in File No. 70-6613 are authorized by the Commission and consummated. No short-term debt is expected to be outstanding if those transactions have not been consummated.

Each note payable to a bank will be dated as of the date of the borrowing which it evidences, will mature not more than 270 days after the date of issuance of renewal thereof, will bear interest at the prime or equivalent interest rate in effect at the time of issuance, or in effect from time to time, at the bank at which the borrowing is made and will be prepayable at any time without premium or penalty. The name or names of the banks from which such borrowings are proposed to be effected (maximum $240 million for all companies in the Allegheny Power System outstanding at any one time) and the maximum aggregate principal amount of loans which may be outstanding to any one or more of the companies in the Allegheny Power System, including Allegheny, from each bank at any one time are as follows:

Citibank, N.A., New York, New York	$40,000,000
The Chemical Bank, New York, New York	30,000,000
Mellon Bank, N.A., Pittsburgh, Pennsylvania	70,000,000
Pittsburgh National Bank, Pittsburgh, Pennsylvania	17,500,000
Manufacturers Hanover Trust Co., New York, New York	75,000,000
Irving Trust, New York, New York	5,000,000
Chase Manhattan Bank, N.A., New York, New York	2,500,000
Total	$240,000,000

The maximum amount of such borrowings on behalf of Allegheny at any one time outstanding will not, when taken together with any commercial paper then outstanding, be in excess of $225 million.

Allegheny and its subsidiaries have established lines of credit with various banks for short-term borrowings. Balances are maintained to meet regular operating requirements at all of these banks as well as, when necessary, in connection with these lines of credit. Compensating cash balance requirements are generally either on the basis of a percentage of the line of credit extended by such bank, or a higher percentage of notes outstanding, whichever is greater, or a percentage of the line of credit plus a percentage of notes outstanding, in every case on an average annual basis. If such balances were maintained by Allegheny solely to fulfill compensating balance requirements for borrowings to be made by Allegheny the effective interest cost to Allegheny of issuing and selling the notes would not be more than 25% on the basis or a prime commercial credit rate of 20%.

Certain of the banks listed above have offered to substitute fees for, or to be used in conjunction with, lower compensating balances. The fee arrangements vary and would not be utilized unless the effective cost thereof is less than the compensating balance arrangement in effect at the bank at that time. The proposed fee arrangements produce an effective interest cost of issuing and selling the notes of not more than 23.9% on the basis of a prime commercial rate of 20% rather than the 25% effective cost resulting from meeting compensating balance requirements set forth above.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000,000 nor more than $5,000,000 and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. Allegheny has designated A.G. Becker & Co., Incorporated as its commercial paper dealer. The commercial paper notes will be sold directly to the dealer, at a discount, not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. The dealer may reoffer the commercial paper at a discount rate of ⅛ of 1% per annum less than the discount rate to Allegheny. Allegheny may issue commercial paper notes if (1) the interest cost thereof is equal to or less than the effective cost at which Allegheny could borrow the same amount from the above banks at that time or (2) Allegheny cannot at that time borrow the same amount for the same period of time from the above banks. The dealer will reoffer the commercial paper notes to not more than 200 of its customers, identified and designated in a non-public list prepared in advance. No sale of commercial paper of Allegheny will be made to any customer unless that customer has received up to date reports as to Allegheny's credit position. No additions will be made which would increase the customer list which will include commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, colleges and universities, financial companies and nonfinancial corporations which invest funds in commercial paper. It is expected that the commercial paper notes will be held by the dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others on said list.

Allegheny requests an exception from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) thereof since it is not practicable to invite competitive bids for commercial paper and current rates for commercial paper for prime borrowers such as Allegheny are published daily in financial publications.

Allegheny will use the proceeds of the proposed short-term borrowings to operate its business as a utility holding company, to make advances to Allegheny Pittsburgh Coal Company and Allegheny Generating Company, and to purchase common stock in its electric utility subsidiaries and Allegheny Generating Company. The following table sets forth the projected investments by Allegheny in its subsidiaries through 1983 (in millions):

Investments	Total[1]
Monogahela Power Company	$40.5
The Potomac Edison Company	76.5
West Penn Power Company	88.0

[1] Includes $85 million to be used to acquire common equity of Allegheny Generating Company.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-26686 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22188; 70-6636]

Connecticut Yankee Atomic Power Co., et al.; Proposed Borrowings Under Revolving Credit Agreement and Issuance of Debentures; Guarantee of Loans and Debentures

September 8, 1981.

In the matter of CONNECTICUT YANKEE ATOMIC POWER COMPANY, THE CONNECTICUT LIGHT AND POWER COMPANY, THE HARTFORD ELECTRIC LIGHT COMPANY, P.O. Box 270, Hartford, Connecticut 06101; NEW ENGLAND POWER COMPANY, 25 Research Drive, Westborough, Massachusetts 01581; CENTRAL MAINE POWER COMPANY, Edison Drive, Augusta, Maine 04336; and MONTAUP ELECTRIC COMPANY, c/o Eastern Utilities Associates, P.O. Box 2333.

Connecticut Yankee Atomic Power Company (the "Company"), a subsidiary of Northeast Utilities ("NU") and New England Electric System ("NEES"), both registered holding companies, The Connecticut Light and Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO") and Western Massachusetts Electric Company ("WMECO"), all subsidiaries of NU; New England Power Company ("NEP"), a subsidiary of NEES; Montaup Electric Company ("Montaup") a subsidiary of Eastern Edison Company, in turn a subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company; and Central Maine Power Company ("Central Maine"), an exempt holding company, have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a)(1), 9(a)(2) and 10 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 2(a) and 11(a) promulgated thereunder.

The Company is the owner of a 575,000 KW nuclear electric generating plant (the "Plant") in Haddam, Connecticut, which has been in commerical operation since January 1968. Outstanding shares of the Company's common stock are owned by eleven New England electric utilities (the "Sponsors"). By order dated September 26, 1963, July 17, 1964, January 6, 1965, August 1, 1966 and December 22, 1967 (HCAR Nos. 14947, 15106, 15172, 15536 and 15930), the Commission authorized, among other things, the organization of the Company and the initial financing for the Plant.

The Company proposes to incur up to $50,000,000 of revolving credit bank loans (the "Revolving Credit Loans"), and to issue up to $50,000,000 of the Company's 17% sinking fund debentures due 1996 (the "Debentures"), as part of the Company's 1981 financing program. The Revolving Credit Loans and the Debentures are to be guaranteed by the Sponsors.

The Company presently has outstanding first mortgage bonds and pollution control notes and these will remain outstanding and not be affected by the 1981 financing program. The Company will also continue the arrangement entered into in 1979 under which up to $50,000,000 of uranium for nuclear fuel is being financed under a trust arrangement. The Company is obligated to purchase the fuel on completion of enrichment and reimburse the trust for payments made by the trust and for financing costs. At June 30, 1981 the Company had outstanding borrowings from banks under lines of credit of $22,500,000, term loans from banks of $18,000,000, and $21,000,000 of long-term subordinated notes issued to Sponsors (the "Sponsor Notes"), all of which are to be repaid in full out of the proceeds of the 1981 financing program. The Company will, however, continue to have the right to effect subordinated borrowings from Sponsors. After the repayment of such bank borrowings, term loans and Sponsor Notes, the balance of the proceeds from the proposed financing will be used to finance construction program and nuclear fuel expenditures. The Company now estimates that it will be required to spend $24,950,000 in 1981, $12,179,000 in 1982 and $12,190,000 in 1983 for modifications to the Plant required by the Nuclear Regulatory Commission and by the Company's own studies in light of the nuclear accident at Three Mile Island and subsequent safety concerns. The Company further estimates that it will be required to spend $21,012,000 in 1981, $41,300,000 in 1982 and $48,892,000 in 1983 for the purchase of fuel under the nuclear fuel trust arrangement.

In accordance with the Commission's order of April 17, 1981 (HCAR No. 22011), the Company has negotiated the sale of $47,750,000 principal amount of the Debentures (the "Series A Debentures") to institutional investors, as follows:

	Amount (dollars in millions)
John Hancock Mutual Life Insurance Co	$16.5
Connecticut General Insurance Corp	10.0
Morgan Guaranty Trust Company	6.0
United Benefit Life Insurance Co	5.0
Knights of Columbus	2.250
Atlantic Richfield Company	2.0
American United Life Insurance Co	2.0
Confederation Life Insurance Co	2.0
Crown Life Insurance Co	1.0
American Mutual Life Co	1.0
Total	47.75

The Series A Debentures are to be severally but not jointly guaranteed by the Sponsors, other than Cambridge Electric Light Company, in accordance with the following percentages:

	Percent of series A debentures guaranteed
The Connecticut Light and Power Company	26.1780
New England Power Company	15.7068
Boston Edison Company	9.9477
The Hartford Electric Light Company	9.9477
The United Illuminating Company	9.9477
Western Massachusetts Electric Company	9.9477
Central Maine Power Company	6.2827
Public Service Company of New Hampshire	5.2355
Montaup Electric Company	4.7120
Central Vermont Public Service Corporation	2.0942
Total	100.0000

The remaining $2,250,000 principal amount of the Debentures (the "Series B Debentures") will be sold to one of the Company's Sponsors, Cambridge Electric Light Company. The Debentures will bear interest at the rate of 17% per annum and will mature approximately 15 years after the initial sale.

The Company expects to sell $38,480,000 principal amount of the Debentures on October 1, 1981 or as soon thereafter as the necessary documentation can be completed and required regulatory approvals obtained. The remaining $11,520,000 of the Debentures are expected to be sold on January 14, 1982.

The Revolving Credit Loans are to be incurred under an agreement ("Credit Agreement") to be entered into with Bankers Trust Company and The Chase Manhattan Bank, N.A. ("Banks"), each of which has agreed to loan the Company up to a maximum of $25,000,000. The commitment of each Bank will be subject to reduction by the Company in integral multiples of $100,000 and subject to further reduction in the event of any Sponsor's election to make loans to the Company on the basis described below. Within such limits, the Company will be able to borrow from, repay, and reborrow from the Banks in

proportion to their respective commitments from time to time until October 1, 1984 ("Termination Date").

The Revolving Credit Loans will mature on the Termination Date, and will bear interest on the first $12,500,000 borrowed from each Bank at a rate per annum equal to the Bank's Base Rate, as defined, and on any additional amounts borrowed thereunder at a rate per annum equal to 105% of the Bank's Base Rate. The Company will pay each Bank a stand-by commitment fee payable quarterly in arrears at the rate of ½ of 1% per annum on the average daily unused portion of the Bank's commitment.

Each of the Sponsors, including CL&P, HELCO, WMECO, NEP, Montaup and Central Maine, will enter into a Guarantee Agreement (the "Guarantee Agreement") with the Banks and the Company. Under each Guarantee Agreement, a Sponsor will guarantee its percentage share of the Revolving Credit Loans by the Banks in proportion to its stock ownership in the Company or, in the alternative, may elect to loan directly to the Company for any six-month period commencing January 1 or July 1 ("Borrowing Period") its percentage share of any amounts of Revolving Credit Loans to be made during such six-month period. The percentage shares and the maximum amount to be guaranteed or, in the alternative, to be loaned by each Sponsor, are as follow:

Company	Ownership (percent)	Amount
The Connecticut Light and Power Company	25.0	$12,500,000
New England Power Company	15.0	7,500,000
Boston Edison Company	9.5	4,750,000
The Hartford Electric Light Company	9.5	4,750,000
The United Illuminating Company	9.5	4,750,000
Western Massachusetts Electric Company	9.5	4,750,000
Central Maine Power Company	6.0	3,000,000
Public Service Company of New Hampshire	5.0	2,500,000
Cambridge Electric Light Company	4.5	2,250,000
Montaup Electric Company	4.5	2,250,000
Central Vermont Public Service Corporation	2.0	1,000,000
Total	100.0	50,000,000

The obligations of the Sponsors will be several and not joint.

Any loans made by a Sponsor to the Company under its Guarantee Agreement will be evidenced by a note maturing on the last day of the Borrowing Period. Any notes issued to a Sponsor will not be guaranteed by the other Sponsors. If any Sponsor elects to make loans to the Company during any Borrowing Period, the guarantee percentages of the other Sponsors for loans made by the Banks during such period will be adjusted.

Repayment of the Sponsor Notes with funds borrowed under the Credit Agreement will result in interest savings to the Company. The Sponsor Notes bear interest at an annual rate of 1½% in excess of the prime rate in effect from time to time at The Connecticut Bank and Trust Company, Hartford, Connecticut on short-term commercial loans. Interest on the Revolving Credit Loans will be charged at a rate per annum equal to each Bank's Base Rate, as defined, on the first $12,500,000 borrowed from each Bank, and on additional amounts borrowed at a rate per annum equal to 105% on each Bank's Base Rate.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 1, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the amended application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28688 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22186; 70-6099]

General Public Utilities Corp.; Proposed Extension and Amendment of Short-Term Debt Authorization

September 4, 1981.

General Public Utilities Corporation ("GPU"), 100 Interpace Parkway, Parsippany, New Jersey 07054, a registered holding company, has filed a post-effective amendment to its application previously filed and amended pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

By order dated February 23, 1981 (HCAR No. 21929), the Commission granted GPU authority to issue or renew, from time to time until October 1, 1981, its unsecured promissory notes maturing not more than nine months after date of issue, evidencing short-term bank borrowings, provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to GPU's secured borrowings outstanding under the GPU System Revolving Credit Agreement, did not exceed $150,000,000.

By order dated August 18, 1980 (HCAR No. 21681) in File No. 70-6311, the Commission authorized GPU to issue, sell and renew from time to time through October 1, 1981, its secured promissory notes (having a maturity of not more than six months from the date of issue) pursuant to the GPU System Revolving Credit Agreement dated as of June 15, 1979, as amended. The Commission's order, among other things, authorized GPU to incur indebtedness under the Agreement up to an amount which, when added to its other outstanding short-term borrowings, would not in the aggregate exceed $150,000,000.

Borrowings under the GPU System Revolving Credit Agreement are secured by the guarantee of GPU, by the common stock of GPU's subsidiaries and, in the case of Metropolitan Edison and Jersey Central Power & Light, by certain other collateral. By a pending post-effective amendment filed in File No. 70-6311, GPU, together with its subsidiary operating companies, has requested authority to enter into a new GPU System Revolving Credit Agreement ("New Credit Agreement") pursuant to which GPU would issue, sell and renew from time to time through December 31, 1982, its secured promissory notes maturing not more than three months from the date of issue.

GPU believes that it would be advantageous for it to continue to have the flexibility to borrow under both unsecured credit lines and the New Credit Agreement since from time to time it may be less costly and more expeditious to borrow pursuant to unsecured credit lines. GPU proposes to issue, sell and renew, from time to time until December 31, 1982, its unsecured promissory notes to banks evidencing short-term bank borrowings provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to GPU's borrowings outstanding at any one time under the New Credit Agreement, shall not in the aggregate

exceed $80,000,000. In all other respects the transactions as heretofore authorized by the Commission would remain unchanged including the fact that such borrowings will continue to bear interest at a rate not to exceed 125% of the lending bank's prime rate. Assuming a prime rate of 20% the effective cost of borrowing would be 25%.

The amended application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-26690 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22184; 70-6098]

Jersey Central Power & Light Co.; Proposed Extension and Amendment of Short-Term Debt Authorization

September 4, 1981.

Jersey Central Power & Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed a post-effective amendment to its application previously filed and amended pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

By order dated January 28, 1981 (HCAR No. 21900), the Commission granted JCP&L authority to issue or renew, from time to time until October 1, 1981, its unsecured promissory notes maturing not more than nine months after date of issue, evidencing short-term bank borrowings, provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to JCP&L's secured borrowings outstanding under the GPU System Revolving Credit Agreement, did not exceed the lesser of (a) $160,000,000 or (b) the amount permitted by JCP&L's Charter.

By order dated August 18, 1980 (HCAR No. 21681) in File No. 70-6311, the Commission authorized JCP&L to issue, sell and renew from time to time through October 1, 1981, its secured promissory notes (having a maturity of not more than six months from the date of issue) pursuant to the GPU System Revolving Credit Agreement dated as of June 15, 1979, as amended. The Commission's order, among other things, authorized JCP&L to incure indebtedness under the Revolving Credit Agreement up to an amount which, when added to its other outstanding short-term borrowings, would not in the aggregate exceed the lesser of (a) $160,000,000 or (b) the amount permitted by JCP&L's Charter.

Borrowings under the GPU System Revolving Credit Agreement are secured by the guarantee of GPU, by the common stock of GPU's subsidiaries and, in the case of JCP&L and Metropolitan Edison, by certain other collateral. By a pending post-effective amendment filed in File No. 70-6311, JCP&L, together with its affiliates, has requested authority to enter into a new GPU System Revolving Credit Agreement ("New Credit Agreement") pursuant to which JCP&L would issue, sell and renew from time to time through December 31, 1982, its secured promissory notes maturing not more than three months from the date of issue.

JCP&L believes that it would be advantageous for it to continue to have the flexibility to borrow under both unsecured credit lines and the New Credit Agreement since from time to time it may be less costly and more expeditious to borrow pursuant to unsecured credit lines. JCP&L proposes to issue, sell and renew, from time to time until December 31, 1982, its unsecured promissory notes to banks evidencing short-term bank borrowings provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to JCP&L's borrowings outstanding at any one time under the New Credit Agreement, shall not in the aggregate exceed $135,000,000, or such lesser amount as may be permitted by JCP&L's Charter. At June 30, 1981, JCP&L's Charter would limit its permissible short-term debt to approximately $158,000,000. In all other respects the transactions as heretofore authorized by the Commission would remain unchanged including the fact that such borrowings will continue to bear interest at a rate not to exceed 125% of the lending bank's prime rate. Assuming a prime rate of 20% the effective cost of borrowing would be 25%.

The amended application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-26691 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22185; 70-6283]

Metropolitan Edison Co.; Proposed Extension and Amendment of Short-Term Debt Authorization

August 4, 1981.

Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605, an electric utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed a post-effective amendment to its application previously filed and amended pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

By order dated February 26, 1981 (HCAR No. 21934), the Commission granted Met-Ed authority to issue or renew, from time to time until October 1, 1981, its unsecured promissory notes maturing not more than nine months

after date of issue, evidencing short-term bank borrowings, provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to Met-Ed's secured borrowings outstanding under the GPU System Revolving Credit Agreement, did not exceed the lesser of (a) $125,000,000 or (b) the amount permitted by Met-Ed's Articles of Incorporation.

By order dated October 30, 1979 (HCAR No. 21276) in File No. 70-6311, the Commission authorized Met-Ed to issue, sell and renew from time to time through October 1, 1981, its secured promissory notes (having a maturity of not more than six months from the date of issue) pursuant to the GPU System Revolving Credit Agreement dated as of June 15, 1979, as amended. The Commission's order, among other things, authorized Met-Ed to incur indebtedness under the Revolving Credit Agreement up to an amount which, when added to its other outstanding short-term borrowings, would not in the aggregate exceed the lesser of (a) $125,000,000 or (b) the amount permitted by Met-Ed's Articles of Incorporation.

Borrowings under the GPU System Revolving Credit Agreement are secured by the guarantee of GPU, by the common stock of GPU's subsidiaries and, in the case of Met-Ed and Jersey Central Power & Light, by certain other collateral. By a pending post-effective amendment filed in File No. 70-6311, Met-Ed, together with its affiliates, has requested authority to enter into a new GPU System Revolving Credit Agreement ("New Credit Agreement") pursuant to which Met-Ed would issue sell and renew from time to time through December 31, 1983, its secured promissory notes maturing not more than three months from the date of issue.

Met-Ed believes that is would be advantageous for it to continue to have the flexibility to borrow under both unsecured credit lines and the New Credit Agreement since from time to time it may be less costly and more expeditious to borrow pursuant to unsecured credit lines. Met-Ed proposes to issue, sell and renew, from time to time until December 31, 1982, its unsecured promissory notes to banks evidencing short-term bank borrowings provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to Met-Ed's borrowings outstanding at any one time under the New Credit Agreement, shall not in the aggregate exceed $55,000,000, or such lesser amount as may be permitted by Met-Ed's Articles of Incorporation. At June 30, 1981, Met-Ed's Articles of Incorporation would limit its permissible short-term debt to approximately $99,000,000. In all other respects the transactions as heretofore authorized by the Commission would remain unchanged including the fact that such borrowings will continue to bear interest at a rate not to exceed 125% of the lending bank's prime rate. Assuming a prime rate of 20% the effective cost of borrowing would be 25%.

The amended application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-26687 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18084; File No. SR-NASD-81-20]

National Association of Securities Dealers, Inc.; Proposed Rule Change; Self-Regulatory Organizations

In the matter relating to Transaction Fee on NSCC Cleared Trades. Comments requested on or before October 5, 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 19, 1981, the National Association of Securities Dealers, 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 Substance of the Proposed Rule Change

The purpose of the proposed rule is to provide for the assessment of a fee upon NASD members in the amount of $0.12 per side for transactions cleared through National Securities Clearing Corporation.

II. Self-Regulatory Organization's Statements Regarding 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. The test 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

The purpose of the rule change is to prevent the loss of the revenue flow presently provided to the Association, as well as to the American and New York Stock Exchanges, by the regulatory fee paid by the National Securities Clearing Corporation pursuant to the shareholders' agreement executed at the time of the formation of NSCC. The proposed rule will not be implemented until the expiration of the fee provisions of that agreement on January 15, 1982. The proposed fee is intended by the Associaton to be of an interim nature and to be continued only until such time as a substitute fee structure based upon the Association's activities relating to the National Market System can be developed. Section 15A(b)(5) of the act provides for the equitable allocation of reasonable fees among members of the Association. The Association believes that the proposed rule is the most efficient and least costly interim fee that can be assessed and that the fee will form a part of a total flow of revenues for the Association which are equitably allocated among the members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Association does not believe that the proposed rule change will result in a significant burden on competition nor will it hinder efforts to facilitate national clearance and settlement of securities transactions in that the fee is a continuation of the existing NSCC

regulatory fee which has not proved to be a substantial disincentive to agency clearing and which has ultimately been borne by those NASD members now clearing through NSCC.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Association's Rules of Fair Practice provide that Schedule A may be amended by the Board without recourse to the membership. Thus, no comments on the proposed change where solicited or received.

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, N.W., Washington, D.C. 20549. Copies of the submisssion, 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. 522, 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 filings will also be available for inspection and coping 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 October 5, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 8, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26689 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22183; 70-5987]

Pennsylvania Electric Co.; Proposed Extension and Amendment of Short-Term Debt Authorization

September 4, 1981.

Pennsylvania Electric Company ("Penelec") 1001 Broad Street, Johnstown Pennsylvania 15907, an electric utility subsidiary of General Public Utilities Inc. ("GPU"), a registered holding company, has filed with this Commission a post-effective amendment to an application previously filed and amended pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 50 thereunder.

By order dated February 23, 1981 (HCAR No. 21928), the Commission granted Penelec authority to issue or renew, from time to time until October 1, 1981, its unsecured promissory notes maturing not more than nine months after the date of issue, evidencing short-term bank borrowings, provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to Penelec's secured borrowings outstanding under the GPU System Revolving Credit Agreement did not exceed the lesser of (a) $116,000,000 or (b) the amount permitted by Penelec's Articles of Incorporation.

By order dated June 19, 1979 (HCAR No. 21107) in File No. 70-6311, the Commission authorized Penelec to issue, sell and renew from time to time through October 1, 1981, its secured promissory notes (having a maturity of not more than six months from the date of issue) pursuant to the GPU System Revolving Credit Agreement dated June 15, 1979 as amended. The Commission's order, among other things, authorized Penelec to incure indebtedness under the Revolving Credit Agreement up to an amount which, when added to its other outstanding short-term borrowings, would not in the aggregate exceed the lesser of (a) $116,000,000 or (b) the amount permitted by Penelec's Articles of Incorporation.

Borrowings under the GPU System Revolving Credit Agreement are secured by the guarantee of GPU, by the common stock of GPU's subsidiaries and, in the case of Metropolitan Edison Company and Jersey Central Power & Light, by certain other collateral. By a pending post-effective amendment filed in File No. 70-6311, Penelec, together with its affiliates, has requested authority to enter into a new GPU System Revolving Credit Agreement ("New Credit Agreement") pursuant to which Penelec would issue, sell and renew from time to time through December 31, 1983, its secured promissory notes maturing not more than three months from the date of issue.

Penelec believes that it would be advantageous for it to continue to have the flexibility to borrow under both unsecured credit lines and the New Credit Agreement since from time to time it may be less costly and more expeditious to borrow pursuant to unsecured credit lines. Penelec proposes to issue, sell and renew, from time to time until December 31, 1982, its unsecured promissory notes to banks evidencing short-term bank borrowings provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to Penelec's borrowings outstanding at any one time under the New Credit Agreement, shall not in the aggregate exceed $80,000,000, or such lesser amount as may be permitted by Penelec's Articles of Incorporation. At June 30, 1981, Penelec's Articles of Incorporation would limit its permissible short-term debt to approximately $123,000,000.

Penelec is normally required to maintain compensating balances ranging from a minimum of 10% of the available line to a maximum of 10% of the line plus 10% of the loan outstanding. Penelec also proposes to borrow at rates in excess of the prime rate with lower compensating arrangements. However, the effective interest cost of any of Penelec's borrowings, after giving effect to compensating balance requirements, would not result in an effective cost to Penelec in excess of 125% of the lending bank's prime rate in effect from time to time. In all other respects the transactions as heretofore authorized by the Commission would remain unchanged.

The amended application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing

shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-26685 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Carrier District Office, General Aviation District Office, Ypsilanti, Michigan; Address Change

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change of address.

SUMMARY: Notice is hereby given that the Air Carrier District Office located at the Bank Building—Suite 401, 301 West Michigan Ave., Ypsilanti, Michigan 48197, and the General Aviation District Office located at the Flight Standards Building, Willow Run Airport, Ypsilanti, Michigan 48197, will be relocated to 8800 Beck Road, East Willow Run Airport, Belleville, Michigan 48111. Services to the aviation public, formerly provided by these offices, will continue to be provided at their new location.

EFFECTIVE DATE: September 15, 1981.

Issued in Des Plaines, Ill., on September 3, 1981.

Kenneth C. Patterson,

Director, Great Lakes Region.

[FR Doc. 81-26633 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; LaPorte County, Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in Michigan City, LaPorte County, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. John Breitwieser, Staff Environmentalist, Federal Highway Administration, Federal Office Building, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204. Telephone: (317) 269-7481.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Indiana Department of Highways will prepare an EIS for replacement of the existing U.S. 12 Bascule bridge over Trail Creek in Michigan City, Indiana. The proposal intends to construct a new bridge with new approaches. Four 12-foot lanes with curb and gutter and sidewalks are warranted due to current and expected future traffic demands. A minimum right-of-way width of 60 feet is required. Total maximum project study length is approximately 2,900 feet. Replacement of the structure is considered necessary due to the poor condition of the mechanical equipment associated with the existing bascule structure. Due to the structure's age and condition, repair is not considered feasible.

One alternate under consideration is construction of a fixed structure with a 40-foot vertical clearance over Trail Creek on new alignment approximately 150' upstream of the existing structure. Replacement of the existing structure at its present location with another at grade bascule structure and the no-build are also being considered. The no-build would result in the eventual closing of the bridge. The alternates have varying degrees of potential impacts to recreational and residential resources in the area. Specifically, alternates on new alignment require the relocation of approximately four (4) public housing buildings under the jurisdiction of the Michigan City Housing Authority.

Letters describing the proposed action and soliciting comments have been sent to 20 Federal, State and Local agencies. A public information meeting was held on July 9, 1981. In addition, the opportunity for a public hearing will be advertised. Public notice will be given of the time and place of the public hearing. The draft EIS will be available for public and agency review and comment. A formal scoping meeting is planned at 1 p.m. (e.s.t.) on October 20, 1981 at room 1201, Indiana State Office Building, 100 North Senate, Indianapolis, Indiana.

To insure that the full range of issues to this proposed action are addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and individuals interested in submitting comments and/or questions should direct them to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued: September 4, 1981.

George D. Gibson, Jr.,

Division Administrator Indianapolis, Indiana.

[FR Doc. 81-26493 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Applications for Exemptions

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

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: (1) Motor vehicle, (2) Rail freight, (3) Cargo vessel, (4) Cargo-only aircraft, (5) Passenger-carrying aircraft.

DATES: Comment period closes October 14, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8699-N	Copps Industries, Inc., Menomonee Falls, WI	49 CFR 173.245, 173.249	To authorize shipment of alkaline corrosive liquid, n.o.s., classed as a corrosive material in a one gallon unlined tin can placed in a polyethylene bag overpacked in a DOT Specification 37 five gallon pail containing a non-hazardous resin mix. (modes 1, 2, 3, 4).
8700-N	Halocarbon Products Corporation, Hackensack, NJ.	49 CFR 173.314	To authorize shipment of trifluoroacetyl chloride, classed as a compressed gas, in DOT Specification 106A500X tank car tanks. (modes 1, 2, 3).
8701-N	Copps Industries, Inc., Menomonee Falls, WI	49 CFR 173.245, 173.249	To authorize shipment of alkaline corrosive liquid, n.o.s., classed as a corrosive material in a one quart tin can placed in a polyethylene bag overpacked in a non-DOT specification two gallon removable head polyethylene pail containing a non-hazardous resin mix. (modes 1, 2, 3, 4).
8702-N	Inland Container Corporation, Indianapolis, IN	49 CFR 173.154, 173.234, 173.245b, 173.365	To manufacture, mark, and sell a non-DOT specification 61 gallon capacity fiberboard box for shipment of various hazardous materials (solid) for which a DOT Specification 21C is prescribed. (modes 1, 2).
8703-N	Union Carbide Corporation, New York, NY	49 CFR 172.101	To authorize the shipment of a flammable liquid/poison using methyl isocyanate as the proper shipping name in packaging presently prescribed in the regulations. (mode 1).
8705-N	General Electric Company, San Jose, CA	49 CFR 173.395(b)(2), part 172 subpart D,E	To authorize shipment of type B quantities of radioactive materials in a certain form contained in other than type B packagings. (mode 1).
8706-N	Prairie State Equipment, Inc., Sioux Falls, SD	49 CFR 173.119(a)(17), 173.245(a)(30)(31), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (mode 1).
8707-N	American Aircraft International, Inc., Fort Worth, TX.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 App. B.	To authorize carriage of Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (mode 4).
8709-N	Delta Drum, Inc., Indianapolis, IN	49 CFR 173 Subpart F, 178.19	To manufacture, mark and sell non-DOT specification 55 gallon reusable tight head polyethylene drums for shipment of those corrosives presently authorized in a DOT Specification 34 drum. (modes 1, 2, 3).
8710-N	Noury Chemical Corporation, Burt, NY	49 CFR 173.119(m)(11)(12)	To authorize shipment of an organic peroxide classed as a flammable liquid, in a DOT Specification NC-307/312 cargo tank equipped with temperature and pressure sensing devices. (mode 1).
8711-N	Goodrich Company, Cleveland, OH	49 CFR 173.245(a)	To authorize a one time shipment of 64 non-DOT specification 55 gallon fiber drums with a polyethylene liner containing a waste corrosive liquid, n.o.s. (mode 1).
8712-N	Allied Corporation, Morristown, NJ	49 CFR 178.17-4(b)	To authorize the application of closure tape on the 1M carboy in a vertical manner. (modes 1, 2, 3).

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on September 4, 1981.

J. R. Grothe,

Chief Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-26408 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications to Become a Party to an Exemption

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

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes September 29, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, D.C.

Application No.	Applicant	Renewal of exemption
3121-X	U.S. Department of Defense, Washington, DC (see footnote 1).	3121
3121-X	Vertac, Incorporated, Memphis, TN.	3121
3569-X	NL McCullough/NL Industries, Incorporated, Houston, TX (see footnote 2).	3569
3768-X	Minerec Corporation, Baltimore, MD.	3768
5022-X	National Aeronautics and Space Administration, Washington, DC.	5022
5716-X	Virginia Chemicals, Incorporated, Portsmouth, VA.	5716
6452-X	Pennwalt Corporation, Buffalo, NY.	6452
6986-X	K & M Plastics, Inc., Elk Grove Village, IL.	6986
7023-X	Allied Chemical Company, Morristown, NJ.	7023
7985-X	Process Engineering, Incorporated, Plaistow, NH (see footnote 3).	7985
8000-X	Transport International Containers, Paris, France.	8000
8009-X	Pressure Transport, Inc., Austin, TX (see footnote 4).	8009
8065-X	U.S. Department of Energy Washington, DC.	8065
8141-X	GTE Products Corporation, Needham, MA (see footnote 5).	8141
8186-X	King-Seeley Thermos Company, Kendallville, IN.	8186
8188-X	Owens-Illinois (Plastic Products Division), Toledo, OH (see footnote 6).	8188
8196-X	Eurotainer, Paris, France (see footnote 7).	8196
8209-X	Coastal Planes Airways, Incorporated, Warner Robins, GA.	8209
8217-X	Hugonnet, S.A., Paris, France	8217
8278-X	Maintenance Mechanical Corporation, Houston, TX.	8278
8286-X	Union Carbide Corporation, Tarrytown, NY.	8286

Application No.	Applicant	Renewal of exemption
8442-X	Evans Tank Company, Lubbock, TX (see footnote 8).	8442

[1] To add driver training requirements as part of the safety control measures under the exemption.
[2] To renew and to authorize water as an additional mode of transportation.
[3] To authorize an additional 1920 gallon portable tank for shipment of pressurized liquid nitrogen.
[4] To authorize shipment of natural gas received directly from pipeline sources instead of from storage wells.
[5] To authorize person receiving cells and/or modules to reship them and to authorize shipment of individual cells and modules consisting of multiple cells containing lithium metal or thionyl chloride.
[6] To authorize compound, cleaning, liquid, containing hydrofluoric acid, classed as a corrosive material as an additional commodity.
[7] To authorize shipment of pentane and isopentane, classed as flammable liquids, as additional commodities.
[8] To authorize shipment of anhydrous hydrogen chloride as an additional commodity.

Application No.	Applicant	Parties to exemption
2709-P	Thiokol Corporation, Brigham City, UT.	2709
3630-P	E.I. du Pont de Nemours & Company, Wilmington, DE.	3630
5248-P	Los Alamos Scientific Laboratory, Los Alamos, NM.	5248
6606-P	Transfresh Corporation, Salinas, CA.	6806
7005-P	Reilly Tar & Chemical Corporation, Indianapolis, IN.	7005
7607-P	Lubrizol Corporation, Wickcliffe, OH.	7607
7907-P	Union Explosivos Rio Tinto, Madrid, Spain.	7907
8002-P	Compagnie Generale Maratime, Paris, France.	8002
8127-P	Union Explosivos Rio Tinto, Madrid, Spain.	8127
8451-P	SRI International, Menlo Park, CA.	8451
8526-P	Benjamin Moore & Co., Melrose Park, IL.	8526
8554-P	Bennett Explosives, Inc., Manchester, IA.	8554
8613-P	Groendyke Transport, Inc., Enid, OK.	8613

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on September 4, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-26499 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-60-M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to Section 19(a) and (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 the Minority Business Resource Center Advisory Committee to be held September 29, 1981, at 10:00 a.m. until 1:00 p.m. in Room 10234 at the Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590. The agenda for the meeting is as follows:

—Introduction of Members by Secretary Lewis
—Remarks by Chairman Henry Lucas
—Briefing of Committee by Dr. Melvin Humphrey, Director, Office of Small and Disadvantaged Business Utilization
—Summary of MBRC FY 81 Program Activities
—Open Discussion
—Closing Remarks by Chairman Henry Lucas

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Office of the Secretary, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 426-2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on September 9, 1981.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization.

FR Doc. 81-26797 Filed 9-11-81; 10:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Order of Succession of Officials to Act as Commissioner of the Public Debt, and Provisions for Continuous Performance of Functions of the Bureau of the Public Debt in the Event of an Enemy Attack on the Continental United States

1. It is hereby ordered that the following officers of the Bureau of the Public Debt, in order of succession enumerated, shall act as Commissioner in the event of the absence or disability of the Commissioner or a vacancy in the office:

1. Deputy Commissioner
2. Assistant Commissioner (Washington)
3. Assistant Commissioner (Field)
4. Assistant Commissioner (Financing)
5. Assistant Commissioner (Administration)
6. Deputy Assistant Commissioner (Field)
7. Director, Division of Securities Operations
8. Director, Division of Investor Accounts
9. Director, Division of Public Debt Accounting
10. Chief Counsel

2. In the event of an enemy attack on the continental United States and without regard to the matter of succession, the Assistant Commissioners are hereby authorized to perform any functions of the Secretary of the Treasury (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Commissioner or any official acting in his stead is available to discharge the Commissioner's duties with respect to the performance of those functions.

3. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of Department of the Treasury Order No. 129, Revision No. 2, dated April 22, 1955. This order of succession supersedes the order of this Bureau dated October 13, 1976.

September 1, 1981.

H. J. Hintgen,

Commissioner of the Public Debt.

[FR Doc. 81-26622 Filed 9-11-81; 8:45 am]

BILLING CODE 4810-40-M

Office of the Secretary

Gold Commission; Meeting

Notice is hereby given that the Commission established pursuant to Pub. L. 96-389 to review the role of gold in the domestic and international monetary systems and report its findings and recommendations to the Congress, will meet in the Treasury Department Cash Room on Friday, September 18, 1981, beginning at 10:00 a.m. The meeting is open to the public.

Any comment or inquiry with respect to this notice can be addressed to Ralph Korp, Director, Office of International Monetary Affairs, U.S. Department of the Treasury, Washington, D.C. 20220, (202) 566-5365.

Dated: September 9, 1981.

Thomas Leddy,

Deputy Assistant Secretary for International Monetary Affairs, Department of Treasury.

[FR Doc. 81-26728 Filed 9-11-81; 8:45 am]

BILLING CODE 4810-25-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Request for Public Comment: the International Sugar Organization: November Council Meeting

The International Sugar Organization, of which the United States is a member, will hold its second Council meeting for 1981 November 9–20. The United States is also a full member of the International Sugar Agreement.

To assist in formulating the Government's position for the meeting, the Trade Policy Staff Committee is soliciting public views and comments on revisions of the price range and the global quota.

Views on adjustment of the price range, currently set at 13–23 cents per pound, would be particularly useful.

Any interested party may file a written statement, in 20 copies, with the Office of the United States Trade Representative in accordance with § 2003.2 of Title 15 of the Code of Federal Regulations. Statements should be forwarded to Carolyn Frank, Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, Room 413, 600 Seventeenth Street NW., Washington, D.C. 20506, by October 16, 1981.

For further information, call Ms. R. Prager on (202) 395–3077.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81-26619 Filed 9-11-81; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 177
Monday, September 14, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Thursday, September 17, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Gross Margining of Omnibus Accounts/ Dicussion.

CONTACT PERSONS FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1373-81 Filed 9-10-81; 9:44 am]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 1 p.m., Wednesday, September 16, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., Fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Regulatory Enforcement Program.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1375-81 Filed 9-10-81; 3:49 pm]

BILLING CODE 6351-01-M

3

FEDERAL ELECTION COMMISSION.

[FR 1356]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, September 17, 1981 at 10 a.m.

CHANGE IN MEETING: The following item has been added to this open meeting:

Notice on Internal Communications

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Lena L. Stafford,

Acting Secretary of the Commission.

[S-1377-81 Filed 9-10-81; 3:58 pm]

BILLING CODE 6715-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

September 9, 1981.

TIME AND DATE: 1 p.m., September 10, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket Nos. EL81-13 and ER81-457.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[S-1372-81 Filed 9-10-81; 9:32 am]

BILLING CODE 6450-85-M

5

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 1324, September 3, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 10, 1981.

PLACE: 1700 G Street, NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The meeting previously scheduled for September 10, 1981 has been cancelled.

[S-1374-81 Filed 9-10-81; 10:09 am]

BILLING CODE 6720-01-M

6

TENNESSEE VALLEY AUTHORITY.

[Meeting No. 1274]

TIME AND DATE: 7 p.m. (CDT), Thursday, September 17, 1981.

PLACE: City Administration Building Auditorium, 232 West Gaines, Lawrenceburg, Tennessee.

STATUS: Open.

Action Items

Old Business Item

1. Revised TVA policy code relating to development and utilization of recreation resources.

New Business Items

A—Project Authorizations:

1. Project Authorization No. 3361.3—Amendment to project authorization for railroad tank car replacements for TVA's tank car fleet used for shipping experimental TVA fertilizers.
2. Project Authorization No. 3580—Development of additional ash disposal within rail loop area at Bull Run Steam Plant.

B—Purchase Awards:

1. Req. No. 72-603099—Indefinite quantity term contract—Carbon steel (warehouse quantities—non-nuclear—general purpose) for any TVA project or plant.
2. Req. No. 26-181375—(Reissue)—Truck coal-handling facility for Kingston Fossil Plant.
3. Termination by mutual agreement of Contract No. 79K32-824271, with Envirotech, Inc., for flue gas desulfurization system, including installation for Paradise Steam Plant units 1 and 2.

C—Power Items:

1. Letter agreement covering arrangements for TVA to convey an easement tract in the Phipps Bend-Pocket 500-kV Transmission Line to Old Dominion Power Company, a subsidiary of Kentucky Utilities Company.
2. Lease and amendatory agreement with Franklin, Kentucky, covering arrangements for 161-kV delivery at TVA's Franklin 161-kV Substation.

D—Personnel Items:

1. Renewal of consulting contract with Robert H. Park, Brewster, Massachusetts, for services in connection with the improvement of stability of large generators and reliability of bulk power supply at TVA power plants, requested by the Office of Power.
2. Renewal of consulting contract with Dr. Geno Saccomanno, Grand Junction, Colorado, for services in connection with environmental and safety aspects of the effects of nuclear power plants, requested by the Division of Occupational Health and Safety.

3. Renewal of persona services contracts with various contractors for architectural, engineering, and design services, requested by the Office of Engineering Design and Construction. (Ebasco Services, Incorporated, New York, New York; Gilbert Associates, Incorporated, Reading, Pennsylvania; Burns and Roe, Incorporated, Oradell, New Jersey; Sargent & Lundy, Chicago, Illinois; United Engineers & Constructors, Inc., Philadelphia, Pennsylvania; and Gibbs & Hill, Inc., New York, New York)
4. Amendment to personal services contract with Chas. T. Main, Inc., Boston, Massachusetts, for advice and assistance in connection with nuclear and fossil power plant design, new energy progams, and evironmental requirements, requested by the Office of Engineering Design and Construction.
5. Amendment to personal services contract with Syska & Hennessey, Incorporated, New York, New York, for electrical and mechanical engineering services during the construction of the Chattanooga Office Complex, requested by the Office of Engineering Design and Construction.

E—Real Property Transactions:

1. Exchange of road right of way affecting 0.59 acre of Norris Reservoir land located in Union County, Tennessee—Tract Nos. NR–1873 and XNR–899E.
2. Reconveyance to TVA by the State of Tennessee of approximately 0.34 acre of Chickamauga Reservoir land in Hamilton County, Tennessee and subsequent conveyance to Hamilton County of a permanent easement for a road right of way affecting the same land—Tract No. XTCR–171H.
3. Grant of permanent industrial easement to Inland Ports, Inc., and abandonment of certain flowage easement rights affecting Watts Bar Reservoir lands near Harriman Industrial Park in Harriman, Tennessee Tract Nos. XWBR–6931E, WBR–1260F, WBR–1261F, and WBR–1263F.

F—Unclassified:

1. Short-term borrowing from the Treasury.
2. Payment from net power proceeds for fiscal year 1981 to the Treasury of the United States.
3. Payments to States and counties in lieu of taxes for fiscal year ending September 30, 1981, as provided under Section 13 of the TVA Act, as amended.
4. Contribution rate to the TVA Retirement System for fiscal year 1982.
5. Agreement between TVA and Union County Industrial Development Authority, covering arrangements for an economic development loan program for Union County, Georgia.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632–3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: September 10, 1981.

[S–1376–81 Filed 9–10–81; 3:59 pm]

BILLING CODE 8120–01–M

federal register

Monday
September 14, 1981

Part II

Department of Transportation

Federal Highway Administration

Railroad-Highway Projects; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 140 and 646

[FHWA Docket No. 81-6]

Railroad-Highway Projects

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA proposes to revise certain of its regulations prescribing policies, procedures, and reimbursement provisions for advancing Federal-aid and direct Federal projects involving railroad facilities. The revisions are designed to eliminate unnecessary requirements, to eliminate various rate setting requirements which should allow for more equitable reimbursement allowances and to update selected requirements as deemed necessary.

DATE: Written comments must be received by December 14, 1981.

ADDRESS: Submit written comments (preferably in triplicate) to the Federal Highway Administration, HCC-10, FHWA Docket No. 81-6, Room 4205, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: James A. Carney, Office of Engineering, 202-426-0104; Harvey C. Wood, Office of Fiscal Services, 202-426-0563; or Thomas Holian, Office of the Chief Counsel, 202-426-0761, 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:

Background

The FHWA's current regulations concerning railroad-highway projects are contained in 23 CFR Part 140, Subpart I, which deals with reimbursement to the States for railroad work done on Federal-aid highways projects; 23 CFR Part 646, Subpart A, which provides procedures on Federal-aid projects for insurance required of contractors working on or about a railroad right-of-way; and 23 CFR Part 646, Subpart B, which prescribes policies and procedures for advancing Federal-aid projects involving railroad facilities.

The following items discuss the primary features of the proposed regulation changes:

1. The existing reimbursement regulation, 23 CFR 140, Subpart I, Reimbursement for Railroad Work, establishes procedures under which the FHWA will pay the States for costs incurred for railroad work necessary on Federal-aid highway projects. The basic functioning of these procedures is that the railroads incur costs which are billed to, and paid by, the States. The States in turn then present these costs to the FHWA for reimbursement with Federal-aid highway funds. The existing regulation contains several methods by which the railroad can establish its costs. These include actual costs or average costs as supported by the company's records or, for selected items, the use of previously agreed to rates as set forth in the regulation. These rates cover such items as labor surcharges for workmen's compensation insurance, public liability and property damage insurance, and railroad employee fringe benefits, costs for use of company owned equipment, and costs for transporting materials to the project site.

The Association of American Railroads (AAR), as the organization representing the railroad industry, participated with the FHWA in establishing several of these fixed rates. However, the AAR has informed the FHWA that it no longer wants to continue this past rate establishing arrangement with the FHWA. Additionally, a railroad company has advised the FHWA that the transportation of material cost rates in the current regulation are out-dated and far below the railroad's actual current cost levels.

The FHWA agrees that certain rates established by the regulation may no longer be representative of actual industry costs. Since the FHWA has little current available information on which to base a decision on appropriate reimbursement rates which would have nationwide application and since the AAR does not want to continue its past rate setting arrangement, the FHWA proposes to amend §§ 140.906(b), 140.910(a) and 140.912 by eliminating the preset reimbursement rates contained in these sections. In lieu of preset national rates, the proposed regulation would allow the individual States to continue to use rates if they so chose. These rates would be based on negotiation between the States and railroads and be subject to the approval of the FHWA. The FHWA plans to delegate this approval authority to its field offices. The results would be that costs to ultimately be claimed against Federal funds could continue to be developed based on either actual expenses or on pre-determined rates; however, the basic decisions on these pre-determined rates would be made at the State level. In addition to allowing the States maximum flexibility, this method should result in equitable payment for railroad work in that pre-determined rates, if used, can reflect regional and railroad operational differences and can be routinely re-negotiated and up-dated at the State level.

2. Section 646.111(a) of the current regulation establishes the maximum amount of railroad protective insurance coverage which may be reimbursed with Federal-aid highway funds. In 1978 the FHWA changed the insurance coverge limits found in § 646.111(a). This change resulted in establishing a new combined limit of $2 million per occurrence for bodily injury, death, and property damage coverage. Although this change raised the amount of coverage per individual occurrence, a previously included statement concerning a $1 million aggregate amount of coverage which applied to property damage alone (i.e., maximum amount of claims which would be covered during a period of time, typically one year) was eliminated.

During 1979 the insurance industry informed the FHWA that current insurance industry practice was to include aggregate limits for property damage coverage. The insurance industry was reluctant to write policies without this limit. Several railroads began insisting on policies without aggregates and it was reported Federal-aid highway projects were being delayed because the insurance and railroad companies could not reach agreement for an insurance policy for a specific project. As a result, FHWA Headquarters held meetings jointly with railroad and insurance industry representatives. A compromise position was reached which allows for use of a $6 million aggregate limit applied to the $2 million per occurrence coverage for bodily injury, death, and property damage. It is now proposed to amend § 646.111(a) in order to permanently incorporate this position into the regulation.

3. The current insurance regulation, 23, CFR 646, Subpart A, also contains detailed instructions on standards and format for insurance policies. These requirements are burdensome and do not fully reflect actual insurance industry practice in writing policies. It is proposed to eliminate these requirements by rescinding §§ 646.113

through 646.127 and Appendix A from the current regulation.

4. The current regulation dealing with general requirements for railroad-highway projects includes a provision in § 646.216 which establishes a ceiling of $10,000 for using a lump sum payment arrangement for reimbursement for certain types of railroad work. This ceiling was last adjusted in 1975 and now needs to again be adjusted. It is proposed to raise this ceiling to $25,000.

5. Two minor/technical changes are proposed to the current railroad-highway project procedures regulation, 23 CFR 646, Subpart B. Section 646.212(b)(1) would be revised to change the Federal share for right-of-way costs from 70 to 75 percent. This reflects a change in Federal law. Additionally, § 646.214(b)(1) currently includes a reference to the AAR Bulletin on Recommended Practices for Railroad-Highway Grade Crossing Warning Systems. This bulletin was superseded and the appropriate material included in the Manual on Uniform Traffic Control Devices for Streets and Highways. As a consequence, the reference to the AAR bulletin can be eliminated.

This notice of proposed rulemaking is issued under the authority of 23 U.S.C. 109(e), 120(d), 130, 315, and 405, Section 203 of the Highway Safety Act of 1973, as amended, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

This document is neither a major action within the meaning of Executive Order 12291 nor considered significant within the meaning of the current DOT Regulatory Policies and Procedures. A draft regulatory evalution is available for inspection in the public docket and may be obtained by contacting James A. Carney of the program office at the address specified above. The FHWA has also determined that this document would not have a significant economic impact on a substantial number of small entities due to the fact that the proposed requirements are less restrictive than those currently in effect. Also, this document does not contain any reporting or recordkeeping requirements which would be a burden to small entities.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. 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: September 3, 1981.

L. P. Lamm,

Executive Director, Federal Highway Administration.

In consideration of the foregoing, the FHWA proposes to amend Part 140, Subpart I, and Part 646, Subparts A and B, to Chapter 1 of Title 23, Code of Federal Regulations, as set forth below.

PART 140—REIMBURSEMENT

Subpart I—Reimbursement for Railroad Work

1. Paragraph (b) of § 140.906 is revised to read as follows:

§ 140.906 Labor costs.

* * * * *

(b) *Labor Surcharges.* (1) Labor surcharges include worker compensation insurance, public liability and property damage insurance, and such fringe benefits as the company has established for the benefit of its employees. The cost of labor surcharges will be reimbursed at actual cost to the company or a company may, at its option, use an additive rate or other similar technique in lieu of actual costs provided that (i) the rate is based on historical cost data of the company, (ii) such rate is representative of actual costs incurred, (iii) the rate is adjusted at least annually taking into consideration known anticipated changes and correcting for any over or under applied costs for the preceding period, and (iv) the rate is approved by the SHA and the FHWA.

(2) Where the company is a self-insurer there may be reimbursement at experience rates properly developed from actual costs, not to exceed the rates of a regular insurance company for the class of employment covered.

2. Paragraph (a) of § 140.910 is revised to read as follows:

§ 140.910 Equipment.

(a) *Company owned equipment.* Cost of company-owned equipment may be reimbursed for the average or actual cost of operation, light and running repairs, and depreciation, or at industry rates representative of actual costs as agreed to by the railroad, the SHA,and the FHWA. Reimbursement for company-owned vehicles may be made at average or actual costs or at rates of recorded use per mile which are representative of actual costs and are agreed to by the company, SHA, and FHWA.

* * * * *

3. Paragraph (b) of § 140.912 is revised to read as follows:

§ 140.912 Transportation.

* * * * *

(b) *Materials, supplies, and equipment.* The most economical movement of materials, supplies and equipment to the project and necessary return to storage, including the associated costs of loading and unloading equipment, is reimbursable. Transportation by a railroad company over its own lines in a revenue train is reimbursable at rates which the company charges its customers for similar shipments provided the rate structure is documented and available to the public and the rates are agreed to by the company, SHA, and FHWA. No charge will be made for transportation by work train other than the operating expenses of the work train. When it is more practicable or more economical to move equipment on its own wheels, reimbursement may be made at average or actual costs or at rates which are representative of actual costs and are agreed to by the railroad, SHA, and FHWA.

Appendix A [Removed]

4. Appendix A of Part 140, Subpart I, Rates for Labor Surcharges, is removed.

PART 646—RAILROADS

Subpart A—Railroad-Highway Insurance Protection

5. Paragraph (a) of § 646.111 is revised to read as follows:

§ 646.111 Amount of coverage.

(a) The maximum dollar amounts of coverage to be reimbursed from Federal funds with respect to bodily injury, death and property damage is limited to a combined amount of $2 million per occurrence with an aggregate of $6 million for the term of the policy except as provided in paragraph (b) of this section.

* * * * *

§§ 646.113, 646.115, 646.117, 646.119, 646.121, 646.123, 646.125, and 646.127 [Removed]

6. Sections 646.113, 646.115, 646.117, 646.119, 646.121, 646.123, 646.125, and 646.127 are removed.

Appendix A [Removed]

7. Appendix A of Part 646, Standard Provisions for General Liability Policies, is removed.

§ 646.107 [Amended]

8. In § 646.107 the reference to "§§ 646.109 through 646.127" is revised to read "§§ 646.109 through 646.111".

Subpart B—Railroad-Highway Projects

§ 646.212 [Amended]

9. In paragraph (b)(1) of § 646.212 the phrase "70 percent" is revised to read "75 percent."

10. Paragraph (b)(1) of § 646.214 is revised to read as follows:

§ 646.214 Design.

* * * * *

(b) *Grade crossing improvements.* (1) All traffic control devices proposed shall comply with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.

* * * * *

§ 646.216 [Amended]

11. In Paragraph (d)(3)(ii) of § 646.216 the "$10,000" figure is revised to read "$25,000."

[FR Doc. 81-26554 Filed 9-11-81: 8:45 am]

BILLING CODE 4910-22-M

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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
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DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
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DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.
**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing August 26, 1981