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

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Presidential Documents

Title 3—

The President

Proclamation 4869 of October 5, 1981

General Pulaski Memorial Day

By the President of the United States of America

A Proclamation

As we pay homage again to the memory of General Casimir Pulaski, we are reminded of his dedication to freedom, his selfless service to our Nation, and his contributions to the achievement of American independence. His tireless devotion to democratic ideals continues to inspire us, his adopted countrymen, today. His name and deeds remain similarly alive in the hearts of the people of his native Poland, and indeed of people the world over. His is a model we can all emulate.

Upon his arrival in America in 1777, General Pulaski was appointed by Congress as Commander of the Horse in the Continental Army. He fought at the battle of Germantown, conducted expeditions to obtain provisions for the Continental soldiers during their harsh winter at Valley Forge, Pennsylvania and, as the Revolutionary War continued, saw service in New Jersey and Delaware. Following a gallant attempt to wrest Savannah, Georgia from British control, this valiant patriot died on October 11, 1779.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate October 11, 1981 as General Pulaski Memorial Day.

FURTHERMORE, in recognition of the supreme sacrifice General Pulaski made for his adopted country and for the cause of freedom, I do hereby designate October 11 of each succeeding year as General Pulaski Memorial Day.

I invite the people of the United States to honor the memory of General Pulaski by holding appropriate exercises and ceremonies on this date in suitable places throughout our land.

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

Ronald Reagan

[FR Doc. 81-29297
Filed 10-5-81; 4:23 pm]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 2855, 2856, 2859, and 2870

Increase in Fees and Charges

AGENCY: Agricultural Marketing Service,[1] USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The charges for the Federal voluntary egg products inspection; egg, poultry, and rabbit grading; and laboratory services and the Federal mandatory egg products inspection service overtime and appeal rates are changed to reflect increased cost associated with these programs. These amendments are being implemented on an interim basis without a prior proposal because of the Agency's need to increase these rates and charges to cover increased costs of these services. It is also being published for comment as a means of providing full public participation in the rulemaking process prior to promulgation of the final rule.

DATES: Interim rule effective November 1, 1981; comments must be received on or before December 7, 1981.

ADDRESS: Written comments may be mailed to D. M. Holbrook, Chief, Poultry Standardization Branch, Poultry Division, Agricultural Marketing Service, Room 3944, South Agriculture Building, Washington, D.C. 20250. (For further information regarding comments, see "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Larry W. Robinson, Assistant to the Director, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3938, South Agriculture Building, Washington, DC 20250, (202) 447-3271.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

An initial determination has been made that this interim rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation has been reviewed for cost effectiveness under USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291. It increases fees and charges to cover escalating costs of providing Federal voluntary grading, inspection, and/or laboratory services and Federal mandatory egg products inspection overtime and appeal services. Federal laws require that users pay for these services. It is anticipated that these increases will not have a significant economic effect on producers, packers, and consumers. Alternatively, the Agency could have significantly reduced or denied grading/inspection services presently provided the industry. This could place some processors at a disadvantage, because graded product is required by certain buyers. Also, the utilization of uniform U.S. grades on a nationwide basis facilitates interstate trading. Any denial or disruption of grading/inspection services could result in adverse impacts on the orderly marketing of poultry, rabbits, eggs, and egg products and on the quality of products available to consumers.

Effect on Small Entities

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the fees and charges merely reflect, on a cost-per-unit-graded/inspected basis, a minimal increase in the costs currently borne by those entities utilizing the services, and because competitive effects are offset under the major voluntary programs (resident shell egg and poultry) through administrative charges based on the volume of product handled, i.e., the cost to users increases in proportion to increased volume.

Comments

Interested persons are invited to submit written comments concerning these interim amendments. Comments must be sent in duplicate to the Poultry Division and should bear a reference to the docket number located in the heading of this document. Comments submitted pursuant to this document will be made available for public inspection in the Poultry Division during regular business hours.

Background

The Agricultural Marketing Act of 1946, as amended, provides for the collection of fees approximately equal to the cost of providing Federal voluntary egg products inspection; egg, poultry, and rabbit grading; and laboratory services. The Egg Products Inspection Act requires that the cost for overtime inspection be borne by the user of the service. The fees for these services are determined by the grader's or inspector's salary and fringe, cost of supervision, travel, and other overhead and administrative costs.

Since the last nonresident program fee increase, which was based primarily on the pay increase effective in October 1980, program costs have continued to rise. Federal employees recently received a 4.8 percent increase in conformity with the Federal Pay Comparability Act of 1970. Grader training, and other fringe costs have also increased 3 to 4 percent. In addition to these added costs, the grade level or pay scale of the graders performing service on a nonresident or lot basis has shifted to a higher level. This type of service has previously been performed by journeymen graders. However, the grading program, over the years, has shifted from a nonresident or lot basis to a resident program. Only 4 percent of the grading business is now comprised of nonresident work. With this small amount of work, it has become

[1] The Commodity Services program of the Food Safety and Quality Service, USDA, was transferred to the Agricultural Marketing Service, USDA, by USDA Secretary's Memorandum 1000-1, issued June 17, 1981. A notice detailing the Agency's reorganization is being drafted for later publication.

impractical and uneconomical to maintain a staff of journeymen graders solely for that purpose because a substantial portion of their time would be standby or nonproductive. Therefore, in many situations, supervisors are the only qualified employees available to handle this limited amount of work. The cost of maintaining a special staff of journeymen graders to handle lot grading would be greater than the cost under the new fee increase. Overall, the fee for nonresident service on an hourly basis is increased about 15 percent.

Costs have increased also for the resident shell egg and poultry grading programs. The hourly rate charged for graders under the resident grading programs does not cover costs of supervision, travel, and other overhead and administrative expenses. These costs are covered by an administrative service charge of $.015 per case of shell eggs and $.00015 per pound of poultry handled in plants using the service. These rates were last increased in 1976. Since that time, supervisory salaries have increased 38 percent; per diem, 50 percent; mileage, 50 percent; rent, 23 percent; and telephone, 65 percent. Postage, supplies, and other costs associated with overhead and administration have also increased dramatically over the past 5 years. Because these rates have not been increased since 1976, the overall program operated at an overhead deficit for the past 2 years. To compensate for these significant cost increases, the administrative service charges are being changed to $.020 per case of shell eggs and $.00020 per pound of poultry. Presently, these administrative charges are set at a minimum payment of $85 per billing period and a maximum of $675 for each official plant. These figures will be changed to $100 and $1,000, respectively. The percentage increase ranges from about 33 percent to 48 percent and averages about 39 percent.

In view of the situations described above, the hourly rate for nonresident voluntary grading service and the rate for such services performed on Saturdays, Sundays, or holidays are increased from $16.52 (regular hourly rate) and $18.88 (premium rate) to $18.96. The new nonresident premium rate is set at the same amount as the regular fee rate due to constraints on compensating employees for premium work. Because the cost of premium work is basically salary, the amount charged for premium work cannot exceed the maximum entitlement employees may receive for such work in accordance with 5 U.S.C. 5542. The hourly rate for voluntary appeal gradings or inspections is increased from $14.88 to $16.08. The hourly rate for laboratory analyses for other than individual tests is increased from $21.40 to $22.76, and the fees for individual tests are increased approximately 6.4 percent. The hourly rate for mandatory overtime inspection service is increased from $16.28 to $16.52. The hourly rate for certain mandatory appeal inspections is increased from $14.88 to $16.08. The holiday rate for mandatory inspection is unchanged. Administrative charges for the resident voluntary rabbit grading and egg products inspection programs, and nonresident voluntary continuous poultry and egg grading programs will continue to be based on 25 percent of the grader's or inspector's total salary costs. The minimum charge per billing period for these programs is increased from $85 to $100 per official plant. The inauguration of resident grading/inspection service charge is raised from $200 to $310.

The Agency is implementing these amendments effective November 1, 1981, because increased revenues are urgently needed to cover the costs of services. Therefore, it has been determined that the following amendments must be adopted immediately, on an interim basis. A final rule will be promulgated in the **Federal Register** after evaluation of comments received in response to this notice. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule is impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.**

Accordingly, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), and the Egg Products Inspection Act (21 U.S.C. 1031–1056), the U.S. Department of Agriculture hereby amends the Regulations Governing the Voluntary Inspection and Grading of Egg Products (7 CFR Part 2855); the Regulations Governing the Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 2856); the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 2859); and the Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products and United States Classes, Standards, and Grades (7 CFR Part 2870) as set forth below:

PART 2855—VOLUNTARY INSPECTION OF EGG PRODUCTS AND GRADING

1. Section 2855.510 is amended by revising paragraphs (b), (c), and (d) to read as follows:

§ 2855.510 Fees and charges for services other than on a continuous resident basis.

* * * * *

(b) Fees for product inspection and sampling for laboratory analysis will be based on the time required to perform the services. The hourly charge shall be $18.96 and shall include the time actually required to perform the sampling and inspection, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.96 per hour. Information on legal holidays is available from the Supervisor.

(d) The cost of an appeal grading, inspection, laboratory analysis, or review of a grader's or inspector's decision shall be borne by the appellant at an hourly rate of $16.08 for time spent performing the appeal and travel time to and from the site of the appeal, plus any additional expenses. If the appeal grading, inspection, laboratory analysis, or review of a grader's or inspector's decision discloses that a material error was made in the original determination, no fee or expenses will be charged.

2. Section 2855.550 is revised to read as follows:

§ 2855.550 Laboratory analysis fees.

(a) The fees listed for the following individual laboratory analyses cover costs involved in the preparation and analysis of the product, certificate issuance, and personnel and overhead costs other than the expenses listed in § 2855.530.

	Fee
Solids	$11.38
Fat	22.76
Bacteriological plate count	11.38
Bacteriological direct count	22.76
Coliforms	17.07
E. Coli (presumptive)	17.07
Yeast and mold count	11.38
Sugar	28.45
Salt	28.45
Color:	
NEPA	17.07
B-Carotene	22.76
Whipping test	11.38
Whipping test plus bleeding	17.07
Fat film test	28.45
Oxygen	11.38
Glucose:	
Quantitative	22.76
Qualitative	17.07
Palatability and odor:	
First sample	11.38
Each additional sample	5.69
Staphylococcus	34.14

	Fee
Salmonella:[1]	
Step 1	$22.76
Step 2	11.38
Step 3	22.76

[1] Salmonella test may be in three steps as follows: Step 1—growth through differential agars; Step 2—growth and testing through triple-sugar-iron and lysine-iron agars; Step 3—confirmatory test through biochemicals.

(b) The fee charge for any laboratory analysis not listed in paragraph (a) of this section, or for any other applicable services rendered in the laboratory, shall be based on the time required to perform such analysis or render such service. The hourly rate shall be $22.76.

3. Section 2855.560 is amended by revising paragraphs (a)(1) and (a)(3) to read as follows:

§ 2855.560 Charges for continuous inspection and grading service on a resident basis.

* * * * *

(a) * * *

(1) An inauguration charge of $310 will be made at the time an application for service is signed except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) or inspector(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition, there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location, within 12 months from the date of the inauguration of service.

* * * * *

(3) An administrative service charge equal to 25 percent of the grader's or inspector's total salary costs. A minimum charge of $100 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

PART 2856—GRADING OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

4. Section 2856.46 is amended by revising paragraphs (b) and (c) to read as follows:

§ 2856.46 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform the services. The hourly charge shall be $18.96 and shall include the time actually required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.96 per hour. Information on legal holidays is available from the Supervisor.

5. Section 2856.47 is revised to read as follows:

§ 2856.47 Fees for appeal grading or review of a grader's decision.

The cost of an appeal grading or review of a grader's decision shall be borne by the appellant at an hourly rate of $16.08 for time spent in performing the appeal and travel time to and from the site of the appeal, plus any additional expenses. If the appeal grading or review of a grader's decision discloses that a material error was made in the original determination, no fee or expenses will be charged.

6. Section 2856.52 is amended by revising paragraphs (a)(1) and (a)(4) to read as follows:

§ 2856.52 Continuous grading performed on a resident basis.

* * * * *

(a) * * *

(1) An inauguration charge of $310 will be made at the time an application for service is signed except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location, within 12 months from the date of the inauguration of service.

* * * * *

(4) An administrative service charge based upon the aggregate number of 30-dozen cases of all shell eggs handled in the plant per billing period multiplied by $.020, except that the minimum charge per billing period shall be $100 and the maximum charge shall be $1,000. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

7. Section 2856.54 is amended by revising paragraph (a)(2) to read as follows:

§ 2856.54 Charges for continuous grading performed on a nonresident basis.

* * * * *

(a) * * *

(2) An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $100 will made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

PART 2859—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT OF 1970)

8. Section 2859.126 is revised to read as follows:

§ 2859.126 Overtime inspection service.

When operations in an official plant require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official plant shall give reasonable advance notice to the inspector of any overtime service necessary and shall pay the Service for such overtime at an hourly rate of $16.52 to cover the cost thereof.

9. Section 2859.370 is amended by revising paragraph (b) to read as follows:

§ 2859.370 Cost of appeals.

* * * * *

(b) The costs of an appeal shall be borne by the appellant at an hourly rate of $16.08, including travel time and expenses if the appeal was frivolous, including but not being limited to the following: The appeal inspection discloses that no material error was made in the original inspection, the condition of the product has undergone a material change since the original inspection, the original lot has changed in some manner, or the Act or these regulations have not been complied with.

PART 2870—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND UNITED STATES CLASSES, STANDARDS, AND GRADES

10. Section 2870.71 is amended by revising paragraphs (b) and (c) to read as follows:

§ 2870.71 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether ready-to-cook poultry, ready-to-cook

rabbits, or specified poultry food products are involved. The hourly charge shall be $18.96 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.96 per hour. Information on legal holidays is available from the Supervisor.

11. Section 2870.72 is revised to read as follows:

§ 2870.72 Fees for appeal grading, laboratory analysis, or examination or review of a grader's decision.

The costs of an appeal grading, laboratory analysis, or examination or review of a grader's decision will be borne by the appellant at an hourly rate of $16.08 for the time spent in performing the appeal and travel time to and from the site of the appeal, plus any additional expenses. If the appeal grading, laboratory analysis, or examination or review of a grader's decision discloses that a material error was made in the original determination, no fee or expenses will be charged.

12. Section 2870.76 is amended by revising paragraph (a)(2) to read as follows:

§ 2870.76 Charges for continuous poultry grading performed on a nonresident basis.

* * * * *

(a) * * *

(2) An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $100 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

13. Section 2870.77 is amended by revising paragraphs (a)(1), (a)(4)(i), and (a)(5) to read as follows:

§ 2870.77 Charges for continuous poultry or rabbit grading performed on a resident basis.

* * * * *

(a) * * *

(1) An inauguration charge of $310 will be made at the time an application for service is signed, except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition, there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location within 12 months from the date of the inauguration of service.

* * * * *

(4) * * *

(i) Total pounds per billing period multiplied by $.00020, except that the minimum charge per billing period shall be $100 and the maximum charge shall be $1,000. The minimum charge also applies where an approved application is in effect and no product is handled.

(5) For rabbit grading: An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $100 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

(Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*); Egg Products Inspection Act (21 U.S.C. 1031–1056))

Done at Washington, D.C. on October 1, 1981.

Eddie F. Kimbrell,

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 81–29135 Filed 10–6–81; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 92

Specifically Approved States To Receive Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes the State of Texas from the list of specifically approved States authorized to receive certain stallions imported into the United States from countries affected with contagious equine metritis (CEM).

This action is being taken at the request of the State of Texas and because the agreement entered into between the State of Texas and the Department to provide additional inspection, treatment and testing of such horses to further insure their freedom from CEM as required by the regulations has been cancelled by the State of Texas. The intended effect of this action is to update the list of States specifically approved to receive stallions imported from countries affected with CEM.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Dulin, USDA, APHIS, VS, Room 818, Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this rule will not have a significant effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this final rule.

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. Only 26 stallions from countries affected with CEM were imported into the United States in 1980; one of those stallions was imported into the United States through Texas. There are seven States in addition to Texas currently approved to receive stallions from countries affected with CEM. With the removal of Texas from the list of States approved to receive stallions from countries affected with CEM, all such stallions which may have entered the State of Texas may be imported through any of the other seven States. Since only one stallion was involved, the economic impact of this action will not be significant on any substantial number of small entities.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication of this emergency action without prior opportunity for a public comment period because the State of Texas has cancelled the agreement with the Department to receive such stallions and has requested that Texas be removed from the list of States approved to receive stallions from CEM affected countries. Therefore, the deletion of Texas as a State approved to receive stallions from CEM countries must be made promptly in order to inform importers of horses from CEM countries of the current situation so that they can make appropriate plans

to import stallions from CEM countries to States approved for such purpose.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency action effective less than 30 days after publication of this document in the Federal Register.

Section 92.2(i)(2) of Title 9, Code of Federal Regulations (9 CFR 92.2(i)(2)), among other things, authorizes the importation of male horses (stallions over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into specified States for further inspection, treatment and testing by the State of destination. The amendment established minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries. These standards contain treatment, testing and handling procedures believed necessary to insure that the stallions being imported into the United States are free of the contagion of CEM.

This document deletes the State of Texas from the list of specifically approved States to receive such horses on the basis of a request made by that State and since the agreement entered into between the State of Texas and the Department to provide additional inspection, treatment and testing of such horses to further insure their freedom from CEM as required by the regulations has been cancelled by the State of Texas.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

§ 92.4 [Amended]

Section 92.4(a)(5)(ii) is amended by removing "The State of Texas" from the list of States approved to receive stallions pursuant to § 92.2(i)(2)(iv) of the regulations.

(Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134f)

Done at Washington, D.C., this 1st day of October 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-29134 Filed 10-6-81; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 170

Fees for Review of Applications

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is promulgating an interpretative rule to clarify that fees for review of power reactor license applications and major fuel cycle license applications will be charged, as appropriate, when review of an application is completed, whether by issuance of a permit, license, or other approval, or by denial or withdrawal of an application, or by any other event that brings active Commission review of the application to an end.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: William O. Miller, Chief, License Fee Management Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301–492–7225.

SUPPLEMENTARY INFORMATION: Based upon the language of 10 CFR 170.12(b) and of footnote 3 to 10 CFR 170.21 (footnote 3 reads in pertinent part as follows: "When review of the permit, license, approval, or amendment is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of facility fees.* * *") the Commission has been billing power reactor construction permit applicants for the actual costs of review of withdrawn applications up to the time the applicant withdraws the application from Commission consideration.

It was the Commission's intent in promulgating 10 CFR Part 170 that charges be assessed whenever a review is brought to an end, whether by reason of issuance of a license, a denial of an application, or by its withdrawal, suspension or postponement. These charges are authorized and directed under Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a) and supported by judicial decision upholding charges for government services rendered to applicants based upon cost to the agency. See *e.g., Mississippi Power and Light v. NRC*, 601 F. 2d 223 (1979) *cert. denied* 444 U.S. 1102 (1980), and cases cited therein. The fee guidelines approved by the Commission and the Court of Appeals in *Mississippi Power and Light v. NRC, supra*, make clear the Commission's position that the review of an application at the request of an applicant is a service for which a charge may be made. Under the guidelines, fees may be assessed for services rendered at the request of an applicant whether or not these services are linked to or result in the issuance of a permit or license. For example, the guidelines support the inclusion in the fee schedule of "special projects and reviews" that do not result in issuance of permits, licenses or approvals but are yet subject to a fee for the service based upon actual cost. (10 CFR 170.21, Schedule F). The review given a power reactor application that does not end in a permit or license is analogous to a special project with respect to the work performed and the service rendered to the applicant.

The interpretative amendments to 10 CFR 170.12 are intended to remove any possibility of misunderstanding the Commission's intent to charge fees on withdrawal or denial of an application and in appropriate cases of suspension or postponement of action on an application. The Commission will consider billing an applicant for costs incurred in the processing and review of an application upon either a statement of intent by the applicant to postpone further review effort or a delay in the construction schedule which causes the staff to postpone further review. In the event an application is reinstated without significant changes, or review effort recommenced, subsequent charges will accrue only from the time of reinstatement or recommencement of review effort. In these cases the aggregate of charges for review of applications covered by the actual cost principle will not exceed the scheduled amount for the class of facility.

Although the impetus for issuing this interpretative rule stems from the withdrawal of power reactor construction permit applications, the interpretative amendments also apply to certain materials licenses applications subject to the actual cost principle as stated in footnote 4 to 10 CFR 170.31. These are primarily major fuel processing and fabrication plants, waste storage and disposal facilities, spent fuel storage facilities, uranium milling plants, evaluation of casks and packages, and special projects.

Since the new language merely restates what the Commission's rule has been on collecting fees for withdrawn or otherwise terminated applications since the promulgation of revisions to 10 CFR Part 170 (43 FR 7218; February 21, 1978), the clarifying language is applicable to all license applications on file before the Commission on or after March 23, 1978, the effective date of the current version of 10 CFR Part 170, as well as to those received after adoption of the clarifying language.

Although the rules' changes in these amendments are interpretative only and could have been published effective immediately without notice and comment under 5 U.S.C. 553(b), and without the customary 30 days notice under 5 U.S.C. 553(d), the Commission decided to solicit public comment prior to adopting the clarifying language. (See 45 FR 74493, November 10, 1980.)

Four comments were received. All objected to the proposed rule. A 29-page comment submitted by Shaw, Pittman, Potts and Trowbridge, a law firm representing several electric utilities, claimed that the proposed rule could not be regarded as an interpretation of the existing fee rules, effective since March 23, 1978, but rather amounted to "a substantive amendment by which the Commission for the first time seeks to impose license fees on withdrawn applications." To support this claim the Shaw, Pittman comment argued that the 1978 fee regulation, 10 CFR Part 170, made no provision, "either directly or by fair inference," for the payment of fees, other than the application fee, for review of license applications that are withdrawn before a license or construction permit issues. Accordingly, Shaw, Pittman asserted that the NRC cannot, as the proposed interpretative rule would do, impose fees to recover costs incurred in processing license applications that were on file on or after March 23, 1978 but have since been withdrawn. "Even assuming that the Independent Offices Appropriation Act (IOAA) would permit the assessment of such fees for withdrawn applications," this commenter concluded, "at the most, the Commission can assess license fees on withdrawn applications only in connection with services and benefits rendered by the Commission after the effective date of the proposed amendment."

The other commenters generally agreed with the Shaw, Pittman position that fees for withdrawn applications were not imposed by the 1978 fee regulations and therefore cannot be imposed by an "interpretative" rule based on those regulations. The other commenters also raised the argument that the Commission lacks statutory authority to imposed fees for withdrawn applications because the applicant has received no "special benefit" when an application has been withdrawn. Public Service Company of Oklahoma, for example, noted that it "shared the widespread interpretation of Part 170 that such fees were to be charged only upon *successful* completion of review." (Commenter's emphasis.)

In response to these comments the Commission reaffirms at the outset its conclusion that NRC review of a license application constitutes a "special benefit" subject to a fee under the IOAA, whether or not a license issues after completion of the review. The NRC's work in performing these reviews is a service rendered at the request of the applicant. The Commission's fee guidelines, set out in the 1978 notice promulgating the present fee schedule, made it plain that under the IOAA fees could be assessed to recover the cost of providing these services:

> Fees may be assessed to persons who are identifiable recipients of "special benefits" conferred by specifically identified activities of the NRC. The term "special benefits" includes services rendered at the request of a recipient and all services necessary for the issuance of a required permit, license, approval, or amendment, or other services necessary to assist a recipient in complying with statutory obligations or obligations under the Commission's regulations.

See the Commission's fee guidelines (43 FR 7211, February 21, 1978). These guidelines were quoted with approval in *Mississippi Power and Light* v. *NRC*, *supra*. There is thus no doubt that pursuant to the IOAA and the fee guidelines the Commission has authority to impose a fee to recover the cost of processing a license application that has been withdrawn.

The notice of final rulemaking also made clear that under the fee schedules effective March 23, 1978, the Commission intended to exert this authority by imposing all fees allowed by the guidelines, barring exceptional circumstances. The relevant language from the notice is as follows:

> These guidelines determine whether or not the Commission may charge a fee for a particular service and what the maximum fee may be. In keeping with the sense of Congress expressed in the Independent Offices Appropriation Act of 1952 that agency activities performed on behalf of persons the agency serves "shall be self-sustaining to the full extent possible," the Commission is generally obliged to impose the fees allowed by these guidelines where it is fair and equitable to do so. The Commission recognizes that in exceptional circumstances fairness may require that a fee be set at a level below the cost of rendering the service. However, the Commission's discretion to reduce fees for certain service categories is limited by the IOAA mandate and by the requirement that a consistent and fundamentally fair fee structure must accord equal treatment to similarly situated recipients of agency services. [43 FR 7211 (February 21, 1978)].

Those NRC activities and services which the Commission did intend to exclude from cost recovery were identified with specificity in the notice. See 43 FR 7212, 7213. None of the services specified as exempt from fees could reasonably be interpreted to include review of license applications later withdrawn. Nor is there any suggestion or reason to believe that the Commission would have regarded it as generally unfair or inequitable to recover the costs of reviewing license applications which turn out to be unsuccessful. Rather, the notice of final rulemaking stated that "(t)hose regulatory services which provide special benefit to applicants and licensees include: 1. The *processing* and *reviewing* of applications or requests for construction permits, operating licenses, manufacturing licenses, materials licenses * * *" [43 FR 7213 (emphasis added)]. As this language indicates, the notice tied "special benefits" to the processing and reviewing, not necessarily to the issuance of the license itself. Amended language in the fee regulation, 10 CFR 170.12(b), confirmed this emphasis on completion of review rather than license issuance as the fee-triggering event:[1]

> 10 CFR 170.12(b) *License Fees.*
> Fees for construction permits, operating licenses, manufacturing licenses, and materials licenses, are payable upon notification by the Commission when the review of the project is completed.

Finally, the notice of final rulemaking announced a major change in the Commission's method of determining fees. Henceforth, facility fees were to be based on the Commission's actual "expenditures for professional manpower and appropriate support services required to process the application or request." 43 FR 7216. The switch to an actual-cost basis, as distinguished from fixed fees based on the average cost for issuing a particular type of license, made it possible to determine and impose a fee based on the actual cost for any license review, even when, because of withdrawal or

[1] The superseded rule, 10 CFR 170.12(b) (1977), had stated:

> Fees * * * are payable when the construction permit manufacturing license operating license is issued.

some other reason for termination, the review was completed at an atypical intermediate stage short of license issuance.

For the reasons given in the above discussion, the Commission has concluded that the notice of final rulemaking and the language in the final rule itself gave fair and adequate notice to license applicants that for applications on file after March 23, 1978 the Commission would charge a fee for withdrawn applications. The fee would be sufficient to recover the costs the NRC had incurred in reviewing those applications, to the extent the costs were not already covered by the application fee. The commenters' arguments to the contrary place unwarranted emphasis on certain language in 10 CFR 170.12(a), dealing with application fees, which provides that "(a)ll application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application." The commenters assert that this language, which appeared in the original 1969 proposed fee regulations and remains unchanged in the current version of the regulations, must be taken as the Commission's total and exclusive mechanism for recovering review costs of withdrawn applications. Yet it is clear that the power reactor construction permit application fee, presently set at $125,000, falls far below the cost which the Commission can incur in reviewing an application prior to withdrawal.[2] It does, of course, guarantee the NRC at least partial cost recovery should an applicant become insolvent, but one could not reasonably interpret the 10 CFR 170.12(a) provision for retention of this fee as by itself a fulfillment of the Commission's expressed intent in the 1978 regulations to recover to the full extent allowable the cost of providing special benefits.

The commenters are correct that prior to adoption of the 1978 rule the Commission's regulations did not provide for recovery of withdrawn application costs beyond the amount of the application fee. Fees in addition to the application fee became payable only "when the construction permit * * * is issued." See 10 CFR 170.12(b) (1977). See also the proposed § 170.12(b) in the Commission's 1977 notice of proposed rulemaking, 42 FR 22149, 22162 (May 2, 1977). The commenters are not justified, however, in concluding that in the 1978 rule the Commission intended to continue this treatment of withdrawn applications. In addition to changed language in 170.12(b), a clear signal that the practice had changed was the switch in the 1978 final rule to an actual-cost basis for determining fees, which made practical the assessment of fees reflecting the actual review costs for a withdrawn application, to be collected "when the review, is completed," 10 CFR 170.12(b) (1979).[3] From this amended language in 170.12(b), viewed in the context of the overall rulemaking emphasis on cost recovery, it should have been plain that under the new fee schedule an applicant cannot avoid review cost already incurred by withdrawing the application. Fees assessed after March 23, 1978 for the review of construction permit (CP) or operating license (OL) applications, whether withdrawn or resulting in the issuance of a CP or OL, were to be based on the actual manpower and contractual services costs expended for the review. The maximum fee for a CP or OL prescribed by regulation is assessed and collected upon issuance of the CP or OL. The actual human resource expended for the review is determined after issuance of the CP or OL and the utility is notified whether or not a refund may be due. If the application is withdrawn, the human resource expended is determined after the licensing board has dismissed the case (if a hearing has commenced), and the utility is billed accordingly. Once an application (CP or OL) is filed and the staff begins review, the costs associated with the review are costs that are covered by § 170.12(b) rather than cost subject to the scope of § 170.12(a). The revised language of § 170.12(b) reflects this change.

The Shaw, Pittman comments cite 10 CFR 170.21, footnote 4, dealing with early site reviews, as a supposed contradiction to the Commission's position that the 1978 rules impose fees for withdrawn applications. Footnote 4 provides as follows:

> Where a fee has been paid for a facility early site review, the charge will be deducted from the fee for a construction permit issued for that site. A separate charge will not be assessed for a site review where the person requesting the review has an application for a construction permit on file for the same site, *except where the application is withdrawn by the applicant or denied by the Commission.* (Commenter's emphasis)

The comment states:

> Footnote 4 is based on the premise that the fee for a site review will ordinarily be included in the construction permit fee. The final "except" clause is necessary so that the early site review fee can be collected separately in the event that the construction permit application is withdrawn and no construction permit fee can be charged. However, if the Commission is correct in its "interpretation" here—that the current regulations were always intended to require payment of license fees on withdrawn construction permit applications—then the "except" clause in footnote 4 would be rendered totally meaningless and redundant. This is so because the construction permit fee still would be payable despite withdrawal and would include the cost of the NRC review of the site portion of the application. In short, there would be no need for a special provision to ensure collection of the site review fee upon withdrawal of the construction permit application.

The comment is correct that Footnote 4 rests on the premise that the fee for an early site review (ESR) will ordinarily be included in the CP fee, but the comment has misinterpreted the "except where * * *" clause. Footnote 4 is intended to cover early site reviews filed under Appendix Q of the regulations. The "except" clause is necessary so that the early site review fee can be collected separately in the event that the *early site review* application (Appendix Q) is withdrawn, not the CP application. An applicant might very well withdraw the ESR Appendix Q application without withdrawing the Part 50 CP application, for example, in a case where the applicant finds a more suitable site for a proposed plant while the ESR for the site initially selected is still in progress. Thus, the "except" clause is not meaningless and redundant. In fact, the language reinforces the Commission's intent to treat withdrawn Appendix Q applications the same as withdrawn CP applications, that is, charge for them if they are withdrawn.

The commenter also suggests that, if the Commission can collect a fee for a withdrawn CP application, then by a literal reading of footnote 4 the Commission could collect an illegal double recovery by charging for the ESR as well. The following example of how footnote 4 might work in practice demonstrates that no such double recovery is possible, although technically the Commission could recover a separate early site review fee in addition to a fee for the withdrawn

[2] The Commission has incurred costs of 0.1 million dollars in reviewing eight construction permit applications that have been withdrawn and billed since March 23, 1978. The application fees received from these applicants total only $945,000. Other applications have also been withdrawn for which the NRC has not yet completed the billing process.

[3] The change to an actual cost basis was not part of the rule proposed in 1977 but was adopted by the Commission in the final rule promulgated in 1978. Compared to the previous flat fee assessments this change benefits applicants by assuring that the fee for a facility license will not exceed the actual cost of processing (or a fixed fee set out in the schedule, whichever is lower), thereby giving applicants an opportunity to reduce their licensing costs below the level of fixed fees.

construction permit application. Collection of separate fees could come about as follows: (1) An Appendix Q application is filed and review is started by the Commission, (2) the applicant subsequently files a CP application which incorporates by reference the Appendix Q ESR and review begins on the reactor design, (3) site problems develop and the applicant withdraws the Appendix Q application, (4) applicant requests continuation of CP design review while looking for another site, (5) applicant subsequently withdraws the CP application. Footnote 4 of § 170.21 allows the Commission to immediately bill the applicant for the Appendix Q application upon withdrawal despite the fact that there is an active CP application on file and being reviewed. When the CP application is subsequently withdrawn, the Commission could bill for the Office of Nuclear Reactor Regulation (NRR) design review and Office of Inspection and Enforcement (IE) quality assurance work that has been completed from the date the application was filed to the date of withdrawal. There could never be illegal double recovery by the Commission since the fees for both reviews would be based on the actual manpower expended separately for, (1) the Appendix Q review and (2) the CP design work.

One commenter called attention to the express exemption from fees for withdrawal of application for early site reviews and argued that this exemption militated against charging a fee for a withdrawn application. It is correct that the Commission authorized an exemption from fees for certain early site reviews requested before March 23, 1978, in order to avoid an appearance of retroactively imposing a fee for a type of review where *no* fee had been prescribed by the regulations. This exemption was granted in the March 1978 notice of final rulemaking and is limited to early site reviews requested as special projects. It thus applies only to early site reviews requested under Appendix Q to 10 CFR Part 50, and not to early site reviews conducted as part of a standard construction permit review (see 10 CFR 2.101(a–1)).

In sum, the Commission does not find persuasive the commenters' assertions that the fee regulations adopted on March 23, 1978 provide no basis for the Commission to impose fees recovering the costs of processing applications withdrawn since that time. The proposed interpretative rule, 45 FR 74493, does not add substantively to the provisions already in the Commission's regulations. This being the case, the Commission rejects the commenters' characterization of the proposed rule as "an impermissible retroactive fee assessment" which will impose "severe hardship on large numbers of applicants." The Commission sees no unfairness or "severe hardship" in requiring persons who have requested and received NRC review of license applications to pay the costs of that review in accordance with the IOAA, the intent of Congress, and the intent of the Commission as expressed in the Statement of Consideration for the final rule and the language of the rule itself.[4] Applicants presumably entered into the licensing process prepared to pay the costs of review in the expectation that a license would eventually issue. In claiming "hardship" the commenters have not demonstrated that applicants' decisions to seek licenses or to put off withdrawing applications already before the Commission have in fact hinged on any reasonable belief that review costs would be picked up by the NRC whenever the applicant should choose to declare the quest for a license abandoned. The Commission rejects these general contentions of "hardship" and concludes that there is no unfairness in imposing fees for withdrawn applications in the manner described by the proposed interpretative rule.

Pursuant to Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a), the Atomic Energy Act of 1954, as amended, and Sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that the following amendments to Part 170, Title 10, Chapter I, Code of Federal Regulations, are adopted subject to codification.

[4] Although the interpretative rule is not "retroactive," as the commenters have characterized it, if it were the Commission would find ample legal authority for imposing such a rule. In *SEC v. Chenery Corp.*, 332 U.S. 194 (1974), cited by the Commenters, for example, the Supreme Court held that retroactive rulemaking was not *per se* forbidden and that "retroactivity must be balanced against the mischief of producing a result which is contrary to statutory design or to legal and equitable principles." The commenters, referring to *Chenery*, see no "mischief" in applying the Commission's interpretative rule prospectively only, but the Commission would regard it a substantial mischief unnecessarily to impose on the public treasury costs of more than six million dollars incurred by the government in performing services at the request of private beneficiaries (see footnote 2 above), albeit the requesters have now changed their minds about wanting those services, especially where Congress has made plain its intention that such costs should be recovered.

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. The authority citation for Part 170 is revised to read as follows:

Authority: Sec. 501, 65 Stat. 290 (31 U.S.C. 483a); Sec. 301, Pub. L. 92–314, 86 Stat. 222 (42 U.S.C. 2201w); Sec. 201(f), Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841).

2. In § 170.12, paragraphs (b), (e), and (f) are revised, and a new paragraph (i) is added, to read as follows:

§ 170.12 Payment of fees.

* * * * *

(b) *License fees.* Fees for review of applications for construction permits, operating licenses, manufacturing licenses, and materials licenses, are payable upon notification by the Commission when the review of the project is completed. For the purposes of this part the review of a project is completed when a permit or license is issued, or an application for a permit or license is denied, withdrawn, suspended, or action on the application is postponed.

* * * * *

(e) *Approval Fees.* Fees for review of applications for spent fuel cask and shipping container approvals, standardized spent fuel facility design approvals, and construction approvals are payable upon notification by the Commission when the review of the project is completed. For the purposes of this part the review of a project is completed when the approval is issued, or the application for an approval is denied, withdrawn, suspended, or action on the application is postponed. Fees for facility reference standardized design approvals will be paid in five (5) installments based on payment of 20 percent of the approval fee (see footnote 3 § 170.21) as each of the first five (5) units of the approved design are referenced in an application(s) filed by a utility or utilities. In the event the standardized design approval application is denied, withdrawn, suspended, or action on the application is postponed, fees will be collected when the review is completed and the five (5) installment payment procedure will not apply.

(f) *Special Project Fees.* Fees for review of special projects are payable upon notification by the Commission when the review of the project is completed. For the purposes of this part the review of the project is completed upon notification by the staff that it has finished its review, upon withdrawal of

the request, or suspension or postponement of further review.

* * * * *

(i) This section applies to all applications for licenses, permits, approvals or requests for review of special projects on file with the Commission on or after March 23, 1978.

Dated at Washington, D.C. this 1st day of October 1981.

Samuel Chilk,

Secretary of the Commission.

[FR Doc. 81-29201 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221, and 224

[Regs. G, T, U and X]

List of OTC Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The List of OTC Margin Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to margin requirements under certain Federal Reserve regulations. The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletion from the previously published List and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2781.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of stocks traded over-the-counter on file at the Office of the Federal Register as of April 6, 1981. The List, as amended, includes those stocks that the Board of Governors has found meet the criteria specified by the Board and thus have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer to warrant incorporating such stocks within the requirements of Regulations G, T, U, and X. Copies of the current List may be obtained from any Federal Reserve Bank. A copy is also on file at the Office of the Federal Register.[1]

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion on the List specified in 12 CFR 207.5 (d) and (e), 220.8 (h) and (i), and 221.4 (d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78g and 78w) and in accordance with § 207.2(f)(2) of Regulation G, § 220.2(e)(2) of Regulation T, and § 221.3(d)(2) of Regulation U, there are set forth below additions to and deletions from the Board's List:

Additions to List

AM Cable TV Industries, Inc.
$.10 par common
Advanced Systems, Inc.
$.10 par common
All American Industries, Inc.
$.10 par common
Alpine Geophysical Corporation
$.10 par common
Altair Corporation (Puerto Rico)
$1.00 par common
Amber Resources Company
$.003125 par common
Amdisco Corporation
$1.00 par common
American City Bank (Los Angeles)
$2.50 par capital
American Management Systems, Inc.
$.01 par common
American Metals Service, Inc.
$.01 par common
American Solar King Corporation
No par common
Amoskeag Company
No par common
Anacomp, Inc.
9½% convertible subordinated debentures
Andrew Corporation
$1.00 par common
Antares Oil Corporation
$.01 par common
Applicon Inc.
$.05 par common
Aracca Petroleum Corporation
$.01 par common
Avery Coal Co., Inc.
$.10 par common
Bancorp Hawaii, Inc.
$1.00 par cumulative convertible preferred
BancTec, Inc.
$.01 par common
Bio-Medical Sciences, Inc.
$.01 par common
Brock Hotel Corporation
$.10 par common
Burton/Hawks, Inc.
$.01 par common
CGA Computer Associates Inc.
$.10 par common
Calvin Exploration, Inc.
$.01 par common
Checkpoint Systems, Inc.
$.10 par common
Cheezem Development Corporation
$.01 par common
City Federal Savings and Loan Association (New Jersey)
$.01 par common
Clinical Sciences Inc.
$.01 par common
Cognitronics Corporation
$.20 par common
Commerce Southwest Inc.
$1.00 par convertible preferred Class A, $8.00 par convertible preferred
Communications Corporation of America
$.01 par common
Compucorp
No par common
Computer Data Systems, Inc.
$.10 par common
Computer Usage Company
$.25 par common
Consul Corporation
$.01 par common
Continuum Company, Inc., The
$.10 par common
Corcom, Inc.
No par common
Countrywide Credit Industries, Inc.
$.05 par common
Crested Butte Silver Mining, Inc.
$.001 par common
Crowley Foods, Inc.
$5.00 par common
D. A. B. Industries, Inc.
$1.00 par common
Dicomed Corporation
$.03 par common
Dimis, Inc.
$.01 par common
Discovery Oil, Ltd.
No par common
Dominion Mortgage & Realty Trust
$.10 par shares of beneficial interest
Electromagnetic Sciences, Inc.
$.10 par common
Electrospace Systems, Inc.
$.10 par common
Empire Oil & Gas Company
No par common
ENZO Biochem, Inc.
$.01 par common
Excel Energy Corporation
$.01 par common
Fingermatrix, Inc.
$.01 par common
First Coinvestors, Inc.
$.05 par common
First Federal Savings and Loan Association of Raleigh
$1.00 par common
Flagship Banks Inc.
No par cumulative convertible preferred

[1] Copy of current List filed as part of original document.

Flight Transportation
$.01 par common
Forum Group, Inc.
No par common
Genentech, Inc.
$.02 par common
General Hydrocarbons, Inc.
$.01 par common
Geodyne Resources, Inc.
$.10 par common
GeoResources, Inc.
$.01 par common
Germania Federal Savings and Loan Association
$.01 par common
Goody Products, Inc.
$.10 par common
Graphic Scanning Corporation
10% convertible subordinated debentures
Great Southwest Industries Corp.
$.10 par common
Greate Bay Casino Corporation
Class A, $.25 par common
HCC Industries
No par common
HGIC Corporation
$1.00 par common
HLH Petroleum Corporation
$.03 par common
Haverty Furniture Companies, Inc.
$1.00 par common
Health Information Systems Inc.
$.01 par common
HemoTec, Inc.
Voting, $.01 par common
Henderson Petroleum Corporation
$.01 par common
High Stoy Technological Corporation
$.02 par common
Hittman Corporation
$.10 par common
Hurco Manufacturing Company, Inc.
No par common, $.10 stated value
ISC Systems Corporation
No par common
Industrial Electronic Hardware
$.50 par capital
Information Displays, Inc.
$.50 par common
Infrared Industries, Inc.
No par common
Intel Corporation
7% convertible subordinated debentures
Intertherm Inc.
$1.00 par common
JMB Realth Trust
No par shares of beneficial interest
Jacobson Stores Inc.
$1.00 par common
Jones Intercable, Inc.
$.01 par common
Keuffel & Esser Company
$1.00 par common
Kroger Company, The
$.10 par common
Lynden Transport, Inc.
$1.00 par common
MCI Communications Corporation
$1.84 par cumulative convertible preferred
M. D. C. Corporation
$.01 par common
Magnuson Computer Systems, Inc.
No par common
Matagorda Drilling and Exploration Company
$.02 par common
Maxco, Inc.
$1.00 par common
Merchants Bank of New York, The
$3.125 par capital
Mid-America Petroleum, Inc.
$.02 par common
Midwestern Resources, Inc.
$.001 par common
Miller Technology & Communications Corporation
No par common
Monitor Labs, Inc.
$.01 par common
Monolithic Memories, Inc.
$.04 par common
Multibank Financial Corp.
$6.25 par common
National Computer Systems, Inc.
9¼% convertible subordinated debentures
Network Systems Corporation
$.02 par common
Networks Electronic Corp.
$.50 par common
Nitron, Inc.
No par common
Nobility Homes Inc.
$.10 par common
North American National Corporation
$1.00 par common
Northwest Natural Gas Company
Series $2.375, no par convertible preferred
Oil Securities, Inc.
$.05 par common
Oklahoma Energies Corporation
$.001 par common
Old Dominion Real Estate Investment Trust
No par shares of beneficial interest
Omnimedical, Inc.
No par common
Optimum Holding Corporation
$.20 par common
Orbit Instrument Corporation
$.10 par common
Pacer Technology & Resources, Inc.
$.01 par common
Paraho Development Corporation
$.01 par common
Physicians Insurance Company of Ohio
Class A, $4.00 par common
Poly-Southfield Corporation
$.10 par common
Quantronix Corporation
$.01 par common
Radiation Technology, Inc.
$.01 par common
Rehab, C. P. Corp.
$.05 par common
Reliability Incorporated
No par common
Robotic Vision Systems, Inc.
$.01 par common
San/Bar Corporation
No par common
Seattle Trust & Savings Bank
$14.00 par common
Service Fracturing Company
$1.00 par common
Silvey Corporation
No par common
Sorg Printing Company, Inc.
$1.00 par common
Spiral Metal Company, Inc.
$.01 par common
Standard Logic, Inc.
$.025 par common
Symbol Technologies, Inc.
$.01 par common
System Industries, Inc.
$.01 par common
Systematics General Corporation
$.01⅓ par common
T G Bancshares Company
$5.00 par common
TSI Inc.
$.10 par common
Team, Inc.
$.30 par common
Techtran Industries Inc.
$.01 par common
Telepictures Corporation
$.01 par common
Tellabs, Inc.
No par common
Texas American Resources, Inc.
$.01 par common
Tierco Group, Inc., The
$1.00 par common
Time Sharing Resources, Inc.
$.01 par common
Tomlinson Oil Company, Inc.
12.25% convertible subordinated debentures
Trans-Western Exploration, Inc.
No par common
Trion Inc.
$.50 par common
Tylan Corporation
No par common
United American Energy, Inc.
No par common
United States Mutual Real Estate Investment Trust
No par shares of beneficial interest
Universal Energy Corporation
$.01 par common
Universal Fuels Company
$.01 par common
Up-Right, Inc.
No par common
Veta Grande Companies, Inc., The
$.01 par common
Weigh-Tronix, Inc.
No par common, $.50 stated value
Westworld, Inc.
$1.00 par common
Xicor, Inc.
No par common

Deletions From List

Stocks Removed for Failing Continued Listing Requirements

Advanced Patent Technology, Inc.
$.10 par common
Advent Corporation
$.10 par common
Air Florida System, Inc.
Series B, $.50 par cumulative preferred
Cavanagh Communities Corporation
$.01 par common
Haley Corporation
$.25 par common
Kaiser Steel Corporation
$1.46 par cumulative preferred
MIC Cummunications Corporation
$1.80 par cumulative convertible preferred
National Railway Utilization Corporation
$.05 par common
PRF Corporation
$.10 par common
Proprietors' Corporation
No par common
Provident National Corporation
$1.00 par convertible preferred

Reliance Universal Inc.
$1.25 par common
Sunstar Foods, Inc.
$.50 par common
Super Dollar Stores, Inc.
$1.00 par common
Tri-American Corporation
No par common
Visual Sciences, Inc.
$.01 par common

Stocks Removed for listing on a National Securites Exchange or Being Involved in an Acquisition

Aeroflex Laboratories, Inc.
$.10 par common
Alabama Bancorporation, Inc.
$1.00 par common
Allyn and Bacon, Inc.
$.50 par common
American Financial Corporation
No par common
Associated Madison Companies, Inc.
$.40 par common
Bank Building & Equipment Corporation of America
$1.33⅓ par common
Bond Industries, Inc.
$1.00 par common
Brookwood Health Services, Inc.
$1.00 par common
Caesars New Jersey, Inc.
$.10 par common
Warrants (expire 10/31/81)
Chicago and North Western Transporation Company
Class A, $.83⅓ par common
Commonwealth Natural Resources, Inc.
$5.00 par common
Computer Consoles, Inc.
$.10 par common
Coradian Corporation
$.01 par common
Danly Machine Corporation
$5.00 par common
Ducommun, Inc.
$2.00 par common
Energy Management Corporation
No par common, $1.00 stated value
First Atlanta Corporation
$5.00 par common
Galaxy Oil Company
$.10 par common
Inter-Regional Financial Group, Inc.
$.125 par common
Kampgrounds of America, Inc.
$.12½ par common
Manufacturers Bank (Los Angeles)
No par common
Mellon National Corporation
$.50 par common
Monument Energy Service, Inc.
$.01 par common
Mutz Corporation
No par common
OLIX Industries, Inc.
No par common
Pan American Bancshares, Inc.
$1.00 par common
Par Systems Corporation
$.10 par common
Peninsula Resources Corporation
$1.00 par common
Pope, Evans and Robbins Inc.
$.10 par common
Porta Systems Corp.
$.01 par common
Republic National Life Insurance Company
$1.00 par common
Rykoff, S. E. & Company
$.10 par common
Santa Anita Realty Enterprises, Inc.
$.10 par common
Sun Banks of Florida, Inc.
$2.50 par common
Topaz, Inc.
No par common
Varco International, Inc.
No par common
Verbatum Corporation
No par common
Wendy's International, Inc.
No par common, $.10 stated

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)), October 1, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-29165 Filed 10-2-81; 4:22 pm]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9124]

George Irvin Chevrolet Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY This order, among other things, requires a Denver, Colorado, motor vehicle dealer to cease failing to make all the credit disclosures required by Federal law. Further, respondent is prohibited from using certain credit terms in advertisement promoting credit sales, unless those advertisements also include statutorily required information in the manner prescribed by Regulation Z.

DATES: Compliant issued March 6, 1979. Final order issued September 15, 1981.[1]

FOR FURTHER INFORMATION CONTACT: Sharon J. Devine, Assistant Director, or George S. Meyer, Attorney, 6R, Denver Regional Office, Federal Trade Commission, Suite 2900, 1405 Curtis Street, Denver, Colo. 80202, (303) 837-2271.

SUPPLEMENTARY INFORMATION: In the Matter of George Irvin Chevrolet Co., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.71 Financing: § 13.73 Formal regulatory and statutory requirements, 13.73-92 Truth in Lending Act; 13.155-95 Terms and conditions, 13.155-95(a) Truth in Lending Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533-20 Disclosures, 13.533-37 Formal regulatory and/or statutory requirements.

Subpart—Failing To Comply with Affirmative Statutory Requirements: § 13.1048 Failing to comply with affirmative statutory requirements, 13.1048-05 Federal Trade Commission Act, 13.1048-45 Truth in Lending Act. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1623 Formal regulatory and statutory requirements, 13.1623-95 Truth in Lending Act. Subpart—Misrepresenting Oneself and Goods—Prices: § 13.1823 Terms and conditions, 13.1823-20 Truth in Lending Act. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements, 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions, 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146 147; 15 U.S.C. 45, 1601, *et seq.*)

The Decision and Order, including further order requiring report of compliance therewith, is as follows:

The Commission having heretofore issued its complaint charging the respondent named in the caption hereof with violation of the Truth-in-Lending Act and the implementing regulations promulgated thereunder and of Section 5 of the Federal Trade Commission Act, as amended, and the respondent having been served with a copy of that complaint, together with a notice of contemplated relief; and

The respondent, its attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Secretary of the Commission having thereafter withdrawn this matter from adjudication in accordance with § 3.24(c) of its Rules; and

The Commission having considered the matter and having thereupon

[1] Copies of the Complaint and Final Order filed with the original document.

accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in § 3.24(f) of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent George Irvin Chevrolet Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Colorado, with its office and principal place of business located at 390 South Colorado Boulevard, in the city of Denver, State of Colorado.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

Order

It is ordered that respondent George Irvin Chevrolet Co., a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation or other device, in connection with any advertisement to aid, promote, or assist, directly or indirectly, any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226 *et seq.*) of the Truth-in-Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Stating that no downpayment is required, or stating the amount of the downpayment or of any installment payment required (either in dollars or as a percentage), the dollar amount of any finance charge, the number of installments or the period of repayment, or stating that there is no charge for credit, unless all of the following items are also clearly and conspicuously set forth in terminology prescribed by § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, the amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

2. Failing in connection with all television and radio advertisements in which cost of credit disclosures must be made pursuant to § 226.10(d)(2) of Regulation Z, to make such disclosures clearly, conspicuously, and in meaningful sequence, as required by § 226.6(a) of Regulation Z. The following standards shall be met in order for a television advertisement to be deemed a "clear and conspicuous" disclosure within the meaning of this order:

(a) (i) The finance charge expressed as an annual percentage rate shall be presented simultaneously in both the audio and video portions of the television advertisement;

(ii) The remaining disclosures required by § 226.10(d)(2) of Regulation Z shall be presented in the video portion of the television advertisement;

(iii) Any of the remaining disclosures required by § 226.10(d)(2) of Regulation Z may be presented in the audio portion of the television advertisement, but if so presented, shall be presented simultaneously and in identical sequence in both the audio and video portions of the television advertisement;

(b) The video portion of the required credit disclosures shall contain letters large enough to be easily seen and read with reasonable ease on all television sets, regardless of picture tube size, that are commercially available to the consuming public;

(c) The video portion of the required credit disclosures shall contain letters of a color or shade that readily contrasts with the background on both color and black and white television sets. The background shall consist of only one color or shade;

(d) During the video portion of the required credit disclosures, no words or images shall appear on the television screen which are not part of the required disclosures; provided however, that during said disclosures two-thirds of the television screen may contain images which do not obscure or detract attention from the required disclosures;

(e) The video presentation of the required credit disclosures shall be no less than ten seconds' duration;

(f) During the audio portion of the required credit disclosures, no sounds which obscure or detract attention from the required disclosures may be presented;

(g) The audio portion of the required credit disclosures shall be spoken with sufficient deliberateness, clarity, and volume, so as not to obscure or detract attention from the required disclosures made in either the video or audio portion;

(h) The audio and video portions of the required credit disclosures shall immediately follow the specific representation which triggers the affirmative disclosure requirement contained in § 226.10(d)(2) of Regulation Z;

(i) The audio and video portion of the required credit disclosures shall not give such emphasis to any discloure as to obsure or detract attention from the other credit disclosures.

It is further ordered that respondent, its successors and assigns, shall forthwith distribute a copy of this order to each of its operating divisions and to each person responsible for or connected with preparation of its television advertisements and secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered that respondent notify the Commission at least 30 days prior to any proposed change in respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, or any other circumstances which may affect any compliance obligation arising out of this order.

It is further ordered that respondent George Irvin Chevrolet Co., shall, within sixty (60) days after this order becomes final, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-29153 Filed 10-6-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[IC-11970; File No. S7-907]

Temporary Rule Providing Exemptions to Certain Registered Separate Accounts and Other Persons

AGENCY: Securities and Exchange Commission.

ACTION: Interim rule with request for comments.

SUMMARY: The Commission today is adopting, on an emergency basis, a temporary rule providing registered separate accounts and certain other persons with exemptive relief from certain provisions of the Investment Company Act of 1940 and the rules thereunder to the extent necessary to permit them to organize new portfolio investment companies and to substitute shares of those companies for shares of existing portfolio investment companies. The Commission is also requesting comments on whether any additional or

different exemptive relief is necessary or appropriate prior to adoption of the proposed rule on a permanent basis.

DATES: Effective October 2, 1981. Comments must be received on or before December 2, 1981.

ADDRESSES: All communications on the matters discussed in this release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Comments should refer to File No. S7-907 and will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: S. Elliott Cohan, Assistant Director (202-272-2060), or Mark J. Mackey, Special Counsel (202-272-2060), Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On September 25, 1981, the Internal Revenue Service ("IRS") issued Revenue Ruling 81-225 ("Revenue Ruling") which discusses the federal income tax status of earnings and gains derived from shares of one or more investment companies which constitute the funding media for certain variable annuity contracts offered through insurance company separate accounts organized and registered as unit investment trusts under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a-1 *et seq.*]. On September 28, 1981, the Commission issued a general statement of policy of its Division of Investment Management.[1] That statement expresses the views of the Division respecting certain disclosure requirements under the Securities Act of 1933 [15 U.S.C. 77a *et seq.*] and certain matters relating to the Act which should be considered by the sponsors of variable annuity separate accounts affected by the Revenue Ruling and the investment advisers and boards of directors of the underlying funding media.

The Commission believes that, as a result of the Revenue Ruling, many separate accounts might modify their methods of operation. Some separate accounts may substitute shares of a new portfolio investment company which are not available to the general public for shares of an existing portfolio company. Such substitutions would require exemptions from various provisions of the Act and rules thereunder. Because such substitutions might facilitate the continuation of investors' investment plans, the Commission has decided to propose and request comments on proposed rule 6c-6 which would provide these exemptions to separate accounts and certain other persons. At the same time as it is proposing to adopt the rule, the Commission has decided to adopt rule 6c-6 on a temporary basis, to be designated rule 6c-6(T). Separate accounts may also modify their operations in other ways that would require different or additional exemptive relief from the Act. Therefore, the Commission is also requesting comments on whether any different or additional exemptive relief from that contained in the proposed rule is necessary or appropriate.

Rule 6c-6(T)

Temporary Rule 6c-6(T), discussed below, provides registered separate accounts and certain other persons exemptive relief from various provisions of the Act and the rules thereunder to the extent necessary to permit them to organize new portfolio investment companies and to substitute shares of those companies for shares of existing portfolio investment companies. The Commission emphasizes that it is not expressing any views on the federal income tax implications, or the appropriateness, as a business matter, of engaging in the above described transactions, or of any other action which might be taken by registered separate accounts in connection with the Revenue Ruling.

Orders of the Commission are based on specific facts, undertakings, and representations contained in applications for exemptive relief. If the facts contained in an application are materially changed after the granting of the order, the order is no longer valid unless amended. Replacement of an existing portfolio company [2] with a new portfolio company [3] would be a material change in the facts upon which an existing order granted to a registered separate account has been based.[4] Paragraph (b) of rule 6c-6(T) provides that any such existing order of the Commission shall remain in full force and effect notwithstanding that the registered separate account invests in a new portfolio company in addition to or in lieu of an existing portfolio company provided, generally, that no other material changes in the facts, undertakings, or conditions upon which the order was based have occurred. For these purposes, the fact that the insurance company or an affiliated person of the insurance company (rather than the investment adviser to the existing portfolio company) serves as the new portfolio company's investment adviser would not be deemed a material change.

Section 17(d) of the Act [15 U.S.C. 80a-17(d)] and rule 17d-1 [17 CFR 270.17d-1] thereunder, provide, in part, that it shall be unlawful for any affiliated person of or principal underwriter for a registered investment company, or any affiliated person of such a person or principal underwriter, acting as principal to effect any transaction in which such registered company, or a company controlled by such registered company, is a joint or a joint and several participant unless an application regarding such joint enterprise or arrangement has been filed with, and an appropriate order has been granted by, the Commission. The organization of a new portfolio company and the substitution of the shares of that company for an existing portfolio company might require an order of exemption. Paragraph (c) of rule 6c-6(T) provides an exemption from section 17(d) and rule 17d-1 thereunder to the extent necessary to permit the organization of the new portfolio company without obtaining such an order.[5] For purposes of the rule, the organization of the new portfolio company shall encompass the substitution of the shares of that

[1] Securities Act Release No. 6352 (September 28, 1981).

[2] Subparagraph (a)(3) of the rule defines the term "existing portfolio company," generally, to be a registered open-end management investment company that was engaged in a continuous offering of its shares on September 25, 1981 and whose shares were owned by a registered separate account on that date.

[3] Subparagraph (a)(4) of the rule defines the term "new portfolio company," generally, to be a registered open-end management investment company which is organized to minimize the impact of the Revenue Ruling on contractowners of a registered separate account and which has many of the same characteristics as the existing portfolio company. The new portfolio company must have the same investment objectives, fundamental policies, and voting rights as the existing portfolio company for which it substitutes as a funding medium. Additionally, the new portfolio company must have an advisory fee schedule, including expenses assumed by the adviser, that is at least as advantageous to contractowners of the registered separate account as was the fee schedule of the existing portfolio company.

[4] Typical among such orders are various "start up" exemptions necessary for separate accounts to be organized as unit investment trusts under the Act.

[5] Similarly, an order under section 17 and rule 17d-1 might be required to allow certain persons, including the sponsoring insurance company of the registered separate account, to bear expenses arising our of the organization of the new portfolio company. Paragraph (d) of rule 6c-6(T) exempts such persons from section 17(d) and rule 17d-1 to the extent necessary to allow them to bear such expenses.

company for the shares of the existing portfolio company.

The exemptive relief is conditioned upon the boards of directors of both the existing portfolio company and the new portfolio company, including a majority of the directors of each company who are not interested persons of such company, determining that any expenses borne in connection with such organization are necessary and appropriate and are allocated in a manner that is fair and reasonable to all of the shareholders of their respective companies.[6] Moreover, such determinations and the basis upon which they are made must be recorded in the minute books of the respective portfolio companies and must be disclosed in the prospectus of the existing portfolio company.

Sections 2(a)(41) of the 1940 Act [15 U.S.C. 80a-2(a)(41)] and rules 2a-4 [17 CFR 270.2a-4] and 22c-1 [17 CFR 270.22c-1] thereunder specify certain procedures for registered investment companies to follow in pricing their shares for sale, redemption, and repurchase.[7] The amortized cost method of valuation does not comply with the procedures specified in section 2(a)(41) and rules 2a-4 and 22c-1 because it does not value securities at their current market value. The "penny rounding" method, whereby a company calculates its net asset value per share to the nearest one cent on share values of $1.00, also does not comply with rules 2a-4 and 22c-1. However, the Commission has issued orders subject to certain conditions which permit certain investment companies, including some existing portfolio companies, to use either the amortized cost valuation method or the "penny rounding" method of valuation. Paragraph (e) of rule 6c-6(T) provides that a new portfolio company shall be exempt from the Act and rules thereunder to the extent necessary to permit it to use the same method of valuation as the existing portfolio company for which it substitutes. This relief is conditioned, generally, upon the new portfolio company agreeing to all of the representations, undertakings, and conditions made or agreed to by the existing portfolio company in connection with its amortized cost or "penny rounding" order.

Section 26(b) of the 1940 Act [15 U.S.C. 80a-26(b)] requires a depositor or trustee of a registered unit investment trust, including a registered separate account, holding securities of a single issuer to receive Commission approval before substituting securities of another issuer for such securities. Substitution of securities of a new portfolio company for securities of an existing portfolio company, without receipt of prior Commission approval, would violate section 26(b) of the Act. Paragraph (f) of rule 6c-6(T) exempts a registered separate account from section 26(b) of the Act to the extent necessary to permit such a substitution provided that, within thirty days of the substitution, certain conditions are met. First, the registered separate account must notify all contract owners of the substitution of securities[8] and any determinations of the board of directors of the new portfolio company required to be made by paragraph (c) of rule 6c-6(T).[9] Second, the registered separate account must deliver a copy of the prospectus of the new portfolio company to all contract owners. Finally, the registered separate account must offer to those contract owners who would otherwise have surrender rights under their contracts the right, without the imposition of any withdrawal charges or contingent deferred sales loads, to surrender their contracts for a period of at least thirty days from the receipt of this offer, such surrender to be at the price next determined after the request for surrender is received by the insurance company.[10] The Commission believes that it is appropriate to offer contract owners of the registered separate account the right to withdraw the entire value of their contract, including the value attributable to payments made before January 1, 1981, without the imposition of a withdrawal charge or contingent deferred sales load, because some contract owners may believe that the value of the contract is diminished by the changes effected as a result of the Revenue Ruling.

Investment Advisers

The Commission believes that, as a result of the Revenue Ruling, some affiliated persons of insurance companies might become investment advisers to new portfolio companies. Such persons might not currently be registered as investment advisers under the Investment Advisers Act of 1940. In order to permit new portfolio companies to begin operations as soon as possible, the Commission's Office of Applications and Reports Services will expedite the processing of applications for registration as investment advisers ("ADV") of insurance company affiliates which intend to advise new portfolio companies. To ensure expedited treatment an affiliated person of an insurance company should attach a cover sheet to its ADV containing the following statement:

* * * The company requests expedited treatment of the application for registration as an investment adviser pursuant to Investment Company Act Release No. 11970. * * *

Procedural Matters

The Commission believes it appropriate in light of the issuance of the Revenue Ruling to adopt rule 6c-6(T) immediately. Accordingly, the Commission, pursuant to section 4(b) of the Administrative Procedure Act [5 U.S.C. 553(b)], for good cause finds that prior notice and comment on rule 6c-6(T) is contrary to the public interest. In addition, the Commission, pursuant to section 4(d) of the Administrative Procedure Act [5 U.S.C. 553(d)], finds good cause to adopt rule 6c-6(T), effective immediately, because the rule is exemptive in nature.

Text of Rule

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 270.6c-6(T) to read as follows:

§ 270.6c-6(T) Temporary exemption for certain registered separate accounts and other persons.

(a) As used in this rule,

(1) "Revenue Ruling" shall mean Revenue Ruling 81-225, issued by the Internal Revenue Service on September 25, 1981.

(2) "Registered separate account" shall mean a separate account

[6] Expenses of organizing the new portfolio company include, among other things, expenses associated with the redemption of the registered separate account's interests in the existing portfolio company and, if the redemption was in cash, expenses associated with the initial investment of the assets of the new portfolio company.

[7] These procedures, as interpreted in Investment Company Act Release Nos. 5847 (October 21, 1969), 6295 (December 23, 1970), and 9786 (May 31, 1977), require valuing portfolio securities at current market value and computing the price per share to within one-tenth of one percent.

[8] Although paragraph (f) of the rule allows registered separate accounts thirty days in which to notify contract owners of the substitution of securities, registered separate accounts which are otherwise required to provide notice of substitution in a shorter period of time must, of course, still do so.

[9] Paragraph (c) of rule 6c-6(T) is discussed above.

[10] Elimination of any contingent deferred sales load might be deemed to violate section 22(d) [15 U.S.C. 80a-22(d)] which prohibits the sale of any security of a registered investment company to the public at a price other than the current public offering price described in the prospectus of the company. Paragraph (g) of rule 6c-6(T) exempts a registered separate account from section 22(d) to the extent necessary to permit it to comply with paragraph (f) of the rule.

registered as a unit investment trust under the Act.

(3) "Existing portfolio company" shall mean a registered open end management investment company, engaged in a continuous offering of its shares on September 25, 1981, all or part of whose shares were owned by a registered separate account on September 25, 1981.

(4) "New portfolio company" shall mean any registered open end management investment company which is designed to minimize the impact of the Revenue Ruling on the contract owners of a registered separate account, which new portfolio company has the same

(i) investment objectives,

(ii) fundamental policies, and

(iii) voting rights

as the existing portfolio company and has an advisory fee schedule, including expenses assumed by the adviser, that is at least as advantageous to the contract owners as was the fee schedule of the existing portfolio company.

(b) Any existing order of the Commission, granted to a registered separate account on or before September 25, 1981, shall remain in full force and effect notwithstanding that the separate account invests in a new portfolio company in lieu of, or in addition to, investing in an existing portfolio company; *provided*, That:

(1) No other material changes in the facts upon which the existing order was based have occurred;

(2) All representations, undertakings, and conditions made or agreed to by the registered separate account, and any other person or persons other than the existing portfolio company, in connection with the issuance of the prior order are, and continue to be, applicable to the registered separate account and any such other person or persons unless modified in accordance with this rule;

(3) All representations, undertakings, and conditions made or agreed to by the existing portfolio company in connection with the issuance of the prior order are made or agreed to by the new portfolio company unless modified in accordance with this rule; and

(4) The depositor of the separate account provides a letter, addressed to the Division of Investment Management, to be placed in the Commission's public files, which

(i) indicates that the separate account is relying upon this paragraph (b) of this rule,

(ii) provides a brief description of the new portfolio company, and

(iii) contains a representation that the provisions of this paragraph (b) have been complied with.

(c) Any affiliated person or depositor of, or principal underwriter for, a registered separate account or an existing portfolio company and any affiliated person of such person, principal underwriter, or depositor shall be exempt from section 17(d) of the Act and rule 17d–1 thereunder to the extent necessary to permit the organization of the new portfolio company; *Provided*, That:

(1) The boards of directors of both the existing portfolio company and the new portfolio company, including a majority of the directors of each company who are not interested persons of such company, determine that any expenses borne in connection with such organization are necessary and appropriate and are allocated in a manner that is fair and reasonable to all shareholders of their respective companies; and

(2) Such determinations, and the basis upon which they were made, are recorded in the minute books of the respective portfolio companies, and are disclosed in the prospectus of the existing portfolio company.

(d) Any affiliated person or depositor of, or principal underwriter for, a registered separate account and any affiliated person of such a person, principal underwriter, or depositor shall be exempt from section 17(d) of the Act and rule 17d–1 thereunder to the extent necessary to permit it to bear any expenses arising out of the organization of the new portfolio company.

(e) The new portfolio company shall be exempt from section 2(a)(41) of the Act and rules 2a–4 and 22c–1 thereunder to the extent necessary to permit it to use the same method of valuation for the purpose of pricing its shares for sale, redemption, and repurchase, as the existing portfolio company; *Provided*, That:

(1) The existing portfolio company had on September 25, 1981, an order of the Commission exempting it, for the purpose of pricing its shares for sale, redemption, and repurchase, from

(i) Section 2(a)(41) of the Act and rules 2a–4 and 22c–1 thereunder to the extent necessary to permit it to use the amortized cost valuation method or

(ii) Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit it to calculate its net asset value per share to the nearest one cent on share values of $1.00; and

(2) All representations, undertakings, and conditions made or agreed to by the existing portfolio company in connection with the prior order are made or agreed to by the new portfolio company unless modified in accordance with this rule.

(f) The registered separate account shall be exempt from section 26(b) of the Act to the extent necessary to permit the substitution of securities of the new portfolio company for securities of the existing portfolio company; *Provided*, That, within thirty days of such substitution:

(1) The registered separate account notifies all contract owners of the substitution of securities and any determinations of the board of directors of the new portfolio company required by paragraph (c) of this section;

(2) The registered separate account delivers a copy of the prospectus of the new portfolio company to all contract owners; and

(3) Concurrently with the notification referred to in paragraph (f)(1) of this rule or the delivery of the prospectus of the new portfolio company, whichever is later, the registered separate account offers to those contract owners who would otherwise have surrender rights under their contracts the right, without the imposition of any withdrawal charges or contingent deferred sales loads, to surrender their contracts for a period of at least thirty days from the receipt of this offer and any surrendering contract owner receives the price next determined after the request for surrender is received by the insurance company.

(g) The registered separate account shall be exempt from section 22(d) of the Act to the extent necessary to allow it to comply with paragraph (f) of this section.

Paperwork Reduction Act

The information collection required by this rule has been cleared by the Office of Management and Budget and given clearance number 3235–0140.

Regulatory Flexibility Act

The Chairman of the Commission has certified that the proposed rule is being promulgated in response to an emergency making compliance with the requirements of the Regulatory Flexibility Act impracticable. A final regulatory flexibility analysis has not been prepared at this time pursuant to 5 U.S.C. 604 because publication of a notice of rulemaking is not required under 5 U.S.C. 553(b)(B) and 5 U.S.C. 553 (d)(1) and (d)(3).

Statutory Basis

Rule 6c-6(T) is adopted pursuant to section 6(c) [15 U.S.C. 80a-6(c)] and section 38(a) [15 U.S.C. 80a-37(a)] of the Act.

George A. Fitzsimmons,

Secretary.

October 2, 1981.

Regulatory Flexibility Act

Waiver of Initial Regulatory Flexibility Analysis

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 608 that waiver of the requirements of 5 U.S.C. 603, insofar as they apply to the proposal of rule 6c-6 under the Investment Company Act of 1940, is necessary because the rule is being promulgated in response to an emergency that makes compliance with the provisions of that section impracticable. Compliance is impracticable because insurance company separate accounts, which have suspended sales in response to an Internal Revenue Service Revenue Ruling, will be delayed in the resumption of sales of tax deferred variable annuities if the rule, which is being temporarily adopted at the same time it is being proposed for comment for permanent adoption, is not promulgated immediately. Delay in adopting the rule will cause economic harm to members of the public investing in such accounts and adopting the rule will minimize disruption of investment plans of such persons.

Dated: October 2, 1981.

John S. R. Shad,

Chairman.

[FR Doc. 81-29217 Filed 10-6-81; 8:45 am]

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DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 40

[Order No. 957-81]

Standards for Inmate Grievance Procedures

Correction

In FR Doc. 81-28587 appearing on page 48181, in the issue of Thursday, October 1, 1981, make the following correction:

On page 48186, middle column, the third complete paragraph, first line reading:

"40 CFR is amended by revising" should have read:

"28 CFR is amended by revising".

BILLING CODE 1505-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 703

Experimental Program for Opportunities in Advanced Study and Research in Education

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education is issuing final regulations for the Experimental Program for Opportunities in Advanced Study and Research in Education, administered by the National Institute of Education. These regulations revise the language and format of existing program regulations published in 45 CFR Part 1430, clarify authorized activities, create more flexibility for applicants, and promote ease of understanding.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register.** If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Z. Alejandro, Telephone (202) 254-8827.

SUPPLEMENTARY INFORMATION:

Background

In 1979, the National Institute of Education (NIE) established an experimental program for the purpose of increasing opportunities for participation of individuals in advanced study and research on problems in the field of educational research and development, emphasizing such opportunities for minorities and women.

Institutional Project and Special Project grants were awarded in order to enable the Federal government to utilize the existing capabilities of institutions and organizations that had a record of success in recruiting and training members of underrepresented groups in educational research and in advancing the careers of those individuals who have been traditionally underrepresented. These persons still lag considerably behind nonminorities and males who have advanced to the higher levels of educational research and other disciplines. It is believed that, through further experimentation, models can be developed and strategies formulated to help create and maintain training and employment environments in which participation by members of underrepresented groups is the norm rather than the result of special efforts.

Changes in the Regulations

These final regulations remain substantially the same as those published in the notice of proposed rulemaking (NPRM) on December 30, 1980 (45 FR 86336), except for the following changes that were made after internal reviews:

- In § 703.4, *Effective date of these regulations,* the termination date of December 31, 1981 is deleted to allow additional projects to be funded until such time as NIE could determine that an adequate number of exemplary models are available and acceptable for replication.
- In § 703.5(b), *Definitions that apply to this program,* the terms "participant" and "underrepresented groups" are added for clarification.
- In § 703.11, *Types of projects and general requirements,* the heading is changed to read *"Authorized activities."* The activities and general requirements are redesignated under "authorized" and "required" activities (§§ 703.11 and 703.12, respectively).
- In § 703.12, *Additional requirements for Institutional Projects,* the heading is changed to read *"Required activities."*
- In § 703.13, *Additional requirements for Special Projects,* is incorporated into § 703.12.
- In §§ 703.12 and 703.13, the information about project duration is deleted and restated in new § 703.14.

Public Comments

No comments were received during the public comment period which ended on January 29, 1981.

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Citation of Legal Authority

A citation of statutory or other legal authority appears in parentheses following the text of each section.

(Catalog of Federal Domestic Assistance number 84.117, Education Research and Development)

Dated: September 30, 1981.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 703 in Title 34 of the Code of Federal Regulations to read as follows:

PART 703—EXPERIMENTAL PROGRAM FOR OPPORTUNITIES IN ADVANCED STUDY AND RESEARCH IN EDUCATION

Subpart A—General

Sec.
703.1 The Experimental Program for Opportunities in Advanced Study and Research in Education.
703.2 Eligible parties.
703.3 Regulations that apply to this program.
703.4 Definitions that apply to this program.

Subpart B—Types of Projects the Secretary Assists Under This Program

703.10 Types of projects.
703.11 Authorized activities.
703.12 Required activities.
703.13 Projects and activities that are ineligible for support.
703.14 Project duration.

Subpart C—How One Applies for a Grant

703.20 Application procedures.

Subpart D—How the Secretary Makes a Grant

703.30 How the Secretary evaluates an application.
703.31 The selection criteria used by the Secretary.

Subpart E—Conditions that Must Be Met by a Grantee

703.40 Restrictions on the use of grant funds.
703.41 Allowable costs.
703.42 Restrictions on for-profit grantees.

Authority: Section 405 of the General Education Provisions Act, as amended by Section 301(a)(2) of the Education Amendments of 1972 (Pub. L. 92-318), 86 Stat. 328, 332 (20 U.S.C. 1221e).

Subpart A—General

§ 703.1 The experimental program for opportunities in advanced study and research in education.

This program supports experimental projects that explore ways of increasing opportunities for members of underrepresented groups to attain and participate in senior positions in the field of educational research. These projects demonstrate effective ways that—

(a) Enhance equality of opportunity within the educational research workforce.

(b) Increase the relevance and credibility of educational research through greater inclusion of contributions and perspectives of members of underrepresented groups.

(c) Improve the overall quality of educational research by drawing upon those talented members of underrepresented groups who currently are engaged in research other than educational research or are nonresearch professionals who are capable of making a significant contribution to educational research.

(20 U.S.C. 1221e(b)(2), (c) and (e)(1))

§ 703.2 Eligible parties.

A college, university, State or local educational agency, other public or private nonprofit or for-profit agency or organization is eligible to receive a grant.

(20 U.S.C. 1221e(e)(1))

§ 703.3 Regulations that apply to this program.

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(b) The regulations in this Part 703.

(20 U.S.C. 3474)

§ 703.4 Definitions that apply to this program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
EDGAR
Local educational agency
Nonprofit
Public
Project
Secretary
State educational agency

(b) *Specific program definitions.* Other definitions used in this part are:

"Educational research" means research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, or demonstrations in the field of education (including career education).

"Experienced professional" means a person with a year or more of graduate-level training in educational research and at least one additional year of related professional experience in educational research.

"Participant" means an individual enrolled in a project assisted with Federal funds under this part.

"Underrepresented groups" means groups whose members have been traditionally underrepresented in educational research, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly

(20 U.S.C. 1221e(e)(1) and 3474)

Subpart B—Types of Projects the Secretary Assists Under This Program

§ 703.10 Types of projects.

The Secretary awards grants for two types of projects under this program—Institutional Projects and Special Projects. One purpose of both types is to advance the careers of members of underrepresented groups in the field of educational research.

(a) Institutional Projects provide opportunities to engage in advanced study and educational research.

(b) Special Projects provide short term study opportunities. The short courses are expected to—

(1) Stimulate the interests of noneducational researchers; and

(2) Attract to the educational research field those nonresearchers who have appropriate academic backgrounds and experience.

(c) Another purpose of both types of projects is to develop exemplary models illustrating ways of accomplishing the objectives of the program established in § 703.1.

(20 U.S.C. 3474)

§ 703.11 Authorized activities.

The Secretary funds projects that include one or more of the following activities:

(a) Develop and demonstrate effective ways to overcome barriers to the employment and advancement in educational research of members of underrepresented groups.

(b) Provide opportunities to conduct research studies for members of underrepresented groups who are either—

(1) Preparing for employment in educational research; or

(2) Seeking ways to further utilize their noneducational research capabilities; or

(3) Advancing in the field of educational research.

(c) Furnish information to participants about advanced study opportunities provided by others.

(d) Arrange for experts to advise the project and its participants on the application to this project of concepts and methods from relevant fields and disciplines.

(e) Engage persons to serve as mentors. One function of these persons is to advise participants about means for gaining access to communication networks of concern to the educational research and development community.

(20 U.S.C. 3474)

§ 703.11 Required activities.

(a) *General.* The Secretary funds only those projects that ensure that members of underrepresented groups and the organizations that represent them are involved in the planning for and in the conduct of the projects.

(b) *Institutional Projects.* The Secretary funds only Institutional Projects that—

(1)(i) Provide study opportunities at the post-doctoral level, except as provided in (b)(1)(ii) of this section;

(ii) Full-time, doctoral-level graduate work may be supported only if there is a showing that it is necessary to meet the objectives of the program established in § 703.1;

(2) Provide opportunities to post-doctoral students or experienced professionals to conceive and conduct educational research. That research may or may not reflect concerns and perspectives of underrepresented groups; and

(3) Develop and implement policies and procedures to increase the involvement, the professional growth, and the opportunities for advancement, of members of underrepresented groups, within one or more units of the grantee organization.

(c) *Special Projects.* The Secretary funds only Special Projects that—

(1) Provide seminars, workshops, short courses, or brief residential courses; and

(2) Emphasize at least one of the following:

(i) Research approaches and topics associated with the needs of members of underrepresented groups;

(ii) Development of skills needed in educational research, including statistical training and training in the conduct of syntheses and transformation of knowledge;

(iii) Enhancement of the potential of participants to publish and disseminate the results of their significant educational research by providing information and training about research techniques, report writing, and publishing processes; or

(iv) Any other skills directed to expanding and improving the ability of members of underrepresented groups to conduct research concerning equal educational opportunities.

(20 U.S.C. 3474)

§ 703.13 Projects and activities that are ineligible for support.

The Secretary does not fund projects that include—

(a) Pre-college or undergraduate programs of any type.

(b) Course work or other education or training that is not adapted specifically to the requirements of this program.

(20 U.S.C. 3474)

§ 703.14 Project duration.

(a) The initial period of a project is 12 months. If an application is for a multi-year project, continuation awards may be made for one or two additional 12 month periods.

(b) A Special Project may be continued beyond the initial 12 month period only if it provides a sequence of short term activities that are recurring (same activities for different participants) or intermittent (different activities for the same or different participants).

(20 U.S.C. 3474)

Subpart C—How One Applies for a Grant

§ 703.20 Application procedures.

One applies for a grant under the procedures of EDGAR § 75.100 through § 75.129.

(20 U.S.C. 3474)

Subpart D—How the Secretary Makes a Grant

§ 703.30 How the Secretary evaluates an application.

(a) The Secretary evaluates an application on the basis of the selection criteria in § 703.31.

(b) The Secretary awards up to 100 total points depending upon the degree to which each of these criteria is satisfied.

(c) The maximum possible score for each criterion is indicated in parenthesis following the identification of each selection criterion.

(d) The Secretary decides whether or not to fund a meritorious application based on its rank order under the selection criteria of § 703.31, and on whether the funding of the project will contribute to the widest possible distribution of projects throughout the United States.

(20 U.S.C. 3474)

§ 703.31 The selection criteria used by the Secretary.

(a) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each key person will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) In determining the qualifications of key personnel, the Secretary considers evidence of past experience and training in fields related to the objectives of the program as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Cost are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross reference.—See EDGAR § 75.590 Evaluation by the grantee.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows that the facilities, equipment, and supplies planned to be used are adequate.

(f) *Significance of the project in meeting the purpose of the program.* (25 points)

(1) The Secretary looks for information that shows the significance of the project in terms of the potential for developing methods for removing barriers to the participation of members of underrepresented groups in educational research and in initiating and advancing their careers in educational research.

(g) *Commitment of the applicant to the purpose of the program.* (20 points)

(1) The Secretary reviews each application for information that shows the extent to which the applicant is committed to meeting the purpose of the program.

(2) The Secretary looks for information that shows the commitment of the applicant to—

(i) The adoption of successful methods which are developed under the project; or

(ii) The continuation after termination of Federal funding of exemplary practices intitiated under the project.

(20 U.S.C. 3474)

Subpart E—Conditions That Must Be Met by a Grantee

§ 703.40 Restrictions on the use of grant funds.

A grantee may not use funds for construction, repair, remodeling, or alternation of facilities or sites.

(20 U.S.C. 3474)

§ 703.41 Allowable costs.

A grantee may provide financial assistance to participants of Special Projects in an amount up to $30 for each full day of participation, but the assistance may not exceed $150 a week.

(20 U.S.C. 3474)

§ 703.42 Restrictions on for-profit grantees.

A for-profit grantee must forego profits and share costs to the same extent that is required of a nonprofit grantee.

(20 U.S.C. 3474)

[FR Doc. 81-29156 Filed 10-6-81; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1933-4]

Approval of Maryland State Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to approve several amendments to the Regulations Governing the Control of Air Pollution in the State of Maryland, as a part of the Maryland State Implementation Plan (SIP). These changes include the modification of the definition of "Person," the deletion of two terms, and the revoking of a section of the regulations no longer relevant to the SIP. EPA is also correcting typographical errors appearing in a previous **Federal Register** notice, and approving two sections that were proposed but never finalized.

EFFECTIVE DATE: November 6, 1981.

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

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

Maryland Environmental Health Administration, Air Quality Programs, 201 W. Preston Street, Baltimore, MD 21201; Attn: George Ferreri

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

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

FOR FURTHER INFORMATION CONTACT: Edward A. Vollberg (3AH12), U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, telephone number (215) 597-8990.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 1981 (46 FR 24601), EPA proposed approval of several amendments to the State regulations of the Maryland State Implementation Plan (SIP) which modified the definition of "Person," and deleted two terms and a section of the regulations. EPA is also correcting typographical errors as presented in a previous **Federal Register** notice, and approving two sections that were proposed but never finalized.

A. Regulation Changes.—(1) On May 22, 1980, Maryland submitted to EPA, Region III, a recodification of COMAR 10.18.01–10.18.07. Within this revision the definition of "Person," 10.18.01.01.0, was expanded to include Federal and local governments responsible for the use of property. (The recodification is being acted upon in a separate **Federal Register** notice). The definition change is now consistent with Section 302(e) of the Clean Air Act.

(2) As stated in the notice of proposed rulemaking (May 1, 1981, 46 FR 24601), the State of Maryland deleted the definitions of "Board" and "Commissioner" from its regulations. These terms are not used in the regulations. EPA is now approving the deletions.

(3) EPA is withdrawing from further consideration two sections of Maryland's regulations relating to sulfur content of process gases. They were replaced by current regulations COMAR 10.03.38.04 B (5) (a)–(d) and 10.03.39.04 B (5) (a)–(d). The withdrawn regulations 10.03.38.04 B (4) and (10.03.39.04 B (4)) were submitted by Maryland on April 24, 1974 and proposed for approval in the **Federal Register** on March 27, 1975 (40 FR 13521), but were never finalized.

(4) EPA is also approving COMAR 10.03.35.06 A (1) and (3). These sections were originally submitted by the State of Maryland to EPA on April 24, 1974, adopting specific stack test methods and incorporating minor modifications to some equipment specifications. The regulations were proposed for approval in the **Federal Register** on March 27, 1975 (40 FR 14521), but were never finalized.

B. Clarification of Previous **Federal Register** Notices.—EPA published in the **Federal Register** on December 21, 1978 (43 FR 59492) a final rule approving Maryland State regulations Sections 10.03.38.06 C(1)(d) and 10.03.39.06 C(1)(d), Prohibition of Certain Incinerators.

Due to typographical errors all references to these sections are incorrect and should be changed to read

10.03.38.06 C(2)(d) and 10.03.39.06 C(2)(d), respectively.

Public Comments

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

EPA Actions

By the notice, the Administrator hereby approves the above stated changes to the Regulations Governing the Control of Air Pollution in the State of Maryland as a revision to the Maryland State Implementation Plan.

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

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

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

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

(42 U.S.C. 7401–642)

Dated: September 29, 1981.

Anne M. Gorsuch,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart V—Maryland

In § 52.1070 *Identification of Plan* (c)(51) and (52) are added to read:

§ 52.1070 Identification of plans.

* * * * *

(c) * * *

(51) A revision submitted by the State of Maryland on May 22, 1980, consisting of changes in definitions in sections 10.18.01.01 and revoking of obsolete regulations, COMAR 10.03.38.04 B(4) and 10.03.39.04 B(4).

(52) A revision submitted by the State of Maryland on April 24, 1974, consisting of changes in COMAR 10.03.35.06 A(1) and 10.03.35.06 A(3).

[FR Doc. 81-29144 Filed 10-6-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 81

[PR Docket No. 80-711; RM-3637; FCC 81-415]

Stations on Land in the Maritime Services; Amendment of the Commission's Rules Regarding Public Coast Station Replies to General Calls on Channel 16

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting rules in the Maritime Service to permit coast stations to reply to ship station calls which have not requested a particular coast station. This rulemaking was initiated in response to a petition submitted by Gulf Coast Communications, Inc. These rules will allow the coast stations to better serve the maritime public.

EFFECTIVE DATE: November 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Linda R. Figueroa, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 81.312 of the Commission's rules regarding public coast station replies to General Calls on Channel 16, PR Docket No. 80-711, RM-3637.

Report and Order—Proceeding Terminated

Adopted: September 22, 1981.

Released: September 30, 1981.

Summary

1. In this Report and Order, we are deleting § 81.312(a)(6) of the Commission's Rules which prohibits a public coast station operating on a shared frequency with other coast stations from answering a call not addressed to that particular coast station.

Background

2. This rule making proceeding was initiated in response to a petition submitted by Gulf Coast Communications, Inc., asking for the deletion of § 81.312(a)(6) of the Commission's Rules and Regulations. Section 81.312(a)(6) prohibits a public coast station operating on a shared frequency with another public coast station from answering a ship station until the ship station has transmitted the call sign or name of the particular coast station with which it wants to communicate, emergency calls excepted. A *Notice of Proposed Rule Making*, FCC 80-635, proposing to delete § 81.312(a)(6) was adopted on November 6, 1980, and published in the **Federal Register** on January 16, 1981 (46 FR 3939).

Comments

3. Comments were received from Gulf Coast Communications Inc. (Gulf Coast), General Telephone Company (GTE) and Robert L. Mohr d.b.a. Radio Call Corporation. All of these comments were favorable. The reasons given for deleting § 81.312(a)(6) were as follows:

(a) The crews of most foreign vessels do not have a good command of the English language, thereby making it difficult for them to transmit the call sign or name of the particular coast station with which they want to communicate.

(b) Section 81.312(a)(6) is a restrictive rule which results in many unanswered calls since public service is restricted only to those who use the "magic words".

(c) When a vessel does not receive an answer, the call is often repeated. This causes a cluttering of Channel 16, which may prevent a distress signal from getting through.

(d) In view of subsection (a)(7), which prohibits a public coast station from attempting to communicate with a ship station that has specifically called another coast station, subsection (a)(6) adds no further protection to public coast stations from other stations "jumping in" on its calls.

(e) Ship stations are unaware of this requirement in Part 81 since they are only required to be familiar with Part 83.

(f) The effect of an apparently unresponsive public coast station on foreigners, who cannot be expected to understand the intricacies of the subsection, may be to place an unnecessary block in relations between the United States and its international trading partners.

(g) The deletion of the subsection will promote a climate of healthy

competition among public coast stations to render expeditious service to unaddressed calls on Channel 16. Protection against overaggressive competition will still be provided by subsection (a)(7). Furthermore, if a station earns a reputation for consistently giving the best service to unaddressed calls, satisfied callers will soon ask for it by name, thereby solving the problem of unaddressed calls on Channel 16.

Conclusion

4. We concur with the commenters that the subject rule is unnecessary and the proposed amendment will allow the coast stations to better serve the maritime public.

5. Regarding questions on matters covered in this document contact, Linda R. Figueroa (202) 632–7175.

6. Accordingly, it is ordered, That under the authority contained, in Sections 4(i) and 303(r) of the Communication's Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), the Commission's Rules are amended as set forth in the attached Appendix effective November 9, 1981.

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

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is revised as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

Section 81.312 is revised by removing paragraph (a)(6) and designating it [Reserved].

§ 81.312 [Amended]

(a) * * *

(6) [Reserved]

* * * * *

[FR Doc. 81-29106 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder); Adjustment in Catch Limitations

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

ACTION: Final rule; adjustment in catch limitations.

SUMMARY: NOAA adjusts catch limitations for Atlantic groundfish. These adjustments are prescribed by regulation and are determined on a quarterly basis by the Regional Director. NOAA informs the public of cod, haddock, and yellowtail flounder catch limitations effective at the beginning of the 1981–1982 fishing year. This action will promote a balance of catch among vessel classes.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930–3097; telephone 617–281–3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Atlantic Groundfish (FMP) and implementing regulations establish catch limitations by vessel class, regulated species, and management area. The purpose of the catch limitations is to spread fishing effort throughout the year and achieve optimum yield.

The catch limitations for cod were revised downward during the previous fishing year (46 FR 21365, April 5, 1981), due to the high rate of cod landings. The Regional Director has decided to return to the original catch limitations for cod for the beginning of the fishing year on October 1, 1981, after considering all the factors required by 50 CFR 651.23(f)(2). Catch limits for haddock remain at the same level as during the 1980–81 fishing year. The catch limit for yellowtail flounder west of 69° West longitude for all vessel classes was increased to 5,000 pounds on June 5, 1981 (46 FR 30348). This limit remains the same.

The adjusted catch limitations are set forth in Appendix B.

Dated: October 1, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 651—ATLANTIC GROUNDFISH (COD, HADDOCK, AND YELLOWTAIL FLOUNDER)

For reasons set forth in the preamble, 50 CFR Part 651 is amended as follows:

1. The authority citation for Part 651 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In Part 651, Appendix B is revised to read as follows:

APPENDIX B.—Catch limitations

Vessel class	Gulf of Maine	Georges Bank and South
Cod (pounds per week)[1]		
Mobile gear:		
0 to 60 GRT	2,500	7,000
61 to 125 GRT	5,000	14,000
Over 125 GRT	7,000	20,000
Fixed gear	5,000	16,000
Haddock (pounds per week)[1]		
Mobile gear:		
0 to 60 GRT	5,000	7,000
61 to 125 GRT	7,000	14,000
Over 125 GRT	10,000	20,000
Fixed gear	16,000	16,000

Vessel class	West of 69° W.	East of 69° W.
Yellowtail Flounder[1]		
0 to 60 GRT	5,000	5,000
61 to 125 GRT	5,000	5,000
Over 125 GRT	5,000	5,000

[1] No overruns are allowed.
[2] Pounds per week or trip, whichever is the longer time period. No overruns are allowed.

[FR Doc. 81-29045 Filed 10-2-81; 8:46 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 194
Wednesday, October 7, 1981

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

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 812-3238]

Worthington Ford of Alaska, Inc., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, four motor vehicle dealerships, located in various parts of the country, and their corporate officer to make the text of written warranties readily available to prospective buyers, prior to sale; maintain up-to-date binders containing copies of written warranties in an easily accessible location; and conspicuously post signs advising consumers that all warranties are not the same and that written warranties are available for comparison upon request. The firms would be barred from improperly disclaiming, modifying or limiting the duration of implied warranties; and required to notify previous purchasers of motor vehicles whose implied warranty rights were improperly waived that they may have additional warranty protection. Each dealership would be required to appoint an individual who would be responsible for customer contacts resulting from the notice. Additionally, the order would require the dealerships to maintain specified records for a period of three years; instruct their employees as to the requirements of the Magnuson-Moss Warranty Act; and institute a program of continuing surveillance to ensure compliance with the terms of the order.

DATE: Comments must be received on or before December 7, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Randall H. Brook, Acting Director, 10R, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174. (202) 442-4655.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

[File No. 812-3238]

In the matter of Worthington Ford of Alaska, Inc., Worthington Chrysler-Plymouth, Inc., Worthington Ford, Inc., Cal Worthington Dodge, Inc., corporations, and Calvin Worthington, individually and as an officer of said corporations; Agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Worthington Ford of Alaska, Inc., Worthington Chrysler-Plymouth, Inc., Worthington Ford, Inc., Cal Worthington Dodge, Inc., corporations, and Calvin Worthington, individually and as an officer of said corporations, and it now appearing that said corporations, and Calvin Worthington, individually and as an officer of said corporations, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Worthington Ford of Alaska, Inc., Worthington Chrysler-Plymouth, Inc., Worthington Ford, Inc., Cal Worthington Dodge, Inc., by their duly authorized officer, Calvin Worthington, individually and as an officer of said corporations, and counsel for the Federal Trade Commission that:

1. Proposed respondent Worthington Ford of Alaska, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Alaska with its principal office and place of business located at 1950 Gambell Street, Anchorage, Alaska.

Proposed respondent Worthington Chrysler-Plymouth, Inc. is a corporation organized and existing under and by virtue of the laws of the State of California with its principal office located at 2850 Bellflower Boulevard, Long Beach, California.

Proposed respondent Worthington Ford, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of California with its principal office and place of business located at 2850 Bellflower Boulevard, Long Beach, California.

Proposed respondent Cal Worthington Dodge, Inc. is a corporation organized and existing under and by virtue of the laws of the State of Arizona with its principal office located at 2850 Bellflower Boulevard, Long Beach, California.

Proposed respondent Calvin Worthington is an officer of said corporations. He generally formulates, directs and controls the policies, acts and practices of said corporations, and his address is Route 3, Box 3924, Orland, California.

2. Proposed respondents admit all the jurisdictional facts set forth in paragraphs 2, 3, 4 and 5 of the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in

respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules (16 CFR 2.34), the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to each of proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any rights they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I. Definitions.

A. "Warranty Act" means the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2301 *et seq.*).

B. "Service contract" means such contract as is defined in Section 101 (15 U.S.C. 2301) of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2301 *et seq.*).

C. The definition of terms contained in Section 101 of the Warranty Act and in Rule 702 promulated thereunder (16 CFR 702.1) as presently defined and as may be amended hereafter, shall apply to the terms of this order.

D. "Trucks" means all trucks except those larger than one ton capacity.

E. "Truck parts" means all truck parts which are at any time used on trucks as defined in I.D.

II

It is ordered that respondents Worthington Ford of Alaska, Inc., Worthington Chrysler-Plymouth, Inc., Worthington Ford, Inc., Cal Worthington Dodge, Inc., corporations, their successors and assigns, and their officers, and Calvin Worthington, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale and sale of automobiles, trucks and truck parts, and other consumer products:

A. Shall make available for the prospective buyer's review, prior to sale, the text of each written warranty on new cars, new trucks, and other new consumer products costing the consumer more than $15, by use of one or more of the following means:

(1) Clearly and conspicuously displaying the text of the written warranty in close conjunction to each warranted product; and/or

(2) Maintaining a binder or series of binders which contain(s) copies of the warranties for the products sold in each showroom in which any consumer product with a written warranty is offered for sale. Such binder(s) shall be maintained in each such showroom, or in a location which provides the prospective buyer with ready access to such binder(s), and shall be prominently entitled "Warranties" or other similar title which clearly identifies the binder(s). Such binder(s) shall be indexed according to product or warrantor and shall be maintained up to date when new warranted products or models or new warranties for existing products are introduced by substituting superseding warranties and by adding new warranties as appropriate.

The respondent shall either:

i. Display such binder(s) in a manner reasonably calculated to elicit the propective buyer's attention; or

ii. Make the binder(s) available to prospective buyers on request, and place signs reasonably calculated to elicit the propective buyer's attention in prominent locations in the display area advising such prospective buyers of the availability of the binder(s), including instructions for obtaining access; and/or

(3) Displaying the package of any consumer product on which the text of the written warranty is disclosed, in a manner such that the warranty is clearly visible to prospective buyers at the point of sale; and/or

(4) Placing in close proximity to the warranted consumer product a notice which discloses the text of the written warranty, in a manner which clearly identifies to prospective buyers the product to which the notice applies.

Unless 16 CFR 702.3(a)(1) is amended, in which case respondents shall comply with said regulation as amended.

B. Shall clearly and conspicuously display the text of each written warranty provided by respondents, or any of them, for used cars or trucks in a window of each warranted vehicle; *provided*, that in the event the Federal Trade Commission issues a final Trade Regulation Rule establishing requirements which make compliance with this paragraph legally impossible, or which requires disclosure of warranty terms on window forms, then this paragraph will be null and void.

This Section II shall not apply to media advertising.

III

It is further ordered that:

A. Respondents post, in a prominent location in each showroom, a sign, at least 36 inches wide by 48 inches high and reasonably calculated to elicit prospective buyers' attention, which contains a verbatim reproduction of the following language:

Important!

NOT ALL WARRANTIES ARE THE SAME

Compare warranties before you buy

There is warranty information in this showroom

If you can't find it, ask for it

Check for these things:

What costs are covered?
What do *you* have to do?
Are all parts covered?
How long does the warranty last?

B. Any respondent who offers warranties on used automobiles or trucks, shall post, in each used vehicle

sales lot, in a prominent location, in a position reasonably calculated to elicit a prospective used vehicle buyer's attention, a sign, at least 36 inches wide by 48 inches high which contains a verbatim reproduction of the following language:

Important!

NOT ALL WARRANTIES ARE THE SAME

Compare warranties before you buy

Warranties (when given) are on the windows of used cars

If you don't see it, ask about it

Check for these things:

What costs are covered?
What do *you* have to do?
Are all parts covered?
How long does the warranty last?

C. The sign required by paragraphs III.A and III.B shall be posted for a period of not less than three years after service upon respondents of this order. The language in such sign shall be unencumbered by other written or visual matter, shall be spaced, indented and punctuated as indicated in paragraphs III.A and III.B above, and shall be printed in black against a solid white background, as follows:

1. The title of each sign shall be the word "Important" and shall be printed in capital letters in 4-inch boldface type followed by an exclamation mark.

2. The next phrase shall be printed on a separate line in capital letters and in 3-inch medium face type.

3. The next three phrases shall be printed on separate lines and in 3-inch medium face type.

4. Each succeeding phrase shall be printed on a separate line and in 2-inch medium face type.

5. The word "Important!" and each phrase shall be at least one inch from every other phrase.

IV

It is further ordered that respondents, in connection with the sale of automobiles, trucks and truck parts, and other consumer products in instances where respondents either make a written warranty to the consumer with respect to such consumer product, or, at the time of sale or within 90 days thereafter, enter into a service contract with the consumer which applies to such consumer product, shall:

A. Not disclaim or modify except as permitted by Section 108(b) of the Warranty Act, any implied warranty with respect to a consumer product;

B. Not limit the duration of any implied warranty with respect to a consumer product unless:

1. The written warranty is clearly and conspicuously designated a "Limited Warranty"; and

2. The limitation is for a period of time at least as long as the duration of any written warranty provided by respondents with respect to the product; and

3. The duration of the written warranty is for a reasonable duration; and

4. The limitation is conscionable, is set forth in clear and unmistakable language, and is prominently displayed on the face of the warranty.

V

It is further ordered that respondents shall:

A. Notify each consumer who purchased from respondents an automobile or truck manufactured after July 4, 1975, and who entered into a service contract with respondents at the time of sale, or within 90 days thereafter, or who received a warranty made by respondents and who executed either:

1. an offer to purchase which included language purporting to waive all implied warranties, or

2. a retail installment contract or security agreement which included language purporting to waive all implied warranties,

by mailing to each such consumer at the consumer's last residential address contained in the sales file folder, the notice set forth in the Appendix attached to this order. The Appendix may be sent by Worthington Ford, Inc. on behalf of Worthington Chrysler-Plymouth, Inc. and Cal Worthington Dodge, Inc. The address and telephone number of Worthington Ford of Alaska, Inc. shall be inserted in the appropriate blanks of the notices which are to be sent to customers of that dealership and the address and telephone number of Worthington Ford, Inc. shall be inserted in the appropriate blanks of the notices to be sent to all other customers of respondents. If the notice is returned undelivered, the return envelope is to be retained and the notice shall be sent to the customer's last employment address known to respondents or to the address of a co-signer, relative or other person through whom the customer may be reached.

B. Designate a responsible individual or individuals on behalf of each dealership and insert the name or names of the individual(s) for each dealership in the blank in the notice set forth in the Appendix, and provide written instructions to all dealership personnel who are normally in contact with the public and who have been regularly employed for seven (7) or more consecutive days, including, but not limited to, salesmen, service writers, office staff and service managers, directing them to refer all inquiries in response to the said notice to the designated individual(s). These written instructions shall also direct that said personnel shall not take any actions inconsistent with said notice to consumers.

C. Respond in writing to each oral or written communication received from consumers who were sent the notice contained in the Appendix to this order.

D. Not raise the defenses of disclaimer of implied warranty, or limitation or modification of implied warranty (except as permitted by Section 108(b) of the Warranty Act), in any correspondence, in any writing, or in any case or suit brought by consumers against respondents in connection with automobiles, trucks or truck parts, or other consumer products purchased from respondents if:

1. Said products were manufactured after July 4, 1975; and either,

2. The consumer entered into a service contract with any of the respondents covering said product at the time of the sale or within 90 days thereafter; or

3. Respondents made a written warranty to the consumer with respect to such consumer product.

E. Not raise the defense of lapse of statute of limitations with respect to any claim for the repair or replacement of an automobile, truck or truck part or other consumer product purchased from respondents, based on breach of an implied warranty, in any correspondence, in any writing, or in any case or suit brought by consumers against respondents in connection with automobiles, trucks, or truck parts, if such claim is asserted by a consumer within six months from the date on which the notice set forth in the Appendix attached to this order is mailed, and if:

1. Said product was manufactured after July 4, 1975; and either,

2. The consumer entered into a service contract with any of the respondents covering said product at the time of the sale or within 90 days thereafter; or

3. Respondents made a written warranty to the consumer with respect to such consumer product.

VI

It is further ordered that:

A. Respondents deliver a copy of this order to cease and desist to all of their present and future managerial employees and salespersons regularly employed for seven (7) or more

consecutive days, and secure a signed statement acknowledging receipt of the order from each such person.

B. Respondents instruct all present and future employees, salespersons, agents, and other representatives of respondents, regularly employed for seven (7) or more consecutive days and engaged in the sale of automobiles or other consumer products on behalf of respondents, as to respondents' specific obligations and duties under the Warranty Act, all present and future implementing Rules promulgated under the Act and this order including but not limited to oral instruction accompanied by delivery to each of the above persons the most current Commission consumer education pamphlet on warranties on the following:

1. The availability and location of warranty information;

2. The nature of and differences among full warranties, limited warranties, and service contracts.

C. Respondents institute a program of continuing monitoring to reveal whether respondents and respondents' employees, salespersons, agents, and other representatives are in compliance with this order.

D. Respondents maintain complete records for a period of not less than three (3) years from the date of the incident, of any written information received which indicates the possibility of a violation of this order by any of respondents' employees, salespersons, agents, or other representatives.

E. Respondents maintain, for a period of not less than three (3) years after service upon them of this order, complete business records, including customer sale folders, relating to the manner and form of respondents' continuing compliance with all the terms and provisions of this order.

F. The records described in VI. D and E. shall be available upon request for inspection and copying by representatives of the Federal Trade Commission at respondents' place of business during normal business hours upon reasonable advance notice.

G. The corporate respondents named herein notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporate respondents which may affect compliance obligations arising out of this order.

H. For a period of five years after service upon him of this order, the individual respondent named herein shall promptly notify the Commission of the discontinuance of his present business or employment relating to the sale of consumer goods or services and/or his affiliation in a management or ownership capacity with a new business or employment relating to the sale of consumer goods or services.

I. Respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Appendix

[Name and Address of Consumer]
[Date]

Dear [Name of Consumer]: You may have some added warranty protection for your car or truck. When you bought your vehicle, there was a line on the back of the contract which said that you did not have any implied warranties under state law. This is not so. You do have these warranties, which are described below. Implied warranties only cover, however, the condition of the vehicle at the time it was purchased.

First, you have a warranty of "merchantability." This means the car or truck you purchased must have been fit for ordinary use. Second, you may have a warranty of "fitness for a particular purpose" if you bought your car or truck on the basis of any representation we might have made that the vehicle was fit for a *particular* purpose which is *different* from the ordinary purpose for which cars and trucks are used.

If you feel that you have a claim under one of these warranties, please contact us, preferably in writing, at (*insert full address*) and give us all the details.

If you wish to call us about any claims you may have, please call us at (*insert full telephone number*) and speak to ————.

We will consider your claim and get back to you in writing as to what we are willing to do. We will not say that you have given up any implied warranty rights, nor will we tell you that you waited too long if you make your claim within 6 months of the date of this letter.

If you are not satisfied with our response, you may want to talk to the Federal Trade Commission in Seattle, Washington (Tel. (206) 442–4655).

However, we are not responsible for fixing any damage caused by normal wear and tear, by your misuse of the car or truck, by events beyond our control, or by your failure to properly care for your vehicle.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Worthington Ford of Alaska, Inc., Anchorage, Alaska; Worthington Chrysler-Plymouth, Inc., Long Beach, California; Cal Worthington Dodge, Phoenix, Arizona; and Calvin Worthington, individually and as an officer of the corporations.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charges that the corporate respondents and Cal Worthington violated the Warranty Act in the following respects:

1. Respondents failed to make the text of written warranties available to prospective buyers for review prior to sale.

2. Respondents attempted to improperly disclaim in writing all implied warranties while selling service contracts to the same customer.

The proposed order contains provisions which are directed specifically at the charged practices and other provisions which are remedial in nature. With respect to presale availablility of warranties, the respondents are required to comply with the F.T.C. requlation on this subject which permits the display of warranties in any of four different ways. For used cars, the order requires that warranties be displayed in the window of each vehicle. In both the new car showrooms and used car lots, respondents are required to post large signs to call to the attention of potential buyers points regarding warranty coverage, such as specific things to look for in warranties. The signs also advise the comparison of warranties before a purchase is made.

Other order provisions relate to respondents alleged attempted disclaimer of implied warranties. Respondents are ordered not to raise the defense of disclaimer of implied warranty. They are required to send a notice to all consumers who purchased cars in instances where the implied warranties were improperly waived. The consumers are told that they have implied warranty rights even though the papers they signed may have said that they did not have such rights.

Each dealership will appoint an individual who wil be responsible for customer contracts resulting from the notice. Any communications from notice recipients require that the respondent provide a written response.

The dealerships are also prohibited from using the defense of the lapse of the statute of limitation with respect to an implied warranty claim if such a claim is asserted by the consumer within 6 months of the sending of the notice.

Several other order provisions relate to compliance with the order and compliance with the law in general. Respondents are ordered to deliver copies of the order to all employees selling cars. They are required to instruct all employees as to the requirements of the Warranty Act and the Warranty Act rules. A program of continuing surveillance is required to determine whether respondents' employees are complying with the order. Records must be kept of any written or oral information received which indicates a possibility of a violation of this order. The respondents are also required ot keep records, including customer sale folders, relating to their compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-29152 Filed 10-6-81; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18131; File No. S7-787]

Designation of National Market System Securities

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments and solicitation of public comments.

SUMMARY: In response to a petition submitted by the National Association of Securities Dealers, Inc., the Commission is proposing amendments to its rule governing the designation of national market system securities. The primary effect of those amendments would be to increase substantially the number of securities that would be eligible for designation as national market system securities. In addition, the Commission is proposing amendments which would clarify the eligibility of American Depositary Receipts to be national market system securities.

DATE: Comments to be received on or before November 6, 1981.

ADDRESSES: All comments should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments should refer to File No S7-787 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael J. Simon, Division of Market Regulation (202) 272-2889, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Section 11A(a)(2) of the Securities Exchange Act of 1934 (the "Act")[1] directs the Commission to designate, by rule, securities eligible for trading in the national market system ("NMS"). On February 17, 1981, the Commission adopted Rule 11Aa2-1 ("Rule")[2] under the Act providing criteria and procedures by which certain securities traded in the over-the-counter ("OTC") market will be designated as NMS securities. Specifically, the Rule provides that a limited number of more actively traded OTC securities that meet the "Tier 1 Criteria" established by the Rule will be designated as NMS securities on January 15, 1982. In addition, a greater number of OTC securities that meet the "Tier 2 Criteria" will be eligible for designation, upon application of the issuer, on August 1, 1982. The primary near-term substantive effect of designation as NMS securities will be to require that transactions in such securities be reported in a real-time system and that quotations for such securities be firm as to the quoted price and size.

The Commission today is proposing two sets of amendments to the Rule. First, on July 24, 1981, the National Association of Securities Dealers, Inc. ("NASD") submitted a Petition for Rule Amendment pursuant to Rule 4(a) of the Commission's Rules of Practice[3] requesting the Commission to adopt significant changes in the Rule. While the NASD is requesting certain changes in the Tier 1 Criteria and in the procedures for determining which securities are covered by Tier 1, the major focus of the NASD's petition is a proposal to relax substantially the Tier 2 Criteria to allow more issuers of OTC securities to elect national market system security status. As a preliminary matter, the Commission believes that the NASD's proposal may be an appropriate stept toward achieving the Congressional goal of including in the NMS all securities whose trading and other characteristics suggest that they will benefit from such inclusion. Second, and apart from the NASD's petition, the Commission is proposing certain clarifying amendments to the Rule concerning American Depositary Receipts ("ADRs").

[1] 15 U.S.C. 78a *et seq.*

[2] 17 CFR 240.11Aa2-1, Securities Exchange Act Release No. 17549 (February 17, 1981), 46 FR 13992 (the "Adoption Release").

[3] 17 CFR 201.4(a).

I. The NASD's Petition

1. *The Proposal.* In its petition[4] the NASD stated that since the adoption of the Rule it has, through discussions with representatives of companies traded through NASDAQ, attempted to assess the impact of the Rule on the market for NASDAQ securities. The NASD further indicated that it had concluded that the designation of NMS securities will have a substantial and long lasting impact on the OTC market and that NMS designation and the accompanying dissemination of last sale information will be highly desired by many NASDAQ companies. The NASD also stated that, under the Rule, approximately 650 NASDAQ securities will be eligible for designation as NMS securities while there are approximately 1,650 NASDAQ companies that qualify for listing on the New York Stock Exchange, Inc. ("NYSE") or the American Stock Exchange, Inc. ("Amex"). Recognizing that exchange listing provides issuers with newspaper coverage and dissemination of transaction information comparable to that which will be provided by NMS designation, the NASD argued that the OTC market will be competitively disadvantaged unless the approximately 1,000 NASDAQ companies not within the Tier 2 parameters, which are eligible for NYSE or Amex listing, are eligible for designation under the Rule.

The NASD therefore proposes amendments to the Tier 2 Criteria, based substantially on the general Amex listing standards,[5] that would expand the number of companies eligible for designation to approximately 1,450.[6] Specifically, the NASD is proposing two alternative sets of Tier 2 Criteria: one set of criteria would cover relatively smaller companies that have a history of earnings, while the other set of criteria would cover relatively larger companies that, although their recent operations may not have been profitable, do have a substantial

[4] The petition is available for public inspection at the Commission's Public Reference Room. Request File No. S7-787.

[5] *See* CCH Amex Guide, §§ 10,000-10,019.

[6] As discussed below, in addition to the criteria based on the general Amex listing standards, the NASD is proposing volume and market maker criteria. The NASD indicates that there are approximately 200 securities that would substantially meet the Amex listing standards but would not satisfy the volume or market maker criteria.

operating history. Securities which meet either one of the alternative criteria would be eligible for NMS designation.

With respect to the first alternative set of Tier 2 Criteria,[7] the NASD proposes a number of criteria based on the Amex listing standards, plus additional volume and market maker requirements. Based on the Amex standards, the NASD proposes that the issuer have net tangible assets of $4,000,000, and 400,000 publicly-held shares with a market value of $3,000,000. Also based on those standards, the NASD would require that the minimum bid price of the stock be $5 for five business days prior to the application date and that the issuer have had annual net income of at least $400,000 in the last fiscal year, or in two of the last three fiscal years. Finally, and in addition to the criteria based on the Amex listing standards, the NASD would require that the dollar value of shares traded within the preceding year be at least $1,000,000,[8] and that there be four market makers registered with respect to the security on each of the five business days prior to the application date.[9]

The second alternative set of Tier 2 criteria, based on the Amex's alternate listing criteria, would require that the issuer have net tangible assets of $12,000,000, and 1,000,000 publicly-held shares with a market value of $10,000,000. The NASD also would impose a requirement that the issuer have a five year operating history. Finally, the volume and market maker requirements would be the same as in the first alternative.

The NASD also is proposing separate Tier 2 criteria for rights and warrants.[10] Only rights to purchase an NMS security would be eligible for Tier 2 designation, and those rights automatically would be eligible for such designation. Warrants to subscribe to a security would be eligible for designation if the underlying security is an NMS security and the warrants meet the Tier 2 Criteria, except that, rather than requiring a specific number of publicly-held shares, both Tier 2 alternatives would require 450,000 warrants outstanding at time of issuance.[11]

In addition to the proposed Tier 2 amendments, the NASD also is recommending a number of relatively minor changes to the Rule. First, the NASD is proposing that the issuer of a security about to be designated as an NMS security under the Tier 1 Criteria should be given 15 business days to object to such designation.[12] Second, the NASD proposes making minor amendments to the Tier 1 Criteria similar to certain aspects of its Tier 2 proposals. Specifically, the NASD proposes (i) to require a minimum bid price of $10 for the five business days preceding the qualification date, rather than the current 10 days; (ii) to delete the requirement that there be 1,200 holders of record of 100 shares or more; [13] and (iii) to require four market preceding the qualification date, rather than on 90 per cent of the business days during a six months period.

2. *Discussion.* As a preliminary matter, the Commission believes that the NASD's proposed amendments are desirable. In adopting the original Tier 2 Criteria, the Commission determined that, in light of the ability of each issuer to make a specific determination as to whether to apply for NMS designation, the benefits of transaction reporting for Tier 2 securities outweighed any possible adverse effect that such reporting may have on those securities.[14] However, in light of the concerns raised by commentators (including the NASD), the Commission designed fairly restrictive criteria regarding the number of securities that would be eligible for Tier 2 designation. The Commission further indicated its belief that a substantially greater number of OTC securities might benefit from transaction reporting and indicated its intention, after observing the effects of transaction reporting on OTC securities, to consider amending the Tier 2 criteria to permit additional OTC securities to be eligible for designation.[15] The NASD's petition, however, as well as a letter from the American Society of Corporate Secretaries, Inc. ("ASCS") recommending that the Tier 2 Criteria be designed as broadly as possible,[16] indicate that it may be appropriate at this time to increase the number of securities eligible for voluntary designation. Furthermore, the Commission believes that the amended criteria contained in the NASD's proposal will not upset the balance that the Commission struck in originally adopting the rule.

[7] The current Tier 2 Criteria require: net tangible assets of at least $2,000,000 and capital and surplus of at least $1,000,000; 400 holders of record of 100 shares or more and at least 250,000 publicly-held shares with a market value of $3,000,000; the price per share on each of the ten business days prior to the application date be $5 or more; the average volume of trading per month for the preceding six months be 100,000 shares or more; and at least four dealers act as NASDAQ market makers for at least 70 per cent of the business days during the six months preceding the application.

[8] This criterion would be satisfied as soon as there is $1,000,000 in trading volume within the one year period; thus, newly-traded securities could be eligible for designation, assuming the other criteria were satisfied, in less than a year.

[9] The NASD is proposing the requirement that there be four market makers over five business days in lieu of the current requirement in the Rule that there be four market makers for 70 percent of the business days of the previous six month period. The NASD argues that the six month requirement would prevent a new issue from being eligible for designation for at least those six months and that such a delay is inappropriate. The NASD also argues that administering this requirement would impose on it a significant additional data processing expense.

[10] The rule currently does not differentiate between rights, warrants and other securities. Therefore, rights and warrants currently would have to meet the generally applicable Tier 1 criteria to be subject to mandatory designation and would have to substantially meet the Tier 2 criteria to be eligible for voluntary designation. While the NASD is proposing specific Tier 2 requirements for rights and warrants, the NASD's proposals would not affect the mandatory designation of rights and warrants which meet the Tier 1 criteria.

[11] This proposal differs somewhat from the Amex listing standards for warrants which require that there be a minimum public distribution of 500,000 warrants. It also should be noted that, since the underlying security already is designated, the Tier 2 requirements concerning "shares" or the "security" would apply to the warrants and not to the underlying security.

[12] The rule currently states that designation will be effective 10 days after the qualification date. The NASD, in effect, is proposing that the issuer have 15 days after the effective date to object, and the NASD 10 days to act on that objection, for a total possible delay of effectiveness of 35 days. Of course, the only ground for objection under the rule would be that the issuer or the security did not meet one of the Tier 1 criteria; those criteria do not give the NASD discretion in making determinations concerning designation.

[13] The NASD argues that this requirement will be extremely difficult to administer since issuers are not required to report that information to the Commission and the rule contemplates that Tier 1 designations would be made without the need for additional submissions by issuers. The NASD further argues that the requirements concerning publicly-held shares, trading volume and four market makers obviate the need for a round lot shareholder requirement.

[14] In the past, a number of OTC representatives have argued that transaction reporting would result in disincentives to OTC market making (i) because of the direct (e.g., clerical) costs associated with such reporting, and (ii) because OTC market makers might be less willing to acquire a position in a security subject to transaction reporting due to the concern that they would be unable to liquidate effectively a significant position if their competitors were aware, via transaction reporting, of the size of that position. *See* the Adoption Release at 20–21, 46 FR 13995–6.

[15] *See* Adoption Release at page 25, note 53, 46 FR at 13996.

[16] Letter dated July 2, 1981, from Earl J. Grimm, Jr., Chairman, Securities Industry Committee, ASCS, to the Commission. In that letter, the ASCS argued that the Tier 1 Criteria should be drafted as narrowly as possible to minimize the chance that securities are designated automatically contrary to the interests of their issuers. On the other hand, the ASCS argued that, because there could be negative implications as to securities not eligible for designation, Tier 2 should be drafted as broadly as possible to allow the widest range of securities to be designated. The ASCS also stated its belief that exchange traded securities, as well as OTC securities, should be eligible for NMS designation.

The Commission first notes that, except for minor changes to ease administrative burdens on the NASD, the proposal would not affect the Tier 1 Criteria. Thus, the initial mandatory designation of NMS securities will continue to affect only the most actively traded and liquid OTC securities.

With respect to the Tier 2 Criteria, the NASD has proposed alternative sets of criteria substantively identical to the general Amex listing standards with added requirements concerning market makers and trading volume. The Commission believes that this is a reasonable approach. The Commission continues to believe that the availability of transaction reporting provides important benefits both to public investors and to the efficiency of the market as a whole.[17] Moreover, the Commission believes that the proposed alternative sets of standards are sufficient to identify securities which will benefit from last sale reporting. In particular, because both sets of standards increase the net tangible asset and publicly-held share criteria and retain a volume criterion (although at a significantly reduced level from the current rule), those standards should ensure that only the larger, actively traded OTC securities will be eligible for designation. In addition, while the Commission remains sympathetic to the concerns raised by the OTC market representatives,[18] the Commission notes that the NASD's proposal would retain the requirement that issuers of Tier 2 securities must affirmatively elect the NMS designation for their securities. The Commission anticipates that in making that election issuers will consider all the ramifications of that decision, including the effect of transaction reporting on the OTC market for their securities.

The Commission therefore requests public comment on the NASD's proposed amendments to the rule. In particular, the Commission seeks public comment on whether the NASD's proposed trading volume requirement will be sufficient to ensure that only those securities with sufficiently liquid markets will be subject to last sale reporting. In addition, the Commission specifically requests comment on the NASD's proposals concerning rights and warrants.[19]

[17] *See* the Adoption Release at 21–25, 46 FR at 13996.

[18] *See* note 12, *supra*.

[19] In the Adoption Release at 15–16, 46 FR at 13994–5, the Commission solicited comment on whether exchange traded securities should be designated as NMS securities and, if so, which securities should be so designated. That comment period expired on July 10, 1981. In light of the NASD's proposal, the Commission again solicits commentators' views and arguments on this subject.

II. ADRs

ADRs are receipts issued against securities of foreign issuers deposited in an American depositary. Pursuant to Rule 12g3–2 under the Act, ADRs are exempt from registration under Section 12(g) of the Act.[20] In addition, Form S–12 under the Securities Act of 1933[21] provides that, in most instances, the issuer of an ADR is deemed to be "the entity created by the agreement for the issuance of the [ADRs] . . . ."[22] In light of these unique aspects of ADRs, the Commission is proposing a number of amendments to the Rule.

First, the Rule currently permits, with limited exceptions not relevant here, only securities registered pursuant to Section 12 of the Act to be designated as NMS securities.

As noted above, however, ADRs are exempt from Section 12(g) registration and thus would not be eligible for designation unless the ADRs are registered despite that exemption. Because the Commission believes that information concerning the underlying foreign issuer, and not the ADRs, would be the most useful to investors, and in order to facilitate the eligibility of ADRs to be designated pursuant to the rule, the Commission is proposing to allow ADRs to be designated as NMS securities as long as the foreign securities against which the ADRs are issued are registered pursuant to section 12.[23]

Second, because much of the information required by both the Tier 1 and Tier 2 Criteria, such as net tangible assets and the NASD's proposed net income requirement, concerns the issuer of the underlying foreign security, the Commission is proposing to specify that, in the relevant instances, the "issuer" of the ADRs shall be deemed to be the underlying foreign issuer. In addition, the Commission is proposing to amend the instructions to the Tier 1 and Tier 2 Criteria because foreign issuers often file financial information with the Commission on forms other than those filed by domestic issuers.

III. Regulatory Flexibility Act Considerations

The Regulatory Flexibility Act, which became effective on January 1, 1981, imposes new procedural steps applicable to agency rulemaking which has a "significant economic impact on a substantial number of small entities."[24] The Chairman of the Commission has certified pursuant to the Regulatory Flexibility Act that the proposed amendments to Rule 11Aa2–1, if adopted, will not have a significant economic impact on a substantial number of small entities, or any other entities, because the costs of complying with the transaction reporting requirements will be small. Specifically, broker-dealers will report transactions through the NASDAQ terminals they already have. At most, the requirement will entail minimal additional clerical costs.

[20] 17 CFR 240.12g3–2(c).

[21] 17 CFR 239.19.

[22] *Id.* at General Instruction A. (II).

[23] The Commission understands that this would be consistent with the policy currently employed by stock exchanges with respect to exchange listings. Specifically, an exchange will list ADRs only if the underlying foreign security also is listed, and, therefore, registered under section 12.

IV. Statutory Basis and Text of the Amendments

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Pursuant to the Securities Exchange Act of 1934 and particularly section 11A(a)(2) and 23(a) thereof, 15 U.S.C. 78K–1(a)(2) and 78w(a), the Commission proposes to amend § 240.11Aa2–1 in Chapter II of Title 17 of the Code of Federal Regulations by revising paragraphs (a)(2); (b) (1) and (2); (b)(4)(i) (B), (D) and (F); (b)(4)(ii) (A), (B), (D), (E) and (F); adding paragraphs (b)(4)(ii) (G), (b)(4)(iii) and (iv); and by revising Instruction 1 and adding Instruction 4 to paragraph (b) to read as follows:

§ 240.11Aa2–1 Designation of national market system securities.

(a) * * *

* * * * * *

[24] Although section 601(b) of the Regulatory Flexibility Act defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission has published its proposed definitions in Securities Exchange Act Release No. 17645 (March 20, 1981), 46 FR 19251 (March 30, 1981). A broker-dealer under the Commission's proposed definition of "small business" or "small organizations" is one that:

(1) Is permitted to maintain the amount of net capital specified in 240.15c–3–1 (a)(2) or (a)(3);

(2) Had less than six partners, officers and employees on the last business day of the preceding calendar year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person other than a natural person, that is not a small business, or small organization as defined in this section. * * *

The Commission is using this definition for the purposes of the proposed amendments to Rule 11Aa2–1. The Commission has received a number of comments on the proposed definition and currently is considering those comments as part of the process of adopting final definitions.

(2) The term "registered equity security" shall mean any equity security which is (i) registered pursuant to section 12(b) or 12(g) of the Act, (ii) issued by an insurance company meeting the conditions of section 12(g)(2)(G) of the Act, (iii) registered under the Securities Act of 1933 and issued by a closed-end investment management company registered under section 8 of the Investment Company Act of 1940, or (iv) an American Depositary Receipt issued against the equity securities of a foreign issuer if such equity securities are registered pursuant to section 12 of the Act.

* * * * *

(b) *Designation criteria.* (1) Any NASDAQ security which on the most recent qualification date meets each of the criteria set forth in paragraph (b)(4)(i) of this section ("Tier 1 Criteria") is hereby designated as a national market system security, such designation to be effective, pursuant to the terms of an effective designation plan, not later than the thirty-fifth business day following such qualification date.

(2) Any NASDAQ security not described in paragraph (b)(1) of this section which

(1) substantially meets the criteria set forth in paragraph (b)(4)(ii) or (b)(4)(iii) of this section ("Tier 2 Criteria");

(ii) is a right to purchase a security described in paragraph (b)(1) or (b)(2)(i) of this section; or

(iii) is a warrant to subscribe to a security described in paragraph (b)(1) or (b)(2)(i) of this section and meets the criteria set forth in paragraph (b)(4)(iv) of this section ("Warrants") shall be designated as national market system securities upon application of the issuer in accordance with the terms of an effective designation plan.

* * * * *

(4)(i) *Tier 1 criteria.* * * *

(B) There are at least 500,000 shares held by persons other than directors, or persons owning of record or beneficially 10 percent or more of the outstanding shares of the security ("publicly held shares").

* * * * *

(D) The price per share on each of the five business days preceding the most recent qualification date is $10 or more

* * * * *

(F) At least four dealers act as NASDAQ market makers with respect to the security on each of the five business days preceding the most recent qualification date.

(ii) *Tier 2 criteria*—Alternative 1.

(A) The issuer of the security has net tangible assets of at least $4,000,000.

(B) There are at least 400,000 publicly-held shares.

* * * * *

(D) The price per share on each of the five business days prior to the date of application by the issuer is $5 or more.

(E) The dollar value of shares traded during the 12 month period preceding the date of application by the issuer is at least $100,000.

(F) At least four dealers act as NASDAQ market makers with respect to the security on each of the five business days preceding the date of application by the issuer.

(G) The issuer of the security has had annual net income of at least $400,000 in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

(iii) *Tier 2 criteria*—Alternative 2.

(A) The issuer of the security has net tangible assets of at least $12,000,000.

(B) There are at least 1,000,000 publicly-held shares.

(C) The market value of publicly held shares is at least $10,000,000.

(D) The dollar value of shares traded during the 12 months preceding the date of application by issuer is at least $1,000,000.

(E) At least four dealers act as NASDAQ market makers with respect to the security on each of the five business days preceding the date of application by the issuer.

(F) The issuer has a five year operating history.

(iv) *Warrants.*

(A) The Warrants substantially meet the Tier 2 criteria; *provided, however* That they shall not be required to meet the criteria set forth in paragraphs (b)(4)(ii)(B) or (b)(4)(iii)(B) of this section.

(B) Immediately after the distribution there are at least 450,000 Warrants outstanding.

Instructions. 1. The computations required by (i)(A), (ii)(A) and (iii)(A) shall be taken from the issuer's most recent financial information filed with the Commission pursuant to section 12 or 13 of the Act. * * * 4. In the case of American Depositary Receipts, the computations required by (i)(A), (ii)(A), (ii)(G), (iii)(A) and (iii)(F) shall relate to the foreign issuer and not to any depository or any other person deemed to be an issuer for purposes of Form S-12 under the Securities Act of 1933 (§ 239.19).

* * * * *

George A. Fitzsimmons,

Secretary.

October 1, 1981.

Regulatory Flexibility Act Certification

I, John Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Rule 11Aa2-1 set forth in Securities Exchange Act Release No. 18131, if promulgated, will not have a significant economic impact on a substantial number of small issuers, small broker-dealers or any other broker-dealers. Specifically, broker-dealers will report transactions through the NASDAQ terminals they have already have, and, at most, the requirement will entail minimal additional clerical costs.

John S. R. Shad,

Chairman.

October 2, 1981.

[FR Doc. 81-29219 Filed 10-6-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 385; Ref: Notice No. 356]

Finger Lakes Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amended boundaries for the previously proposed Finger Lakes viticultural area, Notice No. 356, 45 FR 73694. Based on testimony received at the public hearing held on the proposed Finger Lakes viticultural area, the Bureau of Alcohol, Tobacco and Firearms (ATF) believes the boundaries originally proposed are too broad to accurately reflect a grape-growing area distinguished from the surrounding areas by viticulturally significant geographic features. This notice proposes amended boundaries which ATF believes reflect such a distinctive area.

DATE: Written comments must be received by January 5, 1981.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044, (Attn: Notice No. 385).

Copies of the petition, the Notice of Proposed Rulemaking (No. 356), the appropriate maps, all written comments, and the hearing transcript are available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW., Washington, D.C.

A copy of the hearing transcript is also available for public inspection during normal business hours at: Buffalo Area Office, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room

219, 111 West Huron Street, Buffalo, New York.

The hearing transcript may be obtained through the office of the hearing reporter: Lisa Clark, Tiro Reporting Services, 536 Executive Office Building, 36 West Main Street, Rochester, New York 14614.

FOR FURTHER INFORMATION CONTACT:

Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

ATF was petitioned by the Finger Lakes Wine Growers Association to establish a viticultural area to be named "Finger Lakes." The proposed area is located in the west central part of New York State and encompasses 14 adjoining counties in their entirety. The petitioner stated that "the prominent geological features that outline the area so closely approximate these political boundaries; it is felt that these political boundaries best define the Finger Lakes area to the public."

ATF issued a notice of proposed rulemaking concerning Finger Lakes. This notice, No. 356, published November 6, 1980, in the **Federal Register** (45 FR 73694), proposed the establishment of Finger Lakes as a viticultural area with boundaries recommended by the petitioner. The proposed area included approximately 8,400 square miles with climatic conditions which varied by more than 60 days in the length of the growing season. At a public hearing and in the notice of proposed rulemaking, ATF sought to obtain information to more clearly define the current and prospective grape-growing areas. In addition, at the public hearing, information was sought as to which geographical features or conditions were the predominating factors in grape growing in the proposed area.

Public Hearing

A public hearing concerning the establishment of Finger Lakes as a viticultural area was held in Geneva, New York, on February 11, 1981. The witnesses giving testimony at the hearing all supported the boundaries of the Finger Lakes viticultural area as proposed.

The witnesses generally based their decision for the proposed boundaries on the historical significance of the name Finger Lakes and the fact that the State of New York officially designated the proposed 14-county area as the Finger Lakes Region. A witness explained that New York State is divided into vacation regions for recreational and tourism purposes. Witnesses further stated that the predominate geographical features which make the proposed area unique from the surrounding area are the 11 finger-shaped lakes and their climatic effects.

Many witnesses were questioned as to why the entire 14-county area was endorsed, when more than 98 percent of the grapes are grown in less than one-half of the counties. Questions were also asked about the location of the vineyards in the counties where grapes are grown. ATF sought further information as to the economical and commercial feasibility of grape growing in areas where grapes are not presently grown, particularly in areas relatively far from the lakes and subject to a comparatively short growing season.

In response to questions concerning the general location of the vineyards within the proposed area, testimony was given which placed the vineyards between or in the immediate vicinity of some of the Finger Lakes. Further, the petitioner stated with regard to the variation in the length of the growing season in the proposed area, "I think that the 143 days really define the boundaries. Once you get outside those boundaries as I understand it, you are getting into the possibility of not being too viable commerically. * * * I'm not saying that it's the best temperature. I'm saying that I believe once you get outside that area, you run into difficulty."

Other testimony was given which pointed out that the location of a vineyard, in many cases, was dictated by its proximity to a winery. As the number of wineries increases and expands away from the traditional winery areas, the number of vineyards will likewise expand. As evidence of the winery and vineyard expansion, testimony was given regarding growth since the enactment in New York of the Farm Winery Bill of 1976. ATF has learned that within the proposed area, 14 new wineries have been established, and throughout the State 29 new wineries have been established since June 1976. Many new wineries in the proposed area are located where none previously existed. These new wineries are generally located between two of the Finger Lakes, where the growing season is approximately 150 days.

After evaluating all the material regarding the proposed Finger Lakes viticultural area, ATF believes the proposed boundaries should be amended. The amended boundaries should more clearly define a distinct grape-growing area with geographic and climatic characteristics that distinguish the viticultural features of the proposed area from surrounding areas. ATF is proposing amended boundaries (1) which encompass an area with a relatively uniform growing-season length and (2) which include, and are proximate to, the 11 Finger Lakes. The petitioner submitted evidence that the lakes have a moderating effect on the climate, particularly that the winter climate in the area close to the lakes is less severe than in surrounding areas. With the amended boundaries, ATF believes the area would qualify as a viticultural area.

Amended Boundaries

The amended boundaries of the proposed Finger Lakes viticultural area, using landmarks and points of reference found on the U.S.G.S. maps submitted with the petition, are as follows: starting at the most northwest point, the intersection of the Erie Canal and the north/south Conrail line south of the City of Rochester, east along the course of the Erie Canal approximately 56 miles (45 miles due east) to the intersection of New York State Highway 89 (NY–89); south on NY–89 four miles to the intersection of highway US–20; east on US–20 for 36 miles to the intersection of Interstate 81 (I–81); south along I–81 for ten miles to NY–281; continuing south on NY–281 for 20 miles around the western city limits of Cortland where NY–281 becomes NY–13; continuing southwest on NY–13 (through the cities of Dryden and Ithaca) approximately 36 miles to the intersection of NY–224; from this point continue due west one mile to the southern boundary of Schuyler County, continuing west along this county line 20 miles to the community of Meads Creek; north along the Schuyler-Steuben county line four miles to the major east/west power line; west along the power line for eight miles to the intersection of NY–17 (four miles southeast of the community of Bath); northwest on NY–17 approximately nine miles to the intersection of I–390; northwest along I–390 for 21 miles to the intersection of NY–36; north two miles through the community of Dansville to NY–63; northwest on NY–63 approximately 18 miles to the intersection of NY–39, just south of Genesco; north on NY–39 nine miles to the intersection where the west and north/south Conrail lines meet at the community of Avon; north along the north/south Conrail line for 15 miles to the beginning point at the intersection of the Erie Canal.

Since the amended boundaries significantly change the boundaries as

initially proposed, ATF believes public comment should be solicited.

Executive Order 12291

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

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Public Participation

ATF requests comment from all interested persons concerning the amended proposed boundaries. Furthermore, while this notice proposes alternative boundaries for the Finger Lakes viticultural area, suggestions for other possible boundaries will be given consideration before a final decision is made.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future action.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting comments is not exempt from disclosure.

Since this notice pertains specifically to amending the boundaries and evidence on this and other aspects of the Finger Lakes viticultural area was gathered at the hearing, no further hearings are scheduled or are expected to be scheduled concerning this viticultural area.

Drafting Information

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

Authority

Accordingly, the Director is issuing this notice of proposed rulemaking under the authority contained in Section 5 of the Federal Alcohol Administration Act.

(49 Stat 981, as amended; 27 U.S.C. 205)

Signed: July 29, 1981.

G. R. Dickerson,

Director.

Approved: September 1, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-29089 Filed 10-6-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 387; Ref: Notice No. 352]

Lime Kiln Valley Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: At a public hearing held on the proposed viticultural area, testimony was given which indicated that the boundaries originally proposed do not accurately reflect a distinct grape-growing area. One of the necessary elements in establishing a viticultural area is evidence relating to its geographical features, e.g. climate, which distinguish the features of the proposed area from surrounding areas. In our view, the disparity in the average rainfall in the proposed area and its likely effect on the grapes grown in the region fails to adequately distinguish the proposed area from surrounding areas. Moreover, this climatic feature does not delimit a distinct viticultural area. Therefore, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing this notice of proposed rulemaking to amend the boundaries to reflect such a distinctive area.

DATES: Written comments must be received by December 7, 1981.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044. (Notice No. 387).

Copies of the petition, the proposed regulations in Notice No. 352 and this notice, the appropriate maps, the written comments, and a copy of the hearing proceedings are available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, DC.

A copy of the hearing proceedings is available for public inspection during normal business hours at: The Office of the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms, 34th Floor, 525 Market Street, San Francisco, California.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Background

ATF was petitioned by Enz Vineyards of Hollister, California, to establish a viticultural area in San Benito County to be named "Lime Kiln Valley." The petitioner, in describing the climatic characteristics of the proposed area, stated that the western end of the proposed area, which is mountainous, received an average of 40 inches of rainfall per year, while the eastern end, being the valley floor, received an average of 16 inches a year.

Subsequently, ATF issued Notice No. 352, published in the **Federal Register** on October 27, 1980 (45 FR 70913), proposing the establishment of Lime Kiln Valley as a viticultural area. The boundaries of the proposed area were described by summits of peaks and generally followed the area's watershed boundary.

Public Hearing

A public hearing concerning the establishment of Lime Kiln Valley was held in Hollister, California, on January 21, 1981. The testimony at the hearing supported the establishment of a viticultural area, but a problem arose

concerning the amount of rainfall within the proposed boundaries.

The petitioner stated that the variation in the rainfall would affect the grapes grown in the mountainous area differently than the grapes grown on the valley floor. After evaluating the entire record concerning the climate of the area, ATF believes the boundaries of the proposed Lime Kiln Valley should be amended to exclude the mountainous areas. This change would limit the proposed viticultural area to one which exhibits uniform climatic characteristics. To accomplish this, ATF is proposing an amended boundary based primarily on the 1,400-foot contour line and Cienega Road. With the amended boundary, Lime Kiln Valley appears to qualify as a distinct grape-growing region.

Since the amended boundary significantly reduces the area from the 9,500 acres originally proposed, ATF believes comments should be solicited on the amended boundary.

Public Participation

ATF requests comments from all interested persons concerning the amended boundaries. Furthermore, while this notice proposes possible boundary amendments for the Lime Kiln Valley viticultural area, suggestions for other possible boundaries will be given consideration before a final decision is made.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too later for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting comments is not exempt from disclosure.

Since this notice pertains only to amending the area's boundaries, no further hearings are now scheduled nor are any expected to be scheduled concernig this viticultural area.

Executive Order 12291

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

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Drafting Information

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

Authority

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

PART 9—AMERICAN VITICULTURAL AREAS

(1) The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.27. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.27 Lime Kiln Valley.

(2) Subpart C is amended by adding § 9.27.

As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.27 Lime Kiln Valley.

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

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Lime Kiln Valley viticultural area are two U.S.G.S. maps entitled:

(1) "Mount Harlan Quadrangle, California," 7.5 minute series; and

(2) "Paicines Quadrangle, California," 7.5 minute series.

(c) *Boundaries.* The Lime Kiln Valley viticultural area is located in San Benito County, California. From the beginning point at the intersection of Thompson Creek and Cienega Road, the boundary proceeds, in a straight line to the summit of an unnamed peak (1,288 feet) in the northwest quarter of Section 28, T.14S./R.6E.;

(1) Thence in a straight line from the summit of the unnamed peak (1,288 feet) to a point where it intersects the 1,400-foot contour line, by the elevation marker, in the southwest quarter of T.14 S./R.6 E., Section 28;

(2) Thence following the 1,400-foot contour line through the following sections; Sections 28, 29, and 30, T.14 S./R.6 E.; Section 25, T.14 S./R.5 E.; Sections 30, 19, 20, and returning to 19, T.14 S./R.6 E., to a point where the 1,400-foot contour line intersects with the section line between Sections 19 and 18, T.14 S./R.6 E.;

(3) Thence in a straight line to the Cienega School Building along Cienega Road;

(4) Thence along Cienega Road to the point of beginning.

Signed: August 24, 1981.

G. R. Dickerson,

Director.

Approved: September 15, 1981.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-29091 Filed 10-6-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 386; Re: Notice No. 338]

Pinnacles Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice reopens the record for Notice No. 338 which

proposed The Pinnacles viticultural area located in Monterey and San Benito Counties, California. Based on evidence received in response to Notice No. 338, ATF feels that the name "The Pinnacles" would be inappropriate if used to designate the proposed viticultural area. For this reason, ATF is soliciting additional comments concerning alternatives to the name "The Pinnacles."

DATE: Comments must be received by November 23, 1981.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044 (Notice No. 386).

Copies of comments will be available for public inspection during normal business hours at the: ATF Reading Room, Federal Building, Room 4407, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Norman Blake, Research and Regulations Branch (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On March 17, 1980, ATF published a notice of proposed rulemaking, Notice No. 338, in the **Federal Register** (45 FR 17027) proposing the establishment of a viticultural area in Monterey and San Benito Counties, California. ATF proposed the name "The Pinnacles" for the area. A public hearing concerning the proposal was held in Salinas, California, on May 2, 1980. Five persons testified at the hearing. ATF accepted written comments on the proposal until May 16, 1980. Two written comments were submitted.

Proposed Name—"The Pinnacles"

Representatives of Paul Masson Vineyards, Inc., and Joseph E. Seagram & Sons, Inc., objected to the use of the name "The Pinnacles" through both hearing testimony and written comment. They presented evidence that the terms "Pinnacle" and "Pinnacles" and the phrase "A Pinnacles Selection" have been used on labels for Paul Masson wines which are not derived from grapes grown in the proposed viticultural area. They contended that the use of the name "The Pinnacles" for the proposed viticultural area would violate Paul Masson's previously established "common law and statutory" rights to the use of the name. They further argued that naming the viticultural area "The Pinnacles" and thus allowing other wineries to use the name would confuse and mislead consumers who had come to recognize references to "A Pinnacles Selection" and "Pinnacles" as designations used on Paul Masson wines.

The petitioner, Chalone Vineyard, stated that the proposed viticultural area was closer in proximity and more similar in geographical factors than Paul Masson's vineyard to The Pinnacles National Monument, from which the proposed viticultural area name and Paul Masson's vineyard and label references are derived. The petitioner also pointed out that the term "The Pinnacles" is used, without objection by Paul Masson, in the address statement on the labels for wine produced by Chalone Vineyard. The petitioner, therefore, claimed that the proposed name for the viticultural area was appropriate and not misleading.

After carefully considering the evidence, ATF has decided not to allow the use of the name "The Pinnacles" for the proposed viticultural area. While ATF does not fully agree with either party, ATF does feel that the name "The Pinnacles" would not be appropriate for the proposed viticultural area because of Paul Masson's trademark claims and the possible consumer confusion that would result if "The Pinnacles" were approved for the proposed viticultural area. In addition, there has not been a sufficient showing that the name "The Pinnacles" is locally and/or nationally known as referring to the area specified by the proposed boundaries. Therefore, the proposed name does not meet the requirement of 27 CFR 4.25a(e)(2)(i). Accordingly, before deciding on a name for the proposed area, ATF is soliciting further comment from the public and the industry concerning the name of the proposed area.

Public Comment on New Name

ATF is soliciting suggestions and comments from all interested persons concerning additional names for the proposed viticultural area. ATF is particularly interested in receiving comments concerning the names "Chalone," "Gavilan," or derivations of those names. ATF will only accept comments regarding alternative names for the proposed area. ATF will not accept any new comments concerning the geographical or viticultural characteristics of the area or new comments regarding the boundaries of the area.

All comments received before the closing date will be carefully considered. All comments previously submitted concerning the proposed viticultural area will remain a part of the record, and resubmission of comments will not be necessary unless the commenter wishes to furnish additional information.

ATF will not recognize any material in the comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposal because this proposal, if promulgated as a final rule, would not have a significant economic impact on a substantial number of small entities. This proposal is not expected to have any other significant effect on a substantial number of small entities, or cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Available information indicates that this proposal, if promulgated as a final rule, would affect only one small entity.

Compliance With E.O. 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a major rule since it will not result in—

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

(b) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

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

Drafting Information

The principal author of this document is Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This notice is issued under the authority in 27 U.S.C. 205.

Signed: September 2, 1981.

G. R. Dickerson,

Director.

Approved: September 15, 1981.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-29068 Filed 10-6-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

Trademark Applications; Filing Dates

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proposed rulemaking.

SUMMARY: Patent and Trademark Office proposes amendments of the rules of practice in trademark cases to revise the filing date requirements for an application for registration of a mark and to allow the Office to return applications which fail to meet these requirements. The amendments also define with additional specificity the nature of the drawing and specimens which must accompany an application in order for it to be entitled to a filing date. The proposed amendments are needed to reduce the special handling required to process and control applications not entitled to a filing date and the impact of such special handling on delaying other applications. Delays in application processing also occur when drawings fail to include a complete heading and Office personnel must enter the necessary data on a large volume of drawings. The proposed amendments are designed to speed the initial processing of applications and the filing of copies of drawings in the Trademark Search Room. An additional effect of the amendments would be a significantly earlier notification to an applicant of the status of papers filed as an application for registration of a trademark.

DATE: Written comments by January 5, 1982.

ADDRESSES: Address written comments to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Written comments will be available for public inspection in Room 11E10 of Building 3, Crystal Plaza, 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Ms. Paula Hairston by telephone at (703) 557-7464 or by mail marked to her attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: The Patent and Trademark Office is considering amendments to the rules of practice in trademark cases to amend the requirements for receiving a filing date for an application for registration of a mark, to revise the procedures for returning papers which are not entitled to receive a filing date, to amend the requirements for a drawing submitted as part of an application, to delete the provisions for the Patent and Trademark Office to make or correct drawings for applications to register marks and to specify that a copy of a drawing is not acceptable as a facsimile showing how a mark is actually used in commerce.

The specific rules for which amendments are proposed are §§ 2.21, 2.52, 2.54, and 2.57. In addition, it is proposed to remove § 2.55.

Section 2.21 is proposed to be amended by revising paragraphs (a) and (c). The effect of revising paragraph (a) will be to make the heading a mandatory portion of the drawing of the mark. The result will be the denial of a filing date for an application when the drawing submitted as part of the application lacks the information required to be in the heading, namely, the applicant's full name and postal address, the date of first use of the mark, the date of first use of the mark in commerce (except for an application filed under § 44 of the Trademark Act), and the goods or services identified in the application, or a typical item of goods or services if a number of items are recited in the application. At present, if a drawing is submitted without a heading, or with an incomplete heading, an employee of the Service Division of the Trademark Examining Operation must type the information on the drawing before copies can be reproduced for filing in the Search Room for use by examiners and the general public. Because the applications are batched in numerical order for processing purposes, this added typing delays the processing, not only of the application directly involved, but also of all the applications with later serial numbers. Consequently, the submission of drawings with missing or incomplete headings affects other applicants and contributes to unnecessary delays in sending out filing receipts and in transmitting applications to the examiners.

It is also proposed to remove the words "or other identification" from existing paragraph (a) because they have no meaning.

Paragraph (c) of § 2.21 is proposed to be amended to change the procedure for dealing with applications that are so defective, i.e. that do not satisfy the requirements of § 2.21(a), that they are not entitled to a filing date.

The procedure within the Patent and Trademark Office under existing § 2.21(c) is that all incoming mail is date-stamped in the mail room. All papers submitted as applications for the registration of marks are given serial numbers and are then sent to the Finance Branch for the collection of the fees submitted. After the papers are annotated to show the fee submitted, the papers are returned to the mail room, which sends them to the Classification Team of Trademark Service Division for review. If any application fails to satisfy the requirements of §2.21(a), the applicant or his attorney is notified of the defect and allowed six months to correct it. In the meantime, the papers and fee are held in the Office. The time that elapses between the receipt of application papers in the Office and the dispatch of a letter notifying the applicant or his attorney that the application is not entitled to receive a filing date is approximately three to four weeks and occasionally longer.

If the defect is remedied within the six months allowed, the application is given an effective filing date as of the date when all of the requirements of § 2.21(a) are fulfilled. If the requirements for receiving a filing date are not satisfied, the fee, the drawing, and the remaining application papers are normally returned. Application papers which, when originally filed, are not entitled to receive a filing date impose extra handling burdens and costs upon the Patent and Trademark Office.

Under the proposed procedure, papers submitted as an application for registration of a mark will be reviewed immediately after their receipt in the mail room of the Patent and Trademark Office. Papers which are so defective that they are not entitled to receive a filing date will be returned to the applicant or his attorney together with any fee that was submitted. The papers will be accompanied by a letter describing the defect or defects. The applicant or his attorney will thus be notified that an application is not entitled to a filing date within about ten days from the date when the defective papers were received. This change will be beneficial to such applicants because they will be notified of, and hence have the opportunity to correct, defects in applications at an earlier time than is possible under existing § 2.21(c), and, therefore, obtain an earlier effective

filing date, than is now possible. The change will also benefit other applicants by reducing the burden and costs of the Patent and Trademark Office which adversely affect the handling of their applications.

In the event that the applicant resubmits the original application papers together with any additional paper, specimen, drawing, or fee which is required to correct the defect in the original papers, the Patent and Trademark Office will exercise reasonable discretion in determining whether the lapse of time between the date of execution of the application and the receipt in the Office of the corrected papers requires reexecution of the application. A requirement by the examiner that the application be reexecuted will not affect the filing date. See § 2.32(b).

It should be noted that the certificate of mailing procedure, 37 CFR 1.8, does not apply to the filing of trademark applications and therefore does not apply to the filing of a resubmitted trademark application. This is not a change from current practice.

Section 2.52 is proposed to be amended by revising paragraph (d) to make it mandatory to include on every drawing submitted as part of an application the identifying information prescribed by the rule. Specifically, "must" is substituted for "should" in the present rule. The reason for this proposed amendment is explained above in the explanation of the amendment proposed for § 2.21(a).

Section 2.54 is proposed to be amended to bring this section into conformity with the proposed amendments of §§ 2.21(a) and 2.52 by excluding an omitted or incomplete heading as a defect which is remediable by amendment after an examiner issues an Office action. Section 2.54 is also proposed to be amended by eliminating the provision for correction of drawings by the Office. The provision is being eliminated because of the lack of facilities.

Section 2.55 is proposed to be removed because the official draftsman of the Office does not have the facilities for making drawings for applications to register marks.

Section 2.57 is proposed to be amended by adding new paragraph (b) to make it clear that a mere reproduction of the drawing by xerographic, photographic or other copying processes will not be accepted as a facsimile showing how the mark is actually used in commerce (or is actually used in the case of an application filed under section 44 of the Trademark Act). No change is being made in the requirement that a facsimile submitted in lieu of a specimen must clearly and legibly show the mark and all matter used in connection therewith as the mark is actually used.

The Patent and Trademark Office has determined that the proposed amendments are not major rules under Executive Order 12291 since they would benefit trademark applicants and reduce the burdens on the Office.

The proposed amendments will not have a significant adverse economic impact on a substantial number of small entities. (Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*)

Notice is hereby given that pursuant to the Commissioner's authority under Section 41 of the Trademark Act of July 5, 1946, 15 U.S.C. 1123, and Section 6 of the Act of July 19, 1952, 35 U.S.C. 6, the Patent and Trademark Office proposes to amend Part 2 of Title 37 of the Code of Federal Regulations as set forth below.

In the text of the proposed amendments, additions are indicated by arrows and deletions are indicated by brackets.

It is proposed to amend 37 CFR, Part 2 as follows:

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. Section 2.21 is proposed to be revised to read as follows:

§ 2.21 Requirements for receiving a filing date.

(a) Materials submitted as an application for registration of a mark will not be accorded a filing date as an application until all of the following elements are received:

(1) Name of the applicant;

(2) A name and address to which communications can be directed;

(3) A drawing [or other identification] of the mark sought to be registered [;] ►containing the information required by paragraph (d) of § 2.52;◄

(4) An identification of goods or services;

(5) At least one specimen or facsimile of the mark as actually used;

(6) A date of first use of the mark in commerce, or a certification or certified copy of a foreign registration if the application is based on such foreign registration pursuant to section 44(e) of the [act.] ►Trademark Act,◄ or a claim of the benefit of a prior foreign application in accordance with section 44(d) of the Act;

(7) The required filing fee for at least one class of goods or services.

Compliance with one or more of the rules relating to the elements specified above may be required before the application is further processed.

(b) The filing date of the application is the date on which all of the elements set forth in paragraph (a) of this section are received in the Patent and Trademark Office.

(c) If the papers [are so defective that they cannot be accepted, the applicant will be notified and the papers and fee held 6 months. If the requirements for receiving a filing date have not been satisfied within such time, the papers and fee will be returned to the applicant or otherwise disposed of; the drawing or fee of an unaccepted application may be transferred to a later application.] ►and fee submitted as an application do not satisfy all of the requirements specified in paragraph (a) of this section, the papers will not be considered to constitute an application and will not be given a filing date. The Patent and Trademark Office will return the papers and any fee submitted therewith to the person who submitted the papers. The Office will notify the person to whom the papers are returned of the defect or defects which prevented their being considered to be an application.◄

2. Section 2.52 is proposed to be amended by revising paragraph (d) to read as follows:

§ 2.52 Requirements for drawings.

* * * * *

(d) *Heading.* Across the top of the drawing, beginning one inch (2.5 cm.) from the top edge and not exceeding one-fourth of the sheet, there [should] ►must◄ be placed a heading, listing in separate lines applicant's ►complete◄ name, applicant's post office address, the date[s] of first use ►of the mark, the date of first use of the mark in commerce (except for an application filed under section 44 of the Trademark Act),◄ and the goods or services recited in the application [(] or ►a◄ typical item of the goods or services if a number ►of items◄ are recited in the application [)]. This heading [may] ►should◄ be typewritten.

* * * * *

3. Section 2.54 is proposed to be revised to read as follows:

§ 2.54 Informal drawings.

A drawing not in conformity with [§§ 2.51 to 2.53] ►§ 2.51 or paragraphs (a), (b), (c), or (e) of § 2.52 or § 2.53◄ may be accepted for purposes of examination, but the drawing must be corrected or a new one furnished, as required, before the mark can be published or the application allowed. [The necessary corrections will be made by the Patent and Tradmark

Office upon applicant's request and at his expense.]

4. Section 2.55 is proposed to be removed.

[§ 2.55 Patent and Trademark Office may make drawings.

The Patent and Trademark Office, at the request of applicants and at their expense, will make drawings if facilities permit.]

5. Section 2.57 is proposed to be revised as follows:

§ 2.57 Facsimiles.

►(a)◄ When, due to the mode of applying or affixing the trademark to the goods, or to the manner of using the mark on the goods, or to the nature of the mark, specimens as above stated cannot be furnished, five copies of a suitable photograph or other acceptable reproduction, not to exceed 8½ inches (21.6 cm.) wide and 13 inches (33.0 cm.) long, and clearly and legibly showing the mark and all matter used in connection therewith, shall be furnished.

►(b) A purported facsimile which is merely a reproduction of the drawing submitted to comply with § 2.51 will not be considered to be a facsimile depicting the mark as actually used on or in connection with the goods or in connection with the services.◄

Dated: August 27, 1981.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

Approved: September 2, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc. 81-29154 Filed 10-6-81; 8:45 am]

BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[OPTS 00028; TSH-FRL 1951-2]

Administrator's Toxic Substances Advisory Committee; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: There will be a meeting of the Administrator's Toxic Substances Advisory Committee to discuss matters related to EPA's implementation of the Toxic Substances Control Act (Pub. L. 94-569). The meeting will be open to the public.

DATES: The meeting will be held from 9:00 a.m. to 5:00 p.m. on Thursday, October 29, 1981 and from 9:00 a.m. to 3:00 p.m. on Friday, October 30, 1981.

ADDRESS: The meeting will be held in: Environmental Protection Agency, Rms. 3906 and 3908, Waterside Mall, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Goldie Beasley, Administrator's Toxic Substances Advisory Committee (TS-777), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-417, 401 M St., SW., Washington, D.C. 20460, (202-755-8040).

SUPPLEMENTARY INFORMATION: On Thursday, Dr. John Todhunter, the designated new Assistant Administrator for Pesticides and Toxic Substances, will discuss the Administrator's policy for controlling toxic chemicals and will present an update on the implementation of the Toxic Substances Control Act (TSCA). The Committee will then form concurrent study groups on Testing and the Premanufacturing Notification Program. At 3:30 p.m. the full Committee will reconvene and meet with Mr. Don Clay, Director, Office of Toxic Substances.

The Friday agenda includes a discussion of the Interagency Testing Committee's selection of chemicals for testing and an update on TSCA section 8 activities.

The meeting will be open to the public and time will be set aside for public comments concerning the work of the Committee. Any member of the public wishing to present an oral or written statement relating to the Committee's work should contact Ms. Marsha Ramsay, Executive Secretary, at the address or phone number listed above.

Dated: September 30, 1981.

Edwin H. Clark II,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-29155 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-31-M

40 CFR Part 65

[EN-9-FRL 1950-7]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Delayed Compliance Orders for Phelps Dodge Corporation, Ajo and Morenci, Arizona Copper Smelters

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue administrative orders to the Phelps Dodge Corporation. The orders require the company to bring air emissions from its Ajo and Morenci, Arizona copper smelters into compliance with certain regulations contained in the federally-approved Arizona State Implementation Plan (SIP). Because the company is unable to comply with these regulations at this time, the proposed orders would establish an expeditious schedule requiring final compliance by January 1, 1985 at Morenci and December 31, 1985 at Ajo. Source compliance with the orders would preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the orders.

DATES: Written comments must be received on or before November 6, 1981, and requests for a public hearing must be received on or before October 22, 1981. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held twenty-one days after prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, EPA, Region 9, 215 Fremont Street, San Francisco, California 94105. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: William D. Wick, Attorney-Advisor, Enforcement Division, EPA, Region 9, 215 Fremont Street, San Francisco, California 94105, (415) 555-8008.

SUPPLEMENTARY INFORMATION: Phelps Dodge Corporation operates copper smelters at Ajo and Morenci, Arizona. The proposed orders address stack and fugitive emissions at these facilities. The Ajo facility is subject to 40 CFR 52.125(d) and 40 CFR 52.126(b). The Morenci facility is subject to 40 CFR 52.125(d) and Regulation 7-1-3.6 of the Arizona State Department of Health Rules and Regulations for Air Pollution Control. The regulations limit the emissions of sulfur dioxide and particulates, and are part of the federally-approved Arizona State Implementation Plan. The Ajo order requires final compliance with the

regulations by December 31, 1985, and the Morenci order requires final compliance by January 1, 1985. Phelps Dodge has consented to the terms of each order. Moreover, Phelps Dodge agreed to meet certain increments prior to final compliance as specified in the orders.

The proposed orders satisfy the applicable requirements of Section 113(d) of the Clean Air Act (the Act). If the orders are issued, source compliance with the terms of each would preclude further EPA enforcement action under Section 113 of the Act against the applicable source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded. However, source compliance with the order will not preclude assessment of any noncompliance penalties under Section 120 of the Act, if the respective sources fail to achieve final compliance by the dates set forth in the preceding paragraph of this notice, unless the source is otherwise entitled to an exemption under Section 120(a)(2)(B) or (C)).

Comments received by the date specified above will be considered in determining whether EPA should issue the orders. After the public comment period and any public hearing, if held, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the order in 40 CFR Part 65.

(Secs. 113 and 301(a) of the Clean Air Act as amended (42 USC 7413, 7601))

Dated: September 18, 1981.

Sheila M. Prindiville,

Acting Regional Administrator Region 9.

[The text of the Orders are printed below.]

United States Environmental Protection Agency—Region 9

In the Matter of Phelps Dodge Corporataion, Ajo, Arizona; Proceeding under Section 113(d)(4) of the Clean Air Act, as Amended (Docket No. 9-81-27); Delayed Compliance Order.

This Order is issued this date pursuant to Section 113(d)(4) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) (hereinafter referred to as the "Act") and contains a schedule for compliance, interim control requirements, and a reporting requirement. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Arizona have been provided pursuant to Section 113(d)(1) of the Act.

Findings

On June 30, 1975, EPA issued a Notice of Violatioin to Phelps Dodge pursuant to Section 113(a) of the Act, 42 U.S.C. 7413(a), for violations of the particulate emission limit applicable to the Ajo Smelter, 40 CFR 52.126(b).

On August 28, 1975, a conference was held to discuss the Notice of violation, pursuant to Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4).

On February 19, 1981, EPA issued another Notice of Violation to Phelps Dodge pursuant to Section 113(a) of the Act, 42 U.S.C. 7413(a), for violations of the particulate emission limit applicable to the Ajo Smelter, 40 CFR 52.126(b).

By letter dated February 23, 1981, Phelps Dodge waived its right to confer with the Administrator pursuant to Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4).

At various times in 1980 and 1981, Phelps Dodge representatives met with EPA representatives. Phelps Dodge proposed the use of new means for reducing particulate and sulfur dioxide emisions to meet the requirements of 40 CFR 52.126(b)(1) and 40 CFR 52.125(d), respectively. The control systems will be retrofitted at the Ajo facility and will involve oxygen sprinkle smelting or oxygen enrichment (smelting by means of oxygen/fuel or oxygen fuel coupled with oxygen concentrate burners), novel methods of introducing concentrate feed, fuel, and oxygen in a reverberatory furnace.

Both oxygen sprinkle smelting and smelting by oxygen/fuel coupled with oxygen concentrate burners involve the installation of special burners in the roof of an existing reverberatory furnace. Both processes apply the basic principle of flash smelting in a reverberatory furnace by using burners which introduce copper concentrate and oxygen through the burner. Fuel can be added as needed. These burners make use of the heating value of the sulfur in the concentrate, and thus reduce fuel consumption. In oxygen sprinkle smelting most, if not all, of the concentrate enters the furnace through the roof-mounted sprinkle burner. In smelting by oxygen/fuel coupled with an oxygen concentrate burner, approximately half of the concentrate enters the furnace through the concentrate burners mounted on the longitudinal center axis of the roof and approximately half enters through side charging ports. Smelting of the side-charged concentrate is accomplished with the aid of the oxygen/fuel burners which are roof mounted in a line on each side of and parallel to the concentrate burners, but closer to the longitudinal edges of the roof than to the center axis.

Smelting by means of oxygen/fuel involves the use of burners which use oxygen rather than air (about 21% oxygen) as the source of oxygen for fuel combustion. In smelting by means of oxygen/fuel, all of the concentrate enters the furnace through separate charging ports. All of the processes have several advantages; 1) overall fuel consumption is reduced, 2) total gas volume from the reverberatory furnaces is reduced, thus increasing the sulfur dioxide concentration in the furnace off-gases, and 3) the reverberatory furnace of-gases can be treated in existaing and/or new sulfuric acid plants and their auxiliary gas cleaning equipment, thus reducing both particulate matter and sulfur dioxide emissions from the smelter.

On March 26, 1981, EPA filed a complaint (CIV 81-008 TUC) against Phelps Dodge in United States District Court for the District of Arizona, alleging violations of particulate emission regulations at the Ajo smelter (40 CFR 52.126(b)).

On March 26, 1981, EPA and Phelps Dodge lodged with the Court a proposed Consent Decree. The Decree was noticed for public comment in the **Federal Register** (46 FR 23166, April 23, 1981) and it will be signed and entered after publication of the Order in the **Federal Register.**

In that Decree, EPA and Phelps Dodge agreed that a Delayed Compliance Order for the time necessary to install and implement such innovative technology as provided by Congress in Section 113(d)(4) of the Act.

After a thorough investigation of all relevant facts, EPA has determined that:

1. Phelps Dodge is unable to comply immediately with 40 CFR 52.125(d) and 40 CFR 52.126(b);

2. The control systems proposed are new means of emission limitations for control of sulfur dioxide and particulate emissions from non-ferrous smelters;

3. The use of this innovative technology is likely to be adequately demonstrated upon expiration of this Order;

4. These means of emission reduction have a substantial likelihood of achieving final compliance at lower cost and with less energy consumption than conventional means;

5. Such new control systems are not likely to be used unless this Order is granted;

6. Compliance with 40 CFR 52.125(d) and 40 CFR 52.126(b) would be impractical prior to or during installation of the new control systems;

7. Phelps Dodge shall use the best practicable systems of emission reduction, specified in paragraph 2(g) of this Order, during the period this Order is in effect;

8. The timetable for final compliance is as expeditious as practicable; and

9. The issuance of this Order is consistent with Section 113(d)(4) of the Act.

Order

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable, and the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby Agreed and Ordered that:

1. Phelps Dodge shall comply with 40 CFR 52.125(d) and 40 CFR 52.126(b) on or before December 31, 1985.

2. Phelps Dodge shall take the following actions in order to achieve compliance with the applicable SO_2 and particulate matter emission limitations:

(a) *Oxygen Plant:* Phelps Dodge shall design, construct and install one or more oxygen plants capable of producing a sufficient amount of oxygen per day (estimated at about 200 tons per day) to permit the program of oxygen-fuel smelting and/or oxygen sprinkle smelting and converter gas oxygen enrichment hereinafter described, and meet the increments of progress in the following compliance schedule:

(1) Let contracts for design and construction of plant on or before March 31, 1983;

(2) Commence site specific detailed design of the plant on or before June 30, 1983;

(3) Commence construction of plant on or before March 31, 1984; and

(4) Complete construction of plant and commence production of oxygen for use in the reverberatory furnace and converters on or before September 30, 1985.

(b) *Reverberatory Furnace:* (1) Commence installation of oxygen-fuel and/or oxygen sprinkle smelting burners and begin necessary modification to the furnace and furnace feed system on or before March 31, 1985;

(2) Complete installation of oxygen-fuel and/or oxygen sprinkle smelting burners and complete necessary modifications to the furnace and furnace feed system, and commence oxygen-fuel and/or oxygen sprinkle smelting, on or before September 30, 1985; and

(3) Commence commercial operation of oxygen-fuel and/or oxygen sprinkle smelting in the reverberatory furnace on or before December 31, 1985. In this oxygen-fuel and/or oxygen sprinkle smelting mode all reverberatory furnace process gases shall be ducted to the gas cleaning systems for particulate matter removal, and to a sulfuric acid plant and/or other EPA approved facilities for SO_2 removal prior to discharge to the atmosphere.

(c) *Converters:* Phelps Dodge shall commence commercial operation of oxygen-fuel and/or oxygen sprinkle smelting and converter gas oxygen enrichment on or before December 31, 1985. All converter gases shall be ducted to the converter gas sulfuric acid plant for particulate matter and SO_2 removal prior to discharge to the atmosphere. The percentage of converter oxygen enrichment, which may vary from time to time, shall at all times be sufficient to permit the treatment of all reverberatory furnace and converter gases at such acid plant and/or other EPA approved SO_2 removal facilities.

(d) *Sulfuric Acid Plant:* (1) Commence a study, if necessary with the use of independent contractors, of means to improve the efficiency of the converter acid plant to achieve an emission standard of 2600 ppmv (parts per million by volume) SO_2 (running 6-hour average). Such study shall include, among other things, consideration of the replacement of the cold heat exchanger, main gas blower and catalyst; and washing of the cooling, drying and absorption towers. Such study shall be completed on or before February 28, 1982;

(2) Report to EPA the conclusions of such study on or before May 31, 1982; and

(3) On or before January 1, 1983, commence a program to make such replacements and installations recommended by the report as could be necessary to achieve an emission standard of 2600 ppmv (running 6-hour average) and unless a later date is required by delivery schedules or other events reasonably beyond the control of defendant and is agreed to by EPA, complete said replacements and installations on or before June 30, 1984.

(e) *Fugitive Gases:* (1) Continue operation of existing fugitive gas capture systems (secondary converter hoods, matte tapping hoods and slag skimming hoods) maximizing the capture of all fugitive gases;

(2) Duct all captured fugitive gases to the main smelter stack, or other stacks if approved by EPA;

(3) Commence the development of a plan to evaluate the effectiveness of the existing fugitive gas capture systems, and a testing program to measure the particulate matter, sulfuric acid and SO_2 emission rates for the secondary converter hood gases, the matte tapping gases and the slag skimming gases (captured fugitive emissions) on or before December 31, 1981. A proposed testing plan shall be submitted to EPA, Region IX, for review and approval on or before April 30, 1982;

(4) Within sixty (60) days after receiving EPA's approval of the evaluation and testing plans, begin evaluation of the effectiveness of the existing fugitive gas capture systems, and commence the testing program to measure the items specified in subparagraph (3) of this paragraph. Testing shall be conducted as specified in Test Methods 1–5 and 8, except that a combined Method 5/8 sampling train shall be used;

(5) Complete the evaluation study and the testing program described in (e)(3) above within sixty (60) days after the commencement of the testing program;

(6) Report to EPA, within ninety (90) days after the completion of the evaluation and testing programs as to:

(a) The extent to which the efficiency of the existing fugitive gas capture systems must be improved, and the manner in which such improvements are to be achieved;

(b) The extent to which installation of particulate matter and SO_2 controls on captured fugitive gases are necessary to comply with SIP emission limits; and

(c) The manner in which it is proposed to control such particulates and sulfur dioxide, including the type, size and specifications of any captured fugitive emission control devices which are necessary to comply with SIP emission limitations.

(7) Install the necessary new or modified fugitive gas capture systems; and design, construct and install gas cleaning systems of the type, size and specification as determined in subparagraph (e)(6)(c) above to be necessary to comply with applicable emission limitations. This requirement shall be achieved as follows:

(a) Let contract for design of fugitive emissions control systems within ninety (90) days after EPA approves the report submitted pursuant to subparagraph (6) above or within 90 days after agreement is reached between the parties on any report modifications EPA deems desirable. Let contract for construction of such fugitive emissions control systems prior to June 30, 1984.

(b) Commence construction of fugitive emissions control systems on or before December 31, 1984;

(c) Complete construction of the new or modified fugitive gas capture systems, and the fugitive emissions control systems on or before December 31, 1985.

(8) For the purposes of this Order the following definitions shall apply:

(a) "Fugitive emissions" (or fugitive gases) means any air pollutants emitted into the atmosphere from other than a flue.

(b) "Captured fugitive emissions" means any fugitive emissions which have been gathered into a flue, except that emissions which are captured by primary converter hoods shall be considered process emissions and shall not be considered to be captured fugitive emissions.

(c) A "flue" means any duct, pipe, stack, chimney or conduit.

(f) *Operation and Maintenance:* The following operation and maintenance procedures shall be instituted no later than six months after entry of the Consent Decree noticed at 46 FR 23166 (April 23, 1981):

(1) Minimize unnecessary air infiltration (i.e., air infiltration that would prevent the treatment of all reverberatory furnace and converter gases in the sulfuric acid plant) by preventing leakage of air into the reverberatory furnace, the reverberatory furnace ducts, converter ducts and all air pollution control devices and their associated ducts. This shall be accomplished by a regular monthly (at a minimum) inspection and maintenance program for all major pieces of process equipment, including the reverberatory furnace and the converters, ducts and air pollution control equipment. There shall also be daily walk-through inspections for the purpose of detecting infiltration problems primarily attributable to inattention by plant personnel. Defects which permit unnecessary air infiltration shall be repaired within twenty-four (24) hours after detection unless satisfactory justification is provided in the summary report discussed below. A monthly inspection summary shall be prepared, retained and made available for examination by either EPA or ABAQC;

(2) Fugitive gas capture and control systems shall be inspected regularly at one month intervals (at a minimum) in order to ensure their proper operation and maintenance.

(g) *Interim Requirements:* (1) For the purposes of this Order the term "Supplementary Control System" (SCS) shall mean any technique for limiting the concentration of a pollutant in the ambient air by varying the emissions of that pollutant according to atmospheric conditions. The term does not include any dispersion technique based solely on the use of a stack the height of which exceeds good engineering practice [as determined under regulations implementing Section 123 of the Act]. EPA finds that the main stack at Ajo was in existence before the date of the enactment of the Clean Air Amendments of 1970;

(2) Phelps Dodge shall continue to operate its SCS to the extent necessary to avoid exceeding the NAAQS for SO_2;

(3) Existing control equipment shall be operated at maximum feasible efficiency. To ensure that this is accomplished for SO_2 removal, the smelter shall achieve at least 60 percent overall sulfur removal in calender years 1981, 1982, 1983, 1984 and 1985. The overall sulfur removal percenages shall be based on the sulfur balance reports routinely submitted to the ABAQC by Phelps Dodge. Calculations shall be performed assuming 365 operating days per year, using 1979 calculation procedures; and

(4) Until final compliance has been demonstrated with respect to the Ajo smelter, Phelps Dodge shall not process more than 64,000 tons of input sulfur in any calendar year, based on the sulfur balance reports routinely submitted to the ABAQC and using 1979 calculation procedures.

(h) *Monitoring Requirements:* (1) Install, operate and maintain a continuous in-stack SO_2 monitor (in accordance with the provisions contained in Appendix D to 40 CFR Part 52) at the outlet of the acid plant, by February 28, 1983. For the purpose of determining whether a monitor is meeting the performance specifications, the "emission standard" referred to in Appendix D shall be 2600 parts per million by volume (ppmv) SO_2. The span (full scale instrument reading) shall be set at 4000 ppmv. The performance test for this monitor shall be completed by August 28, 1983;

(2) Install and continuously operate and maintain continuous monitoring devices in any ducts or flues used to bypass gases around the smelter's SO_2 constant control system(s), by February 28, 1983. Such monitoring shall be adequate to disclose the time of the bypass, its duration and the approximate volume of gas bypassed; and

(3) Install, operate and maintain continuous in-stack sulfur dioxide monitors and continuous in-stack volumetric flow rate monitors in the main smelter stack (or in all ducts which discharge gases into the main smelter stack) by January 1, 1984 as required by 40 CFR 52.125(d)(5). Any other stack which could emit 5 percent or more of the total hourly allowable sulfur dioxide emissions from the New Cornelia Branch smelter shall also be equipped with such monitors by January 1, 1984. The performance tests for all of these monitors shall be completed by July 1, 1984.

3. No later than five (5) days after the end of each quarter, Phelps Dodge shall notify EPA in writing of its compliance or noncompliance (and reason therefor) with any incremental step or final compliance date provided in this Order. If any delay is anticipated in meeting any requirements of this Order, Phelps Dodge shall immediately notify EPA in writing citing the reasons for the anticipated delay. Such notification does not excuse the delay. All submittals and notifications to EPA pursuant to this Order shall be made to Director, Enforcement Division, Region 9, U.S. EPA, 215 Fremont Street, San Francisco, California 94105, or such other person as specified by EPA. In addition, all submittals and notifications to EPA required by this Order shall be transmitted simultaneously to the State or Arizona.

4. Phelps Dodge shall provide EPA and the State of Arizona at least 30 days notice prior to conducting any performance test, in order to afford EPA and the State of Arizona an opportunity to evaluate the test methods and procedures and to enable the agencies to have an observer present at such testing.

5. Nothing contained in this Order shall affect Phelps Dodge's responsibility to comply with State of Arizona laws or regulations or other Federal laws or regulations during the pendency of this Order. Phelps Dodge is hereby notified that its failure to meet the interim requirements of this Order or to achieve final compliance by December 31, 1985 at the source covered by this Order may result in a requirement to pay a non-compliance penalty in accordance with Section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, Phelps Dodge will be formally notified pursuant to Section 120(b)(3), 42 U.S.C. 7420(b)(3), and any regulations promulgated thereunder. By acknowledging receipt of the notice contained in this paragraph, Phelps Dodge does not concede the appropriateness of the imposition of Section 120 noncompliance penalties under circumstances set out in such notice nor the appropriateness of the inclusion of such notice within this order.

6. This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator or her delegate determines on the record, after notice and hearing, that an inability to comply with 40 CFR 52.125(d) and 40 CFR 52.126(b) no longer exists.

7. During the period this Order is in effect and where Phelps Dodge is in compliance with the terms of this Order, no Federal enforcement action pursuant to Sections 113 or 304 of the Clean Air Act shall be pursued against Phelps Dodge based upon non-compliance during the period this Order is in effect with the requirements for Phelps Dodge covered by this Order.

8. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. 7603.

9. This Order shall become effective upon final promulgation in the **Federal Register.**

Dated:

_____ _____,

Administrator, U.S. Environmental Protection Agency.

Phelps Dodge has reviewed this Order, consents to its terms and conditions, and believes it to be a reasonalbe means by which Phelps Dodge can achieve final compliance with 40 CFR 52.125(d) and 40 CFR 52.126(b).

Dated: September 24, 1981.

John F. Boland, Jr.,

Attorney, Phelps Dodge Corporation.

United States Environmental Protection Agency—Region 9

In the Matter of Phelps Dodge Corporation, Morenci, Arizona; Proceeding under Section 113(d)(4) of the Clean Air Act, as Amended (Docket No. 9–81–28); Delayed Compliance Order.

This Order is issued this date pursuant to Section 113(d)(4) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) (hereinafter referred to as the "Act") and contains a schedule for compliance, interim control requirements, and a reporting requirement. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Arizona have been provided pursuant to Section 113(d)(1) of the Act.

Findings

On September 10–16, 1979, EPA'a National Enforcement Investigations Center (NEIC) conducted source tests for particulate matter at the Morenci smelter which indicated that average converter particulate emissions were 432 lbs/hour, about seven times the allowable 52 lbs/hour, and that average roaster-revereberatory furnace emissions were 1200 lbs/hour, about twenty-four times the allowable 51 lbs/hour.

On February 13, 1981, EPA issued a Notice of Violation to Phelps Dodge, pursuant to Section 113(a) of the Act, 42 U.S.C. 7413(a), for the Morenci smelter violations documented by the September 10–16, 1979 source test.

By letter dated February 18, 1981, Phelps Dodge waived its right to confer with the Administrator pursuant to Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4).

At various times in 1980 and 1981, Phelps Dodge representatives met with EPA representatives. Phelps Dodge proposed the use of new means for reducing particulate and sulfur dioxide emissions to meet the requirements of Regulation 7–1–3.6 of the Rules and Regulations for Air Pollution Control of the Arizona State Department of Health, and 40 CFR 52.125(d), respectively. The control systems will be retrofitted at the Morenci facility and will involve oxygen sprinkle smelting or oxygen enrichment (smelting by means of oxygen/fuel or oxygen fuel coupled with oxygen concentrate burners), novel methods of introducing concentrate feed, fuel, and oxygen in a reverberatory furnace.

Both oxygen sprinkle smelting and smelting by oxygen/fuel coupled with oxygen concentrate burners involve the installation of special burners in the roof of an existing reverberatory furnace. Both processes apply the basic principle of flash smelting in a reverberatory furnace by using burners which introduce copper concentrate and oxygen through the burner. Fuel can be added as needed. These burners make use of the heating value of the sulfur in the concentrate, and thus reduce fuel consumption. In oxygen sprinkle smelting most, if not all, of the concentrate enters the furnace through the roof-mounted sprinkle burner. In smelting by oxygen/fuel coupled with an oxygen concentrate burner, approximately half of the concentrate enters the furnace through the concentrate burners mounted on the longitudinal center axis of the roof and approximately half enters through side charging ports. Smelting of the side-charged concentrate is accomplished with the aid of the oxygen/fuel burners which are roof mounted in a line on each side of and parallel to the concentrate burners, but closer to the longitudinal edges of the roof than to the center axis.

Smelting by means of oxygen/fuel involves the use of burners which use oxygen rather than air (about 21% oxygen) as the source of oxygen for fuel combustion. In smelting by means of oxygen/fuel, all of the concentrate enters the furnace through separate charging ports. All of the processes have several advantages: (1) overall fuel consumption is reduced, (2) total gas volume from the reverberatory furnaces is reduced, thus increasing the sulfur dioxide concentration in the furnace off-gases, and (3) the reverberatory furnace off-gases can be treated in existing and/or new sulfuric acid plants and their auxiliary gas cleaning equipment, thus reducing both particulate matter and sulfur dioxide emissions from the smelter.

On March 26, 1981, EPA filed a complaint (CIV 81–088 TUC) against Phelps Dodge in United States District Court for the District of Arizona, alleging violations of particulate emission regulations at the Morenci smelter (Reg. 7–1–3.6).

On March 26, 1981, EPA and Phelps Dodge lodged with the Court a proposed Consent Decree. The Decree was noticed for public comment in the **Federal Register** (46 FR 23166, April 23, 1981) and it will be signed and entered after publication of this Order in the **Federal Register.**

In that Decree, EPA and Phelps Dodge agreed that a Delayed Compliance Order would be issued for the time necessary to install and implement such innovative technology as provided by Congress in Section 113(d)(4) of the Act.

After a thorough investigation of all relevant facts, EPA has determined that:

1. Phelps Dodge is unable to comply immediately with 40 CFR 52.125(d) and Arizona Reg. 7–1–3.6;

2. The control systems proposed are new means of emission limitations for control of sulfur dioxide and particulate emissions for non-ferrous smelters;

3. The use of this innovative technology is likely to be adequately demonstrated upon expiration of this Order;

4. These means of emission reduction have a substantial likelihood of achieving final compliance at lower cost and with less energy consumption than conventional means;

5. Such new control systems are not likely to be used unless this Order is granted;

6. Conpliance with 40 CFR 52.125(d) and Arizona Reg. 7–1–3.6 would be impractical prior to or during installation of the new control systems;

7. Phelps Dodge shall use the best practicable systems of emission reduction, specified in paragraph 2(h) of this Order, during the period this Order is in effect;

8. The timetable for final compliance is as expeditious as practicable; and

9. The issuance of this Order is consistent with Section 113(d)(4) of the Act.

Order

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expenditious as practicable, and the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby Agreed and Ordered that:

1. Phelps Dodge shall comply with 40 CFR 52.125(d) and Arizona Reg. 7–1–3.6 on or before January 1, 1985.

2. Phelps Dodge shall take the following actions in order to achieve compliance with the applicable SO_2 and particulate matter emission limitations:

(a) *Oxygen Plant:* Phelps Dodge shall design, construct and install one or more oxygen plants capable of producing a sufficient amount of oxygen per day (estimated at about 900 tons per day) to permit the program of oxygen-fuel smelting and/or oxygen sprinkle smelting and converter gas oxygen enrichment hereinafter described and meet the increments of progress in the following compliance schedule:

(1) Let contracts for design and construction of a 500 ton per day oxygen plant on or before July 31, 1980;

(2) Commence site specific detailed design of this plant on or before December 31, 1980;

(3) Commence construction of the plant on or before June 30, 1981;

(4) Complete construction of this 500 ton per day oxygen plant and commence production of oxygen for use in the reverberatory furnaces and converters on or before June 30, 1983;

(5) Let contracts for design and construction of an additional oxygen plant to provide all additional required oxygen (estimated at least 330 tons per day) on or before June 30, 1982;

(6) Commence site specific detailed design of the second plant on or before December 31, 1982;

(7) Commence construction of the second plant on or before June 30, 1983; and

(8) Complete construction of the second plant and commence production of oxygen for use in the reverberatory furnaces and converters on or before December 31, 1984.

(b) *Roaster:* At all times prior to December 31, 1984, Phelps Dodge shall duct all roaster gases to the converter gas sulfuric acid plants for particulate matter and SO_2 removal before discharge to the atmosphere.

(c) *Reverberatory Furnaces:* (1) Commence installation of oxygen-fuel and/or oxygen sprinkle smelting burners at reverberatory furnace No. 3 (or No. 5) before March 31, 1982;

(2) Complete installation of oxygen-fuel and/or oxygen sprinkle smelting burners at reverberatory furnace No. 3 (or No. 5) on or before March 31, 1983;

(3) Commence commercial testing of oxygen-fuel smelting and/or oxygen sprinkle smelting in reverberatory furnace No. 3 (or No. 5) on or before June 30, 1983;

(4) Commence installation of oxygen-fuel and/or oxygen sprinkle smelting burners at reverberatory furnace No. 5 (or No. 3) on or before September 30, 1983;

(5) Complete installation of oxygen-fuel burners and/or oxygen sprinkle smelting burners on reverberatory furnace No. 5 (or No. 3), and such other reverberatory furnaces as will be included in Phelps Dodge's commercial operation as set forth in subsection (6) below on or before September 30, 1984.

(6) Consistent with paragraph 1 above, commence commercial operation of oxygen-fuel and/or oxygen sprinkle smelting in reverberatory furnaces Nos. 3 and 5, on or before December 31, 1984. In this oxygen-fuel and/or oxygen sprinkle smelting mode all reverberatory furnace process gases shall be ducted to the converter gas sulfuric acid plant for particulate matter and SO_2 removal prior to discharge to the atmosphere; and

(7) Discontinue use of reverberatory furnaces Nos. 1, 2 and 4 on or before December 31, 1984, except that use for the processing of low sulfur material (containing less than 6% sulfur), such as copper precipitates, smelting furnace slag or converter slag, shall not be precluded. Any sulfur dioxide emissions from furnaces processing low sulfur material shall be included when determining whether the smelter is in compliance with the sulfur dioxide emission limitations. These furnaces shall also be subject to the applicable particulate matter regulations.

(d) *Converters:* Phelps Dodge shall commence commercial operation of oxygen-fuel and/or oxygen sprinkle smelting and converter gas oxygen enrichment on or before December 31, 1984. All converter gases shall be ducted to the converter gas sulfuric acid plants for particulate matter and SO_2 removal prior to discharge to the atmosphere. The percentage of converter oxygen enrichment, which may vary from time to time, shall at all times be sufficient to permit the treatment of all roaster, reverberatory furnace and converter gases in sulfuric acid plants.

(e) *Sulfuric Acid Plants:* (1) Commence a study, if necessary with the use of independent contractors, of means to improve the efficiency of the converter acid plants to achieve an emission standard of 2600 ppmv (parts per million by volume) SO_2 (running 6-hour average). Such study shall include, among other things, consideration of the replacement of rectangular gas heat exchangers, installation of new preheater and catalyst replacement, and such study to be completed on or before June 30, 1981;

(2) Report to EPA the conclusions of such study on or before August 31, 1981;

(3) On or before January 1, 1982 commence a program to make such replacements and installations recommended by the report as would be necessary to achieve an emission standard of 2600 ppmv (running 6-hour average) and unless a later date is required by delivery schedules or other events reasonably beyond the control of defendant and is agreed to by EPA, complete said replacements and installations on or before June 30, 1983.

(4) Permanently close the roaster acid plant before October 31, 1980;

(f) *Fugitive Gases:* (1) Continue operation of all existing fugitive gas capture systems (secondary converter hoods, matte tapping hoods and slag skimming hoods) to as to maximize the capture of all fugitive gases;

(2) Duct all captured fugitive gases to either of the two main smelter stacks or other stacks if approved by EPA;

(3) Commence the development of a plan to evaluate the effectiveness of the existing fugitive gas capture systems, and a testing program to measure particulate matter, sulfuric acid and SO_2 emission rates for the secondary converter hood gases, the matte tapping gases and the slag skimming gases (captured fugitive emissions) on or before December 31, 1980. A proposed testing plan shall be submitted to EPA, Region IX, for review and approval, on or before June 15, 1981;

(4) Within sixty (60) days after receiving EPA's approval of the evaluation and testing plans, begin evaluation of the effectiveness of the existing fugitive gas capture systems, and commence the testing program to measure the items specified in subparagraph (f)(3). Testing shall be conducted as specified in Test Methods 1 through 5, inclusive, and 8, except that a combined Method 5/8 sampling train shall be used;

(5) Complete the evaluation study and the testing program described in subparagraph (f)(3) within sixty (60) days after the commencement of the testing program.

(6) Report to EPA, within ninety (90) days after the completion of the evaluation and testing programs as to:

(a) The extent to which the efficiency of the existing fugitive gas capture systems must be improved, and the manner in which such improvements are to be achieved;

(b) The extent to which installation of particulate and SO_2 controls on captured fugitive gases are necessary to comply with applicable emission limitations; and

(c) The manner in which it is proposed to control such particulates and sulfur dioxide, including the type, size and specification of any captured-fugitive emission control devices which are determined to be necessary to comply with SIP emission limitations.

(7) Install the necessary new or modified fugitive gas capture systems; and design, construct and install gas cleaning systems of the type, size and specification as determined in subparagraph (f)(6)(c) above to be necessary to comply with applicable emission limitations. This requirement shall be achieved as follows:

(a) Let contracts for design of fugitive emissions control systems within ninety (90) days after EPA approves and/or modifies the report submitted pursuant to subparagraph (6) above or within 90 days after agreement is reached between the parties on any report modifications EPA deems desirable and let contracts for construction of such fugitive emissions control systems by December 31, 1983.

(b) Commence construction of fugitive emissions control systems on or before June 30, 1984;

(c) Complete construction of the new or modified fugitive gas capture systems, and the fugitive emissions control systems on or before December 31, 1985.

(8) For the purpose of this Order the following definitions shall apply:

(a) "Fugitive emissions" (or fugitive gases) means any air pollutants emitted into the atmosphere from other than a flue.

(b) "Captured fugitive emissions" means any fugitive emissions which have been gathered into a flue, except that emissions which are captured by primary converter hoods shall be considered process emissions and shall not be considered to be captured fugitive emissions.

(c) A "flue" means any duct, pipe, stack, chimney or conduit.

(g) *Operation and Maintenance:* The following operation and maintenance procedures shall be instituted no later than six months after entry of the Consent Decree noticed at 46 FR 23166 (April 23, 1981):

(1) Minimize unnecessary air infiltration (i.e., air infiltration that would prevent the treatment of all roaster, reverberatory furnace and converter gases in the sulfuric acid plants) by preventing leakage into the reverberatory furnaces, the reverberatory furnace ducts converter ducts and all air pollution control equipment and their associated ducts. This shall be accomplished by a regular monthly (at a minimum) inspection and maintenance program for all major pieces of process equipment (including reverberatory furnaces and converters), ducts and air pollution control equipment. There shall also be daily walk-through inspections for the purpose of detecting infiltration problems primarily attributable to inattention by plant personnel. Defects which permit unnecessary air infiltration shall be repaired within twenty-four (24) hours after detection, unless satisfactory justification is provided in the summary report discussed below. A monthly inspection summary report shall be prepared, retained and made available for examination by the EPA, or the Arizona Bureau of Air Quality Control (ABAQC); and

(2) Fugitive gas capture and control systems shall be inspected regularly at one month intervals (at a minimum) in order to ensure their proper operation and maintenance.

(h) *Interim Requirements:* (1) For the purposes of this Order the term "Supplementary Control System" (SCS) shall mean any technique for limiting the concentration of a pollutant in the ambient air by varying the emissions of that pollutant according to atmospheric conditions. The term does not include any dispersion technique based solely on the use of a stack the height of which exceeds good engineering practice [as determined under regulations implementing Section 123 of the Act]. EPA finds that the two main stacks at Morenci were in existence before the date of the enactment of the Clean Air Amendments of 1970;

(2) Phelps Dodge shall continue to operate its SCS to the extent necessary to avoid exceeding the National Ambient Air Quality Standards (NAAQS) for SO_2;

(3) Existing Control equipment shall be operated at maximum feasible efficiency. To ensure that this is accomplished for SO_2 removal, the smelter shall achieve at least 62 percent overall sulfur removal in calendar years 1981, 1982, 1983 and 1984. The overall sulfur removal percentages shall be based on the sulfur balance reports routinely submitted to the ABAQC by Phelps Dodge. Calculations shall be performed assuming 365 operating days per year, using 1979 calculation procedures; and

(4) Until final compliance has been demonstrated with respect to the Morenci smelter, Phelps Dodge shall not process more than 250,000 tons of input sulfur in any calendar year, based on sulfur balance reports routinely submitted to the ABAQC and using 1979 calculation procedures. Phelps Dodge shall not be subject to this limitation prior to January 1, 1981.

(i) *Monitoring Requirements:* (1) Install, operate and maintain a continuous in-stack SO_2 monitor (in accordance with the provisions contained in Appendix D to 40 CFR Part 52) at the outlet of each sulfuric acid plant train, by June 30, 1982. For the purpose of determining whether a monitor is meeting the performance specifications, the "emission standard" referred to in Appendix D shall be 2600 ppmv (parts per million by volume) SO_2. The span (full scale instrument reading) shall be set at 4000 ppmv. The performance test for this monitor shall be completed by December 31, 1982;

(2) Install and continuously operate and maintain continuous monitoring devices in any ducts or flues used to bypass gases around the smelter's SO_2 constant control system(s), by June 30, 1982. Such monitoring shall be adequate to disclose the time of the bypass, its duration and the approximate volume of gas bypassed; and

(3) Install, operate and maintain continuous in-stack sulfur dioxide monitors and continuous in-stack volumetric flow rate monitors in the two main stacks and the reverberatory furnace ventilation system stack by June 1, 1983 as required by 40 CFR 52.125(d)(5). Any other stack which could emit 5 percent or more of the total hourly allowable sulfur dioxide emissions from the Morenci smelter shall also be equipped with such monitors by June 1, 1983. The performance tests for all of these monitors shall be completed by December 31, 1983.

3. No later than five (5) days after the end of each quarter, Phelps Dodge shall notify EPA in writing of its compliance or noncompliance (and reason therefor) with any incremental step or final compliance date provided in this Order. If any delay is anticipated in meeting any requirements of this Order, Phelps Dodge shall immediately notify EPA in writing citing the reasons for the anticipated delay. Such notification does not excuse the delay. All submittals and notifications to EPA pursuant to this Order shall be made to Director, Enforcement Division, Region 9, U.S.

EPA, 215 Fremont Street, San Francisco, California 94105, or such other person as specified by EPA. In addition, all submittals and notifications to EPA required by this Order shall be transmitted simultaneously to the State of Arizona.

4. Phelps Dodge shall provide EPA and the State of Arizona at least 30 days notice prior to conducting any performance test, in order to afford EPA and the State of Arizona an opportunity to evaluate the test methods and procedures and to enable the agencies to have an observer present at such testing.

5. Nothing contained in this Order shall affect Phelps Dodge's responsibility to comply with State of Arizona laws or regulations or other Federal laws or regulations during the pendency of this Order. Phelps Dodge is hereby notified that its failure to meet the interim requirements of this Order or to achieve final compliance by January 1, 1985 at the source covered by this Order may result in a requirement to pay a non-compliance penalty in accordance with Section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, Phelps Dodge will be formally notified pursuant to Section 120(b)(3), 42 U.S.C. 7420(b)(3), and any regulations promulgated thereunder. By acknowledging receipt of the notice contained in this paragraph, Phelps Dodge does not concede the appropriateness of the imposition of Section 120 noncompliance penalties under circumstances set out in such notice nor the appropriateness of the inclusion of such notice within this Order.

6. This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator or her delegate determines on the record, after notice and hearing, that an inability to comply with 40 CFR 52.125(d) and Arizona Reg. 7-1-3.6 no longer exists.

7. During the period this Order is in effect and where Phelps Dodge is in compliance with the terms of this Order, no Federal enforcement action pursuant to Sections 113 or 304 of the Clean Air Act shall be pursued against Phelps Dodge based upon non-compliance during the period this Order is in effect with the requirements for Phelps Dodge covered by this Order.

8. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. 7603.

9. This Order shall become effective upon final promulgation in the **Federal Register.**

Dated:

———,

Administrator, U.S. Environmental Protection Agency.

Phelps Dodge has reviewed this Order, consents to its terms and conditions, and believes it to be a reasonable means by which Phelps Dodge can achieve final compliance with 40 CFR 52.125(d) and Arizona Reg. 7-1-3.6.

Dated: September 24, 1981.

John F. Boland, Jr.

Attorney, Phelps Dodge Corporation.

[FR Doc. 81-29146 Filed 10-6-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 86

[AE-FRL 1951-1]

Motor Vehicle Pollution Control; Waiver of Oxides of Nitrogen (NO_x) Emission Standard for Light-Duty Diesel Vehicles; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of opportunity for public hearing to consider applications for waivers.

SUMMARY: Under section 202(b)(6)(B) of the Clean Air Act (Act), the Administrator of EPA may waive the 1981-1984 model year NO_x standard applicable to diesel-powered light-duty vehicles if certain determinations are made after notice and an opportunity for a hearing. This notice announces receipt of a waiver application from Chrysler Corporation (Chrysler) and provides an opportunity for a public hearing to consider this, and any other timely applications.

DATES: This notice announces that EPA has scheduled a public hearing on October 21, 1981, beginning at 9:00 a.m., to consider Chrysler's waiver application, and any other NO_x waiver applications that EPA receives by October 19, 1981. Parties desiring to testify should notify the Manufacturers Operations Division, as noted below, not later than October 20, 1981. Interested parties should submit any relevant written comments by October 23, 1981, to ensure that the Administrator can consider these comments in deciding on the waiver applications. If no party testifies at the hearing, EPA will consider the waiver request based on written submissions to the record.

ADDRESSES: The hearing will be held at the Manufacturers Operations Division Conference Room, 499 South Capitol Street, S.W., 3rd floor, Washington, D.C. 20460. Parties wishing to testify at the hearing should notify Mr. Jerry Schwartz, as noted below. Manufacturers submitting NO_x waiver applications, or parties wishing to submit written comments, should direct their submissions in writing to the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. All public portions of waiver applications and other relevant information will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at U.S. Environmental Protection Agency, Central Docket Section (A-130), Gallery I, Waterside Mall, 401 M Street, S.W., Washington, D.C. (Docket Number EN-81-7).

FOR FURTHER INFORMATION CONTACT:

Mr. Jerry Schwartz, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-2495.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion

Section 202(b)(6)(B) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(6)(B) (1977), allows any manufacturer to petition the Administrator of EPA for waiver of the 1981-1984 model year NO_x standard of 1.0 gpm. The Administrator, after notice and opportunity for public hearing, may waive the standard for any class or category of light-duty vehicles manufactured during the four model year period, beginning in model year 1981, up to a maximum level of 1.5 gpm, if the manufacturer can show that the waiver is necessary to permit diesel engined technology to be used on the subject vehicles. The waiver may be granted if the Administrator determines:

(i) That the waiver will not endanger public health;

(ii) That the waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act, and

(iii) That the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy Policy and Conservation Act at the expiration of the waiver.

EPA published guidelines for diesel NO_x waiver applications in the **Federal Register** at 43 FR 30341, July 14, 1978, in order to apprise manufacturers of the information then deemed necessary to demonstrate that a waiver should be

granted. EPA also published a notice in the **Federal Register** at 46 FR 20705 (April 7, 1981), announcing procedures for submitting NO_x waiver applications covering model years 1981–1984.

EPA has received an application from Chrysler for waiver of the 1984 model year NO_x standard for a 1.9 liter (L) engine family, vehicles of which will be powered by an engine that Chrysler plans to purchase from Automobiles Peugeot (Peugeot). Peugeot submitted a waiver application covering this engine on July 13, 1981. EPA held a public hearing to consider this, and other NO_x waiver applications, on July 23, 1981 pursuant to a **Federal Register** notice published on July 7, 1981.[1]

After the hearing, EPA requested and received from Peugeot supplemental information that EPA deemed necessary in order to fully evaluate Peugeot's application. The Agency expects to reach a decision on that request shortly.

Chrysler's application incorporates by reference Peugeot's application for this engine family. Additionally, Chrysler states that under its contract with Peugeot, Peugeot is totally responsible for design of the 1.9L engine and the emission control system. Thus, most of the information in Peugeot's application in Public Docket EN–81–7 will be relevant to Chrysler's application as well.

II. Hearing Procedures

The hearing will provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the waiver request at issue. Any party desiring to make an oral statement at the hearing should notify Jerry Schwartz, of EPA's Manufacturers Operations Division as listed above no later than October 20, 1981. The procedures for the hearing will be the same as those which EPA has employed in previous diesel NO_x waiver hearings.[2]

Presentations by the participants at the hearing and interested parties who make written submissions or file applications should address the considerations listed in previous NO_x waiver hearing notices[3] and in the **Federal Register** notice that announced consolidated proceedings to consider NO_x waiver applications for the 1981–1984 model years.[4]

Interested parties should submit written information to the record by October 23, 1981, to ensure its consideration by the Administrator in formulating this waiver decision. At the hearing, the Agency will make a verbatim record of any testimony. The Administrator will base determinations with regard to manufacturer's waiver request on the record of the public hearing and on any other relevant written materials. This information will be available for public inspection at the EPA Central Docket Section in docket number EN–81–7. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

Dated: October 1, 1981.

Richard Wilson,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81-29157 Filed 10-6-81; 8:45 am]

BILLING CODE 6560-26-M

[1] 46 FR 35126 (July 7, 1981).

[2] *See* 45 FR 27788, 27789 (April 24, 1980).

[3] *See* 45 FR 73790, 73792 (November 6, 1980).

[4] 46 FR 20705, 20706 (April 7, 1981).

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6157]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Duncan (Town), Greenlee County	Gila River	Intersection of State Highway 70 (Railroad Boulevard) and State Highway 75 (Main Street).	*3,648
	Maps available for inspection at City Clerk's Office, 102 4th Street, Duncan, Arizona.			
	Send comments to the Honorable William Lackey, P.O Box 916, Duncan, Arizona 85534.			
California	Humboldt County (Unincorporated Areas)	Eel River	At intersection of Nissen Lane and Goble Lane	*18
			50 feet north of intersection of Redwood Highway (U.S. Highway 101) and Drake Hill Road.	*55
			At intersection of Eel River and center of Wildwood Avenue.	*106
			200 feet east from intersection of Holmes Flat Road and Tierney Road.	*147
		Van Duzen River	At intersection of Van Duzen Street and 4th Street	*67
			100 feet west from intersection of State Highway 36 and Odd Fellows Park Road.	*121
		South Fork Eel River	Intersection of South Fork Eel River and center of Briceland Thorne Road.	*310
		Mad River	At intersection of Janes Road and Iverson Lane	*30
		Freshwater Creek	40 feet upstream from center of Howard Heights Bridge.	*42
		Jacoby Creek	50 feet upstream from center of Old Arcata Road	*21
			At confluence with Morrision Gulch	*107
		Trinity River	At confluence with Willow Creek	*442
	Maps available for inspection at Department of Planning, 3015 H Street, Eureka, California 95501.			
	Send comments to the Honorable Danny Walsh, Chairman of the Board of Supervisors, Humboldt County Courthouse, Eureka, California 95501.			
California	Solano County (Unincorporated areas)	Pennsylvania Avenue Creek	30 feet upstream from the center of Pennsylvania Avenue.	*8
		Sacramento River	At intersection of Stratton Lane and Collinsville Road	*7
		Old Alamo Creek	30 feet upstream from the center of Vaca Station Road.	*66
		Gibson Canyon Creek	Intersection of creek and center of PG and Access Road.	*79
		South Branch Gibson Canyon Creek.	50 feet upstream from the center of Putah South Canal.	*119
		Horse Creek	Intersection of creek and center of Southern Pacific Railroad.	*113
		Middle Swale to South Branch Horse Creek.	Intersection of creek and center of Southern Pacific Railroad.	*134
		Suisun Creek	Intersection of creek and center of Suisun Valley Road	*73
		Ledgewood Creek	30 feet upstream from the center of Mankas Corner Road.	*115
			At the intersection of Chadbourne and Rockville Roads.	#1
			At the intersection of Clayton and Gordon Valley Roads.	#2
			At the intersection of Mankas Corner and Ledgewood Roads.	#3
		Ulatis Creek	Intersection of creek and center of Farrell Road	*232
		Green Valley Creek	40 feet upstream from the center of Rockville Road	*112
			500 feet west from intersection of creek and Green Valley Road.	*14
		Unnamed Tributary to Ulatis Creek	100 feet upstream from the center of Private Road	*254
		Wild Horse Creek	15 feet upstream from the center of Twin Creeks Main Road.	*152
		Laguna Creek	30 feet upstream from the center of Cherry Glen Road	*222
		Dan Wilson Creek	25 feet upstream from the center of Interstate Highway 80 west.	*25
		Lagoon Drain	150 feet south from the intersection of Rivera and Pena Adobe Roads.	*215
		McCoy Creek	Intersection of creek and center of Solano Avenue	*30
		Clayton Creek	Intersection of creek and center of Clayton Road	*145
		Alamo Creek	Intersection of creek and center of Crystal Road	*174
			200 feet east from the intersection of Madison Avenue and Montclair Court.	*118
		Encinosa Creek	30 feet upstream from the center of Foot Hill Drive	*239
		Dickson Creek	50 feet west from intersection of creek and Pitt School Road.	*67
		Suisun Slough	100 feet west from the intersection of Scally and Emmington Roads.	*7
		Laurel Creek	50 feet upstream from Southern Pacific Railroad	*25
		Union Avenue Creek	At limit of detailed study (200 feet downstream from center of Dunnell Reservoir Dam).	*173
		Marina Creek	At the confluence with Marine Creek Tributary	*9
		Marina Creek Tributary	At the confluence with Marina Creek	*9
		Industrial Creek	At the intersection of creek and the City of Rio Vista corporate limit.	#2
		Gordon Valley Creek	50 feet upstream from the center of Gordon Valley Road.	*157
	Maps available for inspection at the Department of Public Works, 550 Union Avenue, Fairfield, California.			
	Send comments to the Honorable Richard Brann, Chairman, Board of Supervisors, Solano County Courthouse, Fairfield, California 94533.			
California	Ukiah (City), Mendocino County	Orrs Creek	40 feet upstream from center of Oak Street	*627
		Gibson Creek	30 feet upstream from the center of Spring Street	*648

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Doolin Creek	20 feet upstream from center of Cunningham Street	*610
		Russian River	At intersection of White Oak Drive and Oak Manor Drive.	*595
Maps available for inspection at the Department of Public Works, 203 S. School Street, Ukiah, California.				
Send comments to the Honorable Charles Myers, 203 S. School Street, Ukiah, California 95482.				
California	Vacaville (City), Solano County	Ulatis Creek	75 feet upstream from center of Nut Tree Road	*102
			At intersection of Ulatis Creek and Farrell Road	*232
		Shallow Flooding	At intersection of Valley Drive and Callen Street	#3
			At intersection of Hazel Street and Brown Street	#2
		Alamo Creek	Intersection of Alamo Creek and center of Alamo Drive.	*99
			100 feet upstream from center of West Monte Vista Avenue.	*207
		Shallow Flooding	150 feet east from intersection of Madison Avenue and Monticair Court.	*116
			350 feet southwest from intersection of California Drive with Mariposa Avenue.	*138
			At intersection of York Court and La Paz Street	*156
		Laguna Creek	20 feet upstream from center of Cherry Glen Road	*222
		Lagoon Drain	110 feet upstream from center of Interstate 80	*206
		Encinosa Creek	100 feet upstream from center of Alamo Drive	*210
			At intersection of Edgewater Drive and Encinosa Avenue.	#1
		Old Alamo Creek	Intersection of Old Alamo Creek and center of Leisure Town Road.	*87
		Gibson Canyon Creek	100 feet upstream from center of Southern Pacific Railroad.	*104
		South Branch Gibson Canyon Creek.	100 feet upstream from center of Interstate Highway 505.	*102
		Horse Creek	150 feet upstream from center of Nut Tree Airport Runway.	*116
		Middle Branch Horse Creek	110 feet upstream from center of Interstate Highway 505.	*97
		Pine Tree Creek	125 feet upstream from center of Imperial Road	*129
			At intersection of Bennett Hill Drive and Brown Street	#2
			At intersection of Markham Avenue and Brown Street	#3
		South Branch Horse Creek	60 feet upstream from center of Southern Pacific Railroad.	*130
		Middle Swale to South Branch Horse Creek.	25 feet downstream from center of Browns Valley Road.	*145
		Unnamed Tributary to Ulatis Creek	At intersection of Unnamed Tributary to Ulatis Creek and center of Farrell Road.	*238
		Shallow Flooding	500 feet east from intersection of Vaca Valley Road with North Orchard Avenue.	#1
Maps available for inspection at the Department of Public Works, City Hall, 650 Merchant Street, Vacaville, California 95688.				
Send comments to the Honorable William J. Carroll, Mayor, Vacaville City Hall, 650 Merchant Street, Vacaville, California 95688.				
California	Willits (City), Mendocino County	Hashl/Baechtel Creek	20 feet upstream from center of Commercial Road	*1,353
		Broaddus Creek	20 feet upstream from center of Main Street (U.S. Highway 101).	*1,372
		Mill Creek	50 feet upstream from center of Southern Pacific Railroad.	*1,362
Maps available for inspection at Department of Engineering, 74 E. Commercial Street, Willits, California.				
Send comments to the Honorable R. Wayne Bashore, 74 E. Commercial Street, Willits, California 95490.				
Colorado	Moffat County (Unincorporated Areas)	Yampa River	50 feet upstream of intersection of State Highway 394 and Yampa River.	*6,173
		Fortification Creek	25feet downstream of intersection of First Street By-Pass and Fortification Creek.	*6,182
			50 feet downstream of intersection of County Highway No. 112 and Fortification Creek.	*6,229
		Sand Gulch	80 feet upstream of intersection of State Highways 13 and 789 and Sand Gulch.	*6,280
		Sand Gulch Tributary	25 feet upstream of intersection of County Highway No. 22 and Sand Gulch Tributary.	*6,313
		Brotherton Gulch	40 feet upstream of intersection of Unnamed Road and Brotherton Gulch.	*6,274
		Cedar Mountain Gulch	50 feet upstream of intersection of Maple Street and Cedar Mountain Gulch.	*6,255
		Pine Ridge Gulch	40 feet upstream of intersection of Douglas Street and Pine Ridge Gulch.	*6,201
		Lay Creek	25 feet upstream of intersection of County Highway No. 17 and Lay Creek.	*6,151
			100 feet upstream of intersection of U.S. Highway No. 40 and Lay Creek.	*6,193
		Big Gulch	50 feet downstream of intersection of U.S. Highway No. 40 and Big Gulch.	*6,206
Maps available for inspection at Planning Department, 221 West Victory Way, Craig, Colorado 81625.				
Send comments to the Honorable Albert K. Camilletti, 221 West Victory Way, Craig, Colorado 81625.				
Idaho	Ammon (City) Bonneville County	Sand Creek Sheet Flow Area	At intersection of Ross Avenue and Sunnyside Road	#1
		Sheet Flow Area	At intersection of Ross Avenue and Malben Avenue	#2
		Ponding Area	At intersection of Ross Avenue and Aspen Lane	*4,708
		Ponding Area	At intersection of Dal Avenue and Samuel Street	*4,714
Maps available for inspection at City Hall, 3270 Molen Street, Ammon, Idaho.				
Send comments to the Honorable George Wehmann, Mayor, City of Ammon, 3270 Molen Street, Ammon, Idaho 83401.				
Montana	Denton (Town), Fergus County	Wolf Creek	Intersection of Helena Street and Strouf Street	*3,599
		Flood Channel	Intersection of Ketchner Street and Main Street	#1

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at Town Hall, 703 Lehman Street, Denton, Montana.				
Send comments to the Honorable Robert Patterson, 703 Lehman Street, Denton, Montana 59430.				
Montana	Lewistown (City), Fergus County	Big Spring Creek	Intersection of Creek and center of State Highway 238 (First Street).	*3,915
		Boyd Creek	Intersection of Seredy Street and Boyd Street	#1
		Little Casino Creek	Intersection of Creek and center of 4th Avenue	*3,930
Maps available for inspection at City Offices, Lewistown, Montana.				
Send comments to the Honorable Wilbur Linstrand, City Office, Lewistown, Montana 59457.				
Montana	Moore (Town), Fergus County	Moore West Channel	Intersection of Second Street East and First Avenue South.	*4,154
		Moore East Channel	Intersection of channel and center of Fourth Street East.	*4,168
		Moore Northeast Channel	At the northern and eastern corporate limits	#1
		Moore Southwest Channel	At the southern and western corporate limits	#1
Maps available for inspection at Town Clerk's Office, Moore, Montana.				
Send comments to the Honorable Earl Bricker, Box 94, Moore, Montana 59464.				
Montana	Sweet Grass County (Unincorporated Areas)	Boulder River	150 feet upstream from center of Old Boulder Bridge	*4,067
		Lower Deer Creek	100 feet upstream from center of U.S. Highway 10	*3,960
		Middle Drainage	100 feet upstream from center of Interstate Highway 90.	*3,946
		Spring Creek	100 feet upstream from center of Interstate Highway 90.	*3,945
Maps available for inspection at Clerk & Recorder's Office, Sweet Grass County Courthouse, Big Timber, Montana.				
Send comments to the Honorable David Wilson, Sweet Grass County Courthouse, Big Timber, Montana 59011.				
North Dakota	Kathryn (City), Barnes County	Spring Creek	Intersection of County Road 605 and 1st Street	*1,203
Maps available for inspection at City Hall, Kathryn, North Dakota.				
Send comments to the Honorable Earl Stevens, Mayor, City of Kathryn, City Hall, Kathryn, North Dakota 58049.				
North Dakota	Mayville (City), Traill County	Goose River	Intersection of 1st Street SW and 2nd Avenue SW	*954
Maps available for inspection at Mayville City Hall, 21 1st Street, N.E., Mayville, North Dakota.				
Send comments to the Honorable Frederick Coleman, Mayor, City of Mayville, Box 220, Mayville, North Dakota 58257.				
North Dakota	Portland (City), Traill County	Goose River	Intersection of 1st Street and Jahr Street	*962
		South Branch Goose River	The area northwest of the intersection of 3rd Street and Broadway, from approximately 200 feet northwest of the intersection to the river.	*965
Maps available for inspection at City Hall (Memorial Hall), 13 Bennett Avenue, Portland, North Dakota.				
Send comments to the Honorable Douglas Sharpe, Mayor, City of Portland, City Hall (Memorial Hall), 13 Bennett Avenue, Portland, North Dakota 58274.				
North Dakota	Stanley (township), Cass County	Red River of the North	At confluence with Wild Rice River	*907
Maps available for inspection at 13 Sleepy Hollow, Horace, North Dakota.				
Send comments to the Honorable Gerald Floden, 13 Sleepy Hollow, Horace, North Dakota 58047.				
Oregon	Corvallis (City), Benton County	Willamette River	Downstream edge of State Highway 34 Eastbound Bridge.	*219
		Marys River	At center of 15th Street Bridge	*221
		Millrace	At intersection of 3rd Street and Hopkins Avenue	*223
		Dixon Creek	Upstream edge of 10th Street	*223
		South Fork Dixon Creek	Approximately 50 feet upstream of confluence with North Fork Dixon Creek.	*268
		Squaw Creek	Upstream edge of 35th Street	*232
		Oak Creek	Upstream edge of 30th Street	*226
		Stewart Slough	Upstream edge of Conifer Boulevard	*216
Maps available for inspection at Planning Department, 180 Northwest 5th Street, Corvallis, Oregon.				
Send comments to the Honorable Alan Berg, City of Corvallis, P.O. Box 1083, Corvallis, Oregon 97339.				
South Carolina	Easley (city), Pickens County	Brushy Creek	10 feet downstream of the intersection of Pearson Road and Brushy Creek.	*924
		Middle Branch	30 feet upstream of the intersection of South Carolina Highway 134 (Crestview Road) and Middle Branch.	*924
Maps available for inspection at City Hall, Easley, South Carolina.				
Send comments to the Honorable Charles Ellenburg, P.O. Box 466, Easley, South Carolina.				
South Carolina	Pickens County (Unincorporated Areas)	Town Creek	20 feet upstream from the intersection of South Carolina Highway 23 (Reece Mill Road) and Town Creek.	*938
		Twelvemile Creek	Intersection of South Carolina Highway 183 (Walhalla Highway) and Twelvemile Creek.	*893
			Intersection of Tater Hill Mountain Road and Twelvemile Creek.	*990
		Wolf Creek	Intersection of South Carolina Highway 122 (Mauldin Lake Road) and Wolf Creek.	*916
		Middle Branch	40 feet downstream from the intersection of South Carolina Highway 133 (Turtle Hole Road) and Middle Branch.	*894
		Brushy Creek	100 feet upstream from the intersection of Pearson Road and Brushy Creek.	*925
Maps available for inspection at Planning Department, Pickens County Courthouse, Pickens, South Carolina.				
Send comments to the Honorable Marion Owens, P.O. Box 275, Pickens, South Carolina 29671.				
Utah	North Ogden (City), Weber County	North Ogden Tributary	140 feet downstream from center of 3100 North Street	*4,545
		Coldwater Gulch	200 feet upstream from center of 500 East Street (at culvert entrance under 500 East Street).	*4,368
		Barrett Gulch	At retention pond east of 450 East Street	*4,750

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS —Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at City Hall, 505 East 2600 North, North Odgen, Utah.				
Send comments to the Honorable Eldon McColley, 505 East 2600 North Ogden, Utah 84404.				
Washington	Benton County (Unincorporated Areas)	Yakima River	50 feet upstream from center of 8th Street	*474
			200 north from intersection of Ward Gap and Byron Roads.	*649
		Yakima River-Right Overbank	At intersection of Ranch Road and North 48th Avenue	*378
		Zintel Canyon	390 feet west from intersection of South Buntin Street and West 19th Avenue.	*505
		Konnewick Sump Shallow Flooding	At intersection of East 19th Avenue and Oak Street	*368
Maps available for inspection at Engineering Dept., P.O. Box 110, Prosser, Washington.				
Send comments to the Honorable Lloyd Dallas, Chairman, Benton County Commissioners, P.O. Box 470, Prosser, Washington 99350.				
Washington	Clark County (Unincorporated Areas)	Columbia River	End of Image Road, 300 feet south of its intersection with Burlington Northern Railroad.	*29
		Lewis River	Intersection of County Highway 16 and 38	*34
		East Fork Lewis River	Intersection of river and center of Northeast Timmen Road (county Highway 21).	*30
			Intersection of river and center of Northeast Lewisville Road (State Highway 503).	*139
		Gee Creek	100 feet upstream from center of State Highway 501	*54
		Unnamed Tributary to Gee Creek	100 feet upstream from center of Northwest 54th Avenue.	*107
		Salmon Creek	75 feet upstream from center of Northeast Highway 99	*70
			50 feet upstream from center of Northeast Caples Road (State Highway 503).	*209
		Mill Creek	100 feet upstream from center of Northeast 199th Street.	*195
		Weaver Creek	100 feet upstream of center of Northeast 199th Street	*259
		Burnt Bridge Creek	50 feet upstream from center of Alki Road	*36
			50 feet upstream form center of Oak Drive	*177
		Washougal River	50 feet upstream from center of State Highway 140	*43
Maps available for inspection at Public Services Building, 1408 Franklin Street, Vancouver, Washington.				
Send comments to the Honorable John McKibbin, Chairman, Board of County Commissioners, P.O. Box 180, Vancouver, Washington 98668-5000.				
Washington	Dupont (Town), Pierce County	Puget Sound	200 feet west from intersection of Burlington Northern and Weyerhauser Corporation.	*10
Maps available for inspection at Town Hall, Dupont, Washington.				
Send comments to the Honorable Pola A. Andre, Mayor, Town of Dupont, Town Hall, P.O. Box 159, Dupont, Washington 98327.				
Washington	Ferndale (City), Whatcom County	Nooksack River	100 feet upstream from center of Interstate 5	*34
Maps available for inspection at City Hall, 936 Ferndale Street, Ferndale, Washington.				
Send comments to Mr. Ron Peterson, Ferndale City Manager, 936 Ferndale Street, Ferndale, Washington 98248.				
Washington	Jefferson County (Unincorporated Areas)	Duckabush River	1600 feet upstream of the intersection of U.S. Highway 101 (Olympic Highway) and Duckabush River.	*12
		Dosewallips River	10 feet upstream of the intersection of U.S. Highway 101 (Olympic Highway) and Dosewallips River.	*16
		Marple Creek	20 feet upstream of the intersection of Camp Parsons Road and Marple Creek.	*12
		Big Quilcene River (Left Overbank)	300 feet north of bridge over Big Quilcene River along Chimacum Road.	*23
		Big Quilcene River (Upstream Reach).	Intersection of U.S. Highway 101 (Olympia Highway) and Big Quilcene River.	*106
		Little Quilcene River	100 feet upstream of intersection of Chimacum-Quilcene Road and Little Quilcene River.	*41
		Salmon Creek	Intersection of West Uncas Road and Salmon Creek	*34
		Snow Creek	100 feet upstream from the confluence with Salmon Creek.	*13
		Chimacum Creek	100 feet upstream of the intersection of Chimacum-Hadlock Road and Chimacum Creek.	*71
		Port Townsend Creek	50 feet upstream of the intersection of Discovery Road (Downstream Crossing) and Port Townsend Creek.	*50
		Hood Canal at the Mouth of Duckabush River.	Intersection of U.S. Highway 101 (Olympic Highway) and Duckabush River.	*12
		Quilcene Bay at Quilcene	At mouth of Big Quilcene River	*10
		Port Discovery Bay at the Mouth of Salmon Creek.	Intersection of U.S. Highway 101 (Olympic Highway) and Salmon Creek.	*7
		Port Discovery Bay at Beckett Point.	South side of Beckett Point Road, 0.7 mile northwest along Beckett Point Road from its intersection with Chevy Chase to Cape George Road.	*7
		Strait of Juan de Fuca at Protection Island.	East side of gravel road, 600 feet south of the entrance to parking lot on Protection Island.	*7
		Hood Canal at Mouth of Dosewallips River.	At the mouth of Dosewallips River	*10
		Port Ludlow Bay	At the northern end of Swanson Road	*7
		Port Townsend Bay at Hadlock	At the southern end of Lower Hadlock Road	*8
Maps available for inspection at Planning Department, Jefferson County Courthouse, Port Townsend, Washington.				
Send comments to Honorable B. G. Brown, Jefferson County Courthouse, Port Townsend, Washington 98368.				
Washington	Sedro Woolley (City), Skagit County	Skagit River	At intersection of Graves Street and Dunlop Avenue	*51
Maps available for inspection at City Clerk's Office, 720 Murdock Street, Sedro Woolley, Washington.				
Send comments to Honorable Don Walley, Mayor, City of Sedro Woolley, 720 Murdock Street, Sedro Woolley, Washington 98284.				

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

Issued: September 24, 1981.

James P. Dokken,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28985 Filed 10-6-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80-632]

Overseas Communications Services; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Comission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: Document considers request of ITT World Communications Inc. for extension of reply comments date in C.C. Docket No. 80-632 Concerning Overseas Communications Services. Extension of time granted to permit interested parties to submit detailed reply comments regarding proposed rulemaking. Intended effect of action is to provide Commission with most complete and meaningful record possible.

DATE: Reply comments not due on October 28, 1981.

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

FOR FURTHER INFORMATION CONTACT: Stuart Chiron, Common Carrier Bureau (202) 632-7265.

In the matter of Overseas Communications Services, ([CC Docket No. 80-632) (45 FR 76498; 11-19-89)]; Order granting extension of time.

Adopted: September 25, 1981.

Released: September 29, 1981.

By the Common Carrier Bureau.

1. In this proceeding, the Commission is considering whether or not to change its 1964 TAT-4 policy decision, 37 FCC 1151, which created an overseas voice/record dichotomy. As a result of TAT-4, AT&T has not been able to offer overseas record services (other than Dataphone) and the IRCs have not been able to provide overseas voice services (other than Datel). Comments were filed on July 10, 1981, and reply comments are due on September 28, 1981.

2. On September 21, 1981, ITT World Communications Inc. (ITTWC) filed a motion to extend the time to submit reply comments until October 28, 1981. In support of its request ITTWC states that several members of top level management, whose input and review is necessary before the filing of the reply comments, are now, or will be, overseas at international telecommunications meetings. Finally, ITTWC represents that FTC, RCAG and TRT support a grant of the full relief requested and that ARINC, AT&T, API, NTIA and WUI do not object to a grant of additional time to file reply comments.

3. We believe, in view of the comprehensive studies submitted by NTIA and the IRCs, and the various overseas meetings, that the record in this proceeding will be more complete and meaningful if additional time is granted to file reply comments. However, we must note that several extensions of time have already been granted in this proceeding. We therefore will not be inclined to grant further extensions of time in this proceeding.

4. Accordingly, it is ordered that the date for all interested persons to file reply comments in CC Docket No. 80-632 is extended from September 28, 1981, to October 28, 1981.

5. This order is issued under § 0.291 of the Commission's Rules on Delegations of Authority, and is subject to review under § 1.115 of the Rules on Practice and Procedure.

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 81-29129 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 2 and 97

[Gen. Docket No. 81-414; FCC 81-290]

Amendment of the Commission's Rules To Authorize Spread Spectrum Techniques in the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry and proposed rulemaking.

SUMMARY: This proceeding proposes amendments to Parts 2 and 97 of the Commission's Rules and Regulations authorizing spread spectrum modulation in the Amateur Radio Service. Presently the rules implicitly prohibit this modulation technique. The Commission feels that allowing amateur experimentation with this relatively new modulation technique is in harmony with the basis and purpose of the Amateur Radio Service.

DATES: Comments must be submitted on or before March 1, 1982. Reply comments must be submitted on or before April 15, 1982.

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

FOR FURTHER INFORMATION CONTACT: Michael Kennedy, Office of Science and Technology, 2025 M Street, NW., Room 7334, Washington, D.C. 20554, (202) 632-7073.

SUPPLEMENTARY INFORMATION:

Inquiry and Proposed Rule Making

Adopted: June 30, 1981.

Released: September 18, 1981.

Introduction

1. The Federal Communications Commission is initiating this proceeding to propose changes in its Rules and Regulations to permit the use of spread spectrum modulation in the Amateur Radio Service. Although this modulation technique is not explicitly prohibited in the Amateur Service, its wideband spectral characteristics result in it being implicity forbidden by the rules. The Commission feels that spread spectrum modulation is technically compatible with the present modes of operation in the Amateur Service. Allowing amateur experimentation with this relatively new modulation technique is therefore in harmony with the basis and purpose of the Amateur Radio Service.[1] Therefore, the Commission is proposing to amend Parts 2 and 97 of its Rules and Regulations to authorize the use of spread spectrum modulation techniques.

2. Although we feel comfortable proposing the authorization of spread spectrum modulation in the amateur service at this time, we recognize that its use may confront the Commission with a number of problems. In spread spectrum systems a coding process is generally used to spread the signal's energy across a wide band of frequencies. It is necessary to know the code sequence in order to demodulate the signal and recover its content. Wideband receivers may be required to make technical measurements on the transmitted signal. There is a potential

[1] Section 97.1(b) of the FCC Rules and Regulations illustrates in part the basis and purpose of the Amateur Radio Service as the "continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art."

for interference in overlaying wideband emissions on amateur bands already occupied with conventional narrow band signals, although this is limited due to the low power density of spread spectrum signals. For these reasons, this Notice also requests comments on problems associated with the enforcement and interference issues raised by authorizing spread spectrum modulation in the Amateur Radio Service.

Background

3. Spread spectrum techniques were originally developed for military applications concerning covert communications and/or resistance to jamming. The radio frequency (RF) signal transmitted in a spread spectrum system occupies a very large bandwidth, perhaps many megahertz, as compared to the information signal's bandwidth. This wide bandwidth provides for the military a signal that is very hard to detect or jam. Spread spectrum emissions possess qualities, however, that may also be desirable to civil users of the spectrum.[2]

4. All spread spectrum systems employ some function other than the information signal to spread the RF bandwidth.[3] Direct sequence modulated and frequency hopping systems both use a high speed pseudorandom code sequence to achieve a large RF bandwidth. In direct sequence systems, this code sequence is combined with the information signal and this composite signal is used to modulate an RF carrier. The code sequence is used in frequency hopping systems to control a frequency synthesizer which generates the transmitter's many carrier frequencies. In pulsed-FM systems, a voltage function is used to sweep the transmitter's carrier over a wide frequency range. Although somewhat different in design, all three of these systems result in an RF signal with a very wide bandwidth. More detailed descriptions of the operation of these systems may be found in an IEEE press publication entitled *Spread Spectrum Techniques.*[4]

5. The Commission recognizes that spread spectrum may offer the communications user some unique advantages. Today the Commission adopted a Notice of Inquiry in the matter of wideband modulation techniques, including spread spectrum.[5] The Inquiry explores some possible civil uses of spread spectrum modulation and indicates some of the advantages associated with it. The coding techniques used in spread spectrum systems, for example, allow message privacy, selective addressing and code division multiple access. These last two advantages provide the user the ability to selectively access only one or a fraction of the total number of receivers sharing the same spectrum. Spreading the signal at the transmiter and collapsing it at the receiver result in a low signal power density while simultaneously providing the ability of the system to reject interference. These features suggest the feasibility of overlaying spread spectrum systems on occupied spectrum. While the Commission is investigating the general question of sperad spectrum desirability under that Inquiry, it may be that spread spectrum can be introduced into the Amateur Service with minimum potential for interference.

6. Spread spectrum techniques have not gone unnoticed in the amateur community. An article published in *QST*, the official publication of the American Radio Relay League, cited spread spectrum as a technology ripe for amateur experimentation.[6] The article indicated that the Amateur Radio Research and Development Corporation (AMRAD) would soon petition the Commission for Special Temporary Authorization (STA) to conduct tests using spread spectrum modulation. In March of this year the Private Radio Bureau, acting under delegated authority from the Commission, granted AMRAD an STA allowing the specific tests outlined in their petition.[7] Upon expiration of the STA, AMRAD must submit its findings to the Commission. The reports required by the STA will be inserted in the record of this proceeding and will be considered before final action is taken. If the results of the STA and the aforementioned NOI are favorable, the Commission will consider expanding the authorization of spread spectrum techniques. Now, however, the Commission proposes rule changes to permit broader experimentation with spread spectrum techniques in three bands.

Discussion and Proposal

7. Spread spectrum systems are inherently more complex than narrowband systems. Amateurs wishing to experiment with spread spectrum techniques will almost certainly have to construct their own equipment, due to the lack of commercially available equipment. The principle technical problem will be constructing devices which maintain their parameters over wide bandwidths. Incorrectly or poorly designed equipment will increase the possibility of both intra-service and inter-service interference. It is for this reason the Commission feels that authorization to use spread spectrum techniques should be restricted to Amateur Extra and Advanced Class licensees only. Amateurs presently licensed in these two classes have been tested in the advanced phases of radio electronics; material covering spread spectrum techniques will be added in the future to the appropriate examination syllabuses.

8. The Commission proposes to authorize spread spectrum modulation in the following three frequency bands: 50–54 MHz, 144–148 MHz, and 220–225 MHz. The International Telecommunications Union (ITU) Regulations require that "transmissions between amateur stations of different countries * * * shall be made in plain language."[8] Since this might restrict the international transmission of spread spectrum signals, we propose frequency bands above 50 MHz so as to naturally limit propagation. Most of the frequency bands allocated to the Amateur Service above 225 MHz are shared with government users.[9] Amateurs operating in these bands must not interfere with government systems. Rather than coordinate spread spectrum systems with government users in these bands at this time, the Commission proposes restricting spread spectrum transmissions to frequencies below 225 MHz.[10] However, we welcome requests

[2] See, for example, the following FCC funded report: Walter C. Scales, "Potential Use of Spread Spectrum Techniques in Non-Government Applications", the MITRE Corporation, Report No. MTR-80W335, December 1980. This report is available from the National Technical Information Service, Springfield, VA 22161, Accession No. PB81-165284.

[3] R.C. Dixon, *Spread Spectrum Systems*, New York, Wiley-Interscience, 1976, p. 3.

[4] *Spread Spectrum Techniques*, ed. Robert C. Dixon, New York, IEEE Press, 1976.

[5] *Notice of Inquiry*, General Docket 81-413, adopted June 30, 1981, FCC 81-289.

[6] Paul L. Rinaldo, "Spread Spectrum and the Radio Amateur", *QST*, November 1980, pp. 15-17.

[7] The STA was issued on March 6, 1981 for a period of one year. Although it permits spread spectrum modulation, only those techniques necessary to perform the indicated experiments were authorized. Also, the authorization is limited to those amateurs that were included in AMRAD's petition.

[8] Article 41, Section 2(1), *Radio Regulations Annexed to the International Telecommunication Convention* (Geneva, 1959). (See *FCC Rules and Regulations*, Part 97, Appendix 2).

[9] *FCC Rules and Regulations*, Part 97, § 97.61(b)(5).

[10] The 220 to 225 MHz band is also shared with government users. However, the Interdepartment Radio Advisory Committee (IRAC) has already indicated that they would not object to amateur use of spread spectrum modulation in this band. Government radiolocation systems will still be the primary users in this band.

for STA's to perform limited spread spectrum experiments in the amateur bands above 225 MHz and will consider these on a case by case basis.

9. The Table of Frequency Allocations prohibits the use of pulsed emissions in a number of frequency bands including 50–54 MHz and 144–148 MHz.[11] It appears that this prohibition is no longer necessary, so we propose to discontinue it by deleting footnote US 1. Because WARC '79 adopted new emission designators, the use of which will be addressed in another preceeding, we will not at this time assign a designator to spread spectrum modulation. Until the Commission implements the decisions of WARC '79, we will use a footnote in the rules to indicate the authorization of spread spectrum modulation in a particular frequency band.

10. In order to allow amateurs maximum flexibility in the design of spread spectrum systems, the Commission intends to permit direct sequence modulated, frequency hopping, pulsed-FM, and hybrid systems.[12] We propose only that a system's authorized RF bandwidth be equal to or less than the width of the amateur band that the system is operating in and retained within that band. Therefore, amateurs may spread their transmitted energy across the complete band they are using. Although we do not anticipate interference problems, considering our limited operational experience with spread spectrum transmissions we are proposing that the local Engineer in Charge be allowed to require stations transmitting spread spectrum signals to take whatever steps are necessary to resolve cases of interference, including terminating operation. We request comments on our belief that the interference potential in overlaying spread spectrum on the three bands proposed here is low.

11. Amateurs are presently forbidden to transmit coded messages in either domestic or international communications.[13] Because of the previously cited ITU regulation, international transmission of spread spectrum signals will not be allowed. However, we shall exempt spread spectrum transmissions between domestic stations from this prohibition.

12. In order to facilitate the demodulation of spread spectrum emissions, we propose to require that any pseudorandom sequence used in generating the spread spectrum signal must be the output of one of a number of specific linear feedback shift registers.[14] We propose specific shift registers in the appendix because they provide the minimum level of coding necessary to spread the signal. We realize that more sophisticated coding procedures could be employed, but their use would further obscure the meaning of the communications. This would appear to violate the intent of Section 97.117 of the present rules. Additionally, we will require that amateurs log the technical characteristics of their transmitted signal and that identification be given in telegraphy on the center frequency of their signal.

13. A major concern of the Commission in allowing amateur use of spread spectrum techniques is the Commission's, and the amateur's own, ability to monitor and locate stations transmitting wideband emissions. Presently the Field Operations Bureau (FOB) monitors the content of amateur transmissions to insure that amateurs are not transmitting communications which are prohibited by our rules.[15] This monitoring, coupled with the self policing afforded by the amateurs themselves, assures the bands remain useable for amateurs and are not usurped by business or clandestine activities. However, FOB currently has no capability to monitor spread spectrum emissions. We propose to amend § 97.117 to include provisions to facilitate monitoring both by FOB and by other amateurs. We have precluded the use of esoteric encryption schemes and instead required that spreading codes be generated by linear shift registers. This will result in signals which may be received with only reasonable effort. This should facilitate self-monitoring, which has historically been very effective in the Amateur Radio Service. Additionally, we have proposed that amateurs log the technical characteristics of their signals and identify their transmissions in telegraphy. Considering that the characteristics of spread spectrum, e.g. low power density, are such that its transmission will not be disruptive to other users and the experimental nature of the Amateur Radio Service, we feel that we have imposed sufficient safeguards against its misuse. However, we request comments on these and other conditions the Commission could require to mitigate enforcement problems.

Questions

14. The questions listed below are not exhaustive. They merely typify the Commission's areas of concern. Information not directly responsive to these questions but relevant to the general subject matter of the Inquiry is welcome and invited. To facilitate staff review each response should clearly state the precise topic or question being addressed.

15. Please provide answers and supporting data to the following questions:

(a) Are the emission limitations specified in the proposed amendment to § 97.73 of the rules sufficient to prevent interference from spread spectrum systems to users in adjacent bands?

(b) Will interference to conventional amateur communications be a major problem? If so, what steps can the Commission take to mitigate this problem? What types of other communications will be most vulnerable?

(c) Is it necessary for the Commission to have the capability to monitor the content of all amateur communications? If not, how can we enforce the limitations on the use of the amateur service and detect unlicensed transmissions?

(d) Will the specific shift registers proposed in the amendment to § 97.117 of the rules facilitate self-monitoring by the amateur community?

Procedural Matters

16. Accordingly, the Commission adopts this *Notice of Inquiry and Proposed Rule Making* (NOI/NPRM) under the authority contained in Sections 4 (i) and 303 of the Communications Act of 1934, as amended. The proposed amendments to Part 2 and Part 97 of the rules are set forth in the appendix.

17. Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Commission finds that this NOI/NPRM will have no effect on small businesses. The frequencies involved are assigned to the Amateur Radio Service, which by definition is used for non-business communications only. To the extent that organizations such as amateur radio clubs hold amateur licenses, the only effect of the proposed action will be to enable these clubs to experiment with spread spectrum techniques, presumably for wider dissemination to the amateur community.

[11] *FCC Rules and Regulations*, Part 2, § 2.106, footnote US 1.

[12] Hybrid spread spectrum systems are created by combining two or more of the basic spread spectrum techniques, e.g. a frequency hopping, direct sequence modulated system.

[13] *FCC Rules and Regulations*, part 97, § 97.117.

[14] For more information on linear code generator configurations, see R.C. Dixon's discussion in *Spread Spectrum Systems*, New, York, Wiley-Interscience, 1976, pp. 60–64.

[15] See *FCC Rules and Regulations*, Part 97, Subpart E—Prohibited Practices and Administrative Sanctions.

18. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the 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 of the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of Commission procedures governing *ex parte* presentations in informal rule making is available from the Consumer Assistance and Information Division, FCC, Washington, D.C. 20554.

19. Pursuant to the procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before March 1, 1982 and reply comments on or before April 15, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

20. In accordance with the provisions of § 1.419 of the Commission's Rules, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All comments should be clearly marked General Docket No. 81-414, and will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. All written comments should be sent to: Secretary, Federal Communications Commission, Washington, D.C. 20554. For further information on this proceeding, contact Michael Kennedy at (202)632-7073. For general information on how to file comments, please contact the FCC Consumer Assistance and Information Division at (202) 632-7000

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Part 2 of the Commission's Rules and Regulations is proposed to be amended as follows:

§ 2.106 [Amended]

In § 2.106, remove footnote US 1 and all references to it in the Table of Frequency Allocations.

PART 97—AMATEUR RADIO SERVICE

Part 97 of the Commission's Rules and Regulations is proposed to be revised as follows:

In § 97.3, Definitions, add a new paragraph (aa) to read as follows:

§ 97.3 Definitions.

* * * * *

(aa) Spread spectrum techniques. Any of a number of modulation schemes in which, (1) the transmitted radio frequency bandwidth is much greater than the bandwidth or rate of the information being sent and, (2) some function other than the information being sent is employed to determine the resulting modulated radio frequency bandwidth.

In § 97.7, Privileges of operator licenses, revise paragraphs (a) and (d) to read as follows:

§ 97.7 Privileges of operator licenses.

(a) Amateur Extra and Advanced Class. All authorized amateur privileges including exclusive use of spread spectrum techniques and exclusive frequency operating authority in accordance with the following table:

* * * * *

(d) Technician Class. All authorized amateur privileges, except spread spectrum techniques, on the frequencies 50.0 MHz and above. Technician Class licenses also convey the full privileges of Novice Class licenses.

* * * * *

In § 97.61, Authorized frequencies and emissions, add footnote number 1 to the 50–54 MHz, 144–148 MHz, and 220–225 MHz frequency bands as follows:

§ 976. Authorized frequencies and emissions.

(a) The following frequency bands and associated emissions are available to amateur radio stations for amateur radio operation, other than repeater operation and auxiliary operation, subject to the limitations of § 97.65 and paragraph (b) of this section:

Frequency band	Emissions	Limitations (See paragraph (b))
*	* * * *	*
50.0 to 54.0[1]	A1	
50.1 to 54.0	A2, A3, A4, A5, F1, F2, F3, F5.	
51.0 to 54.0	A0	
144 to 148[1]	A1	
144.1 to 148.0	A0, A2, A3, A4, A5, F0, F1, F2, F3, F5.	
220 to 225[1]	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	
*	* * * *	*

[1] Spread spectrum techniques for domestic communications only are authorized in this band.

In § 97.73, Purity of emissions, redesignate existing paragraph (d) as paragraph (e), revise existing paragraph (c) and redesignate it as paragraph (d), and add a new paragraph (c) to read as follows:

§ 97.73 Purity of emissions.

* * * * *

(c) The limitations specified in paragraph (b) of this section shall also apply to spread spectrum modulated signals except that for this purpose, "carrier frequency" is defined as the center frequency of the transmitted signal, and "mean power of the fundamental" is defined as the total emitted power.

(d) Paragraphs (a), (b), and (c) of this section notwithstanding, all spurious emissions or radiation from an amateur transmitter, transceiver, or external radio frequency power amplifier shall be

reduced or eliminated in accordance with good engineering practice.

(e) If any spurious radiation, including chassis or power line radiation, causes harmful interference to the reception of another radio station, the licensee may be required to take steps to eliminate the interference in accordance with good engineering practice.

* * * * *

In § 97.84, Station identification, add a new paragraph (h) to read as follows:

§ 97.84 Station identification.

* * * * *

(h) When an amateur radio station is modulated using spread spectrum techniques, identification in telegraphy shall be given on the center frequency of the transmission. Additionally, this identification shall include a statement indicating that the station is transmitting a spread spectrum signal and the upper and lower frequency limits of that signal.

In § 97.103, Station log requirements, revise existing paragraph (g) and redesignate it as paragraph (h), and add a new paragraph (g) to read as follows:

§ 97.103 Station log requirements.

* * * * *

(g) In addition to the other information required by this section, the log of a station modulated with spread spectrum techniques shall contain information sufficiently detailed for another party to demodulate the signal. This information shall include at least the following:

(1) A technical description of the transmitted signal. If the signal is modeled after a published article, a copy of the article will be adequate.

(2) The dates that the signal format is changed. Changing the center frequency of the signal does not constitute a change in signal format.

(3) The chip rate (rate of frequency change), if applicable.

(4) The code rate, if applicable.

(5) The method of achieving synchronization.

(6) The center frequency and the frequency band over which the signal is spread.

(h) Notwithstanding the provisions of § 97.105, the log entries required by paragraphs (c), (d), (e), (f), and (g) of this section shall be retained in the station log as long as the information contained in those entries is accurate.

Revise § 97.117 *Codes and ciphers prohibited*, to read as follows:

§ 97.117 Codes and ciphers prohibited.

(a) The transmission by radio of messages in codes or ciphers in domestic and international communications to or between amateur stations is prohibited. All communications regardless of type of emission employed shall be in plain language except that generally recognized abbreviations established by regulation or custom and usage are permissible as are any other abbreviations or signals where the intent is not to obscure the meaning but only to facilitate communications.

(b) Spread spectrum transmissions between amateur stations of different countries are prohibited. However, for the purpose of the spread spectrum transmissions authorized between domestic stations in § 97.7 and § 97.61, pseudorandom sequences may be used to generate the transmitted signal provided the following conditions are met:

(1) The sequence must be the output of a binary linear feedback shift register.

(2) Only the following shift register connections may be used:

Number of stages in shift register	Taps used in feedback
7	[7,1]
13	[13,4,3,1]
19	[19,5,2,1]

(The numbers in brackets indicate which binary stages are combined with modulo-2 addition to form the input to the shift register in stage 1. The output is taken from the highest numbered stage.)

(3) For direct sequence modulation the successive bits of the highest stage of the shift register must be used directly to modulate the signal. No alteration or other data may be used for the direct sequence modulation. For frequency hop modulation, successive regular segments of the shift register sequence must be used to specify the next frequency, and no alteration or other data may be used for frequency selection.

(4) The shift register(s) may not be reset other than by its feedback during an individual transmission.

In § 97.131, Restricted operation, redesignate existing paragraph (b) as paragraph (c) and add a new paragraph (b) to read as follows:

§ 97.131 Restricted operation.

* * * * *

(b) If the operation of an amateur station using spread spectrum techniques causes interference to other licensed stations, the Commission's local Engineer in Charge may impose conditions necessary to resolve the interference, including termination of operation, on the offending station.

(c) In general, such steps as may be necessary to minimize interference to stations operating in other services may be required after investigation by the Commission.

June 30, 1981

Concurring Statement of Commissioner Abbott Washburn

Re: Notice of Inquiry and Proposed Rule Making To Amend Parts 2 and 97 of the Commission's Rules and Regulations To Authorize Spread Spectrum Modulation in the Amateur Radio Service

The second paragraph of this item states: "We feel comfortable proposing the authorization of spread spectrum modulation". I do not share this feeling of comfort when the same document includes the following language: "A major concern of the Commission in allowing amateur use of spread spectrum techniques is the Commission's, and the amateur's own, ability to monitor and locate stations transmitting wideband emissions". So there is no real control. While new technology is to be encouraged, especially that which allows more use of the spectrum, this should not be at the price of interference. There must be assurance that expanded use of this technology will contribute to the effective and efficient use of the spectrum while at the same time not adding interference to the detriment of other technologies and spectrum users in general.

In a related Notice of Inquiry adopted today, the Commission initiated a proceeding seeking information regarding the future authorization of spread spectrum and other wideband emissions not presently provided for in our Rules. That inquiry requests information and data regarding the technical characteristics, efficient use of spectrum, possible standardization, potential applications of this technology, etc. It also raises questions regarding the measurement of interference potential, emission testing and the necessity for Commission monitoring. With issues such as these still in the initial and infant stage of information gathering, the Commission seems to be prejuding important issues by rushing to Rulemaking. A more prudent approach would be first to obtain the facts on monitoring and interference via the NOI, assess these facts, and *then* move to Rulemaking. However, we are assured by the staff that the risks involved will be minimal. I hope this proves to be the case.

[FR Doc. 81-29166 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 22, 81, and 83

[Gen. Docket No. 81-656; FCC 81-412]

Amendment of the Commission's Rules To Reclassify Coast Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission's rules are inconsistent as to the definition of classes of stations, designated area of service and the frequency bands

assigned to the station. These amendments will correct these inconsistencies and bring the rules and station licenses into agreement with the actual operation of the coast station. It is also proposed to delete certain rules which restrict the free use of communications in frequency bands other than VHF. These rules were adopted when the short range communications system on VHF was first implemented to encourage all ship and coast stations to use VHF.

DATES: Comments must be received on or before November 9, 1981, and reply comments must be received on or before November 24, 1981.

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

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Parts 22, 81 and 83 to redefine classes of coast stations and clarification of rules which appear to restrict the free use of communication by users. Gen Docket No. 81-656.

Adopted: September 22, 1981.

Released: October 1, 1981.

By the Commission.

Reclassification of Coast Stations

1. This action proposes to amend the Commission's rules by redefining the classes of coast stations by mode and area of operation and frequency band. The assignment of frequencies to coast stations has not been consistent with our present definitions for classes of stations. These changes in class of station classification are an administrative and licensing convenience and do not affect the operation of any existing stations or impose any new restrictions on applications for new stations.

2. The present method of classifying coast stations is with a Roman numeral indicating the operational area and the authorized frequency band(s) and a capital letter indicating the mode of operation. A class I station provides service to vessels on the high seas over long distances. A class II station provides service of a regional nature. A class III station provides service of a local nature on VHF frequencies. The operational designator indicates the mode of operation. The operational designator "A" indicates the station is a telegraphy station. The operational designator "B" indicates that the station is a telephony station. The operational designator "F" indicates that the station has the capability transmit facsimile. The letter "L" appended to a class I or class II station indicates that the station provides service of a local nature in addition to its other service.

3. In Parts 81 and 83 of the rules, the customary use of the terms MF and HF apply to frequencies between 1605-4000 kHz and 4000-23000 kHz respectively. In Part 2 of the rules and the international Radio Regulations (RR), MF is in band 6 and extends from 300-3000 kHz and HF is in band 7 and extends from 3000 kHz-30 MHz.[1] There are inconsistencies in the authorized band limits in the definition of classes of coast stations in Part 81 of the rules, the band limits in the RR and Part 2 of the rules and the actual assignments to a particular coast station. For example, a class I coast station providing high seas service is precluded from having frequencies between 150-5000 kHz. The international allotment for high seas coast stations operating in the maritime mobile service contains frequencies between 4000-23000 kHz. We have, therefore, assigned 4 MHz frequencies to high seas coast stations. Conversely, a class II station which provides services of a regional nature on MF frequencies, may have frequencies between 150 kHz and 5000 kHz which gives it a capability to provide service to ships beyond the regional service area.

4. We are now proposing to rectify these inconsistencies by first, defining the frequency bands authorized to each class of station and, second, labelling each class of station in accordance with the service provided rather than using a numerical label. We feel that this method of classification of coast stations will clarify any confusion which may exist.[2]

Modification of Licenses

5. Section 81.36(c) of the rules now requires a modification of the license when the power of the transmitter is changed to either reduce or impair the service of the station, or the number of installed transmitters exceeds those authorized. The installed transmitters are no longer listed on the license and only the maximum permissible power is authorized on the license. Therefore, this rule may be deleted.

Removal of Restrictions in the VHF Coverage Area

6. In the Report to Congress, *A Study of Maritime Public Coast Station Operations, Services and Industry*, several rule changes were proposed which would eliminate restrictions on the choice of frequency bands for communications. The Commission adopted these restrictions in order to encourage the introduction of the VHF service as the primary means of short range communications in order to relieve congestion in the 2 MHz band and to provide an improved communications service. We now believe that VHF is firmly established as the primary short range communications system and that these restrictions may therefore be relaxed.

7. Sections 81.304(f)(1), 81.360(a)(3)(i) and 83.351 (c)(3)(iii) and (c)(4) restrict the use of frequencies below 4000 kHz for intership and ship to coast communications when within VHF communications range. All ships equipped to operate in the 2 MHz band are required to be additionally equipped with a VHF radio installation. Therefore, these ships have the capacity to operate in both bands. Because the VHF service is now established, we believe it is no longer necessary to restrict ship operators from using the system which is most satisfactory for their operational needs. We propose to eliminate this restriction.

8. Section 22.509(b) permits usage of Domestic Public Land Mobile Radio Service (DPLMRS) stations on board vessels, but requires the termination of communications on this system when VHF public coast station service becomes available. Such termination is required without regard for user preference. We propose to eliminate the termination requirement and allow vessels to use the communications system most appropriate to their needs.

9. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted

[1] See the following table:

Band number (N)	Frequency subdivision	Frequency range
6	MF (medium frequency)	300-3000 kHz.
7	HF (high frequency)	3-30 MHz.
8	VHF (very high frequency).	30-3000 MHz.

"Band Number N" extends from 0.3X10 N-3.0X10N. k=kilo (10^3), M=Mega (10^6).

[2] We note that shifting the 4 MMz frequencies from the regional services stations to high seas stations may result in a rate increase for ship stations using the independent station WLO, Mobile, Alabama. Station WLO concurs in the tariffs filed by American Telephone and Telegraph Company (AT&T) but uses 4 MHz frequencies for regional services while AT&T uses 4 MHz frequencies for high seas service. There is no restriction on station WLO from filing a separate tariff for 4 MHz frequencies should it desire to continue providing this service at the present rate.

by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

10. The Commission certifies that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rulemaking proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The changes in coast station classification are an administrative and licensing convenience. They do not affect existing station operations or impose new restrictions on applicants for new stations. Further, an unnecessary reporting requirement is deleted and regulatory limitations on ship operators' use of certain classes of communication systems are eliminated. The economic impact of the removal of these regulations is *de minimis*.

11. The proposed amendments to the rules, as set forth in the Appendix, are issued under authority contained in Sections 4(i) and 303(a), (b), (c) and (r) of the Communications Act of 1934, as amended.

12. Under the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 9, 1981, and reply comments on or before November 24, 1981. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided 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.

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

14. Regarding questions on matters covered in this document contact Nicholas G. Bagnato, telephone (202) 632-7175.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 22, 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 22—PUBLIC MOBILE RADIO SERVICES

In § 22.509, paragraph (b) is revised to read as follows:

§ 22.509 Permissible communications.

* * * * *

(b) Base stations in this service are normally authorized to communicate with associated land mobile stations in the same service. Base stations may also render service to properly licensed transient land mobile stations normally associated with another common carrier base station, including mobile units of Canadian registry. Under specific authorization from the Commission, service may be rendered to stations on board vessels. Applications for authority to communicate with vessels shall be accompanied by a showing of the following.

(1) The total number of land mobile units being served through the base station.

(2) The total number of land mobile units to which it is reasonably expected that such service will be furnished at any time in the next 12 months.

(3) The total number of stations on board vessels initially proposed to be served through the base station.

(4) The total number of stations on board vessels to which it is reasonably expected that such service will be furnished at any time in the next 12 months.

(5) Such other information as may be deemed pertinent, showing that communication with vessels will not degrade or deny service to land vehicles receiving or requesting land vehicular communication service over the radio facilities of the base station, and that such service to vessels is necessary and desirable.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. In § 81.3 paragraphs (h), (i), (j) and (s) are revised, new paragraphs are added and designated (k), (l), (u) and (v), and existing paragraph (k) is revised and designated (m) to read as follows:

§ 81.3 Maritime mobile service.

* * * * *

(h) *High seas telegraphy coast station.* A radiotelegraph public coast station licensed to provide a maritime service to ships at sea, including such service to several thousand kilometers, whose frequency assignment for this purpose includes appropriate frequencies below 525 kHz or between 4000 and 26500 kHz.

(i) *High seas telephony coast station.* A radiotelephone coast station (public or limited) licensed to provide a maritime service to ships at sea, including such services to ships at distances of several thousand kilometers, whose frequency assignment for this purpose includes frequencies between 4000 and 23000 kHz.

(j) *Regional telegraphy coast station.* A radiotelegraph public coast station licensed to provide a maritime service, primarily of a regional character, whose frequency complement contains frequencies between 2000 and 4000 kHz.

(k) *Regional telephony coast station.* A radiotelephone coast station (public or limited) licensed to provide a maritime service to ships at sea, including such services to ships at distances up to 275 kilometers (150 nautical miles), whose frequency assignment for this purpose includes frequencies between 1605 and 4000 kHz.

(l) *Local services (VHF) coast station.* A radiotelephone coast station (public or limited) licensed to provide a maritime mobile service, primarily of a local nature, whose frequency assignment does not include any frequency below 25,000 kHz.

(m) *Operational designator.* The letter "F" appended to the coast station indicates that the coast station is licensed for facsimile.

* * * * *

(s) *Port operations service.* A maritime mobile service in or near a port, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded from this service.

* * * * *

(u) *Ship movement service.* A maritime mobile safety service, other than a port operations service, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement of ships. Messages which are of a public correspondence nature shall be excluded from this service.

(v) *Port station.* A coast station in the port operations service.

* * * * *

2. In § 81.22, paragraph (a) is revised as follows:

§ 81.22 Administrative classification of stations.

(a) Stations in the maritime mobile service subject to this part are licensed according to class of station as follows:

(1) Public high seas telegraphy coast stations.

(2) Public high seas telephony coast stations.

(3) Public regional telegraphy coast stations.

(4) Public regional telephony coast stations.

(5) Public local services (VHF) coast stations.

(6) Limited high seas telephony coast stations.

(7) Limited regional telephony coast stations.

(8) Limited local services (VHF) coast stations.

(9) Marine utility stations.

* * * * *

§ 81.36 [Amended]

3. In § 81.36 paragraph (c) is removed and reserved.

§ 81.72 [Amended]

4. In § 81.72, in paragraph (b), replace the words "class I coast stations" with the words "high seas coast stations"; and in paragraph (c), replace the words "class II and class III coast stations" with the words "regional and local services (VHF) coast stations".

§ 81.103 [Amended]

5. In § 81.103, in paragraph (a), replace the words "class I public coast station" with the words "high seas public coast station" in paragraph (b), replace the words, "class II public coast station" with the words "regional public coast station"; and, in paragraph (c), replace the words "class III public coast station" with the words "local services (VHF) public coast station".

§ 81.206 [Amended]

6. In § 81.206, paragraph (a) replace the words "class I coast stations" with the words "high seas coast stations"; and replace the words "class II coast stations" with the words "regional coast stations".

§ 81.303 [Amended]

7. In § 81.303, in both paragraphs (a) and (b), replace the words "class III–B Public coast stations" with the words "local services (VHF) public coast stations".

§ 81.304 [Amended]

8. In § 81.304, paragraph (b)(22), replace the words "class III–B public coast station" with the words "local services (VHF) public coast station".

§ 81.306 [Amended]

9. In § 81.306, paragraphs (a), (b), (c), (e), and (f), replace the words "class I public coast stations" with the words "high seas public coast stations" and replace the words "class II" with the words "public regional".

§ 81.313 [Amended]

10. In § 81.313, paragraphs (a) and (b), replace the words "class I public coast stations" with the words "high seas public coast stations", replace the words "class II public coast stations" with the words "public regional coast stations" and replace the words "class III public coast stations" with "local services (VHF) public coast stations".

§ 81.330 [Amended]

11. In § 81.330, in paragraph (a), replace the words "public coast III–B stations (VHF)" with the words "local services (VHF) public coast stations"; in paragraph (b), replace the words "limited coast III–B station" with the words "local services (VHF) limited coast station" and replace the words "class III–B public coast station" with the words "local services (VHF) public coast station"; and in paragraph (c), replace the words "Class III–B public or limited station" with the words "local services (VHF) public or limited coast station".

§ 81.360 [Amended]

12. In § 81.360 paragraph (a)(2) is removed and reserved and in paragraph (a)(3) the phrase "after January 1, 1977" is deleted.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.351, paragraph (c)(3) is revised and (c)(4) is revoked and reserved as follows:

§ 83.351 Frequencies available.

* * * * *

(c) * * *

(3) All installations of transmitters employing SSB emissions (2.8A3A, 2.8A3H, and 2.8A3J) on frequencies in the band 2000–2850 kHz will be authorized only when the ship station is equipped for use of F3 emission on frequencies in the band 156–162 MHz.

(4) [Reserved]

* * * * *

2. In § 83.355, paragraph (b) is revised as follows:

§ 83.355 Frequencies from 5000 kHz to 27.5 MHz for public correspondence.

* * * * *

(b) The use of the working frequencies in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in § 83.351.

3. In § 83.358, paragraph (a) is revised as follows:

§ 83.358 Frequencies below 3000 kHz for safety purposes.

(a) The following carrier frequencies are authorized for intership safety communications in the respective geographic areas. In addition, on a non-interference basis to safety communications, the frequencies, except for 2670 kHz, may be used for operational communications and, in the case of commercial transport vessel and vessels of municipal and state governments, for business communications.

* * * * *

[FR Doc. 81-29167 Filed 10-6-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-567; RM-3619]

FM Broadcast Stations in Brookville and Versailles, Indiana; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Request for Supplemental Information; Extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing responses to a Request for Supplemental Information regarding a petition for rule making involving a proposed channel assignment to Brookville, Indiana. Consultant for the petitioner, Twin Forks, Inc., states that additional time is necessary to provide engineering data.

DATES: Comments must be filed on or before October 26, 1981, and reply comments on or before November 16, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

Adopted: September 30, 1981.
Released: October 1, 1981.
By the Acting Chief, Policy and Rules Division.

1. On July 22, 1981, the Commission adopted a *Request for Supplemental Information*, 46 FR 39629, published August 4, 1981, in the above-captioned proceeding. Comments were due September 28, 1981, and replies thereto are currently due October 19, 1981.

2. We now have before us for consideration a motion filed on September 24, 1981, for extension of time for filing initial comments to and including October 26, 1981, filed on behalf of Twin Forks, Inc. ("petitioner"). The petitioner's consultant states that additional time is needed to submit engineering data in response to the *Request* since a heavy case-load has prevented its completion as anticipated, and due to a recent illness which prohibits the consultant's resumption of a full work schedule at this time. It is indicated that counsel for WCNB, Inc., opponent herein, has been advised of the instant request.

3. Section 1.46(b) of the Rules states that extension requests must be filed seven days in advance of the deadline. Although this request was not received within the required time period, the Commission feels that it would be in the public interest to have this material available to it in arriving at a decision herein. In addition, since it appears that no other party to the proceeding would be prejudiced, we will grant the request.

4. Accordingly, it is ordered, That the time for filing comments and reply comments in response to the *Request for Supplemental Information* in the above-entitled proceeding is extended to and including October 26, 1981, and November 16, 1981, respectively.

5. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.
Martin Blumenthal,
Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-29149 Filed 10-6-81; 8:45 am]
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Notices

Federal Register
Vol. 46, No. 194
Wednesday, October 7, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Freedom of Information Act; Assessment of Fees and Fee Waivers; Meetings

AGENCY: Administrative Conference of the United States, Committee on Public Access and Information.

ACTION: Notice of meetings.

SUMMARY: The Administrative Conference's Committee on Public Access and Information will meet on October 21, 1981, and again on November 5, 1981, to continue discussion of issues related to Freedom of Information Act fes and fee waivers. The discussion will focus on two separate sets of recommendations, submitted by consultants to the Administrative Conference, which were published in the **Federal Register** on September 9, 1981 (46 FR 45002).

DATE, TIME; PLACE OF MEETING: October 21, 1981, 9:30 a.m. and November 5, 1981, 9:30 a.m.; both meetings in the Library of the Conference at 2120 L Street, NW., Suite 500, Washington, DC. The meetings will be open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days in advance. Minutes of the meetings will be available on request.

FOR FURTHER INFORMATION CONTACT: Michael W. Bowers, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, DC. 20037; telephone (202) 254–7065.

SUPPLEMENTARY INFORMATION: The Committee on Public Access and Information of the Administrative Conference met on September 24, 1981, and discussed numerous issues presented in reports and proposed recommendations submitted to it by consultants, Russell B. Stevenson, Jr., and John E. Bonine. *See* Notice of Meeting and Request for Comment, 46 FR 45002, for a full listing of the consultants' recommendations. Following are the tentative conclusions reached by the Committee on several of the issues discussed at the meeting:

1. Congress should amend the Freedom of Information Act to permit agencies to collect from persons requesting records for a commercial or litigation purpose fees that reflect the costs of routine review of records to determine whether an exemption applies and should be asserted and of deletion of exempt information, in addition to the search and duplication costs now recoverable under the Act. *However*, fees charged for such requests should not include (1) the cost of agency review conducted on appeal of initial agency decisions on Freedom of Information Act requests, or (2) the cost of legal and policy analysis conducted by the agency prior to the initial agency decision to disclose or withhold the type of information covered by a request.

2. Persons requesting records for a primarily private purpose, not involving commercial activity or litigation, should ordinarily be assessed only the cost of search and duplication now recoverable under the Freedom of Information Act. The person making the request should have the burden of establishing that the request does not involve a commercial or litigation purpose.

3. Congress should amend the Freedom of Information Act to permit agencies to assess fees for routine review and deletion of exempt information from records whenever prsons, who would ordinarily only be charged for search and duplication, make requests which are clearly unreasonable in scope or frequency.

4. Persons requesting records for public benefit should continue to have fees waived or reduced under the Freedom of Information Act.

5. There is no feasible way for agency fee schedules to equitably spread the costs of review time between an initial requester of a record and subsequent requesters of the same document.

6. Fees assessed by agencies under the Freedom of Information Act should not include the agencies' overhead costs occasioned by the Act.

7. In the absence of more precise knowledge than is currently available on agency costs, agencies should not be permitted to retain fees collected under the Freedom of Information Act to defray the costs of compliance with the Act. However, the Congress should (1) require that agencies account by specific cost category for the costs of complying with the Act when they submit annual reports required by 5 U.S.C. 552(d), and (2) take such costs into account when appropriating funds for agencies' operations.

8. Persons should ordinarily not be charged for record searches if no records are produced by the agency. However, agencies should be permitted to assess search fees if a requester insists on further search after the agency, based on a preliminary search, informs the requester that the search is likely to be unproductive or that the records are all likely to be exempt from release.

9. Agency rules should require requesters to agree to pay fees up to a specified amount, unless the requester specifies a different amount or is entitled to a fee waiver. If fees are expected to exceed that amount, the agency should be required to notify the requester of that fact and seek the requester's agreement to pay additional fees. If the requester refuses to agree to pay any additional fees, the agency may suspend the search.

10. Agencies should be permitted to require advance payment of fees if a requester has failed to honor a previous commitment to pay fees that were owed an agency.

The Committee wishes to emphasize that the precise language of the conclusions set forth above was not discussed at the meeting, and, furthermore, that these conclusions may be reconsidered at future meetings in light of deliberation of issues not yet considered or public views submitted by the October 9, 1981, comment deadline.

Richard K. Berg,
General Counsel.
October 2, 1981.

[FR Doc. 81-29118 Filed 10-6-81; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981 Crop Price Support Rates; Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Notice of Determination of 1981-Crop Fire-Cured (Types 22 and 23), Dark Air-Cured (Types 35 and 36) and Virginia Sun-Cured (Type 37) tobacco price support rates.

SUMMARY: This notice sets forth the price support rates applicable to eligible grades of 1981-crop Kentucky-Tennessee Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured tobaccos.

DATES: Effective October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, ASCS, (202) 447-6733.

These rates reflect the national average price support level which is determined in accordance with a statutory formula prescribed in section 106 of the Agricultural Act of 1949, as amended. Since there are no options associated with this determination, an Impact Analysis has not been prepared.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified "not major." It has been determined that these program provisions will result in an annual effect on the economy of less than $5 million, will not cause a major increase in costs to consumers, and will not have an adverse effect on competition.

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

The title and number of the Federal Assistance Program to which this notice applies as set forth in the Catalog of Federal Domestic Assistance are: Title: Commodity Loan and Purchases; Number: 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) Circular A-95 was not used to assure that units of local government are informed of this action.

Price support for Kentucky-Tennessee Fire-Cured, Dark Air-Cured and Virginia Sun-Cured tobaccos is made available each year by CCC through a cooperative marketing association in accordance with regulations codified at 7 CFR Part 1464. Price support is mandatory at the level determined in accordance with Section 106 of the Agricultural Act of 1949, as amended. Under Section 106, the level of support for the 1981 crop of tobacco is determined by multiplying the support level for the 1959 crop of such kind of tobacco by the ratio of the average of the index of prices paid by farmers for the three calendar years 1978-80 (which is 851) to the average index of prices paid by farmers for the 1959 calendar year (which is 298). The resulting ratio is 2.86. The support level for the 1981 crop of each eligible kind of tobacco is, therefore, 286 percent of the 1959 level ($1.11 per pound). The support rates determined by the Secretary for the various grades of 1981-crops of Kentucky-Tennessee Fired-Cured, Dark Air-Cured and Virginia Sun-Cured tobaccos as set forth in this Notice reflect the statutory required support level.

Since the Secretary of Agriculture has no discretion in determining the level of support for 1981 crops of Kentucky-Tennessee Fire-Cured, Dark Air-Cured and Virginia Sun-Cured tobaccos, which must be established in accordance with the formula prescribed by Section 106 of the 1949 Act, it has been determined that no further public rulemaking is required with respect to the price support rates specified herein.

Accordingly, the Secretary has determined that the following support rates will be in effect for the 1981 crop of Kentucky-Tennessee Fire-Cured (Types 22 and 23), Dark Air-Cured (Types 35 and 36), and Virginia Sun-Cured (Type 37) tobaccos (dollars per hundred pounds, farm sales weight):

DETERMINATIONS

A. 1981-Crop Kentucky and Tennessee Fire-Cured Tobacco, Types 22 & 23 Support Rates [1]

Grade	Length 47	Length 46	Length 45	Length 44	Length 43
A1F	166	166	166		
A2F	161	161	161		
A3F	153	153	153		
A1D	166	166	166		
A2D	161	161	161		
A3D	153	153	153		
B1F	150	150	150	146	
B2F	145	145	145	141	
B3F	140	140	140	137	131
B4F	135	135	135	132	125
B5F	126	126	126	123	117
B1D	149	149	149	144	
B2D	144	144	144	140	
B3D	139	139	139	135	131
B4D	134	134	134	131	124
B5D	123	123	123	119	113
B3M	131	131	131	127	122
B4M	126	126	126	122	115
B5M	119	119	119	114	109
B3VF	131	131	131	127	120
B4VF	129	129	129	126	119
B5VF	121	121	121	118	111
B3G	131	131	131	127	119
B4G	126	126	126	122	114
B5G	114	114	114	109	104
C1L	152	152	152	148	
C2L	147	147	147	144	
C3L	142	142	142	138	132
C4L	135	135	135	132	126
C5L	127	127	127	125	118
C1F	152	152	152	148	
C2F	147	147	147	144	
C3F	142	142	142	139	132
C4F	135	135	135	132	125
C5F	127	127	127	123	116
C1D	151	151	151	146	
C2D	141	141	141	136	
C3D	135	135	135	132	126
C4D	126	126	126	124	118
C5D	118	118	118	116	109
C3M	130	130	130	127	121
C4M	124	124	124	123	116
C5M	116	116	116	113	104
C3VF	134	134	134	131	125
C4VF	127	127	127	125	119
C5VF	121	121	121	119	110
C3G	122	122	122	119	114
C4G	113	113	113	109	104
C5G	107	107	107	104	101

[1] Only the original producer is eligible to receive price support. Tobacco is eligible for loan only if consigned by the original producer. Tobacco graded "No-G" (no grade), "U" (unsound), Tobacco graded "W" (doubtful keeping order) will have an advance rate 20 percent below the advance rate otherwise applicable. The association through which advances are made to the producer is authorized to deduct from the advance paid to such producer $1 per hundred pounds to apply against association overhead costs.

Grade	Support rates	Grade	Support rates	Grade	Support rates
X1L	124	X1D	119	X3G	97
X2L	121	X2D	114	X4G	81
X3L	115	X3D	109	X5G	67
X4L	109	X4D	103		
X5L	106	X5D	96		
X1F	125	X3M	98	N1L	72
122	X2F	X4M	92	N1D	62
X3F	117	X5M	89		
X4F	112			N1G	50
X5F	109	X3VF	109	N2	28
		X4VF	104		
		X5VF	98		

B. 1981—Crop Dark Air-Cured Tobacco, Types 35 and 36 Grade Support Rates [1]

Grade	Length 47	Length 46	Length 45	Length 44
A1F	158	158	158	
A2F	154	154	154	
A3F	148	148	148	
A1R	158	158	158	
A2R	154	154	154	
A3R	148	148	148	
B1F	148	148	148	145
B2F	142	142	142	141
B3F	137	137	137	135
B4F	125	125	125	124
B5F	116	116	116	115
B1R	147	147	147	145
B2R	141	141	141	140
B3R	135	135	135	134
B4R	124	124	124	123
B5R	115	115	115	114
B1D	146	146	146	144
B2D	140	140	140	139
B3D	133	133	133	132
B4D	123	123	123	122
B5D	114	114	114	113
B3M	122	122	122	121
B4M	113	113	113	112
B5M	106	106	106	105
B3G	118	118	118	117
B4G	113	113	113	112
B5G	105	105	105	104
C1L	150	150	150	149
C2L	146	146	146	145
C3L	141	141	141	140
C4L	130	130	130	129
C5L	119	119	119	117
C1F	150	150	150	149
C2F	146	146	146	145
C3F	140	140	140	138
C4F	130	130	130	129
C5F	119	119	119	117
C1R	149	149	149	148
C2R	145	145	145	144
C3R	139	139	139	137
C4R	127	127	127	126
C5R	117	117	117	116
C3M	122	122	122	121
C4M	114	114	114	113
C5M	106	106	106	105
C3G	124	124	124	122
C4G	113	113	113	112
C5G	102	102	102	101

[1] Only the original producer is eligible to receive price support. Tobacco is eligible for loan only if consigned by the original producer. Tobacco graded "No-G" (no grade), "U" (unsound) or scrap will not be accepted. A reduction of 20 percent in the advance rate will be made for tobacco graded "W" (doubtful keeping order), grades marked with the special factor "BL." The association through which advances are made to the producer is authorized to deduct $1 per hundred pounds from the advance paid to such producer to apply against association overhead costs.

Grade	Support rates	Grade	Support rates	Grade	Support rates
T3F	99	X1L	132	X3M	102
T4F	96	X2L	128	X4M	94
T5F	86	X3L	126	X5M	82
		X4L	119		
		X5L	109	X3G	88
				X4G	76
T3R	100	X1F	132	X5G	61
T4R	96	X2F	129		
T5R	88	X3F	126	N1L	59
		X4F	119	N2L	42
T3D	99	X5F	110		
T4D	96				
T5D	86				
T3M	97	X1R	130	N1R	54

Grade	Support rates	Grade	Support rates	Grade	Support rates
T4M	92	X2R	127	N2R	38
T5M	83	X3R	124		
		X4R	116	N1G	46
T3G	97	X5R	107	N2G	26
T4G	93				
T5G	83	X3D	105		
		X4D	97		
		X5D	89		

C. 1981 Crop Virginia Sun-Cured Tobacco, Type 37 Grade Loan Support Rate [1]

Grade	Length 46	Length 45	Length 44
A1F	159	160	150
A2F	150	150	145
A3F	145	145	144
A1R	160	160	150
A2R	150	150	145
A3R	145	145	145
B1F	155	156	145
B2F	150	151	145
B3F	141	142	140
B4F	130	131	128
B5F	105	105	101
B1R	150	150	145
B2R	145	145	141
B3R	135	135	135
B4R	125	127	127
B5R	103	104	100
B1D	133	134	129
B2D	129	129	124
B3D	123	123	120
B4D	109	109	109
B5D	94	94	89
B3M	109	109	104
B4M	99	99	94
B5M	89	89	86
B3G	109	109	106
B4G	98	99	94
B5G	88	88	83
C1L	154	154	139
C2L	144	144	129
C3L	134	134	125
C4L	124	129	122
C5L	96	96	94
C1F	152	154	139
C2F	149	149	139
C3F	139	139	129
C4F	129	130	125
C5F	99	99	94
C1R	114	114	109
C2R	103	103	97
C3R	98	99	93
C4R	88	88	86
C5R	80	79	78
C3M	104	105	100
C4M	99	99	97
C5M	92	92	89
C3G	92	94	89
C4G	89	92	89
C5G	82	84	91

[1] Only the original producer is eligible to receive advances. Tobacco is eligible for loan only is consigned by the original producer. Tobacco graded "No-G" (no grade), "U" (unsound), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) or scrap will not be accepted. The association through which advances are made to the producer is authorized to deduct from the advance paid to such producer $1 per hundred pounds to apply against association overhead costs.

Grade	Support rates	Grade	Support rates	Grade	Support rates
T3F	83	X1L	109	X3M	102
T4F	81	X2L	106	X4M	94
T5F	75	X3L	99	X5M	81
		X4L	91		
T3R	84	X5L	89	X3G	94
T4R	81	X1F	109	X4G	89
T5R	76	X2F	106	X5G	80
		X3F	99		
T3D	81	X4F	91	N1L	45
T4D	79	X5F	89	N2L	23
T5D	73	X1R	99	N1R	52
T3M	81	X2R	97	N2R	23
T4M	78	X3R	91		
T5M	73	X4R	87	N1G	52
		X5R	79	N2G	23
T3G	89				
T4G	81	X3D	84		
T5G	75	X4D	81		

Grade	Support rates	Grade	Support rates	Grade	Support rates
		X5D	71		

(Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423)

Signed at Washington, D.C. on September 29, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-28832 Filed 10-6-81; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Public Workshop on Laboratory Accreditation; Future Directions in the United States

In the Federal Register of August 12, 1981 (46 FR 40785-7), the Department of Commerce announced plans for a two-day public workshop concerning the present status and future direction of laboratory accreditation activities in the United States. That open workshop will take place on November 16-17, 1981 at the National Bureau of Standards in Gaithersburg, Maryland. Its purpose is to provide a public forum for the expression of views upon which recommendations could be developed to bring about a desirable and effective distribution of responsibilities between the government and private sectors in the area of laboratory accreditation. For further information, contact James Bryson at the Bureau's Office of Engineering Standards, telephone 301-921-2368.

This notice contains a detailed agenda (Appendix 1) for the November workshop. It also contains brief abstracts (Appendix 2) of the presentations to be made at the workshop. There will be opportunities for audience participation in the discussion periods following each session, except for session 2.

As stated in the notice of August 12, papers on any of the subjects of the workshop by interested parties will be considered for publication in the proceedings of the workshop. Such papers must relate to one or more of the issues to be discussed at the workshop. They should be submitted no later than December 18, 1981, to Dr. Jack Williams, Office of Product Standards Policy, Room 3876, Department of Commerce, Washington, D.C. (202-377-3221). In an effort to provide uniformity and facilitate reproduction, it will be helpful if the papers could be submitted in "camera-ready" format, and according to the following typing guidelines: Paper size 8½ x 11; margins; 1 inch all around; single space with elite type (12 characters per inch).

Issued: October 1, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology, and Innovation.

Appendix 1.—Agenda—Workshop on Laboratory Accreditation: Future Directions in the United States; November 16-17, 1981

November 16

9:00 A.M.—Introduction—*Stanley I. Warshaw*, Director, Office of Engineering Standards, NBS

9:10 A.M.—Welcome Address—*Ernest Ambler*, Director, National Bureau of Standards (NBS)

Session No. 1—Background of U.S. Laboratory Accreditation. *Stanley Warshaw*, Director OES/NBS, moderator. Panel (Questions after last speaker.)

9:30 A.M.—(a) Meaning of Accreditation and Certification—*Baron Whitaker*, Consultant to UL

9:45 A.M.—(b) History of Laboratory Accreditation in U.S.—*Theodore Young*, Consultant

10:05 A.M.—(c) Status of Laboratory Accreditation in U.S.—*Charles Hyer*, V.P. The Marley Organization

10:20 A.M.—Discussion

10:45 A.M.—Coffee break

Session No. 2:

11:15 A.M.-International Trade Implications of Laboratory Accreditation—*Douglas Newkirk*, Assistant U.S. Trade Representative for GATT Affairs

Session No. 3—Need for Laboratory Accreditation.

11:45 P.M.—Purposes of Accreditation—*John Locke*, Coordinator, National Voluntary Laboratory Accreditation Program (NVLAP) (Questions to follow).

1:00 P.M.—Lunch

2:00 P.M.—Panel on Advantages and Disadvantages of Laboratory Accreditation (Questions after last speaker). *John Locke*, moderator. Presentations from perspective of

(a1) Independent laboratory—Earl Hess, President Lancaster Laboratories

(a2) William Levelius, Vice President, Northern Region Pittsburgh Testing Laboratories

(b1) Manufacturers—(2) Richard Gaynor, Vice President for Engineering and Research, Ready Mixed Concrete

(b2) John Grant, Consultant to American Petroleum Institute

(c) Exporter—Frank Walters, Staff Engineer, Waterloo Project Engineering Center, John Deere

(d) State and local government—Donald Pinkerton, Executive Director, NCSBCS

(e) Federal regulator—Robert Alexander, Office of Standards Development, Nuclear Regulatory Commission

(f) Consumer Representative—David Swankin, Swankin & Turner

4:00 P.M.—Discussion

5:15 P.M.—End of 34rd Session

November 17

Session No. 4—Criteria for Recognizing Laboratory Accreditation Systems. *James Bryson*, Chief, Office of Testing Laboratory Evaluation Technology, NBS, moderator

9:00 A.M.—(a) On ASTM E-36 Work—*Gerald Berman*, Group Leader, Laboratory Performance Group, NBS

9:15 A.M.—(b) A certifier's view—*Theodore Pritsker*, President, Associated Laboratories

9:30 A.M.—(c) The AALA proposal—*Louis Rossi*, Chairman, of Board, American Association for Laboratory Accreditation (AALA)

9:45 A.M.—Discussion

10:15 A.M.—Coffee break

10:45 A.M.—(d) On IECQ—*Howard Kontje*, Chief Engineer, Underwriters Laboratories, Inc.

11:00 A.M.—(e) On ILAC—*Howard Forman*, Consultant

11:15 A.M.—(f) On OECD GLP—*Carl Morris*, Senior Scientist, Test Rules Development Branch, EPA

11:30 A.M—(g) On the State-of-the Art—*Theodore Young*, Consultant

12:00 P.M.—Discussion

1:00 P.M.—Lunch

Session No. 5—A Mechanism to Accredit Organizations Which Accredit Testing Laboratories. *Jack Williams*, Acting Director, Office of Product Standards Policy, Department of Commerce, Moderator

2:00 P.M.—AALA Proposal and Viewpoints—*Louis Rossi*, Chairman, AALA

3:00 P.M.—Discussion.

4:30 P.M.—Wrap-Up—*Stanley Warshaw*

5:15 P.M.—End of Workshop

Appendix 2.—Abstracts of Presentations

Presentation of *Baaron Whitaker, 9:30 a.m., Monday, November 16, 1981, 1a—15 minutes.*

Subject: *Meaning of Accreditation and Certification.*

This presentation clearly defines laboratory accreditation. Particular attention is given to the differences between laboratory accreditation and product certification. Related areas include:

- The meaning of accreditation to the laboratory user;
- The meaning of certification to the product user;
- The attributes which define a competent laboratory;
- Functions of a certifier over and above functions of a laboratory accreditor;
- Similarities in accreditors' and certifiers' assessment techniques.

Presentation of: *Theodore Young, 9:45 a.m., Monday, November 16, 1981, 1b—20 minutes.*

Subject: *History of laboratory Accreditation in the United States.*

This presentation summarizes the evolution of accreditation in the United States starting with the earliest accreditation systems (DOA Federal Grain Inspection Service which was established in 1940) and identifies product areas for which accreditation programs were established roughly in chronological order. Special reference will be made to the Clinical laboratory Improvement Act (CLIA) system (the only system specifically identified in Federal Legislation) and the College of American pathologists system which is perhaps the largest non-governmental system in terms of number of accredited laboratories.

The presentation will conclude with a summary of events which led up to NVLAP.

Presentation of: *Charles Hyer,* 10:05 a.m., Monday, November 16, 1981, *1c—15 minutes.*

Subject: *Status of Laboratory Accreditation in the United States.*

This presentation provides the current and near future environment relative to laboratory accreditation, and describes how that environment seems to be affecting the operation of laboratory accreditation systems. Issues addressed will include the growth rate of laboratory accreditation systems, special product areas supporting growth in systems, any consolidation of systems, and percent of laboratories which have accreditation by more than one system. The relationship of public and private accreditation systems to businesses, trade associations, and professional associations will be summarized. A prognosis in what's ahead will conclude the presentation.

Presentation of: *Douglas Newkirk;* 11:15 a.m., Monday, November 16; *2—30 minutes.*

Subject: *International Trade Implications of Laboratory Accreditation.*

This presentation will cover the significance of domestic and international laboratory accreditation activities for U.S. trade interests.

Presentation of: *John Locke,* 12:00 p.m., Monday, November 16, *3—30 minutes.*

Subject: *Purposes of Laboratory Accreditation.*

Task Force C of the International Laboratory Accreditation Conference (ILAC) has prepared a report which describes some 10 or more reasons why laboratory accreditation is important. Detailed examples (foreign and domestic) illustrating each reason will be presented. Effects on all segments of the laboratory accreditation community will be summarized, as well as effects on international trade.

Panel Session on Advantages and Disadvantages of Laboratory Accreditation 2:00 p.m., Monday, November 16.

Presentation of: *Earl Hess, 3a1—10 minutes.*

Perspective: Independent Laboratory advocating accreditation of laboratories.

The nature of independent laboratory support of laboratory accreditation will be summarized. Advantages to the laboratory, to clients, and to the public will be described.

Presentation of: *William Levelius, 3a2—10 minutes.*

Perspective: Independent laboratory with many separate laboratory locations.

Concerns about accreditation of each independent site will be addressed in conjunction with how control of testing in separate locations is managed by the corporation. Similarities and differences between corporate control of the laboratories at separate locations and laboratory accreditation of those sites will be summarized. The advantages and disadvantages of each approach will be stated along with concerns about accreditation procedures themselves.

Presentation of: *Richard Gaynor, 3b1—10 minutes.*

Perspective: Manufacturer supportive of accreditation.

The effect of laboratory accreditation on the manufacturer will be described, along with advantages and disadvantages of using an outside accredited laboratory. Important qualities of an accreditor will be stated. An expression of general concerns with respect to laboratory accreditation will conclude the presentation.

Presentation of: *John Grant, 3b2—10 minutes.*

Perspective: Manufacturer with reservations about accreditation.

The effect of laboratory accreditation on manufacturers will be summarized, both for a manufacturer's laboratory and for an "outside" laboratory. Values used to judge competence of an outside laboratory will be described. Credentials which others seek when evaluating the work of a laboratory will be described. Concerns about and advantages of accreditation will conclude the presentation.

Presentation of: *Frank Walters, 3c—10 minutes.*

Perspective: Exporter.

The problems which a U.S. firm confronts when exporting a complex product will be summarized. Different perspectives from different countries in accepting test data will be noted. The implications of liability considerations in different countries and insurance considerations will be described. Desirable characteristics of a U.S. laboratory accreditation system important to the acceptance of test data internationally will conclude the presentation.

Presentation of: *Donald Pinkerton, 3d—10 minutes.*

Perspective: State and local governments.

State and local government code administrators have a special need for information about a product before they permit its use in their geographic area. Recognition of the competence of a testing laboratory is not sufficient for these purposes. The relationship between the needs of code administrators and laboratory accreditation will be described. Also the deficiencies of accreditation from the code administrator's standpoint and related concerns will be mentioned.

Presentation of: *Robert Alexander, 3e—10 minutes.*

Perspective: Federal regulatory responsibilities.

Regulatory responsibilities which can be fulfilled by reliance on accredited laboratories will be described. The need for assuring the competence of testing laboratories will also be discribed. The advantages and possible disadvantages of accreditation to the government, to the regulated industry sector, and to the public will be summarized.

Presentation of: *David Swankin, 3f—10 minutes.*

Perspective: Consumers.

The importance of laboratory accreditation to consumer will be described. Other issues include: When is laboratory accreditation "good enough"? How can information about an accredited laboratory be used? What kind of information do consumers want about product tests? . . about accredited laboratories? The presentation will conclude by describing advantages of accreditation and consumer concerns.

Presentation of: *Gerald Berman, 9:00 a.m., Tuesday, November 17, 4a—15 minutes.*

Subject: *Generic Criteria for Laboratory Accreditation Being Developed by ASTM Committee E–36.*

This presentation describes the development of generic criteria of a laboratory accreditation system for the laboratory evaluation process and for assessment procedures. The discussion will focus on the necessary attributes of an accreditation system and will summarize the work of ASTM Committee E–36.

Presentation of: *Howard Forman,* 11:00 a.m., Tuesday, November 17, *4e—15 minutes.*

Subject: *Considerations in Recognizing Laboratory Accreditation Systems in Different Countries.*

This presentation covers the status of deliberations in the International Laboratory Accreditation Conferences (ILAC). The status of international agreements recognizing laboratory accreditation systems in two or more countries will be summarized. Efforts to develop international guidelines to judge laboratory accreditation systems will be summarized.

Presentation of: *Carl Morris,* 11:15 p.m., Tuesday, November 17, *4f—15 minutes.*

Subject: *OCED Agreement on Inspection Agencies in Member Countries.*

The OECD is proposing a complete system for the recognition and acceptance of animal test data among testing laboratories in different countries. This presentation will summarized the guidelines which the laboratory inspection agencies in each country should meet in order that data from testing laboratories in that country will be acceptable in other countries. Technical and administrative criteria will be described along with difficulties encountered in implementation of the scheme.

Presentation of: *Theodore Young,* 11:30 p.m., Tuesday, November 17, *4g—30 minutes.*

Subject: *Mechanisms for Acceptance of Accrediting Organization—the State-of-the-Art.*

This presentation summarizes the key factors used to accept or reject accrediting organizations in the U.S. Some of these examples come from fields other than laboratory evaluation, and the presentation will relate the relevant features of these programs to accreditation of laboratories. The administrative characteristics of accepting or denying accreditation will also be described.

Presentation of: *Louis Rossi,* 2:00 p.m., Tuesday, November 17, *5—One hour.*

Subject: *Transforming NVLAP Into a Program to Accredit Accreditation Systems.*

The American Association for Laboratory Accreditation (AALA) has proposed that NVLAP be converted from a laboratory accreditation system to an accreditor of such systems. In this presentating, AALA will describe just how it proposes that such a scheme would work. This discussion will include mechanisms' used by existing laboratory accreditation systems, such as those Federal and State governments.

Presentation of: *Theodore Pritsker,* 9:15 a.m., Tuesday, November 17, *4b—15 minutes.*

Subject: *Characteristics of Laboratory Accreditation Systems Which Certifiers Look For.*

This presentation identifies criteria which a product certification system manager would want in an organization which uses laboratories accredited by a laboratory accreditation system. Included are: (a) A certifier's concern for adequate testing; (b) relationships between a certifier and testing laboratories; (c) the question of product liability and (d) minimum requirements for an accrediation system.

Presentation of: *Louis Rossi,* 19:30 a.m., Tuesday, November 17, *4c—15 minutes.*

Subject: *An Accreditation System's View of What Makes a Good Laboratory Accreditation System.*

This presentation includes a detailed description of criteria recommended by AALA to be used by an organization (such as a Federal agency) which would recognize the competence of laboratory accreditation systems. Administrative procedures as well as technical characteristics will be covered.

Presentation of: *Howard Kontje,* 10:45 a.m., Tuesday, November 17, *4d—15 minutes.*

Subject: *The IEC's Way of Evaluating Certifiers in Participating Countries.*

This presentation describes the IEC's criteria for accepting member-country inspectorates. Although this is a certification scheme, the approved member-country inspectorate must accredit laboratories which test the products covered by the system. Also covered will be a description of the problems encountered in formulating the scheme and of potential future changes to the system.

[FR Doc. 81–29143 Filed 10–6–81; 8:45 am]

BILLING CODE 3510–BP–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Certain Cotton Apparel Products from Macau; Adjusting Import Restraint Levels

October 1, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by the application of swing and carryforward, the levels of restraint established for men's and boys' woven cotton shirts in Category 340 from 110,275 dozen to 128,635 dozen and for women's, girls' and infants' woven cotton blouses in Category 341 from 75,382 dozen to 85,182 dozen, produced or manufactured in Macau and exported during the agreement year which began on January 1, 1981. The adjusted level for Category 340 includes the restoration of carryforward that was not used in 1980.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121))

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979 between the Governments of the United States and Portugal concerning products produced or manufactured in Macau provides for percentage increases in certain specific ceilings during an agreement year (swing) and for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the succeeding year's level. Pursuant to the terms of the bilateral agreement, the levels of restraint for Categories 340 and 441 are being adjusted for the twelve-month period which began on January 1, 1981.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 11, 1980, there was published

in the **Federal Register** (45 FR 81643) a letter dated December 8, 1980, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 340 and 341, produced or manufactured in Macau, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the levels of restraint established for cotton textile products in Categories 340 and 341 to the designated amounts during the twelve-month period which began on January 1, 1981.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: On December 8, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products, produced or manufactured in Macau, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Portugal; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 1, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 340 and 341, produced or manufactured in Macau, in excess of the following adjusted levels of restraint:

AMENDED 12-MONTH LEVEL OF RESTRAINT[1]

Category	(Dozens)
340	128,635
341	85,162

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textile products from Macau, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-29104 Filed 10-6-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Portugal, which provide, in part, that: (1) within the aggregate and group limits; specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be increased for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

DEPARTMENT OF DEFENSE

Department of the Army

Army Medical Research and Development Advisory Panel, Blood Products and Preservation Subcommittee; 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 Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Blood Products and Preservation.

Date of Meeting: November 13, 1981.

Time and Place: 0900 hrs, Conference Room AS3102, Letterman Army Institute of Research, Presidio of San Francisco, CA.

Proposed Agenda: This meetng will be open to the public on 13 November 1981 from 0900-0915 hrs for administrative review and dicussion of the scientific research program of Blood Products and Preservation Division, Letterman Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S.C. and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 0915-1615 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personnal privacy.

Dr. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129, (415/561-4367), will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81-29173 Filed 10-6-81; 8:45 am]

BILLING CODE 3710-08-M

Army Medical Research and Development Advisory Panel, Medicinal Chemistry Subcommittee; 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 Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Medicinal Chemistry.

Date of Meeting: November 13, 1981.

Time and Place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, D.C.

Proposed Agenda: This meeting will be open to the public on 13 November 1981 from 0830-1330 hrs to discuss the scientific research program of the Medicinal Chemistry Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S.C. and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1330-1730 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would consitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, D.C. 20012 (202/576-3061) will furnish summary minutes, roster of

Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81-29174 Filed 10-6-81; 8:45 am]

BILLING CODE 3710-08-M

Army Medical Research and Development Advisory Panel, Surgery Subcommittee; 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 Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Surgery.

Date of Meeting: November 19 and 20, 1981.

Time and Place: 0900 hrs, Marriott Hotel, San Antonio, Texas.

Proposed Agenda: This meeting will be open to the public on 19 November from 0900-1700 hrs for the administrative review and discussion of the Surgical Research Program of the U.S. Army Institute of Surgical Research, Ft. Sam Houston, TX. A tour of the facilities will also be conducted. Attendance by the public is open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), U.S.C., title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 0915 hrs through 1700 hrs on 20 November 1981 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual reasarch subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129, (415/561-4367), will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81-29171 Filed 10-6-81; 8:45 am]

BILLING CODE 3710-08-M

Army Medical Research and Development Advisory Panel, Vision and Laser Bioeffects Subcommittee; 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 Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Vision and Laser Bioeffects.

Date of Meeting: November 17, 1981.

Time and Place: 0900 hrs, Conference Room AS3102, Letterman Army Institute of Research, Presidio of San Francisco, CA.

Proposed Agenda: This meeting will be open to the public on 17 November 1981 from 0900-0930 hrs for administrative review and discussion of the scientific research program of the Vision and Laser Bioeffects, Letterman Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552B(c)(6), U.S.C., Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 0930-1715 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129, (415/561-4367), will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield, M.D.

Colonel, MC, Deputy Commander.

[FR Doc. 81-29172 Filed 10-6-81; 8:45 am]

BILLING CODE 3710-08-M

Defense Communications Agency

Scientific Advisory Group; Closed Meeting

The DCA Scientific Advisory Group will hold closed meetings on 26 and 27 October 1981. The 26 and 27 October meetings will be at the Defense Communications Agency, Director's Management Information Center, at Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia.

The subject of the meetings will be the Defense Switched Network.

Any person desiring information about the Advisory Group may telephone (Area Code 202-692-1765) or write Chief Scientist-Associate Director, Technology, Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

These meetings are closed because the material to be discussed is classified requiring protection in the interest of National Defense.

(5 U.S.C. 522b(c)(1))

Irwin L. Lebow,

Chief Scientist-Associate Director, Technology.

[FR Doc. 81-29124 Filed 10-6-81; 8:45 am]

BILLING CODE 3810-05-M

DEPARTMENT OF EDUCATION

Advisory Panel on Financing Elementary and Secondary Education; Meeting

AGENCY: Advisory Panel on Financing Elementary and Secondary Education.

ACTION: Notice of meeting and site visit.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming activities of the Advisory Panel on Financing Elementary and Secondary Education. It also describes the functions of the Panel. Notice of these activities is required under the Federal Advisory Committee Act, Section 10(a)(2).

ACTIVITIES: *Site Visit* on October 22nd to three schools in the Northern Virginia area. *Meeting* on October 23rd from 9:00 a.m. to 5:00 p.m. in Room 3000, 400 Maryland Avenue, S.W., Washington, D.C. The public is invited to attend the meeting.

FOR FURTHER INFORMATION CONTACT: Will S. Myers, Executive Director, Advisory Panel on Financing Elementary and Secondary Education, P.O. Box 19125, Washington, D.C. 20036, (202) 635-8278.

SUPPLEMENTARY INFORMATION: The Advisory Panel on Financing Elementary and Secondary Education was established by Section 1203, Title XII of the Education Amendments of 1978 (Pub. L. 95-561). The Panel provides the Secretary and the Congress with advice and counsel concerning public policies on raising and distributing revenues to support elementary and secondary education. The Advisory Panel also provides advice to the Secretary concerning the conduct of studies authorized by Section 1203. The Advisory Panel will make annual reports to the President and the Congress in 1981 and 1982. The Advisory Panel will also provide recommendations for legislation or other appropriate action to Congress.

Agenda

1. Consideration of public support for private elementary and secondary education.

2. Discussion and adoption of the 1981 Annual Report.

3. Report on the research of the School Finance Project.

Records are kept of all Advisory Panel proceedings and are available for public inspection at the office of the Advisory Panel on Financing Elementary and Secondary Education located at 1200 19th Street, N.W., Room 725–M, Washington, D.C.

Signed at Washington, D.C. on October 2, 1981.

Will S. Myers,

Executive Director, Advisory Panel on Financing Elementary and Secondary Education.

[FR Doc. 81-29121 Filed 10-6-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources will meet in October 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Environmental Protection Task Group meeting follow:

The sixth meeting of the Environmental Protection Task Group will be held on Wednesday, October 21, 1981, starting at 9:00 a.m., in the Quadrant Room of The Hotel Captain Cook, Fifth and K Streets, Anchorage, Alaska.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review and discussion of the draft Task Group report.
3. Approval of the draft Task Group report.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Environmental Protection Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Environmental Protection Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Oil, Gas and Shale Resources Development Division, Fossil Energy, 202/633–8395, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on October 1, 1981.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

October 1, 1981.

[FR Doc. 81-29189 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Subcommittee on Environmental Conservation; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Subcommittee on Environmental Conservation of the National Petroleum Council.

Date and Time: Thursday, October 29, 1981—10:00 a.m.

Place: The Madison Hotel, Executive Chambers I and II, Fifteenth and M Streets, N.W., Washington, D.C.

Contact: Georgia Hildreth, Chief, Advisory Committee Management Branch, Department of Energy, 1000 Independence Avenue, S.W., Forrestal Building, Room 4B222, Washington, D.C. 20585, Telephone: 202–252–5187.

Purpose of Parent Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tentative Agenda:

- Review the draft report on Environmental Conservation—The Oil and Gas Industries
- Discuss any other matters pertinent to the overall assignment from the Secretary
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Branch at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on October 2, 1981.

Howard H. Raiken,

Director of Management, Systems Analysis Division.

[FR Doc. 81-29164 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration ADA Resources, Inc.; Notice of 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 4, 1981.

FOR FURTHER INFORMATION CONTACT: Product Resellers Branch, Attn: Adna S. Day, Office of Enforcement, 2000 M Street, N.W., Room 5108, Washington, D.C. 20461, 202/653–3541.

SUPPLEMENTARY INFORMATION: On November 2, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Ada Resources, Inc., (Ada Resources) of Houston, Texas on October 16, 1979, 44 Fed. Reg. 63135 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who belive they have a claim to all or a portion of the refund amount paid by Ada Resources 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 OE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Ada Resources refunded the sum of $100,000.00 by certified check made payable to the United States Department of Energy on November 2, 1979. This sum has been received by the OE and deposited into a suitable account pending determination of their proper distribution.

The following persons submitted notices of claim to the OE: Rapid Transit Lines, Inc., Metropolitan Transit Authority of Harris County, Texas.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $100,000.00, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on September 4, 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 30th day of September, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-29110 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

Arcone Oil Company, Inc.; Notice of 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 11, 1981.

FOR FURTHER INFORMATION CONTACT: Product Resellers Branch, Attn: Adna S. Day, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, 202/653-3541.

SUPPLEMENTARY INFORMATION: On September 17, 1980, the OE published notification in the **Federal Register** that it executed a Consent Order with Arcone Oil Company, Inc. (Arcone) of Newark, New Jersey on March 27, 1980. 45 Fed. Reg. 61657 (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 amount paid by Arcone 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 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, Arcone refunded the sum of $200,000.00 by certified checks made payable to the United States Department of Energy. This sum has been deposited in a suitable account pending determination of its proper distribution.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $200,000.00, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on September 11, 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 30th day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-29109 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-79-005; OFC Case No. 61004-9018-05-11]

Order Granting an Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting an exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE), hereby gives notice that in response to a petition from Air Products and Chemicals, Incorporated (Air Products or the Company) it has granted to Air Products a temporary exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). Title II prohibits the use of petroleum and natural gas as a primary energy source in certain new major fuel burning installations (MFBI's) unless an exemption for such use has been granted by ERA. Petinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500, 501 and 503 published on June 6, 1980, at 45 FR 38276 and 38302.

Air Products' petition, filed with ERA on September 17, 1979, requested the temporary exemption from the prohibitions of Title II of FUA for a new major fuel burning installation (MFBI) installed at its Calvert City, Kentucky, chemicals plant. The exemption request, based upon section 211(b) of FUA, asserts that at the end of a 5-year exemption period the Company will be able to comply with the applicable prohibitions through the use of a synthetic liquid fuel derived from coal. Pursuant to section 211(b) of the Act and 10 CFR 503.24, and subject to specified terms and conditions stated herein, ERA hereby issues this order granting a temporary exemption to Air Products to permit the use of petroleum and natural gas in the new MFBI installed at its Calverty City, Kentucky, facility.

In accordance with section 702(a) of FUA, this order shall take effect on December 7, 1981, the 60th calendar day after publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4226;

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4257;

Marya A. Rowan, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

A public file containing a copy of this order and other documents and supporting materials on this proceeding

is available upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. Monday–Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: The MFBI for which the temporary exemption was requested is a new packaged boiler (hereafter, "new MFBI") having a design heat rate input of 86 million Btu's per hour and is capable of burning either petroleum or natural gas. Under the criteria of 10 CFR 500.5(b)(1), the new MFBI, when aggregated with other existing MFBI's at the same site, is jurisdictional for purposes of FUA.

Air Products' petition was filed under the provisions of the then-effective interim rule implementing certain provisions of FUA, published in the **Federal Register** on May 15, 1979, at 44 FR 28530, and on May 17, 1979, at 44 FR 28950. Subsequently, ERA's implementing FUA rule was finalized and became effective on August 5, 1980. (Codified at 10 CFR Parts 500, 501 and 503, published on June 6, 1980, at 45 FR 38276 and 38302.)

The final rule simplified the eligibility and evidentiary requirements for the synthetic fuels exemption authorized by section 211(b) of FUA, and ERA's determination to grant the requested exemption is based upon analysis of Air products' petition under the criteria established in the final rule at 10 CFR 503.24.

In accordance with the procedural requirements of FUA and 10 CFR § 501.64 of the then-effective interim rule, ERA published notice of its acceptance of Air Products' petition in the **Federal Register** on November 6, 1979, at 44 FR 64105. The notice provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption and request that a public hearing be convened. The period expired on December 21, 1979. No comments were received and no person requested a public hearing.

As required by section 701(f) and (g) of the Act, ERA provided a copy of Air Products' petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from these agencies.

Pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis made by the ERA staff on Air Products' petition was published in the **Federal Register** on September 8, 1981, at 46 FR 44808. The Tentative Staff Analysis recommended that ERA issue an order granting the requested temporary exemption to Air Products subject to certain terms and conditions which were outlined therein. The notice of availability provided a 14-day comment period during which interested persons could submit written comments on the Tentative Staff Analysis or request that a public hearing be convened. That period expired on September 22, 1981. No comments were received nor was a public hearing requested.

From the filing of its petition to July of 1981, Air Products, because of circumstances beyond its control, was unable to satisfy a general requirement contained at section 214(b) of FUA, which requires that a petitioner for a temporary exemption furnish evidence of a binding contract for fuel, or facilities for the production of fuel, which would allow for compliance at the end of the proposed exemption period. In the absence of such evidence, ERA was unable to complete its analysis of Air Products' petition until July 17, 1981, at which time the Company filed evidence of a binding synthetic fuel contract with ERA. In compliance with section 701(c)(3) of FUA and 10 CFR § 501.68, ERA thrice extended, in six-month increments, the period for issuance of the final order on Air Products' petition (45 FR 42004, June 23, 1980; 45 FR 84119, December 22, 1980; and 46 FR 32304, June 22, 1981).

Decision and Order: Based upon review of the entire record of this proceeding, ERA has determined that Air Products has satisfied the requirements for the temporary exemption based upon the future use of synthetic fuels as set forth at 10 CFR 503.24. ERA has also determined, for the purposes of effectiveness of this order, that the updated compliance plan filed on July 17, 1981, by Air Products satisfies the requirement for submission of a final compliance plan pursuant to 10 CFR 503.24(c). Therefore, as authorized by section 211(b) of the Act, and subject to the terms and conditions stated below, ERA hereby grants Air Products a temporary exemption from the prohibitions of Title II of FUA to permit the temporary use of petroleum and natural gas in the new MFBI installed at Air Products' Calvert City, Kentucky, facility.

Terms and Conditions: Section 214(a) of FUA provides ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. Accordingly, such terms and conditions, as enumerated below, are attached to this order granting the requested exemption:

(1) Air Products shall submit to ERA, at the address provided below, a certification, executed by a duly authorized representative of the Company, certifying the date the new MFBI is first operated under the provisions of this order.

(2) The authorization granted by this order to use petroleum and natural gas in the new MFBI as its primary energy source shall terminate on the fifth anniversary of the date reported to ERA purusant to (1) above, unless extended by ERA, or at the date of start of the demonstration period of the SCR-I Demonstration Plant, whichever occurs earlier. Once terminated, this order is not reinstateable and resumption of the use of petroleum and natural gas as a primary energy source in the new MFBI, except during periods of temporary emergency conditions qualifying under 10 CFR 501.192, will be contingent upon Air Products obtaining another exemption available under FUA for the new MFBI.

(3) If at anytime before the expiration of the temporary exemption granted by this order, or any extensions thereof, it becomes known that a supply of the SRC-I middle distillate from the SRC-I Demonstration Plant will be unavailable, for any reason, in sufficient quantity to serve as the primary energy source for the new MFBI, and Air Products is unable to obtain and produce evidence of a binding contract for a sufficient supply of a synthetic fuel from another supplier, the continued use of petroleum and natural gas as a primary energy source in the new MFBI is subject to Air Products qualifying the new MFBI for another exemption available under FUA.

(4) Prior to the operation of the new MFBI under the provisions of this order, and prior to the operation of the new MFBI using a synthetic fuel as its primary energy source, Air Products will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

(5) The quality of any petroleum to be burned in the new MFBI under the provisions of this exemption will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

(6) Revisions to Compliance Plan: Air Products will submit to ERA, at the address provided below, an updated and duly certified compliance plan:

(a) Within 30 days from each anniversary of the date the new MFBI is first operated under the provisions of this order, as reported pursuant to (1) above;

(b) Within one month of an alteration of any milestone in the compliance plan, together with the reasons for the alteration and its impact upon the scheduling of all other milestones in the plan; and

(c) At any time ERA, in its discretion, determines that a revised compliance plan is necessary.

(7) On or before the fifth anniversary of the date the new MFBI is first operated under the provisions of this order, unless otherwise extended by ERA, or within ten days from the date of start of the demonstration period of the SRC–I Demonstration Plant, whichever occurs earlier, Air Products shall submit to ERA, at the address provided below, a certification executed by a duly authorized representative of the Company, reporting that the use of petroleum and natural gas as a primary energy source in the new MFBI ceased.

(8) Any petition for extension of the temporary exemption granted by this order shall be filed with ERA in the manner and within the time frame prescribed at 10 CFR 501.60(a)(4) and 501.60(b).

Report Address: The reports required by this order shall be sent to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

OFC Case Number 61004–9018–05–11 shall be cited on each report.

Environmental Analysis: In accordance with section 763(1) of FUA, the granting or denial of any temporary exemption is not deemed to be a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969. Therefore, in connection with Air Products' petition for a temporary exemption, ERA is not required to prepare an environmental impact statement.

Effectiveness of Order: This order shall take effect on December 7, 1981.

Judicial Review: Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judical review at any time before December 7, 1981.

Issued in Washington, D.C. on September 29, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion Economic Regulatory Administrator.

[FR Doc. 81-29108 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

American Statistical Association Committee on Energy Statistics; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770), notice is hereby given that the American Statistical Association's Committee on Energy Statistics will meet with representatives of the Energy Information Administration (EIA) on Thursday, October 22, 1981, at the International Inn, 10 Thomas Circle, Northwest, Washington, D.C., from 2:30 p.m. to approximately 5:30 p.m., in the State Suite. The meeting will continue on Friday, October 23, 1981, in the International Inn, in the Monroe Room from 9:00 a.m. to approximately 4:00 p.m.

The purpose of the meeting is to enable the EIA to utilize the American Statistical Association's Committee on Energy Statistics to obtain advice on EIA programs and to benefit from the Committee's expertise concerning other energy statistical matters.

The tentative agenda is as follows:

A. Introductory Remarks
B. Major Topics
1. EIA efforts to develop a set of energy indicators or ratios which could be used to demonstrate deviations from the norm.
2. A suggested approach to industrial energy consumption data collection.
3. Proposed new structure for EIA's Annual Forecast Volume.
4. A discussion of the relative importance of the various factors contributing to reduced gasoline demand.
5. Redesign of the weekly petroleum system—a progress report.
6. Current efforts to integrate and organize EIA data and metadata.
7. EIA future plans in the area of information validation.
8. The Federal/State role in energy data collection.
C. Other Committee Business
1. Topics for future business
2. Public comment

The meeting is open to the public. Any member of the public may file a written statement with the EIA for forwarding to the Committee, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should inform Mr. Bruce D. Dwyer, EIA Committee Liasison, (202) 252–6460, or Dr. Fred C. Leone, Executive Director of the American Statistical Association, (202) 393–3253, at least five days prior to the meeting and reasonable provision will be made to include their presentations on the agenda. Subsequent to approval by the Committee, minutes and an executive summary of the meeting will be available for public review and copying at the Office of Planning and Resources, EI–32, EIA, 1000 Independence Avenue, S.W., Room 2H055, Washington, D.C. 20585, (202) 252–6460, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Issued at Washinton, D.C. on October 2, 1981.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 81-29109 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders, Week of August 17 through August 21, 1981

During the week of August 17 through August 21, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

September 30, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appeals

Louisiana Crude Oil & Gas Co., Inc., 8/18/81, DRA–0289

On January 19, 1979, Louisiana Crude Oil & Gas Co., Inc. (LCOG) filed an Appeal of a Supplement Remedial Order (Supplemental RO) issued to it on December 14, 1978 by Region VI of the Office of Enforcement of the Economic Regulatory Administration (ERA). The Supplemental RO concluded that LCOG had improperly classified certain crude production as "new" oil during the period September 1973 through August 1976, and had therefore violated DOE price regulations. In its Appeal, LCOG alleged that the Supplemental RO erroneously determined for the months of May, June and November of 1974, the amount of new oil produced and sold from Tract 988A, the property in question. In support of its assertions, the firm maintained that its own calculations indicate different production and sales figures than those relied upon by the ERA for those

months. Additionally, LCOG alleged that its own computations indicate that the Base Period Control Level (BPCL) used in the Supplemental RO to determine the amount of upper tier crude oil available for sale in February 1976 is also in error. The Decision and Order denied LCOG's Appeal on the ground that the firm failed to substantiate its allegations by submitting the data or documents upon which its conclusions rested.

The Decision and Order also granted in part a Motion for Modification submitted by the ERA on February 9, 1981. In this Motion, the ERA sought (i) to modify, as of February 1, 1980, the interest rates on outstanding overcharges due from LCOG, by replacing the stated interest rates of the Supplemental RO with the prime rate; and (ii) to modify the refund provisions of the Supplemental RO by replacing the stated remedy of price refunds or rollbacks with five optional remedies, one or more of which may be adopted by the ERA in an order to be issued at a subsequent date.

The Office of Hearings and Appeals (OHA) partially granted the motion for modification of the interest rate provisions of the Supplemental RO, allowing the prime rate to be assessed on overcharges outstanding after February 9, 1981, the date on which the Motion was filed. Additionally, the Decision and Order permitted the charging of interest at an annual rate of 12 percent for overcharges outstanding during the period February 1, 1980 through February 8, 1981.

The OHA granted in full the ERA's Motion as it pertained to the refund provisions. Nothing the inability of price refunds and rollbacks to effect restitution of the overcharges subsequent to decontrol, the Decision and Order concluded that the five optional remedies contained in the Motion would likely achieve the equitable results sought in an enforcement action.

Mobil Oil Corporation, 8/21/81, BEA-0170

Mobil Oil Corporation filed an Appeal of an Assignment Order which required Mobil to provide motor gasoline to Mountain Empire Oil Company. In considering the Appeal, the DOE found that the Assignment Order did not include sufficient findings of fact for ordering Mobil to provide motor gasoline to Mountain Empire. Accordingly, the Appeal was granted.

Pierson, Semmes, Crolius and Finley, 8/19/81, BFA-0706

Pierson, Semmes, Crolius and Finley (Pierson) filed an Appeal from a denial by the Director of the DOE Office of Fuels Conversion of an information request which the firm had submitted under the Freedom of Information Act (FOIA). The material requested by Pierson related to a Draft System Compliance Plan (Plan) submitted to the DOE by Gulf States Utilities Company. In considering the Appeal, the DOE found that the first thirteen pages of the Plan consist mostly of segregable, non-confidential material that should be released to Pierson. The DOE also determined that the remainder of the Plan was properly withheld pursuant to FOIA Exemption 4, and that discretionary release of this confidential, commercial material would be inappropriate.

Shell Oil Company, 8/18/81, BEA-0200

Shell Oil Company (Shell) filed an Appeal of an assignment order issued on January 15, 1980 by the Region VI Office of Petroleum Operations of the DOE. In considering the Appeal, the DOE determined that the January 15, 1980 assignment order was procedurally defective and should be rescinded. Shell's Appeal was therefore granted.

Summers, Hendrick, Spanos, Phillips & Grant, 8/17/81, BFA-0709

Summers, Hendrick, Spanos, Phillips & Grant filed an Appeal from determinations that has been issued to the firm pursuant to the Freedom of Information Act (FOIA) by the District Manager of the Southeast District Office of Enforcement. In those determinations, the District Manager withheld certain material responsive to the firm's request for information on the ground that the material falls within Exemption 4 of the FOIA. In considering the Appeal, the DOE found that the District Manager had failed to provide adequate explanations to support his determination that the material withheld falls within Exemption 4. Accordingly, the matter was remanded to the District Manager.

Vinson & Elkins, 8/21/81, BFA-0712

Vinson & Elkins filed an Appeal from a partial denial by the District Manager of the Southwest District of Enforcement of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the District Manager's determination was based on a thorough and conscientious search for responsive documents, since no responsive documents were found to exist, the Vinson & elkins' Appeal was denied.

Volpe, Boskey & Lyons, 8/18/81, BFA-0708

Volpe, Boskey & Lyons filed an Appeal from a denial by the director of the DOE's Office of Program support Procurement and Assistance Management of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE determined that Program Support correctly interpreted the request, that the request was not ambiguous, and that the responsive portion of the Source Evaluation Board Report was correctly withheld pursuant to Exemption 5. However, the DOE also determined that Program Support had not addressed the issue of segregable factual material. Accordingly, the DOE remanded on that issued.

Requests for Exception

Ideal BG Associates, 8/19/81, BEE-1664

Ideal BG Associates filed an Application for Exception from the provisions of 10 C.F.R. § 212.131 in which the firm sought to retroactively classify certain volumes of crude oil as "newly discovered crude oil." In considering the request, the DOE found that exception relief was necessary to permit the firm to realize the benefits of producing newly discovered crude oil.

Accordingly, exception relief was granted. An important issue discussed in the Decision and Order is granting relief by placing Ideal on the entitlements clean-up list as a claimant rather than allowing the firm to retroactively certify the crude oil as newly discovered and obtain additional monies from the purchaser.

Marlex Oil & Refining Inc., 8/19/81, BEE-1481

Marlex Oil & Refining, Inc. (Marlex) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). If granted, Marlex's request would permit the firm to sell entitlements for volumes of crude oil purchased by Marlex for permanent refinery inventory. The inventory for which Marlex seeks entitlements benefits was purchased in 1976 when the firm commenced its refining operations and in 1977 and 1979 when the inventory was enlarged to accommodate expansions of the Marlex refinery. In considering the Marlex application, the DOE ruled that Marlex must satisfy the criteria established for the approval of retroactive exception relief since the firm waited over four years after the acquisition of its initial inventory to apply for exception relief. The DOE concluded that Marlex had failed to demonstrate that it would incur an irreparable injury in the absence of a retroactive exception; DOE also ruled that Marlex had not advanced compelling reasons for granting its request. Accordingly, the Marlex exception request was denied.

Requests for Stay

Barkett Oil Co., 8/18/81, BRS-0137, BRS-0138

Barkett Oil Company filed an Application for Stay from the requirement under 10 CFR 205.196 that it file its Statements of Objections to two Proposed Remedial Orders within 40 days after service of the Notices of Objections. In considering the Application, the DOE determined that Barkett had not satisfied any of the criteria applicable to a stay request. Moreover, the DOE found that Barkett could both fulfill the regulatory requirements of § 205.196 and respond to the PROs without jeopardizing the constitutional claims of either the firm or its officers. Barkett Oil Company's stay request was therefore denied.

Interlocutory Orders

Gulf Oil Corporation, 8/21/81, BRZ-0107

Gulf Oil Corporation filed a Second Motion for Discovery in connection with the firm's objections to a Proposed Remedial Order (Case No. DRO-0194). In considering Gulf's Motion, the DOE determined that it would not grant interrogatories framed as follow-up questions if Gulf previously could have sought the same information by posing slightly different interrogatories. The DOE therefore granted those portions of Gulf's motion concerning interrogatories that were relevant to the enforcement proceeding and could not have been asked in Gulf's earlier motion. Accordingly, Gulf's motion was granted in part.

Louisiana Land and Exploration Company, 8/21/81, BRZ-0106

The Louisiana Land and Exploration Company filed a Motion to withdraw its Notice of Objection and terminate participation in the proceeding involving a Proposed Remedial Order issued to the

Marathon Oil Company (Case No. DRO-0195). According to LL&E, it has no direct interest in the determination of whether Marathon properly priced the crude oil which Marathon sold and no direct interest in the Marathon proceeding. In considering the LL&E Motion, the DOE noted that LL&E was not named as a party in the PRO issued to Marathon and that LL&E's participation resulted from the firm's voluntary request to participate, which the DOE has previously granted. The DOE further noted that no other party to the Marathon proceeding had objected to the Motion to Withdraw and that even absent LL&E's participation a full and just adjudication of Marathon's liabilities can be reached. Accordingly, the DOE determined that it would not be proper to compel LL&E's continued participation, and the Motion was granted.

The DOE, however, further noted that LL&E's withdrawal was at the risk of subsequent DOE determinations in the Marathon proceeding adverse to LL&E's interests. The DOE found that for two years LL&E had availed itself of the procedural opportunities that the OHA extends to party participants in remedial order proceedings and had raised significant issues concerning its relationship to the alleged pricing violations. DOE therefore determined that if it withdraws, LL&E will be prohibited from relitigating issues decided in the Marathon proceeding subsequent to its withdrawal to the extent that LL&E would have been bound had it remained a party to the conclusion of the Marathon PRO litigation. Because the terminstion of LL&E's participation was conditioned, LL&E was accorded ten days to elect to continue its participation without change in its status as a party.

Dismissals

The following submissions were dismissed without prejudice:

Name and case No.

Gulf States Oil & Refining Co., BEL-1616, BEN-1616

Oklahoma Refining Co., BER-0155

[FR Doc. 81-29111 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

Notices of Objection to Proposed Remedial Orders Filed During Period of August 24 through September 4, 1981

During the period of August 24 through September 4, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before October 27, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 30, 1981.

Equipment, Inc., Lafayette, Louisiana, BRO-1463

On August 31, 1981, Equipment, Inc., P.O. Box 52412, Lafayette, Louisiana 70501 filed a Notice of Objection to a Supplemental Proposed Remedial Order which the DOE Southwest Enforcement District of the Economic Regulatory Administration issued to the firm on July 31, 1981. In the Supplemental Proposed Remedial Order, the Southwest District found that during the period January 1, 1975 through December 31, 1976, Equipment Inc. committed pricing violations in its sales of crude oil produced from its Hayes #1 and Hayes #A-1 properties. According to the Supplemental Proposed Remedial Order, the firm's violations resulted in $98,919.30 of overcharges to its customers.

True Oil Co., Casper, Wyoming, BRO-1464

On September 1, 1981, True Oil Co., P.O. Box 2360, Casper, Wyoming 82602 filed a Notice of Objection to a Proposed Remedial Order which the DOE Central Enforcement District of the Economic Regulatory Administration issued to the firm on August 6, 1981. In the Proposed Remedial Order, the Central Enforcement District found that during the period September 1973 through October 1978, True Oil Co. committed pricing violations in its sales of natural gas liquids and natural gas liquid products. According to the Proposed Remedial Order, the True Oil Company violations resulted in $2,783,761.88 of overcharges to its customers.

State of California, BRO-1464

On August 31, 1981, the State of California filed a Notice of Objection to a Proposed Remedial Order which the DOE Central Enforcement District of the Economic Regulatory Administration issued to True Oil Co. on August 6, 1981. In the Proposed Remedial Order the Central Enforcement District found that during the period September 1973 through October 1978 True Oil Co. committed pricing violations in its sales of natural gas liquids and natural gas liquid products. According to the Proposed Remedial Order the True Oil Co. violations resulted in $2,783,761.88 of overcharges to its customers.

[FR Doc. 81-29112 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee

Date and Time: Saturday, November 7, 1981—8:30 a.m.-6:30 p.m. Sunday, November 8, 1981—9:00 a.m.-6:00 p.m.

Place: Department of Energy, Forrestal Building, Room 4A104, 1000 Independence Avenue, S.W., Washington, D.C.

Contact: John R. Erskine, Division of Nuclear Physics, Mail Stop ER-23 GTN, Department of Energy, Washington, D.C. 20545, Telephone: 301-353-3613, FTS-233-3613.

Purpose of Committee: To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda:

- Reports of the Subcommittee on Manpower, Heavy Ion Facilities and Computational Capabilities for Nuclear Theory
- Discussion of the prepared revisions to the Long Range Plan by subareas: Theory; Weak Interactions; Electromagnetic Interactions; Light Ions; Heavy Ions; Pions; Kaons and Anti-protons; and Nuclear Science Related Research, Applications and Accelerator Developments
- General discussion of the Long Range Plan
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Executive Summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on October 2, 1981.

Howard H. Raiken,

Director of Management Systems Analysis Division.

[FR Doc. 81-29102 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-671 and 81-672; File Nos. BPH-800408AB and BPH-800829AV]

Kesler Broadcasting Co., Inc. and Nevada Broadcasting Corp.; Hearing Designation Order; Construction Permit for a New FM Station

Adopted: September 22, 1981.

Released: October 1, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration by the above-captioned mutually exclusive applications filed by Kesler Broadcasting Company, Inc. (Kesler) Nevada, Missouri, Req: 97.7 MHz, Channel 249 1 kW (H&V), 300 feet HAAT and Nevada Broadcasting Corporation (Nevada) Nevada, Missouri. Req: 97.7 MHz, Channel 249, 3KW (H&V), 300 feet HAAT.

2. *Kesler.* Since no determination has been reached that the antenna proposed by Kesler would not constitute a menace to air navigation, an issue regarding this matter is required.

3. *Kesler.* Section 73.2080(c) of the Commission's Rules provides that if an applicant for a construction permit for a new station proposes to employ five or more full-time employees, it must file an equal employment opportunity program. Kesler indicates that it proposes to employ ten employees. However, it has not submitted an EEO program. Accordingly, Kesler must file an amendment with the Administrative Law Judge.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aurual services in such areas, will be considered under the standard comparative issue, for the purposes of determining whether a comparative preference should accure to either of the applicants.

5. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Kesler:

(a) whether there is a reasonable possibility that the tower height and location proposed by Kesler would constitute a hazard to air navigation.

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to operate as proposed.

2. To determine which of the porposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications would be granted.

7. It is further ordered, That a grant of the application of Kesler Broadcasting Company, Inc. is subject to the condition that in the event the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, the applicant will divest itself of KNEM or the FM station in accordance with the guidelines established in such rule-making proceeding.

8. It is further ordered, That Kesler Broadcasting Company Inc., file an amendment with the presiding Administrative Law Judge showing compliance with § 73.2080(c) of the Commission's Rules.

9. It is further ordered, That the Federal Aviation Administration is made a party to this proceeding.

10. It is further ordered, That to avail themselves of the opprtunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-29146 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-673 and 81-674; File Nos. BPH-800815AA and BPH-801216AC]

Madison Communications Corp. and Billy G. Walker; Designating Applications for Consolidated Hearing on Stated Issues; Order

Adopted: September 22, 1981.

Released: October 1, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Madison Communications Corporation (MCC) Madison, Florida, Req: 104.9 MHz, Channel #285A, 3.0kW (H&V), 300 feet, and Billy G. Walker (Walker) Madison, Florida, Req: 104.9 MHz, Channel #285A, 3.0 kW (H&V), 300 Feet.

2. Applicants for new broadcast stations are required by Section 73.3580(f) of the Commission's rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that Walker published the required notice. To remedy this deficiency, Walker will be required to publish local notice of its application, if it has not already done so, and file a statement of publication with the presiding Administrative law judge.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the area and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants;

4. The proposals are mutually exclusive and must be designated for

hearing in a consolidated proceeding. The applicants are qualified to construct and operate as proposed.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.
2. to determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

6. It is further ordered, That Billy G. Walker shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rules.

7. It is further ordered, That in the event the application of Billy G. Walker is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, Billy G. Walker will divest himself of either his AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

8. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communication Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-29147 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-675 and 81-6-76; Filed Nos. 20621-CD-P-(2)-79 and 20017-CD-P-79]

David H. Smith and Digital Paging Systems of Wisconsin, Inc.; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: September 28, 1981

Released: October 1, 1981.

In re Applications of David H. Smith, for a Construction Permit to establish a new one-way station on frequency 43.22 MHz in the Domestic Public Land Mobile Radio Service at Sussex, Wisconsin, and Milwaukee, Wisconsin and; Digital Paging Systems of Wisconsin, Inc., for a construction permit to establish a new one-way signaling facility to operate on frequency 43.22 MHz in the Domestic Public Land Mobile Radio Service at Milwaukee, Wisconsin.

By the Common Carrier Bureau:

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications. These applications are electrically mutually exclusive; therefore a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of David H. Smith, File No. 20621-CD-P-(2)-79, and Digital Paging Systems of Wisconsin, Inc., File No. 20017-CD-P-79, are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within 43 dBu contours,[1] based upon the standards set forth in § 22.504(a) of the Commission's Rules,[2] and to determine and compare the need for the proposed services in said areas; and

(c) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. We note that these applications request authority to construct a one-way paging facility on frequency 43.22 MHz. The Commission has received a large number of compliants from the public across the country due to interference to television reception from stations operating on 43.22 MHz and 43.58 MHz. Therefore, pursuant to § 22.401(a) of our Rules (47 CFR 22.401(a)), it is further ordered, That any authorization granted as a result of the comparative hearing discussed above will be on a developmental basis for one year. Thus, we find that the public interest, convenience, and necessity will best be served by a grant to the conditions set out below:

(a) Pursuant to Rules § 22.406, quarterly surveys of possible interference with television reception in the geographic area within a two-mile radius of the base station(s) authorized herein shall be made during the first year of operation. The local representative of the Field Operations Bureau, Federal Communications Commission, shall receive prior notice of the commencement date of service to the public, on which date the first survey will start.

(b) Each quarter, a different sample of at least 25 television viewers distributed approximately evenly throughout the geographic area described above shall be contacted to determine whether they have experienced TV interference. If interference complaints are received either as a result of the interviews or in the normal course of business, the licensee shall determine the source and extent of such interference.

(c) The licensee shall promptly report all interference complaints to the Mobile Services Division (MSD) and act to correct any problems. In any event, the licensee shall submit to the MSD a written report, soon after the completion of each quarter, fully evaluating the continued existence of interference. A copy of any report submitted to the Mobile Services Division must be submitted at the

[1] For the purpose of this proceeding, the interference-free area is defined as the area within the 43 dBu contour as calculated from § 22.504 in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6406, equation 8.

[2] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way signaling service. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

same time to the local field office. Quarterly reports shall include but shall not be limited to, the following information:

(1) Survey date(s).
(2) Method (telephone/on-site/other).
(3) Names, addresses and telephone numbers of persons contacted.
(4) Time of day survey conducted (morning/afternoon/night).
(5) Technical solutions tested and results.
(6) Names and telephone numbers of technical representatives consulted and/or employed.

(d) The local representative of the Field Operations Bureau may notify the grantee that its station is causing interference. The grantee must follow all instructions in such notices.

(e) Any grant made in this proceeding is subject to the provision of Rules § 22.404(c) that no interference may be caused to the regular services of stations operating in accordance with the Commission's Table of Allocations. If interference from the operation of the authorized base stations is brought to our attention, the Commission has the authority to order the station to cease operations immediately.

(f) Pursuant to § 22.404(a) of the Rules, any developmental authority granted in this proceeding is subject to cancellation without a hearing by the Commission at any time upon notice to the licensee. Although we are waiving § 22.404(d) of the Rules to permit the licensee to offer the service for hire, the licensee is directed to inform its customers that service on these channels is developmental and therefore subject to cancellation at any time.

(g) Pursuant to § 22.32(d) of the Rules, any conditional developmental grant made in this proceeding shall be considered final unless the Commission should revise its action in response to a petition for reconsideration which: (1) is filed by the applicant within 30 days from the date of this grant; (2) rejects the grant as made and explains the reason why the application should be granted as originally requested; and (3) returns the instrument of authorization. In the event that the Commission releases an order making a developmental grant in this proceeding, that order will serve as an interim authorization until such time as the grantee receives final developmental authorization, and it must be posted at the authorized control point of the station. Prior to the expiration of the developmental authorization, the grantee must submit an application (FCC Form 403) for permanent authorization under Subpart G of Part 22, otherwise the developmental authorization will automatically expire. This authorization is subject to the provisions of the Communications Act of 1934, as amended, subsequent acts, treaties, and all regulations made by this Commission, and is further subject to the conditions and requirements set forth in this authorization.

4. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. It is further ordered, That any authorization granted to Digital Paging Systems of Wisconsin, Inc. as a result of the comparative hearing designated herein shall be without prejudice to and conditioned upon whatever action, if any, the Commission may take as a result of allegations raised in petitions against Digital Paging Systems, Inc. and Graphic Scanning Corporation.

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-29145 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2196R]

Simac Forwarding, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Simac Forwarding, Inc., 7407 Katy Road, Suite 102, Houston, TX 77024, was cancelled effective September 9, 1981.

In letter dated August 12, 1981 (mailed to the licensee's last known address) Simac Forwarding, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2196R would be automatically revoked unless a valid surety bond was filed with the Commission.

Simac Forwarding, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2196R be and is hereby revoked effective September 9, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2196R issued to Simac Forwarding, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register.**

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-29161 Filed 10-6-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Texas Commerce Bancshares, Inc., Acquisition of Bank

Correction

In FR Doc. 81-27852 appearing at page 47301 in the issue for Friday, September 25, 1981, make the following correction:

On page 47301, in the third column, in the first paragraph, "section 3(a)(1)" should have read "section 3(a)(3)."

BILLING CODE 1505-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-14]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the South Carolina Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the South Carolina Public Service Commission involving the application of the Southern Bell Telephone Company for an increase in rates for telecommunications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: September 28, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-29125 Filed 10-6-81; 8:45 am]

BILLING CODE 6820-25-M

[F-81-13]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agenies of the Federal Government in proceedings before the Washington Utilities and Transportation Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Service Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Washington Utilities and Transportation Commission involving the application of the Pacific Northwest Bell Telephone Company for an increase in rates for telecommuncations services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: September 28, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-29126 Filed 10-6-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Procurement, Assistance and Logistics; Statement of Organization, Functions, and Delegation of Authority

Part A (Office of the Secretary) Chapter AMG (Office of Grants and Procurement) of the Statement of Organization, Functions, and Delegation of Authority of the Department of Health and Human Services (most recently amended at 44 FR 73165, December 17, 1979) is replaced to reflect the reorganization and retitling of the Office of Grants and Procurement (retitled the Office of Procurement, Assistance and Logistics). The purpose of the reorganization is to arrange functions and responsibilities in order to facilitate the functional management role of the Office of Procurement, Assistance and Logistics and to improve control, efficiency and effectiveness.

1. Under Part A, Chapter AMG, Office of Grants and Procurement delete the entire Chapter and replace it with the following: AMG.00 Mission; AMG.10 Organization; AMG.20 Functions.

AMG.00 Mission—The Office of Procurement, Assistance and Logistics carries out functional management responsibilities for the Secretary, the Under Secretary, and the Assistant Secretary for Management and Budget, in the areas of procurement, assistance (grants, cooperative agreements and loans), and logistics management, and provides centralized leadership in policy making, analyzing, monitoring, training, evaluation, audit resolution, technical assistance and reporting.

AMG.10 Organization—The Office of Procurement, Assistance and Logistics reports through the Deputy Assistant Secretary for Procurement, Assistance and Logistics to the Assistant Secretary for Management and Budget (ASMB). The Office consists of the following:

Immediate Office
Logistics Management Staff
Office of Procurement and Assistance Policy:
  Division of Procurement Policy
  Division of Assistance Policy
  Division of Cost and Audit Resolution Policy
Office of Procurement and Assistance Financial Management:
  Division of Audit Resolution
  Division of ADP Review
  Division of Operations
Office of Evaluation and Compliance
Office of Small and Disadvantaged Business Utilization

AMG.20 Functions—The Office of Procurement, Assistance and Logistics (OPAL), in the functional program areas of procurement, assistance, and logistics management:

1. Formulates Departmental level policies, standards, regulations and procedures on the administration of those functional areas and approves policies, standards, regulations, and procedures of the Operating Divisions needed for implementation of the Departmental issuances.
2. Formulates cost policies and procedures for determining and reimbursing the costs of grantee and contractor institutions applicable to HHS awards, including procedures necessary for indirect cost and similar cost negotiations.
3. Determines that the Operating Divisions and the Office of the Secretary (OS), are effectively supporting operational needs and are in compliance with law, regulations and policies.
4. Fosters the use of consistent policies, procedures, terms and conditions for assistance awards and contracts within the Department and among various Federal agencies. Recommends Government-wide policies to OMB and GSA.
5. Provides guidance and technical assistance to the Department's Operating Divisions and grantee/contractor organizations on procurement, assistance and logistics management matters.
6. Develops and directs Departmental training in the OPAL functional areas and establishes qualifications/certification

standards for contract and grant officers.
7. Provides liaison, counsel and support to other Government agencies, the Congress and professional associations.
8. Compiles and analyzes data required for proper functional administration and management.
9. Conducts reviews and other assessments of the Department's Operating Divisions to determine their compliance with OPAL issuances and their operational effectiveness in the procurement, assistance, and logistics areas; institutes or requires changes where appropriate or makes recommendations to the ASMB, the Under Secretary or the Secretary on such changes.
10. Approves new or revised forms for procurement, assistance and logistics management activities.
11. Resolves monetary audit findings and findings involving deficiencies in grantee/contractor accounting and management systems which affect awards made by more than one Operating Division or Federal agency.
12. Evaluates ADP facilities operated by State and local units of government, colleges and universities and other grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable, and allowable under Federal cost principles; recommends Federal guidelines, standards and criteria and develops techniques for evaluating the appropriateness of grantee/contractor ADP charges to Federal programs.
13. Provides staff support and counsel to the ASMB, the Under Secretary and the Secretary on procurement, assistance and logistics matters.
14. Develops the Department's position on contract protests and mistakes in bids.

A. *Immediate Office of the Deputy Assistant Secretary*—Manages, directs, supervises and administers the Office of Procurement, Assistance and Logistics.

B. *Logistics Management Staff:*
1. Formulates Department-wide logistics management policies affecting equipment, materials and supplies, including requirements determination, provisioning, source selection, utilization, inventory management, storage, distribution, and transportation and traffic management; publishes these in regulations and manuals.
2. Formulates policies and procedures governing the use of commercial or industrial type goods and services needed by HHS.
3. Provides Department-wide guidance and technical assistance on logistics management matters.
4. Develops, participates in, and evaluates training programs in logistics management for Departmental staff.
5. Monitors the adaptation of logistics management policies by the Department's Operating and Staff Divisions to ensure consistent interpretation and application of policy.
6. Conducts analyses of logistics operations; develops and implements improvements or changes to meet Department-wide needs; and collects, analyzes and disseminates information on logistics activities.
7. Serves as the Department's liaison and maintains working relationships with OMB, GSA, OPM, GAO, Treasury and other Federal agencies to coordinate and assist in development of logistics policies and resolve issues arising from implementation of those policies; maintains similar relationships with associations of public and private organizations.
8. Develops and/or approves all new or revised forms used in logistics operations throughout the Department.
9. Formulates management controls for government-owned or furnished property in the possession of grantees and contractors.

C. *Office of Procurement and Assistance Policy:*
1. Formulates Department-wide procurement and assistance policies governing the award and administration of procurement and assistance activities; publishes these in regulations and manuals. Recommends and participates in development of Government-wide policies in these areas.
2. Provides advice and technical assistance on procurement and assistance activities and policy matters to the Department's Operating and Staff Divisions.
3. Develops, participates in, and evaluates training programs in procurement and assistance for Department staff; develops and participates in training activities for recipients of Department procurement and assistance awards.
4. Monitors the adaptation of procurement and assistance policies by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application.
5. Makes studies of problems requiring adoption of new policies or revision of current policies, including the application of Departmental management controls and reports, related to the Department's procurement and assistance policy activities.
6. Serves as the Department's liaison and maintains working relationships with OMB, GSA, OPM, Treasury and other Federal agencies to coordinate and assist in development of procurement and assistance policies and resolve issues arising from implementation of those policies; maintains similar relationships with associations of public and private grantee and contractor organizations.

Division of Procurement Policy:
1. Formulates Department-wide procurement policies governing the administration of procurement activities; publishes these in regulations and manuals.
2. Provides advice and technical assistance on procurement policy matters to the Department's Operating and Staff Divisions.
3. Develops, participates in, and evaluates training and certification programs in procurement for Department staff; develops and paticipates in training activities for contractors.
4. Monitors the adaptation of procurement policies by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application.
5. Makes studies of problems requiring adoption of new policies or revision of current policies, including the application of Department management controls and reports, related to the Department's procurement activities.
6. Serves as the Department's liaison and maintains working relationships with OMB, GSA, and other Federal agencies to coordinate and assist in development of procurement policies and resolve issues arising from implementation of those policies; maintains similar relationships with associations of contractor organizations.

Division of Assistance Policy:
1. Formulates Department-wide policies governing the award and administration of grants and other forms of Federal assistance;

publishes these in regulations and manuals.
2. Provides advice and technical assistance to recipients and the Department's Operating and Staff Divisions on matters relating to the administration of grants and other forms of Federal assistance.
3. Develops, participates, in, and evaluates training programs on grants and other forms of Federal assistance for Department staff; develops and participates in training activities for recipients of Department assistance awards.
4. Monitors the adaptation of assistance policies by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application; reviews proposed Operating Division program regulations for assistance policy implications, and recommends concurrence or nonconcurrence.
5. Makes studies of problems requiring adoption of new policies or revision of current policies, including the application of Department management controls and reports, related to the Department's assistance activities.
6. Serves as the Department's liaison and maintains working relationships with OMB and other Federal agencies to coordinate and assist in development of assistance policies and resolve issues arising from implementation of those policies; maintains similar relationships with associations of public and private grantees and other recipient organizations.

Division of Cost and Audit Resolution Policy:
1. Formulates Department-wide cost and audit resolution policies and procedures governing the administration of procurement and assistance activities; publishes these in regulations, manuals and brochures.
2. Provides advice and technical assistance on cost and audit resolution matters to the Department's Operating and Staff Divisions.
3. Develops, participates in, and evaluates training programs in cost and audit resolution matters for Department staff; develops and participates in training activities for recipients of Department procurement and assistance awards.
4. Monitors the adaptation of cost and audit resolution policy by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application; reviews proposed Operating Division program regulations for cost and audit resolution policy implications, and recommends concurrence or nonconcurrence.
5. Makes studies of problems requiring adoption of new policies and procedures or revision of current policies and procedures, including the application of Department management controls and reports, related to cost and audit resolution matters.
6. Serves as the Department's liaison and maintains working relationships with OMB, GSA, and other Federal agencies to coordinate and assist in development of cost and audit resolution policies and resolve issues arising from implementation of those policies; maintains similar relationships with associations of public and private grantee and contractor organizations.

D. *Office of Procurement and Assistance Financial Management:*
1. Resolves audit findings on grantee/contractor organizations which affect the programs of more than one Operating Division or Federal department/agency. Makes recommendations to the Secretary and other officials on safeguards or other actions against grantee/contractor organizations when necessary to protect the interests of the Department.
2. Exercises functional management responsibilities over indirect cost and cost allocation negotiations performed by the Department's regional Divisions of Cost Allocation.
3. Reviews ADP facilities operated by State and local governments, universities, and other grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable, and allowable under Federal cost principles; provides ADP counsel and guidance to the Operating Divisions, the regional Divisions of Cost Allocation, the Office of Management Analysis and Systems and other organizations.
4. Develops and presents training programs for Department staff and grantee/contractor organizations on audit resolution, ADP operations and cost determination, cost principles, and other areas related to the financial management, procurement and assistance activities.
5. Provides technical assistance to the Operating Divisions, grantee/contractor organizations, and other Federal agencies on the financial management of procurement and assistance activities.
6. Identifies procurement and assistance problem areas where special studies, new policies, policy changes, guidelines, etc. are needed; recommends and assists in the development of procurement and assistance policies and guidelines.

Division of Audit Resolution:
1. Reviews audit reports containing monetary findings or findings involving deficiencies in the management systems of grantee/contractor organizations which affect the programs of more than one Operating Division or Federal department; conducts or arranges for additional reviews or acquires additional information to the extent necessary to determine the actions required to resolve the findings and correct the deficiencies.
2. Coordinates with other affected Federal departments and agencies to establish a uniform Federal position on the actions needed to resolve dthe findings and correct the deficiencies.
3. Negotiates or determines the settlement of the findings and the actions needed to correct the deficiencies with grantee/contractor organizations and monitors the organizations to assure that the deficiencies are corrected. As delegated by OMB, performs these functions on behalf of all affected Federal departments and agencies.
4. As necessary, makes recommendations to the Secretary and other officials on safeguards or other actions against a grantee or contractor to protect the Department's interests where the organization is unwilling to correct serious deficiencies in a timely manner or fails to comply with previous agreements on corrective actions.
5. Provides and arranges for technical assistance to grantees and contractors on the correction of deficiencies and on other matters related to the financial management of procurement and assistance activities.
6. Upon request, reviews and approves accounting or other systems developed by grantees and contractors to comply with Federal accounting requirements.
7. Provides technical assistance to the Operating Division audit resolution

staffs on the resolution of audit reports assigned to them and on other matters related to the financial management of procurement and assistance activities.

8. Identifies procurement and assistance problem areas where special studies, new policies, policy changes, guidelines, etc. are needed; recommends and assists in the development of procurement and assistance policies and guidelines.
9. Develops and presents training programs for Department staff and grantee/contractor organizations on audit resolution, Federal accounting requirements, cost principles, and other areas related to the financial management of procurement and assistance activities.

Division of ADP Review:

1. Evaluates a wide range of sophisticated ADP facilities operated by State and local governments, colleges and universities, and other types of grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable, and allowable under Federal cost principles. These reviews cover the propriety of cost accounting methods and billing algorithms, operational efficiency, hardware configurations and need, software, hardware and software compatibility, internal controls, etc.
2. Recommends and participates in the negotiation or determination of ADP cost recoveries and changes to costing/billing methods and internal controls where reviews disclose unreasonable, inequitable or unallowable charges to Federal programs. Recommends modifications to grantee/contractor ADP systems to improve operational efficiency based on state-of-the-art and advances in techniques.
3. Develops guidelines and analysis techniques for the Department's regional Divisions of Cost Allocation (DCAs) in their evaluation of grantee/contractor ADP costs and costing/billing methods. Provides technical assistance and training to DCAs in ADP operations and cost analysis techniques.
4. Provides technical assistance to grantee/ contractor organizations in analyzing and improving their ADP systems and ADP costing/billing methods.
5. Identifies common ADP costing/billing problems from a national perspective; recommends and participates in the development of policies, guidelines, model systems, etc. to overcome these problems; promote improvements in ADP costing/billing methods; and enhance the efficiency of grantee/contractor ADP systems.
6. Provides advice and assistance to the Office of Management Analysis and Systems and the Operating Divisions on their assessment of grantee requests for approval of Federal financial participation in the costs of ADP equipment and services under HHS public assistance programs.
7. Provides technical assistance to the Operating Divisions and other OPAL units on the development of computerized management information systems related to procurement, assistance and logistics activities, and on the acquisition of ADP equipment and services.

Division of Operations:

1. Exercises functional management responsibilities over indirect cost and cost allocation negotiations performed by the Department's regional Divisions of Cost Allocation (DCA):
   (a) Provides technical assistance and guidance to the DCAs in negotiating cost allocation plans, indirect cost rates, research patient care rates and other special rates with State and local governments, universities and other grantee/contractor organizations.
   (b) Conducts on-site reviews of DCA activities to ensure that proposal evaluations and negotiations are performed effectively and in compliance with Department and Government-wide policies; monitors the correction of deficiencies disclosed by the reviews.
   (c) Evaluates tentative DCA determinations on issues which may be appealed by grantees or contractors; provides guidance on whether and how the issues should be pursued prior to the DCA's final determination.
   (d) Reviews negotiation agreements on cost allocation plans, indirect cost rates, and other rates for completeness, understandability, and conformance with Department policies; and distributes them to users.
   (e) Provides direction to the DCAs in the preparation of their work plans; establishes workload reporting systems; receives and analyzes workload reports.
   (f) Performs limited analyses of the results of indirect cost negotiations to identify trends and problem areas and to gear review and negotiation effort to areas of greatest need.
2. Develops and presents training programs for Department staff and grantee/contractor organizations on indirect costs, cost principles, cost allocation and negotiation, and other areas related to the financial management of procurement and assistance activities.
3. Provides technical advice to the Operating Divisions, grantee/contractor organizations, and other Federal agencies on the financial management of procurement and assistance activities.
4. Publishes and maintains the names of organizations and individuals who have been debarred or suspended from receiving HHS contracts or financial assistance awards; distributes notices of Department-wide safeguards or other actions against grantees and contractors as well as notices of high risk organizations to HHS awarding offices and other concerned Federal agencies.

E. *Office of Evaluation and Compliance:*

1. Conducts evaluations and special management studies of the procurement, assistance and logistics management activities and systems of the Department.
2. Develops Departmental requirements and criteria for the performance and operation of the Operating Division and regional self-evaluation systems covering their procurement, assistance and logistics management programs.
3. Analyzes Operating Division, OIG, GAO and other assessment reports to identify trends and problem areas and to assess the overall performance of the Operating Divisions and regions in carrying out their procurement, assistance and logistics responsibilities.
4. Conducts quality assurance reviews to assess the Department's Operating and Staff Divisions compliance with OMB Circular A-76 and GAM Chapter 18-10.
5. Recommends corrective action and improvements where studies and reviews disclose deficiencies; establishes a monitoring program and conducts follow-up assessments on the progress of implemention on the recommendations outlined in the reports.
6. Recommends to the Deputy Assistant Secretary for

Procurement, Assistance and Logistics new policies and methods of administration.

7. Provides staff support to the Department's Audit Resolution Council in monitoring the audit resolution performance of the Department's Operating and Staff Divisions.
8. Develops the Department's position on contract protests and mistakes in bids submitted to the Secretary or GAO.

F. *Office of Small and Disadvantaged Business Utilization*

Operates under the supervision of the Under Secretary, and receives administrative support from the Office of Procurement, Assistance and Logistics. The Office:

1. Develops systematic procedures for insuring the effective implementation and administration of programs under Sections 8 and 15 of the Small Business Act as amended.
2. Exercises supervisory authority over personnel of headquarters and field activities when such personnel are performing duties for which the Office of Small and Disadvantaged Business Utilization has responsibility.
3. Assigns small busines technical advisors to offices which the Small Business Administration has assigned a procurement center representative.
4. Conducts outreach, liaison, and seminars for small and disadvantaged businesses.
5. Conducts seminars and training for Department employees engaged in the contract and grants process, on small and disadvantaged business programs and the labor surplus area programs.
6. Provides training for agency staff whose duties and functions relate to programs included in Sections 8 and 15 of the Small Business Act, as amended.
7. Monitors the effectiveness of HHS contractors in accomplishing the objectives of the HHS small and disadvantaged business subcontracting program.
8. Recommends Departmental labor surplus area, and small and disadvantaged business goals.
9. Cooperates and consults on a regular basis with the Small Business Administration with respect to carrying out the functions and duties of Sections 8 and 15 of the Small Business Act, as amended.
10. Provides advice and technical assistance to HHS activities on matters relating to the labor surplus area program and small and disadvantaged business programs.
11. Is responsible for the review of all solicitations to assure that awards are made to qualified labor surplus areas, small and disadvantaged businesses under the provisions of Sections 8 and 15 of the Small Business Act and under the provisions of Federal and Departmental procurement regulations.
12. Reviews and evaluates the performance of HHS activities (Operating Divisions, regional offices, etc.) in accomplishing the objectives of the small and disadvantaged business programs, and the labor surplus area program.
13. Represents the Department in dealing with all Government agencies on the disadvantaged and small business and labor surplus programs.
14. Represents the Department on standing top level Interagency Committees and Task Forces dealing with the labor surplus area program and the small and disadvantaged business programs.
15. Coordinates the execution of the Department's bank deposit program.
16. Serves as the Departmental ombudsman and maintains an outreach program to assist commercial firms and non-profit organizations understand how to do business with HHS and resolve procurement related matters.

Dated: September 29, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-29136 Filed 10-2-81; 8:45 am]

BILLING CODE 4110-12-M

Senior Executive Service Performance Review Board Membership

Title V, U.S. Code Section 4314(c)(4) of the Civil Service Reform Act of 1978, Pub. L. 95-454, requires that the appointment of Performance Review Board members be published in the **Federal Register.**

The following persons will serve on the Performance Review Boards or Panels which oversee the evaluation of performance appraisals of Senior Executive Service members of the Department of Health and Human Services:

Federal Performance Review Board Members

Faye G. Abdellah
Richard Adamson
Clifford Allen
William H. Aspden, Jr.
Pamela G. Bailey
Calvin B. Baldwin, Jr.
Albert Balows
Gerald L. Barkdoll
Francisco Bayo
David Bayse
Edwin D. Becker
William R. Berry
James Bloom
Gerald Boyd
Phillip Brachman
Gerald Britten
Everett Bryant
Ruby Burks
Ronald H. Carlson
Charles C. Carter
Thomas Chase
Lois Chatham
Robert A. Cohen
Sandy Crank
Martin M. Cummings
Ralph DeAngelus
Juan del Real
William A. Dobbs
Carl D. Douglass
Walter Dowdle
James Eagen
John C. Eberhart
John Elsbree
Louis D. Enoff
Joseph M. Exendine
William R. Gemma
Robert A. Goyer
Richard Greulich
Darrel Grinstead
Elizabeth J. Haglund
M. Gene Handelsman
George Hardy
Teresa Hawkes
Donald C. Healton
Joseph R. Held
Lawrence E. Hendricks
Joseph P. Hile
Donald Hopkins
Vince L. Hutchins
Robert A. Israel
James Jeffers
Margaret Jordan
Irving Kagan
Robert Kaiser
Martin Kappert
John H. Kelso
John Kennedy
Jin Kinoshita
Henry Kirschenmann
Ruth L. Kirschstein
Richard M. Krause
Carl Kupfer
Richard Kusserow
Michael Lane
James D. Lawrence
Claude J. Lenfant
Joseph R. Leone
David Lester
Mortimer B. Lipsett
Michael Maher
Thomas E. Malone
Dorothy H. Mann
Jaime Manzano
John E. Marshall
Warren Master
Charlene McCants
Marjory Mecklenburg
Gerald F. Meyer
Harry M. Meyer, Jr.
J. Donald Millar

Sanford A. Miller
Bryan B. Mitchell
Edward J. Montminy
Joseph Mottola
Thomas P. Murphy
David Newhall III
Mark Novitch
Marie U. Nylen
Gregory F. O'Conor
Horace Ogden
Vincent Oliverio
Nicholas Onorato
Jack Orloff
Joseph G. Perpich
Julie C. Ponquinette
Arnold Pratt
Jane Presley
Alan S. Rabson
Joseph E. Rall
William F. Raub
Darrel A. Regier
Robert L. Ringler
Robert J. Rubin
Jay T. Sanford
Thomas Scarlett
Stephen Schiaffino
Fred Schutzman
James Scott
Kenneth W. Sell
Robert F. Sermier
Kevin Sexton
Richard Shute
James Sidbury
Clay Simpson
Vivian Smith
James A. Solomon
Dale W. Sopper
Thomas Staples
DeWitt Stetten, Jr.
James Stockdale
Raymond J. Sumser
Michio Suzuki
George Thompson
Larry Tomayko
Lorraine B. Torres
Robert L. Trachtenberg
William C. Watson, Jr.
Storm Whaley
Frances White
Daniel F. Whiteside
Tera Younger

Non-Federal Performance Review Board Member

James Mason

Dated: October 1, 1981.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

[FR Doc. 81-29137 Filed 10-6-81; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT FEIS 81-46]

APS/S.D.G. & E. Interconnection Project

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the final environmental impact statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, BLM has prepared a FEIS on a proposal by Arizona Public Service Company and San Diego Gas and Electric Company to construct and operate a 500 KV transmission system interconnecting their power networks. The draft and supplement were released in August 1980, and April 1981 respectively. The California Public Utilities Commission (CPUC) was a joint lead agency for the preparation of this combined environmental document. The document also complies with the requirements of the California Environmental Quality Act.

FOR FURTHER INFORMATION CONTACT: Stan Wagner, Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, Phone: (602) 261-4127.

SUPPLEMENTARY INFORMATION: The BLM and CPUC have prepared a combined environmental document on a proposal by Arizona Public Service Company and San Diego Gas and Electric Company to construct a 500 KV transmission line and ancillary facilities from the Palo Verde Nuclear Generating Switchyard near Phoenix, Arizona, through the Yuma, Arizona area to the Miguel Substation near San Diego, California.

The document analyzes environmental effects of the proposal in addition to alternatives of various route alignments, no action, energy conservation and load management, alternative generating sources, and other transmission systems and technologies.

A limited number of copies are available upon request to the Arizona State Director, 2400 Valley Bank Center, Phoenix, Arizona.

Public reading copies will be available for review at the following locations:

Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602) 261-3706;
Phoenix District Office, BLM, 2929 W. Clarendon Ave. Phoenix, Arizona 85017 (602) 241-2501;
Yuma District Office, BLM, 2450 Fourth Ave., Yuma, Arizona 85364 (602) 726-6300;
Office of Public Affairs, Bureau of Land Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240;
California State Office, BLM, Federal Office Bldg., Rm. E-2841, 2800 Cottage Way, Sacramento, California 95825 (916) 484-4541;
California Desert District Office, BLM, 1695 Spruce St., Riverside, California 92507 (714) 787-1462;
El Centro Resource Area, BLM, 333 S. Waterman Ave., El Centro, California 92243 (714) 352-5842.

Dated: October 1, 1981.

Clair M. Whitlock,

Arizona State Director, Bureau of Land Management.

[FR Doc. 81-29151 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Termination of Classifications of Public Land

September 21, 1981.

1. During the period 1966-1970, the Bureau of Land Management in Arizona made a number of classifications of the public land under the authority of the Act of September 19, 1964, the Classification and Multiple Use Act.

Most of these actions classified public land for retention in Federal ownership for multiple use management, and segregated the lands from application or entry under some or all of the public land laws. Typically, these multiple use management classifications segregated the public lands from application for public sale, and agricultural entry under the Homestead, Desert Land and Indian Allotment laws. Some classifications also excluded land exchanges, state selections, and mining claims.

A second type of classification indentified lands as suitable for disposal under a particular public land law or laws such as state selection, exchange or the Recreation and Public Purposes Act.

These classifications also segregated the lands from appropriation under the other public land laws including the mining and mineral leasing laws.

2. These classifications have been determined to be no longer necessary. The Federal Land Policy and Management Act of 1976 (FLPMA) prescribed that the public lands be retained in Federal ownership and managed for multiple use unless land use planning procedures identify specific parcels for disposal or special management. FLPMA also repealed many of the public land laws that the classifications segregated the lands against. Public land managers now have the discretion to determine through land use planning the suitability of public land for disposal. Also, the surface management regulations in 43 CFR 3809 give the public land manager new authority to protect surface resources during exploration and mining operations.

3. Pursuant to the regulations set forth in 43 CFR 2461.5(c)2, the classifications listed below are hereby terminated in their entirety.

AR032224: Published August 8, 1967, (FR Vol. 32, No. 152). Classified public lands for multiple use management.

Location: Pima and Apache Counties. Acreage: 4,943 acres. Segregation: sale, exchange, selection, agricultural, mining and mineral leasing laws.

A155: Published December 21, 1966, (FR Vol. 31, No. 246). Classified public lands for multiple use management.

Location: Cerbat Mountains, Mohave Co. Acreage: 114,980 acres. Segregation: sale, agricultural and state exchange laws.

A156: Published December 21, 1966, (FR Vol. 31, No. 246). Classified public lands for multiple use management.

Location: Black Mountains, Mohave Co. Acreage: 413,932 acres. Segregation: sale, agricultural, and state exchange laws.

A450: Published March 26, 1968, (FR Vol. 33, No. 59). Classified public lands for exchange.

Location: Safford, Graham Co. Acreage: 14,593 acres. Segregation: all public lands laws including the mining and mineral leasing laws, except private exchange law.

A466: Published March 9, 1967, (FR Vol. 32, No. 46). Classified public lands for multiple use management.

Location: central portion of Arizona Strip, Mohave Co. Acreage: 699,904 acres. Segregation: sale, agricultural and exchange laws.

A467: Published April 27, 1967, (FR Vol. 32, No. 81). Classified public lands for multiple use management.

Location: Safford Valley—San Simon area, Graham, Greenlee and Cochise Counties. Acreage: 972,434 acres. Segregation: sale and agricultural laws.

A676: Published August 24, 1967 (FR Vol. 32, No. 164). Classified public land for exchange in aid of Lake Mead National Recreation Area.

Location: Dolan Springs, Mohave Co. Acreage: 5,911 acres. Segregation: all public land laws including mining and mineral leasing laws except exchange in aid of Lake Mead National Recreation Area.

A702: Published June 28, 1967 (FR Vol. 32, No. 124). Classified public lands for multiple use management.

Location: eastern portion of Arizona Strip, Coconino Co. Acreage: 550,000 acres. Segregation: sale, agricultural and exchange laws.

A702A: Published June 6, 1970 (FR Vol. 35, No. 110). Classified public lands for multiple use management.

Location: near Fredonia, Coconino Co. Acreage: 8,860 acres. Segregation: sale, agricultural and exchange laws.

A1082: Published November 16, 1967 (FR Vol. 32, No. 222). Classified public lands for multiple use management.

Location: San Tan Mountains, Pinal Co. Acreage: 10,020 acres. Segregation: sale, agricultural, exchange and state selection laws.

A1099: Published October 24, 1967 (FR Vol. 32, No. 206). Classified public lands for multiple use management.

Location: Harcuvar Planning Unit, northern Yuma Co. and southwestern Yavapai Co. Acreage: 1,763,571 acres. Segregation: sale, agricultural and state exchange laws.

A1100: Published October 24, 1967 (FR Vol. 32, No. 206). Classified public lands for multiple use management.

Location: Vulture Planning Unit in western Maricopa Co. and northern Yuma Co. Acreage: 706,580 acres. Segregation: sale, agricultural and state exchange laws.

A1101: Published October 24, 1967 (FR Vol. 32, No. 206). Classified public lands for multiple use management.

Location: Little Horn Planning Unit in eastern Yuma Co. and western Maricopa Co. Acreage: 276,798 acres. Segregation: sale, agricultural and state exchange laws.

A1102: Published October 24, 1967 (FR Vol. 32, No. 206). Classified public lands for multiple use management.

Location: Oatman—Ajo Planning Unit in southern Maricopa Co. and western Pinal and Pima Co. and eastern Yuma Co. Acreage: 1,593,380 acres. Segregation: sale, agricultural and state exchange laws.

A1351: Published January 5, 1968 (FR Vol. 33, No. 3). Classified public lands for multiple use management.

Location: western portion of the Arizona Strip, Mohave Co. Acreage: 1,307,667 acres. Segregation: sale and agricultural laws; 8,219 acres in scattered tracts also segregated from exchange and mining laws.

A1359: Published January 23, 1968 (FR Vol. 33, No. 15). Classified public lands for multiple use management.

Location: Hualapai—Aquarius Mountain area in southeastern Mohave Co. Acreage: 583,622 acres. Segregation: sale, agricultural and state exchange laws.

A1360: Published January 23, 1968, (FR Vol. 33, No. 15). Classified public lands for multiple use management.

Location: Mohave Mountains, southwestern Mohave Co. Acreage: 334,830 acres. Segregation: sale and agricultural laws.

A1361: Published January 23, 1968, (FR Vol. 33, No. 15). Classified public lands for multiple use management.

Location: Music Mountains, Mohave Co. Acreage: 194,519 acres. Segregation: sale, agricultural and state exchange laws.

A1823: Published January 7, 1970, (FR Vol. 35, No. 4). Classified public lands for multiple use management.

Location: Cerro Colorado Hills, Pima Co. Acreage: 3,600 acres. Segregation: sale and agricultural laws.

A2031: Published July 23, 1968, (FR Vol. 33, No. 142). Classified public lands for multiple use management.

Location: Dos Cabezas Mountains, Cochise Co. Acreage: 53,397 acres. Segregation: sale and agricultural laws; 710 Acres in two parcels also segregated from mining laws.

A2152: Published December 19, 1968, (FR Vol. 33, No. 246). Classified public lands for multiple use management.

Location: Florence and Tucson areas, Pinal and Pima Counties. Acreage: 353,815 acres. Segregation: sale and agricultural laws.

A2153: Published December 19, 1968, (FR Vol. 33, No. 246). Classified 6,581 acres of public lands for transfer out of Federal ownership and 51,678 acres of public land for multiple use management.

Location: Florence and Tucson areas of Pinal and Pima Counties. Acreage: 58,259 acres. Segregation: 6,581 acres segregated from all public land laws including the mining laws; 51,678 acres segregated from sale and agricultural laws.

A3478: Published July 11, 1970, (FR Vol. 35, No. 134). Classified public lands for multiple use management.

Location: scattered tracts near Phoenix, Congress Junction, Bagdad, Topock, Tucson, Tombstone and Safford. Acreage: 3,712 acres. Segregation: all public land laws including the mining and mineral leasing laws, except the Recreation and Public Purposes Act.

A3732: Published Feburary 12, 1968, (FR Vol. 35, No. 30). Classified public lands for transfer out of Federal ownership by exchange.

Location: northeastern Cochise Co. Acreage: 7,787 acres. Segregation: all public land laws including the mining and mineral leasing laws, except exchange laws.

A4445: Published November 13, 1970, (FR Vol. 35, No. 221). Classified 45,098 acres of public land for transfer out of Federal ownership and 29,018 acres of public land for multiple use management.

Location: Kingman area of Mohave Co. Acreage: 74,116 acres. Segregation: 45,098 acres segregated from all public land laws including the mining laws, except the exchange laws; 29,018 acres segregated only from sale and agricultural laws.

A4721: Published July 29, 1970, (FR Vol. 35, No. 146). Classified public lands for multiple use management.

Location: Baker Canyon area of Cochise Co. Acreage: 4,814 acres. Segregation: sale and agricultural laws.

A5307: Published November 13, 1970, (FR Vol. 35, No. 221). Classified public lands for multiple use management.

Location: Wickenburg and Hieroglyphic Mountain areas of Maricopa and Yavapai Counties. Acreage: 165,116 acres. Segregation: sale and agricultural laws.

A5432: Published December 8, 1970, (FR Vol. 35, No. 237). Classified public lands for multiple use management.

Location: Mescal Mountain area of Gila Co. Acreage: 61,100 acres. Segregation: sale and agricultural laws.

A5480: Published November 21, 1970, (FR Vol. 35, No. 227). Classified public lands for multiple use management.

Location: along Lower Colorado and Bill Williams Rivers in Mohave and Yuma Counties. Acreage: 155,838 acres. Segregation: sale and agricultural laws.

A5927: Published December 15, 1970, (FR Vol. 35, No. 242). Classified public lands for multiple use management.

Location: Joshua Tree Forest area near Red Lake in Mohave Co. Acreage: 23,239 acres. Segregation: sale and agricultural laws.

A5945: Published December 15, 1970, (FR Vol. 35, No. 242). Classified public lands for multiple use management.

Location: fossil tracts site near Pima, Graham Co. Acreage: 320 acres. Segregation: sale, exchange, state selection, agricultural and mining laws.

The lands covered by these 31 classifications aggregate approximately 10,521,657 acres of public land.

These lands have been open to the operation of most of the current public land laws. This termination will restore the lands to the operation of the public land laws generally, subject to valid existing rights and requirements of applicable law.

4. Certain lands in the following classifications have been segregated against the operation of the mining or mineral leasing laws:

AR032234	A2153
A450	A3478
A676	A3732
A1351	A4445
A2031	A5945

At 10:00 a.m. on October 29, 1981 these lands will be open to location under the United States mining laws. All valid applications for mineral leasing of these lands received at or prior to 10:00 a.m. on October 29, 1981 shall be considered simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

5. Inquiries concerning the lands involved in the classifications terminated by this notice should be directed to Chief, Division of Technical Services, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, telephone 602-261-6027.

Clair M. Whitlock,

State Director.

[FR Doc. 81-29158 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 23474]

Colorado; Conveyance of Public Lands; Park County

September 28, 1981.

Notice is hereby given that pursuant to Sec. 206 of the Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716), Morris Burk, Trout Creek Ranch, Fairplay, Colorado 80440, has received a patent for the following described public lands in Park County, Colorado:

Sixth Principal Meridian

T. 9 S., R. 76 W.,
Sec. 17, W½SW¼;
Sec. 20, N½NW¼ and NE¼SE¼;
Sec. 21, SW¼NW¼ and NW¼SW¼;
Sec. 31, Lot 2;
T. 10 S., R. 76 W.,
Sec. 7, W½SE¼ and SE¼SE¼;
Sec. 17, SW¼NW¼ and W½SW¼;
Sec. 18, SE¼NE¼;
Sec. 32, NE¼SW¼.
Containing 679.36 acres.

The purpose of this notice is to inform and give constructive notice to the public and interested state and local governmental officials of the issuance of this conveyancing document.

Robert D. Dinsmore,

Chief, Branch of Adjudication.

[FR Doc. 81-29160 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

[C-23474]

Colorado; Order Providing for Opening of Public Lands

1. In an exchange of land made under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743, 2756; 43 U.S.C. 1701, 1716) the following lands have been reconveyed to the United States:

Sixth Principal Meridian

T. 16 S., R. 69 W.,
Sec. 32, E½E½, W½NE¼, NE¼NW¼ and NW¼SE¼;
Sec. 33, SW¼SW¼;
Containing 360.00 acres in Fremont County;
T. 9 S., R. 76 W.,
Sec. 20, SE¼SW¼;
Sec. 29, E½W½;
T. 10 S., R. 76 W.,
Sec. 33, SW¼SW¼;
T. 11 S., R. 76 W.,
Sec. 4, Lots 3 and 4.
Containing 320.97 acres in Park County.

2. The United States owns the mineral rights by reservations in earlier patents as to the above-described lands in T. 16 S., R. 69 W., and T. 9 S., R. 76 W., therefore, these lands have been open to operation of the mining laws and the mineral leasing laws.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 are hereby opened to the operation of the public land laws. The SW¼SW¼ of section 33, T. 10 S., R. 76 W., and Lots 3 and 4 of section 4, T. 11 S., R. 76 W., are hereby further opened to operation of the mining laws (Ch. 2. 30 U.S.C.) and to the mineral leasing laws, subject to an existing oil and gas lease between private parties, recorded September 23, 1976 in Book 256, at page 266 of the records of the Clerk and Recorders Office, Park County, Fairplay, Colorado. All valid applications received at or prior to November 3, 1981 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Robert D. Dinsmore,

Chief, Branch of Adjudication.

September 28, 1981.

[FR Doc. 81-29170 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Kemmerer Resource Area, Rock Springs District Wyoming; Intent To Prepare a Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Initiation of a Resource Management Plan (RMP) for the Kemmerer Resource Area, Rock Springs District, Wyoming.

SUMMARY: The Rock Springs District is initiating a Resource Management Plan (RMP) to guide future management actions on the public lands within the Kemmerer Resource Area. The RMP is the first such land use plan under the new BLM planning regulations for the

District. An existing Management Framework Plan presently guides decisions for the Kemmerer Resource Area until such time as the RMP is completed.

The Kemmerer Resource Area is located in Southwest Wyoming. The area extends from the Green River west to the Idaho-Utah border and from the Colorado border to Teton County on the north. Public land to be planned for includes 1,633,000 acres in Lincoln, Uinta, and Sweetwater Counties. This includes isolated acreage in the Star Valley of Lincoln County; most of Lincoln County with the exception of Forest Service, State of Wyoming, and private lands; less than half of Uinta County; and a small portion of western Sweetwater County.

The RMP will be a comprehensive land use plan that will identify allowable resource uses, levels of production that can be attained, resource condition goals, resource/program constraints, and general management practices needed to achieve RMP objectives. It will identify lands for transfer from BLM administration (via public disposition or transfer to another agency). It will not consider lands for wilderness or areas of critical environmental concern which were accomplished under the Kemmerer MFP amendment completed in September 1981. It will not consider further lands for coal development because the high potential coal areas have already been evaluated in the 1981 amendment of the Kemmerer MFP.

Background standards and procedures for this RMP preparation are contained in the **Federal Register** Vol. 44, No. 140, 42584–42652, of July 19, 1979; and Vol. 44, No. 153, 46386–46401, of August 7, 1979. The Washington Office of BLM will provide further guidance on standards for development of RMPs nationwide. The Wyoming State Office of BLM will issue guidance for RMP planning for all four Districts in the State of Wyoming to guide BLM managers in producing balanced land use decisions that meet requirements of law and regulation. The Rock Springs District will then issue planning criteria to provide the public a preview of the types of considerations that must go into the final RMP decisions.

Public participation will be an essential component of the RMP development. Several techniques for public involvement will be used at each phase of the RMP development to include: **Federal Register** announcements, one-to-one discussion with key groups and individuals interested in the Kemmerer Resource Area (especially public officials), and individual mailings to all parties who have expressed an interest in the process. For those persons wishing to be placed on this mailing list a BLM contact is provided below. Public meetings will only be called as needed or requested.

At the outset, BLM invites public identification of the issues that should be addressed in the RMP process. Comments may be sent to the address below. Issues that have been identified by BLM staff include: energy exploration/development conflicts with range use, wildlife preservation, recreation and watershed; needs for community lands in Kemmerer, Evanston, and Cokeville, and for Lincoln and Uinta Counties; needs for utility corridors; forest harvesting conflicts with wildlife preservation, recreation, watershed and soils; unauthorized use of public lands (e.g. illegal "squatting" on public lands surrounding cities); livestock use conflicts with wildlife and wild horses; off-road vehicle abuse on public and adjoining private lands; special wildlife needs for the Thomas Fork Wildlife ACEC; needs for processing energy-related rights-of-way in a timely fashion; needs to dispose of small, isolated public acreages in Star Valley and Bridger Valley; and needs to adjust grazing allotment boundaries in Bridger Valley for better management. Members of the public will be invited to participate in the RMP process during key phases where their comments could affect the outcome of RMP decisions. Members of the public who have not previously participated but wish to be in this RMP development should contact the Kemmerer office at the address below to be placed on the RMP mailing list.

An interdisciplinary team has been formed to develop the RMP. Disciplines to be represented include geology, range conservation, wildlife biology, realty, hydrology, recreation, and forestry.

DATES: The issue identification, planning criteria development, and inventory phases of the RMP process will begin in October of 1981. If programming/budgeting is approved, the RMP will be completed by October of 1985. If a public meeting is needed during the public participation process, the meeting will be announced through the **Federal Register**, local news media, and public mailings.

ADDRESS: Documentation of the RMP process and completed documents will be available at: Kemmerer Resource Area, U.S. Highway 30, Kemmerer, Wyoming 83101.

FOR FURTHER INFORMATION: For further information, if you wish to be placed on the RMP mailing list, or if you wish to add to the list of issues being considered in the RMP, contact Steve Howard, Area Manager, Kemmerer Resource Area, P.O. Box 632, Kemmerer, Wyoming 83101 (or phone: (307) 877–393).

Donald H. Sweep,

Rock Springs District Manager.

[FR Doc. 81–29180 Filed 10–6–81; 8:45 am]

BILLING CODE 4310–84–M

Rock Springs Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Rock Springs Advisory Council.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Rock Springs District Advisory Council. Notice of this meeting is required under 43 CFR Part 1780.

DATES: Field Trip November 4, 1981, 10:00 a.m. until 4:00 p.m. Meeting November 5, 1981, 8:00 a.m. until noon.

ADDRESSES: Field Trip November 4, 1981: meet at Fine Arts Center, Big Piney High School, 650 Piney Dr., Big Piney, Wyoming, 10:00 a.m. Meeting November 5, 1981, BLM Area Office, 431 Pine St., Pinedale, Wyoming.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901, (307–382–5350).

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Review of minutes from September 10, 1981 meeting.
2. Discussion of November 4, 1981 field trip.
3. Public comment period (between 10:30 and 11:30 a.m.).
4. Discussion of items of interest for future meetings.

The meeting and field trip are open to the public. Individuals wishing to go on the field trip will be expected to provide their own vehicle suitable for travel over rough, unpaved roads and surfaces. The field trip will acquaint the council with the Riley Ridge EIS area.

Anyone interested in addressing the council may either make an oral statement during the public comment period or file a written statement prior to the November 5, 1981 meeting. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and

reproduction during regular business hours.

Jerry K. Ostrom,

Assistant District Manager.

[FR Doc. 81-29179 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Scientific Committee of the Outer Continental Shelf (OCS) Advisory Board; Advisory Committee Vacancy (Discretionary Secretarial Appointment)

Committee: Scientific Committee of the Outer Continental Shelf Advisory Board.

Purpose: To advise the Secretary, through the Assistant Secretary, Land and Water Resources, on the feasibility, appropriateness, and scientific value of the Bureau of Land Management's (BLM's) OCS Environmental Studies Program. The Committee may recommend changes in both scope and direction of the program and evaluate applicability of the data being produced.

Number of Vacancies: 14.

Date of Vacancy: August 24, 1981.

Total Number of Committee Members: 15.

Total Number of Discretionary Secretarial Appointments: 15.

Length of Term: 2 Years.

Compensation: Travel and per diem for attendance at meetings.

Qualifications: Appointees to the Committee will be selected for their scientific background and reputation within particular fields of expertise relevant to the OCS studies program. Examples of relevant disciplines are: fisheries biology, seabird and marine mammal ecology, marine benthic ecology, toxicology, marine chemistry, physical oceanography, meteorology, and socioeconomics.

Remarks: The OCS Environmental Studies Program is a major undertaking of the BLM to collect and analyze environmental and socioeconomic information that will be useful to decision making in the nation's OCS oil and gas leasing program. Members of the Scientific Committee will work closely with the Director of the BLM and with his staff in the Branch of Offshore Studies. Membership in the committee will represent the four major OCS regions: Atlantic, Gulf of Mexico, Pacific and Alaska.

Note.—Letters of recommendation or nomination should be accompanied by résumés and should be directed to Director (543), Bureau of Land Management, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. The final date for receipt of applications is November 15, 1981. For additional information with regard to this announcement, contact Dr. Piet DeWitt, Chief, Branch of Offshore Studies (543), Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240. Telephone (202) 343-7744. We encourage the identification of female and minority candidates.

Garrey E. Carruthers,

Assistant Secretary, Land and Water Resources.

September 29, 1981.

[FR Doc. 81-29182 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Oil and Gas Lease Sales; List of Restricted Joint Bidders

This notice supersedes the List of Restricted Joint Bidders published in the **Federal Register** on Thursday, April 16, 1981, at 46 FR 22270. Pursuant to the authority vested in the Director of the Bureau of Land Management by the joint bidding provisions of 43 CFR 3316.3, the following companies shall be restricted from bidding with any other company on the same list at Outer Continental Shelf Oil and Gas lease sales held during the bidding period of November 1, 1981, through April 30, 1982.

Chevron U.S.A. Inc.
Exxon Corporation
Mobil Oil Corporation
Mobil Oil Exploration & Producing Southeast Inc.
Mobil Producing Texas & New Mexico Inc.
MTS Limited Partnership (Mesa Petroleum, Texaco Inc., and Sequoia Petroleum)
Shell Oil Company
Standard Oil Company of California
Texaco Inc.

Dated: September 24, 1981.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 81-29187 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Minnesota-Wisconsin; Availability of BLM Maps of Public Lands and Minerals

Notice is hereby given that three new Bureau of Land Management (BLM) maps showing the location of public lands and Federal mineral rights in the Sandstone, Minnesota and Port Wing and Solon Springs, Wisconsin Areas, are now available to the public. The maps, prepared as a result of a Bureau-wide program to map areas of mineral interests, are published at the scale of 1:100,000 (one centimeter = one kilometer) in a format of 1° longitude by 30' latitude (34 x 60 miles). They are sold for $2.00 each.

The new BLM maps are part of a series of BLM maps which cover selected areas of the three Lake States. BLM maps covering northern Minnesota, northeastern Wisconsin, and western Upper Michigan have already been printed and are available to the public. Additional maps covering northwestern Wisconsin and Lower Michigan will be published in the future.

For further information and/or a BLM map index, contact the Bureau of Land Management, Duluth Field Office, 125 Federal Building, Duluth, Minnesota 55802, (218) 727-6692; or Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, telephone (703) 235-2840.

Roger L. Hildebeidel,

Eastern States Director.

[FR Doc. 81-29139 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Coos Bay District Multiple Use Advisory Council; Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Coos Bay District Multiple Use Advisory Council will be held on Tuesday, October 27, 1981 at 9:00 a.m. at the Neighborhood Facility Building, 250 Hull Street, Coos Bay, Oregon.

Agenda for the meeting will include:

1. Refined Policy Statement for multiple use management of O&C Lands.
2. Review of public input on South Coast Curry Final Timber Management EIS.
3. Review relative merits of alternatives contained in South Coast Curry Final Timber Management EIS.
4. Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:00 and 11:30 a.m. or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager of the Coos Bay District Office, 333 South Fourth, Coos Bay, OR 97420 by October 21, 1981. Depending upon the number of persons wishing to make an oral statement, a per-person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: September 25, 1981.

Paul M. Sanger,

District Manager.

[FR Doc. 81-29198 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Helicopter Use in Wild Horse Gatherings; Meeting

Notice is hereby given in accordance with Pub. L. 92-195 that a meeting to discuss the use of helicopters in gathering wild horses will be held at 1:00 p.m. on October 13, 1981 in the Vale District Office, 365 "A" Street West, Vale, Oregon 97918. The use of helicopters to gather wild horses throughout the Vale District in fiscal year 1982, as well as other aspects of the gathering and adoption process will be discussed.

The Vale District plans to gather approximately 300 horses in late October from the Barren Valley—Sheepheads—Alvord Herd Management Area. Additional public notice will be given if gatherings are to occur at later dates during the fiscal year.

Fearl M. Parker,

District Manager.

[FR Doc. 81-29197 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

[INT-DES 81-43]

Chikaskia Project—Kansas-Oklahoma; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Chikaskia Project, Kansas-Oklahoma.

The environmental statement presents various alternatives for meeting municipal and industrial needs of Wichita and surrounding areas in south-central Kansas. Flood protection, fish and wildlife, recreation, and environmental enhancement are other project purposes. Corbin dam would be located on the Chikaskia Rive in Sumner County, Kansas.

Copies are available for inspection at the following locations:

Office of Environmental Affairs, Bureau of Reclamation, Department of the Interior, Room 7622, Washington, DC 20240, Telephone (202) 343-4991

Library Branch, Division of Management Support, E&R Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234-3019

Office of the Regional Director, Bureau of Reclamation, Department of the Interior, 714 South Tyler Street, Suite 201, Amarillo, TX 79101, Telephone (806) 378-5473

Oklahoma Representative, Bureau of Reclamation, 50 Penn Place, Suite 560, Oklahoma City, OK 73118, Telephone (405) 231-4515

Wichita State University Library, Wichita, KS 67208

Wichita Public Library, 121 West 7th, Wellington, KS 67152

City of Blackwell Library, 121 West Padon, Blackwell, OK 74631

Single copies of the draft statement may be obtained on request to the Office of Environmental Affairs, Regional Director, or Oklahoma Representative, Please refer to the statement number above.

Written comments may be submitted to the Regional Director before December 31, 1981.

Dated: October 2, 1981.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 81-29160 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-09-M

Negotiation of Small Reclamation Projects Loan Repayment Contract Complete; Availability of Contract with South Weber Water Improvement District, Utah

In accordance with procedures established by the Department of the Interior concerning public participation in water service and repayment negotiations, the Bureau of Reclamation announces completed negotiations with the South Weber Water Improvement District for repayment of a supplemental small loan covering the cost of escalation for a pressurized sprinkler irrigation system being installed in South Weber, Davis County, Utah.

The project for the South Weber Water Improvement District is constructed in the community of South Weber, near the city of Ogden, Utah. The project is designed to serve approximately 1,300 acres of irrigable land and is operated and maintained by the South Weber Water Improvement District. The program includes a concrete-lined, 18 acre-foot equalizing reservoir, a pumping plant with a capacity of 8,000 gallons per minute, and about 48,000 feet of buried pipe ranging in size from 36- to 6-inch diameters. The program was estimated to cost $1,773,000 but actual costs amounted to about $1,945,759. A supplemental loan in the amount of $140,000 will be financed pursuant to the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended. The loan would be in addition to the $1,740,000 loan previously approved and covered by Contract No. 9-07-400-I.0885, dated December 18, 1978. The district will repay all loan funds to the United States. The terms and conditions of the proposed contract are ultimately dependent upon the Commissioner of Reclamation's approval of the district's application for the loan and the Secretary's approval of the form of the proposed contract. The contract and report are currently in the review and approval process.

All meetings scheduled by the Bureau of Reclamation with the district for the purpose of discussing terms and conditions of the proposed contract would normally have been announced in advance of negotiations. However, in this case, since project construction is complete and no controversy exists over the nominal loan amount or contract action, the usual public participation procedures have been waived.

Copies of the contract may be obtained by contracting Mr. Marvin Hein, Small Loan Engineer, Division of Planning, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84147, telephone number (801) 524-5289.

Dated: September 30, 1981.

Garrey E. Carruthers,

Assistant Secretary, Land and Water Resources.

[FR Doc. 81-29122 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-09-M

Office of the Secretary

Reservation of Colorado River Water for use on Federally Owned Lands in Arizona; Boulder Canyon Project

Pursuant to the authority contained in the Boulder Canyon Project Act dated December 21, 1928 (45 Stat. 1057), as amended; Section 301(b) of the Colorado River Basin Project Act dated September 30, 1968 (82 Stat. 887); and consistent with the Supreme Court Opinion of June 3, 1963 (373 U.S. 546); and the Supreme Court Decree of March 9, 1964, in *Arizona v. California et al.*, 376 U.S. 340) as supplemented January 9, 1979 (439 U.S. 419); and the February 9, 1944, contract between the United States and the State of Arizona, notice is given that there is hereby reserved to the United States out of the waters of the Colorado River the annual consumptive use of 1,280 acre-feet for use on federally owned lands in Arizona which are administered by the Bureau of Land Management of the Department of the Interior. The water so reserved is in addition to 800 acre/feet previously reserved for said purpose in Arizona by notice dated August 30, 1973 (Federal Register, Volume 38, No. 173, page 24389-24390, Friday, September 7, 1973). The water is for outdoor recreational purposes, including culinary, sanitary, and related uses. Its principal use is intended at Ah-Villa Park, a major recreation resource located along the

lower Colorado River in the Parker Strip area of Yuma County, Arizona.

In times of shortage, the quantity of water available for delivery under this reservation will be accorded equal priority with all similar uses of water in Arizona authorized by contracts or other arrangements after September 30, 1968, irrespective of the order in which such contracts or other arrangements were made after September 30, 1968.

The aforesaid reservation of water is subject to:

(a) The provisions of the Colorado River Compact signed at Santa Fe, New Mexico, November 24, 1922;

(b) The provisions of the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1057), as amended;

(c) The provisions of the Supreme Court Opinion of June 3, 1963, 373 U.S. 546, the Supreme Court Decree of March 9, 1964, in *Arizona* v. *California, et al.*, 376 U.S. 340, as supplemented January 9, 1979, 439 U.S. 419;

(d) The provisions of the Mexican Water Treaty, signed at Washington, D.C., on February 2, 1944, and Minute 242 of the International Boundary and Water Commission, United States and Mexico, dated August 30, 1973;

(e) The provions of section 301(b) of the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885).

For further information, you may contact Mr. LeGrand Neilson, Contracts and Repayment Branch, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, telephone No. (702) 293–8536.

Dated: September 29, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

FR Doc. 81–29123 Filed 10–6–81; 8:45 am]

BILLING CODE 4310–09–M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

October 2, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP–102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC–75 (Sub. No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Sundance Marketing Enterprises, Incorporated: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.

P.O. Box 1031, Lawrenceville, GA 30246: Principal Mailing Address (Street No., City, State, and Zip Code).

1842 Azalea Dr., Lawrenceville, GA 30246: Where Are Records of your Motor Transporation Maintained (Street No., City, State and Zip Code).

Andrea Danford, P.O. Box 1031, Lawrenceville, GA 30246: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

2. Triple I Distributors, Inc. (a Cooperative Association): Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.

429 Memorial Ave., West Springfield, MA 01089: Principal Mailing Address (Street No., City, State, and Zip Code).

429 Memorial Ave., West Springfield, MA 01089: Where Are Records of your Motor Transporation Maintained (Street No., City, State and Zip Code).

Mark Gitlin c/o Triple I Distribution, 429 Memorial Ave., West Springfield, MA 01089: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

James H. Bayne,

Acting Secretary.

[FR Doc. 81–29130 Filed 10–6–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–158

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 149561 (Sub-II–3TA), filed September 28, 1981. Applicant: EDWARD P. CASTERLINE, d.b.a. CASTERLINE TRUCKING, 444 Roosevelt St., Exeter, PA 18643. Representative: Edward P. Casterline (same as applicant). *Metal castings, materials and supplies used in the manufacture of metal castings* between Luzerne County, PA, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, PA, NJ, DE, MD, VA, WV, NC, SC, GA, FL, AL, TN, KY, OH, MI, IN, WI, IL, MS, LA, AR, MO, IA, MN, KS, OK, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: United Foundries, Inc., W. Sixth St., Wyoming, PA 18644.

MC 143623 (Sub-II–1TA), filed September 28, 1981. Applicant: CITY COAL & SUPPLY CO., INC., South Second St., Princeton, WV 24740. Representative: Kemper Powell (same as applicant). *Bagged Limestone Dust*, from Piqua, OH to Princeton, WV, for 270

days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Celitite Inc., P.O. Box 1473, Princeton, WV 24740.

MC 138000 (Sub-II-38TA), filed September 28, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. (1) *Metal containers and bottle caps, and (2) materials, equipment and supplies used in the manufacture, sale and distribution of (1) above,* between points in the U.S. in and east of MN, IA, MO, KS, OK and TX for 270 days. Restricted to movement of traffic to, from or between facilities of or used by Crown, Cork and Seal. Supporting shipper: Crown, Cork and Seal, 9300 Ashton Road, Philadelphia, PA 19136.

MC 143210 (Sub-II-6TA), filed September 28, 1981. Applicant: W.C. HALL GENERAL HAULING, INC., P.O. Box 102, Callao, VA 22435. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *General commodities (except classes A and B explosives),* between Montross, VA, on the one hand, and, on the other, points in CT, NJ and NY for 270 days. Restricted to the transportation of traffic originating at or destined to the facilities of Arrowhead Associates, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Arrowhead Associates, Inc., P.O. Box 425, Montross, VA 22520.

MC 103721 (Sub-II-1TA), filed September 28, 1981. Applicant: INDIAN VALLEY BULK CARRIERS, INC., Ridge Road, Tylersport, PA 18971. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Coal,* from points in Carbon, Lackawanna, Luzerne, Northumberland, and Schuylkill Counties, PA, to points in NJ and NY for 270 days. Supporting shipper: Centralia Coal Sales Company, P.O. Box 478, Wilkes Barre, PA 18703.

MC 150310 (Sub-II-2TA), filed September 28, 1981. Applicant: LOADLINE, LTD., P.O. Box 8009, Pittsburgh, PA 15216. Representative: Stanley E. Levine, 220 Grant Street, Pittsburgh, PA 15219. *Petroleum, petroleum products, vehicle and body sealer, and sound deadener compounds, in packages.* Between points in (1) Erie and Niagara Counties, NY; (2) McKean, Venango, and Warren Counties, PA; and (3) Hancock and Pleasant Counties, WV, on the one hand, and, on the other, points in AK, AZ, AR, CO, CT, DE, HI, ID, IL, IN, LA, ME, MD, MA, MI, MN, MT, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SD, TX, UT, VT, WA, WV, WI, and WY. Between points in Allegheny County, PA and Vicksburg, MS, on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Quaker State Oil Refining Company, P.O. Box 989, Oil City, PA 16301.

MC 155510 (Sub-II-2TA), filed September 28, 1981. Applicant: ORANGE DISTRIBUTION, INC., P.O. Box 486, Orange, VA 22960. Representative: David L. Bolyard, Post Office Box 1240, Arlington, VA 22210. *Such commodities as are dealt in or utilized by a manufacturer and distributor of paper, plastic and packaging products,* between facilities of Bestpak, Inc., in Fluvanna County, VA, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Bestpak, Inc., Route 15, Fork Union, VA.

MC 136511 (Sub-II-15TA), filed September 28, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *Plastic articles* between Winchester, VA and Johnson County, TX for 270 days. Supporting shipper: Rubbermaid Commercial Products, Inc., 3124 Valley Ave., Winchester, VA 22601.

MC 156845 (Sub-II-2TA), filed September 28, 1981. Applicant: WINN'S HAULING INC., 6805 School Rd., Richmond, VA 23228. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *(1) Solar systems, component parts thereof and (2) materials, supplies and equipment used in the manufacture, distribution and sales of commodities in (1) above,* between points in Hanover and Henrico Counties, VA, on the one hand, and, on the other, points in AL, AR, IL, IN, KY, LA, MI, MO, MS and OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Reynolds Metals Co., P.O. Box 27003, Richmond, VA 23261.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 97457 (Sub-4-1TA), filed September 25, 1981. Applicant: WARNER & SONS TRUCKING CO., 6556 Belding Road, Belding, MI 48809. Representative: Gregory G. Prasher, Esq., Clary, Nantz, Wood, Hoffius, Rankin & Cooper, 500 Calder Plaza, Grand Rapids, MI 49503. *General commodities,* restricted to traffic having prior or subsequent movement by rail between Chicago, IL or Detroit, MI, and points in the State of MI in an areas on and west of I-75 and US-27 from Mackinaw City to Lansing and on and west of M-127 from Lansing to the IN border. Supporting shippers: There are five (5) supporting shippers.

MC 129059 (Sub-4-1TA), filed September 24, 1981. Applicant: WILSON DRIVEAWAY, INC., 32 W. Randolph St., Suite 1800, Chicago, IL 60601. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. *Motor vehicles and unaccompanied baggage, sporting equipment, and personal effects of owners thereof, in secondary movements in driveaway service,* between points in IL and IN, on the one hand, and, on the other, points in the U.S. There are seventeen (17) supporting shippers.

MC 142779 (Sub-4-2TA), filed September 28, 1981. Applicant: WEIER AIR FREIGHT, INC., 4928 S. Second St., Milwaukee, WI 53207. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *General commodities* (except Classes A & B explosives) between points in Brown, Calumet, Dodge, Fond du Lac, Kenosha, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington, Waukesha, and Winnebago Counties, WI, on the one hand, and, on the other, Milwaukee, WI and Chicago, IL and their commercial zones. Restricted to traffic having a prior or subsequent movement by water. Underlying ETA seeks 120 days authority. Supporting shippers: Schenkers International Forwarders, Inc., 4950 S. 2nd St., Milwaukee, WI 53207; Micro Design, Division of Bell & Howell, 857 State St., Hartford, WI 53027; Kleen Test Products, Division of Meridian Industries, 6040 Flint Road, Glendale, WI 53209; Mariner International Company, Division of Brunswick, 1939 Pioneer Road, Fond du Lac, WI 54935; and Arthur J. Fritz and Co., 2301 Mount Prospect Road, Des Plaines, IL 60018.

MC 145748 (Sub-4-3), filed September 25, 1981. Applicant: MEYERS TRANSFER, INC., Rt. 64 East, Mt. Morris, IL 61054. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Contract* irregular: *Machinery and Machine Parts* between the facilities of Swenson Spreader at or near Lindenwood, IL on the one hand, and, on the other, points in the U.S., under continuing contract with Swenson Spreader of Lindenwood.

IL. Supporting shipper: Swenson Spreader, P.O. Box 127, Lindenwood, IL 61049.

MC 146419 (Sub-4-2TA), filed September 28, 1981. Applicant: SCHWANEBECK FREIGHT LINES, INC., P.O. Box 342C, R. R. #3, Mauston, WI 53948. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Furniture and fixtures* between Waunakee, WI, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY. Underlying ETA seeks 120 days authority. Supporting shipper: Marshall Erdman & Associates, 500 Division St., Waunakee, WI 53597.

MC 147259 (Sub-4-12TA), filed September 25, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. Van Winkle, 16901 Van Dam Road, South Holland, IL 60473. *Antenna Systems*, From Orange County, FL to points in the U.S. Supporting shipper: Antenna Technology, Inc., 895 Central Florida Parkway, Orlando, FL 32908.

MC 154331 (Sub-4-1TA), filed September 24, 1981. Applicant: BOB GALLANT TRUCKING, INC., 1935 Lombardy Drive, Rapid City, SD 57701. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. *Beer and malt beverages in containers*, from the St. Louis, MO Commercial Zone to Rapid City, SD. Supporting shipper: Williams Distributing Co., Inc., 231 E. Main N, Rapid City, SD 57701.

MC 156705 (Sub-4-3TA), filed September 25, 1981. Applicant: ROYALE AMERICAN MOTOR LINE, INC., 5580 W. 96th St., P.O. Box 346, Indianapolis, IN 46077. Representative: Charles E. Mayer, Vice Pres. (same as above). *General commodities (except foodstuffs and commodities in bulk)* between all points in the U.S. Supporting shipper: Tradeway Distributors, Inc., 2350 Shadeland Ave., Indianapolis, IN 46219.

MC 158459 (Sub-4-1TA), filed September 24, 1981. Applicant: R.B.R. TRUCKING INC., 211 Kocher St., Rockton, IL 61072. Representative: Richard C. McArdle (same address as applicant). *Contract* irregular: *Water Conditioning Equipment*, with tanks, I/S w/fittings, plast. gran, valves, power pumps, elect, inst., pipe, plas, and steel. between Rockford, IL on the one hand and on the other, points in the U.S. Supporting Shipper: Illinois Water Treatment Co., 4669 Sheperd Trail, Rockford, IL.

MC 158464 (Sub-4-1TA), filed September 24, 1981. Applicant: RED STAR TRUC-KING COMPANY, 7904 Melvina, Burbank, Illinois 60459. Representative: Brady J. Langford, Attorney at Law, One N. LaSalle St., Suite 2265, Chicago, Illinois 60602. *Contract* irregular: New *furniture*, both assembled and unassembled, parts thereof, and material and equipment used in the manufacturing and distribution thereof between Alsip, IL and points in IL, IN, IA, MI, OH, NE, ND, SD, MO, KS, WI, and MN. Supporting shipper: S.K. Products Corporation, 5355 Bucknell Drive SW, Atlanta, Georgia 30378.

MC 158465 (Sub-4-1), filed September 24, 1981. Applicant: INDUSTRIAL STEEL CONSTRUCTION, INC., 6150 E Avenue, Hodgkins, IL 60525. Representative: Stephen H. Loeb, Suite 2027, 33 N. La Salle St., Chicago, IL 60602. *Metal and metal products*, between the facilities of Industrial Steel Construction, Inc., at Hodgkins, IL, on the one hand, and, on the other, Bettendorf, Cedar Rapids, Dubuque, Mt. Joy, and Waterloo, IA, Indianapolis, Mishawaka, and Terre Haute, IN, and Milwaukee, WI. Supporting shipper: Industrial Steel Construction, Inc., 6150 E Ave, Hodgkins, IL 60525.

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 112822 (Sub-5-10TA), filed September 23, 1981. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, Cushing, OK 74023. Representative: Dwight E. Pilant, (same address as applicant). *Paper, paper products and toner*, from Lawton, OK to Tampa, FL; Denver, CO; St. Louis and Chesterfield, MO; Chicago, IL; Los Angeles, CA; Atlanta, GA; Houston, TX; and from Cedartown, GA to Lawton, OK and the commerical zones thereof. Supporting shipper: Ansley Paper Company, P.O. Box 249, Lawton, OK 73502.

MC 134262 (Sub-5-2TA), filed September 23, 1981. Applicant: FARMERS FEED AND SUPPLY TRANSPORTATION, INC., P.O. Box 385, Boyden, IA 51234. Representative: Bradford E. Kistler, P.O. Box 82028 Lincoln, NE 68501. Contract, Irregular. *Soil conditioners and fertilizer materials*, from the Bryan, TX, commercial zone, to points in CO, NJ, PA, OH, IN, MI, WI, KY, IL, IA, SD, OK, MN, NE, AR, ND, KS, MO, UT, MT, WY and ID, under a continuing contract(s) with Wonderlife Corporation of America. Supporting shipper: Wonderlife Corporation of America, 5875 Fleur Drive, Des Moines, IA 50315.

MC 136246 (Sub-5-3TA), filed September 25, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Pipe and related products*, from York, NE to points in the U.S. Supporting shipper: Kroy Industries, Inc., P.O. Box 309, York, NE 68467.

MC 139284 (Sub-5-7TA), filed September 24 1981. Applicant: TRUCKER'S, INC., 4316 South Main Street, Stafford, TX 77477. Representative: Damon R. Capps, 1300 Main Street, Suite 1230, Houston, TX 77002. (1) *Mercer commodities, metal and metal products, machinery and machinery parts, rubber and rubber products, plastic and plastic products, and pipe and related products*, between points in (a) TX, NM, CO, AR, MS, and AL, (b) between points in LA, AR MS, AL, CO, and NM, and (c) between points in OK, NM, CO, AR, MS, and AL; and (2) *Plastic and plastic products and rubber and rubber products*, between points in (a) TX on the one hand and LA and OK on the other hand and (b) between points in LA and OK. Supporting shippers: 13.

MC 146336 (Sub-5-11TA), filed September 24 1981. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609-109th Street, Grand Prairie, Texas 75050. Representative: D. Paul Stafford., P.O. Box 45538, Dallas, Texas 75245. Contract: irregular; *General Commodities* between points in the U.S. under continuing contract(s) with Jewel T Discount Grocery.

MC 154648 (Sub-5-2TA), filed September 24, 1981. Applicant: WAYNE PHILLIPS, INC., P.O. Box 648, Pharr, TX 78577. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Food and related products*, between points in the U.S. Supporting shippers: Tremar Import-Export Co., Inc., P.O. Box 974, Weslaco, TX 78596; Randolph Slaughter Co., 307 Market Street, Laredo, TX 78040; and C. H. Belt & Associates, 2151 Michelson #230, Irvine, CA 92715.

MC 155398 (Sub-5-2TA), filed September 25, 1981. Applicant: TISCHHAUSER TRUCKING, INC., R.R. 1, White City, KS 66873. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Contract*, irregular; *Fertilizer*, Part (1) From Woodward County, OK and Pryor in Mayes County, OK to points in KS, MO & TX. Part (2) From Joplin in Jasper County, MO to points in KS, OK & TX and Part (3) From Military in Cherokee County, KS to points in MO,

OK & TX. Supporting shipper: N-REN Corporation, P.O. Box D, East Dubuque, IL 61025.

MC 156387 (Sub-5–2TA), filed September 25, 1981. Applicant: JIM L. LANGENFELD, d.b.a. D & J ENTERPRISES, Rural Route 2, Dow City, IA 51528. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Such commodities as are dealt in, used, or distributed by meat packinghouses,* From Denison, IA to points in the U.S. Supporting shipper: Dubuque Packing Co., P.O. Box 610, Denison, IA 51442.

MC 158304 (Sub-5–1TA), September 25, 1981. Applicant: SPRINT TRANSPORTATION COMPANY, P.O. Box 19529, Houston, TX 77024. Representative: Nelson M. "Mike" Davidson, Jr., P.O. Box 1148, Austin, TX 78711. *Contract,* Irregular; *Solidified sludge,* from points in TX to points in LA, MS, and AL, under continuing contract(s) with Rollins Environmental Services, Inc. of Deer Park, TX.

MC 158408 (Sub-5–1TA), filed September 23, 1981. Applicant: THREE RIVERS GYPSUM, INC., 2432 Walnut Ridge Street, Dallas, TX 75229. Representative: Ralph W. Pulley, Jr., 102 Metropolitan Savings Tower, 5944 Luther Lane, Dallas, TX 75229. *Contract,* Irregular; *General Commodities* (except commodities in bulk, commodities requiring special equipment, commodities of unusual value, hazardous materials and household goods) from the facilities of Amway Corporation in Arlington, TX to points in OK and AR under a continuing contract with Amway Corporation, 2001 Timberlake Dr., Arlington, TX, 76010.

MC 158434 (Sub-5–1TA), filed September 24, 1981. Applicant: TOM SHERMAN, Box 219, Clarence, IA 52216. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Contract carrier,* irregular: *Iron and steel articles,* from Toledo, OH; Detroit and Plymouth, MI; Chicago, IL; and St. Louis, MO to Commerce City, CO, under continuing contract(s) with American Metals Corporation of Commerce City, CO. Supporting shipper: American Metals Corporation, 5699 N. Dexter, Commerce City, CO 80022.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–29133 Filed 10–6–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-52)]

Richmond, Fredericksburg and Potomac Railroad Company, Exemption for Contract Tariff ICC–RFP–C–0004

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jane F. Mackell, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Richmond, Federicksburg and Potomac Railroad Company (RFP) filed a petition on September 25, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contemporaneously filed contract tariff ICC–RFP–C–0004, now October 31, 1981, so that the effective date would be on one day's notice. The contract covers track storage of paper and paper products in surplus RPF boxcars.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provisions for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition is granted. The shipper's excess production and the need for immediate storage facilities coupled with RFP's surplus freight cars create circumstances under which authorization of a provision exemption is warranted. RFP's contract tariff ICC–RFP–C–0004 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this 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.

(49 U.S.C. 10505)

Dated: September 30, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–29132 Filed 10–6–81; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29254]

Somerset Railroad Corp.—Construction and Operation of a Line of Railroad in Niagara County, NY

Somerset Railroad Corporation (Somerset Railroad), represented by Messrs. Charles J. McCarthy, of Belnap, McCarthy, Spencer, Sweeney & Harkaway, 1750 Pennsylvania Avenue, N.W., Washington, DC 20006; Frederic H. Lawrence and Gregory J. Blasi, of Huber, Magill, Lawrence & Farrell, 99 Park Avenue, New York, NY 10016; and Allen E. Kintigh, President, Somerset Railroad Corporation, c/o New York State Electric & Gas Corporation, 4500 Vestal Parkway East, Binghamton, NY 13902, hereby gives notice that on the 28th day of August, 1981, it filed with the Interstate Commerce Commission at Washington, D.C., an amended application pursuant to 49 U.S.C. 10901 for a decision approving and authorizing the construction, acquisition (in part) and operation of a line of railroad located wholly and solely within Niagara County, in the State of New York.

Somerset Railroad filed the original application in this proceeding on February 12, 1980 and amended the application in certain respects on November 19, 1980. The original application sought a certificate of public convenience and necessity authorizing the construction and operation of a railroad from a point westerly of the Hamlet of Gasport on the Consolidated Rail Corporation's (Conrail) Falls Road Branch Line to Somerset Station. The Initial Decision served March 13, 1981, denied the original application without prejudice to Somerset Railroad's

amending the orignial application to seek authority over an alternate route. The Initial Decision was not appealed and, therefore, became the order of the Commission.

In the amended application, Applicant has applied for a route that runs from a point of origin on the Falls Road Branch Line of Conrail just west of Heath Road in the Town of Lockport, thence easterly about 1,000 feet to a connection with a Conrail industrial secondary track (Gulf Line), thence northeasterly about two miles along the Gulf Line right-of-way to a point at which it leaves the Gulf Line and runs northerly to a connection with the right-of-way of the abandoned Hojack Rail Line east of Fuller Road in the Town of Newfane. From that point, the proposed line follows the Hojack right-of-way in a northeasterly direction to its terminus at the Somerset Electric Generating Station (Somerset Station), a 625 Megawatt coal-fired unit now under construction by NYSEG in the Town of Somerset, NY.

In the alternative, Applicant has applied for a route from a point of origin on the Falls Road Branch Line of Conrail just west of Bear Road in the Town of Cambria and running in a generally northerly direction to a connection with the right-of-way of the abandoned Hojack West Line approximately 3,500 feet east of Palmer Road in the Town of Wilson. From that point, the line proceeds in a northeasterly direction along the Hojack right-of-way to its terminus at Somerset Station.

As a second alternative, Applicant has applied for a route (1) from a point of origin on the Bridge Branch of Conrail just east of the railroad's Niagara Yard in the City of Niagara Falls then generally north through an electric power transmission line corridor of the Power Authority of the State of New York and Niagara Mohaw Power Corporation along the north side of Niagara University to a point of connection with a Conrail line at the south end of the Robert Moses Powerdam forebay; and (2) from the end of Conrail's tracks at or near Riverview along the right-of-way of the abandoned Hojack Rail Line to its terminus at Somerset Staion. Conrail has a line that connects the two segments described above. Traffic between the two segments would be transported over the existing Conrail Line.

Applicant's proposed construction, acquistion and operation is necessary to provide rail service to Somerset Station. Such rail service is required for delivery of coal and limestone during generating station operation, and possibly plant equipment and materials after its construction. From their initial points of connection with Conrail, the Danielewicz Route is located approximately 15.5 miles, the Cambria Station Route 24.6 miles, and the Transmission Corridor Route 30.0 miles from Somerset Station.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 22), Revision of National Environmental Policy Act Guidelines, 363 I.C.C. 653 (1980) any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra* at p. 487.

Pursuant to 49 U.S.C. 10901 the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29131 Filed 10-6-81; 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. OPY-2-188

Decided: September 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 682 (Sub-30), filed September 21, 1981. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, D.C. 20036, (202) 887–5868. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Gulf & Western Manufacturing Company, of Southfield, MI.

MC 20723 (Sub-8), filed September 21, 1981. Applicant: NED BARD & SON CO., P.O. Box 6, Leola, PA 17540. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting (1) *machinery and machinery supplies*, and (2) *fabricated metal products*, between points in Lancaster and Chester Counties, PA, on the one hand, and, on the other, points in MD, and (3) *building materials, machinery and machinery supplies, fabricated metal products, and lumber and wood products*, between points in IA and those points in the U.S. in and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary Line between the United States and Canada.

MC 98542 (Sub-15), filed September 21, 1981. Applicant: COLLINS & SIMMONS, INC., Commerce Drive, Box 128, Dansville, NY 14437. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., in and east of MN, IA, KS, OK and TX.

MC 107012 (Sub-742), filed September 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *crockpot liners*, between points in Hinds County, MS, on the one hand, and, on the other, points in Gentry and Pettis Counties, MO.

MC 116632 (Sub-31), filed September 18, 1981. Applicant: H. O. BOUCHARD, INC., MRC Box 141A, Coldbrook Rd., Bangor, ME 04401. Representative: John R. McKernan, Jr., P.O. Box 586, Two Canal Plaza, Portland, ME 04112, (207) 774–4000. Transporting (1) *pet food and animal feed*, between points in NY, on the one hand, and, on the other, points in ME; (2) *baled sulphite wood pulp*, between ports of entry on the International Boundary Line between the U.S. and Canada, on the one hand, and, on the other, points in ME, NH, VT, MA, NY, NJ, PA, DE, MI, WI, and OH; (3) *baled wood pulp and building materials*, between points in ME, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, KY, MA, MD, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, WI, and DC; and (4) *building materials*, between points in CT, ME, MA, NH, RI, and VT.

MC 121493 (Sub-2), filed September 21, 1981. Applicant: JACK FREEMAN TRUCKING CO., INC., 4948 S. Western Ave., Chicago, IL 60609. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, 312–726–6525. Transporting *general commodities* (except classes A and B explosives) (a) between points in Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties, IL, and (b) between points in Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties, IL, on the one hand, and, on the other, points in IL.

Note.—Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of Certificate of Registration No. MC–121493 (Sub-No. 1), issued January 8, 1964.

MC 127012 (Sub-4), filed September 10, 1981. Applicant: WILLIAM B. HUFF, R. F. D. #1, Box 361, Spanish Fork, UT 84660. Representative: William B. Huff (same address as applicant), (801) 489–9441. Transporting *petroleum, natural gas, and their products; chemicals and related products; metal products; machinery; and transportation equipment* between points in the U.S., under continuing contract(s) with Rocky Mountain Helicopters, Inc., of Provo, UT. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives or liquified petroleum gas, it shall be limited to a period expiring 5 years from its date of issuance.

MC 129712 (Sub-59), filed September 14, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, 404–237–6472. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Metal Specialists Internationale, of Palm Harbor, FL.

MC 129712 (Sub-62), filed September 22, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338, (404) 451–0401. Transporting *such commodities* as are dealth in or used by manufacturers, distributors, and dealers of (1) agricultural, construction, forestry, industrial and irrigation equipment, (2) lawn and leisure products, (3) equipment used in maintenance, feeding and housing of hogs, livestock, and poultry, and (4) steel wood-burning stoves, between points in the U.S., under continuing contract(s) with Long Manufacturing-N.C., Inc., of Tarborough, NC.

MC 136773 (Sub-10), filed September 8, 1981. Applicant: S.T.S. MOTOR FREIGHT, INC., 107 Evergreen Road, Stratford, NJ 08084. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110, (215) 561–1030. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MA, MD, NJ, NY, PA, RI, VA and DC.

MC 142723 (Sub-5), filed August 31, 1981. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219–2383, 412–471–1800. Transporting *such commodities* as are dealt in or used by chain, variety, department and toy stores, between points in the U.S., under continuing contract(s) with Milton D. Myer Company, of Carnegie, PA.

MC 147312 (Sub-7), filed September 11, 1981. Applicant: DALOR TRANSIT, INC., 7520 West Ryan Rd., Franklin, WI 53132. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, 312–726–9722. Transporting *machinery*, between points in Milwaukee County, WI, on the one hand, and, on the other, points in the U.S.

MC 147632 (Sub-10), filed September 21, 1981. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440–0496 (216) 652–2789. Transporting *transportation equipment*, between the facilities used by APS, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147672 (Sub-3), filed September 21, 1981. Applicant: T. D. REEVES, d.b.a. T & R TRUCKING, P.O. Box 36, Darden, TN 38328. Representative: Daniel J. Perky, 43 N. Broad, Lexington, TN 38351 (901) 968–8118. Transporting *lightweight aggregate*, between points in the U.S., under continuing contract(s) with (a) Concrete Products Company, of Jackson, TN, and (b) Bell Block Company, of Bells, TN.

MC 152672 (Sub-6), filed September 21, 1981. Applicant: A. ROGER

LEASING, LTD., 850 Beaver Grade Rd., Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180 (703) 442-8330. Transporting *metal products and machinery*, between points in the U.S., under continuing contract(s) with (a) Copperweld Corporation, of Glassport, PA, (b) Forbes Steel and Wire Corporation, of Canonsburg, PA, and (c) Eastern Stainless Steel Company, of Baltimore, MD.

MC 155533, filed September 9, 1981. Applicant: SOUTHWEST BEEF EXPRESS, INC., 641 S. 91st Ave., Tolleson, AZ 85353. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014 (602) 264-4891. Transporting (1) *meat and meat byproducts*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in CA, NV, UT, WA, OR, CO, NM and TX, and (2) *such commodities* as are dealt in or used by grocery, department, retail and discount stores, between points in AZ, on the one hand, and, on the other, points in CA, NV, UT, CO, NM and TX.

MC 156502, filed September 3, 1981. Applicant: McGREGOR CARTAGE COMPANY, INC. 6845 Dix, Detroit, MI 48209. 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 grocery stores, hardware stores and discount houses, between points in Wayne County, MI, on the one hand, and, on the other points in MI.

MC 158393, filed September 21, 1981. Applicant: ALMA TRANSPORTATION SERVICES, DIVISION OF ALMA DESK COMPANY, 1301 Lincoln Dr., High Point, NC 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014 (301) 986-1410. Transporting *metal products*, between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in NC, SC, TN, and VA.

Volume No. OPY-2-189

Decided: September 30, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 8022 (Sub-4), filed September 11, 1981. Applicant: M. KORSON & CO., INC., 91 Washington Street, Somerville, MA 02145. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109 (617) 523-2660. Transporting *commodities in bulk*, between points in MA and NY, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, OH, and MI.

MC 73533 (Sub-23), filed September 10, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 South Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same address as applicant) (301) 327-5800. Transporting *alcoholic beverages* between points in the U.S., under continuing contract(s) with Frederick P. Winner Ltd. of Baltimore, MD.

MC 107012 (Sub-739), filed September 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219-429-2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in the U.S.

MC 107012 (Sub-741), filed September 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representive: David D. Bishop (same address as applicant) 219-429-2110. Transporting *general commoodities* (except classes A and B explosives), between the facilities used by Foremost-MCKesson, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-744), filed September 22, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy, 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representive: Gerald A. Burns (same address as applicant) 219-429-2234. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Four-Phase Systems, Inc., of Cupertino, CA.

MC 112822 (Sub-492), filed September 22, 1981. Applicant: BRAY LINES INCORPORATED, 1401 North Little St., Cushing, OK 74023. Representive: Dwight E. Pilant (same address as applicant) 918-225-0365. Transporting *general commodities* (except classes A and B explosives), between the facilities of The Pillsbury Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 117872 (Sub-13), filed September 21, 1981. Applicant: A. JOSEPH AND COMPANY, 325 E. Woodrow Wilson Ave,. P.O. Box 4798, Jackson, MS 39205. Representive: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, 601-948-5711. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of reflective materials, between points in Rankin County, MS, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 135152 (Sub-53), filed September 21, 1981. Applicant: CASKET DISTRIBUTORS, INC., Rural Route 2, P.O. Box 327, West Harrison, IN 45030. Representive: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202, (513) 241-4037.Transporting *automobile and truck tires* between points in PA, KY and NC, on the one hand, and, on the other, points in the U.S.

MC 138882 (Sub-383), filed September 21, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC. P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant) 205-566-5184. Transporting *food and related products*, between points in Oswego County, NY, Rockingham County, NC, Butler County, OH, Milwaukee, WI, and Ft. Worth, TX, on the one hand, and, on the other, points in the U.S.

MC 141382 (Sub-8), filed September 14, 1981. Applicant: DON'S MOVING & DELIVERY SYSTEM, INC., 527 South Fremont, Janesville, WI 53545. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719 (608) 273-1003. Transporting *plastic products*, between the facilities owned or used by Onvoy Corporation and M. Holland Company, at points in the U.S., on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 142603 (Sub-56), filed September 21, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Tami L. Quinlan (same address as applicant) (413) 732-6283. Transporting *pulp, paper and related products* and *rubber and plastic products*, between points in the U.S., under continuing contract(s) with A-ROO Company, Inc., of Olmsted Falls, OH.

MC 142672 (Sub-181), filed September 14, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702 (501) 521-8121. Transporting *retail store fixtures* and *such commodities as are used in the manufacture of retail store fixtures*, between the facilities of Lozier Store Fixtures, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147312 (Sub-6), filed September 11, 1981. Applicant: DALOR TRANSIT, INC., 7520 West Ryan Rd., Franklin, WI

53132. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, 312-726-9722. Transporting *food and related products*, between the facilities of Ocean Spray Cranberries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148153 (Sub-3), filed September 11, 1981. Applicant: WALBON & COMPANY, INC. 3242 Old Highway 8, Minneapolis, MN 55418. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Edina, MN 55424, 612-927-8855. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of carpet and carpet installation materials, between points in Whitfield, Murray, Catoosa, Bartow, Gordon, Floyd, and Gilmer Counties, GA, Hamilton County, TN, and Dallas and Ft. Worth, TX, on the one hand, and, on the other, points in MN, WI, IL, IA, ND, SD, NE, and MT.

MC 148632 (Sub-8), filed September 14, 1981. Applicant: DIXON MOTOR FREIGHT, INC., 2620 Old Egg Harbor Road, Lindenwold, NJ 08021. Representative: Gary V. Dixon (same address as applicant) (609) 767-5885. Transporting *general commodities* (except classes A and B explosives), between the facilities utilized by Owens Corning Fiberglas Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149043 (Sub-5), filed September 11, 1981. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Drive, Dayton, OH 45141. Representative: N. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, VA 22030, 703-691-0900. Transporting *liquid sweeteners* (1) between points in OH, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, WI, and DC, (2) between points in NY, NJ, MD, PA, and VA, on the one hand, and, on the other, points in IN, IL, MI, MA, KY, WV, and TN, (3) between points in IL, on the one hand, and, on the other, points in IN, MI, KY, TN, IA, GA, MA, and WV, (4) between points in IN, on the one hand, and, on the other, points in MI, KY, TN, IA, GA, and MA, (5) between points in PA, on the one hand, and, on the other, points in NC, VA, MD, TN, and DC, and (6) between points in GA, on the one hand, and, on the other, points in WV, VA, TN, and KY.

MC 150972 (Sub-1), filed September 18, 1981. Applicant: EDWARD BRINK AND GLENN BRINK d.b.a. BRINK FARMS, A-5717 138th Ave., Holland, MI 49423. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So., 2nd St., Elkhart, IN 46516, 219-293-3597. Transporting *waste or scrap materials not identified by industry producing*, between points in Ottawa County, MI, on the one hand, and, on the other, points in IL, IN, IA, MO, OH, PA, and WI.

MC 151932 (Sub-1), filed September 10, 1981. Applicant: K & C TRUCKING CO., INC., P.O. Box 407, Glenwood, IL 60425. Representative: Paul J. Maton, 10 South La Salle St., Suite 1620, Chicago, IL 60603, 312-332-0905. Transporting *hazardous and non-hazardous waste materials*, between points in the U.S., under continuing contract(s) with S.E.T. Liquid Waste Systems, Inc., of Wheeling, IL. Condition: To the extent any permit issued in this proceeding authorizes the transportation of Hazardous materials, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 151932 (Sub-2), filed September 11, 1981. Applicant: K & C TRUCKING CO., INC., P.O. Box 407, Glenwood, IL 60425. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *clay, concrete, glass or stone products, metal products, waste or scrap meterials*, and *coal and coal products*, between points in the U.S., under continuing contract(s) with Penn-Dixie Steel Corporation, of Kokomo, IN.

MC 152773, filed September 22, 1981. Applicant: LEROY V. HILL AND ROBERT E. HILL, d.b.a. L. V. HILL TRUCKING, 123 North Second, Iola, KS 66749. Representative: Charles H. Apt, 104 South Washington, Iola, KS 66749, (316) 365-3161. Transporting *sand, scrap iron, foundry castings and products*, between points in KS, on the one hand, and, on the other, points in OK.

MC 155742, filed September 21, 1981. Applicant: COBB TRANSPORT COMPANY, INC., d.b.a. THE COBB COMPANY, 6122 North 76th St., Milwaukee, WI 53218. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *machinery* and *metal products*, between points in the U.S., under continuing contract(s) with Rose Company and Telsmith Division-Barber-Greene Co., both of Milwaukee, WI.

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Decided: October 1, 1981.

By the Commission, Review Board No. 2. Members Chandler, Fisher, and Williams.

W-505 (Sub-3), filed September 17, 1981. Applicant: PUGET SOUND FREIGHT LINES, 3720 Airport Way South, Seattle, WA 98134. Representative: James F. Walker (same address as applicant), (206) 623-1600. As a *water carrier*, transporting *general commodities* (except classes A and B explosives), between ports in WA, OR, and CA.

MC 10955 (Sub-16), filed September 25, 1981. Applicant: RENNER MOTOR LINES, INC., 1805 E. Market St., Akron, OH 44305. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and WI.

MC 107605 (Sub-29), filed September 23, 1981. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Rd., N.E., Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227-7731. Over *regular routes*, transporting *general commodities* (except classes A and B explosives), (1) between Minneapolis, MN and Duluth, MN, over Interstate Hwy 35, (2) between Duluth, MN and Williston, ND, over U.S. Hwy 2, (3) between Williston, ND and Deadwood, SD, over U.S. Hwy 85, (4) between Deadwood, SD and Sidney, NE, over U.S. Hwy 385, (5) between Fargo, ND and Belfield, ND, over Interstate Hwy 94, (6) between Bismark, ND and Oakley, KS, over U.S. Hwy 83, (7) between Pembina, ND and Kansas City, MO, over Interstate Hwy 29, (8) between LaCrosse, WI, and Spearfish, SD, over Interstate Hwy 90, (9) between Lincoln, NE and Sidney, NE, over Interstate Hwy 80, (10) between Chicago, IL and St. Louis, MO, over Interstate Hwy 55, (11) between Chicago, IL and the junction of Interstate Hwy 57 and Interstate Hwy 55, over Interstate Hwy 57, (12) between St. Louis, MO and Oakley, KS, over Interstate Hwy 70, (13) between St. Louis, MO and junction Interstate Hwy 55 and Interstate Hwy 40, over Interstate Hwy 55, (14) between St. Louis, MO and Oklahoma City, OK, over Interstate Hwy 44, (15) between Presho, SD and Clinton, OK, over U.S. Hwy 183, (16) between the junction Interstate Hwy 55 and Interstate Hwy 40 and Clinton, OK, over Interstate Hwy 40, (17) between Little Rock, AR and New Orleans, LA, over U.S. Hwy 167 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, LA, (18) serving all intermediate points in connection with routes (1) through (17) and (19) serving off-route points in ND, SD, NE, KS, OK, MN, IA, MO, AR, LA, WI and IL.

MC 107815 (Sub-11), filed September 23, 1981. Applicant: IOWA COACHES, INCORPORATED, 1180 E. Roosevelt Ext., Dubuque, IA 52001. Representative:

Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309, (515) 283–2076. Transporting *passengers and their baggage*, in the same vehicles with passengers, in charter and special operations, beginning and ending at points in IA, and extending to points in the U.S.

MC 116004 (Sub-65), filed September 18, 1981. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same address as applicant), (214) 438–2611. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Dallas, TX and Laredo, TX, from Dallas over Interstate Hwy 35E to junction Interstate Hwy 35, then over Interstate Hwy 35 to Laredo, and return over the same route, serving all points in Nueces and Victoria Counties, TX, as off-route points.

MC 116915 (Sub-148), filed September 24, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227–2254. Transporting *lumber and wood products*, between points in the U.S.

MC 116915 (Sub-149), filed September 24, 1981. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Route #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227–2254. Transporting *general commodities* (except classes A and B explosives), between points in Mobile County, AL, on the one hand, and, on the other, points in the U.S.

MC 125535 (Sub-33), filed September 25, 1981. Applicant: NATIONAL SERVICE LINES, INC., OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569–1161. Transporting *aluminum printing plates and sheets, gum solvents*, and *printing machinery*, between points in the U.S., under continuing contract(s) with Western Litho Plate, of St. Louis, MO.

MC 128075 (Sub-40), filed September 24, 1981. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *liquid commodities*, in bulk, between points in the U.S., under continuing contract(s) with A. E. Staley Manufacturing Company, of Decatur, IL.

MC 141094 (Sub-9), filed September 22, 1981. Applicant: ACME TRUCKING, INC., 109 E. Main St., Newark, OH 43055. Representative: Frank L. Calvary, 3066 North Star Rd., Columbus, OH 43221, (614) 459–4248. Transporting (1) *metal products*, between points in Grayson and Scott Counties, KY, on the one hand, and, on the other, points in the U.S., (2) *general commodities* (except classes A and B explosives), between points in Warren County, KY, on the one hand, and, on the other, points in the U.S., (3) *food and related products*, between Floyd, Clark and Harrison Counties, IN, Jefferson, Oldham and Bullitt Counties, KY, Franklin, Delaware, Union, Madison, Pickaway, Fairfield, Licking and Muskingum Counties, OH, and Love County, OK, on the one hand, and, on the other, points in the U.S., and (4) *pallets*, between points in the U.S.

MC 146844 (Sub-6), filed September 22, 1981. Applicant: NATIONAL TRUCK BROKERAGE, INC., d.b.a. HICKS MOTOR LINES, P.O. Box 176, Humboldt, TN 38343. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting (1) *food and related products*, (a) between points in TN and MS, on the one hand, and, on the other, points in the U.S., (b) between points in CA, on the one hand, and, on the other, points in the U.S., and (c) between Atlanta, GA, Clark County, SD, Franklin County, WA, Hubbard County, MN, Morgan County, IL, Grayson County, TX, and Green, Waupaca, and Dodge Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 147915 (Sub-5), filed September 24, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Blvd. and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between the facilities of Purex Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147915 (Sub-6), filed September 24, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Blvd. and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M St., N.W., Suite 501, Washington, DC 20036–4579, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between Philadelphia, PA, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing authority.

MC 150105 (Sub-1), filed September 23, 1981. Applicant: KING ASSOCIATED ENTERPRISES, LTD., P.O. Box 253, Butler, WI 53007. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *such commodities* as are dealt in by a manufacturer of wood products, between points in the U.S. under continuing contract(s) with Reclaimed Pallet Service, Inc., of Butler, WI.

MC 157064, filed September 25, 1981. Applicant: AL JACKSON'S TRUCKING, 3875 Newport Unit E, Denver, CO 80207. Representative: W. Allen Jackson (same address as applicant) (303) 399–6999. Transporting (1) *rubber and plastic products*, (2) *metal products* and (3) *machinery*, between points in the U.S., under continuing contract(s) with Packaging Systems International, Engbar Pipe & Steel Company, and Bateman Uranium Corporation & Bateman Coal Technology Corporation, all of Denver, CO.

MC 158314, filed September 21, 1981. Applicant: KAYES MOTOR SALES, INC., 29 S. Main St., Portville, NY 14770. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *wrecked, disabled, repossessed, abandoned motor vehicles*, and *replacement vehicles for such vehicles*, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29205 Filed 10-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-2-187]

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Decided: September 29, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request

and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant had demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. (Member Chandler not participating).

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7328.

MC 11592 (Sub-32), filed September 14, 1981. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW, Washington, DC 20036, (202) 223–5900. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) between points in the U.S.

MC 157782 (Sub-2), filed September 9, 1981. Applicant: DAVID C. BRITTON, P.O. Box 1404, Grand Forks, ND 58201. David C. Britton (same address as applicant) (701) 772–6681. (1) Transportation for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); and (2) As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158373, filed September 21, 1981. Applicant: KENNETH L. SALMONS, 7313 Pleasant Run, Scottsdale, AZ 85258. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158382, filed September 22, 1981. Applicant: PITTS TRUCKING COMPANY, R.R. #4, Box 822, Greencastle, IN 46135. Representative: Steven B. Pitts (same address as applicant), 317–653–3772. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-29204 Filed 10-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the 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–157

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 134806 (Sub-1–18–TA), filed September 17, 1981. Applicant: B–D–R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* Irregular routes: *Metal photo engraving plates,* from San Marcos, CA to points in MA, ME, NH, RI, VT, CT, NY and NJ under continuing contracts with NAPP Systems (USA) Incorporated, San Marcos, CA. Supporting shipper: NAPP Systems (USA) Incorporated, 360 South Pacific Avenue, San Marcos, CA 92069.

MC 155258 (Sub-1–1TA), filed September 21, 1981. Applicant: ALTON DELIVERY SERVICE CORP., 100 W. 43rd Street, New York, NY 10036.

Representative: John D. Heffner, Esq., Pepper & Corazzini, 1776 K Street, NW., Suite 700, Washington, D.C. 20006. *Contract carrier:* irregular routes: *Magazines,* from Mattoon and Chicago, IL to all points in GA, NC, SC, FL, TN, NY and NJ, under continuing contract(s) with Conde Nast Publications, New York, NY. Supporting shipper: Conde Nast Publications, 350 Madison Ave., New York, NY 10017.

MC 94635 (Sub-1–2TA), filed September 22, 1981. Applicant: INTERSTATE SAND & GRAVEL TRANSPORTATION, INC., 717 Elmer Street, Vineland, NJ 08360. Representative: Terrance D. Jones, 2033 K Street, N.W., Washington, D.C. 20006. *Contract carrier:* irregular routes: *Coal and coal products* from Tremont, Sheridan and Minersville, PA to Camden, NJ under continuing contract(s) with Donaldson Coal Co., Tremont, PA. Supporting shipper: Donaldson Coal Co., P.O. Box 66, Tremont, PA 17981.

MC 158361 (Sub-1–1TA), filed September 21, 1981. Applicant: G. F. C. FOAM CORPORATION d.b.a. GENERAL FOAM CORPORATION, West 100 Century Road, Paramus, NJ 07652. Representative: Kenneth M. Piken, Esq., Piken & Piken, P.C., Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374–4565. *Contract carrier:* irregular routes: *Paper and related products* between Wayne County, OH and Lake County, IN, on the one hand, and, on the other, Bristol, Lancaster, Allentown, PA, Patterson, Jersey City, NJ and New Paltz, NY, under continuing contract(s) with Packaging Corporation of America, Evanston, IL. Supporting shipper: Packaging Corporation of America, 1603 Orrington Ave., Evanston, IL 60204.

MC 158314 (Sub-1–1TA), filed September 18, 1981. Applicant: KAYES MOTOR SALES, INC., 29 S. Main Street, Portville, NY 14770. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580. *Wrecked, disabled, inoperative, repossessed, abandoned motor vehicles, and replacement vehicles for such vehicles,* between points in and east of MN, IA, MO, AR, and LA. Supporting shipper(s): Eldred Division of Ethan Allen, Inc., Eldred, PA 16731; Fibercel Corporation, 46 Brooklyn St., Portville, NY 14770.

MC 143127 (Sub-1–32TA), filed September 21, 1981. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Applicant: Catherine Jablonski (same as applicant). *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives and hazardous waste),* between points in the U.S. under continuing contract(s) with Xerox Corporation of Rochester, NY. Supporting shipper: Xerox Corporation, Joseph C. Wilson Center of Technology, Rochester, NY 14644.

MC 142603 (Sub-1–25TA), filed September 22, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Tami L. Quinlan (same as applicant). *Contract carrier:* irregular routes: *Paper products-Class 55 and plastic poly bags-Class 60* to all points in the U.S. under continuing contract(s) with the A-Roo Company, Olmsted Falls, OH. Supporting shipper: A-Roo Company, 24596 Bagley Road, Olmsted Falls, OH 44138.

MC 151307 (Sub-1–1TA), filed September 22, 1981. Applicant: TREFFLE & REID LeCLERC, 246 Tobique Road, Grand Falls, New Brunswick, CD E0J 1M0. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04111. *Passengers and their baggage in round trip charter operations* beginning and ending at points in Aroostook County, ME and extending to the U.S./CD border in ME. Supporting shipper: Caribou Rotary Club, 9 South St., Caribou, ME 04736; Fort Fairfield Lions Club, Dorsey Rd., Fort Fairfield, ME 04742; Limestone-Caswell Senior Citizens, Main St., Limestone, ME 04750.

MC 156510 (Sub-1–3TA), filed September 17, 1981. Applicant: J LINE, INC., P.O. Box 21, Gibson Hill Rd., Green, RI 02897. Representative: Howard L. Feldman, 506 Industrial Bank Bldg., Providence, RI 02903. *Contract carrier:* irregular routes: *General commodities (usual exceptions)* from Plainfield, CT to points in the U.S. (except AK and HI) under continuing contract(s) with Pervel Industries, Plainfield, CT. Supporting shipper: Pervel Industries, Plainfield Street, Plainfield, CT 06374.

MC 157152 (Sub-1–1TA), filed September 23, 1981. Applicant: TRIPP LANDCRUISE CORPORATION, 99 Pleasant Street, Northampton, MA 01060. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Passengers and their baggage in special and charter operations,* beginning and ending at points in Hampshire, Hampden and Franklin Counties, MA, and extending to points in the U.S., restricted to services arranged and/or procured by Tripp Associates, Ltd., a Broker of Motor Carrier Passenger Transportation authorized by the I.C.C. pursuant to MC–130998.

MC 154631 (Sub-1–8TA), filed September 24, 1981. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket, RI 02895. *Contract carrier:* irregular routes: *(1) Plastic articles, (except in bulk)* from Shawnee, OK, Stratford, CT and Washington, NJ to points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA WV, WI and *(2) Materials, equipment and supplies used in the manufacture, distribution and sale of plastic articles* from the above-named destinations to the above-named origins, under continuing contract(s) with Mobil Chemical Company, Plastics Division, of Macedon, NY. Supporting shipper: Mobil Chemical Company, Plastics Divisions, Macedon, NY 14502.

MC 158363 (Sub-1–1TA), filed September 17, 1981. Applicant: JOHN R. GUNN, P.O. Box 31, Mount Stewart, Prince Edward Island, CD C0A 1T0. Representative: F. H. Henderson, Inc., Bangor International Airport, P.O. Box 614, Bangor ME 04401. *Contract carrier:* irregular routes: Manufactured fish plant equipment (machinery and metal products) for and on behalf of Charlottetown Metal Products Limited and Island Metal Fabricators Ltd. from the International Boundary points of entry between CD and the U.S., being Calais, ME, to Portland, ME; Gloucester, Boston, and Bedford, MA, and Norfolk, VA and return with damaged or defective parts, under continuing contract(s) with Charlottetown Metal Products, Ltd., Charlottetown Metal Products, Ltd., Charlottetown, P.E.I., CD; Island Metal Fabricators, Ltd., Charlottetown, P.E.I. Supporting shipper(s): Charlottetown Metal Products, Ltd., P.O. Box 323, Charlottetown, P.E.I., CD; Island Metal Fabricators, Ltd., West Royalty Industrial Par, Charlottetown, P.E.I., CD C1E 1B0.

MC 142603 (Sub-1–24TA), filed September 16, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Tami L. Quinlan (same as applicant). *Contract carrier:* irregular routes: *Commodities as dealt in or used by manufacturing or distributor of sound, communication, educational and entertainment commodities* to all points in the U.S. under continuing contract(s) with the CBS Division of CBS, Inc., of New York, NY. Supporting shipper: CBS, Inc., 51 West 52 Street, New York, NY 10019.

MC 157409 (Sub-1–1TA), filed September 16, 1981. Applicant: ARNEYTOWN TRUCKING, INC., 215

Miami Avenue, Trenton, NJ 08610. Representative: Thomas E. Carroll, Pres. (same as applicant). *Contract carrier:* irregular routes: *Metals and metal products, returned materials and supplies* between points of plant sites of Cambridge Lee Industries Warehouses east of the Mississippi River under continuing contract(s) with Cambridge Lee Industries, Inc. of New Brunswick, NJ. Supporting shipper: Cambridge Lee Industries, Inc., 475 Jersey Avenue, New Brunswick, NJ 08903.

MC 128866 (Sub-1–3TA), filed September 23, 1981. Applicant: B & B TRUCKING, INC., P.O. Box 2830, Cresson Road & I–295, Cherry Hill, NJ 08030. Representative: James A. Caulfield, Esquire, 4801 Massachusetts Ave., N.W., Suite 400, Washington, D.C. 20016. *Contract carrier:* irregular routes: *Scrap aluminum* from plant sites in Searcy and Atkins, AR; Fisherville, VA; Deerfield, IL; and Cherry Hill, NJ on the one hand, and, on the other to Terre Haute, IN under continuing contract(s) with Penny Plate, Inc., Haddonfield, NJ. Supporting shipper: Penny Plate, Inc., P.O. Box 3003, Haddonfield, NJ 08033.

MC 158285 (Sub-1–1TA), filed September 16, 1981. Applicant: THERMO-MATIC CORP., Howl Cavernf Road, P.O. Box 640, Cobleskill, NY 12043. Representative: Harold O. Orlofske, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Contract carrier;* irregular routes: *(1) Metal products* between Kent County, MI on the one hand, and, on the other, points in CO, IL, IN, MA, MN, and NY under continuing contract(s) with Le Fleur Distributing of Grand Rapids, MI; *(2) Rubber products, machinery, concrete products, and transportation equipment* between Kent County, MI on the one hand, and, on the other points in NJ, NY, TN, VA, WI, and WV under continuing contract(s) with American Supaflu Systems of Grand Rapids, MI; *(3) Metal products, machinery, electrical machinery, concrete products and equipment, materials, and supplies used in the manufacture and distributing of the above listed commodities* between Schoharie County, NY and Montgomery County, IL on the one hand, and, on the other, points in CO, IL, IN, MA, MI, MN, NV, PA, and TN under continuing contract(s) with National Stove Works of Cobleskill, NY; *(4) Rubber products, machinery, electrical machinery, and concrete products* between Schoharie County, NY on the one hand, and, on the other, points in MD, ME, NH, NJ, RI, TN and WI under continuing contract(s) with National Supaflu Systems of Cobleskill, NY. Supporting shipper(s): Le Fleur Distributing, 4629 Clyde Park, SW, Grand Rapids, MI 49509; American Supaflu Systems, Inc., 4629 Clyde Park, SW, Grand Rapids, MI 49509; National Stove Works, Inc., P.O. Box 640 Cobleskill, NY 12043; National Supaflu Systems, Inc., P.O. Box 640, Cobleskill, NY 12043.

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 151277 (Sub-II–2TA), filed September 18, 1981. Applicant: COCHRAN TRANSPORTATION SERVICE, INC., 75 Grosvenor St., Athens, OH 45701. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Tire molds and general machined parts,* between the facilities of Athens Boring and Milling Co., Inc. at Athens, OH, on the one hand, and, on the other, points in IL, IN and PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Athens Boring and Milling Co., Inc., Mill St., Athens, OH 45701.

MC 141878 (Sub-II–5TA), filed September 21, 1981. Applicant: DIRECT COURIER, INC., 6310 C Gravel Ave., Fleet Industrial Park, Alexandria, VA 22310. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Live laboratory animals,* from Kingston, NY; Wilmington, MA; and Newfield, NJ to points in OH, IN, IL, MO, KS, KY, and MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Charles River Breeding Laboratories, Inc., 251 Ballardvale St., Wilmington, MA 01887.

MC 158327 (Sub-1TA), filed September 21, 1981. Applicant: EASTERN CONSOLIDATION & DISTRIBUTION SERVICES, INC., P.O. Box 3157, Shiremanstown, PA 17011. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *General Commodities* (except Classes A & B explosives) between Cumberland County, PA on the one hand, and, on the other, points in PA, MD, NJ, and NY for 270 days. Supporting shippers: (1) Oxford Chemicals, Inc., P.O. Box 80202, Atlanta, GA 30366; (2) Intertherm, Inc., 10820 Sunset Office Drive, St Louis, MO 63127; (3) Stainless Ice-Tainer Co., P.O. Box 1327, San Antonio, TX 78295; (4) Dubois Chemicals, Division of Chemed Corp., Dubois Towers, Cincinnati, OH 45202.

MC 140889 (Sub-II–22TA), filed September 21, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Igantius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Contract, irregular: *General commodities (except Classes A and B explosives)* from Los Angles County, CA to Cincinnati, OH; Chicago, IL and Dallas, TX, under a continuing contract(s) with Ajax-Nutone Div., Schovill Manufacturing Co., for 270 days. Supporting shipper(s): Ajax Nutone Div., Scovill Manufacturing Co., 825 S. Ajax Ave., City of Indstury, CA 91749.

MC 136343 (Sub-II–28TA), filed September 22, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108–1166. *Food and related products* from the facilities of Jack's Cookie Company, Inc. at Tampa, FL, to points in the U.S. in and east of MN, IA, MO, AR, and LA for 270 days. Supporting shipper: Jack's Cookie Company, Inc., P.O. Box 11477, Tampa, FL 33680.

MC 107012 (Sub-II–192TA), filed September 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). (1) *Machinery and parts and accessories for machinery* from Lexington, TN to points in the U.S., and (2) *Parts, materials, and supplies for machinery,* from points in and east of ND, SD, NE, KS, OK, and TX to Lexington, TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gilson Brothers Co., Highway 57, P.O. Box 152, Plymouth, WI 53073.

MC 107012 (Sub-II–193TA), filed September 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Horticultural Products* between Boston, MA, Charleston, SC, West Chicago, IL, and Bayonne, NJ, on the one hand, and, on the other, points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: JPA, 1400 Harvester Road, West Chicago, IL 60185.

MC 158202 (Sub-II–1TA), filed September 14, 1981. Applicant: PARSEC, INC., 1100 Gest Street, Cincinnati, OH 45203. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract carrier:* Irregular routes: Such *Commodities as are dealt in or used by manufacturers of games and toys, and materials, equipment and supplies, used in their manufacture, packaging and distribution,* between the facilities of Kenner Products Company, Division of C.P.G. Products Corp., in Hamilton County, OH, on the one hand, and, on the other, points in

Jeffersontown, Henderson and Richmond, KY; Crawfordsville, Evansville and Hayden, IN; and Girard and Erie, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Kenner Products Co., 2940 Highland Ave., Cincinnati, OH 45212.

MC 142359 (Sub-II–4TA), filed September 22, 1981. Applicant: PORT EAST TRANSFER, INC., Pulaski Highway & 68th St., Baltimore, MD 21237. Representative: Mel P. Booker, Jr., 110 S. Columbus St., P.O. Box 1281, Alexandria, VA 22313. *General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) in containers or trailers,* between Boston, MA and New York, NY and points in their commercial zones, restricted to traffic having an immediately prior subsequent movement by water or rail for 270 days. Supporting shipper: United States Lines, Inc., 27 Commerce Dr., Cranford, NJ 07016.

MC 150724 (Sub-II–4TA), filed September 16, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, 340 Victoria Rd., P.O. Box 4145, Youngstown, OH 44515. Representative: Andrew J. Burkholder, 275 E. State St., Columbus, OH 43215. *Metal products,* between Trumbull County, OH, on the one hand, and, on the other, Broward County, FL. An underlying ETA seeks 120 days authority. Supporting shipper(s): Syro Steel Co., 1170 N. State St., Girard, OH 44420.

MC 134427 (Sub-II–1TA), filed September 21, 1981. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, VA 22701. Representative: Frank B. Hand, Jr., 523 South Cameron St., Winchester, VA 22601. *Contract; irregular: Flour, in bulk,* from Barksdale, MD and Martin's Creek, PA to Culpeper, VA, under continuing contract(s) with Seaboard Allied Milling Corp., Culpeper, VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Seaboard Allied Milling Corp., P.O. Box 917, Culpeper, VA 22701.

MC 128672 (Sub-II–2TA), filed September 22, 1981. Applicant: TIMBER TRUCKING CO., INC., P.O. Box 231, Ripley, WV 25271. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Contract; Irregular: Iron and steel articles and Mercer commodities,* between points in WV on the one hand, and, on the other, points in KY, MD, MO, NC, OH, PA, SC, TX, VA, and WV for 270 days, under continuing contract(s) with Pennzoil Co., Trojan Steel Co., and Dickirson Corp., Supporting shipper(s): Dickirson Corp., P.O. Box 750, Ripley, WV 25271; Trojan Steel Co., 1414 MacCorkle Ave., SW., Charleston, WV 25302; Pennzoil Co., 601 Grand Central Ave., Parkersburg, WV 26102–1588.

MC 150214 (Sub-II–5TA), filed September 23, 1981. Applicant: J. N. CARR TRANSPORT, INC., 351 Market Street, Espy, PA 17815. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Food or kindred products and materials, equipment and supplies used in the manufacture and distribution of food or kindred products* between Cedartown, GA, Plainfield, IL and Tampa, FL on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Zartic Meats and Seafood, Inc., 808 West Avenue, Cedartown, GA 30125.

MC 113666 (Sub-II–22TA), filed September 23, 1981. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road., P.O. Drawer A., Freeport, PA 16229–0301. Representative: R. Scott Mahood (same as applicant). *Magnetite, flyash, flyash products and flyash by-products, in bulk and in bags,* From Syracuse, NY and Masontown, PA, to points in KY, MD, OH, PA, VA and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Halomet, Inc., P.O. Box 127, Syracuse, NY 13214–0127.

MC 158386 (Sub-II–1TA), filed September 22, 1981. Applicant: HAB-NAB TRUCKING, INC., 218 High St., Box 921, Seaford, DE 19973. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Fertilizer,* between Bridgeville, DE; Baltimore, MD; and Norfolk, VA on the one hand, and, on the other, points in MD, NJ and VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Royster Co., P.O. Box 127, Bridgeville, DE 19933.

MC 140464 (Sub-II–2TA), filed September 23, 1981. Applicant: NORTHERN STEEL TRANSPORT CO., 6041 Benore Rd., Toledo, OH 43612. Representative: Michael M. Briley, Esq., P.O. Box 2088, Toledo, OH 43603. *Metal Products,* between Erie and Wayne Counties, NY on the one hand, and, on the other, points in MI, OH and PA, for 270 days. Supporting shippers: (1) Doral Steel, Inc., 404 S. Reynolds Rd., Toledo, OH 43615; (2) Alpha Tube Corporation, P.O. Box 7472, Toledo, OH 43615.

MC 158017 (Sub-II–1TA), filed September 22, 1981. Applicant: P & P TRUCKING CORPORATION, 335 S. Forest Hill Dr., Austintown, OH 44515. Representative: Edwin Romero, 407 Legal Arts Centre, Youngstown, OH 44503–1748. Contract, irregular: *Iron and steel articles* (1) from Aliquippa, PA; Sparrows Point, MD; Perth Amboy, NJ to Youngstown, OH; (2) from Cuyahoga Falls, OH; Sparrows Point, MD; Perth Amboy, NJ; Youngstown, OH to Butler, PA; and (3) from Youngstown, OH to St. Louis, MO and Chattanooga, TN, under continuing contract(s) with Ohio Steel & Wire, Inc. of Youngstown, OH. Supporting shipper(s): Ohio Steel & Wire, Inc., 1640 Wilson Ave., Youngstown, OH 44506.

MC 158105 (Sub-II–1TA), filed September 22, 1981. Applicant: TIPTON TRUCKING CO., INC., 25 South Heald St., Wilmington, DE 19801. Representative: Nicholas J. Scafidi, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106. *Contract; irregular:* (1) *Bulk fuel (#1, 2, 4, 5, 6 Diesel Oil) commodities in tank vehicles,* from Philadelphia, Allentown, Chester and Coatesville, PA; Wilmington and Delaware City, DE; and Bel Air, MD to pts. in PA, DE, NJ, MD, VA and DC, under continuing contract(s) with K. F. Oil Co., F. C. Haab Oil Co., Terroco, Inc., Thermo Oil Co. and Roarda Co.; and (2) *Lumber and wood products (preserved wood, 4 x 4's),* from Culpeper, VA to pts. in MD, PA, NJ, NY, NH, VT, DE, CT, and ME, under continuing contract(s) with Culpeper Wood Preservers, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There ae six supporting shippers. Their statements may be examined at the ICC Regional Offce in Philadelphia, PA.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–4TA), filed September 22, 1981. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *(1) New intermodal cargo containers and (2) parts, supplies and materials used in the manufacture of intermodal cargo containers,* from Whitehall, NY, to Cook, Dupage, Lake and Will Counties, IL and Porter County, IN. Supporting Shipper: Trans-Global Container Corporation, Division of Rotterdam Ventures, Inc., Box 98, Buckley Rd., Whitehall, NY 12887.

MC 105159 (Sub-4–18TA), filed September 24, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 W. Main St., Red Wing, MN 55006. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Tires, tubes and batteries* from Leavenworth, KS and Findlay and

Columbus, OH to points in IA, IL, MN, ND, SD and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Battery & Tire Warehouse, Inc., 625 N. Fairview Ave., St. Paul, MN 55104.

MC 106674 (Sub-4-46TA), filed September 22, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Cleaning and Washing Compounds, Soap Products, Textile Softeners, Toilet Preparations, Mouthwash and Materials, Equipment and Supplies used in distribution thereof* between Byhalia, MS, on the one hand, and, on the other, points in DE, IL, IN, GA, KY, MD, MI, MO, NJ, NY, NC, OH, PA, TN, VA and WV. An underlying ETA seeks 120 days authority. Supporting shipper: Lever Brothers Company, Lever House, 390 Park Ave., New York, NY 10022.

MC 114241 (Sub-4-3), filed September 24, 1981. Applicant: C. T. HERTZSCH, INC., Speed, IN 47172. Representative: Louis B. Hartlage, P.O. Box 35750, Louisville, KY 40232. *Contract;* irregular: Transporting Glazed Structural Tile, Brick & Related Articles between points in IN, KY, OH, and TN under continuing contract(s) with L. Thorn Company, Inc. of New Albany, IN and Modern Concrete Company of Louisville, KY. Supporting shippers: L. Thorn Co., Inc., 6000 Grantline Rd., New Albany, IN and Modern Concrete, 2323 Ralph Ave., Louisville, KY.

MC 123980 (Sub-4-3TA), filed September 21, 1981. Applicant: MANDUS R. OLSON, 2148 Bunker Lake Boulevard NW., Anoka, MN 55303. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Tool boxes and hand tools,* from the facilities of Matco Tool Corp. at or near Tallmadge, OH to points in IL and MI. Supporting shipper: Matco Tool Corp., 124 W. Ave., Tallmadge, OH 44278.

MC 134518 (Sub-4-2TA), filed September 22, 1981. Applicant: CHEESE HAULING, INC., P.O. Box 1973, Bismarck, ND 58501. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Glass bottles,* from Streator, IL, to Mandan, ND. Supporting shipper: Central Bottling, P.O. Box 717, Bismarck, ND 58501.

MC 142001 (Sub-4-2TA), filed September 24, 1981. Applicant: RITE-GUY HAULING, INC., 7124 S. Hill Road, Deforest, WI 53532. Representative: Michael J. Wyngaard, 150 E. Gilman, Madison, WI 53703. *Commodities in bulk* from the facilities of Illinois Power Co., at or near Baldwin, East St. Louis, and Alton, IL to IA. Underlying ETA seeks 120 days authority. Supporting shipper: National Mineral Corp., 27th St. and 5th Ave., South, Fargo, ND 58102.

MC 1423305 (Sub-4-5 TA), filed September 22, 1981. Applicant: WISCONSIN EXPRESS LINES, INC., Route 2, Green Bay, WI 54301. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *food and related products* from the facilities of Giorgio Foods, Inc., at or near Temple, PA, to points in IA, IL, IN, MI, MN, MO, NE, OH, and WI, under a continuing contract with Giorgio Foods, Inc. Supporting shipper: Giorgio Foods, Inc., P.O. Box 96, Temple, PA, 19560.

MC 147008 (Sub-4-2 TA), filed September 21, 1981. Applicant: ALABERT NEAL WEBBER, JR., d.b.a. A. N. WEBBER, P.O. Box 95, Chebanse, IL 60922. Representative: Joel H. Steiner, 39 S. LaSalle, Suite 600, Chicago, IL 60603. *Metal products and machinery,* between the facilities of or utilized by Roper Corp. at Bradley, Chicago and Kankakee, IL; Chattanooga, and Knoxville, TN; Lafayette, McRae, Swainsboro, Atlanta, and Macon, GA; Orangeburg, SC; Williamsburg, KY; Nogales, AZ; Columbia and Hagerstown, MD; Dallas, TX; and Harrisburg, PA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Roper Corp., 1905 W. Court 60901, Kankakee, IL 60901.

MC 147008 (Sub-4-3 TA), filed September 21, 1981. Applicant: ALBERT NEAL WEBBER, JR., d.b.a. A. N. WEBBER, P.O. Box 95, Chebanse, IL 60922. Representative: Joel H. Steiner, 39 S. LaSalle , Suite 600, Chicago, IL 60603. *Metal products and machinery,* between points in the U.S. Supporting shippers: There are 6 supporting shippers

MC 147039 (Sub-4-13 TA), filed September 24, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Road, Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *Automotive parts, materials, accessories, and supplies used in the manufacture of automotive parts and automotive vehicles* between Laredo, Texas on the one hand, and, on the other, points in CA, FL, GA, KY, IL, IN, MN, MO, NJ, PA, TN, and WI. Supporting shipper: Ford Motor Company, One Parklane Blvd., Suite 200 East, Dearborn, MI.

MC 147039 (Sub-4-14 TA), filed September 24, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Road, Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *Automotive parts, materials, accessories, and supplies used in the manufacture of automotive parts and automotive vehicles* between points in Texas on the one hand, and, on the other, points in CA, FL, GA, KY, IL, IN, MN, MO, NJ, PA, TN, and WI. Supporting shipper: Ford Motor Company, Dearborn, MI 48126.

MC 149497 (Sub-4-20TA), filed September 24, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman, P.O. Box 1023, Wausau, WI 54401, 715-359-2907. *Contract* irregular: *General Commodities (except classes A and B explosives)* between points in the U.S. (except Akano Hi), under continuing contract with Jessco Incorporated. Supporting shipper: Jessco Incorporated, 202 Spalding Street, Dowagiac, MI 49407.

MC 150358 (Sub-4-3), filed September 23, 1981. Applicant: RICHARD R. KROHN, d.b.a. NORTHWEST DELIVERY SERVICE, 4060 Trenton Ave., North, Plymouth, MN 55441. Representative: Grant J. Meritt, 4444 IDS Center, Minneapolis, MN 55402. *Food and related products* from Minneapolis-St. Paul, MN to points in IA, KS, MN, and MO. Supporting shipper: Gourmet Foods, Inc., 860 Vandalia St., St. Paul, MN 55114. An underlying ETA was granted effective August 28, 1981.

MC 152935 (Sub-4-8TA), filed September 21, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham, Hillenbrand Industries, Inc., Highway 46, Batesville, IN 47006. *Contract Carrier,* irregular routes: *Steel storage cabinets and book cases* between Richmond Hill, NY and points in Dayton and Middletown, OH; Indianapolis, IN; Lexington and Louisville, KY; and Pittsburgh, PA for 270 days. An underlying ETA has been granted for 120 days operating authority. Supporting shipper: Raymac Cabinet Company, Inc. of 87-49 130th St., Richmond Hill, NY 11418.

MC 154928 (Sub-4-2TA), filed September 22, 1981. Applicant: KNUTE TRUCKING, INC., P.O. Box 198 (Hillcrest), Rochelle, IL 61068. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract;* irregular: *Malt beverages,* from Longview, TX, and Winston-Salem, NC, to Rockford, IL, under a continuing contract(s) with Domino Distributing Co., Inc., of Rockford, IL. Supporting shipper: Domino Distributing Co., Inc., 5136 27th Ave., Rockford, IL 61109.

MC 155742 (Sub-4-3TA), filed September 22, 1981. Applicant: COBB TRANSPORT COMPANY, INC. d.b.a.

THE COBB COMPANY, 6122 North 76th Street, Milwaukee, WI 53218. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Such commodities as are dealt in or used by a manufacturer of metal and rubber products* between the facilities of the Kelley Company, Inc., at Milwaukee, WI, on the one hand, and, on the other points in the U.S., under continuing contract(s) with the Kelley Company, Inc. Supporting shipper: Kelley Company, Inc., 6720 N. Teutonia Ave., Milwaukee, WI, 53209.

MC 156705 (Sub-4–2TA), filed September 21, 1981. Applicant: ROYALE AMERICAN MOTOR LINE, INC., 5580 W. 95th St., Indianapolis, IN 46268. Representative: Charles E. Mayer (same as above). *Mobile support. Delivery and material handling vehicles, and all parts and supplies used in the manufacture and distribution of such vehicles* between all points in the U.S. Supporting shipper: Reid-Holcomb Co., Inc., 5580 W. 96th St., Indianapolis, In 46268.

MC 156908 (Sub-4–2TA), filed September 24, 1981. Applicant: AMTRANS, INC., P.O. Box 04704, Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract;* irregular: *(1) fruit juices, fruit drinks, oleomargarine, and fixtures, and exempt agricultural commodities,* in mixed loads with the above commodities, from facilities of Cedarburg Dairy, Inc., in WI, to points in IL south of IL Hwy 17, and points in IA and IN; and *(2) materials, equipment, and supplies* used in the production and distribution of the commodities named in (1), above, from points in IL south of IL Hwy 17, and points in IA and IN, to the facilities of Cedarburg Dairy, Inc., in WI; under continuing contract(s) with Cedarburg Dairy, Inc., Supporting shipper: Cedarburg Dairy, Inc., W55 N155 McKinley Blvd., Cedarburg, WI 53012.

MC 157688 (Sub-4–2TA), filed September 21, 1981. Applicant: TRANS COASTAL TRANSPORTATION, INC., 619 Old Meadow Road, Matteson, IL 60443. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Lamb and lamb by-products* from Denver, CO to points in the U.S., restricted to the transportation of traffic originating at or destined to the facilities of Denver Lamb Company. Supporting shipper: Denver Lamb Company, 4900 Clarkson St., Denver, CO 80216.

MC 157701 (Sub-4–1TA), filed September 21, 1981. Applicant: HEARNEN BROS., TRUCKING, R.R. #1, Conde, SD 57434. Representative: John C. Wiles, P.O. Box 235, Watertown, SD 57201. *Non-alcoholic beverages and mineral water* in containers; between points in Minneapolis, MN to points in Aberdeen, SD. Supporting shipper: Pepsi-Cola Bottling Co. of Aberdeen, 11 North State, Aberdeen, SD.

MC 157760 (Sub-4–1TA), filed August 25, 1981. Applicant: PROFESSIONAL COACH DELIVERIES, INC., P.O. Box 15223, Milwaukee, WI 53515. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703–3279. *Busses,* in initial driveaway movements, between Los Angeles County, CA and points in WA, KY, CO, OR, and IL. Supporting shipper: Crown Coach Corporation, 2428 E. 12th St., Los Angeles, CA 90021.

MC 157909 (Sub-4–1TA), filed August 24, 1981. Applicant: MIDLAND RAIL WATER TRANSPORT, INC., 4511 S. Kedzie, Chicago, IL. Representative: Irwin Rozner, 134 N. LaSalle, Chicago, IL 60602. *Contract* irregular: *Commodities general* having a prior or subsequent movement by rail or water, between points in continental U.S. An underlying ETA was filed. Supporting shippers: Cofco, Inc., 6 W. Busse, Mt. Prospect, IL, and Transrail, Inc., 1499 Bay Shore, Burlingame, CA.

MC 157926 (Sub-4–2TA), filed September 22, 1981. Applicant: SPARHAWK TRUCKING, INC., 130 25th Avenue South, Wisconsin Rapids, WI 54494. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Such commodities as are dealt in or used by manufacturers, converters and printers of paper, paper products and plastic products* between Adams, Appleton, Biron, Stevens Point, and Wisconsin Rapids, WI, on the one hand, and, on the other, points in CA, CO, FL, GA, IA, IL, KS, MI, MO, OH, OK, TN, TX and UT. Authority sought for 270 days. Supporting shipper: Consolidated Papers, Inc., 231 N. First Ave., Wisconsin Rapids, WI 54494.

MC 158125 (Sub-4–2), filed September 21, 1981. Applicant: KEITH D. HUNT, d.b.a. HUNT TRUCKING, 210 E. State St., Plankinton, SD 57368. Representative: Thomas J. Simmons, 5301 North Cliff Ave., P.O. Box 480, Sioux Falls, SD 57101, (605) 339–3629. *Contract* irregular: *Lumber and wood products, and metal products,* between points in the US, under contract with Gary Biskenborn, Chamberlain, SD; Roger Lee, Carthage, SD; and Orin Jensen, Dexter, MN. An underlying ETA seeks 120 days authority. Supporting shippers: Gary Biskenborn, Chamberlain, SD 57325; Roger Lee, Carthage, SD 57323; Orin Jensen, Dexter, MN 55926.

MC 158319 (Sub-4–1), filed September 21, 1981. Applicant: GREAT LAKES BUS COMPANY, INC., 2701 Cass, Detroit, MI 48201. Representative: Major Finch III (same as above). Passengers and their baggage, in charter operations, between points in MI, IN, OH, on the one hand, and on the other all points U.S.A. Supporting shippers: There are 5 statements of support attached. An underlying ETA seeks 120 days authority.

MC 158340 (Sub-4–3), filed September 24, 1981. Applicant: M AND M TRANSIT COMPANY, 5630 W. 65th St., Chicago, IL 60638. Representative: Marva Bernas (same as above). *Contract* irregular: *palletized composite cans, metal ends, paper rolls, sheet steel, tin, and all materials, equipment and supplies used in the manufacturing, sale and distribution of the above commodities* from Itasca, IL to various points, in OH, IN, WI, and MI. "An underlying ETA seeks 120 days authority." Supporting shippers: Com-Can Company Inc., 800 E. Hollywood Ave., Itasca, IL 60143.

MC 158340 (Sub-4–4), filed September 24, 1981. Applicant: M AND M TRANSIT COMPANY, 5630 W. 65th St., Chicago, IL 60638. Representative: Marva Bernas (same as above). *Contract;* irregular: *Folding paper boxes KDF, Sheets, Rolls of paper and all Alton's finished products. All materials, equipment and supplies used in the manufacturing sale and distribution of Alton's commodities* between Chicago, IL and various points in OH, IN, WI, and MI. "An underlying ETA seeks 120 days authority." Supporting shipper: Alton Box Board Company Inc., 6550 S. Lavergne Ave., Chicago, IL 60638.

MC 158342 (Sub-4–1TA), filed September 21, 1981. Applicant: C & D EXCHANGE, INC., Tower City, ND 58071. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract;* irregular: *Anhydrous ammonia* from the facilities of Farmland Industries, Inc. at or near Barnesville, MN to points in Barnes County, ND, under continuing contract(s) with Ever Green Cooperative, of Tower City, ND. Supporting shipper: Ever Green Cooperative, Tower City, ND 58071.

MC 158348 (Sub-4–1), filed September 21, 1981. Applicant: JRX TRUCKING, INC., 9328 S. Central, Oak Lawn, IL 60453. Representative: John T. O'Connell, Attorney at Law, 521 S. LaGrange Road, LaGrange, IL 60525. *Fabricated metal products, cabinets, corrugated containers and aerosol products* from Chicago Commercial

Zone to Dallas, TX on the one hand, and, on the other hand from Dallas, TX and Houston, TX to St. Louis, MO, Kansas City, MO, Milwaukee, WI, Indianapolis, IN and Chicago, IL. Supporting shipper: KAR Products, Inc., 1641 W. Glenlake, Itasca, IL 60143. An underlying ETA seeks 120 days authority.

MC 158355 (Sub-4-1TA), filed September 21, 1981. Applicant: F. A. R. CARTAGE CO., 5 N 038 Middle Creek Lane, St. Charles, IL 60174. Representative: James O'Grady, 9735 Sumac Rd., Des Plaines, IL 60016. *General Commodities, in containers or trailers, having prior or subsequent movement by rail, water, or air, (except classes A & B explosives, commodities in bulk, and used household goods)* between the commercial zone of Chicago, IL as defined, on the one hand, and, on the other, points in IL, MN, OH, IA, MI, WI, IN, MO, and TN. Supporting shipper: Nettles & Company, 9801 W. Higgins, Rosemont, IL 60018.

MC 158357 (Sub-4-2TA), filed September 22, 1981. Applicant: LEONARD ZERNONE, d.b.a. MEKIMLEN TRUCKING COMPANY, 1028 South Walnut, Arlington Heights, IL 60005. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603, 312/782-8880. *Metal and metal products* between Chicago, IL and its commercial zone, on the one hand, and, on the other, points in IN, WI, IA, OH, MN, MI, NJ, and PA. Supporting shippers: Cox Metals, Inc., 1919 West 74th Street, Chicago, IL 60636; and Lawndale Steel, Inc., 350 West Pershing Road, Chicago, IL 60609.

MC 158399 (Sub-4-1TA), filed September 22, 1981. Applicant: KARL K. KOTTER, d.b.a. METROPOLIS READY-MIX CONCRETE COMPANY, 100 Yasoda Street, Metropolis, IL 62960. Representative: Karl K. Kotter (same as applicant). *Salt in bulk*, from Metropolis, IL to points in KY on and west of U.S. Highway No. 65. Supporting shipper: Cargill Salt, P.O. Box 9300/Dept. 21, Minneapolis, MN 55440.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 136291 (Sub-3-2TA), filed September 21, 1981. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). Contract: irregular; *auto parts and zinc die castings* from Warren, MI and Toledo, OH to Bowling Green, KY; Paris, TN; and Water Valley, MS under continuing contract(s) with Holley Carburetor Division of Colt Industries Operating Corporation. Supporting Shipper: Holly Carburetor Division of Colt Industries Operating Corporation, 11955 East Nine Mile Road, Warren, MI 48090.

MC 154103 (Sub-3-11TA), filed August 27, 1981. Republication—originally published in the **Federal Register** of 09-10-81, page 45214, volume 46, No. 175. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Copper, brass or tin anodes*, from the facilities of Univertical Corp. at Detroit, MI, on the one hand, and, on the other, to points in the U.S. in and east of ND, SD, NE, OK, KS, TX. Supporting shipper: Univertical Corp., 14841 Meyers Road, Detroit, MI 48827.

MC 158415 (Sub-3-1TA), filed September 23, 1981. Applicant: NEWPORT YELLOW CAB, INC., 136 East Fifth Street, Newport, KY 41071. Representative: Harry D. Rankin, Professional Arts Building, N.W.C. Fourth and Madison, Covington, KY 41011. *Contract carrier irregular routes. Consolidated Rail Corporation (Conrail) personnel and their equipment* between the Cincinnati Terminal Area and locations along Conrail's right of way in the states of KY, OH, and IN North of I-64. Supporting shipper: Consolidated Rail Corporation 1528 Walnut Street, Philadelphia, PA 19102.

MC 149133 (Sub-3-17TA), filed September 16, 1981. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, Post Office Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same as above). *Contract carrier:* irregular: *Such commodities as are dealt in by drug, variety and food stores, and material, supplies and equipment (except commodities in bulk) used by a manufacturer of such commodities;* from the facilities of Lever Brothers Company located at Hammond, IN, St. Louis, MO, Memphis, TN and Chicago, IL to points in the states of MD and GA, restricted to service performed under a continuing contract or contracts with Lever Brothers Company of New York, New York. Supporting shipper: Lever Brothers Company, 390 Park Avenue, NY, NY 10022.

MC 157367 (Sub-3-1TA), filed September 22, 1981. Applicant: OILEX TANK LINES, INC., P.O. Box 2087, Sebastian, FL 32958. Representative: Mr. Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *Refined petroleum products in bulk and in packages* between the facilities of Truck World, Inc. located in IN, MI, OH, PA, and WV. Supporting shipper: Truck World, Inc., 6984 Truck World Blvd., Hubbard, OH 44425.

MC 156615 (Sub-3-3TA), filed September 22, 1981. Applicant: LAWSON LINES, INC., 170 Hillsdale Drive, Fayetteville, GA 30214. Representative: John E. Lee (same as above). *Food and related products* between Atlanta, GA and the states of FL, IL, IA, KS, NY, MI, OH, PA, SC, and TX. Supporting shipper: Hi-Brands Food, Inc., P.O. Box 204-A, Peachtree City, GA 30269.

MC 111936 (Sub-3-2TA), filed September 22, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. *Tillers, heaters, lawn mowers, and garden supplies*, from points in AL, Lawrence County, TN, and Atlanta, GA to Matthews, NC. Supporting shipper: Furlong Distributors, Inc., P.O. Box 1916, Matthews, NC 28105.

MC 155394 (Sub-3-3TA), filed September 22, 1981. Applicant: LANIER EXPRESS, INC., 2275 Highway 54 West, Fayetteville, GA 30214. Representative: Edward J. Kiley, 1730 M. St., N.W., Suite 501, Washington, DC 20036. *Capacitors, and all related articles used in manufacturing of same; also company materials* between the plant sites of Union Carbide at Greenville, SC, Columbus, GA and Brownsville, TX. Supporting shipper: Union Carbide, P.O. Box 5928, Greenville, SC 29606.

MC 15312 (Sub-3-2TA), filed September 23, 1981. Applicant: KENNETH L. HORTON, 30 Peach Valley Drive, Spartanburg, SC 29303. Representative: Allan F. Carter, d.b.a. CAC Associates, P.O. Box 476, Ellenwood, GA 30049. *Contract:* Irregular: *Packaged roofing asphalt*, between points in AL, FL, GA, MS, NC, SC, TN under continuing contract(s) with King Hardware Company. Supporting shipper: King Hardware Company, P.O. Box 276, Douglasville, GA 30133.

MC 151463 (Sub-3-2TA), filed September 23, 1981. Applicant: BIGBEE TRANSPORTATION, INC., P.O. Box 32, Columbus, MS 39701. Representative: Norman J. Philion, 1920 N Street, N.W., Washington, D.C. 20036. *Beer*, from Golden, CO to Columbus and Tupelo, MS. Supporting Shipper: Old South Coor's Inc., P.O. Box 622, Columbus, MS 39701.

MC 155115 (Sub-3-3TA), filed September 22, 1981. Applicant: ANDERSON ARMORED CAR SERVICE,

INC., P.O. Box 244, Anderson, SC 29622. Representative: Richard C. Otter, P.O. Box 273, Anderson, SC 29622. *Contract:* Irregular: *Precious metals and machinery components made from precious metals* between plant facilities of Reichhold Chemicals, Inc. located at Nashville, TN and plant facilities of Owens-Corning Fiberglas Corporation located at Anderson, SC. Supporting shipper: Reichhold Chemicals, Inc., 525 N. Broadway, White Plains, NY 10603.

MC 150221 (Sub-3-6TA), filed September 22, 1981. Applicant: CENTRAL SOUTHERN, INC., P.O. Box 375, Drayton, S.C. 29333. Representative: Kermit D. Williams, P.O. Box 375, Drayton, S.C. 29333. *Steel Barrels, Liquid capacity exceeding 5 gallons, Auto Body Parts and Accessories, Sheet Steel, and Materials, Equipment, and Supplies used in the manufacture thereof,* between points in FL, GA, AL, SC, NC, TN, VA, WV, KY, MD, DE, PA, NJ, NY, CT, MA, RI, OH, IN, IL, MI, and WI. Supporting shipper: Firestone Steel Products Company, P.O. Box 5587, Spartanburg, S.C. 29304.

MC 148202 (Sub-3-6TA), filed September 22, 1981. Applicant: K & W ENTERPRISES, INC., 6223 Triport Ct., Greensboro, NC 27414. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303. *Contract,* irregular: *Synthetic Fiber yarn and raw yarn,* between Yadkin and Lenoir Counties, NC on the one hand, and, on the other, points in SC, GA, AL, FL, VA and PA under continuing contract(s) with Unifi, Inc. Supporting shipper: Unifi, Inc., P.O. Box 698, Yadkinville, NC 37055.

MC 144776 (Sub-3-5TA), filed September 22, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner Street, SW, Atlanta, GA 30310. Representative: Virgil H. Smith, 74 Highway N. Box 245, Tyrone, GA 30290. *Electric storage batteries, materials, equipment and supplies used in the manufacture, distribution and sale thereof,* between the facilities of Douglas Battery Mfg. Co., at Winston-Salem, NC on the one hand and points in the U.S. (except AK & HI) on the other hand. Supporting Shipper: Douglas Battery Mfg. Co., 500 Battery Drive, Winston-Salem, NC 27167.

MC 150938 (Sub-3-2TA), filed September 22, 1981. Applicant: NORMAN GRUBB LEASING, INC., 2018 Bethel Dr., High Point, NC 27260. Representative: Archie W. Andrews, 617 E. Lynrock Terrace, Eden, NC 27288. *New furniture* between points in NC, on the one hand, and, on the other, points in NJ, NY and PA. Supporting shippers: Cramco, Inc., 2200 E. Ann St., Philadelphia, PA 19134; Raleigh Office Supply, Inc., P.O. Box 2060, Raleigh, NC 27602; United Laboratories Company, 801 E. Linden Avenue, P.O. Box 184, Linden, NJ 07036.

MC 125037 (Sub-3-17TA), filed September 22, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Salt and salt products;* from the facilities of Cargill, Incorporated at Breaux Bridge, LA to points in AL and MS. Supporting Shipper: Cargill, Incorporated—Salt Division, P.O. Box 5621, Minneapolis, MN 55440.

MC 158365 (Sub-3-1TA), filed September 21, 1981. Applicant: J & L SERVICES, INC., 122 West Central Avenue, Lake Wales, FL 33853. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. *General commodities (except Classes A & B explosives, household goods as defined by the Commission and commodities in bulk),* between the facilities of Scott Paper Company at points in the U.S., on the one hand, and, on the other, all points in the U.S. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 140417 (Sub-3-1TA), filed September 21, 1981. Applicant: THOMAS MOBILE HOME REPAIR & SALES SERVICE, INC., 955 Farr Road, Columbus, GA 31903. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. *Mobile homes and component parts, when shipped with mobile homes,* between Muscogee, Chattahoochee and Harris Counties, GA, on the one hand, and, on the other, Russell, Lee, Barbour, Macon, Bullock, Chambers, Montgomery, Henry, Pike, Dale, Houston, Monroe and Tallapoosa, Counties, AL. Supporting shippers, Sun Dance Furniture and Mobile Homes, 2500 Victory Dr., Columbus, GA 31903; Environs Mobile Home Sales, 5414 Old Dominion Rd., Columbus, GA 31908; International Credit Corporation, 863 Burns Circle, Lilburn, GA 30247.

MC 158364 (Sub-3-1TA), filed September 21, 1981. Applicant: RUTH EQUIPMENT AND SUPPLY COMPANY, Rt. 2, Box 100, Ashland, KY 41101. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract carrier:* Irregular routes: *Coal* between the facilities of Ruth Contracting Corp., in Elliott, Boyd, Greenup, Carter and Lawrence Counties, KY, on the one hand, and, on the other, points in Lawrence and Scioto Counties, OH and Wayne and Cabell Counties, WV. Supporting shipper: Ruth Contracting Corp., Rt. 2, Box 100, Ashland, KY 41101.

MC 111936 (Sub-3-11TA), filed September 23, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Paper products, candy, institutional foods,* and *janitorial supplies,* from points in GA, IL, IN, MI, OH, SC, TN and WI to points in NC. Supporting shipper: Davidson Wholesale Company, P.O. Box 128, Thomasville, NC 27360.

MC 158414 (Sub-3-1TA), filed September 23, 1981. Applicant: HUB TRUCKING, INC., P.O. Box 190, Wedowee, AL 36278. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35021-0217. (1) *Carpet Backing, Synthetic Yarn and Synthetic Bagging Fabric,* from Roanoke, AL, Bainbridge, GA, Hazlehurst, GA and Nashville, GA, to points in AR, CA, ID, IL, IN, MO, OK, OR, TX and WA; (2) *Pre-cut Log Buildings, Components, Materials and Supplies,* from Cohutta, GA, to points in AR, FL, IL, LA, MI, NC, OH, PA, SC, TN, TX, and WV; (3) *Wrought Iron Furniture,* from Wadley, AL, to points in DC, IL, MD, MA, MO, NC, OH, SC and VA; (4) *Metal Products,* from East Alton, IL, Sterling, IL, Atlanta, GA, Tampa, FL and Louisville, KY, to Wadley, AL. Supporting shippers: Amoco Fabrics Company, P.O. Box 836, Hazelhurst, GA, 31539, Logcrafters, Inc., P.O. Box 400, Cohutta, GA, 30710 and Craft House Casuals, Inc., P.O. Box 50, Wadley, AL 36276.

MC 158416 (Sub-3-1TA), filed September 22, 1981. Applicant: MISSION TRANSPORT OF KINGS MOUNTAIN, INC., Post Office Box 1326, Kings Mountain, NC 28086. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract;* irregular; *glass fiber products,* from Lexington and Shelby, NC, to points in OR, WA, CA, AZ, NM, NV, ID, MT, WY, and CO, under continuing contract with PPG Industries, Inc. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15221.

MC 142629 (Sub-3-2TA), filed September 22, 1981. Applicant: ED HOPSON PRODUCE CO., INC., P.O. Box 3287, Oxford, AL 36203. Representative: John W. Cooper, Attorney, P.O. Box 56, Mentone, AL 35984, (205) 634-4885. *Contract* Carrier; Irregular: *Pipe, Pipe Fittings, Valves and Accessories and Material, Equipment and Supplies* between the facilities of U.S. Pipe & Foundry Co., a division of

Jim Walters Corp. located at Bessemer and Birmingham, AL and all points in the U.S. except AK and HI under continuing contracts with U.S. Pipe & Foundry Co. Supporting shipper: U.S. Pipe & Foundry Co., a division of Jim Walters Corp., 3300 1st Ave. No., Birmingham, AL 35222.

MC 157976 (Sub-3–1TA), filed September 22, 1981. Applicant: CAROLINA CARRIER'S, INC., P.O. Box 338, Durham, NC 27702. Representative: Ralph McDonald, Attorney at Law, P.O. Box 2246, Raleigh, NC 27602. *Petroleum, natural gas and their products* from Charlotte, Fayetteville, Greensboro, Selma and Wilmington, NC to points in SC. Supporting shipper(s): Scotland Oil Company, P.O. Box 337, Laurel Hill, NC 28351.

MC 118420 (Sub-3–1TA), filed September 22, 1981. Applicant: BULLDOG TRUCKING OF GEORGIA, INC., P.O. Box 555, Carnesville, GA 30521. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Suite 1200, Atlanta, GA 30303. *Animal feed, pallets and materials and supplies used in the manufacture, sale and distribution of animal feed,* between Franklin County, GA, on the one hand, and, on the other hand, points in LA, MS, AL, TN, KY, NC, SC, VA and MD. Supporting shipper: Delite Feeds, Inc., 301 Railroad St., Royston, GA 30662.

MC 146265 (Sub-3–1TA), filed September 22, 1981. Applicant: JAMES L. ENGLAND, d.b.a. JIM ENGLAND TRUCKING, P.O. Box 5483, Huntsville, AL 35805. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, N.E., Atlanta, GA 30309. *Contract* carrier, *irregular* routes, *flue dust,* from Beverly, OH to Huntsville, AL under a continuing contract with Plant-Roberts Chemicals, a partnership. Supporting shipper: Plant-Roberts Chemicals, a Partnership, Box 2112, Huntsville, AL 35804.

MC 147402 (Sub-3–1TA), filed September 22, 1981. Applicant: WACO DRIVERS SERVICE, INC., 138 Atando Avenue, Charlotte, NC 28206. Representatives: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Contract carrier,* irregular routes; *General commmodities (except classes A and B explosives, commodities in bulk and used household goods),* between points in the U.S. (except AK and HI) under continuing contract(s) with Charlotte Freight Association, Incorporated of Charlotte, NC. Supporting shipper: Charlotte Freight Association, Incorporated 2508 Stariter Road, Charlotte, NC 28213.

MC 145855 (Sub-3–3TA), filed September 21, 1981. Applicant: JOHN RAY TRUCKING, INC., P.O. Box 206, Estaboga, AL 35260. Representative: John W. Cooper, Attorney, P.O. Box 56, Menton, AL 35984, (205) 634–4885. *Contract carrier,* irregular routes, *(1) Pipe, Pipe Fittings and Accessories from the Divisions of McWane, Inc. in Provo, UT and Phillipsburg, NJ to all points in the U.S. except AK and HI (2) Materials, Equipment and Supplies used or utilized in the manufacture and shipping thereof* from the destination points to the points of origin under continuing contracts with the Divisions of McWane, Inc. Supporting shippers: Atlantic States Cast Iron Pipe Co., 183 Setgreaves, Phillipsburg, NJ 08865. Pacific States Cast Iron Pipe Co., P.O. Box 1219, Provo, UT 84601.

MC 158411 (Sub-3–1TA), filed September 22, 1981. Applicant: GOODE TRUCKING COMPANY, INC., 280 Kapp Street, P.O. Box N–84, Winston-Salem, N.C. 27105. Representative: William Thomas Goode (same address as applicant). *Yearbooks and other printed matter, and material and supplies used in manufacture, printing and assembling of yearbooks.* Between points in Forsyth County, N.C. and points in the U.S. Supporting shipper, Hunter Publishing Co., 2505 Empire Drive, Winston-Salem, N.C. 27103.

MC 140025 (Sub-3–4TA), filed September 21, 1981. Applicant: L & T, INC., 2650 West Beaver Street, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract* carrier: irregular: *General Commodities (except Classes A & B Explosives),* between points in the U.S. under continuing contract with Bill Rivers Corp. Supporting shipper: Bill Rivers Corp., 5311 Doolittle Road, Jacksonville, FL 32205.

MC 107934 (Sub-3–19TA), filed September 18, 1981. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, N.W., Washington, DC 20004. *Cotton and cotton blend yarns* from points in NC to points in AL, GA, KY, SC and TN. Supporting shipper(s): Parkdale Mills, Inc., P.O. Box 1787, Gastonia, NC 28052.

MC 157749 (Sub-3–1TA), filed September 21, 1981. Applicant: ALL AMERICAN TOWING SERVICES, INC., 7950 "C" Street, Millington, TN 38053. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103–0140. *Wrecked or disabled transportation equipment* between Shelby County, TN, AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MO, MN, MS, NC, OH, OK, PA, SC, TX, VA and WV. Supporting shipper(s): There are eight statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 128771 (Sub-3–1TA), filed September 21, 1981. Applicant: GOODMAN COMPANY, INC., P.O. Box 195, Glasgow, KY 42141. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *General Commodities, (except Classes A & B explosives)* Between points in Warren County, KY, on the one hand, and, on the other, points in Adair, Allen, Barren, Edmonson, Green, Hardin, Monroe, and Taylor Counties, KY, restricted to shipments having a prior or subsequent movement by rail. Supporting shipper(s): R. R. Donnelley & Sons Co., Donnelley Drive, Glasgow, KY 42141. General Electric Co., U.S. Highway 31–E, Scottsville, KY 42164. Dollar General Corporation, 427 Beech St., Scottsville, KY 42164. Union Underwear Company, Inc., #1 Fruit of the Loom Drive, Bowling Green, KY 42101.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 158308 (Sub-3–1TA), filed September 24, 1981. Applicant: ALL SOUTH FREIGHT SYSTEMS, INC., 1014 Sampler Way, East Point, GA 30344. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *General Commodities (except Classes A and B explosives),* between points in Clayton, Cobb, Dekalb, Fulton and Gwinnett Counties, GA, on the one hand, and, on the other, points in the state of FL. Supporting shippers: There are ten supporting statements appended to the application, which may be examined at the Interstate Commerce Commission's Regional Office, Atlanta, GA.

MC 158303 (Sub-3–1TA), filed September 24, 1981. Applicant: C & R FREIGHT SERVICES, INC., Brookley Industrial Complex, 1900–A S. Broad St., Unit D, Mobile, Alabama 36615. Representative: F. Lee Champion, III, Champion & Champion, P.O. Box 2525, Columbus, Georgia 31902. *(1) glass beads, used for sandblasting, machinery and machinery parts, metal pressroll machinery and parts, made of iron, steel, plastic or fiber; (2) machinery, equipment, materials, tools, drills, iron or steel sheets, bolts, screws, nails, and other materials and supplies used in the repairing or construction of ocean-going vessels; (3) blueprints, printed matter, plastic articles, fiberglass, and other*

materials used in the equipping and outfitting of ocean-going vessels; (4) microfilm, x-ray film and hospital records and chemicals used in the processing of microfilm and x-ray film; (5) metal, glass or plastic testing materials, equipment and supplies, including valves, gauges, thermostats, traps, instrument controls and tubing, between Mobile, AL, on the one hand, and on the other, the states of AL, AR, FL, GA, LA, MS, NC, OK, SC, TN and TX. There are six support statements attached to this application which may be examined at the ICC Regional Office in Atlanta, Georgia.

MC 114334 (Sub-3–26TA), filed September 26, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *(1) iron and steel articles and (2a) scrap metals including crushed cars and (2b) materials and supplies (except in bulk) and equipment used in or in connection with production and manufacture of iron and steel articles* between points in TX, on the one hand, and points in OK, MO, OH, IN, AR, IL, LA and TX. Supporting shipper: Chapparal Steel Company, P.O. Box 1100 Midlothian, TX 76065.

MC 158428 (Sub-3–1TA), filed September 24, 1981. Applicant: ROBIN HOOD OIL CO., INC., P.O. Box 7070, Benson, NC 27504. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. *Transportation equipment and petroleum products,* between points in Johnston, Harnett, Wake, and Durham Counties, NC, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA. Supporting shipper(s): Warren Oil Co., P.O. Box 251, Dunn, NC 28334; Auto Parts and Tires Warehouse, Inc., 101 West Divine Street, Dunn, NC 28334; and Cooper Kenworth, Inc., P.O. Box 1396, Durham, NC 27701.

MC 158453 (Sub-3–1TA), filed September 24, 1981. Applicant: EDDIE P. CARTER, d.b.a. CARTER TRUCKING CO., Rt. 3, Box 147–H, Ninety, Six, SC 29666. Representative: William B. Patrick, Jr., Post Office Box 1207, Greenwood, SC 29646. *Lumber, plywood, sawdust and shavings* between points in GA, NC, SC and TN. Supporting shippers: Boyd's Lumber Company, Inc., Rt. 2, Box 42, Newberry, SC 29108; Curtis Lumber Company, Inc., P.O. Box 146, Johnston, SC 29832; Sumter Hardwood Co., Div. of Korn Ind., P.O. Box 100, Sumter, SC 29150; Holmes Lumber Co., Inc., P.O. Box 879, Newberry, SC 29108.

MC 134247 (Sub-3–2TA), filed September 24, 1981. Applicant: SEVERANCE TRUCK LINES, INC., P.O. Box 1630, Lake City, FL 32055. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract;* irregular; *General Commodities (except commodities in bulk and Classes A and B explosives),* between points in the U.S. under continuing contracts with Distribution Services of America of Boston, MA and United Freight, Inc. of Morrow, GA. Supporting shippers: Distribution Services of America, 666 Summer Street, Boston, MA 02210 and United Freight, Inc., 1620 Southern Road, Morrow, GA 30260.

MC 136709 (Sub-3–1TA), filed September 24, 1981. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A–71, Laurinburg, NC 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602. *Petroleum and petroleum products in bulk in tank vehicles and petroleum products in packages or drums* between points in Scotland, Mecklenburg, New Hanover, Guilford, Cumberland and Johnston Counties, NC, and points in NC, SC, GA, VA, PA, NY, AL, OK. Supporting shipper: Harris Petroleum Company, P.O. Box 586, Laurinburg, NC 28352.

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 52460 (Sub-5–44TA), filed September 21, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., Tulsa, OK 74107. *Aviation Gasoline in bulk* between points in NM, OK, & TX. Supporting shipper: Tech Jet, P.O. Box 4, Love Field Terminal Bldg., Dallas, TX.

MC 53965 (Sub-5–12TA), filed September 21, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Avenue, 26th Floor, Detroit, MI 48226. Common; Regular. *General Commodities (except classes A & B explosives),* serving points in Roger Mills County, OK as off-route points in connection with carrier's regular route operations. Applicant intends to tack and interline. Supporting shipper: Diamond Shamrock Corporation, Box 631, Amarillo, TX 79105.

MC 99746 (Sub-5–1TA), filed September 21, 1981. Applicant: JEFFERSON TRUCK LINE, INC., 725 Girod St., New Orleans, LA 70130. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Steel pipe,* from Panama City, Fl, to points in the U.S. Supporting shipper: Berg Steel Pipe Corporation, P.O. Box 2029, Panama City, FL 32401.

MC 116949 (Sub-5–2TA), filed September 22, 1981. Applicant: BURNS TRUCKING, INC., Rural Route 1, Box 304, So. Sioux City, NE 69886. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Contract Irregular; *Trailer Shells* from the Commercial Zone of Sioux City, IA, to the U.S.-Canada boundary line at or near Emerson, ND. Supporting shipper: Wilson Trailer Company, Sioux City, IA 51107.

MC 117119 (Sub-5–59TA), filed September 21, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Such commodities as are dealt in or used by retail stores (except commodities in bulk)* between points in GA, SC, NC, FL, IA, NE, IN on the one hand, and, on the other, points in the U.S. (except AK & HI), restricted to traffic originating at or destined to facilities of Wal-Mart Stores, Inc., Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 134547 (Sub-5–4TA), filed September 21, 1981. Applicant: BILBO TRANSPORT, INC., 2722 Singleton Blvd., Dallas, TX 75212. Representative: Mark H. Fetzer (address same as above). Contract: Irregular (1) *Trusses* between Ft. Worth, TX, and Morrilton, AR; Oka, AR, and Oklahoma City, OK, under a continuing contract with: Trussway Barns, Inc., P.O. Box 125, Hurst, TX 76053.

MC 145113 (Sub-5–2TA), filed September 22, 1981. Applicant: PLANTATION FOODS, INC., P.O. Box 887, Waco, TX 76703. Representative: Nelson M. "Mike" Davidson, Jr., P.O. Box 1148, Austin, TX 78767. Contract, Irregular; (1) *Bottle carrying cartons, can carrying cartons, paperboard, O/T corrugated boxes, folding boxes, KDF, pulpboard, store display racks, store display stands, plastic film, plastic sheeting, partitions, signs, and machinery,* from points in GA to points in AR, LA, MS, OK, and TX, under continuing contract(s) with Mead Packaging of Atlanta, GA. (2) *Christmas tree light strings, Christmas ornaments, and boxes,* from points in NY to points in TX, under continuing contract(s) with New York Merchandise Company of New York, NY. (3) *Steel strapping, non-metallic strapping, staples, and stiching wire,* from points in PA, IL, and NY, to

points in TX and AR, under continuing contract(s) with Delta Strapping Corporation of Longview, TX.

MC 147196 (Sub-5–26TA), filed September 21, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse (same address as above). Contract: Irregular, *General Commodities,* between Orleans Parish, LA, Harrison County, TX, Mobile County, AL, Galveston County, TX on the one hand, and, on the other, the 48 states, under a continuing contract or contracts with the W. R. Zanes & Co. of LA., Inc., New Orleans, LA.

MC 147632 (Sub-5–5TA), filed September 17, 1981. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440–0496. *Automotive and machinery parts, and materials, equipment and supplies as are dealt in or used by auto parts stores,* between Harris County, TX, on the one hand, and, on the other, Denver, CO; Omaha, NE; Great Bend, KS; St. Louis, and Kansas City, MO; Des Monies, IA; Minneapolis and St. Paul, MN; Charlotte, NC; Atlanta, GA; Winchester, VA; Harrisburg and Philadelphia, PA; Hauppauge and Albany, NY and Hartford, CT. Supporting shipper: APS, Inc., Houston, TX.

MC 147969 (Sub-5–8TA), filed September 21, 1981. Applicant: JOE S. BOWEN, INC., Post Office Box 262, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Artificial Christmas Trees; Portable Ice Chests; Plastic Swimming Pools and Materials, Equipment and Supplies used in the manufacture thereof*—Between the facilities of Prairie Industries, Inc., in Boone County, IN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Prairie Industries, Inc., 320 North Patterson, Lebanon, IN 46052.

MC 150592 (Sub-5–12TA), filed September 22, 1981. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 561, 12th & Academy, York, NE 68467. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Pulp, paper, and allied products,* between McMinn County, TN, on the one hand, and, on the other, pts in IL, IA, KS, MN, MO, NE, OK, AND WI. Supporting shipper: Bowater Southern Paper Company, Calhoun, TN 37309.

MC 151637 (Sub-5–8TA), filed September 21, 1981. Applicant: LARRY BREEDEN TRUCKING, INC., 1301 Fayaetteville Road, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Paper and Paper Products and Materials, Equipment and Supplies used in the manufacture and distribution thereof*—Between the facilities of Champion International Corporation, at or near, Ft. Smith, AR—To points in MO, OK, TX and TN. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

MC 152136 (Sub-5–3TA), filed September 21, 1981. Applicant: DANE TRUCKING & CARTAGE COMPANY, P.O. Box 7506, Ft. Worth, TX 76111. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *General Commodities, (except classes A and B explosives, or hazardous materials)* between Palestine, TX on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to the facilities of Wal-Mart Stores, Inc. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR.

MC 156142 (Sub-5–3TA), filed September 22, 1981. Applicant: HARBISON-REED TRANSPORT, INC., P.O. Box 10067, Jefferson, LA 70181. Representative: Billy R. Reid, 1721 Carl Street, Forth Worth, TX 76103. *Cooking and vegetable oils, in containers, and materials, equipment and supplies* used in the manufacture and distribution of such commodities, between St. Landry Parish, LA, on the one hand, and, on the other points in the U.S. in and east of MN, IA, NE, CO and NM. Supporting shipper: Lou Ana Foods, Inc., P.O. Box 591, Opelousas, LA 70570.

MC 158343 (Sub-5–1TA), filed September 21, 1981. Applicant: CHRIS CAMPBELL TRUCKING, INC., 1702 15th St., Woodward, OK 73801. Representative: Michael H. Lennox, P.O. Box 75613, Oklahoma City, OK 73147. *Oilfield Equipment, Materials and Supplies; Drilling Mud,* between OK, KS, TX. Supporting shipper: Dowell Fluid Service, Box 726, Seiling, OK 73663.

MC 158350 (Sub-5–1TA), filed September 21, 1981. Applicant: SMITH TRUCKING CO., Rural Route No. 1, Lecompton, Kansas 66050. Representative: William J. Smith (same as applicant). Contract: irregular *cranes and aerial devices and the materials and supplies used in their manufacture,* Between Grandview, MO, on the one hand, and all points and places within the continental U.S. on the other. Supporting shipper: Pitman Mfg. Co., 3rd. & Duck Rd., Grandview, MO 64030.

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 155432 (Sub-6–1TA), filed September 21, 1981. Applicant: ALLISON INCORPORATED, 9917 Portland Ave., Tacoma, WA 98445. Representative: Gerald Meyer (same as applicant). *Hazardous waste material* from points in WA to points in OR and CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chemical Waste Management Inc., 1127—10th Ave., East, Seattle, WA 98102.

MC 158037 (Sub-6–1TA), filed September 17, 1981. Applicant: ALMAC OF ARIZONA, INC., d.b.a. ADVANCE MOVING & STORAGE, 2831 W. Indian School Rd., Phoenix, AZ 85017. Representative: Stanford E. Lerch, 650 N. Second Ave., Phoenix, AZ 85003. *Contract Carrier,* irregular route: *equipment, materials, supplies, records* and *other property* of The Mountain States Telephone and Telegraph Company (including *used, damaged* or *defective equipment, materials, supplies* and *property* used by the Company) in construction, servicing and communication systems under continuous contract with The Mountain States Telephone and Telegraph Company, between points in AZ, NM and El Paso County, TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Mountain States Telephone and Telegraph Company, 4215 N. 38th Dr., Phoenix, AZ 85019.

MC 151311 (Sub-6–2TA), filed September 16, 1981. Applicant: BEVERAGE DISTRIBUTORS, INC., P.O. Box 366, Yakima, WA 98907. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Malt beverages* from King County (Kent), WA to Yakima, Moses Lake, Ellensburg and Kennewick, WA for 270 days. An underlying ETA seeks 120 days authority. Restricted to shipments having a prior movement by rail. Supporting Shippers: R&R Beverage Company, 501 South 2nd Avenue, Yakima, WA 98902; Tri-Cities Beverage, Inc., 201 North Cedar, Kennewick, WA 99336; Maul Petroleum Ltd., d.b.a. Midway Beverage & Supply, P.O. Drawer 400, Moses Lake, WA 98837; and Jansen Distributing Co., 415 North Railroad Avenue, Ellensburg, WA 98926.

MC 134387 (Sub-6–27TA), filed September 19, 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. *Insulating*

materials, between points in Mesa County, CO, on the one hand, and, on the other, points in UT, WY, MT, ID, OR, WA, CA, AZ, NM, NV, ND, SD, NE, KS, OK and TX, for 270 days. Supporting shipper: Pabco Insulation, Div. of Louisiana Pacific Corp., 1110 16 Road, Fruita, CO 81521.

MC 143660 (Sub-6–2TA), filed August 10, 1981. Applicant: CENTURY SERVICES, INC., 2838 Kilihau St., Honolulu, HI 96819. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract*, irregular, *Such commodities as are dealt in or used by retail department stores*, Between marion County, IN, on the one hand, and, on the other, points in IN; Champaign, IL, Louisville, KY, Portage, MI, and points in Defiance, Paulding, Van Wert, and Williams Counties, OH. Restricted to traffic moving under a contract or continuing contracts with J.C. Penney Co., Inc., for 270 days. Supporting shipper: J. C. Penney Co., Inc., 8001 Woodland Drive, Indianapolis, IN 46278. An underlying ETA seeks 120 days authority.

MC 42487 (Sub-6–65TA), filed September 21, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Contract Carrier*, irregular routes: *Foodstuffs and Pet Foods* and *materials, equipment and supplies* used or useful in the manufacture, sale and distribution of such commodities, from Denver, CO to Naperville, IL, Memphis, TN, Kansas City, MO and Toledo, OH, for 270 days. Supporting shipper(s): Nabisco, Inc., East Hanover, NJ 07936.

MC 145102 (Sub-6–15TA), filed September 17, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 S Union Ave., Bakersfield, CA 93307. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Contract carrier; irregular routes: Such commodities as are dealt in or used by retail merchandise stores and grocery stores* from points in the U.S. to facilities utilized by Smitty's Super Valu, Inc., at or near Phoenix, AZ, under continuing contract(s) with Smitty's Super Valu, Inc., Phoenix, AZ, for 270 days. Supporting shipper: Smitty's Super Valu, Inc., 2626 S 7th St., Phoenix AZ 85034.

MC 133779 (Sub-6–4TA), filed September 17, 1981. Applicant: FUNDIS COMPANY, 110 W. Broadway, Lovelock, NV 89419. Representative: Pete Fundis, POB 740, Lovelock, NV 89419. *General Commodities*, between CA and points in NV north of and on U.S. Hwy 6 for 270 days. Supporting shippers: There are 8 shippers. Their statements may be examined at the Regional Office listed.

MC 123061 (Sub-6–2TA), filed September 18, 1981. Applicant: LEATHAN BROTHERS INC., P.O.B. 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way, Salt Lake City, UT 84108. *Diatomaceous Earth products*, from the facilities of Eagle-Picher located in Pershing and Storey counties NV to points in CA for 270 days. Supporting shippers: Eagle-Picher Industries, Inc., P.O.B. 12130, Reno, NV 89519.

MC 158347 (Sub-6–1TA), filed September 17, 1981. Applicant: TIMMONS H. MARTIN, d.b.a. T. H. MARTIN TRUCKING, 8314 Scout Ave., Bell Gardens, CA 90201. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract Carrier*, Irregular routes: *Such commodities as are dealt in or used by manufacturers and distributors of insulation products*, (a) between Montebello and City of Commerce, CA, on the one hand, and, on the other, Houston and Galveston, TX; and (b) from Montebello and City of Commerce, CA, and Houston, TX, to Tacoma, WA, Salt Lake City, UT, Portland, OR, Boise, ID, Phoenix, AZ, Winnemucca, NV and Evanston, WY, under continuing contract(s) with Childers Products Company of Montebello, CA, and Extol Corporation, a Division of Childers Products Company, of City of Commerce, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Childers Products Company, 5129 Vale, Montebello, CA; Extol Corporation (A Division of Childers Products Company), 6459 Fleet Ave., City of Commerce, CA.

MC 136814 (Sub-6–1TA), filed September 18, 1981. Applicant: MATLOCK TRANSPORTATION, INC., 565 E Redlands Blvd., San Bernardino, CA 92408. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Contract Carrier*, Irregular routes: *Printed matter, magazines, periodicals, and parts thereof*, Between Merced, CA on the one hand, and, on the other, points in WA, OR, ID, IL, MT, UT, CO, OK, TX, NM, AZ, and NV; and Between Dallas, TX on the one hand, and, on the other, points in WA, OR, ID, MT, WY, UT, CO, OK, NM, AZ, NV and CA, for 270 days. Supporting shippers: Triangle Publications, Inc., P.O.B. 500 Radnor, PA 19088; World Color Press, Inc., P.O.B. 1248, Effingham, IL 62401.

MC 144572 (Sub-6–34TA), filed September 21, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717–17th Street, Denver, CO 80202. *Malt beverages*, from Bayonne, NJ; Milwaukee and Monroe, WI; and Pittsburgh, PA; to Casper and Evanston, WY, for 270 days. An underlying ETA seeks 120 days operating authority. Supporting shipper: White Cap Distributing Co., 450 South Walnut, Casper, WY 82601.

MC 144572 (Sub-6–35TA), filed September 22, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. B G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717–17th St., Denver, CO 80202. *Meat, meat products and articles distributed by meat packing houses*, from Dixon, CA to points in CO, CT, IL, MA, MD, NJ, NY, OH, PA, and the District of Columbia, for 270 days. An underlying ETA seeks 120 days operating authority. Supporting shipper: Armour Food Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077.

MC 158234 (Sub-6–2TA), filed September 16, 1981. Applicant: PACIFIC MOTOR TRANSPORT, INC., P.O. Box 759, Tenino, WA 98589. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. *Contract carrier*; irregular routes: *Such commodities as are dealt in by sporting goods distributors and dealers, including Class A, B, and C explosives*, between points and places in the US under contract with Farwest Sports, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Farwest Sports, Inc., 13313 Reeder Road SW, Olympia, WA 98502.

MC 158390 (Sub-61TA), filed September 16, 1981. Applicant: MARY ELLEN BARKER, d.b.a., PACIFIC WEST COAST, 4236 Formosa St., Riverside, CA 92059. Representative: Mary Ellen Barker (same as above). *Hand held welding torches, propane cylinders, oxygen pellets, steel, concrete and aluminum poles and parts for street lighting* between points in AZ, CA, NV, OR, and WA for 270 days. Supporting shipper(s): Pacific Union Metal, 2320 Dominguez St., Long Beach, CA 90801; Cleanweld Products, 16016 Montoya St., Irvingdale, CA 91706.

MC 158305 (Sub-6–1TA), filed September 16, 1981. Applicant: R & J TRUCK, INC., 1395 S. Signal Dr., Pomona, CA 91766. Representative: James Debonis (same as applicant). *Foodstuffs and bakery goods, other than frozen*, from Los Angeles, San Bernardino, Riverside, Orange and San Diego Counties, CA, to points in AZ and

NV for 270 days. Supporting shipper: Distribution Services West, 1201 E Cerritos Ave., Anaheim, CA. 92805.

MC 158305 (Sub-6–2TA), filed September 16, 1981. Applicant: R & J TRUCK, INC., 1395 S. Signal Dr., Pomona, CA 91766. Representative: James Debonis (same as above). *Games or toys, plastic or rubber articles* from Los Angeles County to points in Los Angeles, Orange, Riverside, San Bernardino and San Diego counties, for 270 days. Supporting Shipper: Empire Carolina, P.O. B. 427, Tarboro, NC 27886.

MC 158301 (Sub-6–1TA), filed September 17, 1981. Applicant: ROAD RUNNER HOTSHOT SERVICE, INC., P.O.B. 1361, Glendive, MT 59330. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101. *Machinery, equipment, tools, and supplies used in the discovery, production, transmission, maintenance and refining of petroleum or natural gas in hotshot service* in and East of Hill, Choteau, Fergus, Golden Valley, Yellowstone, and Big Horn Counties in MT; in and West of Bottineau, McHenry, Ward, McLean, Mercer, Oliver, Morton, Grant, and Sioux Counties in ND; and the following WY Counties: Sheridan, Big Horn, Washakie, Johnson, Campbell, Crook, Weston, Natrona, Converse, and Niobrara for 270 days. Supporting shippers: There are ten shippers. Their statements may be examined at the San Francisco Regional Office.

MC 158391 (Sub-6–1TA), filed September 17, 1981. Applicant: ROCKY MOUNTAIN HOT SHOT SERVICE, INC., 3568 N. Salt Creek Hwy., Casper, WY 82601. Representative: Charles M. Williams, 1600 Sherman St., #665, Denver, CO 80203. *Mercer commodities,* except in bulk, between points in CO, UT, NM, SD, ND, NE, WY, MT, TX, KS, OK and ID for 270 days. There are eleven (11) supporting shippers.

MC 144883 (Sub-6–1TA), filed September 22, 1981. Applicant: S & M MARKETING, P.O.B. 4020, Foster City, CA 94404. Representative: Vic Suglio (same as applicant). *Foodstuffs and beverages,* from points in Monterey, Santa Cruz, San Mateo, San Francisco, Fresno, Merced, San Benito, Santa Clara, Alameda, Stanislaus, San Joaquin, Sacramento, Solano, Contra Costa, Napa, Sonoma, and Marin Counties, CA, to points in AZ, for 270 days. Supporting shippers: California Peanut Company, 500 W. Ohio Ave., Richmond, CA; California & Hawaiian Sugar Company, 1 California St., San Francisco, CA; E & J Gallo Winery, P.O.B. 1130, Modesto, CA.

MC 158400 (Sub-6–1TA), filed September 22, 1981. Applicant: SCREAMING EAGLE, INC., 5011 Alcova Rte., Box 17, Casper, WY 82601. Representative: Dale A. Urban (same address as applicant). *Oil field tools and equipment,* to and from Casper, WY to points in CO, ID, MT, ND, SD, OK, UT, NM, WY, TX, AZ, NV, CA, KS, NE, for 270 days. Supporting shippers: There are 6 shippers. Their statements may be examined at the Regional Office listed.

MC 152609 (Sub-6–6), filed September 21, 1981. Applicant: SHIPPERS FREIGHT SERVICES, INC., P.O.B. 1248, Lake Oswego, OR 97034. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. *Contract carrier,* Irregular routes: (1) *paper and paper articles* and (2) *materials and supplies* used in the manufacture and distribution of paper and paper articles, between the facilities of Paper-Pak Products, Inc. at or near La Verne, CA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, WY, TX, TN and AR, for the account of Paper-Pak Products, Inc., for 270 days. Supporting shipper: Paper-Pak Products, Inc., 1941 White Ave., La Verne, CA 91750.

MC 141867 (Sub-6–13TA), filed September 16, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Wy., Tacoma, WA 98421. Representative: Same as applicant. *(1) Commodities dealt in or used by the manufacturers of containers and (2) Commodities dealt in or used by the manufacturers of plastic articles and paper articles,* between points in and West of ND, SD, NE, MO, AR and LA, for 270 days. Supporting shipper: American Can Co., 333 Gellert Blvd., Daly City, CA 94015.

MC 128102 (Sub-6–2TA), filed September 18, 1981. Applicant: STATE MOTOR FREIGHT, INC., 3905 East "A", Pasco, WA 99301. Representative: Boyd Hartman, PO Box 3641, Bellevue, WA 98009. *Fertilizer* from points in Benton County, WA to points in UT and from Garfield, UT to points in WA, OR, ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chevron Chemical Company, Bowles Rd., E. of Finley, Kennewick, WA 99336.

MC 139380 (Sub-6–3TA), filed September 16, 1981. Applicant: STIDHAM TRUCKING, INC., P.O. Box 308, Yreka, CA 96097. Representative: Marci Gebhardt (same as applicant). *Wine, Champagne, Brandy, and Vermouth,* in containers in packages, from points in CA to points in OR for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: E & J Gallo Winery, P.O. Box 1130, Modesto, CA 95353, and Al C. Guisti Wine Company, 66 S.E. Morrison St., Portland, OR 97214.

MC 158394 (Sub-6–1TA), filed September 21, 1981. Applicant: SUNRUNNER TRANSPORTATION, INC., 2943 Weiding Rd., Tucson, AZ 85706. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract Carrier:* Irregular routes: *(1) cable television accessories and (2) materials, equipment and supplies used in the manufacture and distribution thereof* between Tucson, AZ on the one hand, and, on the other South Williamsport, PA, Sherburn, NY, Elizabeth, NJ and Los Angeles County, CA under continuing contract with Gerald Division of General Instruments Corporation of Tucson, AZ for 270 days. An underlying ETA seeks 120 days of authority. Supporting shipper: Gerald Division of General Instruments Corp., 4640 S. Park Ave., Tucson, AZ 85714.

MC 147012 (Sub-6–6TA), filed September 21, 1981. Applicant: T.B.T., Inc., P.O. B. 8472, Stockton, CA 95208. Representative: Mark J. Hannon, 1884 W Willow St., Stockton, CA 95203. *Contract Carrier:* Irregular routes: (1) *Chemicals: cleaning compounds; dry, liquid, solution; corrosive materials; in containers,* from the plant facility of Beaver Chemical Company, Inc., in Stockton, CA to points in AZ, ID, NV, OR, UT and WA, for the account of Beaver Chemical Company, Inc., for 270 days. Supporting shipper: Beaver Chemical Company, Inc., 1448 Shaw Rd., Stockton, CA 95206.

MC 157948 (Sub-6–1TA), filed September 16, 1981. Applicant: ROBERT J. WHITE, d.b.a. YUBA SUTTER AIRPORTER, 954 Cooper Ave., Yuba City, CA 95991. Representative: Robert J. White, 1534 La Palma Court, Yuba City, CA 95991. *Passengers and their baggage,* in charter operations in vehicles of 16 passengers or less between Sacramento, Yuba City, Marysville, CA., and Lake Tahoe, Reno, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: GBS Travel Agency, 2086 Live Oak Blvd., Suite D, Yuba City, CA 95991.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-28855 Filed 10-6-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

Certain Cap Screws From Italy; Termination of Countervailing Duty Investigation

AGENCY: International Trade Commission.

ACTION: Termination of countervailing duty investigation under section 104(b)(1) of the Trade Agreements Act of 1979, with regard to certain cap screws from Italy.

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, telephone number (202) 523–0242.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such an industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the outstanding countervailing duty order on certain cap screws from Italy (T.D. 76–225).

On July 23, 1981, the Commission was notified by letter that Russell, Burdsall, and Ward, Inc., the original petitioner for the countervailing duty order, wished to withdraw its petition on cap screws.

While there is no provision in the Trade Agreements Act of 1979, or in its legislative history, permitting termination of a transition case investigation, termination of a properly instituted countervailing duty investigation is permitted under section 704(a) of the Tariff Act of 1930. That section directs the Commission to solicit public comment prior to termination and approve such termination only if it is in the public interest. Termination authority is explicit in cases based on newly filed countervailing duty petitions; it is implied with respect to existing countervailing duty orders.

On August 12, 1981, the Commission published a notice in the **Federal Register** (46 FR 40838) requesting public comment by September 11, 1981, on the proposed termination of the Commission investigation on certain cap screws from Italy. No adverse comments were received in response to the Commission's notice.

The Commission is therefore terminating its investigation under section 104(b)(1) of the Trade Agreements Act of 1979 on certain cap screws from Italy (T.D. 76–225), which covers all such cap screws, one-quarter inch in diameter and over, of iron or steel. The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured or threatened with material injury by reason of imports from Italy of cap screws covered by the countervailing duty order if the order were to be revoked.

In addiiton to publishing this **Federal Register** notice, the Commission is serving a copy of this notice on all persons who have written the agency in connecting with this investigation and is also notifying the Department of Commerce of its action is this case.

Issued: October 1, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[Fr Doc. 81–29220 Filed 10–6–81; 8:45 a.m.]

BILLING CODE 7020–02–M

Steel Welded Wire Mesh From Italy; Termination of Countervailing Duty Investigation

AGENCY: International Trade Commission.

ACTION: Termination of countervailing duty investigation under section 104(b)(1) of the Trade Agreements Act of 1979, with regard to steel welded wire mesh from Italy.

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, telephone number (202) 523-0242.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such an industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communitites for the review of the outstanding countervailing duty order on steel welded wire mesh from Italy (T.D. 68–149).

On July 22, 1981, the Commission was notified by letter that Hurricane Industries, Inc., the firm which now holds the assets of the original petitioner for the countervailing duty order, "does not wish to continue in this investigation and hereby withdraws the petition as it applies to our company."

While there is no provision in the Trade Agreements Act of 1979, or in its legislative history, permitting termination of a transition case investigation, termination of a properly instituted countervailing duty investigation is permitted under section 704(a) of the Tariff Act of 1930. That section directs the commission to solicit public comment prior to termination and approve such termination only if it is in the public interest. Termination authority is explicit in cases based on newly filed countervailing duty petitions; it is implied with respect to existing countervailing duty orders.

On August 12, 1981, the Commission published a notice in the **Federal Register** (46 FR 40838) requesting public comment by September 11, 1981, on mesh from Italy. No adverse comments were received in response to the Commission's notice.

The commission is therefore terminating its investigation under section 104(b)(1) of the Trade Agreements Act of 1979 on steel welded wire mesh from Italy (T.D. 68–149). The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured or threatened with material injury by reason of imports from Italy of steel welded wire mesh covered by the countervailing duty order if the order were to be revoked.

In addition to publishing this **Federal Register** notice, the Commission is serving a copy of this notice on all persons who have written the agency in connection with this inestigation and is also notifying the Department of Commerce of its action is this case.

Issued: October 1, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–29218 Filed 10–6–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Approval of Withdrawal of Motion for Temporary Exclusion Order and Denial of Motion for Expedited Consideration

AGENCY: International Trade Commission.

ACTION: Approval of withdrawal of motion for temporary exclusion order (Motion No. 97-55). Denial of motion for expedited Commission determination on permanent relief before October 30, 1981 (Motion No. 97-54).

SUPPLEMENTARY INFORMATION: Pursuant to section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, the Commission is currently conducting an investigation of alleged unfair acts and unfair methods of competition in connection with the importation or sale of certain steel rod treating apparatus and components thereof. In the course of investigation No. 337-TA-97, complainant Morgan Construction Co. moved for an expedited Commission determination on permanent relief (Motion No. 97-54) and for a temperary exclusion order (Motion No. 97-55).

Notice is hereby given that complainant Morgan Construction Co. has withdrawn its motion for a temporary exclusion order. After reviewing Motion No. 97-55 and the papers submitted in connection therewith the Commission has approved complainant's withdrawal of its motion. Notice is further given that the Commission has denied complainant's motion for a Commission determination on permanent relief before October 30, 1981 (Motion No. 97-54).

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the Geperal Counsel, U.S. International Trade Commission 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0375.

Issued: October 1, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29192 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-95]

Certain Surface Grinding Machines and Literature for Promotion Thereof; Commission Request for Comments Regarding Proposed Termination of Respondent Based on Settlement Agreement

AGENCY: International Trade Commission.

ACTION: A request for public comment on the proposed termination of respondent based on a settlement agreement.

SUMMARY: The settlement agreement would result in the termination of the investigation as to respondent Performance Machine Tools. This notice requests comments from the public on the proposed termination.

DATE: Comments will be considered if received on or before November 6, 1981. Comments should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMANTION: Complainant Brown and Sharpe Manufacturing Company and respondent Performance Machine Tools moved in a joint motion for termination of this investigation as to Performance on the basis of a settlement agreement. The Commission investigative attorney supports the motion. On August 17, 1981, the presiding officer recommended that the joint motion be granted.

Notice of the institution of the investigation was published in the **Federal Register** of January 22, 1981 (46 FR 7107).

Settlement Agreement

The settlement agreement provides in pertinent part as follows:

Pending a determination by the U.S. International Trade Commission of the complaint filed in the Investigation, Respondent shall refrain from importing, buying, selling, leasing, or otherwise transferring Surface Grinding Machines into the United States directly or indirectly from Taiwan or other countries, of the type and style which

(a) are reproductions, copies, colorable imitations, or simulations of B & S [Brown and Sharpe Manufacturing Company] High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 818, 824, 1024, 1030, 1244, and 1236, or

(b) are of the type offered for sale heretofore by Lian Feng Machine Co. of Taiwan, China, identified as Exhibit 14 attached to the B & S complaint in the investigation.

Respondent shall refrain from copying, reprinting, using, selling, or distributing any unauthorized copies of manuals, catalogs, brochures, or other printed material prepared or owned by B & S and bearing a B & S copyright notice.

Respondent shall refrain from printing, distributing, or authorizing the printing or distributing of any promotional material containing references to B & S or its trademarks, except in connection with the sale or servicing of B & S equipment.

Respondent shall refrain from using any B & S manual, catalog, or other printed material, whether or not protected by copyright, in connection with the maintenance, repair, or sale of surface grinding machines or components thereof, other than B & S surface grinding machines or components thereof.

Respondent shall refrain from importing, buying selling, or otherwise transferring Surface Grinding Machines made in foreign countries which simulate the trade dress of B & S High Precision Surface Grinding Machines as exemplified by Exhibits 14, 15, and 16B of the Complaint filed in the Investigation.

Respondent agrees to give to B & S two copies of all catalogs, manuals, advertisements, and promotional pieces promoting or making reference to surface grinding machines made by Lian Feng Machine Co. that have been used, sold, or distributed by respondent.

Respondent shall deliver to B & S prior to March 27, 1981 in affidavit form a statement relating to Respondent's purchase and sale of surface grinding machines made or sold by Lian Feng Machine Co., including (a) the total number purchased; (b) the dates of purchase; (c) the price paid; (d) the total number in inventory; (e) the total number sold; (f) the price of each sale; (g) the date of each sale.

Respondent shall deliver to B & S prior to March 27, 1981, all copies of catalogs, manuals, and advertisements in its possession that were prepared by or for Lian Feng Machine Co. that contain reference to surface grinding machines that are reproductions, copies, colorable imitations, or simulations of B & S High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 818, 824, 1024, 1030, 1244, and/or 1236.

B & S and the respondent agree to file a joint motion before the U.S. International Trade Commission to

terminate the Investigation with respect to respondent without prejudice.

B & S agrees to refrain from instituting any civil action for any matters which have been raised in the complaint filed before the U.S. International Trade Commission.

B & S hereby releases the respondent from any and all claims arising from those issues raised in the B&S Complaint filed in the investigation, including, but not limited to copyright and trademark infringement and unfair competition.

Written Comments Requested

In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation as to respondent Performance Machine Tools on the basis of the settlement agreement on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than November 6, 1981. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Custom Service.

Additional Information

The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

FOR FURTHER INFORMATION CONTACT:

Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW, Washington, D.C. 20436; telephone 202–523–0148.

Issued: September 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29194 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–100]

Certain Thermal Conductivity Sensing Gem Testers and Components Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on November 2, 1981, in the Dodge Center, Room 201, 1010 Wisconsin Avenue, N.W., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register.**

Issued: September 25, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81-29195 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731–TA–49 (Preliminary)]

Fireplace Mesh Panels From Taiwan

Determination

On the basis of the record [1] developed in investigation No. 731–TA–49 (Preliminary), the Commission unanimously determines [2] that there is a reasonable indication that an industry in the United States is materially injured [3] by reason of imports of fireplace mesh panels [4] from Taiwan, classifiable in items 642.87 and 654.00 of the Tariff Schedules of the United States, which are allegedly being sold in the United States at less than fair value (LTFV).

Background

On August 11, 1981, International Management Service Associates, Inc., filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that fireplace mesh panels imported from Taiwan are being sold in the United States at LTFV. The Commission instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930, 19 U.S.C. 1673b(a), to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of fireplace mesh panels from Taiwan. The statute directs that the Commission make its determination within 45 days of its receipt of the petition or, in this investigation, by September 25, 1981.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection with the investigation was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of August 19, 1981 (46 FR 42219). A public conference was held in Washington, D.C., on September 4, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of Chairman Bill Alberger and Commissioners Catherine Bedell and Paula Stern

Our determination is based on the considerations set forth below.

The Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as "the domestic producers as a whole of a like product or those producers whose collective output of the like product constitute a major proportion of the total domestic production of that product." [5] "Like product" is defined as a product which is like, or in the absence of like, most similar in characteristics and uses with the article under investigation.[6]

The imported articles subject to this investigation are precut, flexible fireplace mesh panels, both finished and unfinished, which are constructed of

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure, 19 CFR 207.2(j).

[2] Commissioners Eckes and Frank were sworn in on September 21 and 22, 1981, respectively and, therefore, did not participate in this determination.

[3] Vice Chairman Calhoun found that there is a reasonable indication that an industry in the United States is materially injured and threatened with material injury. Material retardation of the establishment of an industry is not at issue in this investigation because 11 U.S. firms currently produce fireplace mesh panels. This issue is not discussed further.

[4] For the purposes of this investigation, fireplace mesh panels are defined as precut, flexible mesh panels, both finished and unfinished, which are constructed of interlocking spirals of steel wire and are of a kind used in the manufacture of safety screening by U.S. manufacturers of fireplace accessories and wood-burning stoves.

[5] 19 U.S.C. 1677(4)(A).

[6] 19 U.S.C. 1677(10).

interlocking spirals of steel wire and are of a kind used in the manufacture of safety screening by U.S. manufacturers of fireplace accessories and zero clearance fireplaces.[7] We find that the U.S. products that are like the imports are fireplace mesh panels of any size, with or without rings, with black oxide or black enamel finish, and of any gauge wire.[8] We find that fireplace mesh rolls are not like the imported mesh panels. The production of panels in the United States is a later stage in the production process than the production of rolls. Petitioner stated at the conference of September 4, 1981, that the panels were quite different from rolls and involved a separate step requiring a significant amount of labor.[9]

Based on the above, we have determined that the industry in this investigation is composed of the producers of fireplace mesh panels.[10]

Material Injury by Reason of Alleged LTFV Imports

Section 771(7) of the Act directs the Commission to consider, among other factors, (1) the volume of imports of the merchandise under investigation, (2) their impact on domestic prices, and (3) the consequent impact on the domestic industry.

Volume of Imports [11]

Between 1978 and 1980 imports of fireplace mesh panels from Taiwan rose dramatically, though irregularly, as a share of U.S. consumption. In 1978 imports from Taiwan accounted for 23% of apparent U.S. consumption and 44% of apparent U.S. open-market consumption. By 1980 the ratio of imports accounted for 47% of apparent U.S. consumption. The ratio of imports to apparent U.S. open market consumption reached 72%.[12] In absolute terms, imports from Taiwan totaled 4.0 million square feet in 1978, fell to 2.4 million square feet in 1979, and then increased to 3.8 million square feet in 1980. Although imports declined in January–June 1981, they still accounted for 31% of apparent U.S. consumption and 44% of apparent U.S. open-market consumption.[13]

Prices

Price comparisons of domestic and imported fireplace mesh panels revealed that the imported product consistently undersold the domestic product by an average of 50% from July 1979 to June 1981.[14] These margins were greatest in 1980, the year market penetration by the alleged LTFV imports was at an all-time high.

Available data [15] indicate that both U.S. producers' and importers' prices declined from 1979–1980. Although U.S. importers' prices rose in 1981, domestic prices of most U.S. producers did not increase.[16] The decline in domestic producers' prices indicate that price suppression or price depression by the imports may have taken place.

The Commission has confirmed that U.S. producers lost sales of at least $228,000 to imports from Taiwan because of the lower price of imports during the period in question.[17]

Impact on the Domestic Industry [18]

The condition of the U.S. fireplace mesh panel industry has deteriorated sharply since 1978. Data on shipments, production, capacity utilization, and employment reveal the extent of the industry's difficulties. From 1978 to 1980 commercial shipments dropped 72% from 5.5 million square feet to 1.5 million square feet.

This decline continued in 1981, though at a much slower rate, as shipments fell from 975,000 square feet to 931,000 square feet.[19] U.S. production similarly fell, dropping 68% from 1978 to 1980 and 5% in January–June 1981 as compared to January–June 1980.[20]

The production decline resulted in a decline in capacity utilization from 56% in 1978 to 13% in January–June 1981.[21] The drop in capacity utilization took place despite the fact that capacity was declining during the period. Capacity was not falling nearly as rapidly as production.

The decline in capacity utilization is reflected in employment data. Firms which provided the Commission with separate data on workers engaged in production of fireplace mesh panels reported that the number of such workers fell from 105 in 1978 to 28 in January–June 1981.[22]

Only four of the eleven companies in this industry provided information to the Commission on financial performance. At this preliminary juncture, the best data are available only on the overall operations of the establishments producing fireplace mesh panels.[23] Like the other economic data, the data available on financial performance show significant downward trends. For example, the ratio of net operating profit to sales for U.S. producers on the overall operations of the establishments in which fireplace mesh panels are produced declined from 17% in 1978 to a loss of 0.1% in 1980.[24] The limited data for firms participating in the open-market reveal more serious difficulties.

The importers did not present opposing views in this investigation. A letter was received from one domestic company opposing the petition on the grounds that the problems of the industry were attributable to the decline in the market for fireplace mesh panels. From 1973–78 the market for such panels boomed as a result of the dramatic increase in demand for fireplace screens with glass doors brought about by the 1973 OPEC oil embargo. In 1978,

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[7] Safety screening for woodburning stoves was also included in the notice of investigation. However, it now appears that woodburning stoves do not use the type of mesh panels subject to this investigation.

[8] Producing a panel of a particular size is simply a matter of cutting the panel to the required width. Attaching mounting rings is also a relatively minor variation on the basic mesh panel. Either type of finish is used to prevent corrosion of the metal. The gauge of wire used by manufacturers varies somewhat, although in a fairly narrow range because the wire used must be flexible and yet sturdy enough to retain its shape and not deteriorate when exposed to the heat of the fire.

[9] See Transcript pp. 72–75.

[10] We take note that Vice Chairman Calhoun, in his views, comments on what he perceives to be our failure to heed the admonition of the U.S. Court of International Trade in *Babcock & Wilcox v. United States*, slip op. 75 (C.I.T. Aug. 20, 1981). In view of the fact that a motion for stay of proceedings in that case is pending, it is inappropriate for the Commission to comment on the case. However, all Commissioners are quite cognizant of their statutory obligations to make injury determinations with respect to the narrowest range of products that compete with the like product for which information is available. We point out that, in this investigation, we have examined the broader information only with respect to profit and loss data, which was insufficient at this time for the like product alone. For all other indicia of injury, we relied solely on data for fireplace mesh panels, not for broader product lines.

[11] There are no official U.S. statistics (*e.g.*, Department of Commerce statistics) on U.S. imports of fireplace mesh panels. The Commission's analysis of the impact of imports in the U.S. market for fireplace mesh panels is hampered by the failure of several possibly important importers to respond to the Commission's questionnaire.

In the event that this case should require a final investigation, we would like to obtain more data on imports. In particular, we will want to explore the extent to which imports are competing with domestic production for intra-company consumption as well as with domestic production for the open market.

[12] See Staff Report, p. A–20.

[13] *Id.*

[14] *Id.*, pp. 21–22.

[15] *Id.*, p. A–20 for data problems with price information.

[16] *Id.*, p. A–23.

[17] *Id.*, p. A–24.

[18] As with the data on imports, information available to the Commission on the condition of the domestic industry is incomplete. In determining whether or not a reasonable indication of material injury or threat of material injury exists under section 733(a) of the Tariff Act of 1930 the Commission is required to base its decision upon the best information available to it at the time.

[19] Staff Report, p. A–9.

[20] *Id.*, p. A–8.

[21] *Id.*, p. A–9.

[22] *Id.*, p. A–17.

[23] See Staff Report at A–25.

[24] *Id.*, p. A–19.

however, demand declined dramatically for several reasons—the market was saturated with glass-door fireplace screens, new housing starts declined rapidly as interest rates rose, and products that do not require fireplace mesh panels (e.g., wood-burning stoves and fireplace inserts) displaced fireplaces as a source of heat. Between 1978–80 U.S. apparent consumption of fireplace mesh screens fell 52% and between January–June 1980 and January–June 1981 it fell another 58%.[25]

Congress has indicated that "the law does not * * * contemplate that injury from LTFV imports be weighted against other factors."[26] Although other factors are considered, the essential point is that the Commission must satisfy itself that "in the light of all the information presented, there is a suffcient casusal link between the alleged LTFV imports and the requisite injury."[27] The problems of the domestic fireplace mesh panel industry do coincide with the dramatic decline in demand. However, in this preliminary investigation, the information on increasing import penetration in the declining market, signifcant underselling, possible price suppression/depression and lost sales provides a reasonable indication that material injury is by reason of the alleged LTFV imports.

Conclusion

On the basis of the avialalbe data we determine that the investigation should continue.

Views of Vice Chairman Michael J. Calhoun

While I fully concur with my colleagues in their findings in this investigation, I offer a somewhat more detailed discussion of these findings. In the recent opinion of the Court of International Trade in *Babcock and Wilcox Co. v. United States*,[28] it is plain that the Court primarily took exception to our failure to consider product line profit data which was in our possession at the time and to our failure to solicit product line profit data from other domestic producers comprising the boiler tube and pipe industry.[29] In addition, it seems to me that the Court felt that, as a general matter, we have been to restrictive in our application of section 771(4)(D):

> The Commission's practice of *rigidly* adhering to a preference for isolation of *all* production factors supporting a product as a predicate for ascertaining the scope of an "industry" is not in step with the more flexible standard devised by Congress in section 771(4)(D).[30] (Emphasis added)

The Court's observation is well taken. While section 771(4)(D) does not have much to do with "ascertaining the scope of an industry," the language of section 771(4)(D) is rather clear in providing how we are to undertake the assessment of the impact of imports on doemstic production. This section directs that we will assess the impact of imports on the production of the product line whenever it is possible to achieve a "separate identification of production." This separate identification can be achieved in various ways including, but not limited to, the "production process" *or* "producer's profits."[31] To be sure, with regard to this issue the Senate Report, and the Court in citing it, observes that,

> In examining the impact of imports on the domestic producers comprising the domestic industry, the ITC should examine the relevant economic factors (*such as* profits, productivity, employment, cash flow, capacity utilization, etc.), *as they relate to the production of only the like product.*[32] (emphasis added)

The upshot, then, of such a reading of section 771(4)(D) is that whenver we are able to identify the production of the like product as a discrete undertaking, we are required to apply the material injury standard only to like product production and not to the production of a larger category of products. A corollary of this view must be that the criteria for differentiating the like product production from that of production of other products must afford us a sufficient basis upon which to decide whether the alleged harm has not been "inconsequential, immaterial or unimportant."[33]

The policy underlying such an interpretation of Title VII seems plain enough. Where the unfair import practices of subsidization and dumping occur, the determination regarding their impact ought to be made with regard to the domestic products with which they are in closest competition. To include a broader group of products tends to dilute whatever adverse impact may exist. Thus, while the indicia of impact sufficient to afford us an adequate basis on which to implement such a policy will obviously vary from case to case, if our standards for making product line assessments are overly rigid we defeat the policy.

In the context of this preliminary investigation, we have in our possession data on shipments, employment, production, capacity and capacity utilization, and prices regarding the like product. This constitutes virtually all of the data relevant to establishing the separate identification of the production of fireplace mesh panels and virtually all the data relevant to assessing the impact of imports on it, with the single exception of profit data. This information meaningfully distinguishes the production of the like product and, for purposes of this investigation, presents an adequate and rather uniform view of the impact of imports. Unless I have misread the Court opinion, the language of section 771(4)(D) and the Congressional interest, I feel compelled to use this information in making an assessment of the impact of imports on the production of the like product and to make it clear exactly how I am applying the language of that section to the facts of this case.

The Domestic Industry

In general, the domestic industry is defined as consisting of all domestic producers, of a like product or those producers whose total output of the like product constitutes a major portion of the domestic production of that product.[34] A like product is a product which is like or in the absence of like most similar in characteristics and uses with the imported product which is the subject of this investigation.[35]

The imported articles in this investigation are fireplace mesh panels from Taiwan. These panels are manufactured primarily for use in fireplace screens which in turn are used to provide protection from sparks given off by the fire. Fireplace mesh from Taiwan is imported in the form of precut flexible panels of interlocking spirals of steel wire with rings attached for mounting. Most of the imported panels are finished with black oxide and constructed from 20 gauge wire.[36] However, some panels are finished with black enamel and the gauge of the wire may vary from 19 to 21.

Domestically produced fireplace mesh is also sold in the form of precut, flexible panels with rings attached for mounting. These panels are typically finished with black enamel and constructed from 19.5 gauge wire. Some domestically produced panels are

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[25] Apparent U.S. open-market consumption fell 41% from 1978–80 and 52% from January–June 1980 to January–June 1981. Staff Report, p. A–15.

[26] H.R. Rep. No. 96–317, 96th Cong., 1st Sess. 47 (1979).

[27] S. Rep. No. 249, 96th Cong., 1st Sess. 75 (1979).

[28] *Babcock & Wilcox Co. v. United States* No. 80–5–00772, Slip op. 81–75 (Ct. International trade).

[29] Id. at p. 10.

[30] Id. at pp. 10–11.

[31] See Section 771(4)(D).

[32] *Supra*, note 2, p. 9.

[33] See Section 771(7)(A).

[34] See Section 771(4)(A) of the Tariff Act of 1930.

[35] See Section 771(10).

[36] See Staff Report at p. A–3.

occasionally sold without rings, or with a black oxide finish and can be manufactured with wire of 19 to 21 gauge.

Although domestic and imported fireplace mesh may differ with respect both to the gauge of wire used in construction and to the finish applied, I view these differences as being minor. Fireplace mesh, either foreign or domestic, is primarily produced for use in fireplace screens and, as such, must be produced within a narrow range of specifications.[37] The fireplace mesh must be strong enough to withstand constant exposure to heat while at the same time maintain its flexibility as a mesh. Strength and flexibility, the primary characteristics of the mesh, are a function of the gauge of wire used and the producer can choose any gauge of wire within the 19 to 21 gauge range. The black finish on the panels is for appearance and to retard rust, but these differences seem to have no discernible impact on demand in the marketplace.

In additfon to fireplace mesh panels, fireplace mesh rolls are also produced and sold domestically. These rolls are different from panels in that they are the preliminary stage of production of panels and require a significant amount of labor to transform the rolls into panels. We have information that indicates that the larger panels of mesh are also used as decorative drapery walls, fence guarding for machines and other miscellaneous applications.[38] Therefore, I find that fireplace mesh rolls are not like the imported mesh panels.

Therefore, taking the best information available, it is my view, for purposes of this preliminary investigation, that the like product is fireplace mesh panels of any size, with or without rings, with black oxide or black enamel finish, and of any gauge wire and that the domestic industry is comprised of domestic producers of fireplace mesh panels.

Material Injury

Material injury is defined as harm which is not inconsequential, immaterial or unimportant.[39] In determining material injury by reason of imports, we are directed to consider, among other things, the volume of imports, the effect of the imports on prices, and the impact of the imports on the domestic industry.[40] Section 771(4)(D) requires the Commission to assess the effect of dumped imports in relation to the U.S. production of a like product if available data permit the separate identification of production in terms of such criteria as production process or the producer's profits.[41]

Although separate profitability data on fireplace mesh panels is not currently available, we do have the following information on production of fireplace mesh panels: price, production, shipments, employment, capacity, and capacity utilization. Furthermore, production of fireplace mesh takes place on equipment not used for the production of other products. Fireplace mesh is the exclusive end product and is not integrated into other products produced by the manufacturer at this point. Thus, the best available information in this investigation does permit sufficient distinction of production to compel and sufficient data to permit a specific assessment of production of fireplace mesh panels.

In my view, a reasonable indication of material injury or threat of material injury to production of fireplace mesh panels is demonstrated by several factors: Import volume from 1978 to 1980 has increased in relative terms; there has been price undercutting; and the domestic industry has suffered declines in production, capacity, capacity utilization and shipments. These factors are significant indicia of separate production and appear sufficiently associated with the LTFV imports to allow for analysis under section 771(4)(D). The financial performance of U.S. producers has suffered declines also, but, as I have observed, because the financial data is reported by the producing firms on a consolidated basis, the actual impact on the profitability of fireplace mesh production cannot be readily determined at this point in the investigation.

Volume of Imports

Imports of fireplace mesh panels during the first half of 1981 declined by 76 percent to 603,000 square feet from 2.2 million square feet during the first six months of 1980. Despite the decline, imports made up 44 percent of domestic open market consumption during the first six months of 1981 compared to 78 percent during the same period in 1980.

In 1978, imports were 4.0 million square feet, they declined to 2.4 million square feet in 1979 and then increased to 3.8 million square feet, or by 61 percent in 1980. The ratio of imports to apparent open-market consumption was 44, 32 and 72 percent for 1978, 1979 and 1980 respectively.

The import data for 1981 present a conflicting trend since it appears as if imports are beginning to decline both in absolute terms and as a percent of total imports compared to the 1978–1980 period. One reason for this may well be the seasonal nature of demand or unpredictable variations in imports which can reflect unusual trends in partial year data. In this preliminary case, however, the 1978–1980 trend presents enough data to support my finding. In the final investigation, more information on the current status of imports should put the 1981 partial data in better perspective.

Prices

Underselling of U.S. fireplace mesh panels by imports from Taiwan was found in each of those instances in which both importers' and domestic producers' prices could be compared. During the period from October 1979 to June 1981, imported fireplace mesh panels consistently undersold domestic panels by margins ranging from 29 to 61 percent. In comparison, the petitioners have alleged that dumping margins were 47 percent in the first six months of 1981 and 41 percent in 1980.

Impact on Domestic Producers

Several U.S. producers alleged that sales of fireplace mesh panels imported from Taiwan caused them to lose sales. Our staff has confirmed that U.S. producers lost sales of at least $228,000 to imports from Taiwan due to the lower price of the imports.

Furthermore, U.S. production of fireplace mesh panels declined 1.3 million square feet, or by 47 percent, during the first six months of 1981 compared to the same period in 1980. In addition, from 1978 to 1980 domestic production fell 9.2 million square feet or by 68 percent. Domestic capacity was down slightly in 1981 from 1980, by 734,000 square feet or 6 percent. Capacity utilization was 13 percent during the first six months in 1981 compared to 23 percent during the same period in 1980. From 1978 to 1980 capacity utilization fell from 56 percent to 19 percent. Total U.S. consumption declined 2.8 million square feet or 58 percent during the first half of 1981 compared to the corresponding period in 1980 and from 1978 to 1980 consumption fell 9.0 million square feet or by 52 percent.

In addition employment of production and related workers producing fireplace mesh panels declined steadily from 1978 to 1980 by 49 percent and this trend continued with employment falling by 56 percent during the first six months of 1981.

[37] *Id.* at p. A–2.
[38] See Staff Report at p. A–5.
[39] See Section 771(7)(A).
[40] See Section 771(7)(B).
[41] See Section 771(4)(D).

As a final matter, with regard to the nexus between these factors and the imports under inquiry here, it could be argued that the indicia of the domestic industry's injury are a result of a decline in the domestic housing market during 1980. Other factors such as market saturation of glass-door fireplace screens and an increase in other products which are more energy efficient than fireplaces, such as wood burning stoves, have also been noted as contributing to the industry's decline. There can be little doubt that these factors may have contributed to the overall condition of the industry.

However, the legislative history specifically cautions us not to weigh other causes against imports.[42] Nevertheless, the impact of all of these factors cannot be ignored. Indeed, as I have observed before, rather than viewing these factors as competing causes, I see these factors as rendering the industry particularly vulnerable at this time to price competition and lost sales as a result of imports sold at less than fair value.[43]

Conclusion

On the basis of the best information available, I find that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from Taiwan of fireplace mesh panels which are allegedly being sold at less than fair value.

Issued: September 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29196 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-81 (Preliminary)]

Hard-Smoked Herring Filets From Canada; Institution of Preliminary Countervailing Duty Investigation and Scheduling of Conference

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary countervailing duty investigation to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of allegedly subsidized imports from Canada of hard-smoked herring filets, classified under item 111.80 of the Tariff Schedules of the United States.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator (202-523-0439).

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted following receipt of a petition on September 30, 1981, filed by the McCurdy Fish Co., Lubec, Maine. The petition alleges that Canada provides subsidies to firms handling and processing fish, including those that smoke herring, and that, by reason of imports of this allegedly subsidized product, an industry in the United States is being materially injured or threatened with material injury.

Authority

Section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b) requires the Commission to make a determination of whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise which is the subject of the investigation by the administering authority (Commerce). Such a determination must be made within 45 days after the date on which a petition is filed under section 702(b). Accordingly, the Commission, on October 2, 1981, instituted preliminary countervailing duty investigation No. 701-TA-81. This investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207) and particularly, subpart B thereof.

Written Submissions

Any person may submit a written statement of information pertinent to the subject matter of this investigation to the Commission on or before November 2, 1981. A signed original and nineteen copies of such statement must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data". Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10:00 a.m., e.d.t., on October 26, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact Mr. John MacHatton (202-523-0439) by 5:00 p.m., e.d.t., October 22, 1981. It is anticipated the parties in support of the petition for countervailing duties and parties opposed to such petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by Mr. John MacHatton.

Inspection of petition.

The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commisison.

Issued: October 2, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29191 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation TA-203-8]

High-Carbon Ferrochromium Investigation; Report to the President

September 16, 1981.

To the President: In accordance with section 203(i)(2) and 203(i)(3) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2) and 2253(i)(3)), the United States International Trade Commission herein reports the results of an investigation concerning high-carbon ferrochromium.

The Commission advises, on the basis of information obtained in the investigation, that termination of import relief with respect to imports of certain high-carbon ferrochromium [1] would have a significant adverse economic effect on the domestic high-carbon

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[42] See Senate Report, 96-249, p. 57.

[43] See Senate Report, 96-249, p. 58. See Views of the Commission, *Certain Steel Wire Nails from Japan, The Republic of Korea and Yugoslavia*, USITC Pub. 1175 (1981) note 2, p. 3, and Views of Vice Chairman Calhoun, *Tubeless Tire Valves from the Federal Republic of Germany*, USITC Pub. 1147 (1981).

[1] High-carbon ferrochromiunm is defined in item 606.24 of the Tariff Schedules of the United States (TSUS) as ferrochromium containing over 3 percent by weight of carbon. Relief is provided in the form of a temporary increase in duty, described in item 923.18 of the TSUS, of 4 cents per pound on chromium content, on imports of high-carbon ferrochromium valued less than 38 cents per pound entered on or before Nov. 15, 1981.

ferrochromium industry, and therefore, relief should be extended. The Commission is of the view that inflation has rendered the present relief largely ineffective and, therefore, believes that the relief should be modified if it is extended. The Commission has discussed several alternative forms of extended relief. These alternative forms of extended relief are set forth in the Statement of the Commission, which follows.

The Commission instituted this investigation on May 27, 1981, following receipt, on May 15, 1981, of a petition filed by the Committee of Producers of High-Carbon Ferrochromium requesting an extension of the relief being provided. Public notice of the investigation and hearing was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the Federal Register of June 3, 1981 (46 FR 29794). A public hearing was held in connection with the investigation on July 22, 1981, in Washington, D.C. All interested persons were afforded an opportunity to be present, to present evidence, and to be heard.

The information contained in this report was obtained from fieldwork, from questionnaires sent to domestic manufacturers and importers, from the Commission's files, from other Government agencies, from information received at the hearing, from briefs filed by interested parties, and from other sources.

Statement of the Commission

On the basis of the information before the Commission in this investigation, it is our judgment that termination of import relief with respect to high-carbon ferrochromium would have a significant adverse economic effect on the domestic industry. We therefore advise that relief be extended in modified form[2] for an additional 3-year period to provide the domestic industry with more time in which to complete the process of adjusting to import competition. Because we believe the present relief is ineffective, we have discussed in this statement several alternative forms of extended relief for the President's consideration. It is also our view that the present relief, although no longer very effective, would be better than no relief after November 15, 1981, in view of information indicating a large buildup of inventories of imported high-carbon ferrochromium which could cause a significant decline in prices.[3]

The above advice is based on our assessment of several factors, including the present state of the industry's health, levels and trends of imports during the relief period (especially from South Africa), efforts made by the industry to adjust during the relief period, and the factors set forth in section 202(c) of the Trade Act of 1974.

The Product

High-carbon ferrochromium is one of several ferroalloys that is used as a source of chromium.[4] The bulk of all high-carbon ferrochromium is used in production of stainless steel, which by definition contains a significant amount of chromium (usually 10.5 percent or more).[5] High-carbon ferrochromium is also used in the production of superalloys, cast iron, alloy hard-facing rods, and in welding.[6]

State of Health of the Industry and Industry Efforts To Adjust To Import Competition

Despite the domestic industry's efforts to adjust, the health of the domestic industry has not improved much during the relief period. Except for a brief period of relative improvement during 1979, the first year of the relief period, industry capacity utilization, production, sales, and employment have continued to decline. Further, the number of companies producing high-carbon ferrochromium on a sustained basis has dwindled from five in 1978 to only two in 1981. One domestic producer has permanently discontinued domestic production, and two others have suspended production but have retained the capability of resuming production if economic circumstances so permit. Thus, the domestic industry today is far from healthy, and, in fact, is confronted with adverse forces similar to those which existed prior to the imposition of relief.

The industry enjoyed a certain level of prosperity in 1979, the first year of relief. Production was up by 30 percent, shipments increased by 9 percent, sales were up by 41 percent, and individual producers' profit margins averaged 1.6 percent during that year.[7] However, in the second and third years of the relief period, inflation contributed to the reduced effectiveness of the relief, and most imports exceeded the breakpoint price. Market conditions of higher import penetration and a decline in apparent domestic consumption cut short the possibility of continued improvement.[8]

Thus, in 1980, the domestic industry again found its performance declining. The industry's capacity utilization rate fell from 65 percent in 1979 to 50 percent in 1980.[9] Production declined from 131,222 short tons (chromium content) of high-carbon ferrochromium in 1979 to 99,500 short tons in 1980, or by 24 percent.[10] Further, the number of production employees involved in producing high-carbon ferrochromium declined from 639 in 1979 to 453 in 1980, or by 29 percent.[11] One factor which contributed to the reduced number of production employees was the decision made by two producers in mid-1980 to shut down their high-carbon ferrochromium furnaces for an indefinite time due to adverse market conditions. All of these factors forced the domestic industry into an economic and financial situation similar to that experienced prior to the imposition of relief.

Nonetheless, the domestic industry has made a considerable effort to adjust to import competition and improve its competitive position. Even though there have been no major technological innovations in the industry, domestic producers increased their capital expenditures significantly between 1978 and 1980. Capital expenditures, excluding expenditures for pollution control equipment, increased from * * * million in 1978 * * * million in 1980, or by * * * percent. These capital expenditures were used for such projects as upgrading plants and equipment beyond normal replacement, building reconstruction, a new chemical laboratory, upgraded dock facilities, furnace modification, and for new concentrators used to recapture chrome from the molten slag.[12]

The domestic industry made other specific efforts to adjust to import competition, including diversifying its product lines, making better use of raw materials (e.g., improving the premix process), adopting labor saving equipment and/or processes, and developing new marketing strategies. In addition, Macalloy has started a

[2] Vice Chairman Calhoun, while supporting Chairman Alberger's conclusion in footnote 3, nevertheless recommends that relief be extended whether it is the current relief or relief in modified form.

[3] Chairman Alberger believes that an extension of the present relief would be only marginally better than termination of relief, and that it certainly would not allow for completion of the process of adjustment.

[4] Report at A-3.

[5] The only economically feasible substitute for high-carbon ferrochromium is stainless steel scrap. See Report at A-7 and A-8.

[6] *Id.*

[7] Report at A-19 through A-21 and A-35.

[8] We recognize that the decline in overall economic activity has also contributed to a decline in domestic consumption.

[9] Report at A-19 and A-20.

[10] *Id.*

[11] *Id.* at A-24 and A-25.

[12] *Id.* at A-37 and A-38.

cogeneration project which, if implemented, will result in the capture of heat loss from the smelting furnace and the heat's conversion into steam for use on the nearby Charleston Naval Base and as electric power for use by the local utility. This project will potentially increase ferroalloy productivity 35 percent and result in a reduction of $4 million per year in alloy cost.[13]

Imports During the Relief Period

In the first year of relief, total imports declined by 29 percent, from 171,113 short tons in 1978 to 121,839 short tons in 1979. Imports from South Africa, the largest source country, declined by 33 percent, from 136,858 short tons in 1978 to 91,780 short tons in 1979. During the same period, U.S. production rose from 101,190 short tons to 131,222 short tons, or by 30 percent. However, in 1980, total imports and imports from South Africa rose by 21 and 22 percent, respectively. At the same time, domestic production fell 24 percent, to 99,500 short tons. Furthermore, total imports during January–March 1981 were 67 percent higher than were imports in the corresponding period of 1980. Likewise, imports from South Africa for the same period grew by 99 percent, from 12,766 short tons in January–March 1980 to 25,468 short tons in January–March 1981.[14] The aggregate share of total imports from countries other than South Africa remained relatively unchanged between 1978 and 1980, accounting for less than 30 percent of total imports.[15]

The ratio of U.S. shipments of imports to domestic consumption declined from 68 percent in 1978 to 54 percent in 1979. In 1980, the ratio rose to the high rate of 72 percent.[16]

Extension of Relief

Import relief for the domestic high-carbon ferrochromium industry should be continued for serveral reasons.

First, despite cost disadvantages, we believe the domestic industry is presently viable and can adjust to import competition. The domestic industry can continue to remain competitive as a stable secondary source of supply both to domestic and foreign high-carbon ferrochromium consumers. One advantage the domestic industry has over its foreign competitors is that it is located closer to U.S. customers and, therefore, can be more responsive to such customers, such as the U.S. stainless steel producers.

Statements made by representatives of the stainless steel industry in their brief and at the hearing suggest that U.S. stainless producers will continue to buy high-carbon ferrochromium from the domestic industry in order to ensure a stable domestic source of supply.[17] They may not view the present primary foreign suppliers of high-carbon ferrochromium as stable enough to be their sole source of supply. Thus, to be competitive, the domestic industry does not necessarily have to have the same costs as or match the prices of foreign producers. However, it can enhance its competitive position vis-a-vis foreign producers if it can narrow any cost or price gaps.[18]

Second, the industry has not had sufficient time to adjust to import competition because unusually high inflation rates quickly eroded the effectiveness of the 38-cent breakpoint price. As a practical matter, the domestic industry has had only 1 year of effective relief, during which the industry began to recover somewhat as imports declined and domestic production increased. High inflation rates, however, soon eroded the domestic industry's protection. We do not believe there has been sufficient time to adjust to import competition, especially in such a capital-intensive industry.

Third, although the industry is viable, it is vulnerable at this time to import competition. Presently, only two out of five domestic producers actually produce high-carbon ferrochromium. In addition, the domestic industry has raised its prices only moderately since the beginning of relief, by less than 10 percent annually. Import penetration rose to 72 percent in 1980, which means that the domestic industry accounts for an ever decreasing share of the domestic market. Unless the industry is given additional time to adjust to import competition, it will continue to decline in size and market share.

An importer has informed the Commission that in anticipation of a possible rise in the breakpoint price as a result of the President's decision in this case, importers have built up large inventories of high-carbon ferrochromium. Termination of relief at this time might result in the importers selling their inventories of high-carbon ferrochromium at cut-rate prices, thereby causing a sharp drop in prices, even below the breakpoint price of 38 cents.

Section 202(c) Considerations

In deciding what advice we would give, we reviewed the various considerations set forth in section 202(c) of the Trade Act and would like to comment briefly on several of them.[19] First, we believe that prior to the time that the effectiveness of the breakpoint price was eroded because of inflation, import relief was effective in promoting adjustment by the domestic industry to import competition. Second, it is our view that even if the import relief now in effect, i.e., the present breakpoint price and 4-cent duty, were extended it would provide some protection to the domestic industry from extreme cuts in prices.[20] Third, we do not believe that relief has had, or that the extension of relief will have, a significant adverse impact on U.S. consumers, primarily because high-carbon ferrochromium accounts for less than 10 percent of the cost of producing a pound of stainless steel.[21] Failure to extend relief could have an adverse effect on stainless steel producers because of the possible demise of a stable secondary source of supply of high-carbon ferrochromium. The possible loss of a stable secondary source of high-carbon ferrochromium for the stainless steel industry could result in significant economic and social costs for taxpayers, communities, and workers.

For all the reasons discussed above, it is our view that relief to the high-carbon ferrochromium industry ought to be extended.

Form of Extended Import Relief

Set forth below for the President's consideration is a discussion of alternative forms of extended relief.[22]

Chairman Alberger, Vice Chairman Calhoun, and Commissioner Stern believe that an orderly marketing agreement (OMA) would provide the most economically effective and least disruptive form of modified relief.[23] It is

[13] *Id.* at A–42 and A–44.

[14] Part of this increase in imports is the result of * * *.

[15] Report at A–16 through A–18.

[16] *Id.*

[17] See transcript at 234 and posthearing brief of Tool and Stainless Steel Industry Committee at 7.

[18] Vice Chairman Calhoun believes that this is the strongest premise upon which extenstion of relief can be based and that it is also the most reasonable standard by which to assess the domestic industry's success in adjusting to import competition.

[19] See the Report at A–47 through A–51 for further discussion of the section 202(c) considerations.

[20] See footnotes 2 and 3 on page 3.

[21] See report at A–49.

[22] Commissioner Bedell believes it is appropriate for the Commission to advise the President regarding alternative forms of extended relief but makes no recommendation on which form of modified relief would be the most effective.

[23] Chairman Alberger continues to believe, as he advised in 1978, that some form of quantitative restrictions is the best way to provide effective relief for this industry. Since imports from South Africa account for three-quarters of all imports, restrictions on imports from that country may be the most practicable, as well as the most effective form of relief.

clear that section 203(e)(2) gives the President authority to negotiate an OMA on or before November 15, 1981, the date import relief is scheduled to end. This authority to negotiate would also clearly exist prior to the termination of any extended period of relief, if the present relief is extended. The President may also decide that section 203(h)(3) permits him to negotiate an OMA after November 15, 1981.

Since most imports come from South Africa, the President may in particular wish to consider negotiating an OMA with this country. Yearly data for 1978–80 show that imports of high-carbon ferrochromium from South Africa have consistently maintained at least a 75 percent share of the total import market. After declining dramatically during the first year of relief, the ratio of imports from South Africa to total U.S. consumption has already returned to a level near that prior to relief.

Should the President decide that it is within the scope of his authority under section 203,[24] there is the possibility of providing effective relief by upwardly adjusting the breakpoint price. Importers and some foreign producers contended in their briefs and during the Commission hearing that such an upward adjustment of the breakpoint price would constitute an increase in the "level of relief" and would be proscribed by section 203(h)(3) of the Trade Act, which provides that relief during an extension period may not be at a level greater than that in effect immediately prior to the extension. The domestic producers, on the other hand, argued that the level of relief is the increased tariff and not the breakpoint price and that the breakpoint price can therefore be adjusted upward to compensate for inflation without contravening section 203(h)(3).

It may be possible to adjust the breakpoint price in order to provide the domestic industry with the same benefits it received in 1979. The original breakpoint price was intended to allow the most efficient U.S. producer (* * *) to obtain an adequate financial return on its high-carbon ferrochromium operations.[25] Following imposition of relief, * * * net operating return rose dramatically from * * * percent in 1978 (prior to relief) to * * * percent in 1979. It rose further to * * * percent in 1980. By January–March 1981, however, * * * net operating return had fallen to * * * percent. In order for * * * to have achieved the same return in 1981 as it did in 1979, the average unit value of its high-carbon ferrochromium shipments would have to have been * * * cent higher per pound.[26] It is possible that a similar increase in the breakpoint price (i.e., to * * * cents per pound in 1981, which equals an annual increase of slightly less than * * * percent) might have resulted in an increase in prices sufficient to allow * * * to improve its net operating return to * * * percent. Thus, adjusting the breakpoint price upward at an annual rate of * * * percent (i.e., to * * * cents in 1982, * * * cents in 1983, and * * * cents in 1984) may be appropriate.

A net operating return of * * * percent is not the only level which might be deemed to be "an adequate return" (although it is roughly in line with the return achieved by the steel industry as a whole in 1980). Using the methodology and assumptions discussed above, achieving an * * * percent net operating return would call for breakpoint prices of * * * cents in 1982, * * * cents in 1983, and * * * cents in 1984. Achieving a * * * percent net operating return would call for breakpoint prices of * * * cents in 1982, * * * cents in 1983, and * * * cents in 1984.

Alternatively, it is possible to adjust the breakpoint price to reflect some measure of inflation. Between 1979 (the first year of relief) and 1980, the Producer Price Index for all metal and metal products rose by 10 percent, U.S. selling prices of imported high-carbon ferrochromium (50 to 55 percent chromium content) rose by 9 percent, U.S. selling prices of domestic high-carbon ferrochromium (50 to 55 percent chromium content) rose by 6 percent, and the Producer Price Index for pig iron and ferroalloys rose by 4 percent. On the other hand, * * * unit cost of goods sold for high-carbon ferrochromium operations fell by about * * * percent. Adjusted breakpoint prices using these annual rates of change are shown in the following tabulation (in cents):

RATES OF CHANGE

[In percent]

	10	9	6	4	* * *
1982	50.5	49.0	45.5	43.0	* * *
1983	55.5	53.5	48.0	44.5	* * *
1984	61.0	58.5	51.0	46.0	* * *

Of course, it is possible to adjust the rate of increase in the breakpoint price. We point out that the above tabulation reflects historical rates of increase for the indicators chosen and that these rates are dynamic and subject to change.[27]

Finally, it is possible to attempt to control the quantity of imports by setting an appropriate breakpoint price. As discussed on pp. A–44 through A–46 of the accompanying report, imports could be expected to remain at appproximately the 1980 level (147,000 short tons, chromium content) by imposing an adjusted breakpoint price of 46 cents. Continuing the 38-cent breakpoint price, or terminating relief, would be expected to result in annual increases in imports of about 5 percent.

Related to any adjustment of the breakpoint price may be a consideration of the desired effect on foreign producers. For example, the current U.S. selling price for imported high-carbon ferrochromium (50 to 55 percent chromium content) is about 47.5 percent per pound. Projections for 1982 call for a price of possibly as much as 50 cents. A breakpoint price of 44 cents correlates roughly with a U.S. price of 50 cents. Therefore, establishing a new breakpoint price at 44 cents or below would likely result in a general upward movement of prices (much as happened in 1979 after the 38-cent breakpoint price was established), so that significantly higher returns would be achieved by foreign producers and few, if any, additional duties would be collected. It is unlikely, however, that this would happen with a breakpoint price above 44 cents, indicating that imports probably would be subject to the additional 4-cent-per-pound duty, and foreign suppliers may have to hold steady, or even lower their prices.[28]

[24] Chairman Alberger has some concern about the legal authority for such a modification and suggests that the record before us, particularly briefs submitted by the parties and the parties' oral arguments, contains a thorough analysis of the issues.

[25] See Communication from the President of the United States, Import Relief Action High-Carbon Ferrochrome, H. Doc. No. 96-28, 96th Cong., 1st Sess., at 3; Presidential Memorandum of Nov. 2, 1978 for the Special Representative for Trade Negotiations, 43 F.R. 51599 (1978).

[26] Assuming that all of the additional revenue received from this increase would go into operating profits.

[27] Since the Commission has suggested several alternative forms of relief to the President, it is difficult to advise whether it is feasible to phase down relief, and to what extent, under section 203(h)(2) during the extension period without knowing the specific alternative that may be chosen by the President.

[28] Commissioner Stern and Commissioner Bedell note that another possible option open to the President may be to impose quantitative restrictions on U.S. imports of high-carbon ferrochromium.

Conclusion

The domestic industry has made a considerable effort to adjust to import competition, but has not yet had a sufficient period of effective relief. Termination of import relief would have a significant adverse economic effect on the domestic industry. The import relief presently in effect is ineffective and the President should therefore extend import relief for the high-carbon ferrochromium industry in a modified form [29] for a 3-year period.

Issued: September 16, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29193 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-79 (Final)]

Sodium Gluconate From the European Economic Community [1]

AGENCY: International Trade Commission.

ACTION: Institution of a final countervailing duty investigation.

SUMMARY: As a result of receiving notice from the United States Department of Commerce on September 16, 1981, that there is reason to believe or suspect that the European Economic Community is providing subsidies upon the manufacture, production, and exportation of sodium gluconate imported into the United States within the meaning of section 703 of the Tariff Act of 1930 (19 U.S.C. 1671b), the United States International Trade Commission (hereinafter "the Commission") hereby gives notice of the institution of investigation No. 701 TA-79 (Final) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. For purposes of this investigation, the item "sodium gluconate" means the sodium salt of gluconic acid ($NaC_6H_{11}O_7$), provided for in term 437.52 of the Tariff Schedules of the United States. This investigation will be conducted according to the provisions of Part 207 of the Commission's *Rules of Practice and Procedure* (19 CFR 207, 44 FR 76457), Subpart C, effective January 1, 1980.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Tim Timberlake, Staff Investigator, Office of Investigations, U.S. International Trade Commission, Room 348, 701 E Street, NW., Washington, D.C. 20436; telephone 202-523-4618.

SUPPLEMENTARY INFORMATION: On July 27, 1981, the Commission unanimously determined, on the basis of the information developed during the course of investigation No. 701-TA-79 (Preliminary), that there is a reasonable indication that an industry in the United States is materially injured by reason of the importation of allegedly subsidized sodium gluconate from the European Communities. As a result of the Commission's determination, the Department of Commerce (the adminstering authority) continued its investigation into the question of the alleged subsidies, and has preliminarily estimated that the net subsidy on sodium gluconate exported to the United States from the European Economic Community to be $107.05 per metric ton. The final determination by the Department of Commerce as to whether the European Community is subsidizing its manufacturers, producers, or exporters of sodium gluconate will be made by November 23, 1981.

Written Submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before December 21, 1981. All written submissions, except for confidential business data, will be available for public inspection.

Any submission of business information for which confidential treatment is desired shall be submitted separately from other documents. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6).

Public Hearing

The Commission will hold a public hearing in connection with this investigation on December 15, 1981, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.), December 4, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a perhearing conference to be held at 2:00 p.m., e.s.t., on December 7, 1981, in Room 117 at the U.S. International Trade Commission Building. Prehearing statements must be filed on or before December 9, 1981. For further information concerning the conduct of the investigation, hearing procedures, and rules of general applications, consult the Commission's *Rule of Practice and Procedure*, Part 207, Subpart C (19 CFR 207), and Part 201, Subparts A through E (19 CFR 201).

(Section 207.20 of the Commission's *Rules of Practice and Procedure* (19 CFR 207.20, 44 FR 76458).)

Issued: September 29, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29189 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-38 (Final)]

Truck Trailer Axle-and-Brake Assemblies and Parts Thereof From Hungary; Institution of Final Antidumping Investigation and Scheduling of Hearing

AGENCY: International Trade Commission.

ACTION: Institution of a final antidumping duty investigation.

SUMMARY: On September 17, 1981, the United States Department of Commerce issued a preliminary determination that there is reason to believe or suspect that truck trailer axle-and-brake assemblies and parts thereof from Hungary are being sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673b). Accordingly, the United States International Trade Commission (hereinafter "the Commission") hereby gives notice of the institution of investigation No. 731-TA-38 (Final) to determine whether an industry in the United States is materially injured or is

[29] Chairman Alberger believes that an extension of the present relief would be only marginally better than termination of relief, and that it certainly would not allow for completion of the process of adjustment. Vice Chairman Calhoun, while supporting Chairman Alberger's conclusion, nevertheless recommends that relief be extended whether it is the current relief or relief in modified form.

[1] In its preliminary decision, the Commission entitled this case "Sodium Gluconate from the European Communities." Since the Department of Commerce has determined that the country in this case is the European Economic Community, the Commission has changed its title accordingly.

threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise provided for in items 692.32 and 692.60 of the Tariff Schedules of the United States (TSUS). This investigation will be conducted according to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207), Subpart C, effective January 1, 1980.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Abigail Eltzroth, Office of Investigations, U.S. International Trade Commission, Room 337, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523-0289.

SUPPLEMENTARY INFORMATION: On March 23, 1981, the Commission determined on the basis of the information developed during the course of investigation No. 731-TA-38 (Preliminary), that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury by reason of imports of truck trailer axle-and-brake assembles and parts thereof from Hungary, provided for in TSUS items 692.32 and 692.60, which are allegedly sold or likely to be sold at less than fair value. As a result of the Commission's determination, the Department of Commerce continued its investigation into the question of less-than-fair-value sales. The final determination by the Department of Commerce of whether truck trailer axle-and-brake assemblies and parts thereof from Hungary are being, or are likely to be, sold in the United States a less than fair value will be made within 75 days after the date of its preliminary determination, or, on this case, by December 1, 1981.

Written Submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before December 16, 1981. All written submissions, except for confidential business data, will be available for public inspection.

Any submission of business information for which confidential treatment is desired shall be submitted separately from other documents. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information". Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

A staff report containing preliminary findings of fact will be available to all interested parties on November 19, 1981.

Public Hearing

The Commission will hold a public hearing in connection with this investigation on December 9, 1981, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.), December 1, 1981. All persons desiring to appear at the hearing and make oral presentation should attend a prehearing conference to be held at 10:00 a.m., e.s.t., on December 2, 1981, in Room 117 of the U.S. International Trade Commission Building and must file prehearing statements on or before December 4, 1981. For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure Part 207, Subpart C (19 CFR 207), and Part 201, Subparts A through E (19 CFR 201).

The Commission has waived Commission rule 201.12(d), "submission of prepared statements," in connecting with this investigation. This rule states that "Copies of witnesses' prepared statements should be filed with the Office of the Secretary of the Commission not later than 3 business days prior to the hearing and submission of such statements shall comply with §§ 201.6 and 201.8 of this subpart". It is nevertheless the Commission's request that parties submit copies of witnesses' prepared testimony as early as practicable before the hearing in order to permit Commission review.

(Section 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20).)

Issued: September 30, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29190 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-247-SP; 50-286-SP]

Atomic Safety and Licensing Board; Memorandum and Order

In the Matter of Consolidated Edison Company of New York (Indian Point, Unit 2) and Power Authority of the State of New York (Indian Point, Unit 3); Memorandum and Order (Giving Notice of the Addresses of Board Members and Rules for Conduct of Proceeding).

The Commission, by public notice [1] (46 FR 47,330 (1981)), has appointed an Atomic Safety and Licensing Board in this proceeding. The address for the Board members is:

Mr. Louis J. Carter, Chairman, Dr. Oscar H. Paris, Mr. Frederick J. Shon,
U.S. Nuclear Regulatory Commission,
Atomic Safety and Licensing Board Panel, Washington, D.C. 20555.

Rules for the conduct of this proceeding, including the admissibility of contentions, are set forth in the Commission Memorandums and Orders dated January 8, 1981 (CLI-81-1, 13 NRC 1) and September 18, 1981 (CLI-81-22, 14 NRC -).[2] The NRC Staff will be a party to this proceeding and the Licensees will be admitted as parties upon request filed on or before November 6, 1981. All others wishing to intervene shall file petitions for intervention on or before November 6, 1981, also.

It is, this 1st day of October 1981.

Ordered

That requests to participate and petitions to intervene shall be filed on or before November 6, 1981, and contentions shall comply with the rules set forth in the Commission's Orders of January 8 and September 18, 1981.

Signed in Bethesda, Maryland on October 1, 1981.

The Atomic Safety and Licensing Board.

Louis J. Carter,

Chairman, Administrative Judge.

Oscar H. Paris,

Administrative Judge.

Frederick J. Shon,

Administrative Judge.

[FR Doc. 81-29210 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

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[1] The notice abstracted information from a Commission Memorandum and Order cited *infra*.

[2] These documents are available in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the local Public Document Room, White Plains Public Library, 100 Martine Avenue, White Plains, New York.

[Docket No. 50-341 (Operating License)]

Atomic Safety and Licensing Board; Order Rescheduling Evidentiary Hearing

In the Matter of The Detroit Edison Company (Enrico Fermi Atomic Power Plant, Unit 2); order rescheduling evidentary hearing

At the Prehearing Conference in this proceeding held on July 22, 1981, the Applicant, Detroit Edison Company, proposed March 2, 1982 as the appropriate date for beginning the evidentiary hearing. The other parties concurred. The parties also agreed upon February 8, 1982 as the date for filing written testimony. In response to a suggestion from the Board, however, the parties agreed to move the hearing date forward to December 1, 1981, provided that the members of the Board were available on that date, and provided that additional testimony on one contention might be heard in April or May of 1982 if the parties were not able to present evidence on that contention by December 1. In our Order Following Prehearing Conference on August 4, 1981, we set December 1, 1981 as the date for the evidentiary hearing.

Because of a change in the workload of one of the members of the Board, it now appears that that member will not be available on December 1. Accordingly, we move the hearing date back to March 2, 1982, originally proposed by the Applicant. This change in the hearing date will not affect the operation of the facility; the most recent estimate of Applicant's construction schedule shows that the facility will not be completed until November of 1982.

In light of the above, the schedule for the balance of this proceeding (as stated in our Order Following Prehearing Conference of August 4, 1981) is changed as follows:

1. Written testimony shall be filed on February 8, 1982. The Applicant shall send a messenger to CEE in order to take delivery of CEE's testimony.

2. The evidentiary hearing will begin on March 2, 1982. On that day a final prehearing conference will be held before the beginning of the evidentiary hearing. The location and hour of the hearing will be announced in a further order.

Dated at Bethesda, Maryland this 30th day of September, 1981.

For the Atomic Safety and Licensing Board.

Gary L. Milhollin,

Chairman, Administrative Judge.

[FR Doc. 81-29211 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-10-OLA]

Commonwealth Edison Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to Commission order, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on request for hearing and to preside over the proceeding in the event that a hearing is ordered.

Commonwealth Edison Company

Dresden Nuclear Power Station, Unit 1, Construction Permit No. DPR-2

This action is in reference to an order of the Commission dated September 28, 1981 concerning requests for hearings by several petitioners with regard to Commonwealth Edison Company's proposal to chemically decontaminate Dresden Nuclear Power Station, Unit 1.

The Board is comprised of the following Administrative Judges:

John H. Frye, III, Chairman, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. David L. Hetrick, Professor of Nuclear Engineering, University of Arizona, Tucson, Arizona 85721

Dr. Robert L. Holton, School of Oceanography, Oregon State University, Corvallis, Oregon 97331.

Issued at Bethesda, Maryland this 30th day of September, 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-29207 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co. (Zion Station, Unit Nos. 1 and 2); Exemption

I

The Commonwealth Edison Company (the licensee) is the holder of Operating License Nos. DPR-39 and DPR-48 (the licenses) which authorize operation of the Zion Station, Unit Nos. 1 and 2 located in Zion, Illinois, at steady state reactor core power levels not in excess of 3250 megawatts thermal (rated power). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Appendix J was published on February 14, 1973 and in August 1975, each licensee was requested to review the extent to which each facility met the requirements.

On September 29, 1975, Commonwealth Edison Company (CWE but now referred to as CECo) submitted their evaluation of the Zion Station Unit Nos. 1 and 2, Dresden Station Unit Nos. 1, 2, and 3, and Quad Cities Station Unit Nos. 1 and 2. This Exemption addresses only the Zion Station Unit Nos. 1 and 2; the remaining Stations will be addressed by separate Exemptions, if necessary. The CECo submittal for the Zion Station was supplemented by letters on January 31, 1977, May 11, 1977, and July 7, 1980. In these submittals, CECo requested that certain penetrations and components be exempted from Appendix J requirements. The Franklin Research Center, as consultant to the NRR, has reviewed the licensee's submittals and prepared a Technical Evaluation Report on their findings. The NRC staff has reviewed this report and in its Safety Evaluation Report dated September 30, 1981, the staff has concurred in the report's bases and findings. The exemption requests found to be acceptable are as follows:

1. CECo requested an exemption to perform local valve leakage rate tests (Type C tests) prior to the integrated primary containment leakage rate test (Type A test) and to back-correct the results of the Type A test with the results of the Type C test. This is an exemption to the method of leakage calculation and based on our evaluation is conservative in that all measured local leakage from the Type C tests will be assumed to be in a direction out of the containment when back-correcting the results of the Type A test. Without this exemption, the licensee estimates an additional three days would be required at refueling outages without gaining test accuracy nor additional reliability of the containment leak testing. We agree that additional time would be required and would be an unnecessary cost in outage time for the licensee and in replacement power cost to the public. Therefore, this exemption should be granted.

2. CECo requested an exemption to exclude nitrogen line isolation valves AOV-SI 8880 from Type C testing. Our evaluation concluded that there was insufficient justification for the

exemption and that these valves should be included in the Type C testing program. However, we are advised by CECo that Type C testing of these valves (one on each unit) will require the installation of special high pressure valves which cannot be done until the refueling outages scheduled for the spring of 1982 for Unit 1 and fall of 1982 for Unit 2. This is due to the lead time required to engineer and purchase the quality valves, supports and connections. This schedule, if approved, will require an exemption of Type C testing of the valve in Unit 2 during the refueling outage scheduled to begin in September 1981. Without this exemption, the Unit 2 refueling outage scheduled to begin in September 1981 would be extended until a suitable procedure and equipment could be obtained to conduct the test.

This valve in Unit 2 was last tested in July 1980 in the Type A test. Based on the acceptable tests results to date of these valves which has indicated no unacceptable leakage, and the unnecessary cost in outage time for the licensee and replacement power costs to the public, the exemption should be granted to extend the Type C testing requirement on Unit 2 until the fall 1982 refueling outage. No exemption is required for Unit 1.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 30th day of September, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-29209 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-295]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-39, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Unit 1 (the facility) located in Zion, Illinois. The amendment was authorized by telephone September 4, 1981, and was confirmed by letter dated September 8, 1981.

The amendment provides a temporary change to the Technical Specifications to permit the reactor coolant pump bus undervoltage and underfrequency channel calibration and channel functional tests, previously required during the spring 1981 refueling outage, to be performed the next time these reactor coolant pumps are de-energized or the first unit shutdown after September 11, 1981, whichever is earlier. This amendment was issued on an expedited basis to maintain the plant at a steady-state condition and avoid subjecting the plant to a shutdown transient shown by our evaluation to be unnecessary.

The request for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the request for amendment dated September 4, 1981, (2) the Commission's letter dated September 8, 1981, (3) Amendment No. 69 to License No. DPR-39, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 30th day of September 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-29208 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-277]

Philadelphia Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 81 to Facility Operating License No. DPR-44, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications (TSs) for operation of the Peach Bottom Atomic Power Station, Unit No. 2 (the facility) located in York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment temporarily revises the TSs to extend the limiting condition for operation on diesel generator operability from seven days to ten days. The extension starts at 7:00 PM EDT on September 28, 1981 and expires at 7:00 PM EDT on October 1, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 28, 1981, (2) Amendment No. 81 to License No. DPR-44, and (3) the Commission's letter to Philadelphia Electric Company dated September 28, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 28th day of September 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-29212 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric & Gas Co., South Carolina Public Service Authority, Virgil C. Summer Nuclear Station; Order Extending Construction Completion Date

South Carolina Electric and Gas Company and South Carolina Public Service Authority are the holders of Construction Permit No. CPPR-94 issued by the Atomic Energy Commission [1] on March 21, 1973 for the construction of the Virgil C. Summer Nuclear Station presently under construction at a site in Fairfield County, South Carolina. By letter dated November 26, 1980 the permittees filed requests for an extension of the latest construction completion date for the facility from December 31, 1980 to June 30, 1982, because construction has been delayed due to (1) the diversion of NRC Staff resources from normal review assignments on the application, among others, to TMI-related assignments and the associated reorganization of the NRC Staff, (2) increased quality control activities, rework due to these inspections, and delays in the installation of pipe hangers and supports, (3) additional work to implement plant modifications required as a result of reassessments made following the TMI accident, (4) turnover of systems to plant start-up for preoperational testing, because of such pacing factors as hanging rework and hydrostatic tests, (5) readying systems for full hydrostatic tests as required to code stamp ASME code piping systems, (6) completing stress analyses (which involve hangers) required by the ASME code, and (7) upgrading the plant security system to meet NRC requirements.

This action involves no significant hazards consideration, good cause has been shown for the delay, and the requested extension is for a reasonable period, the bases for which are set forth in the NRC Staff Evaluation, dated September 30, 1981. The preparation of an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement of the Virgil C. Summer Nuclear Station, published in May 1981. A Negative Declaration and an Environmental Impact Appraisal have been prepared and are available, as are the above stated documents, for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the local public document room established for the Virgil C. Summer Nuclear Station in Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

It is hereby ordered that the latest completion date for CPPR-94 be extended from December 31, 1980 to June 30, 1982.

Date of issuance: October 1, 1981.

For the Nuclear Regulatory Commission.

D. G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-29213 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

Virgil C. Summer Nuclear Station; Negative Declaration Supporting: Extension of Construction Permit No. CPPR-94; Expiration Date

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the South Carolina Electric & Gas Company and the South Carolina Public Service Authority (permittees) request to extend the expiration date of the construction permit for the Virgil C. Summer Nuclear Station (CPPR-94) which is located in Fairfield County, South Carolina. The permittees requested an extension of the permit to June 30, 1982 to allow for a reasonable period for completion of construction of the Virgil C. Summer Nuclear Station, and further allowance for contingencies.

The Commission's Division of Licensing (staff) has prepared an environmental impact appraisal relative to this change to CPPR-94. Based upon this appraisal, the staff has concluded that an environmental impact statement for this particular action is not warranted because pursuant to the Commission's regulations in 10 CFR Part 51, and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this change to the construction permit is not a major federal action significantly affecting the quality of the human environment.

The envirnonmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555; and at the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29201.

Dated at Bethesda, Md., this 30th day of September, 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-29214 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358-OL]

Cincinnati Gas & Electric Co. (William H. Zimmer Nuclear Power Station, Unit 1) Prehearing Conference; Atomic Safety and Licensing Board

October 2, 1981.

Please take notice that a prehearing conference in this matter will take place on October 29 and 30, 1981, at the U.S. Post Office & Courthouse, Room 607, Courtroom No. 1, Fifth & Walnut Streets, Cincinnati, Ohio 45202. The conference will begin at 1:00 p.m. on October 29, and at 9:00 a.m. on October 30. The parties to this proceeding are directed to appear in person or by authorized representative. The purpose of the conference will be to review the status of the proceeding and any pending matters. The Board will issue a Memorandum by October 12 detailing specific matters which it wishes addressed at the conference.

The public is invited to attend the prehearing. However, oral limited appearance statements will not be accepted during this conference.

Dated at Bethesda, Maryland, the 2d day of October 1981.

For the Atomic Safety and Licensing Board.

John H. Frye III,

Chairman, Administrative Judge.

[FR Doc. 81-29206 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

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[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day continue under the authority of the Nuclear Regulatory Commission.

[Docket Nos. 50-445 and 50-446]

Comanche Peak Steam Electric Station Units Nos. 1 and 2 and Texas Utilities Generating Company, et al.; Negative Declaration Supporting Amendments No. 4 to CPPR-126 and CPPR-127 Related to Change in Ownership Interests

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the amendments to Construction Permits CPPR-126 and CPPR-127 relating to changes in ownership interests in the Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, located in Somervell County, Texas. The construction permits are issued to the Texas Utility Generating Company. The amendments would include the Tex-La Electric Cooperative of Texas, Incorporated, as a co-owner of the facility with the present owners.

In accordance with 10 CFR Part 51, the Commission's staff has prepared an environmental impact appraisal (EIA) for the amendment. The Commission has concluded that an environmental impact statement for this action is not warranted, because there will be no adverse environmental impacts affecting the quality of the human environment attributable to the proposed action that would be in addition to those impacts evaluated in the Commission's Final Environmental Statement for Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, issued in June 1974; or in the Commission's Final Environmental Statement related to the operation of Comanche Peak Steam Electric Station, Units 1 and 2, NUREG-0775, issued in September 1981. A negative declaration is, therefore, appropriate.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, DC, and at the local public document room located at the Somervell County Public Library, P.O. Box 417, Glen Rose, Texas. A copy of the EIA may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of September 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-29216 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 and 50-446]

Texas Utilities Generating Co., et al.; Issuance of Amendments to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Construction Permit No. CPPR-126 and Amendment No. 4 to Construction Permit No. CPPR-127. The amendment reflects a readjustment of ownership interests among previous owners and the addition of a new co-owner of the Comanche Peak Steam Electric Station, Units 1 and 2 (the facilities). Previously, the construction permits were held by Texas Utilities Generating Company, Dallas Power and Light Company, Texas Electric Service Company, Texas Power and Light Company, Texas Municipal Power Agency and Brazos Electric Power Cooperative, Inc. Amendment No. 4 adds as a co-owner the Tex-La Electric Cooperative of Texas, Inc. Texas Utilities Generating Company has sole responsibility for the design, construction, and operation of the facilities, which are located in Somervell County, Texas.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendments.

Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated April 28, 1980, (2) the application for amendment dated May 28, 1981 and supplementary information dated July 27, 1981 and September 16, 1981, (3) Amendment No. 4 to Construction Permit No. CPPR-126, (4) Amendment No. 4 to Construction Permit No. CPPR-127, (5) the Commission's related Safety Evaluation, (6) the Environmental Impact Appraisal and (7) the Negative Declaration supporting the amendments to the construction permits. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Somervell County Public Library, On the Square, Glen Rose, Texas 76043. In addition, a copy of the above items (3), (4), (5), (6) and (7) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland this 30th day of September 1981.

For the Nuclear Regulation Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-29215 filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC78-3]

Electronic Mail Classification Proposal, 1978 (Remand); Prehearing Conference Rescheduled

October 2, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Rescheduling Prehearing Conference", dated October 2, 1981, the second Prehearing Conference previously scheduled to be held on October 7, 1981, at 2:00 p.m., is rescheduled for Friday, October 9, at 10:00 a.m., in the Commission Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. 20268.

David F. Harris,

Secretary.

[FR Doc. 81-29176 Filed 10-6-81; 8:45 am]

BILLING CODE 7715-01-M

PRESIDENTIAL ADVISORY COMMITTEE ON FEDERALISM

Revenue Source Return Subcommittee; Open Meeting

The Revenue Source Return Subcommittee of the Presidential Advisory Committee on Federalism will meet on Thursday, October 22, 1981, from 9:00 to 12:00 p.m. in Room 2010 of the New Executive Office Building, at 17th Street and Pennsylvania Avenue, N.W., Washington, D.C.

The Subcommittee is part of the Advisory Committee on Federalism which was established by Executive Order 12303 on April 8, 1981. The Chairman of the Committee is U.S. Senator Paul Laxalt. The Subcommittee is composed of members from the full Committee which inlcude private citizens, public officials from state and local governments, and members of the Legislative and Executive branches of the federal government. The members serve at the pleasure of the President.

The Committee shall advise the President with respect to the objectives and conduct of the overall federalism policy of the United States.

The meeting will be open to public observation. Written comments or statements may be submitted at any time before or after the meeting and should be related to the substantive matter identified above. Approximately 75 seats will be available for the public on a first come, first served basis.

For further information, contact Rick Neal at (202) 456–7943.

Richard S. Williamson,

Assistant to the President.

[FR Doc. 81-29105 Filed 10-6-81; 8:45 am]

BILLING CODE 3195-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11965; (812-4929)]

Investors Mutual, Inc., et al.; Filing of Application for an Order of the Commission Pursuant to Section 6(c) of the Investment Company Act of 1940 Exempting Applicants from the Provisions of Section 22(d) of the Act and Rule 22d-1 Thereunder

October 1, 1981.

Notice is hereby given that Investors Mutual, Inc. ("Mutual"), Investors Stock Fund, Inc. ("Stock"), Investors Variable Payment Fund, Inc. ("Variable Payment"), Investors Selective Fund, Inc. ("Selective"), IDS Progressive Fund, Inc. ("Progressive"), IDS New Dimensions Fund, Inc. ("New Dimensions"), IDS Growth Fund, Inc. ("Growth"), IDS Bond Fund, Inc. ("Bond"), IDS Tax-Exempt Bond Fund, inc. ("Tax-Exempt"), IDS High Yield Tax-Exempt Fund, Inc. ("High Yield"), IDS Discovery Fund, Inc. ("Discovery"), 1000 Roanoke Building, Minneapolis, Minnesota 55402, each registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, and any other associated funds to be formed at a later date (collectively, "Funds"), and Investors Diversified Services, Inc. ("IDS"), IDS Tower, Minneapolis, Minnesota 55402, investment adviser and principal underwriter for the Funds (hereinafter, the Funds and IDS are referred to as "Applicants"), filed an Application on July 22, 1981, and an amendment thereto on August 26, 1981, for an order pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder, to the extent necessary to permit, as described below, the sale of shares of the Funds at net asset value to directors and employees of Applicants who are participants in qualified and non-tax qualified employee benefit plans without imposition of normal sales charges. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the Application, each of the Funds is organized as a corporation under Nevada law and is currently engaged in a continuous public offering of its shares through IDS and its wholly owned subsidiary, IDS Marketing Corporation, at public offering prices equal to net asset value plus a sales charge. Applicants state that sales charges on the Funds vary with the size of the purchase and as set forth in the Fund's prospectus.

As stated in the application, IDS, a Delaware Corporation which serves as investment adviser and principal underwriter for each of the Funds, is the parent of IDS Life Insurance Company ("IDS Life") which underwrites and distributes a line of products including life insurance, fixed annuities and variable annuities. IDS in turn is a wholly owned subsidiary of Alleghany Corporation, a Maryland corporation ("Alleghany"). IDS, IDS Marketing, IDS Life, present subsidiaries of IDS, and any IDS subsidiaries acquired or formed subsequent to the date of this application, are hereinafter referred to as the "IDS Companies." Applicants further state that the Boards of Directors of the eleven Funds consist of from 10 to 13 members, and the Funds have seven employees. While each employee works for all the Funds and each Director serves on more than one Fund Board, there are several directors who do not serve on all the Boards. As of June 1, 1981, the IDS Companies had approximately 1,900 employees plus approximately 3,000 sales representatives. Alleghany has fewer than 25 directors and employees. Hereinafter, these individuals are referred to as "Associated Persons", and IDS employees and sales representatives together with Alleghany directors and employees are referred to as "IDS Associated Persons".

Applicants state that they propose to permit Fund employees and directors to participate in a plan (the "Fund Plan") which would permit those directors who do not serve on all Fund Boards to invest in all Funds without paying a sales charge and in addition to permit employees, retired employees and spouses or minor children of directors and employees to invest in all Funds without paying a sales charge so long as the purchase order is directed by the director or employee. Applicants represent that the purchase order(s) for the spouse and minor children must be directed by the director or employee while he is associated with the Funds. The Plan would permit purchases through a payroll deduction in the amount of $25 or more for each investment, provided those who do not purchase through a payroll deduction plan would have to meet the appropriate Fund's initial minimum and subsequent add-on investment requirement. Applicants state that they also propose to permit all employees of IDS to purchase Fund shares without a sales charge through an employee benefit plan qualified under Section 401 of the Internal Revenue Code (the "Qualified Plan"). IDS also intends to offer a non-qualified employee benefit plan (the "IDS Plan") which would permit employees and certain other persons to purchase shares of any of the Funds by direct purchases and through payroll deduction in amounts of $25 or more for each investment provided those who do not purchase through payroll deduction would have to meet the appropriate Fund's initial minimum and subsequent add-on investment requirement. The persons who would be eligible for the IDS Plan would be sales representatives, employees and directors of the IDS Companies; employees and directors of Alleghany; spouses and minor children of such persons to the extent orders on their behalf are directed by directors, employees or sales representatives of IDS or Alleghany; retired sales representatives and employees of the IDS Companies. The purchase order(s) for spouses and minor children must be directed by the employee or director while he is associated with IDS or Alleghany. Applicants state that participating Associated Persons would agree not to resell any Fund shares acquired through the above Plans except by repurchase or redemption by or for the account of the appropriate Fund.

Applicants represent that no individual sales solicitations or face to face group sales solicitations concerning the Fund Plan, the Qualified Plan, or the IDS Plan ("The Plans") will be made. Associated Persons will periodically receive notice concerning the Plans. Applicants state that this notice, which will be furnished at the expense of IDS, will describe the Funds and their investment objectives, indicate that investments in the Funds can be made at net asset value and detail the methods by which investments can be made. The notice will also indicate that

additional information concerning the Plans and the Funds can be obtained from IDS and will inform Associated Persons of the availability of prospectuses of the Funds from IDS. Applicants state that a copy of the appropriate prospectus(es) will be furnished prior to or at the time any person makes an initial investment in a Fund through the Plans. Applicants state that each prospectus will contain appropriate disclosure concerning the Plans.

Section 22(d) of the Act provides that the shares of the Funds cannot be sold except at a current public offering price described in the prospectus. Rule 22d–1 provides for an exemption from Section 22(d) to permit sales of Fund shares at reduced charges or without any sales charge in specified circumstances. The sale of shares of the Funds to Associated Persons at net asset value under the Plans may conflict with the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder. Paragraph (i) of the Rule permits sales of Fund shares without any sales charge to directors, officers, employees or sales representatives of a Fund, its investment adviser and principal underwriter, provided that any such person who is not a director, officer or full-time employee of the Fund must spend one-half of his working time providing investment advice to the Fund, selling its shares or supervising those that are entitled to the elimination of sales charges. Applicants state that a director of one Fund who is not on the Board of a second Fund technically could not purchase shares of the other Fund under Rule 22d–1(i). Applicants further state that there are Associated Persons who do not qualify fo purchases at net asset value under Paragraph (i) as they are in positions that do not directly provide investment advice to, or distribute shares of the Funds or supervise persons employed in such positions. Also, spouses and minor children of Associated Persons or employees or directors of Alleghany or retired persons are not covered under the Rule.

Applicants state that arguably sales of Fund shares at net asset value by IDS under the Fund Plan or the IDS Plan would be permitted by Paragraph (f) of the Rule which permits the elimination of sales charges in a sale pursuant to a uniform offer described in a prospectus and made to, inter alia, employee benefit plans not qualified under Section 401 of the Internal Revenue Code, provided such non-qualified plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales-related expense. Applicants further state that the term "employee benefit plan" is broadly defined, and "employer" is defined to mean affiliated employers within the meaning of Section 2(a)(3)(C) of the Act. The employers constituting the IDS Companies or the Funds are clearly "affiliated employers" within the meaning of Section 2(a)(3)(C) of the Act. Applicants state that the Fund and IDS Plans are employee benefit plans and offer clear economies of scale in sales effort and sales related expense. However, according to Applicants not all IDS Associated Persons would be deemed to be employees and the net asset value sales soley to the Associated Persons covered by the Fund and IDS Plans might not meet the uniform offer requirement of Paragraph (f).

Section 6(c) of the Act provides that the Commission by order upon application conditionally or unconditionally may exempt any person, security or transaction or any class of persons, securities or transactions from any provision of the Act or any Rule under the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that investment by Associated Persons in shares of the Funds at net asset value is supported by strong policy considerations, that such sales should result in demonstrable economies in sales effort and sales related expense as compared with other sales, and would not be unjustly discriminatory, and that the grant of the exemption requested by this application is appropriate in the public interest and consistent with the protection of investors and the purposes of Section 22(d) of the Act. Applicants further submit that the association of the Funds, including any new Funds advised by IDS which may be subsequently organized, with each other and with the IDS Companies and the relationship of Alleghany to IDS would result in economies in sales effort and sales related expense that justify elimination of all sales charges on Fund shares purchased by Associated Persons without discrimination against other employee benefit plans or other purchasers of Fund shares. Sales of Fund shares to such persons serve legitimate corporate purposes by promoting incentive and goodwill. Applicants allege that under the Plan there would be no adverse effects on the interests of investors, and that such sales do not involve any of the abuses against which Section 22(d) was directed.

According to the application, feathers of the Plans which are expected to give rise to economies of scale in sales effort and sales related expense are as follows: (i) Purchasers of shares of any Fund through payroll deduction will have shares purchased for their accounts at each payroll date with payment for such shares being made by IDS, thus relieving the Funds from concern about check clearance and delays in processing; (ii) Associated Persons will be sent notices with information about the Plans and the fact that Fund shares may be purchased without sales charge; and (iii) there will no personal solicitation of participants by IDS. In addition, Applicants state that they believe that the proposed investment in the Fund's shares would promote employees incentive, goodwill and loyalty.

Notice is further given that any interested person may, not later than October 23, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Managment, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29114 Filed 10-6-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7054]

Sage Laboratories, Inc., Common Stock, $1 Par Value; Application To Withdraw From Listing and Registration

October 1, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities and Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Sage Laboratories, Inc. (the "Company") is listed and registered on the BSE. On September 22, 1981, the common stock of the Company was listed on the NASDAQ system. The Company has determined that because the common stock is listed on NASDAQ, listing of the Company's stock is no longer necessary on the BSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the BSE. The BSE has posed no objection to this matter.

Any interested person may, on or before October 23, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29113 Filed 10-6-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 775]

Claims Against Iran

This notice concerns the procedures applicable to the filing of claims of U.S. nationals against Iran before the Iran-U.S. Claims Tribunal at The Hague. It supplements information provided in Public Notice 772 (46 FR 45057, September 9, 1981) and Public Notice 764 (46 FR 37418, July 20, 1981). For further information, contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

On October 2, the President of the Tribunal signed and the Tribunal released the following additional guidance with regard to the filing of statements of claim beginning on October 20, 1981. All such statements of claim must be filed with the Tribunal no later than January 19, 1982. Unless otherwise instructed, claimants should file their statements of claim with the Registrar of the Iran-U.S. Claims Tribunal at the Peace Palace, The Hague, The Netherlands. Claims of U.S. nationals totalling less than $250,000 will be submitted to the Tribunal by the U.S. Government; claimants with such claims who have not yet registered them with the Department of State are urged to do so immediately.

Iran-United States Claims Tribunal Administrative Directive No. 2

September 19, 1981.

1. *Introduction.* This Administrative Directive has been issued by the Iran-United States Claims Tribunal to inform interested parties concerning the Tribunal Rules which are being prepared. The Tribunal made substantial progress in developing Tribunal Rules during its meetings in September, 1981 and will hold further meetings in October at which it expects to complete such rules. Meanwhile there are set forth in this directive certain provisions of the forthcoming Tribunal Rules relating to filing claims with the Tribunal pursuant to paragraphs 1 and 2 of Article II of the Declaration of the Government of the Democratic and Popular Republic of Algeria concerning the Settlement of Claims by the Government of the United States of America and the Government of the Islamic Republic of Iran of January 19, 1981 ("Claims Settlement Declaration").

The Tribunal Rules will include the text of the UNCITRAL Arbitration Rules, modifications in those rules made by the Tribunal pursuant to its powers under the Claims Settlement Declaration, and notes to indicate how the Tribunal will implement or interpret the UNCITRAL Arbitration Rules, as modified.

2. *Statement of Claim.* (a) The contents of each Statement of Claim shall be as described in paragraph 6 of the Tribunal's Administrative Directive No. 1, except that with respect to sub-paragraph (b) the information shall include the nationalities of the parties, in addition to their names and last known addresses.

(b) The Tribunal Rules will modify Article 2 of the UNCITRAL Arbitration Rules by adding the following paragraph:

The Registrar may refuse to accept any document which is not received within the required time period or which does not comply with the Claims Settlement Declaration or with the Tribunal Rules. Any such refusal by the Registrar is, upon objection by an arbitrating party concerned within thirty days of notification of refusal, subject to review by the arbitral tribunal.

(c) The Tribunal Rules will include the following Notes:

(i) Upon the filing of a document, the Register shall note on all copies the date received. The Registrar shall issue a receipt to the arbitrating party which filed the document. In all cases in which the Registrar is required to deliver copies to the Agents he will secure a written receipt of such delivery which will be kept in the case file and be available for inspection or copying by any arbitrating party in that case.

(ii) All documents filed with the Registrar are to be submitted on paper 8 1/2 inches × 11 inches or on A-4 size paper (21 cm × 29.5 cm), or on paper no larger than A-4. If a document, exhibit or other written evidence cannot conveniently be reproduced on paper no larger than A-4, it is to be folded to A-4 size, unless the Registrar permits otherwise in special circumstances.

(iii) Upon receiving a Statement of Claim, the Registrar shall assign an identifying number to the claim. Thereafter, that identifying number shall be included in the caption of all documents in the case, including the award.

(iv) Twelve copies of all documents shall be filed with the Registrar, unless a smaller number is determined by the arbitral tribunal. In the event that there are more than two arbitrating parties in a case, a sufficient number of additional copies shall be filed to permit service on all arbitrating parties in the case. Also, the arbitral tribunal or the Registrar, may at any time require a party which files a document to submit additional copies.

(v) Exhibits and written evidence, other than those annexed to the Statement of Claim or Statement of Defense, shall be submitted in such numbers of copies as the arbitral tribunal may determine in each case based on the nature and volume of the particular exhibit or written evidence and any other relevant circumstances.

(d) The filing of documents with the tribunal shall consititute service on all of the other arbitrating parties in the case and shall be deemed to have been received by said arbitrating parties when it is received by the Agent.

3. *Effect of Date of Filing Statement of Claim.* (a) The Tribunal Rules will modify Article 18 of the UNCITRAL Arbitration Rules by adding the following paragraph:

No priority for the scheduling of hearings or the making of awards shall be based on the date of filing the Statement of Claim.

(b) The Tribunal Rules will include the following Note to Article 18:

All Statements of Claim with respect to matters as to which the Tribunal has jurisdication pursuant to paragraphs 1 and 2 of Article II of the Claims Settlement Declaration which are filed between October 20 and November 19, 1981 will be deemed to have been filed simultaneously as of October 20, 1981. All such claims filed between November 20, 1981 and December 19, 1981 will be deemed to have been filed simultaneously as of November 20, 1981. All such claims filed between December 20, 1981 and January 19, 1982 will be deemed to have been filed simultaneously as of December 20, 1981.

Gunnar Lagergren,
President.

Dated: October 2, 1981.

David P. Stewart,
Administrator for Iranian Claims.

[FR Doc. 81-29119 Filed 10-6-81; 8:45 am]
BILLING CODE 4710-08-M

TENNESSEE VALLEY AUTHORITY

Coal Gasification Project in North Alabama; Record of Decision

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice is hereby given that in accordance with section 5.4.8 of TVA's procedures implementing the National Environmental Policy Act, 45 FR 54511-15 (1980), that TVA has decided to adopt the preferred alternatives identified in TVA's final environmental impact statement (EIS) "Coal Gasification Project" made available to the public on July 24, 1981. TVA has decided to:

1. Make available for sale the Murphy Hill site under TVA's control in north Alabama to a consortium of private entities which is being formed.

2. Commence preparation of the site for construction of a high-temperature process coal gasification plant including contruction of a barge slip and related facilities.

3. Continue design and permit activities until the consortium takes over.

4. Transfer TVA's rights in the project to the consortium.

FOR FURTHER INFORMATION CONTACT: Dr. Mohamed T. El-Ashry, Assistant Manager of Natural Resources (Environment), Tennessee Valley Authority, 215 Natural Resources Building, Norris, Tennessee 37828, or call TVA's Citizen Action Office toll free: 1-800-362-9250 (in Tennessee) or 1-800-251-9242 (in Alabama, Georgia, Kentucky, Mississippi, North Carolina, Virginia, Missouri, and Arkansas).

SUPPLEMENTARY INFORMATION: In 1979, TVA began evaluating the techncial, economic, and environmental feasibility of a coal-derived synthetic fuel facility in the Tennessee Valley region. Based on these studies, TVA proposed to demonstrate that a commercial-scale coal gasification plant producing medium-Btu gas could be permitted, constructed, operated, and the products produced at the plant marketed in an environmentally and economically acceptable manner.

On January 3 and January 8, 1980, public information meetings were held in Wakefield and Courtland, Alabama, respectively, to provide general information on the project. On February 19, 1980, a public scoping meeting was held in Wakefield, Alabama. TVA released a draft EIS for public review and comment on August 1, 1980 and held a public hearing on the draft EIS at Lake Guntersville State Park on September 23, 1980. On June 1, 1981, TVA released a supplement to the draft EIS for public review and comment.

The EIS evaluates the potential impacts and benefits associated with the construction and operation of a coal gasification plant by a consortium at Murphy Hill, Alabama, a site under TVA's control on Guntersville Reservoir and alternatives thereto. The Murphy Hill site consists of approximately 1,400 acres and has been designated for industrial development by TVA.

The U.S. Army Corps of Engineers cooperated in the development of the EIS. The Corps' direct involvement occurs in the context of the permitting of various project activities under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act. TVA also worked closely with the U.S. Environmental Protection Agency (EPA) in the preparation of the EIS and is represented on EPA's Coal Gasification/Indirect Liquefaction Working Group which is developing pollution control guidance for synthetic fuels projects.

Alternatives Considered: The following alterantives to the proposed action were considered by TVA in reaching its decision:

1. No action.

2. Synthetic fuels demonstration by other entities.

3., TVA's cooperation in the demonstration of energy technologies other than coal gasification.

4. Sites other than Murphy Hill.

5. Gasification processes other than high-temperature gasification.

These alternatives were evaluated in the EIS and the environmentally preferable alternatives identified as TVA's preferred alternatives. In adopting these preferred alternatives, TVA will cooperate in the design and construction of a commercial-scale coal gasification plant at the Murphy Hill site utilizing the Koppers-Totzek (K-T) process. Although the no-action alternative would avoid the environmental impacts associated with the construction and operation of a coal gasification plant, it would not achieve TVA's objectives and responsibilities outlined below.

Basis for Decision: As a corporate agency of the United States, TVA's statutory responsibilities include the generation of electric power, flood control, navigation improvement, and agricultural, natural resource, and industrial development in the seven-State Tennessee Valley region.

As part of TVA's general mandate to develop the resources of the region, TVA traditionally has played an important role in the development of coal-based technologies and of new ways to utilize the region's abundant coal resources. TVA is also committed to development of the resources of the region in a manner which will create economic opportunities and at the same time protect and enhance the environment.

In addition to regional benefits associated with the project, it would assist the national goal of attaining energy independence by providing an alternative energy source to imported oil and natural gas. For example, a two-module gasification plant would be capable of processing about 10,000 tons per day of eastern high-sulfur coal into the energy equivalent of approximately 25,000 barrels of oil per day. The product gas would be methananted to produce synthetic natural gas or processed into liquid fuels and chemicals such as methanol.

A number of factors were considered by TVA in its determination to proceed with the project including potential environmental consequences, socioeconomic impacts and benefits, technological and engineering feasibility, commercial feasibility, market potential for the products,

financial and business relationships, and the possible use of the plant's products by TVA in the future.

In addition to providing a market for eastern high-sulfur coal and an alternative energy source, the coal gasification plant will provide substantial local and regional economic benefits. At the peak construction period, approximately 3,600 persons will be employed. The total construction-period payroll is estimated to be $176 million with the peak-year payroll expected to be approximately $66 million. Based on the projected number of inmovers at the peak construction period, $27 million per year of additional personal income should be generated in the area with $14 million spent per year in the retail sector. Approximately 800 persons will be employed when the plant commences operation. Depending upon the taxing scheme used by the State and Marshall County, approximately $6 million and $2 million could be generated in taxes annually to Marshall County and the State, respectively. (Marshall County collected about $2.7 million in property taxes in fiscal year 1980.)

The issue most frequently raised by persons commenting on the project was the preferred location of the plant. The area surrounding Murphy Hill is used predominantly for recreation purposes. However, fairly large industries have located within 12 miles of the site both upstream and downstream and the site itself has been designated for industrial development by TVA. Of the alternative sites evaluated, Murphy Hill will result in the lowest overall economic cost and offers significant environmental advantages in the area of solid waste disposal compared to the next preferable site, Courtland, which is an abandoned Air Force base. For most other environmental parameters, Murphy Hill is equivalent or preferable in comparison to other sites.

The EIS identified no potential environmental impacts associated with the preferred alternatives that would be so significant as to outweigh the benefits which will result from the project.

Considerations in Implementing the Decision: TVA's primary objective in proceeding with the project is to demonstrate that a coal gasification facility can be constructed and operated in the Tennessee Valley region in an economically and environmentally acceptable manner. In this latter regard, TVA has worked closely with the Corps and EPA in the environmental evaluation of the plant and in the design of the plant.

TVA devoted a substantial amount of time and resources to accumulating and evaluating existing data on potential emissions and discharges from gasification processes. A broad spectrum of coal gasification processes were reviewed and five processes were selected for more detailed consideration in the EIS. TVA determined that high-temperature processes, such as the K–T process, do not produce large quantities of potentially hazardous byproducts or pollutants. Although technology exists to control emissions and discharges from any of the processes to acceptable levels, the control of low-temperature processes would be substantially more complicated.

In addition to evaluating existing environmental data from coal gasification processes, TVA arranged to have the type of coal which will be utilized at the plant tested at two existing gasification plants, a Texaco plant in West Germany and a K–T plant in Greece, at an approximate cost of $8 million. Data from these tests will be utilized in the design of the plant's pollutant control systems and to support applications for necessary environmental permits.

When selecting between high-temperature processes, TVA concluded that only the K–T process was no commercially available and could support the schedule for a two-module plant.

The design of the plant will incorporate numerous features identified in the EIS that will minimize potential environmental impacts. Many other nondesign-related measures will be required as conditions to the various permits. TVA will ensure that these measures are taken by requiring the consortium to comply with all applicable Federal, State, and local environmental requirements.

TVA will provide for the following conditions in the land-transfer document or in TVA's contract with the consortium:

1. Implementation of a Spill Prevention Control and Countermeasures Program, approved by TVA, for oil and hazardous substances;

2. Development of postoperational monitoring program coordinated with EPA and the State of Alabama;

3. Preparation of a summary of postoperational environmental monitoring data with interpretations of the data;

4. Consistent with obligations with respect to proprietary information, distribute copies of engineering data and reports related to the environmental process, as such data and reports become available, to EPA, Region IV, and EPA–IERL–RTP (the Gasification/Indirect Liquefaction Working Group) for review on technology-related matters;

5. Design, construct, and operate all water-use facilities as specified in the EIS, dispose of dredged spoil on land, and limit all instream construction and maintenance activities to the period September–February, if practicable;

6. Site all plant structures and facilities, except for water-use facilities, outside of the 100-year floodplain and above the TVA structure profile elevation. Protect the solid waste disposal area from inundation by the 500-year flood and locate the disposal area outside of any regulatory floodway;

Incorporate noise control features into the plant design using a design goal of 65–DNL at the site boundary;

8. Minimize disturbance, as feasible, of shorelines and riparian habitat by locating the plant and ancillary facilities as far away from the shoreline as practicable;

9. Locate the palnt between "Murpyh Hill" and the ridge on the southeastern portion of the site; and

10. Require that the consortium advise TVA of significant changes in project scope, design, construction, and operation. Should the consortium wish to significantly modify the project, TVA will review this revision to satisfy the objectives specified for the project by TVA and Congress.

Accordingly, in light of these commitments, all practicable means to avoid or mitigate the project's associated environmental impacts will be utilized.

W. F. Willis,

General Manager, Tennessee Valley Authority.

[FR Doc. 81-29120 Filed 10-6-81; 8:45 am]

BILLING CODE 8120-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-22]

The Great Western Sugar Co.; Initiation of Investigation and Announcement of Hearing

On August 20, 1980, the Chairman of the Section 301 Committee received a petition from The Great Western Sugar Company alleging that EC export subsidies on sugar are granted in violation of Articles 8 and 10 of the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade ("Subsidies Code") and constitute an unreasonable and unjustifiable burden on U.S. commerce. The petition was filed pursuant to

Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411 *et seq.*). The United States Trade Representative has decided to initiate an investigation pursuant to 19 U.S.C. 2412(a).

Pursuant to 19 U.S.C. 2412(b) a hearing has been scheduled for November 4, 1981 at 9:30 a.m. to allow interested parties to submit their views on the issues raised by the petition. Requests to testify orally should be received no later than October 28, 1981 and shall conform to the requirements of section 2006.9 of Title 15 of the Code of Federal Regulations. The brief accompanying such oral testimony should be submitted no later than October 30 and should conform to the requirements of 15 CFR 2006.8(b).

Those interested parties who do not wish to testify orally but who do wish to submit written briefs must do so no later than November 4, 1981. Those briefs must meet the requirements of 15 CFR 2006.8(b).

Rebuttal briefs must conform to the requirements of 15 CFR 2006.8(c) and must be submitted no later than November 18, 1981.

All requests and written briefs should be sent to the attention of the Chairman, Section 301 Committee, Office of the United States Trade Representative, Room 222, 600 17th St. N.W., Washington, D.C. 20506.

The text of the petition is as follows:

Before the Section 301 Committee, Office of the United States Trade Representative

Petition Against EC Sugar Export Subsidies Submitted by the Great Western Sugar Company, Denver, Colorado. Mark Roy Sandstrom, Esq., 1920 N St., N.W., Washington, D.C. 20036, (202) 331-8800.

This petition seeks the elimination or reduction of the practice of the European Community (EC) of granting subsidies on sugar exports and is submitted pursuant to Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411-2416) and pursuant to the regulations of the Office of the United States Trade Representative (USTR) dealing with procedures for petitions received pursuant to Section 301 (15 CFR part 2006). This petition requests the United States to seek enforcement of rights secured by Articles 8 and 10 of the GATT Subsidies Code, to which both the United States and the EC are signatories, and rights secured by Section 301.

Statement of the Case

Since the Spring of 1981, the European Community has been paying substantial subsidies on sugar exported from its territory. This practice will result in the loss to U.S. domestic sugar producers of over $2.184 billion dollars in revenues in 1981.

As part of its Common Agricultural Policy (CAP), the EC sets "intervention" prices for large amounts of sugar produced within its territory (Quotas A and B Sugar). Under the CAP, the intervention price normally represents the price at which the EC agrees to purchase as much of a commodity as is offered. However, rather than utilizing the intervention buying mechanism to purchase its producers' surplus sugar whenever the world price falls below the intervention price, the EC exports all of the surplus and pays whatever subsidy is necessary to meet the lowest price in the world market. Indeed, at times, the subsidy has been more than twice the world market price.

By making exports of sugar economically attractive to its producers during periods of excess world supply and low prices, the EC continually aggravates conditions in the supply-sensitive sugar market. The dumping of its sugar surplus in times of excess world supply causes a significant depression in world prices. Furthermore, rather than meeting the lowest world price, the EC often undercuts the world market price of sugar by paying its producers more than the difference between the world price and the intervention price. By severely depressing the world market price of sugar, the EC's subsidies necessarily depress the price of sugar sold in the United States. Thus, the EC sugar subsidies cause serious prejudice to U.S. sugar producers and are an unreasonable burden on U.S. commerce in sugar.

Due to its aggressive sugar regime, the EC has increased its market share tremendously by displacing other more efficient sugar producers and severely depressing prices. A net sugar importer in 1975, the EC has in recent years become a major exporter of sugar. In 1980, the EC exported 3.9 million metric tons of sugar (raw value) and is predicted to equal or exceed this amount in 1981. As such, the EC has obtained over 20% of the freely traded sugar market, more than an equitable share of world sugar export trade. Moreover, the ED has displaced U.S. exports of sugar as a result of its subsidized sales abroad.

In filing this petition, Great Western requests that the United States join with other countries who have officially challenged the EC's system of sugar subsidies. In 1978, Australia and Brazil filed formal complaints against the EC sugar export subsidies under the General Agreement on Tariffs and Trade (GATT). Two GATT panels, formed upon the filing of the complaints, concluded that the EC's subsidies had depressed world sugar prices and caused serious prejudice, and threat of future prejudice, to the interests of Australia and Brazil. (Panel Reports L/4833, October 23, 1979—Australia and L/5011, October 7, 1980—Brazil.) The GATT Council adopted both Panel Reports.

Despite the findings of the panels and the recommendations of the Working Party, the EC has refused to limit or reduce its subsidies. Indeed, since April, 1981, the EC has subsidized and exported over 1.4 million metric tons of sugar at subsidies as high as 19.59 ECUs per 100 kg. (approximately equivalent to $216.86 per metric ton or 9.8 cents per pound). It is estimated that 3.5 million metric tons of sugar exports will be subsidized by the EC this year. This will result in the displacement of $135 million in export sales by U.S. producers. In addition, the EC's subsidized exports will depress prices in world and domestic markets resulting in a severe loss of $2.184 billion to U.S. sugar producers in 1981.

On behalf of Great Western and other domestic sugar producers, the United States must take appropriate steps under Section 301 and under the GATT Subsidies Code to insure that the EC elimiates the harmful effects of its subsidized sugar exports on the domestic sugar industry.

A. Identity of petitioner. Petitioner is The Great Western Sugar Company headquartered in Denver, Colorado. Great Western is a major domestic processor of sugar beets with thirteen processing plants located in six states. Great Western also operates two cane sugar refineries operated by its subsidiaries Godchaux-Henderson Sugar Company, Inc. in Reserve, Louisiana and by the Northern Ohio Sugar Company located in Fremont, Ohio. Great Western produces and sell approximately 11% of all sugar sold in the United States.

As a refiner of cane sugar, Great Western has been seriously hindered it its efforts to sell refined sugar in third country markets by the EC's sales of subsidized sugar to those same markets. Moreover, as a domestic sugar producer Great Western has suffered additional severe injury because the price at which it has been able to sell sugar in the United States since April of this year has been unfairly depressed as a result of the large volumes of subsidized sugar which the EC has sold in the world market.

B. *Description of United States Rights, Being Denied and Practice Which Is Subject of Petition.* (1) *EC Sugar Export Subsidies Deny the United States Rights Under the Subsidies Code.* The policy or practice which is the subject of this petition is the practice of the EC in awarding subsidies on the export of sugar from its territory. This practice denies the United States rights under Articles 8 and 10 of the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (hereinafter referred to as the Subsidies Code). Both the United States and the EC are signatories to the Subsidies Code. As such, Great Western seeks the enforcement of U.S. rights pursuant to sections 301 (a)(1) and (a)(2)(A) of the Trade Act of 1974, as amended, (19 U.S.C. 2411).

(2) *EC Sugar Export Subsidies Constitute An Unreasonable and Unjustifiable Burden Upon U.S. Commerce.* The depressing effect which the EC subsidized sugar exports have upon the price of sugar sold within the United States constitutes an unreasonable burden upon U.S. commerce in sugar within the meaning of section 301(a)(2)(B) of the Trade Act of 1974, as amended, (19 U.S.C. 2411(a)(2)(B)).

C. *Identification of Foreign Entity.* The European Community is the foreign entity with whom the United States has a trade agreement under which U.S. rights are being denied and whose policies unreasonably burden U.S. commerce. The EC regulations establishing the subsidies on sugar exports apply to all of the member states of the EC and to all sugar sold by an producer within the Community.

D. *EC Regulation Establishing the Export Restitution on Sugar.* The current sugar program is established under EC regulation 1785/81 (*Official Journal* L177 July 1, 1981). Restitutions for sugar take three forms and apply to community-grown sugar as well as sugar imported on a preferential basis from countries formally associated with the EC's member states. (See, Reg. 1785/81/ Article 19.) The three restitution programs are the standing export restitution, the weekly export tender (responsible for the bulk of the export sales) and the restitution for sugar exported in processed products.

E. *Identification of Product.* The product of concern in this petition is sugar grown from sugar beets or sugar cane (sucrose). This includes both raw cane sugar and sugar refined from beets or cane. Although the EC subsidizes exports of both raw and refined sugars, the bulk of the EC's exports are of refined sugar. Refined or "white" sugar is defined under EC Regulation as sugar containing, in the dry state, 99.5% or more by weight of sucrose, determined by the polarimetric method.

F. *EC Subsidies Abridge U.S. Rights Under GATT Subsidies Code and Constitute Unreasonable Burden on U.S. Commerce.* (1) *Economic Background.* Even a cursory examination of the world sugar market reveals that the U.S. industry has suffered severe and dramatic losses due to the current depression in the price of sugar. U.S. sugar producers will sell 6.325 million metric tons to the total sugar market in 1981 (including previously held stocks). Each 1 cent per pound in the market price affects revenues of sugar producers by $139.4 million, and corn and other sweetener producers' revenues by as much as $103.94 million. (1 cent per pound = $22.046 per metric ton; $22.046 × 6.325 million metric tons = $139.44 million.)

In 1981, the EC subsidized exports will depress the world market price by at least 15.66 cents per pound ($345.24 per metric ton). This in turn will depress prices in the U.S. market by essentially the same amount, resulting in lost revenues to domestic sugar producers of $2.184 billion. At the maximum, assuming other sweetener prices follow sugar prices precisely, the loss to other sweetener producers would be as much as $1.628 billion. But, making a much more conservative assumption that the price of corn and other sweeteners would rise only one-half as much as sugar prices, the revenue loss to these producers is $814 million. A conservative estimate of the total lost revenues to U.S. sweetener producers is thus $2.998 billion.

(2) *Discussion.* (a) *EC sugar subsidies are in direct contravention of the GATT Subsidies Code.*

(i) *Code Provisions.* Export subsidies by signatory countries are regulated by Articles 8 and 10 of the GATT Subsidies Code. Articles 8 and 10 provide, in pertinent part:

Article 8—Subsidies—General Provisions

1. Signatories recognize that subsidies are used by governments to promote important objectives of social and economic policy. Signatories also recognize that subsidies may cause adverse effects to the interests of other signatories. * * *

3. Signatories further agree that they shall seek to avoid causing, through the use of any subsidy: * * *

(c) serious prejudice to the interests of another signatory.

Article 10—Export Subsidies on Certain Primary Products

1. In accordance with the provisions of Article XVI:3 of the General Agreement, signatories agree not to grant directly or indirectly any export subsidy on certain primary products in a manner which results in the signatory granting such subsidy having more than an equitable share of world export trade in such product. * * *

2. For purposes of Article XVI:3 of the General Agreement and paragraph 1 above:

(a) 'more than an equitable share of world export trade' shall include any case in which the effect of an export subsidy granted by a signatory is to displace the exports of another signatory bearing in mind the developments on world markets; * * *

3. Signatories further agree not to grant export subsidies on exports of certain primary products to a particular market in a manner which results in prices materially below those of other suppliers to the same market.[1]

Both the United States and the EC are signatories to the Subsidies Code.

(ii) *Contrary to the mandate of Article (3) of the Subsidies Code, the EC has caused, through the use of subsidies, serious prejudice to the interests of the United States.* The GATT panels formed in response to complaints by Australia and Brazil against the EC's sugar subsidies each concluded that the EC's subsidies on exports caused serious prejudice and threat of serious prejudice to Brazil and Australia, depressed world prices and "constituted a permanent source of uncertainty in world sugar markets" (L/4833, p. 32; L/5011, p. 30) The subsidization of exports by the EC in 1981 has created the same price depressing effect in the world market as during the periods under review by the GATT panels in the Australian and Brazilian cases. Since the United States imports almost 45 percent of its sugar supply, the price depression caused by the EC subsidies in the world market is directly reflected in domestic sugar prices. Thus, depression of world sugar prices has caused depression in domestic prices and serious prejudice to the interests of the United States.

(iii) *EC restitutions result in the EC having more than an equitable share of world sugar export trade.* Article 10(1) of the Subsidies Code prohibits export subsidies on certain primary products which result in "the signatory granting such subsidy having more than an equitable share of the export trade in such product * * *" In contravention of Article 10(1), the EC has used subsidies to obtain more than an equitable share of world export trade in sugar. Since 1975, the EC has encouraged the production of sugar for export by authorizing unnecessarily large quotas far in excess of consumption in the EC and guaranteeing unreasonably high

[1] A complete version of Article 8 and Article 10 is attached hereto as Exhibit A.

prices to EC producers for their production. In addition, the EC has made unlimited subsidies available to sugar producers to guarantee the exportation of excess production. In this manner the EC producers have been able to export their sugar without regard to the normal factors of supply and demand. Moreover, EC producers are dumping their sugar into the world market at the very time when International Sugar Organization countries have agreed to withhold sugar for export in an effort to avoid depressing prices still further. This point was emphasized in the GATT Panel Reports in the Australian and Brazilian cases where the panels concluded that the system of EC subsidies—particularly during periods of low world prices—has enabled the EC to seize an inordinate share of the world market in a very short period of time. Through 1975 the EC was a net sugar importer and exported only small amounts of sugar. However, after 1975, the EC began exporting large amounts of sugar: 1.9 million metric tons (raw value) in 1976, 2.7 million metric tons in 1977 and 3.6 million metric tons in 1978. This volume increased both relatively and absolutely so that in 1980 the total EC exports had grown to 3.9 million metric tons (raw value) or 14.4% of total world exports for that year.

If one considers the amount of sugar which is freely traded in the world market, the EC penetration is even more remarkable. Out of the 27 million metric tons of sugar traded in 1980, 8.2 million metric tons were traded at prices fixed either under special arrangements (e.g., EC preferential imports) or long term bilateral contracts (e.g., Cuban exports to the Soviet Union). The market which actually fixed the world price in 1980 represented only 18.8 million metric tons of sugar. The EC's net exports to this free market in 1980 were 3.7 million metric tons (raw value). Thus, the EC's share has rapidly climbed from zero in 1975 to a substantial 20% of the world market for freely traded sugar in 1980.

Without subsidies, EC producers would not be able to export any sugar to the world market, except during periods of very high prices. EC sugar producers are relatively high cost producers. The price of sugar within the EC is protected and runs well over world sugar prices. Thus, EC producers have gained an inequitable share of world export trade. Their high volume of disruptive export sales has occurred solely as a result of the awarding of substantial subsidies to domestic producers.

(iv) *EC subsidized sugar displaces exports of U.S. producers.* Paragraph 2 of Article 10 of the Subsidies Code states that the concept of more than an equitable share of world export trade "shall include any case in which the effect of the export subsidy granted by a signatory is to displace the exports of another signatory * * *" Since the Spring of 1981, when the EC resumed subsidizing its exports after a short period of abstention, Great Western Sugar has been unable to sell sugar in particular third country markets primarily because of the effect of the subsidized EC imports in those markets. Great Western has, on a number of occasions, had its offers to sell sugar rejected as a result of lower priced offers by subsidized producers in the EC. In such cases the amount of the EC subsidy was many times greater than the amount by which Great Western's price exceeded the EC offer price.

In addition, the EC subsidies on exports of sugar displace U.S. sales because they reduce the "spread" between the price of raw sugar and refined sugar in the world market. A cane refiner needs a sufficient margin between the cost of his raw material (raw sugar) and the sale price of refined sugar to cover his refining costs. When the margin is too small, cane refiners cannot compete. The EC's dumping of large volumes of subsidized refined sugar into the market reduces the difference between raw and white sugar prices to the extent that no refiner, U.S. or foreign, can compete. In fact, the price of refined sugar has even been pushed below the price of raw sugar as a result of EC subsidized sugar (See L/4833, section 2.9, p.4).

It is estimated that U.S., sugar refiners as a whole, including Great Western, will lose $2.184 billion in sales in 1981 because EC exporters are selling with the benefit of subsidies.

(v) *EC subsidized prices are materially below other suppliers to the market.* EC policy contravenes Article 10(3) of the Subsidies Code which provides that signatories will not grant export subsidies in a manner which results in prices materially below those of other suppliers to the same market. Although the purpose of the EC subsidy program is to enable their producers to meet world prices, the subsidies are in practice often set at levels which undercut world prices. (See L/4833, section 4.36, p.29; and L/5011, sections 4.27–4.29, pp. 27–28.)

Indeed, in the supply sensitive world sugar market the mere anticipation of EC exports under the weekly tender program has the same effect on the market as a price undercutting action. This fact is illustrated by a recent article reporting market conditions published in the *Journal of Commerce* on Wednesday, July 29, 1981, (page 7A):

Sugar Trades Higher

World sugar futures traded higher with speculative buying and the authorization of fewer than expected export licenses by the European Community.

Accordingly, just as the issuance of the "fewer than expected" export licenses by the EC serves to raise the price at which sugar futures sell, the anticipation of the issuance of such licenses depresses the price of sugar futures.

(b) *EC subsidized sugar exports are an unreasonable burden on U.S. commerce.* As a result of falling sugar prices in the Spring of 1981, the EC began again to subsidize large volumes of exports. The EC will export over 4.3 million metric tons of sugar this year, at whatever level of subsidies are required, further depressing the world sugar prices. Given the link between U.S. prices and world prices, commerce in domestic sugar is suffering significant burdens. For every one cent reduction in the price at which sugar is sold in the United States, U.S. producers will lose approximately $139.44 million in revenues in 1981. It is estimated that the effect of the volume of EC subsidized sugar sales in the freely traded world sugar market is to depress world prices by at least 15.66 cents per pound or more. Thus, in 1981, U.S. sugar producers will lose over $2.184 billion in revenue as a result of the EC subsidies.

Moreover, these subsidies constitute an unreasonable burden upon U.S. commerce within the meaning of Section 301. In the first place, most sugar exporting countries, including the United States, are members of the International Sugar Organization. During periods of low prices these countries are obligated to restrict their sales of sugar to the world market. Export restrictions were imposed by exporting member countries of the ISO during the periods of low prices which existed during 1977 and 1978 and again during the period of low prices which existed in the United States and the world market since the Spring of this year. The purpose of holding these supplies from the market, of course, is to stabilize prices and refrain from exacerbating conditions in a market highly sensitive to excess supplies.

The EC, however, is not a member of the ISO. During these periods of low world prices, the EC not only refused to withhold its supplies from the market, but also undertook a deliberate policy of dumping any and all surpluses of sugar through subsidized exports. Again in 1981, the EC reinstituted subsidies on its

growing export sales at the same time that other exporting countries who are members of the ISO imposed restrictions upon their exports. The dumping of large and ever growing subsidized surpluses of sugar into the world market, while other sugar exporting countries sacrifice by withholding their sugar from the market, exacerbates the problem of depressed world market prices, and accordingly, unreasonably burdens U.S. commerce. (See, Findings of GATT Panel, L/5011, pp. 28, 30.)

G. *Other Actions.* The Great Western Sugar Company has not filed and is not filing any other form of relief under the Trade Act of 1974, as amended, or any other provision of law.

In addition to the petition, the petitioner has also submitted economic study and a written brief in support of the petition which is available for review in the Office of the United States Trade Representative, Room 222, 600 17th St., NW., Washington, D.C. 20506.

Jeanne S. Archibald,

Chairman, 301 Committee.

[FR Doc. 81-29200 Filed 10-6-81; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

[Department Circular; Public Debt Series No. 30-81]

Treasury Bonds of 2001; Invitation for Tenders

October 1, 1981.

The Secretary announced on September 30, 1981, that the interest rate on the bonds designated Bonds of 2001, described in Department Circular—Public Debt Series—No. 30-81, dated September 23, 1981, will be 15¾ percent. Interest on the bonds will be payable at the rate of 15¾ percent per annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-29115 Filed 10-6-81; 8:45 am]

BILLING CODE 4810-40-M

United States and the Netherlands To Discuss Revision of Income Tax Treaty

The Treasury Department announced that representatives of the United States and the Netherlands will meet in Washington during the week of November 9, 1981 to discuss possible revision to the current U.S.-Netherlands income tax treaty. The present treaty was signed in 1948, and was last modified in 1966.

The discussions will review all of the provisions of the existing treaty in light of the U.S. and OECD model treaties. Among the issues to be considered are the treatment of investment income, business profits, personal service income and capital gains, the administrative provisions of the treaty and the need for a provision, consistent with current U.S. treaty policy, dealing with use of the treaty by residents of third countries.

The Treasury invites persons wishing to submit comments on any aspect of the income tax treaty to write, before November 1, 1981 to A. W. Granwell, International Tax Counsel, Department of the Treasury, Room 3064, Washington, D.C. 20220.

Dated: October 2, 1981.

John E. Chapoton,

Assistant Secretary (Tax Policy).

[FR Doc. 81-29203 Filed 10-6-81; 8:45 am]

BILLING CODE 4810-25-M

U.S. and New Zealand Income Tax Treaty Negotiations

The Treasury Department announced that representatives of the United States and New Zealand will meet in Washington during the week of October 26, 1981 to renegotiate the income tax treaty between the two countries which has been in effect since 1952.

The renegotiation was prompted by a change in New Zealand's tax law which will increase the New Zealand tax on dividends to 30 percent as of April 1, 1982. However, because the treaty has been in effect for so many years, the negotiations will encompass a complete review of all of its provisions. The discussions will take into account changes in the tax laws of both countries and developments in the model income tax treaties published by the Organization for Economic Cooperation and Development (OECD) and by the United States.

Anyone wishing to provide information or comments on tax matters related to the forthcoming negotiations is invited to do so by writing to A. W. Granwell, International Tax Counsel, U.S. Treasury Department, Room 3064, Washington, D.C. 20220.

Dated: October 2, 1981.

John E. Chapoton,

Assistant Secretary (Tax Policy).

[FR Doc. 81-29202 Filed 10-6-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Cooperative Studies Evaluation Committee; Meeting

The Veterans Administration gives notice under Pub. L. 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 U.S.C. 4101, will be held in Meeting Room B of the Holiday Inn, Massachusetts Avenue at Thomas Circle, NW., Washington, DC, 20005, on October 19 and 20, 1981. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including protection of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., on October 19 and 20, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, DC (202-389-3702) prior to October 5.

The meeting will be closed from 8:30 a.m. to 5:15 p.m. on October 19, and from 8:30 a.m. to 6:00 p.m. on October 20, for consideration of specific proposals in accordance with provisions set forth in subsection 10(d) of Pub. L. 92-463, as amended by section 5(c) of Pub. L. 94-409, and subsections (c)(6) and (c)(9)(B) of section 552b, title 5, United States Code. During this portion of the meeting, discussions and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasions of personal privacy. Additionally, premature disclosure of the Committee's recommendations would likely frustrate implementation of final proposed actions.

Dated: September 30, 1981.

Donald Custis,

Acting Administrator.

[FR Doc. 81-29141 Filed 10-6-81; 8:45 am]

BILLING CODE 8320-01-M

120-Bed Nursing Home Care Unit, Veterans Administration Medical Center Miami, Florida; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the proposed construction of a 120-Bed Nursing Home Addition at the Veterans Administration Medical Center (VAMC) in Miami, Florida. The project consists solely of adjacent construction, on a second story level, directly above the existing nursing home. The building addition was initially analyzed as part of the planned two level structure. This project now completes the facility as proposed. The existing nursing home structure was designed to provide for this expansion addition. The estimated project cost is approximately $12–14.5 million. This is a magnitude estimate and is subject to revisions.

Project impacts will be limited to those involving construction activities affecting the immediate VAMC environment.

Construction related traffic may cause disruption of onsite traffic flow. In addition, construction noise associated with the development of the addition is likely to cause annoyance to occupants of nearby buildings. Complaints about noise usually give rise to a controversial situation. The impact of dust and fumes that will exist during construction will be a short term effect lasting only during that phase of project development.

In relation to both construction and operation, the nursing home addition will be built in accordance with applicable Federal, State and local air quality standards.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: September 30, 1981.

Donald Custis,

Acting Administrator.

[FR Doc. 81-29142 Filed 10-6-81; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V. Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 9, 1981, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A–220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in McKenzie College, 1000 Riverfront Parkway, Chattanooga, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: September 29, 1981.

R. S. Bielak,

Director, VA Regional Office, 110 Ninth Avenue, South, Nashville, Tennessee.

[FR Doc. 81-29183 Filed 10-6-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 194
Wednesday, October 7, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COPYRIGHT ROYALTY TRIBUNAL

DATE AND TIME: 10:00 a.m., Wednesday, October 14, 1981.

PLACE: 2033 K Street, N.W., Room 538, Washington, D.C.

STATUS: Open.

MATTERS BE BE CONSIDERED:

1. Possible declaration of controversy concerning distribution of 1980 cable royalty fees.

2. Petitions to initiate cable television royalty fee adjustment proceeding.

a. Petition of National Cable Television Association.

b. Petition of American Society of Composers, Authors and Publishers.

3. Request of the Motion Picture Association of America for establishment of interim cable television rates.

4. Possible commencement of proceeding for determination of interim adjustments of royalty for making and distributing phonorecords (mechanical royalty).

CONTACT PERSON FOR FURTHER INFORMATION: Thomas C. Brennan, Acting Chairman, Copyright Royalty Tribunal, 1111 20th Street, N.W., Room 450, Washington, D.C. 20036, (202) 653-5175.

Thomas C. Brennan,

Acting Chairman, Copyright Royalty Tribunal.

[S-1522-81 Filed 10-5-81; 11:11 am]

BILLING CODE 1410-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:35 a.m. on Friday, October 2, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Application of Metropolitan Savings Bank, New York (Brooklyn), New York, for the Corporation's consent to merge, under its charter and title, with Brooklyn Savings Bank, New York (Brooklyn), New York, and for consent to establish the ten offices of Brooklyn Savings Bank as branches of the resultant bank.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,941-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

A personnel matter.

In calling the meeting, the Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: October 2, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1520-81 Filed 10-5-81; 10:49 am]

BILLING CODE 6714-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

September 30, 1981.

TIME AND DATE: 10 a.m., Wednesday, October 7, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Mid-Continent Coal & Coke Company, DENV 76-83-P, etc., IBMA 77-14. (Issues include whether violations of 30 CFR 75.308 occurred.)

2. Inland Steel Coal Company, VINC 77-164, IBMA 77-66. (Issues include whether under 30 CFR 75.1712-1 the operator was required to provide bathing facilities for construction workers.)

3. Alabama By-Products Corporation, BARB 76-153, IBMA 76-114. (Issues include whether violation of 30 CFR 75.1725 occurred.)

4. Kerr-McGee Corporation, CENT 79-156-M. (Issues include whether violation of 30 CFR 57.1505 occurred.)

5. United Mine Workers of America v. Secretary of Labor, MSHA, CENT 81-223-R; Petition for Discretionary Review. (Issues include scope of right of miners or miners representatives to contest citations issued by the Secretary of Labor.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1527-81 Filed 10-5-81; 3:13 p.m.]

BILLING CODE 6820-12-M

4

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Tuesday, October 13, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED.

1. Consideration of conceptual design and budget for the proposed new Jacksonville Branch building of the Federal Reserve Bank of Atlanta.

2. Review of reserve reporting and maintenance requirements of the Monetary Control Act.

3. Personnal actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph B. Coyne, Assistant to the Board (202) 452-3204.

Dated: October 5, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1529-81 Filed 10-5-81; 4:00 p.m.]

BILLING CODE 6210-08-M

5

FEDERAL RESERVE SYSTEM

Correction

In S-1498, appearing as Item 1 in the issue of Friday, October 2, 1981, page 48808, the paragraph titled **"TIME AND DATE"** is corrected to read as follows: **"TIME AND DATE:** 11:30 a.m., Wednesday, October 7, 1981."

BILLING CODE 1505-01-M

6

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., October 28, 1981.

PLACE: On Board MV *Mississippi* at City Front, Greenville, MS.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601-634-5766.

[S-1523-81 Filed 10-5-81; 11:18 am]

BILLING CODE 3710-GX-M

7

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., October 26, 1981.

PLACE: On board MV *Mississippi* at City Front, Cape Girardeau, MO.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601-634-5766.

[S-1524-81 Filed 10-5-81; 11:18 am]

BILLING CODE 3710-GX-M

8

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., October 27, 1981.

PLACE: On board MV *Mississippi* at City Front, Vicinity of Beale Street, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601-634-5766.

[S-1525-81 Filed 10-5-81; 11:18 am]

BILLING CODE 3710-GX-M

9

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 3 p.m., October 29, 1981.

PLACE: On board MV *Mississippi* at City Front, Coast Guard Wharf, Morgan City, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Commander's report on the Mississippi River and Tributaries Project in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601-634-5766.

[S-1526-81 Filed 10-5-81; 11:18 am]

BILLING CODE 3710-GX-M

10

NUCLEAR REGULATORY COMMISSION

DATE: Week of October 5, 1981 (revised) and Week of October 12, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, October 6:*

3:00 p.m.

1. Discussion of TMI-1 Restart (closed meeting) (rescheduled from October 8)

Thursday, October 8:

10:00 a.m.

1. Affirmation/Discussion Session (public meeting) (as announced; time changed)

Items to be affirmed and/or discussed:

a. Interim Rule on Hydrogen Control

b. Petition for Extension of Deadline for Environmental Qualification of Class IE Electrical Equipment

c. Selection of Hearing Panel for Part 30 Proceeding (continued from October 1)

Tuesday, October 13:

10:30 a.m.

1. Briefing by Executive Branch (closed meeting)

2:00 p.m.

1. Discussion and Possible Vote on Revised Licensing Procedures—Proposed Rule Change to Part 2 (open/closed status to be determined)

Wednesday, October 14:

10:00 a.m.

1. Oral Presentations on TMI-1 Restart (public meeting)

2:00 p.m.

1. Continuation of Oral Presentations on TMI-1 Restart (if needed) (public meeting)

Thursday, October 15:

10:00 a.m.

1. Discussion of Management-Organization and Internal Personnel Matters (closed meeting)

3:00 p.m.

1. Affirmation/Discussion Session (public meeting)

Items to be affirmed and/or discussed:

a. Review of ALAB-646, In the Matter of Alabama Power Co. (Antitrust), and Alabama Power Company's Application for Stay *Pendente Lite* (postponed from October 1)

b. Central Electric Power Cooperative's Petition for Reconsideration (Virgil Summer OL—Antitrust) (postponed from October 1)

c. Final Amendment to 10 CFR Part 50, Clarifications to Emergency Preparedness Regulations

d. Request of the State of Illinois for a Hearing on G. E. Morris license Amendment

e. Implementation of Equal Access to Justice Act

f. Delegation of Part 70 Jurisdiction to Licensing and Appeal Boards

8. New Development in Florida Cities and Florida Power & Light Antitrust Matter

ADDITIONAL INFORMATION: Affirmation/Discussion of Selection of Hearing Panel for Part 30 Proceeding and TMI–1 Restart—Management Competence Decision were held in closed session. Briefing on Status of NUREG–0771 and –0772 (on Fission Product Behavior), previously announced for October 7, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

October 2, 1981.

Walter Magee,

Office of the Secretary.

[S-1528-81 Filed 10-5-81; 3:44 pm]

BILLING CODE 7590-01-M

11

POSTAL SERVICE

(Board of Governors)

Notice of Vote to Close Meeting

On September 29, 1981, the Board of Governors of the United States Postal Service voted to close to public observation its meeting scheduled for November 5, 1981. Each of the members of the Board voted in favor of closing this meeting, which is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Ching, Hughes, Hyde, Jenkins, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano.

The meeting to be closed will consist of a discussion among the members of a number of postal officials who are regarded by the Postal Service management as probable candidates for promotion to senior positions within the Postal Service, consistent with the Postal Service's equal employment opportunity policy as reaffirmed by Board Resolution No. 81–11 of August 4, 1981.

The Board is of the opinion that public access to this discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, not only in regard to the privacy of the officials immediately involved, but also in regard to the privacy of others whose comparative performance might be discussed.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(6) of title 5, United States Code, and § 7.3(f) of Title 39, Code of Federal Regulations, the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board has also determined that the public interest does not require that the Board's discussion be open to the public.

In accordance with section 552b(f)(1) of Title 5, United States Code, and § 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that, in his opinion, the meeting to be closed may properly be closed to public observation, pursuant to section 552b(c)(6) of Title 5, United States Code and § 7.3(f) of Title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-1521-81 Filed 10-5-81; 11:10 am]

BILLING CODE 7710-12-M

12

SECURITIES AND EXCHANGE COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 47525, September 28, 1981.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, September 22, 1981.

CHANGES IN THE MEETING: Rescheduling.

The following item will not be considered at a closed meeting scheduled for Thursday, October 1, 1981, following the 10:00 a.m. open meeting, but has been rescheduled for consideration at the closed meeting on Wednesday, October 7, 1981, following the 10:00 a.m. open meeting.

Regulatory matter regarding financial institution.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

September 30, 1981.

[S-1519-81 Filed 10-5-81; 9:16 am]

BILLING CODE 8010-01-M

federal register

Wednesday
October 7, 1981

Part II

Federal Emergency Management Agency

Privacy Act of 1974; Annual Notice of Systems of Records

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Annual Notice of Systems of Records

AGENCY: Federal Emergency Management Agency.

ACTION: Annual notice of Privacy Act systems of records.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give notice of the existence and character of each system of records it maintains which contains information about individuals. The purpose of this notice is to fulfill the Privacy Act annual notice requirement by publishing a complete listing and description of all systems of records currently being maintained by the Federal Emergency Management Agency. Also, in an effort to economize on the cost of publication in the **Federal Register**, we are publishing minor administrative corrections to existing systems of records which were previously published. The last annual notice of the Federal Emergency Management Agency systems of records was published in the October 14, 1980, edition of the **Federal Register**, 44 FR 67830. During this past year, the Federal Emergency Management Agency published a correction to an existing systems of records at 45 FR 74995; a new system of records at 45 FR 82711; an addition of a new routine use to an existing system of records at 46 FR 17136; and an addition of a new routine use to three existing systems of records at 46 FR 33630. This annual notice incorporates all of those changes in the applicable systems of records notices.

During this past year, the Federal Emergency Management Agency has undergone a realignment of office responsibilities and, where applicable, the new system location and system manager has been corrected.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Linda Keener, Freedom of Information and Privacy Specialist, Office of Public Affairs, at (202) 287-0313.

SUPPLEMENTARY INFORMATION: As a result of the recent realignment within the Federal Emergency Management Agency, we have decided to change the identification symbols of various systems of records to properly identify their specific location. For convenience, we have annotated after each system name whether the identification number has changed, and if so, the previous identification number assigned to the system.

FEMA/RMA-1, Payroll and leave accounting (previously FEMA/ACC-1)
FEMA/RMA-2, Travel and Transportation Accounting (previously FEMA/ACC-2)
FEMA/RMA-3, Committee Management Files (previously FEMA/ADM-1)
FEMA/RMA-4, Central Files (previously FEMA/ADM-2)
FEMA/RMA-5, Office Services File System (previously FEMA/ADM-3)
FEMA/RMA-6, Security Management System (previously FEMA/IG-1)
FEMA/RMA-7, Emergency Assignment System (previously FEMA/OS-1)
FEMA/RMA-8, Key Personnel Central Locator List (previously FEMA/OS-2)
FEMA/RMA-9, Grievance Records (previously FEMA/PER-1)
FEMA/NETC-1, Student Application and Registration Records, National Fire Academy (previously FEMA/FA-1)
FEMA/NETC-2, National Fire Academy Instructor Records (previously FEMA/FA-4)
FEMA/NETC-3, Student Academic and Course Records (previously FEMA/T&E-3)
FEMA/NETC-4, Home Study Courses (previously FEMA/T&E-4)
FEMA/T&E-2 is REVOKED
FEMA/FA-1, Federal Employees with Fire Related Expertise (previously FEMA/FA-2)
FEMA/FA-2, President's and Secretary's Award Nominees (previously FEMA/FA-3)
FEMA/COM-1, List of Custodians of Decision Info Sys (DIDS) Radio Receivers (same)
FEMA/EO-1, Equal Employment Opportunity Complaints of Discrimination Files (same)
FEMA/FIA-1, Federal Crime Insurance Program (same)
FEMA/FIA-2, National Flood Insurance Application and Related Documents Files (same)
FEMA/GC-1, Claims (litigation), (same)
FEMA/GC-2, FEMA Enforcement (Compliance), (same)
FEMA/IG-1, General Investigative Files (previously FEMA/IG-2)
FEMA/PA-1, Biographies (same)
FEMA/SUP-1, Operating Personnel Folder Files (same)
FEMA/REG-1, State and Local Civil Preparedness Instructional Program (SLCPIP), (previously FEMA/T&E-1)
FEMA/GOVT-1, Uniform Identification System for Federal Employees Performing Essential Duties During Emergencies (same)
FEMA/NPP-1, National Defense Executive Reserve System (Previously FEMA/PP-1)
FEMA/NPP-2, Resource Interruption Monitoring System (Previously FEMA/PP-2)
FEMA/NPP-3, Industrial Group Consultation (previously FEMA/PP-11)
FEMA/SLPS-1, Disaster Recovery Assistance Files (previously FEMA/DR&R-1)
FEMA/SLPS-2, Temporary Housing Files (previously FEMA/DR&R-2)
FEMA/SLPS-3, Disaster Assistance Personnel Reserve Files (previously FEMA/DR&R-3)
FEMA/SLPS-4, FEMA Form 95-3, Appl for Enrollment in Arch Engr Prof Dev Prog. (previously FEMA/PP-4)
FEMA/SLPS-5, FEMA Summer Shelter Survey Program (previously FEMA/PP-5)
FEMA/SLPS-6, Program Management Information System (previously FEMA/PP-6)
FEMA/SLPS-7, Military Reserve Program (previously FEMA/PP-7)
FEMA/SLPS-8, Radioactive Materials Inventory (previously FEMA/PP-8)
FEMA/SLPS-9, Maintenance and Calibration (previously FEMA/PP-9)
FEMA/SLPS-10, Radiation Exposure and Radioactive Materials; Radiation Committee Records (previously FEMA/PP-10)
FEMA/SLPS-11, Interagency Directories System (previously FEMA/PP-3)

Certain personnel-related files are covered by the OPM Government-wide notices and subject to control by the Office of Personnel Management. The Personnel Investigations Records of present, former or potential FEMA employees are covered by the OPM/Central-9 system notice and maintained at the Office of Personnel Management. The following record systems are maintained at the Federal Emergency Management Agency but subject to control by OPM:

OPM/GOVT-1, General personnel records
OPM/GOVT-3, Adverse action records
OPM/GOVT-5, Recruiting, examining, and placement records
OPM/GOVT-6, Personnel research and test validation records
OPM/GOVT-7, Applicant race, sex, ethnicity and disability status records
OPM/GOVT-8, Confidential Statements of Employment and Financial Interests
OPM/GOVT-9, Position classification review and retained rate of pay appeals

During the past months, there has been some question regarding the meaning of a new routine use which was adopted for the FEMA system of records entitled, National Flood Insurance Application and Related Documents Files, FEMA/FIA-2, which permits disclosure "to State and local government agencies engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program." Therefore, we are revising the wording of this routine use to clarify what it means. The routine use will now read, "to State and local government agencies who provide the names and addresses of policyholders and a brief general description of their plan for acquiring and relocating their flood prone properties for FEMA's review to ensure that their State and/or local government agency is engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program. The release of information on all policyholders is not

consistent with the intent of the Privacy Act nor with our intent of including this routine use because not all of the policyholders' properties would qualify under the floodplain management improved real property acquisition and relocation projects. Furthermore, the routine use is not intended to permit a State and/or local government agency to go on a "fishing expedition" of our files but rather they must have a current plan for acquiring and relocating their flood prone properties which meets the FEMA's approval to ensure that they are engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program.

Following are the notices of all FEMA systems of records and Appendix A which lists the routine uses which have been identified in each system notice as being applicable to more than one system notice and Appendix AA which lists the addresses of our ten Regional offices.

Dated: September 28, 1981.

James L. Holton,

Director, Office of Public Affairs.

FEMA/RMA-1

SYSTEM NAME:

Payroll and leave accounting.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; timekeepers at FEMA headquarters; National Emergency Training Center, Emmitsburg, Maryland, Computer Center, Olney, Maryland; and all FEMA Regional offices, addresses are listed in Appendix AA; bi-weekly payroll records are also maintained at classified location and relocation facilities under the FEMA Vital Operating Records Program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FEMA employees, headquarters and field, including full-time permanent, part-time, temporary, consultants, and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain earnings and leave statements provided directly to employees; net check listing; Federal and state withholding statement; bond applications; bond listing; listing of payroll checks mailed; requests by employees for allotments of pay for credit to savings account with financial institutions; and notification of personnel actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 112(a) of the Budget and Accounting Procedures Act of 1950; 31 U.S.C. 66(a); 5 U.S.C. 5501, et seq., 5525 et seq., and 6301 et seq.

PURPOSE(S):

For the purpose of administering the pay and leave requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used: (a) By the Department of the Treasury to issue checks and U.S. Savings bonds; (b) By the Department of Labor in connection with a claim filed by an employee for compensation due to a job-connected injury or illness; (c) By state offices of unemployment compensation in connection with claims by former Agency employees for unemployment compensation; (d) By Federal Employees' Group Life Insurance or Health Benefits carriers in connection with survivor annuity or health benefits claims or records reconciliations; (e) To provide officials of labor organizations recognized under the Civil Service Reform Act with information as to the identity of Agency employees contributing union dues each pay period and the amount of dues withheld from each contributor; (f) To disclose information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; (g) To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court; (h) To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding; (i) To disclose information to officials of: the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; Social Security Administration; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

Additional routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The net check listing, listing of payroll checks mailed, bond lists, and notification of personnel actions consist of paper records in file folders; information from these forms are keyed into a computer system and transmitted to the Department of the Treasury in San Francisco for preparing checks and bonds.

RETRIEVABILITY:

Net check listings, listings of payroll checks mailed, and bond lists are filed by payroll date. Federal and state withholding statements, bond applications, requests by employees for allotments of pay for credit to savings accounts with financial institutions, and notifications of personnel actions are filed alphabetically by name of individual.

SAFEGUARDS:

Paper records are retained in a locked container and/or room records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Listings of payroll checks mailed and bond lists are destroyed after 2 years. Personnel notification actions are destroyed after 6 years. All other records are retained in accordance with GSA General Records Control absence FEMA regulations governing the retention and disposal of records.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Treasury Form TDS 10–11, G–6, Earnings and Leave Statements; Net check listings; Listing of Payroll Checks Mailed are prepared by the Department of the Treasury in San Francisco; Form W–4, Federal and State Withholding Statements; SF 1192, Bond Application; SF 1198, Request by Employees for Allotment of Pay for Credit to Savings Account with a Financial Organization is submitted by the individual to the Department of the Treasury in San Francisco through FEMA payroll offices; and SF 50, Notification of Personnel Action.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA–2

SYSTEM NAME:

Travel and Transportation Accounting.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; National Emergency Training Center, Emmitsburg, Maryland; Computer Center, Olney, Maryland; and all FEMA Regional offices, addresses are listed in Appendix AA; at classified location and relocation facilities under the FEMA Vital Operating Records Program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FEMA employees, headquarters and field, including full-time permanent, part-time, temporary, consultants, and former employees who perform (temporary duty or permanent change of duty station) travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain requests and authorizations for travel; U.S. Government transportation requests; request for advances of funds; payment records of outstanding travel advances; paid travel vouchers; records of unused tickets; travel history records; collection vouchers for refunds of advances; and correspondence relating to travel claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701; 31 U.S.C. 71; 31 U.S.C. 65; 30 U.S.C. 52; 41 U.S.C. 3101; 50 U.S.C. App. 2253.

PURPOSE(S):

For the purpose of administering travel requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To finance and administration personnel for the purpose of recording and controlling obligations involving travel, and the storage and shipment of household goods, advances, refunds and expenditures of travel funds; to prevent errors leading to improper payments; to detect and recover overpayments; and to support billings to carriers for travel and transportation furnished.

Additional routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Travel authorizations are filed alphabetically by organization; transportation requests and records of unused tickets are filed by TR number; records of outstanding advances and travel history records are filed alphabetically by individual; and all advance, refund and payment records are filed by payment date in voucher number sequence.

RETRIEVABILITY:

See Storage section above.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Travel history records are retained indefinitely, all other records are sent to the Federal Records Center after five years where they are destroyed after 10 years.

SYSTEM MANAGER(S) AND ADDRESSES:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personnel identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

FEMA Form 60–2T, Official Travel Authorization; SF 1169, U.S. Government Transportation Request; and DD Form 1131, Request for Advance of Funds are submitted by authorized officials; SF 1038, Application and Account for Advances of Funds are submitted by employees requiring advances; DD Form 1351–2, (PAID) Travel Vouchers are received from the finance and administration office; SF 1170, Redemption of Unused Tickets are prepared from unused tickets turned in by travelers and the file copy of the related Transportation Request and Travel History Record by Individual are prepared from paid vouchers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA-3

SYSTEM NAME:

Committee Management Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; and all FEMA Regional Offices, addresses are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FEMA employees active in private associations in which FEMA has an interest; Federal government employees on FEMA internal committees and on FEMA sponsored international and interagency committees; Architects and engineers and other persons who are not FEMA employees who are appointed to the FEMA sponsored advisory committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Government employees—name, office address, and name of employing agency; Non-Government employees—biographical material including name of employer, title, address, legal voting residence, place and date of birth, marital status, military service, education, registration in professional societies, work experience, record of performance, publications authored, membership on other boards or committees, professional awards, and other information which can be used to determine fitness of individual to sit on the committee; Description of private associations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253; P.L. 42-463 (Federal Advisory Committee Act), E. O. 11769 (Advisory Committee Management).

PURPOSE(S):

For the purpose of maintaining a list of members of the various advisory committees in order to provide them with information on committee functions, meeting dates, agendas, and other purposes for managing the committee activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To assure that FEMA participation in private, nongovernmental associations, societies, etc., is limited only to the extent of FEMA interest therein; to assure preparation and submittal of certain input information that is needed for the reports required by laws and issuance cited above; to provide a tool with which top management can assure that the terms of the regulations regarding the creation and use of committees are being compiled with.

Additional routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of committee, society, or association, then alphabetically by name of individual.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained for two years after committee ceases to exist or society membership expires, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Biographical information submitted by government or nongovernmental individuals nominated for membership.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA-4

SYSTEM NAME:

Central Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Offices, National Emergency Training Center, Computer Center, Olney, Maryland. Addresses for the Regional Offices are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, including Congress, from whom an inquiry or request is received, and to whom a reply is addressed. Transmittals in response to routine requests for publications, etc., are not retained.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence applicable to the internal administration of the Agency; e.g., accounting, correspondence pertinent to the personnel program, budget, procurement, administrative services, etc., congressional correspondence, international FEMA activities, public affairs activities, correspondence concerning regional activities, equal opportunity, program analysis and evaluation, operations support (communications and computer services, operations center activities) Federal Insurance Administration, U.S. Fire Administration, training and education activities, activities concerning Nationwide plans and preparedness for peacetime and wartime emergencies, hazard mitigation, research program relative to Agency missions, Federal disaster assistance program activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253; E. O. 12127, 44 FR 19367; E. O. 12148, 44 FR 43239; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of maintaining a record and background material concerning inquiries made to FEMA and FEMA responses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by inquirer's name, except that responses to Congressional inquiries are filed separately.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during the non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are cut off at end of calendar year and destroyed two years after cut off.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6 published in the Federal Register.

RECORD SOURCE CATEGORIES:

All records in the system consist of FEMA generated records according to a request or inquiry from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA-5

SYSTEM NAME:

Office Services File System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Resource Management and Administration, Washington, D.C. 20472; all FEMA Regional Offices, National Emergency Training Center, Emmitsburg, Maryland; Computer Center, Olney, Maryland, and Classified Location. Addresses of Regional Offices are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of FEMA, headquarters and field, including full time permanent, part time, temporary and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Trip ticket file, government driver's license file, accident report file, memoranda regarding car pools and parking pools, and telephone directories which contain no personal information but serve as a means of locating individuals during business hours.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 50 U.S.C. App. 2253; E.O. 12127, 44 FR 19367; E.O. 12148, 44 FR 43239; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the in-house use of identifying FEMA employees authorized to operate Government vehicles; to record individuals and vehicles involved in accidents involving FEMA owned or leased vehicles; to maintain a record of FEMA employees authorized official parking spaces; to maintain a record of FEMA employees participating in carpools; and to maintain telephone directories which contain no personal information but serve as a means of locating individuals during business hours; personnel within FEMA will use data or documents in the file or will develop same, as necessary, in connection with their duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data filed alphabetically.

RETRIEVABILITY:

By last name of employee or organizational element.

SAFEGUARDS:

Records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

These records become obsolete when updated records are prepared. Obsolete rosters and directories are destroyed. Accident reports are destroyed after six months.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURES:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

All records are FEMA generated based on data submitted by the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA–6

SYSTEM NAME:

Security Management System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Resource Management and Administration, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FEMA employees, other Federal agency employees, State employees, and contract employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security records include: Statement of personal history, personal data (e.g. name, address, telephone number and social security number) contained on security clearance forms, rosters, lists, and forms for record container combinations and other related records. Also this system contains records concerning Personnel Security Program for positions associated with computer systems (Chapter 732 of Federal Personnel Manual). Records do not contain investigatory materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12127, 44 FR 19367; Executive Order 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of agency official use, based upon a need-to-know requirement, in maintaining office security for sensitive data and facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

An employee's level of security clearance may be reported to another agency for the purpose of interagency security administration.

Additional routine use may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc, paper, and index cards.

RETRIEVABILITY:

By name and social security number.

SAFEGUARDS:

Personnel screening; hardware and software computer security measures. Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of employment. Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA–7

SYSTEM NAME:

Emergency Assignment System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Resource Management and Administration, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Emergency assignees to the FEMA Special Facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel data, social security number, personal data, skills inventory, assignment information, badge number, and other related information for the purpose of in-house official use, based upon a need-to-know requirement, to assist officials charged with emergency responsibilities in the assignment and coordination of activities in the Western Virginia Operation Division of FEMA. Authority for maintenance of the system: Executive Order 12148.

PURPOSE:

To assist officials charged with emergency responsibilities in the assignment and coordination of activities in the Western Virginia Operations Division of FEMA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To provide the names, addresses and telephone numbers of FEMA subscribers

having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as "essential" for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency.

To assist officials charged with emergency responsibilities in the assignment and coordination of activities in the Western Virginia Operations Division of FEMA.

Additional routine uses may include Nos. 1, 2, 3, 5, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc and paper.

RETRIEVABILITY:

By name, personal characteristics or skills, badge number, and agency.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of assignment. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

The individuals to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA-8

SYSTEM NAME:

Key Personnel Central Locator List.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Resource Management and Administration, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected Key FEMA Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files and related documents contain lists of key FEMA officials with their home telephone numbers, office telephone numbers, and itinerary who may be contacted in the event of a national disaster or civil emergency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12148, 44 FR 43239.

PURPOSE(S):

For the purpose of locating selected Key FEMA Personnel in the event of a national disaster or civil emergency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide the names, addresses and telephone numbers of FEMA subscribers having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as "essential" for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency.

In the event of a national disaster or civil emergency which requires action by FEMA, the list will be referred to in order to locate selected Key Officials.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed on a monthly basis.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Telephone numbers and itineraries are furnished by the individuals on the list via telephone on a weekly basis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA/9

SYSTEM NAME:

Grievance Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Resource Management and Administration, Washington, D.C. 20472; and classified location.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former employees who have submitted grievances with FEMA in accordance with Part 771 of the Office of Personnel Management regulations (5 CFR Part 771), or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under Part 771 of the Office of Personnel Management regulations. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's fundings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievances and arbitration systems that FEMA may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p218, E.O. 10987, 3 CFR 1959–1963 Comp., p519, agency employees for personnel relief in a matter of concern or dissatisfaction which is subject to the control of FEMA management.

PURPOSE(S):

For the purpose of processing grievance complaints.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested; to disclose information to another Federal agency or to a court when the Government is a party to a judicial proceeding before the court; in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data included individually identifiable by inference; to disclosure information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties; to disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding; and to provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

Additional routine uses may include Nos. 1, 2, 5, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

By name of the individual.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by (1) the individual on whom the record is maintained; (2) testimony of witnesses; (3) from related correspondence from organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NETC/1

SYSTEM NAME:

Student Application and Registration Records, National Fire Academy.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, National Emergency Training Center, Emmitsburg, Maryland 21727.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and former applicants for admission to the courses and programs of the National Fire Academy and

students registered for Academy courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include application forms and other information submitted by the applicants. Information collected includes, but is not limited to, name, sex, date of birth, education level, home address and job title. Files concerning students registered for Academy courses include the above information in addition to the next of kin (in case of emergency), home and/or business address, name or course, number of course credits, and grade, if any, and medical information in case of student injury or illness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–498; Federal Fire Prevention and Control Act of 1974; 15 U.S.C. 2206; 5 U.S.C. 301; E. O. 12127, 44 FR 19367; and Reorganization Plan No. 3 of 1978, 43 FR 431943.

PURPOSE(S):

For the purpose of determining eligibility and effectiveness of Academy courses and to maintain necessary student records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine eligibility for participation in the courses and programs of the National Fire Academy; to supply students with information of courses, credits and grades; supplying Academy Registrar with record of student enrollment in Academy courses by geographic location; assessing use of course material in the field; and assessing the impact of course material on the community; to Members of the Board of Visitors for the purpose of advisory at the state and evaluating the participants evaluation of courses; to provide medical assistance to students who become ill or are injured during courses.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on microfilm, paper and computer.

RETRIEVABILITY:

By name of the applicant.

SAFEGUARDS:

Personnel screening; hardware and software computer security measures. Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Paper records are retained for 1 year, then transferred to microfilm for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Emergency Management Agency, Associate Director, National Emergency Training Center, Emmitsburg, Maryland 21727.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data

RECORD ACCESS PROCEDURES:

Same as Notificiaton procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Subject individuals, applicant employers, educational institutions recommendations and instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NETC/2

SYSTEM NAME:

National Fire Academy Instructor Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, National Emergency Training Center, Emmitsburg, Maryland 21727.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals teaching Academy courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Instructor's name; home and/or business addresses and telephone numbers; titles of courses taught; dates and locations of courses; and evaluations of courses and instructors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Fire Prevention and Control Act of 1974; 15 U.S.C. 2201, et seq.; 5 U.S.C. 301 and 3109; E.O. 12127, 44 FR 19367; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of selecting emergency replacement instructors and providing instructors with lists of courses and students taught.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintaining a list of instructors selecting emergency replacement instructors; providing instructors with lists of courses and students taught. The Fire Administration will also use student evaluations of instructors to help determine effectiveness of courses taught. These evaluations will be anonymous. Student evaluations will be a consideration in the rehiring of an instructor.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Magnetic storage media; and temporary paper records, which exist only until data is automated.

RETRIEVABILITY:

Filed according to the surname of the Instructor.

SAFEGUARDS:

Personnel screening; hardware and software computer security measures. Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel

who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Paper records are retained until information can be automated. Automated data is retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Emergency Management Agency, Associate Director, National Emergency Training Center, Emmitsburg, Maryland 21727.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Instructors and students.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NETC/3

SYSTEM NAME:

Student Academic and Course Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, National Emergency Training Center, Emmitsburg, Maryland 21727. All Regional offices, Computer Center, Olney, Maryland. Addresses of the Regional Directors of FEMA are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who applies for and completes resident and field emergency management training conducted under the auspices of the National Emergency Training Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains student application records—FEMA 95–2, containing name, address, educational level, emergency management courses taken and where, emergency management organization and program affiliation, emergency management title, emergency management telephone number and length of emergency management service, employer, business title and business telephone number, student travel authorization and voucher for partial expense and date and location of course; individual training records; individual and business file for National Emergency Training Center Catalogs, Information Bulletins, etc.; Career Development Individual files; photographs with identification; MOBDES training files; Career Development directory; Student Expense files; completed Grant-in-aid forms; State recommendations, attendance and progress reports, student locators, and related academic documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E.O. 12148, 44 FR 43239.

PURPOSE(S):

For the purpose of monitoring and reporting statistics on training courses in emergency management and determine who has or has not been trained in emergency management courses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

National Emergency Training Center to maintain individual training records; to compile regional, State, headquarters, military training data for administrative purposes such as budget requirements, replies to congressional inquiries, internal reporting and performance statistics, Program reports, and transmittals of satisfactory course completion of State and local governments.

Regions—to maintain up-to-date statistics of National Emergency Training Center graduates assigned to regional jurisdictions and to inform States and local governments.

States—to maintain up-to-date statistics of National Emergency Training Center graduates assigned to State and local jurisdictions.

Headquarters, Office of Resource Management and Administration to record and obligate funds for students attending National Emergency Training Center courses and forward records to FEMA Office of Resource Management and Administration for payment purposes.

Computer Center—to prepare ADP documents relating to student participation.

Other routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and 3 x 5 index cards.

RETRIEVABILITY:

3 x 5 locator cards files alphabetically by name; academic records filed chronologically by course title; and travel authorizations and vouchers filed by fiscal year and State.

SAFEGUARDS:

Records are retained in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are considered permanent. Course folders retained in active file until course is completed, held 20 years in inactive file and subsequently transferred to Records Center, destroyed after 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Emergency Training Center, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manger. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing office's

identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Education Institutions, National Emergency Training Center, records derived from student applications and academic records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NETC4

SYSTEM NAME:

Home Study Courses.

SYSTEM LOCATION

Federal Emergency Management Agency, National Emergency Training Center, Emmitsburg, Maryland. All Regional Offices, and Computer Center, Olney, Maryland. Addresses of the Regional Directors of FEMA are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who desires to further his knowledge of emergency management in general, basic concepts of radiological monitoring, the duties of a local Emergency Management Director Coordinator, or the duties of a Shelter Manager, is eligible for these courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

File includes individual application forms, group enrollment forms, group completion forms, key punch cards and related computer printout indicating home study entry, progress, grades and completion, correspondence and related academic documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; Reorganization Plan No. 3 of 1978, 43 FR 41953; and E.O. 12148, 44 FR 43239.

PURPOSE(S):

For the purpose of providing home study courses to citizens who cannot attend regular classroom courses and certify applicants who successfully complete the courses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Michigan Technological University (MTU)—key punch cards to enter applicant into home study program and to release home study materials to applicants, and to forward certificates to applicants who successfully complete a course. Also used to prepare statistical reports for National Emergency Training Center. FEMA Computer Center—use key punch cards to establish printout including name, address, student number, numerical grade for each course unit, date of completion of each course unit and final grade and date of course completion. FEMA Computer Center provides printouts for MTU, National Emergency Training Center, FEMA Regions and State Emergency Management Offices.

National Emergency Training center—to respond to student inquiries relating to completion dates, requests for military reserve retirement credits and requests for certificates of completion that were awarded but did not arrive for the student. Uses MTU prepared statistics to prepare annual, quarterly and monthly reports for Director, FEMA. Provides course completion/progress data to State and local governments.

FEMA Regional Offices—use the printout to measure training progress in the Region. The Regions also provide each State Emergency Management Office with monthly printouts of home study activities and completion.

State Emergency Management Offices—Use the printouts to schedule more advanced training for students who have completed basic emergency management instruction through home study courses.

Other routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

FEMA Computer Center stores records on computer magnetic tapes or disks. National Emergency Training Center FEMA Regions, MTU and State Emergency Management Offices store printouts of records as developed and forwarded by FEMA Computer Center.

RETRIEVABILITY:

By name and address of Student Number.

SAFEGUARDS:

Records are retained in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

All Home Study records at National Emergency Training Center, are destroyed after 6 years. Home Study records held by FEMA Regions, Michigan Technological University and State Emergency Management Offices are destroyed when obsolete, superseded or no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Emergency Training Center, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Application forms completed and submitted by applicants for FEMA Home Study courses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/FA-1

SYSTEM NAME:

Federal Employees with Fire Related Expertise.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, U.S. Fire Administration, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees with expertise in fire prevention and control and associated fields.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, agency and area of expertise.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8(e) and 21 (b)(1) and (e) of the Federal Fire Prevention and Control Act of 1974, P.L. 93-498; 88 Stat. 1535 (15 U.S.C. 2207, 2218); E. O. 12127, 44 FR 19367; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of identifying Federal employees with expertise in fire prevention and control and associated fields.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about individuals is provided to Federal, state, local or international agencies and members of the fire service community, including, but not limited to, fire safety and protection organization, state fire marshals, and firemen, in response to requests indicating that the individual or organization making the request would benefit from the expertise of individuals in the system. Such disclosures are made only if the subject individual has given prior written consent.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, bound paper directory and magnetic tape.

RETRIEVABILITY:

By individual's name, expertise, agency and geographic location.

SAFEGUARDS:

Personnel screening; hardware and software computer security measures. Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are updated biennially and retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

U.S. Fire Administrator, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Subject individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/FA-2

SYSTEM NAME:

President's and Secretary's Award Nominees.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, U.S. Fire Administration, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals nominated to receive the President's Award for outstanding Public Safety Service and individuals nominated to receive the Secretary's Award for Distinguished Public Safety Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of the candidate, his or her position and title, whether the nomination is for the President's or Secretary's Award, the public agency served, the locale where the candidate performs his or her duties, the name of the nominating official, a summary description of the outstanding contribution, distinguished service or extraordinary valor of the nominee, and the relevant duties relating thereto, and copies of any published factual accounts of the nominee's accomplishments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 2214; E.O. 12127, 44 FR 19367; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of selecting individuals who have been nominated to receive the President's Award for Outstanding Public Safety Service and the Secretary's Award for Distinguished Public Safety Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) President's Award Nominees—Information about individuals nominated for the President's Award is provided to selected members of the public safety community, including but not limited to, fire safety and protection organizations, state fire marshals and firemen, civil defense officers, and law enforcement, corrections or court officers in connection with the evaluation and selection of recipients. Information is also provided to the Department of Defense, the Department of Justice, and the Executive Office of the President; (b) Secretary's Award

Nominees—Information about individuals nominated for the Secretary's Award is provided to selected members of the fire service community, including but not limited to, fire safety and protection organizations, state fire marshals and firemen in connection with the evaluation and selection of recipients. When it appears that a nominee's accomplishments are in the areas of civil defense or law enforcement, nominations may be sent to the Department of Defense and/or the Department of Justice.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by file number and cross-referenced alphabetically by nominee names.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

U.S. Fire Administrator, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURES:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Heads of Federal government departments and agencies, governors of states or territories, or chief executives of any general governmental unit within any state or territory.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/COM–1

SYSTEM NAME:

List of Custodians of Decision Info Sys (DIDS) Radio Receivers.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Federal Regional Center, 5321 Riggs Road, Gaithersburg, Maryland 20760 which falls within the responsibility of the Regional Director of FEMA in Region III, address is listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal agency personnel and officials and key personnel of emergency services of governments at State, county and local level.

CATEGORIES OF RECORDS IN THE SYSTEM:

A property accountability and operational location listing for DIDS radio receivers used for civil defense purposes. It contains the custodian's name, address, type facility of location, job title and telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; E.O. 12148, 44 FR 43239; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of determining exact location of receivers in need of maintenance, a listing of custodians of DIDS radio receivers, and provides basis to obtain statistical information as to what kind of operational locations or other installations are associated with the radio receivers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

The list of custodians maintains property accountability. It also provides a base to obtain statistical information as to what kind of operational locations or other installations are associated with the radio receivers. Provides a base for obtaining operational information on receiver operations by soliciting the custodians. Determines exact location of receivers in need of maintenance.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

By name of individual and location.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are kept as long as the person listed is custodian of a DIDS radio receiver; when receiver is given up, the name is removed from the list.

SYSTEM MANAGER(S) AND ADDRESS:

FEMA Regional Director, Region III, address is listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act

Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individual custodians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/EO-1

SYSTEM NAME:

Equal Employment Opportunity Complaints of Discrimination Files.

SECURITY CLASSIFICATION:

Limited Access.

SYSTEM LOCATION:

Federal Emergency Management Agency, Equal Opportunity Office, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any FEMA employee or applicant for employment, headquarters, regional and field offices, including full-time permanent, part-time and temporary employees, who files a complaint of discrimination against FEMA. Also, any persons who file or could file a complaint with FEMA alleging discrimination by a state or local government in violation of Title VI of the Civil Rights Act of 1964 and any other similar legislation involving discrimination by a state or local government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include complaints of discrimination brought against FEMA by employees or applicants because of race, color, religion, sex, age, handicapped, or national origin; records of counselor's reports, records of investigation, records of hearings and disposition of cases involving Equal Employment Opportunity. Files also include reports, documents, and information in support of or contrary to the complaint or potential complaint, records of hearings and disposition of the cases by the states or the Director, Federal Emergency Management Agency or higher authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Laws 92-261 and 93-211 as amended by Public Law 93-516, Equal Employment Opportunity Act of 1972, Executive Orders 11478 and 12067, Title VI, Civil Rights Act of 1964 (78 Stat.) (42 U.S.C. 2000d et seq.).

PURPOSE(S):

For the purpose of ascertaining whether discrimination has taken place.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) To EO Office to ascertain whether discrimination has taken place under the Equal Employment Opportunity Commission (EEOC) rules and regulations; (b) to Title VI Officers, Regional Officers and other investigators and reporting officers to ascertain whether discrimination under the Title VI rules and regulations have taken place; (c) to investigators (EEOC, U.S. Army Civilian Appeal Review Office, General Services Administration and private contractors) to secure testimony and affidavits of witnesses and other pertinent data involving Equal Employment Opportunity cases; (d) to State officials and investigators to secure testimony of witnesses and other pertinent data involving Title VI, Civil Rights act, cases; (e) to FEMA General Counsel for advice and legal assistance during hearings and appeals; (f) to EEOC and other Federal agencies with jurisdiction for hearings and appeals; and (g) to Agency Head and higher authority for purposes of making a decision and (H) to the U.S. Justice Department or other agencies as appropriate for enforcement action and where necessary in reporting.

Additional routine uses may include Nos. 4, 5, 7 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

The Equal Employment Opportunity files are considered permanent. The Civil Rights Act (Title VI) files are retained for 10 years after completion of the case. Significant and precedent cases are sent to the National Archives and Records Service of the General Services Administration and all others are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Equal Opportunity, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement and the access and contesting requirement under 5 U.S.C. 552a(k)(2). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contest. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access or contest is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

(a) For the Equal Employment Opportunity files—Information is secured from previous employers, friends, and acquaintances of the complainant and the alleged discriminating official, official personnel records, educational institutions, etc.; (b) For Civil Rights Act (Title VI) files—Information is secured from complainants and from FEMA officials who conduct Title VI compliance reviews at the State and local level, from citizens who have been denied services or use of facilities, from State

and local government records and institutional and organizational records, from State officials who have observed violations or local officials who have reported violations to the State.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in 44 CFR 6.87.

FEMA/FIA-1

SYSTEM NAME:

Federal Crime Insurance Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Various offices of a servicing agent under contract to the Federal Insurance Administration, Federal Emergency Management Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual policyholders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of policyholders, addresses of insured premises; type of premises; amounts and types of insurance desired; annual premiums; claims information; record of claim payments; record of premium payments; agent's name and address; other insurance held by policyholder; inspection report or protective devices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb, et seq.; E.O. 12127, 44 FR 19367.

PURPOSE(S):

For the purpose of verifying coverage of Federal Crime Insurance, issuing policies, claims adjusting and billing purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the servicing company for the contract and insurance adjustment firms retained by the servicing company for billing, verification of coverage, claims adjusting and issuance of policies; to property loss reporting bureaus; to State Insurance Departments and insurance companies investigating fraud or potential fraud in connection with burglary or robbery claims. Additional routine uses may include Nos. 1, 2, 3, 5, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Tape/disc library and paper files.

RETRIEVABILITY:

By name of policyholder, social security number of policyholder or policy number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Information partly current and partly historical. Retention of records shall be for 6 years or until no longer needed. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Insurance Administrator, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Private Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Individual policyholders; police reports (for verification of claims data; servicing companies (for verification of claims data).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/FIA-2

SYSTEM NAME:

National Flood Insurance Application and Related Documents Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Various offices of a servicing agent under contract to the Federal Insurance Administration; FIA Headquarters office, Federal Emergency Management Agency, Washington, D.C. 20472. Copies of some of the files are also provided to the FEMA Regional offices when additional information is requested from their respective offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for individual flood insurance and individuals insured.

CATEGORIES OF RECORDS IN THE SYSTEM:

Flood insurance, policy issuances and administration records and claims adjustment records, including applications for emergency and regular flood insurance, endorsements, renewal applications, cancellation notices, policy questionnaires, notice of loss, and proofs of loss.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001, et seq.; 5 U.S.C. 301; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E.O. 12127, 44 FR 19367.

PURPOSE(S):

For the purpose of carrying out the National Flood Insurance Program and verifying nonduplication of benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To property loss reporting bureaus, State insurance departments, and insurance companies investigating fraud or potential fraud in connection with

claims, subject to the approval of the Office of Inspector General, FEMA; for use of insurance agents, brokers and adjusters, and lending institutions for carrying out the purposes of the National Flood Insurance Program; to Small Business Administration, the American Red Cross, the Farmers Home Administration; State and local government individual and family grant and assistance agencies, including but not limited to the State of Ohio Disaster Services Agency and the Johnstown, Pennsylvania, Redevelopment Authority for determining eligibility for benefits and for verification of nonduplication of benefits following a flooding event or disaster. To State and local government individual and family grant and assistance agencies which furnish to the Federal Insurance Administration the names and addresses of policyholders for purposes consistent with relocation projects of the Federal Insurance Administration and acquisition projects under the National Flood Insurance Program carried out pursuant to Section 1362 of the National Flood Insurance Act of 1973, as amended, and to State and local government agencies who provide the names and addresses of policyholders and a brief general description of their plan for acquiring and relocating their flood prone properties for FEMA's review to ensure that their State and/or local government agency is engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program.

Additional routine uses may include Nos. 1, 5, 6, and 8, of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disc/drum and file folders.

RETRIEVABILITY:

By name and policy number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Policy records are kept as long as insurance is desired and premiums paid and for an appropriate time thereafter and claim records are kept for the statutory time within which to file a claim.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Individuals who apply for flood insurance under the National Flood Insurance Program and individuals who are insured under the program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/GC-1

SYSTEM NAME:

Claims (litigation).

SECURITY CLASSIFICATION:

Limited Access.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of General Counsel, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, whether a FEMA employee or non-FEMA employee, who asserts a remedy from FEMA for some alleged injury to said individual or the individual's property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain claims, complaints or documents or any of these means by which an individual asserts a remedy from FEMA for some alleged injury to said individual or property; the data and documents submitted in support of the claims; the data and documents developed or obtained in making a decision or determination on such claims, including any appeals and any other relevant materials; including litigation file if such develops.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 31 U.S.C. 240 et seq.;
E. O. 12127, 44 FR 19367; E. O. 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943; 28 U.S.C. 2671 et seq.; and any specific authority depending on the nature of the claim.

PURPOSE(S):

For the purpose of processing claims and determining the validity of the claim.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To those FEMA employees responsible for processing claims, investigating claims, making recommendations concerning the validity of the claim, and making decisions regarding the claims; to other investigative or similar authorities responsible for investigating or making recommendations on complaints or claims, whether or not a part of FEMA or some other agency; to decision-making authorities outside of FEMA when required by law, regulation or order.

Additional routine uses may include Nos. 2, 3, 5, 6 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name within general subject matter files.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel

who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are retained for 5 years after final decision and then destroyed if no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement and the access and contesting requirements under 5 U.S.C. 552a(k)(2). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contest. A determination as to the applicability of an exemption to a specific record shall be made at the time a request for notification, access or contest is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelop and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

Claim or similar documents with supporting evidence submitted by claimant; Government employees; Members of the public and witnesses and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in 44 CFR 6.87.

FEMA/GC-2

SYSTEM NAME:

FEMA Enforcement (Compliance).

SECURITY CLASSIFICATION:

Limited Access.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of General Counsel, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, whether a FEMA employee or non-FEMA employee, alleged of violation of or noncompliance with some law or regulatory matter, including FEMA directives, instructions or particular programs administered by FEMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains all allegations, reports, documents or similar items of information which allege that an individual, either acting in his/her official capacity or as a private citizen, has violated or is in nonconformance with some law or regulatory matter, including FEMA directives, instructions, and programs administered by FEMA, or misuse of Federal funds. The file may also include investigative reports or documents furnished by FEMA or any other agency charged with investigative responsibilities and any type of information submitted either by the subject individual or informants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; E.O. 12127, 44 FR 19367; E.O. 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943; and any specific authority depending on the nature of the allegation.

PURPOSE(S):

For the purpose of determining whether an allegation is substantiated and what action should be taken against the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To FEMA employees responsible for processing allegations, investigating the allegations, making recommendations concerning the validity of the allegation and making decisions as to what action, if any, should be taken against the individual; to other agencies charged with investigative responsibilities and enforcement actions of any nature including prosecution for violations of criminal laws; to employers, whether Federal, State or local agencies, whose employee is involved; and to State and local investigative authorities.

Additional routine uses may include Nos. 1, 2, 3, 4, 5, 6 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by name within general subject matter files.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

(a) For FEMA employees—files are retained until obsolete or until separation of employees plus one year, whichever is longer, then destroyed if no longer needed. (b) for non-FEMA employees—files are retained for five years after final decision, then destroyed if no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472; all regional directors of FEMA, addresses are listed in Appendix A.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement and the access and contesting requirements under 5 U.S.C. 552a(k)(2). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contest. A determination as to the applicability of an exemption to a specific record shall be made at the time a request for notification, access or contest is received. Inquiries should be addressed

to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Officials or employees charged with responsibility for enforcement action. Other sources include subject individual, informants or other persons knowledgeable of the matter, and organizational or individual records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in 44 CFR 6.87.

FEMA/IG-1

SYSTEM NAME:

General Investigative Files.

SECURITY CLASSIFICATION:

Limited access.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Inspector General, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual suspected of violating any criminal, civil, regulatory, licensing, or other enforcement laws, whether Federal, state, local or foreign.

CATEGORIES OF RECORDS IN THE SYSTEM:

The subject records may contain any identifying or other relevant information on subject individuals which might relate to possible violation of criminal, civil, regulatory, licensing, or other enforcement laws, whether Federal, state, local or foreign.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12127, 44 FR 19367; Executive Order 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of preventing and detecting fraud abuse, conducting and supervising audits and investigations relating to programs and operations, informing the Head of the establishment about problems and deficiencies relating to programs and administration and suggesting corrective actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) In the event that this system of records includes information which indicates a violation or potential violation of law, whether criminal, civil 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, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued thereto; (b) a record contained in this system of records may be disclosed as a routine use to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to those sources; (c) a record which is contained in this system and derived from another FEMA system of records may be disclosed as a routine use as specified in the **Federal Register** notice of the system of records from which the record is derived; (d) a record which is contained in this system may be disclosed to State Insurance Departments and insurance companies investigating fraud or potential fraud in connection with burglary, robbery or flood claims.

Additional routine uses may include any of the items listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and card.

RETRIEVABILITY:

By name and file number.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Investigative files are retained at least 5 years after completion of the investigation and/or actions based thereon or until the office determines that the records are no longer needed. The files are then transferred to the Federal Records Center and kept for an additional 10 years and then destroyed. Index and cross-index cards are considered permanent or until the office determines that they are no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement and the access and contesting requirement under 5 U.S.C. 552a(j)(2), (k)(1) or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contest. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access or contest is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

(1) Federal, state, local or foreign government agencies concerned with the administation of criminal justice and non-law enforcement agencies both public and private; (2) Members of the public; (3) Government employees; (4) Published material; (5) Witnesses and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3) and (4), (d), (e)(1), (2), (3), (e)(4)(G), (H), and (I), (e)(5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in 44 CFR 4.86 and 4.87.

FEMA/PA–1

SYSTEM NAME:

Biographies.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Public Affairs, Washington, D.C. 20472; Regional Directors of FEMA, addresses are listed in Appendix AA; National Emergency Training Center, Federal Emergency Management Agency, Emmitsburg, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key FEMA Headquarters and Regional offices, and State and local Emergency Management Directors/ Coordinators.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Office of Public Affairs files contain biographies of key officials of FEMA, including Headquarters and Regional offices and a listing of State and local Emergency Management Directors/Coordinators; (b) Regional files contain biographies of Key Regional officials, and State and local Directors/Coordinators within regional geographic boundaries. Includes form on Notice of Appointment of Emergency Management Director/Coordinator; (c) Staff College files contain biographies of guest lecturers and other key officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; E. O. 12148, 44 FR 43239; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of preparing speeches, correspondence and other public releases in connection with emergency preparedness program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

For use in preparing speeches, correspondence, and other public releases in connection with emergency preparedness program. Use as backup information to fulfill requirements of FEMA Director and Regional Directors.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

(a) FEMA officials—filed alphabetically by name, (b) State and local Directors/Coordinators—filed alphabetically by state.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Biographies for FEMA officials, headquarters and field, are retained in active file until end of calendar year after separation of employee, then retired to Federal Records Center. Biographies of State and local Directors/ Coordinators are retained in active file until end of calendar year after termination, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Public Affairs, Federal Emergency Management Agency, Washington, D.C. 20472; for National Emergency Training Center Files—Associate Director, National Emergency Training Center, Emmitsburg, Maryland 21727; and all FEMA Regional Directors, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD-ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

The key officials on whom biographies are maintained and other knowledgeable sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SUP–1

SYSTEM NAME:

Operating Personnel Folder Files.

SECURITY CLASSIFICATION:

Limited Access.

SYSTEM LOCATION:

Files are located in Regional, field and Headquarters offices which are located separate from the Headquarters FEMA Personnel Office, which maintains the

Official Personnel File, depending upon the post of duty of the employee. It is noted that not all of FEMA supervisors maintain such a file.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current FEMA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relate to personnel matters, such as, copies of Form 50 and 52 Personnel actions (supervisor's copies), awards, letters of appreciation, promotions, step increases, position descriptions, reports of discussions held with employee regarding performance, copies of discussions written to employee concerning performance, leave, overtime hours, locator card information and related employment records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; FPM 293–31.

PURPOSE(S):

Because the Official Personnel Folder is maintained in the Headquarters, Washington, D.C., location, it is necessary to have an operating personnel folder available to the supervisor to evaluate performance, and related employment performance for awards, promotions or recommended disciplinary actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use by the supervisor in evaluating employee performance and monitoring of leave for the purpose of approving employee requests for leave.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and/or index cards.

RETRIEVABILITY:

By name or social security number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms with limited access. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

The files will be destroyed after the employee leaves the Federal Emergency Management Agency through transfer or separation.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters and Regional and Field offices within the Federal Emergency Management Agency, or managerial officials in appropriate posts of duty of employee, Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the employee, from personnel actions as noted in official personnel folders, and from supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in 44 CFR 6.87.

FEMA/REG–1

SYSTEM NAME:

State and local Civil Preparedness Instructional Program (SLCPIP).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Primary system located at Federal Emergency Management Agency Regions, address listed in Appendix AA. Decentralized system located with State and local agencies contractors in various States who provide input to Regional offices. Duplicate data is forwarded to State Emergency Management offices by contractors in the States for information purposes only. Addresses of contractors and State Emergency Management offices are available at FEMA Regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals include local Emergency Management coordinators, teachers, school administrators and local officials who are in need of emergency management training.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is comprised of 4 reporting forms only one of which has names. These are forwarded from the contractors at the State level to the Regional offices. The form with names is the SLCPIP Contractor's Roster. This form is used to give name, address, and title of participants for each course or workshop conducted. This is a monthly report to the Regions.

The Contracting Officer (Region) forwards to FEMA Associate Director, National Emergency Training Center, gross number of activities and participants. The Regions maintain the roster. The Headquarters FEMA Associate Director, National Emergency Training Center, consolidates all ten Regions reports and prepares a consolidated report to the Director, FEMA, when required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E. O. 12148, 44 FR 43239.

PURPOSE(S):

For the purpose of determining which officials are in need or have taken emergency management training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the contractor to report to the contracting officer (Region) his progress and expenditures. The Regions use this system to report quarterly to FEMA Headquarters Associate Director,

National Emergency Training Center, progress of the training activities. The Associate Director, National Emergency Training Center, prepares a consolidated quarterly report to the Director, FEMA. Additional routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

By name, address, name of course, date and location.

SAFEGUARDS:

Records are kept in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained in active file for one calendar year or fiscal year or until contract is completed. Records are then in inactive file for 3–6 years depending on program. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager in whose region you are interested in. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

The source for information on participants in a course is forwarded by the contractors in the various States as he conducts training activities in his State.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/GOV'T-1

SYSTEM NAME:

Uniform Identification System for Federal Employees Performing Essential Duties During Emergencies.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are located at the Personnel Office or designated office of local installation of the Department or Agency which currently employs the individual.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Only active Federal employees who have been assigned emergency duties for the Federal Government following the declaration of an emergency due to an expected attack on the United States or a natural or man-caused disaster occurs.

CATEGORIES OF RECORDS IN THE SYSTEM:

The indentification card will be provided directly to the employee who is assigned emergency duties. The card will include a photograph of the individual, individual's name, signature and emergency function, date of birth, height, weight, color of hair, color of eyes, and blood type. Each department, agency, or official authorized to issue the emergency identification card is responsible for maintaining the following information for the Federal Emergency Management Agency: (1) the number of cards issued and outstanding to Federal employees; (2) the card numbers and names of personnel to whom the cards have been issued; (3) the total number of cards recalled and in safekeeping; (4) the total number of cards destroyed; (5) the total number of cards lost or unaccounted for; (6) regaining possession of an destroying the emergency indentification card from personnel whose employment with the issuing agency has ceases; and (7) providing FEMA with copies of any directives published to implement the provisions of issuing emergency identification cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 201, 204, and 407 of the Federal Civil Defense Act of 1950, as amended; 50 U.S.C. App. 2251 et seq.; Reorganization Plan Number 3 of 1978, 43 FR 41943; and Executive Order 12148 of July 20, 1979, 44 FR 43239.

PURPOSE(S):

Upon an attack on the United States, or upon a declaration by the President or the Congress, or by a Federal Government official duly authorized by the President or the Congress, that an emergency situation exists due to an expected attack on the United States or a natural or man-caused disaster occurs, or is expected within the United States, Federal employees, who have been assigned emergency duty functions, are expected to be in need of freedom of movement in order to report for and carry out their emergency assignments. To facilitate such mobility and freedom of movement, a uniform means of identification is required to enable State and local civil defense authorities and law enforcement officials to readily recognize such Federal employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Each department, agency, or official authorized to issue the emergency identification card is responsible for maintaining the seven items of information listed under the categories of records in the system for FEMA and reporting this type of information back to FEMA for the purpose of maintaining a control over the number of emergency identification cards issued, to whom they are issued, for what purpose, and maintaining statistical information and the individuals provide the I.D. cards to State and local civil defense authorities and law enforcement officials to readily recognize Federal employees who have been assigned emergency duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders on lists and forms, and in computer processible storage media.

RETRIVABILITY:

By name of the Federal employee or FEMA emergency identification card number.

SAFEGUARDS:

These records are located in lockable metal file cabinets or in secured rooms with access limited to those personnel whose official duties require access.

RETENTION AND DISPOSAL:

Emergency identification cards will be issued for a period not to exceed five years. An annual review of the assignment of all personnel to whom such cards have been issued will be made. If the person no longer requires the assignment, the card will be recalled and the card number may be reassigned to another individual, or destroyed by burning or shredding. The card will be recalled at any time when the emergency assignments are withdrawn or the employee leaves the government service.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, will maintain records of card numbers issued to each Department or Agency authorized to issue the identification card for FEMA. The Departments or Agencies will maintain their own records of individuals to whom the identification cards have been issued. The Associate Director, Resource Management Administration, Federal Emergency Management Agency, Washington, D.C. 20472 is the appropriate address for records maintained by FEMA.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Department or Agency which currently employs the individual.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in this system should direct their request to the Department or Agency which currently employs the individual.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register. When requesting records maintained by a Department or Agency, the individual must also comply with the Privacy Act regulations of that Department or Agency.

RECORD SOURCE CATEGORIES:

Subject individuals, current supervisors who determine the need for issuance of an emergency identification card because of nature of emergency assignment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

NPP-1

SYSTEM NAME:

National Defense Executive Reserve System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Management Agency, Office of National Preparedness Programs, Washington, D.C. 20472; all FEMA regional offices listed in Appendix AA to these notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and incumbents of NDER assignments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and administrative records, skills inventory, training data, and other related records necessary to coordinate and administer the NDER program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Defense Production Act, 1950, Executive Order 11179, September 22, 1964, as amended by Executive Order 12148, July 20, 1979.

PURPOSE(S):

For the purpose of administering the NDER program, agency officials and officials of participating departments and agencies may obtain from the NDER Coordinator data relevant to reservists assigned to their units.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Periodically, a directory (containing name, title, business name and address, NDER unit, and status-emeritus or active) will be distributed to reservists and to NDER units. Additional routine use may include Nos. 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc and paper.

RETRIEVABILITY:

By name, personnel data, skills or agency.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of application or assignment. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Preparedness Programs, Federal Emergency Management Agency, Washington, D.C. 20472; all FEMA Regional Directors, addresses listed in Appendix AA of these notices.

NOTIFICATION PROCEDURE:

Inquires should be addressed to the system manager(s). Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager(s). Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NPP-2

SYSTEM NAME:

Resource Interruption Monitoring System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of National Preparedness Programs, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals reporting or commenting on resource shortages during national emergencies—private citizens; industry experts; business, labor and government leaders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name, address, telephone number, statements about resource problems, and other related information necessary to monitor resource interruptions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12148, July 20, 1979.

PURPOSE(S):

For the purpose of assessing the status of resources (supply shortage or problems of maldistribution) which poses a threat to the health and welfare of communities or to the economy or security of the Nation when normal market mechanisms appear inadequate, agency analysts summarize reports for comparison to economic norms or for highlighting problems in an industry or in a geographic area. In-house agency use is also made of the computerized communication and conferencing components of the system for the purpose of carrying on conferences and discussions, and for transmitting other related communications among the offices of FEMA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Individual applications for assistance may be referred for response to another agency with emergency responsibilities. Information may be provided to Federal, State and local officials with emergency responsibilities and to selected industries for purpose of coordinating actions taken to alleviate the crisis situation; to news media. Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc and paper.

RETRIEVABILITY:

By name, problem resource, geographic area, and phrase in text.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of resource problem. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Preparedness Programs, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Individual applications for assistance in locating alternate supplies; news media reports; notifications by individual correspondence or phone, from Congress, by original staff reports or reports from other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NPP-3

SYSTEM NAME:

Industrial Group Consultation.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of National Preparedness Programs, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals in industrial organizations, or national organizations who participate in emergency management services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, organization affiliation, and speech making.

PURPOSE(S):

For the purpose of obtaining speakers at conventions, seminars, courses, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; and E. O. 12148 dated July 20, 1979.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To communicate with industrial and national organizations who can perform emergency management services; to obtain speakers at conventions, seminars, courses, etc.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3 x 5 index cards.

RETRIEVABILITY:

By name, company or organizations.

SAFEGUARDS:

All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to

authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files kept until obsolete, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Preparedness Programs, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Directly from the individuals in the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-1

SYSTEM NAME:

Disaster Recovery Assistance Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472 and FEMA Regional Offices, addresses are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons applying for disaster recovery assistance following Presidentially declared major disasters or emergencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Socio-economic, demographic and financial information; disaster impact (including verification and cost estimates); disaster recovery plans and needs; and assistance requested by applicant. Files include applications for individual and family grant programs; temporary housing assistance; disaster unemployment assistance; home and personal loans; status of disposition of applications; and legal services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93-288, Disaster Relief Act of 1974; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E. O. 12148, 44 FR 43239.

PURPOSE(S):

The information is used by FEMA and its agents in carrying out the Federal disaster relief and recovery assistance programs in Presidentially declared disasters and emergencies; to coordinate recovery assistance; for making eligibility determinations; and verifying nonduplication of benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To other Federal, state and local agencies for the purpose of providing relief and recovery assistance.

Additional routine uses may include Nos. 1, 2, 3, 5, 6 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disc/drum and file folders.

RETRIEVABILITY:

By name, address or case file number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Applications and supporting documents are retained until the disaster field office closes, and then moved to the FEMA Regional Office and kept for a period of three years after the date of the disaster declaration. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Applicants for disaster recovery assistance, financial references, credit rating bureaus, insurance companies and agencies providing disaster relief.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-2

SYSTEM NAME:

Temporary Housing Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

FEMA Regional Offices, addresses listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for temporary housing assistance in Presidentially declared major disaster or emergency areas, and candidates for staff positions at Federal Disaster Assistance Centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information is contained, such as name, address, social security number, telephone number, wages, job location, family income, insurance data (relating to home) as pertaining to some applicants, and disapproval or approval of applicants for aid or employment. There is general correspondence concerning complaints, plaudits, reinstatement on jobs or housing, requests for disbursement of payments and inquiries from tenants and landlords in regard to aid. Files also include general administrative and fiscal information, including payroll, payment schedules and forms, travel vouchers, time and attendance records, applications, termination notices, individual and family grant programs, damage and relocation information, leases, contracts, listings of emergency repairs given as a result of specific natural disasters, reasons for tenant eviction or denial of aid, sales information on homes after tenant purchase, and status of dispositions of applicants for housing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93-288, Disaster Relief Act of 1974; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E.O. 12148, 44 FR 43239.

PURPOSE(S):

The information is used by FEMA and its agents in administering the Federal disaster relief and recovery assistance programs in Presidentially declared disasters and emergencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information may be disclosed to: local public assistance departments for relocation information; to the Post Office for location of individuals; to Department of Motor Vehicles and State Tax Departments for serial numbers and costs of mobile homes and vehicles; to local housing authorities and departments of community affairs to determine family status relating to relocation into other-than-temporary housing; and to utility companies regarding lease dates and forwarding information. Additional routine uses may include Nos. 1, 2, 3, 5, 6, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disc/drum and file folders.

RETRIEVABILITY:

By name, address or case file number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Applications and supporting documents are retained until the disaster field office closes. When a Disaster Field Office has been audited and closed out, any pertinent records are shipped to the Regional Office and kept for a period of three years after the date of the disaster declaration. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Regional directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORY

Subject individuals; social security and other State and city agencies; current or previous employers; credit rating bureaus; financial institutions; insurance companies and agencies providing disaster relief.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-3

SYSTEM NAME:

Disaster Assistance Personnel Reserve Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472; all Regional Offices, addresses listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals designated as active disaster Assistance Reservists.

CATEGORIES OR RECORDS IN THE SYSTEM:

File folders and computer files contain name, address, telephone number, social security number, grade and salary, professional specialities and experience in disaster relief and recovery activities, type and date of appointment, expiration data, availability, and duty station.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93-288, Disaster Relief Act of 1974; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E. O. 12148, 44 FR 43239.

PURPOSE(S):

The information is used by FEMA in fulfilling personnel requirements in preparation for as well as in actual disaster response and recovery periods following presidentially declared disasters and emergencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information may not be disclosed outside the Federal Emergency Management Agency except as listed in

paragraphs 1, 2, 3, 4, 5, 6 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disc/drum and file folders.

RETRIEVABILITY:

Name, functional title.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are maintained until employee termination date. Disposition of records shall be in accordance with the FEMA Records Maintenance and disposition system.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6 published in the Federal Register.

RECORD SOURCE CATEGORIES:

Applicants for and current employees of FEMA's disaster response and recovery personnel reserve.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS–4

SYSTEM NAME:

FEMA Form 95–3, Appl for Enrollment in Arch Engr Prof Dev Prog.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for FEMA professional development courses: Fallout Shelter Analysis (FSA), Protective Construction (PC), Environmental Engineering (EE), Multiprotection Design (MPD).

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes applicant's name, address, date of birth, education and status of completion in the course.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, 44 USC 3104, 50 USC App. 2253.

PURPOSE(S):

For the purpose of ascertaining qualifications for certification as FSA for issuance of appropriate certificates and development of mailing lists for disseminating new information to them as appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The names and addresses of the individuals are used to print mailing labels to send them the most up-to-date information on Fallout Shelter Analysis. Additional routine use may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Application forms are kept in loose-leaf binders. Some of the data are kept on computer magnetic tapes for processing in conjunction with dissemination of new information.

RETRIEVABILITY:

By the name of the individual to whom the record pertains.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; application forms in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are considered permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

FEMA Form 95–3 submitted by applicants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-5

SYSTEM NAME:

FEMA Summer Shelter Survey Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for FEMA Summer Shelter Survey Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes student's name, address, telephone number, college, age, veteran's status, license, curriculum, number of college years completed, prior Summer Shelter Survey training, experience, availability of transportation and training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 50 U.S.C. App. 2253.

PURPOSE(S):

For the purpose of selecting students for employment under the Summer Shelter Survey Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The names, addresses and phone numbers are provided to the U.S. Army Corps of Engineers to offer the individuals employment until such time as FEMA is prepared to assume the selection process. A report is available to the Office of Personnel Management which indicates which students were hired and which were not.

Additional routine use may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Applications are maintained on magnetic tape, card and loose-leaf binders.

RETRIEVABILITY:

By the name of the individual to whom the record pertains.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; application forms in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for 2 years. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

FEMA Form 85-1 entitled "Application for FEMA Summer Shelter Survey Program" and FEMA Form Letter 1 entitled "FEMA Summer Shelter Survey Employment Questionnaire" submitted by applicants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-6

SYSTEM NAME:

Program Management Information System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Local Civil Preparedness Directors/Coordinators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name and business address of all local civil preparedness directors/coordinators participating in FEMA contributions programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253; E. O. 12148, 44 FR 43239; Reorganization Plan No. of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of keeping an up-to-date listing of all local civil preparedness directors/coordinators and advising the public as to who the civil preparedness director/coordinator is for a particular location.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Responding to inquiries from the public advising who the local civil preparedness director/coordinator is for a particular location.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer paper printouts and microfiche.

RETRIEVABILITY:

By geographic location number printed alphabetically by State and agency name; name of director/coordinator can be retrieved on the computer printout.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; printouts are kept in locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be until obsolete. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

FEMA Form 19–1, Program Paper for Local Civil Preparedness, are prepared by local agencies and submitted to the State and FEMA Regional offices which in turn forward copies to FEMA Headquarters for computer development printouts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS–7

SYSTEM NAME:

Military Reserve Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472; all FEMA Regional Directors, mailing addresses are listed in Appendix AA; and State and local civil preparedness agencies requesting information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military reservists who have or could have mobilization designation to FEMA, including FEMA Regional offices and State and local civil preparedness agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes copies of orders, lists of reservists assigned, and those eligible to be assigned, to the FEMA regions and State and local civil preparedness agencies; other related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 270; 10 U.S.C. 275; 41 U.S.C. 3101; 50 U.S.C. App. 2253; E. O. 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943; P. L. 93–579.

PURPOSE(S):

For the purpose of preparing statistical reports, rosters, lists of new assignees, review of assignments to provide information for reallocation of vacant spaces, provide basis for general management of the program including the preparing of efficiency and other reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Applications are processed by the uniformed service's personnel headquarters and if approved, issuances of assignment orders are distributed to interested offices for program recruiting, record and management purposes.

Additional routine uses may include Nos. 5, 7 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printouts and orders and related papers are filed in paper file folders in metal file cabinets.

RETRIEVABILITY:

At FEMA Headquarters—by region and military service; At FEMA Regional offices—by military service, State and individual name.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper file folders in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be as long as the individual is assigned to the program. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, mailing addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the appropriate system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Reservist submits completed application to FEMA Regional or State and local civil preparedness agency where he or she desires to work. Application is endorsed at each level and forwarded through civil preparedness channels to the respective service personnel administrative headquarters for processing, and if approved, issuance of assignment

orders. Copies of assignment orders are distributed to interested offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-8

SYSTEM NAME:

Radioactive Materials Inventory.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472; all FEMA Regional offices; National Emergency Training Center, Emmitsburg, Maryland; Computer Center; Olney, Maryland; and Defense General Supply Center, ATTN: DCPO, Richmond, Virginia. Mailing addresses for the Regional offices are listed in Appendix AA. Copies are also maintained at the appropriate State and local civil preparedness agencies and at State radiological systems maintenance and calibration facilities, and as applicable to another Federal agency or FEMA contractor having radioactive material on loan.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Custodians of FEMA Radioactive Material.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain a listing of all FEMA owned radioactive materials on loan to a State, other Federal agencies, FEMA contractors and others. Categories of information stored in the system include: custodian's name, address, city, county, telephone number, user authorization number and expiration date, date of transfer, FEMA Region, State, storage name, address, city, county, license number, type, expiration date, radioactive material nomenclature; isotope, activity; civil preparedness nomenclature; serial numbers; leak test data, ID number of item, voucher number and date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3104; 50 U.S.C. App. 2253; E. O. 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE:

For the purpose of controlling and maintaining a record to whom radioactive materials are loaned in order to avoid loss or unauthorized use.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RADEF and Technological Hazards Branch, Office of State and Local Programs and Support—as an inventory of all FEMA owned radioactive materials including whether on loan or in storage; locating an item by ID number or serial number; determining custodian of an item; number of items on loan to a State, other Federal agency, contractor and others; record of license number authorizing custodian possession of material; inventory of items by radioisotope; using incapsulation date and radioisotope decay to determine activity at any given time. File may be sorted and/or searched by any items in Record-Category above. As records are updated, file incorporates records into a historical file so that previous information remains on storage enabling a listing of all previous data in file in various Record-Categories. This permits a listing of leak test history data, listing of all storage locations and date of transfer, listing of all custodians, date of transfer, license numbers under which item was loaned. Based on expiration date of license, lists can be prepared of licenses due for renewal and overdue. Based on leak test date, lists can be prepared of items scheduled for leak testing and overdue. Items in possession of unauthorized personnel can be traced to last custodian by serial number, ID number or other available nomenclature.

Regional Offices, FEMA—same uses as RADEF and Technological Hazards Branch, Office of State and Local Programs and Support; usually limited to radioactive material on loan to States in their respective regions. For lost or unauthorized sources entire file may be searched.

State Radiological Systems Maintenance, Maintenance and Calibration Facility, State Civil Preparedness Office, Other Federal Agencies, FEMA Contractors and others possessing loaned material: Same as RADEF and Technological Hazards Branch, Office of State and Local Programs and Support; usually limited to radioactive material items on loan to the user. For lost or unauthorized sources entire file may be searched.

Additional routine uses may include Nos. 1, 5, and 8 Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and disks, computer paper printouts.

RETRIEVABILITY:

Computer file is accessible by any of the categories listed in Record-Category above.

SAFEGUARDS:

Requests for computer printouts are made by other users through FEMA RADEF and Technological Hazards Branch. Authorized users have access to data on computer tapes and disks through computer terminals. Printouts at FEMA facilities are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are updated as changes occur. Previous data is stored in history file for historical data printouts described in Routine-Uses.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identitification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the appropriate system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Data to update file is supplied by custodians of loaned material (note: transferee will report name of new custodian), State Civil Preparedness Agency Maintenance and Calibration Facility personnel, FEMA Regional offices, RADEF and Technological Hazards Branch of Office of State and Local Programs and Supports; other sources include other FEMA divisions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-9

SYSTEM NAME:

Maintenance and Calibration.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472; all FEMA Regional Offices, FEMA Computer Center, Defense General Supply Center, ATTN: DCPO, Richmond, Virginia. Mailing addresses for the Regional Offices are listed in Appendix AA. Copies are also maintained at the appropriate State and local civil defense agencies and at State radiological systems maintenance and calibration facilities, and as applicable to another Federal agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All State RADEF Officers and Maintenance Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files containing the shipping and mailing addresses of the State radiological systems maintenance, maintenance and calibration facilities. It also contains the name and telephone number of the maintenance officer of the maintenance and calibration facility and the State RADEF officer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3104; 50 U.S.C. App. 2253; and E. O. 12148, July 20, 1979.

PURPOSE(S):

For the purpose of keeping an up-to-date list and addresses of the maintenance officer of the maintenance and calibration facility and the State RADEF officer.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RADEF and Technological Hazards Branch—to address correspondence to the facilities. Names and telephone numbers are used to contact individuals by phone as required.

FEMA Regions: Same as RADEF and Technological Hazards Branch for the states in their region.

FEMA Computer Center—to prepare mailing and shipping labels for computer output.

Others: Copy furnished Defense General Supply Center, ATTN: DCPO, Richmond, Virginia, for use by them and the associated FEMA Federal Supply Depot to ship and mail supplies to the states for use under the Radiological Systems Maintenance contract. Information furnished to other FEMA elements, other Federal agencies and to State radiological maintenance facilities upon request in order to furnish supplies and/or information for use in the radiological systems maintenance contract.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and computer tapes and disks.

RETRIEVABILITY:

Filed by region then alphabetically by State name.

SAFEGUARDS:

Authorized users have access to data on computer tapes and disks through computer terminals. Printouts at FEMA facilities are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

When a list is updated, the prior list is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; and all Regional Directors of FEMA, addresses listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information submitted by State RADEF Officer, Maintenance and Calibration Facility Officer, FEMA Regional Staff, and others knowledgeable of change in data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-10

SYSTEM NAME:

Radiation Exposure and Radioactive Materials; Radiation Committee Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Program and Support, Washington, D.C. 20472; National Emergency Training Center, Emmitsburg, Maryland, and FEMA Computer Center, Olney, Maryland. Mailing addresses of the Regional Offices are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files contain the following types of individuals within FEMA or under FEMA Byproduct Materials License: All authorized users of sources of ionizing

radiation; activity radiation safety officers; ionizing radiation dose records for individuals using or exposed to ionizing radiation under FEMA license or authorization; authorized custodians of FEMA sources of ionizing radiation; committee members and alternates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain records produced in the conduct of committee duties and functions which include the control and administration of, the procurement, use, handling, storage and disposal of all sources of ionizing radiation throughout FEMA and other users under FEMA licenses and authorizations, assuring compliance with licenses and authorizations issued to FEMA for ionizing radiation and the regulations applicable to these license holders. Records include committee members, authorized users, activity radiation safety officers, ionizing radiation dose records for individuals who may be exposed to FEMA sources of ionizing radiation, and inspections (surveys) of activities and facilities using FEMA sources of ionizing radiation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; 44 U.S.C. 2073 2093, 2095, 2111, 2112, 2201, 2232, 2233, 2234, 2273 and E.O. 12148, July 20, 1979.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Radiation control committee: In conduct of committee duties and functions including the following: Serving as an advisory board recommending approval and exercising control of the procurement, use, handling, storage, and disposal of sources of ionizing radiation for emergency management purposes; based upon the qualifications submitted, designate for approval all authorized users of sources of ionizing radiation within FEMA or under FEMA licenses or authorizations; recommend for approval activity radiation safety officers for all FEMA installations and other facilities where sources of ionizing radiation are used, handled or stored under FEMA licenses or authorizations; establishes general procedures and guidance governing the use, handling, storage of sources of ionizing radiation, including appropriate health physics or emergency procedures and precautions, establishing formal rules and regulations as necessary; assure that the rules and conditions of the FEMA licenses, authorizations, and regulations are observed in all FEMA activities; maintain records of the procurement, receipt, transfer and disposal of all FEMA sources of ionizing radiation; maintain ionizing radiation dose records for each FEMA employee and other individual who may have been exposed to ionizing radiation under FEMA licenses or authorizations; providing liaison with other Federal agencies with regard to committee duties and functions; maintain records of applications and amendments to licenses and authorizations for the use of ionizing radiation at FEMA facilities; maintains records of periodic inspections of all FEMA activities involved with sources of ionizing radiation under FEMA licenses and authorizations.

Additional routine uses may include Nos. 1, 5, and 8 of Appendix A.

PURPOSE(S):

For the purpose of procuring, using, handling, controlling, and administration of, the procurement, use, handling, storage and disposal of all sources of ionizing radiation throughout FEMA and other users under FEMA licenses and authorizations, assuring compliance with licenses and authorizations issued to FEMA for ionizing radiation and the regulations applicable to these license holders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and radioactive materials inventory on computer magnetic tape and disks.

RETRIEVABILITY:

Filed by subject and ionizing radiation exposure records subfiled alphabetically by name.

SAFEGUARDS:

Requests for computer printouts are made by other users through FEMA RADEF and Technological Hazards Branch. Authorized users have access to data on computer tapes and disks through computer terminals. Printouts at FEMA facilities are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files kept in accordance with 10 CFR 19, 20, 30 and 33. Files not covered by 10 CFR are kept for two years after completion then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Reports prepared and submitted by committee members, activity radiation safety officers and users. Data for ionizing radiation dose records from individuals wearing dosimeters and film badge processors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-11

SYSTEM NAME:

Interagency Directories System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Plans and Preparedness, Washington, D.C. 20472; all FEMA regional offices listed in Appendix AA to these notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal Emergency Management Agency employees and employees of other Federal, State and local agencies with related responsibilities; e.g., members of the Regional Preparedness Committee, the Interagency Emergency Preparedness Committee, and the Regional Field Board as well as Emergency Coordinators, Alternate Emergency Coordinators, State Emergency Preparedness Directors, and State Civil Defense Directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name, office and home addresses and telephone numbers, and level of security clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11490, as amended and Executive Order 12148.

PURPOSE(S):

For the purpose of providing a locator service and a means of distributing publications and communications for in-house agency use and for the use of member agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To provide the names, addresses and telephone numbers of FEMA subscribers having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as "essential" for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency.

For the purpose of providing a locator service and a means of distributing publications and communications, interagency directories will be distributed to Federal, regional and state interagency committee members and to the agencies which they represent; e.g., State Emergency Planning Directors, holders of the FEMA Emergency Planning Reference Package for Regional Governments and Central Office Emergency Readiness Instructions and the White House Communications Agency. To the key personnel in Federal agencies and departments involved in emergency preparedness responsibilities.

Additional routine uses may include Nos. 2, 3, 5, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-card, mag-tape, drum, disc and paper.

RETRIEVABILITY:

By name and agency.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of individual membership in interagency organizations. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Plans and Preparedness, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A

Introduction to Routine Uses: Certain routine uses have been identified as being applicable to many of the FEMA systems of record notices. The specific routine uses applicable to an individual system of record notice will be listed under the "Routine Use" section of the notice itself and will correspond to the numbering of the routine uses published below. These uses are published only once in the interest of simplicity, economy and to avoid redundancy, rather than repeating them in every individual system notice.

1. *Routine Use—Law Enforcement:* In the event that a system of records maintained by this agency to carry out its functions 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, as a routine use, to the appropriate agency whether Federal, State, local or foreign, 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.

2. *Routine Use—Disclosure When Requesting Information:* A record from a FEMA system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, regulatory, licensing or other enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. *Routine Use—Disclosure of Requested Information:* A record from a FEMA system of records may be disclosed to a Federal agency, in response to a written request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the

requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. *Routine Use—Grievance, Complaint, Appeal:* A record from a FEMA system of records may be disclosed to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized offical engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with agency's responsibility for evaluation of Federal personnel management.

To the extent that official personnel records in the custody of FEMA are covered within systems of records published by the Office of Personnel Management as government-wide records, those records will be considered as a part of that government-wide system. Other official personnel records covered by notices published by FEMA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine activities as a routine use.

5. *Routine Use—Congressional Inquiries:* A record from a FEMA system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

6. *Routine Use—Private Relief Legislation:* The information contained in a FEMA system of records may be disclosed as a routine use to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

7. *Routine Use—Disclosure to the Office of Personnel Management:* A record from a FEMA system of records may be disclosed to the Office of Personnel Management concerning information on pay and leave benefits, retirement deductions, and any other information concerning personnel actions.

8. *Routine Use—Disclosure of Information to NARS (GSA):* A record from a FEMA system of records may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 12906.

Appendix AA

Addresses for FEMA Regional Offices

Region I—Regional Director, FEMA, 442 J. W. McCormack, Boston, MA 02109

Region II—Regional Director, FEMA, 26 Federal Plaza, New York, NY 10007

Region III—Regional Director, FEMA, Curtis Building—7th Floor, 6th and Walnut Streets, Philadelphia, PA 19106

Region IV—Regional Director, FEMA, Gulf Oil Building, 1375 Peachtree Street, N.E. (Suite 664), Atlanta, GA 30303

Region V—Regional Director, FEMA, One North Dearborn Street (Room 540), Chicago, IL 60602

Region VI—Regional Director, FEMA, Federal Regional Center, Denton, TX 76201

Region VII—Regional Director, FEMA, Old Federal Office Building (Room 405), Kansas City, MO 64106

Region VIII—Regional Director, FEMA, Federal Regional Center, Building 710, Denver, CO 80225

Region IX—Regional Director, FEMA, 211 Main Street, San Francisco, CA 94105

Region X—Regional Director, FEMA, Federal Regional Center, Bothell, WA 98011

[FR Doc. 81-28937 Filed 10-6-81; 8:45 am]

BILLING CODE 6718-01-M

federal register

Wednesday
October 7, 1981

Part III

Department of the Interior

Bureau of Land Management

Outer Continental Shelf; Gulf of Mexico Proposed Oil and Gas Lease Sale No. 67

BILLING CODE: 4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
Gulf of Mexico

Proposed Oil and Gas Lease Sale 67

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed sale notice. The following is a proposed sale notice for Sale 67 in the offshore waters of the Gulf of Mexico. This notice is hereby published as a matter of information to the public.

SEP 3 - 1981

Ed Hastey
Associate Director, Bureau of Land Management

Date: OCT 2 1982

Approved:

Donald Paul Hodel
Acting Secretary of the Interior

Proposed Sale Notice

Oil and Gas Lease Sale 67

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., February 8, 1982, or by personal delivery to _____ New Orleans, Louisiana, between the hours of 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t., February 9, 1982. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., February 9, 1982. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR _____ 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., February 9, 1982," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A, for bonus bid tracts. Bidders are advised that tract numbers are assigned solely for administrative purposes and that tract numbers are

not the same as block numbers found on leasing maps or official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of three decimal places after the decimal point, e.g., 50.123%, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $3 per acre or fraction thereof. The following systems will be utilized:

(a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts 67-133, 67-134, 67-135, 67-136, and 67-137 must be submitted on a cash bonus basis with a fixed net profit share rate of 50 percent and a capital recovery factor of 0.50. Bids on tracts 67-147, 67-148, 67-149, 67-150, 67-161, 67-162, 67-163, and 67-164 must be submitted on a cash bonus basis with a fixed net profit share rate of 40 percent and a capital recovery factor of 1.00. The net profit share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of $3 per acre or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., February 9, 1982, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973) and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See Item 14, "Information to Lessees."

6. Bid Opening. Bids will be opened on February 9, 1982, beginning at 10:00 a.m., c.s.t., _____, at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, February 9, 1982, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $25 or more per acre or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following leasing maps/official protraction diagrams which are available from the Manager, New Orleans OCS Office, at the first address stated in paragraph 2.

(a) Outer Continental Shelf Leasing Maps - Texas Nos. 1 through 8. These maps are arranged in two sets, Nos. 1 through 4 (7 maps), which sell for $5 per set; and Nos. 5 through 8 (9 maps), which sell for $7 per set.

(b) Outer Continental Shelf Leasing Maps - Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for $17.

(c) Outer Continental Shelf Official Protraction Diagrams:

NH 16-4 Mobile

NH 16-7 Viosca Knoll

NH 15-12 Ewing Bank

NH 16-10 Mississippi Canyon

NG 14-3 Corpus Christi

NG 15-1 East Breaks

NG 15-2 Garden Banks

NG 15-3 Green Canyon

NG 17-1 St. Petersburg

NG 17-4 Charlotte Harbor

These sell for $2 each.

12. Tract Descriptions. The tracts offered for bids are as follows: Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice. Some of the blocks are included in prior environmental impact statements rather than the environmental impact statement for this sale.

PROPOSED TRACT LIST
OCS SALE 67

OCS LEASING MAP, SOUTH PADRE ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 1A
(Approved May 6, 1965)

Tract	Block	Description	Acreage
67–1	A-72	All	5760
67–2	A-73	All	5760
67–3	A-83	All	5760

OCS LEASING MAP, NORTH PADRE ISLAND AREA, TEXAS MAP NO. 2
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67–4	919	1/	2630 (est.)
67–5	924	1/	2747 (est.)

OCS LEASING MAP, NORTH PADRE ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 2A
(Approved May 6, 1965)

Tract	Block	Description	Acreage
67–6	A-12	All	5760
67–7	A-13	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 3A
(Approved January 23, 1967)

Tract	Block	Description	Acreage
67–8	733	All	5361.50
67–9	734	All	5329.26
67–10	A-58	All	5296.87
67–11	A-59	All	5760
67–12	A-60	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 3A
(Approved January 23, 1967)
(Continued)

Tract	Block	Description	Acreage
67–13	A-151	All	5760
67–14	A-152	All	5760
67–15	A-153	All	5760
67–16	A-162	All	5760

OCS LEASING MAP, MATAGORDA ISLAND AREA, TEXAS MAP NO. 4
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67–17	569	All	5760
67–18	586	All	5760
67–19	587	All	5760
67–20	588	All	5760
67–21	589	All	5760
67–22	603	All	5760
67–23	622	All	5760
67–24	636	All	5760
67–25	718	2/	4970 (est.)

OCS LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67–26	412	All	5760

OCS LEASING MAP, BRAZOS AREA, SOUTH ADDITION, TEXAS MAP NO. 5B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
67–27	A-49	All	5760
67–28	A-50	All	5760
67–29	A-68	All	5760

OCS LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67–30	257	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7
(Approved July 16, 1954; Revised August 1955)

Tract	Block	Description	Acreage
67–31	20	2/	3450 (est.)
67–32	22	2/	1705 (est.)

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 7A
(Approved January 23, 1967)

Tract	Block	Description	Acreage
67–33	83	All	1485.82
67–34	120	All	2925.12
67–35	128	All	4364.41
67–36	A-244	All	2913.80
67–37	A-245	All	4353.09

OCS LEASING MAP, HIGH ISLAND AREA, SOUTH ADDITION, TEXAS MAP NO. 7B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
67–38	A-565	All	5760
67–39	A-579	All	5760
67–40	A-580	All	5760

OCS LEASING MAP, WEST CAMERON AREA, LOUISIANA MAP NO. 1
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67–41	112	All	5000
67–42	114	All	5000
67–43	130	All	5000
67–44	283	All	5000
67–45	284	All	5000

OCS LEASING MAP, WEST CAMERON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957)

Tract	Block	Description	Acreage
67–46	379	All	5000
67–47	380	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–48	470	All	3186.36
67–49	471	All	2282.36
67–50	529	All	5000
67–51	530	All	5000

OCS LEASING MAP, EAST CAMERON AREA, LOUISIANA MAP NO. 2
(Approved June 8, 1954; Revised August 1, 1973)

Tract	Block	Description	Acreage
67–52	29	All	5000
67–53	30	All	5000
67–54	44	All	5000
67–55	86	All	5000
67–56	87	All	5000
67–57	191	All	5000
67–58	206	All	5000

OCS LEASING MAP, EAST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 2A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–59	260	All	5000
67–60	339	All	5000

OCS LEASING MAP, VERMILION AREA, LOUISIANA MAP NO. 3
(Approved June 8, 1954; Revised June 25, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67–61	17	3/	1723.59 (est.)
67–62	44	All	5000
67–63	45	All	5000
67–64	46	S½	2500
67–65	47	All	5000
67–66	56	All	5000
67–67	105	All	5000
67–68	145	All	5000
67–69	158	All	5000

OCS LEASING MAP, VERMILION AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–70	253	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3C
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–71	77	All	5000
67–72	194	All	5000
67–73	202	All	5000
67–74	203	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, NORTH ADDITION, LOUISIANA MAP NO. 3D
(Approved April 16, 1971; Revised January 18, 1972)

Tract	Block	Description	Acreage
67–75	248	All	5000
67–76	259	All	5000

OCS LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67–77	20	3/	3582.12 (est.)
67–78	21	3/	4789.31 (est.)
67–79	22	3/	4351.06 (est.)
67–80	23	3/	4691.75 (est.)
67–81	28	All	5000
67–82	29	All	5000
67–83	30	All	5000
67–84	31	All	5000

OCS LEASING MAP, EUGENE ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 4A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–85	316	All	5000

OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
67–86	37	S½NE¼; NW¼; S½	4375
67–87	38	3/	2149.94 (est.)

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67-88	240	All	5000
67-89	259	All	5141.14
67-90	321	All	5000

OCS LEASING MAP, SOUTH PELTO AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
67-91	16	All	5000
67-92	24	All	5000
67-93	25	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, SOUTH ADDITION, LOUISIANA MAP NO. 6A
(Approved September 8, 1959; Revised July 22, 1968)

Tract	Block	Description	Acreage
67-94	224	All	5000
67-95	225	All	5000
67-96	314	All	5000

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
67-97	49	All	5000
67-98	50	3/	2637.37 (est.)

OCS LEASING MAP, SOUTH PASS AREA, SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 9A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67-99	75	All	5000
67-100	83	All	5000

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67-101	118	All	4994.55
67-102	127	S½	2497.27

OCS LEASING MAP, MAIN PASS AREA, SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 10A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67-103	221	All	4994.55
67-104	253	All	4994.55
67-105	254	All	4994.55

OCS OFFICIAL PROTRACTION DIAGRAM, MOBILE NH 16-4
(Approved October 10, 1972; Revised December 21, 1977)

Tract	Block	Description	Acreage
67-106	(778		
	(822	4/	5600
67-107	(779		
	(823		
	(824	4/	4150 (est.)
67-108	819	4/	2928
67-109	820	4/	3180
67-110	821	4/	3400
67-111	(825		
	(826	4/	2820
67-112	827	4/	3240 (est.)
67-113	828	4/	3180 (est.)
67-114	861	4/	5040 (est.)
67-115	862	4/	5440 (est.)
67-116	864	All	5760
67-117	865	All	5760
67-118	866	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, MOBILE NH 16-4
(Approved October 10, 1972; Revised December 21, 1977)
(Continued)

Tract	Block	Description	Acreage
67–119	867	All	5760
67–120	868	4/	5745 (est.)
67–121	869	4/	5735 (est.)
67–122	870	All	5760
67–123	905	All	5760
67–124	906	All	5760
67–125	908	All	5760
67–126	909	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, VIOSCA KNOLL NH 16-7
(Approved October 10, 1972; Revised February 15, 1973; Revised August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–127	565	All	5197.59
67–128	825	All	5760
67–129	826	All	5760
67–130	869	All	5760
67–131	870	All	5760
67–132	987	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, EWING BANK NH 15-12
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–133	481	All	3596.36
67–134	525	All	2419.57
67–135	526	All	3516.99

OCS OFFICIAL PROTRACTION DIAGRAM, MISSISSIPPI CANYON NH 16-10
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–136	441	All	5760
67–137	485	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CORPUS CHRISTI NG 14-3
(Approved June 5, 1974; Revised January 27, 1976)

Tract	Block	Description	Acreage
67–138	567	All	5760
67–139	568	All	5760
67–140	569	All	5760
67–141	570	All	5760
67–142	611	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, EAST BREAKS NG 15-1
(Approved June 8, 1973; Revised January 27, 1976)

Tract	Block	Description	Acreage
67–143	244	All	5760
67 -144	245	All	5760
67–145	288	All	5760
67–146	289	All	5760
67 -147	292	All	5760
67–148	293	All	5760
67–149	336	All	5760
67–150	337	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, GARDEN BANKS NG 15-2
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–151	105	All	5760
67–152	106	All	5760
67–153	149	All	5760
67–154	150	All	5760
67–155	158	All	5760
67–156	159	All	5760
67–157	169	All	5760
67–158	170	All	5760
67–159	213	All	5760
67 -160	214	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, GREEN CANYON NG 15-3
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–161	97	All	5760
67–162	98	All	5760
67–163	142	All	5760
67–164	143	All	5760
67–165	152	All	5760
67 -166	153	All	5760
67–167	154	All	5760
67–168	198	All	5760
67–169	199	All	5760
67–170	427	All	5760
67–171	428	All	5760
67–172	471	All	5760
67–173	472	All	5760
67–174	515	All	5760
67–175	516	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, ST PETERSBURG NG 17-1
(Approved October 10, 1972; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–176	620	All	5760
67–177	662	All	5760
67–178	663	All	5760
67–179	664	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–180	624	All	5760
67–181	625	All	5760
67–182	626	All	5760
67–183	669	All	5760
67–184	670	All	5760
67–185	713	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)
(Continued)

Tract	Block	Description	Acreage
67–186	714	All	5760
67–187	757	All	5760
67–188	758	All	5760
67–189	797	All	5760
67–190	798	All	5760
67–191	799	All	5760
67–192	800	All	5760
67–193	801	All	5760
67–194	802	All	5760
67–195	803	All	5760
67–196	841	All	5760
67–197	842	All	5760
67–198	843	All	5760
67–199	844	All	5760
67–200	845	All	5760
67–201	846	All	5760
67–202	847	All	5760
67–203	885	All	5760
67–204	886	All	5760
67–205	887	All	5760
67–206	888	All	5760
67–207	889	All	5760
67–208	890	All	5760
67–209	891	All	5760
67–210	929	All	5760
67–211	930	All	5760
67–212	931	All	5760
67–213	932	All	5760
67–214	933	All	5760
67–215	934	All	5760
67–216	935	All	5760
67–217	973	All	5760
67–218	974	All	5760
67–219	975	All	5760
67–220	976	All	5760
67–221	977	All	5760
67–222	978	All	5760
67–223	979	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, SOUTH EXTENSION, TEXAS MAP NO. 7C
(Approved September 24, 1959)

Tract	Block	Description	Acreage
67–224	A-374	All	5760
67–225	A-385	All	5760

OCS LEASING MAP, WEST CAMERON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957)

Tract	Block	Description	Acreage
67–226	289	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–227	535	All	5000
67–228	623	All	5000

OCS LEASING MAP, EAST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 2A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–229	328	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3C
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–230	176	All	5000

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
67–231	78	All	5000

1/ That portion of the lease block seaward of the Three Marine League Line measured from the historic shoreline described in the United States vs. Louisiana, No. 9 Original (394 U.S. 836).

2/ That portion of the lease block seaward of the Three Marine League Line.

3/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13).

4/ That portion of the lease block which is more than three geographical miles seaward from the low water line off the coast of Mississippi and/or Alabama.

13. Lease Terms and Stipulations. Leases resulting from this sale for tracts 67-170 through 67-175 will be for an initial term of 10 years. All other leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New Orleans OCS Office, at the first address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4 (a), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5 Minimum Royalty. Hereby deleted.

Sec. 6 Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of ___ percent with a ____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term DCM refers to the Deputy Conservation Manager for Field Operations, Gulf of Mexico OCS Region, U.S. Geological Survey, and the term Manager refers to the Manager of the New Orleans OCS Office, Bureau of Land Management.

Stipulation 1

If the DCM, having reason to believe that a site, structure, or object of historical or archaeological significance hereinafter referred to as "cultural resource," may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (a) locate the site of such operation so as not to affect adversely the identified location; or (b) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and to the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation 2

(To be included only in the lease resulting from this sale for tract 67-230.)

Operations within the area of Alderdice Bank shown as "3 Mile Zone" in Figure 1 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation 3

(To be included only in the lease resulting from this sale for tract 67-96.)

(a) Operations within the area of Diaphus Bank shown as "1 Mile Zone" in Figure 2 (attached to and made a part of this lease) shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) Operations within the area of Diaphus Bank shown as "3 Mile Zone" in Figure 2 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation 4

(To be included only in leases resulting from this sale for tracts 67-13 and 67-14.)

(a) Operations within the area of Southern Bank shown as "1 Mile Zone" in Figure 3 (attached to and made a part of this lease) shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

(b) All production and development operations within the areas shown as "3 Mile Zone" in Figure 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

Stipulation 5

(To be included only in leases resulting from this sale for tracts 67-39 and 67-40.)

Operations within the area of Applebaum Bank shown as "3 Mile Zone" in Figure 4 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation 6

(To be included only in leases resulting from this sale for tracts 67-72, 67-73, and 67-74.)

(a) No structures, drilling rigs, or pipelines will be allowed within the 85 m isobath of Parker Banks as shown in Figure 5 (attached to and made a part of this lease).

(b) Operations within the area of Parker Banks shown as "1 Mile Zone" in Figure 5 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(c) Operations within the area shown as "3 Mile Zone" in Figure 5 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation 7

(To be included only in leases resulting from this sale for tracts 67-151, 67-152, 67-153, and 67-154.)

(a) No structures, drilling rigs, or pipelines will be allowed within the 85 m isobath of Geyer Bank as shown in Figure 6 (attached to and made a part of this lease).

(b) Operations within the area of Geyer Bank shown as "1 Mile Zone" in Figure 6 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(c) Operations within the area shown as "3 Mile Zone" in Figure 6 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation 8

(To be included only in the lease resulting from this sale for tract 67-224.)

(a) No structures, drilling rigs, or pipelines will be allowed within the aliquots established for the East Flower Garden Bank as follows:

High Island Area, East Addition, South Extension, Block A-374: W½W½SW¼; SE¼SW¼SW¼; SW¼SE¼SW¼; W½SW¼; W½SE¼SW¼; SE¼SE¼SW¼.

(b) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom; however, if the shunting method is not adequate, as determined by the monitoring program proceedings outlined in this stipulation, to protect the unique character of the subject area, then the material must be transported a minimum of ten miles from any 50 m isobath surrounding live reef-building coral before disposal.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration and development operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration plans and development and production plans filed under 30 CFR 250.34 are adequate to insure that exploration, development, and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

As a part of any exploration plans or development and production plans, a reef monitoring program must be included. The monitoring program will be designed to assess the effects of oil and gas exploration, development, and production operations on the viability of the coral reefs and associated communities. The monitoring plan shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that program personnel and equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a regular schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-374: SW¼SW¼NE¼; E½NW¼; E½NW¼SW¼; NE¼SW¼SW¼; N½NE¼SW¼; SE¼NE¼SW¼; NE¼SE¼SW¼; W½NW¼SE¼; SE¼NW¼SE¼; SW¼SE¼; SW¼SE¼SE¼.

(c) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration, development, and production operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration plans and development and production plans filed under 30 CFR 250.34 are adequate to insure that exploration, development, and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-374: N½NE¼; N½S½NE¼; SE¼SW¼NE¼; S½SE¼NE¼; NE¼SE¼; NE¼NW¼SE¼; N½SE¼SE¼; SE¼SE¼SE¼.

Stipulation 9

(To be included only in the lease resulting from this sale for tract 67-225.)

(a) No structures, drilling rigs, or pipelines will be allowed within the aliquots established for the West Flower Garden Bank as follows:

High Island Area, East Addition, South Extension, Block A-385: SW¼SW¼NW¼; NW¼SW¼; NW¼SW¼SW¼.

(b) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom; however, if the shunting method is not adequate, as determined by the monitoring program proceedings outlined in this stipulation, to protect the unique character of the subject area, then the material must be transported a minimum of ten miles from any 50 m isobath surrounding live reef-building coral before disposal.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration and development operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration plans and development and production plans filed under 30 CFR 250.34 are adequate to insure that exploration, development, and production operations in the lease area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

As a part of any exploration plans or development and production plans, a reef monitoring program must be included. The monitoring program will be designed to assess the effects of oil and gas exploration, development, and production operations on the viability of the coral reefs and associated communities. The monitoring plan shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that program personnel and equipment will be available at the time of operations.

The monitoring team will submit its findings to the DCM on a regular schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-385: SW¼SW¼NW¼; N½SW¼NW¼; SE¼SW¼NW¼; SW¼SE¼NW¼; NE¼SW¼; E½SW¼SW¼; SW¼SW¼SW¼; W½SE¼SW¼; NE¼SE¼SW¼; W½NW¼SE¼.

(c) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration, development, and production operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration plans and development and production plans filed under 30 CFR 250.34 are adequate to insure that exploration, development, and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-385: NE¼; NE¼NW¼; N½NW¼NW¼; SE¼NW¼NW¼; N½SE¼NW¼; SE¼SE¼NW¼; SE¼SE¼SW¼; E½SE¼; E½NW¼SE¼; SW¼SE¼.

Stipulation 10

(To be included only in leases resulting from this sale for tracts 67-106 through 67-126 and 67-176 through 67-223.)

Prior to any drilling activity or the construction or placement of any structure for exploration or development on this lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the DCM as part of any exploration or development plan a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum of 1,820 m radius of a proposed exploration or production activity site.

For the purpose of this stipulation, "live bottom areas" are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the DCM photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the DCM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) the relocation of operations to avoid live bottom areas;
(b) the shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
(c) the transportation of drilling fluids and cuttings to approved disposal sites;
(d) the monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

Stipulation 11

(To be included only in leases resulting from this sale for tracts 67-99, 67-100, 67-128 through 67-131, 67-133 through 67-147, 67-149, 67-150, and 67-155 through 67-175.)

All or portions of this lease may be subject to mass movement of sediments, unstable slopes, active faulting, or gaseous sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease unless or until the lessee has demonstrated to the DCM's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for slumping and mass movement of sediments. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas is allowed, all slump blocks or mass movement of sediments in the lease must be mapped. The DCM may also require soil testing before exploration and production operations are allowed.

Stipulation 12

(To be included only in leases resulting from this sale for tracts 67-176 through 67-223.)

Pipelines will be required: (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple-use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. The lessor's decision regarding the selected means of transportation will be made within the context of an intergovernmental planning process for assessment and management of transportation of Outer Continental Shelf oil and gas with participation of federal, state, and local government and the industry. Where feasible, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other uses as determined on a case-by-case basis.

Following the development of sufficient pipeline capacity, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DCM. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a), as amended.

Stipulation 13

(To be included only in leases resulting from this sale for tracts 67-1 through 67-16, 67-25, and 67-138 through 67-142.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 14

(To be included only in leases resulting from this sale for tracts 67-96 and 67-165 through 67-175.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Naval Air Station, New Orleans, Louisiana 70146.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Naval Air Station, New Orleans, Louisiana 70146, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Naval Air Station, New Orleans, Louisiana 70146, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 15

(To be included only in leases resulting from this sale for tracts 67-38, 67-39, 67-40, and 67-143 through 67-150.).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Armament Division, Barksdale Air Force Base, Shreveport, Louisiana.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, of any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability, or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Armament Division, Barksdale Air Force Base, Shreveport, Louisiana, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within designated warning areas

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Armament Division, Barksdale Air Force Base, Shreveport, Louisiana, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 16

(To be included only in leases resulting from this sale for tracts 67-111, 67-112, 67-113, and 67-122.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Training Wing Six, Naval Air Station, Pensacola, Florida 32508.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Training Wing Six, Naval Air Station, Pensacola, Florida 32508, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Training Wing Six, Naval Air Station, Pensacola, Florida 32508, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 17

(To be included only in leases resulting from this sale for tracts 67-106 through 67-110, 67-114 through 67-121, 67-123 through 67-126, and 67-176 through 67-188.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Armament Division, Eglin Air Force Base, Florida.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability, or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Armament Division, Eglin Air Force Base, Florida, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within designated warning areas

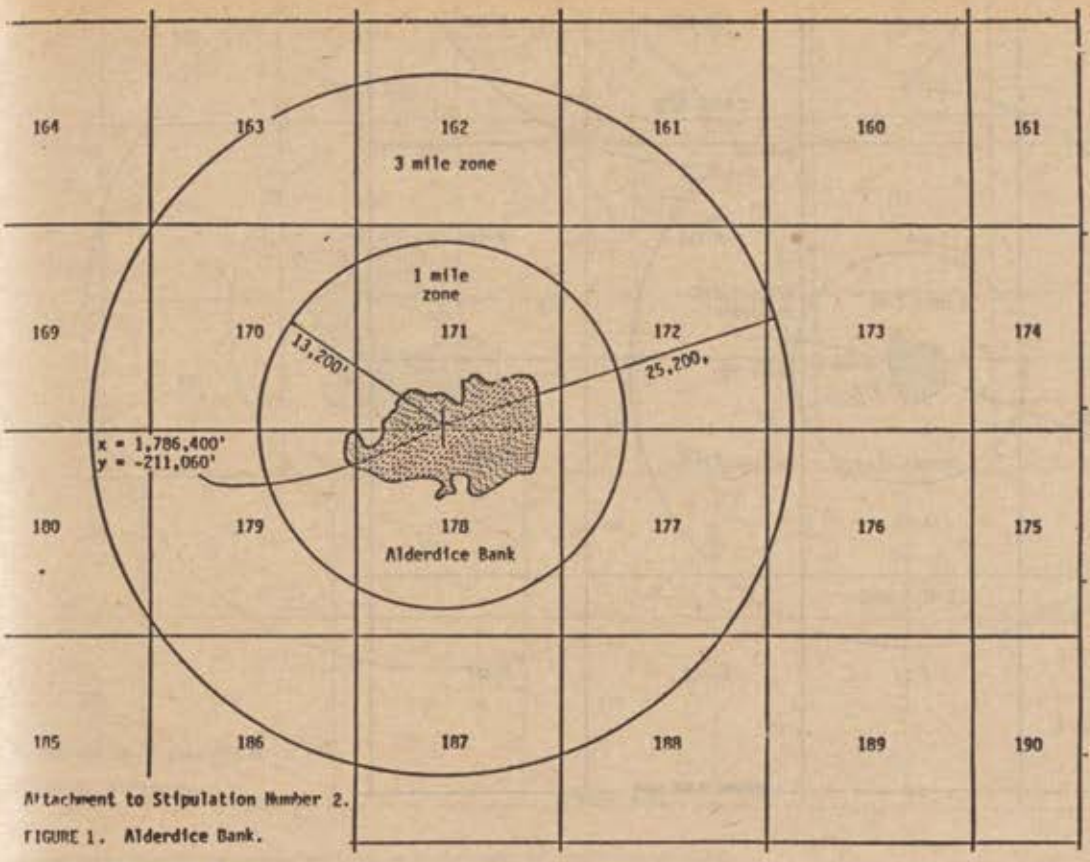
Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Armament Division, Eglin Air Force Base, Florida, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 18

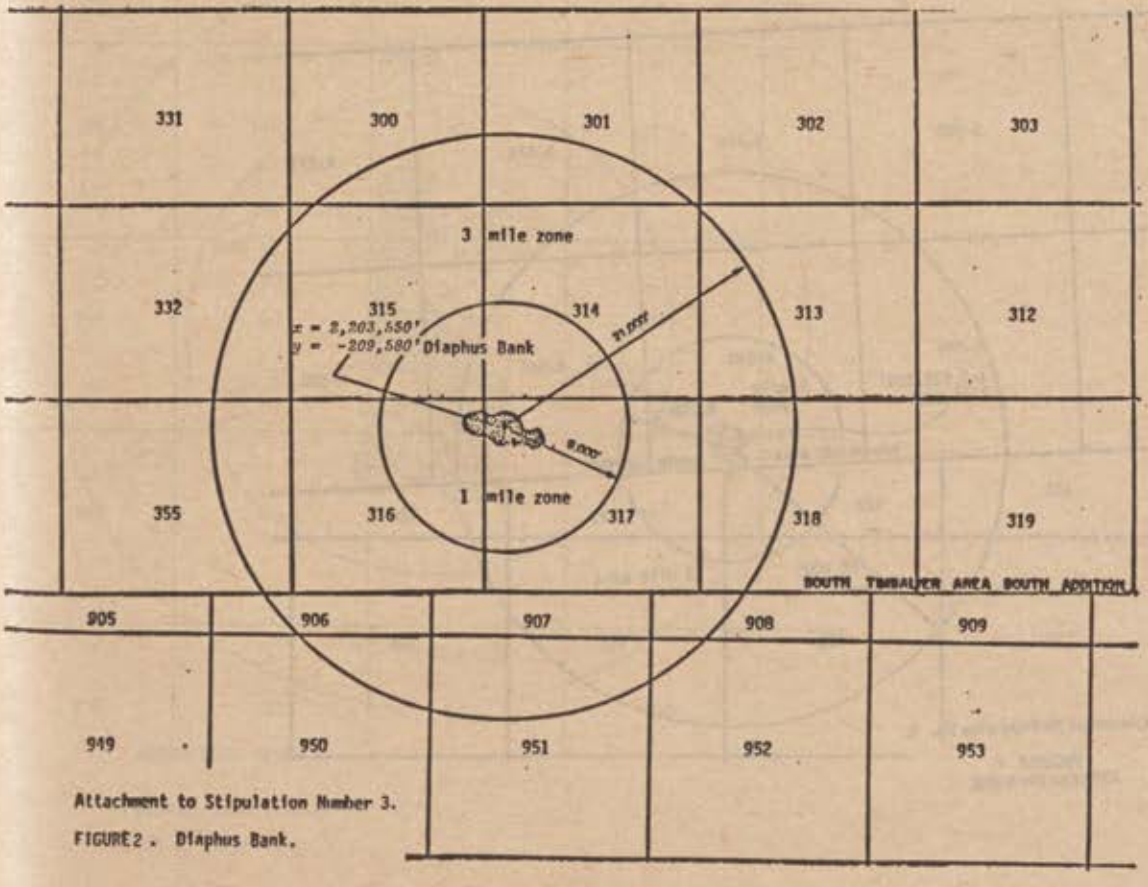
(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(a) of this notice.)

The net profit share payment specified in Section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production saved, removed, or sold from the lease area may be taken in amount, except as provided in Section 15(d). The net profit share obligations of the lessee shall be calculated to include as a credit, the value of production taken in amount by the lessor.



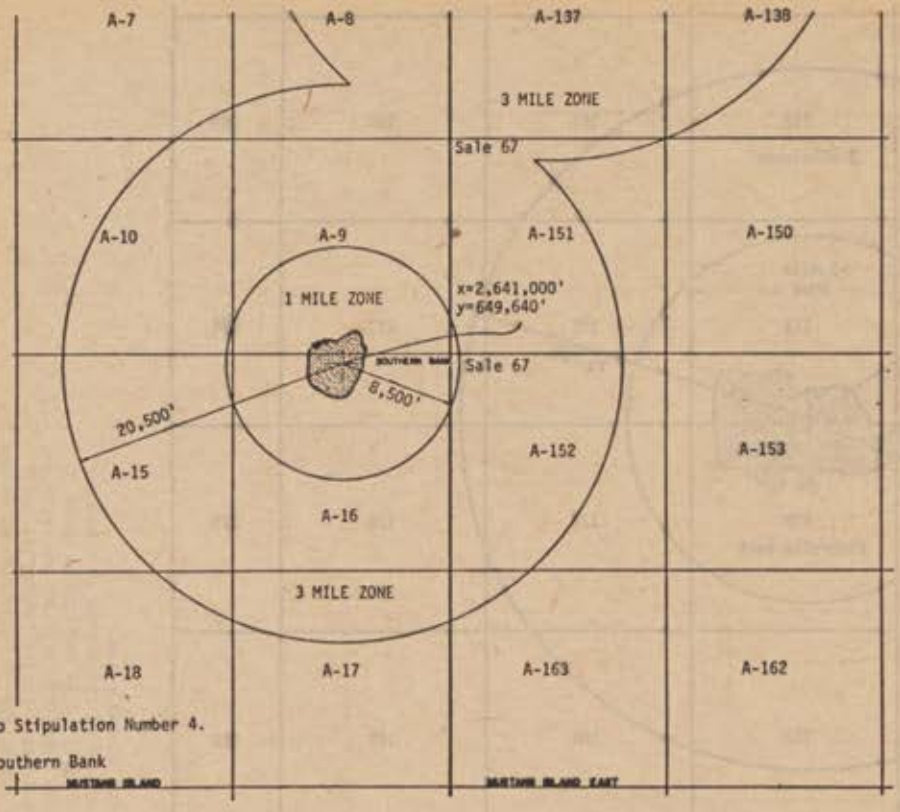
Attachment to Stipulation Number 2.

FIGURE 1. Alderdice Bank.



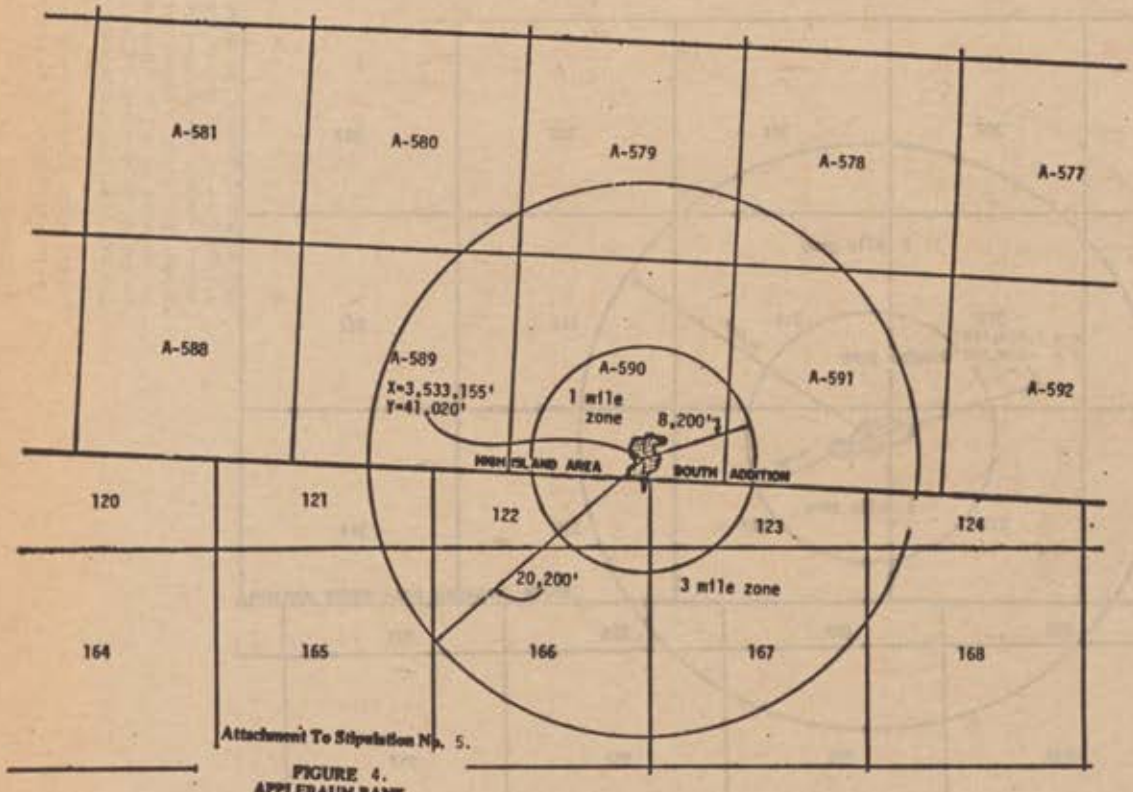
Attachment to Stipulation Number 3.

FIGURE 2. Diaphus Bank.



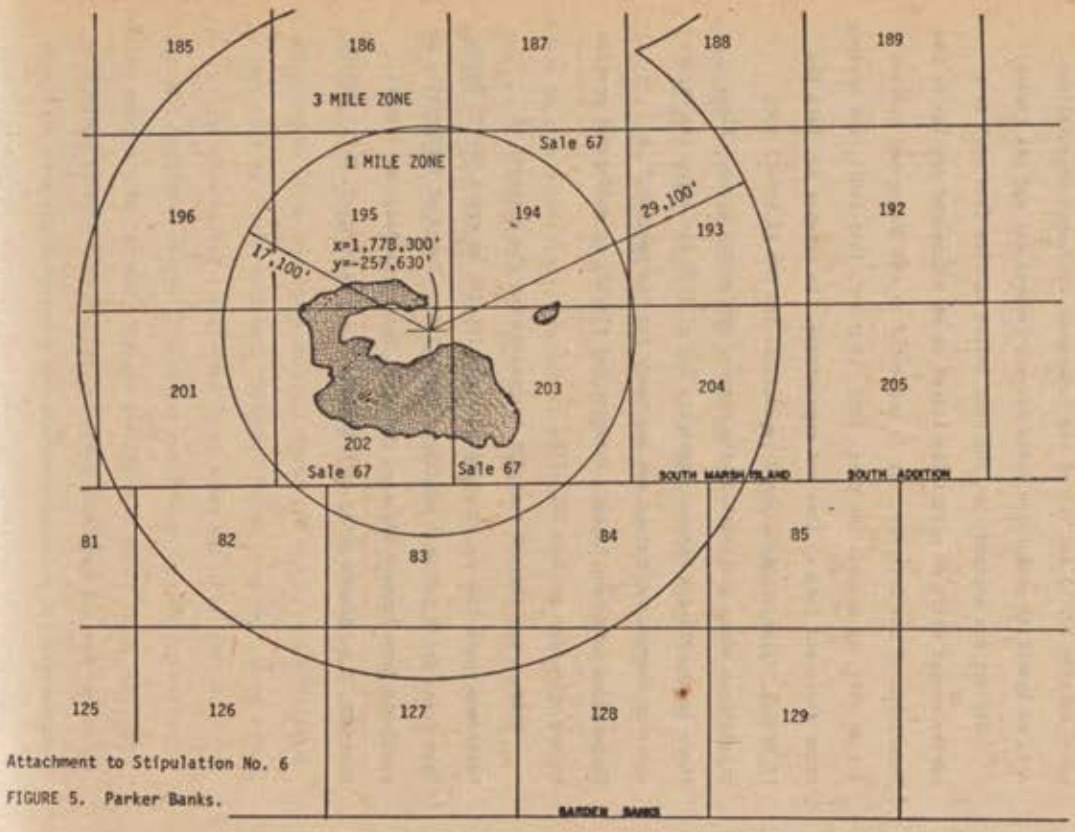
Attachment to Stipulation Number 4.

FIGURE 3. Southern Bank



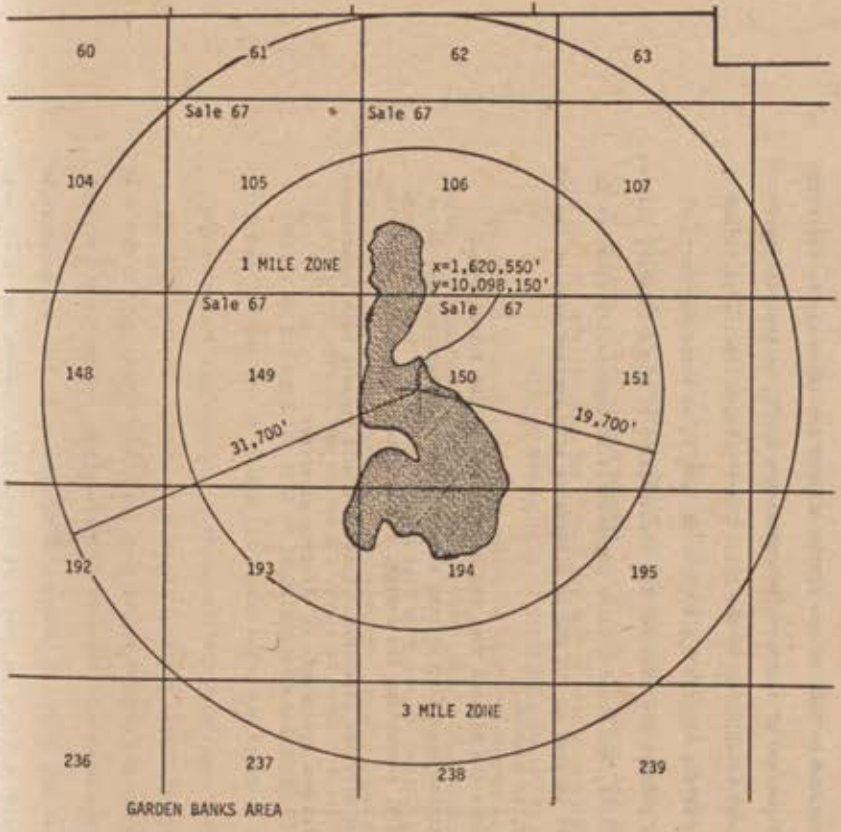
Attachment To Stipulation No. 5.

FIGURE 4.
APPLEBAUM BANK



Attachment to Stipulation No. 6

FIGURE 5. Parker Banks.



Attachment to Stipulation No. 7.

FIGURE 6. Geyer Bank.

14. Information to Lessees. The Department of the Interior will seek the advice of the states of Texas, Louisiana, Mississippi, Alabama, and Florida, and other federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities, then the DCM, Offshore Field Operations, USGS, after appropriate consultation with the Regional Director, U.S. Fish & Wildlife Service; the Manager, BLM; the states; the Environmental Protection Agency (EPA); and other federal agencies with jurisdiction and expertise to protect the environment, will require the lessee, pursuant to Section 5(a) of the OCS Lands Act of 1953, as amended, to undertake any measures to protect live bottom areas.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et. seq.), as amended. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with Section 4(e) of the OCS Lands Act, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with Section 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

Bidders are advised that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all federal oil and gas leases.

Bidders are advised that the West Indian manatee (sea cow) is a marine mammal which is officially listed as an endangered species by the Department of the Interior. It is protected by the Endangered Species Act of 1973, as amended (86 Stat. 1027, 16 U.S.C. 1361-1407), and various other state and federal laws and regulations. On October 22, 1979 (44 FR 60963), Interior promulgated regulations (50 CFR 17.100-17.108) providing a means for establishing manatee protection areas. Also, there is the Florida Manatee Sanctuary Act of 1978 declaring the entire state of Florida as "refuge and sanctuary for the manatee." A Cooperative Agreement between Interior and Florida on endangered species became effective on June 23, 1976.

Bidders are advised that EPA is considering the disposal of hazardous waste from an existing platform located on tract 67-105 (Main Pass Area, South and East Addition, Block 254). Detailed information is available from Kenneth Biglane, Director, Hazardous Response Support Division, U.S. EPA-WH 548A, 41 M Street, S.W., Washington, D.C. 20460.

Bidders are also advised that the National Oceanic and Atmospheric Administration (NOAA) is considering whether to propose the designation of a marine sanctuary, pursuant to Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (16 U.S.C. 1431-1434), in the area of the Flower Garden Banks in the Gulf of Mexico. Revised proposed regulations describing the boundaries of the possible sanctuary and possible restrictions which NOAA might impose on oil and gas operations within the sanctuary were published on June 26, 1980 (45 FR 43205). Tracts offered in this sale that are within the boundaries of the marine sanctuary under consideration are tracts 67-224 and 67-225. While a final decision has not been made by NOAA concerning restrictions in the sanctuary, the restrictions under consideration by NOAA for tracts within the sanctuary may be more stringent than those restrictions included by lease stipulation in this Notice of Sale.

Bidders on tracts 67-224 and 67-225 are also advised that EPA has expressed its intention to require lessees within the boundaries of the Flower Garden Banks Marine Sanctuary under consideration by NOAA to obtain National Pollution Discharge Elimination System (NPDES) permits, pursuant to its authority under Section 402 of the Clean Water Act (P.L. No. 95-217), containing ocean discharge restrictions and other conditions which may be more stringent than those imposed through lease stipulation or Interior regulation.

For those tracts listed in paragraph 13 above providing for leases with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to USGS either an exploration plan or a general statement of exploration intentions prior to the end of the tenth lease year.

[FR Doc. 81-29159 Filed 10-6-81; 8:45 am]
BILLING CODE 4310-84-C

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

federal register

Wednesday
October 7, 1981

Part IV

Department of the Interior

Bureau of Land Management

Outer Continental Shelf; Transfer of Jurisdiction and Relocation of Lease Files

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Transfer of Jurisdiction for the South Atlantic Outer Continental Shelf

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Transfer of Jurisdiction for the South Altantic Outer Continental Shelf (OCS).

The Bureau of Land Management of the U.S. Department of the Interior issues and maintains leases for minerals and right-of-way grants on the submerged lands of the Outer Continental Shelf (OCS) under the authority of the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343), as amended (92 Stat. 629).

In order to balance program workload, all Bureau of Land Management field jurisdiction over the South Atlantic OCS region is being transferred from the New Orleans OCS Office to the New York OCS Office. Thus, the New York OCS Office will be the office of record for all Bureau of Land Management transactions involving leases and rights-of-way in the entire Atlantic OCS area.

The New York OCS Office will publish a list of the existing South Atlantic OCS leases affected by this change.

Dated: September 28, 1981.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

[FR Doc. 81-29185 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

BILLING CODE 4310-84-M

BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF OFFICE

RELOCATION OF SOUTH ATLANTIC OCS LEASE FILES

Agency: Bureau of Land Management, Department of the Interior

Action: Notice

Summary: Effective September 14, 1981 the New York Outer Continental Shelf (OCS) Office, Bureau of Land Management, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Suite 32-120, New York, New York 10278, has responsibility for the maintenance of OCS oil and gas leases issued for the South Atlantic region resulting from OCS Sale No. 43, conducted on March 28, 1978, and OCS Sale No. 56, conducted on August 4, 1981.

Henceforth all correspondence and inquiries pertaining to the following OCS Lease File Numbers should be directed to the New York OCS Office at the above address:

Sale No. 43

OCS-G 3657-R	OCS-G 3665-R	OCS-G 3673
3658-R	3666	3674
3659-R	3667-R	3675
3660-R	3668-R	3676
3661-R	3669	3677
3662-R	3670	3678
3663	3671	3679
3664	3672	3680
OCS-G 3681	OCS-G 3692	OCS-G 3703
3682	3693	3704
3683	3694-R	3705
3684	3695	3706
3685	3696	3707-R
3686	3697-R	3708-R
3687	3698	3709
3688	3699	3710
3689	3700	3711
3690-R	3701	3712
3691	3702	3713

[FR Doc. 81-29188 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-C

Sale No. 56

OCS-A 0220	OCS-A 0238	OCS-A 0256
0221	0239	0257
0222	0240	0258
0223	0241-R	0259-R
0224	0242	0260-R
0225	0243	0261
0226	0244	0262
0227	0245-R	0263
0228	0246-R	0264
0229	0247	0265
0230	0248	0266
0231	0249	0267
0232	0250	0268
0233	0251	0269
0234	0252-R	0270
0235	0253-R	0271
0236	0254	0272
0237	0255	0273

The appropriate district office of the Geological Survey remains:

U.S. Geological Survey
Mid-Atlantic District
Mainland Professional Plaza
515 Tilton Road
Northfield, New Jersey 08225
Telephone Number (609) 641-7966

FOR FURTHER INFORMATION CONTACT:

Frederick C. Gray, New York OCS, (212) 264-2401

Frank Basile

Frank Basile
Manager
New York OCS Office

federal register

Wednesday
October 7, 1981

Part V

Office of Management and Budget

Budget Deferrals; Report of the President to Congress

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals; Report of the President to Congress

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report twenty-six deferrals of fiscal year 1982 funds totaling $737.2 million. The deferrals are primarily routine in nature and do not, in most cases, affect program levels.

The deferrals are for programs in the Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Interior, Labor, State, Transportation, and Treasury, the Pennsylvania Avenue Development Corporation, and the Motor Carrier Ratemaking Study Commission, as well as for Appalachian regional development programs.

The details of each deferral are contained in the attached reports.

Ronald Reagan.

The White House,
October 1, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

Deferral #	Item	Budget Authority
	Funds Appropriated to the President	
	Appalachian Regional Development Programs	
D82-1	Appalachian regional development programs	15,000
	Department of Agriculture:	
	Forest Service	
D82-2	Timber salvage sales	6,723
D82-3	Expenses, brush disposal	40,349
	Department of Commerce:	
	General Administration	
D82-4	Participation in U.S. expositions	507
	National Oceanic and Atmospheric Administration	
D82-5	Construction	2,000
	Department of Defense-Military:	
D82-6	Military construction, all services	38,837
	Family Housing, Defense	
D82-7	Family housing, defense	1,000
	Department of Defense-Civil:	
	Wildlife conservation, Military Reservations	
D82-8	Wildlife conservation, all services	597
	Department of Energy	
	Energy Programs	
D82-9	Fossil energy construction	135,000
D82-10	Strategic petroleum reserve	9,000
	Department of Health and Human Services:	
	Health Services Administration	
D82-11	Health services	1,500
	Alcohol, Drug Abuse, and Mental Health Administration	
D82-12	Construction and renovation, St. Elizabeths Hospital	11,500
	Office of Assistant Secretary for Health	
D82-13	Scientific activities overseas (special foreign currency program)	7,000
	Department of the Interior:	
	Heritage Conservation and Recreation Service	
D82-14	Land and water conservation fund	30,000
	Geological Survey	
D82-15	Payments from proceeds, sale of water	45
	Bureau of Mines	
D82-16	Drainage of anthracite mines	001
	Department of Justice:	
	Federal Prison System	
D82-17	Buildings and facilities	2,700
	Department of Labor:	
	Employment and Training Administration	
D82-18	Employment and training assistance	49,881
	Department of State	
D82-19	United States Emergency Refugee and Migration Assistance Fund	25,043
	Department of Transportation:	
	Federal Aviation Administration	
D82-20	Civil supersonic aircraft development termination	3,446
D82-21	Facilities and equipment (Airport and airway trust fund)	185,783
	Department of the Treasury:	
	Office of Revenue Sharing	
D82-22	State and local government fiscal assistance trust fund	109,739
D82-23	State and local government fiscal assistance trust fund	6,287 1/
	Federal Law Enforcement Training Center	
D82-24	Construction	4,200
	Other Independent Agencies:	
	Pennsylvania Avenue Development Corporation	
D82-25	Land acquisition and development fund	30,006
	Motor Carrier Ratemaking Study Commission	
D82-26	Salaries and expenses	150
	Total Deferrals	737,173

1/ Outlays only.

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SUMMARY OF SPECIAL MESSAGES
FOR FY 1982
(In thousands of dollars)

	Rescissions	Deferrals
First special message	---	737,173 1/

NOTE: All amounts listed represent budget authority except for $6,287 thousand in one general revenue sharing deferral of outlays only (D82-23).

Deferral No: 082-1

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority (P.L. ____) $ ____
Bureau Appalachian Regional Development Programs	Other budgetary resources 18,000,000
Appropriation title & symbol: Appalachian Regional Development Programs 11x0090 1/	Total budgetary resources 18,000,000
	Amount to be deferred: Part of year $ 15,000,000
	Entire year ____
OMB identification code: 11-0090-0-1-452	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation provides funds for the Appalachian Regional Commission's highway, area development, and research and local development district support activities. As part of the President's comprehensive economic plan for spending reductions, the non-highway activities of the Commission were proposed for termination in 1981.

Funds associated with non-highway activities will be deferred until the issue of termination of the Commission is resolved. These deferred funds will be available to pay termination costs for this account.

Estimated Effect: This deferral action will provide for termination costs associated with elimination of funding proposed for the Appalachian Regional Commission.

Outlay Effect: This deferral has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-79).

Deferral No: 082-2

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 96-528) $ 2,389,000
Bureau Forest Service	Other budgetary resources 16,732,769
Appropriation title & symbol: Timber Salvage Sales 12x5204 1/	Total budgetary resources 19,121,769
	Amount to be deferred: Part of year $ ____
	Entire year 6,722,769
OMB identification code: 12-5204-0-2-302	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: The National Forest Management Act of 1976 provided the salvage sale fund to meet catastrophes that occur during a given year or when other market conditions occur so that immediate action can take place to harvest the dead and dying trees. Sufficient reserves must be held in order to meet these catastrophes, so that salvage sale activity can take place without undue delay.

The Act authorized the Secretary to require purchasers of sales of dead, damaged, insect infested, or down timber to make monetary deposits into a designated fund to cover the costs associated with such sales.

This deferral is necessary because of the time lag between the deposit of receipts from salvage sales and the expenditure of funds to cover costs associated with making additional sales on that National Forest.

The collections becoming available in the current year are estimated and the related salvage sale operations may not necessarily be planned in the same year. Efficient program planning and accomplishment is facilitated by administering a stable program well within the funds available in any one year for this purpose.

The amount deferred is in excess of the planned program requirement and is taken under the provisions of the Antideficiency Act (31 U.S.C. 655).

Estimated Effects:

This deferral has no programmatic or budgetary effects. Rather, the reserve reflects the resources that are not currently required for obligational authority in meeting current year's program requirements.

Any emergency funding needed to meet the necessary obligations to sell material as a result of a catastrophe must come from the available funds within the present reserve.

Outlays Effect:

There will be no outlay effect from this deferral action since the remaining funds are adequate to carry out the planned program.

1/ This account was the subject of a similar deferral in FY 1981 (D81-1A).

Deferral No: D82-3

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 84-190): $46,384,000
Bureau: Forest Service	Other budgetary resources: 49,349,000
Appropriation title & symbol: Expenses, Brush Disposal 12X5206 1/	Total budgetary resources: 95,733,000
	Amount to be deferred: Part of year: $; Entire year: 49,349,000
OMB identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification: Purchasers of National Forest timber deposit the estimated cost to the Forest Service of disposing of brush and other debris resulting from their cutting operations pursuant to P.L. 84-190. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus, seasonal factors frequently require deferring use of deposits until the following fiscal year. Efficient program planning is facilitated by operating a stable program well within the funds available in any one year for this purpose.

1/ This account was the subject of a similar deferral in FY 1981 (D81-2).

D82-3

Estimated Effects:

This deferral has no programmatic or budgetary effects. Much of the disposal work for which deposits have been made cannot be done or is not planned to be done during the same year that the timber is harvested and the collections are realized. Examples include areas where the timber purchaser has not completed all of the contract obligations during the year the harvest is accomplished.

Outlay Effect:

This deferral has no effect on FY 1982 outlays.

Deferral No: D82-4

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. ____) $ ---
Bureau: General Administration, Office of the Secretary	Other budgetary resources 3,050,775
Appropriation title & symbol: Participation in United States Expositions 130/41805 1/	Total budgetary resources 3,050,775
	Amount to be deferred: Part of year $ ____
	Entire year 507,475
CMB identification code: 13-1805-0-1-376	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1984 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This program was established to provide for necessary expenses for designing, constructing and operating a Federal pavilion at the Knoxville International Energy Exposition to be held in Knoxville, Tennessee in 1982 as authorized under Public Law 91-269. Congress provided five-year funding of a U.S. Pavilion at Knoxville; these funds expire in 1984. Of the funds remaining available, $2.5 million is intended for obligation in FY 1982; the remaining $507,475 is not required until FY 1983. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: The proposed deferral has no effect on the Knoxville Exposition Fund activities as planned for fiscal year 1982.

Outlay Effects: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-3A).

Deferral No: D82-5

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L.) $ ---
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources 23,700,000
Appropriation title & symbol	Total budgetary resources 23,700,000
Construction 13x1452 1/	Amount to be deferred: Part of year $; Entire year 2,000,000
OMB identification code: 13-1452-0-1-306	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program [ ] Yes [ ] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification: Public Law 96-38 included supplemental appropriations to fund NOAA's Western Regional Center (WRC) in Seattle, Washington. Due to delays in construction, the estimated date of completion has been extended into FY 1983. The above funds proposed for deferral will not be required during FY 1982. This deferral is consistent with congressional intent to provide no-year funding for this project and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: The funds proposed for deferral will not affect the construction progress of the WRC during FY 1982.

Outlay Effect: This deferral action will have no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-4).

Deferral No: D82-6

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Defense - Military	New budget authority (P.L.) $ ---
Bureau	Other budgetary resources $1,677,398,184
Appropriation title & symbol	Total budgetary resources $1,677,398,184
See coverage section on next page	Amount to be deferred: Part of year $ $38,837,00[illegible]; Entire year
OMB identification code: See coverage section on next page	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual September 30, 1983; September 30, 1984; [X] Multiple-year September 30, 1985 (expiration date); [ ] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Coverage: 1/

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Military construction, Army	211/52050	21-2050-0-1-051	
Military construction, Army	210/42050	21-2050-0-1-051	
Military construction, Army	219/32050	21-2050-0-1-051	
Military construction, Navy	171/51205	17-1205-0-1-051	$17,200,000
Military construction, Navy	170/41205	17-1205-0-1-051	
Military construction, Navy	179/31205	17-1205-0-1-051	
Military construction, Air Force	571/53300	57-3300-0-1-051	
Military construction, Air Force	570/43300	57-3300-0-1-051	
Military construction, Air Force	579/33300	57-3300-0-1-051	
Military construction, Defense Agencies	971/50500	97-0500-0-1-051	11,870,000
Military construction, Defense Agencies	970/40500	97-0500-0-1-051	3,018,000
Military construction, Defense Agencies	979/30500	97-0500-0-1-051	
Military construction, Army National Guard	211/52085	21-2085-0-1-051	
Military construction, Army National Guard	210/42085	21-2085-0-1-051	
Military construction, Army National Guard	219/32085	21-2085-0-1-051	
Military construction, Air National Guard	571/53830	57-3830-0-1-051	4,500,000
Military construction, Air National Guard	570/43830	57-3830-0-1-051	
Military construction, Air National Guard	579/33830	57-3830-0-1-051	
Military construction, Army Reserve	211/52086	21-2086-0-1-051	2,249,000
Military construction, Army Reserve	210/42086	21-2086-0-1-051	
Military construction, Army Reserve	219/32086	21-2086-0-1-051	
Military construction, Naval Reserve	171/51235	17-1235-0-1-051	
Military construction, Naval Reserve	170/41235	17-1235-0-1-051	
Military construction, Naval Reserve	179/31235	17-1235-0-1-051	
Military construction, Air Force Reserve	571/53730	57-3730-0-1-051	
Military construction, Air Force Reserve	570/43730	57-3730-0-1-051	
Military construction, Air Force Reserve	579/33730	57-3730-0-1-051	
North Atlantic Treaty Organization Infrastructure	9780804	97-0804-0-1-051	
			$38,837,000

1/ These accounts were the subject of a similar deferral during FY 1981 (D81-7A).

Justification:

The above amounts in the listed five-year appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

These funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination.

D82-6

Estimated Effect:

These deferrals have no programmatic or budgetary effect because the funds would not be obligated if they were made available.

Outlay Effect:

These deferrals have no effect on FY 1982 outlays.

Deferral No: D82-7

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Military	New budget authority (P.L. ____): $ ---
Bureau: Family Housing, Defense	Other budgetary resources: $ 3,968,000
Appropriation title & symbol: Family Housing, Defense 970/40700 1/	Total budgetary resources: 3,968,000
	Amount to be deferred: Part of year: $ 1,992,000
	Entire year: ____
OMB identification code: 97-0701-0-1-051	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1984 (expiration date) ☐ No-year	Type of budget authority: [X] Appropriation ☐ Contract authority ☐ Other ____

Justification:

These funds were appropriated for family housing construction and debt payment. Proceeds from sales of surplus family housing facilities have created unprogrammed balances in the Family Housing account. The 1982 Budget proposes the reappropriation of these currently excess funds in 1982, in the amount of $1,992,000 for debt payment. These funds are deferred pending completion of congressional action on the 1982 budget request.

Estimated Effect:

Deferral of these funds will have no programmatic or budgetary effect on the debt payment program.

Outlay Effects:

This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral during FY 1981 (D81-28).

Deferral No: D82-8

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Civil	New budget authority (16 U.S.C. 670f (a)): $ 969,000
Bureau:	Other budgetary resources: 916,663
Appropriation title & symbol: See coverage section below	Total budgetary resources: $1,885,663
	Amount to be deferred: Part of year: $ ____
	Entire year: 596,663
OMB identification code: See coverage section below	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: [X] Appropriation ☐ Contract authority ☐ Other ____

Coverage 1/

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Wildlife Conservation, Army	21x5095	21-1500-0-1-303	$380,000
Wildlife Conservation, Navy	17x5095	17-1501-0-1-303	123,000
Wildlife Conservation, Air Force	57x5095	57-1502-0-1-303	93,663
			$596,663

Justification:

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law--to carry out a program of natural resources conservation.

1/ These accounts were the subject of a similar deferral during FY 1981 (D81-9A)

Since apportionments have been made for all known program requirements, prudent financial management requires the deferral of the balance of the funds, which could not be used effectively during the current year even if made available for obligation. These funds are being deferred under the provisions of the Antideficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because: (1) installations may be accumulating funds over a period of time to fund a major project, and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned if program requirements are identified.

Estimated Effect:

This deferral has no programmatic or budgetary effect because the funds could not be obligated if made available.

Outlay Effect:

This deferral action has no effect on outlays.

Deferral No: D82-8

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. ____) $ ---
Bureau Energy Programs	Other budgetary resources 496,545,823
Appropriation title & symbol: Fossil Energy Construction 89X0214	Total Budgetary resources 496,545,823
	Amount to be deferred: Part of year $ 135,000,000
	Entire year ____
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year ____ (expiration date)	☐ Contract authority
☒ No-year	☐ Other ____

Justification: The Administration has proposed terminating all funding for fossil energy synthetic fuel demonstration plants. In response, the Congress deferred $135,000,000 until 1982 for the SRC I project in the Supplemental Appropriations and Rescission Act, 1981 (P.L. 97-12). This action defers the $135,000,000 in Fossil Energy Construction funds for the SRC I coal liquefaction project pending transfer of these funds to the Energy Supply R&D operating account. This transfer would reduce the need for new budgetary authority in that account.

Estimated Effect: The effect of this transfer will be to preserve these funds pending congressional action on the transfer request.

Outlay Effect: The deferral action has no effect on FY 1982 outlays.

Deferral No: DB2-10

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. ____): $---
Bureau: Energy Programs	Other budgetary resources: $2,005,000
Appropriation title & symbol: Strategic Petroleum Reserve 89X0218	Total budgetary resources: $2,005,000
	Amount to be deferred: Part of year: $8,000,000
	Entire year: ____
OMB identification code: 89-0218-0-1-274	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Funds appropriated to this account are for the development of the Strategic Petroleum Reserve, including oil acquisition and transportation, facilities development, planning, and administration. This deferral of $8 million is taken to provide for unanticipated costs associated with the development of facilities for Phase II of the reserve. The funds will be made available as the need arises.

The deferral of these funds is consistent with Congressional intent to provide no year funding for this account and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral action will have no programmatic effects. The Department has funds available to obligate in accordance with the baseline budget plan.

Outlay Effects: This deferral has no effect on FY 1982 outlays.

Deferral No: DB2-11

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. ____): $---
Bureau: Health Services Administration	Other budgetary resources: 1,558,340
Appropriation title & symbol: Health Services 75X0350 1/	Total budgetary resources: 1,558,340
	Amount to be deferred: Part of year: $1,508,000
	Entire year: ____
OMB identification code: 75-0350-0-1-551	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:

The Omnibus Budget Reconciliation Act of 1981 provided for the closure or transfer to community use of the Public Health Service Hospital System in 1982. The funds proposed for deferral were scheduled for Federal renovation projects on the hospitals and were appropriated in 1978. Since the hospitals will be transferred or closed in 1982, it would be inappropriate for the Federal Government to continue renovating facilities it no longer owns. There may be some cases, however, where a small amount of Federally-assisted capital improvement may facilitate transferring certain hospitals in to community ownership. Under this proposal, these funds would be held in reserve in anticipation of this event. The remaining $50,340 will be used for the government's liability for surviving patients of the Tuskegee syphilis study and their dependents.

Estimated effects:

Projects in five of the eight hospitals for which the 1978 Appropriations Act provided funds, including new telecommunications systems and replacement boilers, would not be completed.

Outlay effects: This deferral will have no effect on FY 1982 outlays.

1/ This account was the subject of a deferral in FY 81 (D81-53).

Deferral No: 082-12

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. ____): $ ---
Bureau: Alcohol, Drug Abuse, and Mental Health Administration	Other budgetary resources: 44,700,000
Appropriation title & symbol: Construction and Renovation, Saint Elizabeths Hospital 75X1312 1/	Total budgetary resources: 44,700,000
	Amount to be deferred: Part of year: $ ____
	Entire year: 11,500,000
OMB identification code: 75-1312-0-1-551	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other ____

Justification: Funds were provided in the Second Supplemental Appropriations Act, 1978 (P.L. 95-355), for the purpose of upgrading Saint Elizabeths Hospital to meet accreditation standards. In 1979 the Joint Commission on Accreditation of Hospitals granted a one year accreditation contingent upon implementation of the renovation plans. Saint Elizabeths Hospital was again given a one year accreditation in August 1980 and is now scheduled for a 1981 survey in October or November for the purpose of accreditation. This deferral represents amounts not required for obligation in 1982, based on the current renovation schedule for the hospital. This deferral is consistent with Congressional intent to provide no-year funding for this project, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: The amount deferred could not be economically used this fiscal year, if made available, due to the planned renovation schedule.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-10A).

Deferral No: 082-13

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health & Human Services	New budget authority (P.L. ____): $ ---
Bureau: Office of the Asst. Secretary for Health	Other budgetary resources: 15,000,000
Appropriation title & symbol: Scientific Activities Overseas (Special Foreign Currency Program) 75X1102 1/	Total budgetary resources: 15,000,000
	Amount to be deferred: Part of Year: $ ____
	Entire year: 7,000,000
OMB identification code: 75-1102-0-1-552	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other ____

Justification

The Scientific Activities Overseas Program of the Department of Health and Human Services (HHS) is funded with appropriations which consist of excess foreign currencies owned by the United States. The currencies of Egypt, Burma, Guinea, India, and Pakistan held by the Treasury have been designated as in excess of normal U.S. needs. Funds for this program, which remain available until expended, are used for scientific research projects in those countries.

The amount of funds to be obligated during FY 1982 and the amount to be deferred for the entire year were determined after a careful review of the scientific merit of project proposals in the countries for which excess currency is available. The research projects in those countries that will contribute toward meeting U.S. scientific needs have been selected for funding in FY 1982 by HHS. The amount being deferred is excess to current program requirements and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect:

This deferral has no programmatic or budgetary effect because the funds would not be obligated if made available.

Outlay Effect:

This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-11A).

Deferral No: 082 -14

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 95-74) $ 30,000,000
Bureau Heritage Conservation and Recreation Service	Other budgetary resources 84,126,000
Appropriation title & symbol Land and Water Conservation Fund 1/ 14X5005	Total budgetary resources 114,126,000
	Amount to be deferred: Part of year $ --- Entire year 30,000,000
OMB identification code: 14-5005-0-2-303	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other
Grant program [ ] Yes [X] No	
Type of account or fund: [X] Annual 2/ [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [X] Contract authority (annual) [ ] Other

Justification: Under P.L. 95-74 (16 U.S.C 460l (10a)), $30 million of contract authority becomes available each fiscal year to the Land and Water Conservation Fund in addition to regular appropriations. The authority is made available by the Congress for use specifically as an anti-escalation measure in purchasing authorized Federal recreation land (Public Law 90-401; Senate Report 90-1071, to accompany S. 1401). This authority was last used in 1969 and 1970. Thus, the contract authority has lapsed in fiscal years 1971-1981. The funds will be utilized in the future, as in the past, on a special case basis for emergency situations consistent with our understanding of congressional intent.

This deferral is consistent with congressional intent to provide no-year funding and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665). This contract authority lapses at the end of each fiscal year if it is not used. An equal amount becomes available at the beginning of the next fiscal year.

Estimated Effect: This reserve for contingencies has no fiscal, economic or budgetary effect in the current year. The funds would be made available and obligated only in unforseeable circumstances.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral during FY 1981 (D81-13).

2/ The deferred funds have a one-year availability.

Deferral No: 082.15

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. ____) $ ---
Bureau Geological Survey	Other budgetary resources 45,000
Appropriation title & symbol Payments from Proceeds, Sale of Water Mineral Leasing Act of 1920, Sec. 40(d) 1/ 14X5662	Total budgetary resources 45,000
	Amount to be deferred: Part of year $ --- Entire year 45,000
OMB identification code: 14-5662-0-2-301	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [ ] Appropriation [ ] Contract authority [X] Other Permanent, indefinite, special

Justification: Section 40(d) of the Mineral Leasing Act of 1920 (30 U.S.C. 229(a)) provides that when lessees or operators drilling for oil or gas on public lands strike water, water wells may be developed by the Department from the proceeds from sale of water from existing wells. Receipts have been accruing to this permanent account at the rate of about $3,000 per year. At the start of fiscal year 1965, the account had an unobligated balance of $16,000. It is estimated that by the start of fiscal year 1982 the unobligated balances will be $45,000. None of these receipts have been obligated over the past ten years and none are planned for obligation in fiscal year 1982 because the total available is too small to be put to practical use for the purpose designated by law. Thus the funds could not be used effectively during the current period even if made available for obligation. This deferral action is taken under the provisions of the Anti-Deficiency Act (31 U.S.C. 665).

Estimated Effects: There will be no programmatic budgetary effects in fiscal year 1982 as a result of this deferral since the receipts will continue to accrue but will remain unobligated until such time as an amount is available which can be used effectively.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1982 (D81-14).

Deferral No: D82-16

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. ____): $---
Bureau: Bureau of Mines	Other budgetary resources: 990,703
Appropriation title & symbol: Drainage of Anthracite Mines 1/ 14X0956	Total budgetary resources: 990,703
	Amount to be deferred: Part of year: $--- Entire year: 990,703
OMB identification code: 14-0956-0-1-306	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other P.L. 84-219 (69 Stat 460) Matching grant provision of
Grant program: [X] Yes [ ] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: Funds in this account are used to match funds made available by the Commonwealth of Pennsylvania for water monitoring stations and for sealing and other public safety and health projects. The unobligated balance is being deferred because the Commonwealth of Pennsylvania is not expected to provide further matching funds during this fiscal year. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral action will have no FY 1982 program impact because matching funds are not expected to be provided in FY 1982.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-15A).

Deferral No: D82-17

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Justice	New budget authority (P.L. ____): $---
Bureau: Federal Prison System	Other budgetary resources: 14,787,800
Appropriation title & symbol: Buildings and Facilities 5X1003 1/	Total budgetary resources: 14,787,800
	Amount to be deferred: Part of year: $--- Entire year: 2,700,000
OMB identification code: 5-1003-0-1-753	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: This appropriation finances planning, acquisition of sites, and construction of new penal and correctional facilities as well as construction, remodeling and equipping of necessary buildings and facilities at existing penal and correctional institutions. Projects are undertaken to reduce overcrowding, close old and antiquated penitentiaries and provide a safe and humane environment for staff and inmates. These funds were appropriated in the Departments of State, Justice and Commerce, the Judiciary and Related Agencies Appropriation Act of 1981 and previous years. Due to the time required for planning, site acquisition, design efforts and selection of contractors, it is not possible to complete the construction, renovation, and rehabilitation associated with all these projects during FY 1982. The amount deferred of $ 2,700,000 represents funding for major and minor repair projects at existing facilities. This deferral is consistent with Congressional intent to provide no-year funding for these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: The amount deferred for the entire year could not be economically used, if made available in FY 1982, because of the planned phased procurement, construction and installation cycle.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-16B).

Deferral No: D82-18

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. ____) $ ---
Bureau Employment & Training Administration	Other budgetary resources 754,155,000
Appropriation title & symbol Employment and Training Assistance 1/ 16X/20174	Total budgetary resources 754,155,000
	Amount to be deferred: Part of year $ 49,881,000 Entire year ____
OMB identification code: 16-0174-0-1-504	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation provides for a system of Federal, State, and local programs of training and other services for economically disadvantaged, unemployed, and underemployed persons intended to lead to permanent gains in employment and increased self-sufficiency. These funds are deferred pending receipt of a plan for the use of these discretionary resources in FY 1982.

Estimated Effect: This deferral action has no programmatic or budgetary effects.

Outlay Effect: This deferral has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-36B).

Deferral No: D82-19

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of State	New budget authority (P.L. ____) $ ---
Bureau	Other budgetary resources 35,043,300
Appropriation title & symbol United States Emergency Refugee and Migration Assistance Fund, Executive 1/ 1180040	Total budgetary resources 35,043,300
	Amount to be deferred: Part of year - $ 35,043,300 Entire year ____
OMB identification code: 11-0040-0-1-151	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Section 501(a) of the Foreign Relations Authorization Act, 1976, (Public Law 94-141) and Section 414(b)(1) of the Refugee Act of 1980 (Public Law 96-212) amended section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed $50 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

By Executive Order No. 11922 of June 16, 1976, the President allocated all funds appropriated to him for the Emergency Fund to the Secretary of State but reserved to himself the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

The Emergency Fund contains an estimated $35,043,300 in unobligated balances from prior-year authority. These funds have been deferred consonant with the President's authority set out in Executive Order No. 11922 and to achieve the most economical use of appropriations. It is anticipated that reapportionments may be made case-by-case as the President determines assistance to be furnished and designates refugees to be assisted by the Fund. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There are no programmatic or budgetary effects resulting from this deferral.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral during FY 1981. (D81-37A).

Deferral No: D82-20

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. ____): $---
Bureau: Federal Aviation Administration	Other budgetary resources: 3,446,294
Appropriation title & symbol 1. Civil Supersonic Aircraft Development, 69X1358 2. Civil Supersonic Aircraft Development Termination, 69X0106 3. Research and Development, 69X1300	Total budgetary resources: 3,446,294
	Amount to be deferred: Part of year: $-0- Entire year: 3,446,294
OMB identification code: 69-0106-0-1-402	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Coverage	Total Budgetary Resources	Amount Deferred
1. Civil Supersonic Aircraft Development	$3,007,717	$3,007,717
2. Civil Supersonic Aircraft Development Termination	342,120	342,120
3. Research and Development	96,457	96,457
Total	$3,446,294	$3,446,294

Justification: These accounts finance the termination of the supersonic transport development program. The total cost of setting contractor claims and closeouts, airline refunds, completion of specifically designated technology programs, and necessary governmental administrative costs incidental to these activities is included. These funds were appropriated by the Department of Transportation and Related Agencies Appropriation Acts, 1971 and 1972. Because of the difficulty in ending such a complex and massive undertaking, termination has taken a number of years. Settlement is being accomplished as quickly as possible consistent with the legitimate claims of the contractors and the protection of government interests. This deferral action is consistent with Congressional intent to provide no-year funding for this program and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral action has no programmatic or budgetary effect because the funds could not be used if made available.

Outlay Effect: The deferral action has no effect on FY 1982 outlays.

Deferral No: D82-21

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. ____): $---
Bureau: Federal Aviation Administration	Other budgetary resources: 385,783,045
Appropriation title & symbol Facilities and Equipment (Airport and Airway Trust Fund), 1/ 69X8107 690/48107 698/28107 691/58107 699/38107	Total budgetary resources: 385,783,045
	Amount to be deferred: Part of year: $____ Entire year: 185,783,045
OMB identification code: 69-8107-0-7-402	Legal authority (in addition to sec. 1013): [XX] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [XX] No	
Type of account or fund: [ ] Annual 698/28107 September 30, 1982 699/38107 September 30, 1983 [X] Multiple-year 690/48107 September 30, 1984 691/58107 September 30, 1985 (expiration date) [ ] No-year	Type of budget authority: [XX] Appropriation [ ] Contract authority [ ] Other ____

Justification.

Funds from this account are used to procure specific Congressionally approved facilities and equipment for the expansion and modernization of the national airspace system. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts of 1981 and prior years. The estimated total cost for each project is included in the budget submission and appropriation for the year in which it is requested. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with the Congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665)

Estimated Effects:

This deferral action is consistent with normal operation for this program. The amount deferred could not be economically used if made available in FY 1982 because of the planned multi-year procurement, construction, and installation cycle.

Outlay Effect:

This deferral action has no effect on FY 1982 outlays because the funds could not be used if made available.

1/ This account was the subject of a similar deferral in FY 1981 (D81-178).

Deferral No: D82-22

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Treasury	New budget authority (P.L.) $
Bureau Office of Revenue Sharing	Other budgetary resources 109,738,363
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111 1/	Total budgetary resources 109,738,363
	Amount to be deferred: Part of year $ 2,500,000
	Entire year 107,238,363
OMB identification code: 20-8111-0-7-851	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act P.L. 93-512, P.L. 94-488 (Sec. 6) ☒ Other P.L. 96-604
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification

The Secretary of the Treasury must hold in reserve an amount to meet valid claims from State and Local governments that past general revenue sharing payments to them were too small. Because the total amount appropriated for all governments is fixed, the alternative to such a reserve is recurring recomputations of entitlements of 39,170 governments for prior entitlement periods. Accordingly, the Office of Revenue Sharing withheld from obligation an amount equal to one-half of one percent of the amounts appropriated (exclusive of noncontiguous States adjustment funds) for each entitlement period through FY 1975. In addition, one-half of one percent of the $4,988 million (exclusive of noncontinguous States adjustment funds) appropriated for general revenue sharing in the Economic Stimulus Appropriations Act, 1977 (P.L. 95-29), the FY 1978 and the FY 1980 Appropriations, exclusive of noncontiguous States adjustment funds (P.L. 95-119, P.L. 96-103) was also withheld from obligation. An additional amount is projected to be held in reserve from the FY 1982 appropriation of approximately $218,065.

This cumulative unobligated reserve is available to the Secretary of the Treasury to satisfy legitimate claims against the Trust Fund for prior entitlement periods. After adjusting for such releases from the reserve, the

1/ This account is the subject of another deferral (D82- 23) and was the subject of a similar deferral during FY 1981 (D81-18).

D82-22

deferred amount projected to carryover into FY 1982 is $109.7 million. The unobligated amount of $109.7 million plus the additional amount of the 1982 appropriation retained in the Trust Fund will be further reduced whenever the Secretary determines the amount is adequate to meet foreseeable liabilities against the Trust Fund. The reduction will be made by paying the additional amount to recipients as part of the regular distribution.

Estimated Effect:

This action will postpone distribution of the amount of the reserve until necessary adjustments and corrections have been identified. It will also avoid substantial confusion and complexities in the administration of the program.

Outlay Effect:

This deferral has the effect of shifting an estimated $107.5 million in outlays; $53.6 million from FY 1982 into FY 1983 and $53.6 million from FY 1982 into FY 1984.

Deferral No: D82-23

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Treasury	New budget authority $ ____ (P.L. ____)
Bureau Office of Revenue Sharing	Other budgetary resources 109,738,363
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111 1/	Total budgetary resources 109,738,363
	Amount to be deferred: Part of year $ 6,287,398 2/
	Entire year ---
CMB identification code: 20-8111-0-7-851	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act P.L. 92-512 Sections 121 & 123 ☒ Other P.L. 94-488, P.L. 96-604
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

The State and Local Government Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. This deferral represents payments withheld from various governments involved in annexations or disincorporations and for reasons of noncompliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Estimated Effect

The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and determinations as to which higher level of government is eligible to receive those funds withheld because of annexations and disincorporations.

Outlay Effect

This deferral has no effect on FY 1982 outlays because the funds are expected to be disbursed during FY 1982.

1/ This account is the subject of another deferral. (D82-22) and was the subject of a similar deferral in FY 1981 (D81-198).
2/ Deferral of outlays only.

Deferral No: D82-24

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. ____): $ ---
Bureau: Federal Law Enforcement Training Center	Other budgetary resources: 9,344,000
Appropriation title & symbol: Construction 2080103	Total budgetary resources: 9,344,000
	Amount to be deferred: Part of year: $ ____
	Entire year: 4,200,000
OMB identification code: 20-0103-0-1-751	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation provides for the costs of adapting the former Glynco Naval Air Station in Brunswick, Georgia, for the permanent location of the Federal Law Enforcement Training Center.

This deferral action is being taken because the funds are not required for construction activities in FY 1982. The deferral will remain available for major maintenance, repairs, alterations and renovations in subsequent years.

The deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral has no programmatic or budgetary effects.

Outlay Effects: This deferral has no effect on FY 1982 outlays.

Deferral No: D82-25

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Pennsylvania Avenue Development Corporation	New budget authority (P.L. ____): $ ---
Bureau:	Other budgetary resources: 44,398,326
Appropriation title & symbol: Land acquisition and development fund 42X4084 1/	Total budgetary resources: 44,398,326
	Amount to be deferred: Part of year: $ 30,895,523
	Entire year: ____
OMB identification code: 42-4084-0-3-451	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Borrowing authority

Justification

The 1974 land use plan for the eastern sector of the Pennsylvania Avenue Development Corporation project area is being reviewed and updated in light of current real estate trends and market conditions. This update consists of a study to determine what design configuration and mixture of land uses -- i.e., office, retail, and housing -- is now appropriate for the eastern area in view of changes in the market and economy over the last 8 years. This study is aimed at refining the plan for the blocks east of the FBI building so that new development will be economically self-sufficient and will work within the resources available to private developers.

The study initially was scheduled for completion in the spring of 1981. However, the complexities of the study required some additional time. The study is now scheduled for completion in October, 1981.

Estimated Effects:

The effect of this deferral is that the Corporation will not proceed with major new land acquisition east of the F.B.I. building until the results of the study are evaluated. This wor is expected to be completed soon.

Outlay Effects: This deferral has the effect of shifting $20.0 million in FY 1982 outlays into FY 1983 and $10.8 million in outlays from FY 1983 into 1984.

1/ This account was the subject of a similar deferral in FY 1981 (D81-40A).

Deferral No: D82-25

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Motor Carrier Ratemaking Study Commission	New budget authority (P.L. ____) $ ---
Bureau:	Other budgetary resources 1,800,000
Appropriation title & symbol: Salaries and Expenses 1/ 4812700	Total budgetary resources 1,800,000
	Amount to be deferred: Part of year $ ____ Entire year 150,000
CMB identification code: 48-2700-0-1-401	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: The Motor Carrier Ratemaking Study Commission is authorized to study the collective ratemaking process for all rates of motor common carriers. The Commission is to determine whether motor carriers require antitrust immunity in this process. The study is scheduled to last until January 1, 1983 and was fully funded in P.L. 97-12. The funds being deferred will not be needed until FY 1983.

This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral is in accord with the Commission's plans. It will have no effect on the study.

Outlay Effects: This deferral will have no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-131).

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federal register

Wednesday
October 7, 1981

Part VI

Environmental Protection Agency

Stack Height Regulations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD-FRL-1920-8, Docket No. A-79-01; AD-FRL-1920-8]

Stack Height Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Section 123 of the Clean Air Act requires EPA to promulgate regulations to assure that the degree of emission limitation required for the control of any air pollutant under an applicable State Implementation Plan (SIP) is not affected by that portion of the stack height which exceeds good engineering practice (GEP) or by any other dispersion technique. Regulations to implement Section 123 were proposed on January 12, 1979 at 44 FR 2608. Today's action reproposes these regulations to incorporate changes to the original proposal.

DATES: Comments must be received by the Central Docket Section no later than 4:00 p.m. (EST) on November 3, 1981. Rebuttal and-or supplementary comments must be received by the Central Docket Section no later than 4:00 p.m. (EST) on November 18, 1981.

ADDRESS: All comments must be submitted (in duplicate if possible) to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. A-79-01, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Polkowsky, MD-15, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Telephone (919) 541-5540.

SUPPLEMENTARY INFORMATION:

Docket Statement: All pertinent information concerning the development of these proposed regulations is included in Docket No. A-79-01. The Docket is open for inspection by the public between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at the EPA Central Docket Section, West Tower Lobby, Gallery One, 401 M Street, SW, Washington, D.C. Documents normally available to the public, such as **Federal Register** notices and Congressional reports are not included in the docket. A reasonable fee may be charged for copying documents.

I. Background.

A. Statute

Section 123 was added to the Clean Air Act by the 1977 Clean Air Act Amendments. It prohibits stacks taller than GEP height and other dispersion techniques from affecting the emission limitations required to meet the national ambient air quality standards (NAAQS) or prevention of significant deterioration air quality increments (PSD increments). Section 123 requires EPA to promulgate regulations which define GEP stack height, and which restrict the use of other dispersion techniques, including intermittent or supplemental control techniques. The Agency will address intermittent control techniques in a future action.

B. Rulemaking

On January 12, 1979 (44 FR 2608), we published a notice proposing limitations on stack height credit and other dispersion techniques. The notice proposed specific rules to be used in determining GEP stack height for any source and specific requirements for SIP revisions. We provided a 60-day period for the submission of public comment on these proposed regulations. At the request of one commenter, we extended the comment period for an additional 20 days (44 FR 15735, March 15, 1979) after which we announced that we would hold a public hearing followed by a 30-day period for the submission of comments on the hearing (44 FR 24329, April 25, 1979). The hearing was held on May 31, 1979. We also provided for public comment on the fluid modeling guidance (44 FR 40359 July 11, 1979). Finally, we recently provided 30 days for comments on additional technical information prepared after the close of the earlier comment periods (46 FR 24596, May 1, 1981).

We received numerous comments on the proposed rules and technical reports. We have considered all comments and have made a number of changes in the regulations in response to these comments. The revisions are outlined in Section VI entitled "Highlights of Changes from the January 1979 Proposal." Our detailed responses to all comments appear in the "Discussion of Public Comments" section which follows the proposed regulatory language. Background information on unchanged sections of the proposed regulations can be found in the preamble to the January 12, 1979 proposal (44 FR 2608).

C. Documents

In developing the proposed regulations, we relied on the EPA documents listed below and other reference documents. These served as background information for the regulations. Copies of the documents are available in Docket No. A-79-01. Copies of EPA documents may also be available, depending on supply, from the EPA library, (MD-35), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

(1) "Identifying and Assessing the Technical Bases for the Stack Height Regulatory Analysis," December 1979, prepared for the U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards by the H.E. Cramer Co., Inc.

(2) "Cost and Economic Impact Analysis of the Proposed Stack Height Regulation," August 1980, prepared for the U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards by Energy and Environmental Analysis, Inc.

(3) "Impact Assessment Report for the Stack Heights Regulations," April 1981, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards.

(4) "Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for Stack Height Regulations)," July 1981, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, EPA-450/4-80-023.

(5) "Guideline for use of Fluid Modeling to Determine Good Engineering Practice Stack Height," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, July 1981, EPA-450/4-81-003.

(6) "An Assessment of the Potential Effect of Stack Height on Sulfate Formation and Sulfur Deposition," December 1979, U.S. Environmenal Protection Agency, Office of Air Quality Planning and Standards.

(7) "Guideline for Fluid Modeling of Atmospheric Diffusion," April 1981, U.S. Environmental Protection Agency, Environmental Sciences Research Laboratory, EPA-600/8-81-009.

(8) "Impact Assessment Report for the Reproposed Stack Height Regulation," August 1981, U.S. Environmental Protection Agency.

II. Program Overview

This preamble provides a brief description of the problem and regulatory program to introduce the proposed regulatory language. Following this regulatory language is a section entitled "Discussion of Public Comments," which provides further information on the background of the regulations and gives our responses to public comments.

A. The Problem

There are two general methods for preventing violations of the NAAQS and PSD increments. Emission controls reduce, on a continuous basis, the quantity, rate or concentrations of pollutants released into the atmosphere from a source. In contrast, dispersion techniques rely on the dispersive effects of the atmosphere to carry pollutant emissions away from a source and to prevent high concentrations of pollutants near the source. The Clean Air Act requires pollution sources to meet the NAAQS and PSD increments by complying with emission limitations instead of relying on dispersion techniques.[1]

Tall stacks and intermittent or supplemental control systems are the two basic types of dispersion techniques. Tall stacks enhance dispersion by releasing pollutants into the air at elevations high above ground level, increasing the volume of air through which pollutants must travel to reach the ground. Releasing pollutants from a tall stack allows a source to reduce the ambient levels of its pollution as measured at ground level without reducing the amount of pollution it releases. Intermittent and supplemental control systems vary a source's rate of emissions to take advantage of meteorological conditions. When atmospheric conditions do not favor disperison and a NAAQS or PSD increment may be violated, the source temporarily reduces its pollutant emissions. When conditions favor rapid dispersion, the source emits pollutants at higher rates.

Use of dispersion techniques instead of constant emission controls can result in additional atmospheric loadings which may contribute to undesirable environmental effects. The use of tall stacks increases the possibility that pollution will travel long distances before it settles to the ground.

Atmospheric loading may also limit opportunities for industrial growth since the Clean Air Act sets ceilings on maximum pollution inceases to be allowed from new pollution sources. In addition, the use of dispersion techniques can also decrease incentives to develop new, more effective pollution control technology. See H. Rep. No. 95–294 at 80–91.

Although dispersion techniques may produce adverse effects, some stack height is needed to prevent excessive concentrations of pollutant emissions created by airflow turbulence, over nearby structures or terrain features (ground level meteorological phenomena). Section 123 responds to this problem by allowing EPA to give a source credit for that portion of its stack height needed to prevent excessive concentrations near the source. This height is called GEP stack height.

The regulations proposed today define "excessive concentrations," "nearby," and other important concepts. They also establish methods for determining the GEP stack height of all stationary sources built after 1970.

B. The Program

These regulations do not limit the physical stack height of any source. Instead, they set limits on the stack height to be used in ambient air quality modeling for the purpose of setting an emission limitation.

We are proposing to allow credit up to 65 meters for all sources. Sixty-five meters represents a reasonable estimate of the height needed to insure that emissions will not be affected by common ground-level meteorological phenomena which may produce excessive pollutant concentration. Typical causes of these phenomena include surface roughness and the temperature changes caused by the solar hearing and terrestrial cooling cycle. See the technical support document on page 26.

1. Methods of Determining GEP Stack Heights. The regulations establish two basic methods of calculating a source's GEP stack height using either a mathematical formula or physical demonstration through fluid models or field studies.

(a) Mathematical Formula—Excessive concentrations may be produced by downwash, wakes, and eddies caused by structures located near the stack. We are proposing to adopt a formula with which to calculate the GEP stack height needed to avoid excessive concentrations caused by nearby structures. The formula is the height of the structure plus one and one-half times the height or width of the structure, whichever is less ($Hg = H + 1.5L$). The formula has been derived from the traditional engineering practice of building a stack to approximately two and one-half times the height of a nearby structure.

Under the formula, sources with structures that are as wide as they are tall will get credit for a GEP stack height equal to two and one-half times the height of the structure. For sources with structures which are taller than they are wide, the formula stack height credit will be less than two and one-half times the structure height. Sources with tall, thin structures do not need a full two and one-half times credit because thin structures produce less severe downwash effects. See the technical support document on pages 5–14.

(b) Physical Demonstration—In some cases, a source may need a stack taller than the formula height to prevent excessive concentrations of a pollutant due to downwash, wakes, or eddies created by structures or terrain obstacles. In such cases, Section 123 provides that a source may obtain credit for all of the stack height necessary to avoid excessive concentrations. We are proposing to require such a source to demonstrate that maximum concentrations using the sources proposed stack height, without consideration of nearby structures or terrain obstacles, can increase by at least 40 percent when the effects of the structures or terrain obstacles are considered. Several commenters raised questions about the appropriateness of the 40 percent test and suggested the substitution of a 20 percent test. Further comment and data on this issue are solicited.

This difference in concentrations must be shown either by a fluid model study conducted in accordance with guidelines published by EPA or by a field study which has been approved by the reviewing authority.

Before a source can obtain credit for a GEP stack height determined by a fluid model or field study demonstration, Section 123(c) requires that the reviewing authority must notify the public of availability of the source's demonstration and must provide an opportunity for a public hearing.

Several commenters requested EPA to permit the use of stack heights above the GEP height to prevent excessive concentrations on elevated terrain features caused by the plume impaction. Plume impaction occurs when a plume comes into contact with an elevated terrain feature causing a violation of a NAAQS or PSD increment. Limiting stack height to GEP in complex terrain may result in predicted violations resulting from plume impaction. We are proposing a process of setting emission limitations in elevated terrain areas to address this problem.

This process consists of three steps:

(1) The GEP stack height is determined based on the previously described methods;

(2) The source is modeled at the GEP stack height. Terrain features which are higher than the GEP stack height are

[1] See Section 110(a)(2)(B), 123, 302(k) and 302(m) of the Act, 42 U.S.C. 7410(a)(2)(B), 7423, 7602(k), and 7602(m). The Notice of Proposed Rulemaking contains a more detailed discussion of the Act's prohibition of the use of dispersion techniques. See 44 FR 2608–2610.

included in the model of an elevation equal to the GEP stack height. A maximum concentration is determined with this modeling.

(3) The source is then modeled with all terrain features at their actual heights in order to determine a stack height which would result in concentrations equal to those determined in step (2). This new stack height is the maximum for which the source may receive credit. If this stack height is less than the stack height the source proposes to use, the source's emission limitation is based on the concentration determined in step (2). If this height equals or exceeds the proposed stack height, the source's emission limitation is determined using the proposed stack height and actual terrain.

This process allows the use of a stack height sufficient to avoid plume impaction, but requires emission limitations as restrictive as those for comparable sources not located in elevated terrain.

2. Grandfathered Stack Height. Before the 1970 Clean Air Act became effective of December 31, 1970, some sources constructed stacks taller than their GEP height. Congress, in Section 123, recognized this and grandfathered those sources' stack heights. Thus, sources are allowed credit for their stack height in existence on December 31, 1970.

The definition of "in existence" has been changed from the previous proposed regulations. Under the new definition, a source's stack is considered to be "in existence" if the source commenced construction of the facility prior to December 31, 1970.

3. Other Dispersion Techniques. The regulations prohibit the use of other dispersion techniques to attain or maintain any NAAQS or protect a PSD increment. Those techniques include major alteration of plume characteristics such as the manipulation of exhaust flow rates or temperatures for the purpose of enhancing plumb rise.

We received several comments on the January 1979 proposal questioning in what circumstances the combination of exhaust gases would be considered a dispersion technique. To address those comments, we are adding a provision to this definition to make it clear that combinations of exhaust gases will not be considered dispersion techniques unless they are for the purpose of enhancing plume rise. A sourrce may decide to replace several existing stacks with a single new stack, combining the exhaust gases from several process units into a single exhaust plume in the new stack. Combining several exhaust gas streams into a single plume may increase plume rise. However, this would not per se be prohibited unless there is manipulation in the design or operation of the source for the sole purpose of enhancing plume rise.

The significance of other dispersion techniques is not well documented and the Agency intends to give further consideration to the need for restrictions of this type prior to promulgation. Comments and data on this issue are solicited.

III. State Implementation Plan Requirements

All States would be required to review and revise, as necessary, their SIPs to comply with these new regulations on stack height credits and dispersion techniques. After the States adopt these regulations, they will be required to review existing emission limitations to determine whether these limitations have been affected by stack height credit above GEP levels or any other dispersion technique.

IV. Impact Analysis.

We prepared a series of impact analyses on the regulations. These analyses are in Docket No. A-79-01. The analyses show the expected "worst-case" national annual costs to fossel-fuel power plants affected by the regulation to be approximately $44 million per year, with expected reductions in SO_2 emissions of 286,000 tons per year. Nationally, these costs would increase electric utility rate charges approximately 0.1 to 0.2 percent. The effects on individual electric power company rates range from a 0.2 to a 1.9 percent increase. The required reduction in emissions would also shift coal usage with eastern regions of the U.S., but would cause little increase of western coal usage in the East.

V. Highlights of Changes From Previous Proposal.

1. Definition of "Stack"—We have omitted flares from this definition.

2. De Minimis Height—We have established a deminimis level of 65 meters.

3. Definition of "Nearby"—We have restricted application of this term to structures when using formula to determine GEP.

4. Definition of "Excessive Concentrations"—We have deleted the required demonstration of a NAAQS or PSD increment violation.

5. Definition of "In Existence"—We have included all stacks on which construction commenced as of December 31, 1970.

6. Definition of "Dispersion Technique"—We have specifically exempted smoke management programs.

7. Plume Impaction Issue—We have incorporated a process for determining the emission limitation for sources in complex terrain based on its GEP stack height but allowing the source to avoid certain plume impaction problems.

VI. Regulatory Flexibility Analysis

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have significant economic impact on a substantial number of small entities. This rule has been structured to apply only to sources with stacks above 65 meters (213 feet). Based upon our impact analysis, only electric utility plants and possibly one smelter will be significantly impacted by these regulations.

VII. Executive Order 12291.

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 does not result in an annual effect on the economy of $100 million, nor does it result in a major increase in costs or prices for consumers, Federal, State, or local governments or individual industries, including the electric power industry.

VIII. Solicitation of Comments.

The Agency actively solicits comments on all aspects of the proposed regulation, and particularly on the system for determining the air quality impact of sources in complex terrain.

Sec. 110, 301(a), and 123, Clean Air Act as amended, (72 U.S.C. 7410, 7601(a) and 7423))

Dated: October 2, 1981.

Anne M. Gorsuch,

Administrator.

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

It is proposed to amend Part 51 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. Section 51.1 is amended by revising paragraph (z) and by adding paragraphs (ff), (gg), (hh), (ii), (jj), (kk), (ll), and (mm) as follows:

§ 51.1 Definitions.

* * * * *

(z) "Emission limitation" and "emission standard" mean a requirement established by a State, local government, or the Administrator which limits the quantity, rate, or

concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

* * * * *

(ff) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct. Stack height is the distance from the ground-level elevation of the plant to the elevation of the stack outlet.

(gg) "In existence" means that the owner or operator has obtained all necessary preconstruction approvals or permits required by Federal, State, or local air pollution agencies and either has (1) begun, or cause to begin, a continuous program of physical on-site construction of the facility or (2) entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operation, to undertake a program of construction of the facility to be completed in a reasonable time.

(hh) "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by (1) using that portion of a stack which exceeds good engineering practice stack height, except to avoid plume impaction on elevated terrain, (2) varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant, or (3) manipulating source design and source process parameters, exhaust gas parameters, or stack parameters, or any other selective handling of exhaust gas streams for the purpose of increasing exhaust gas plume rise. The preceding sentence does not include: (1) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream; (2) the use of smoke management in agricultural or silvicultural programs; or (3) recombining the exhaust gases from several stacks into one stack as long as there is no manipulation of exhaust flow rates or temperatures for the purpose of enhancing plume rise.

(ii) "Good engineering practice stack height" means the greater of:

(1) 65 meters;

(2) $H_g = H + 1.5L$, where

H_g = good engineering practice stack height

H = height of nearby structure(s)

L = lesser dimension (height or projected width) of nearby structure(s);

(3) The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain obstacles.

(jj) "Nearby" as used in § 51.1(ii)(2) of this part is that distance up to five times the lesser of the height of width dimension of a structure but not greater than 0.8 km (one-half mile).

(kk) "Excessive concentrations" for the purpose of determining good engineering practice stack height in a fluid model or field study means a maximum concentration due to downwash, wakes, or eddy effects produced by structures or terrain features which is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

(ll) "Plume impaction" means concentrations in excess of national ambient air quality standards or prevention of significant deterioration increments which result when a plume comes into contact with elevated terrain.

(mm) "Elevated terrain" means terrain which exceeds the elevation of the good engineering practice stack as calculated under subsection (ii) above.

2. It is proposed to amend § 51.12 by adding paragraphs (j), (k) and (l) as follows:

§ 51.12 Control strategy: General.

* * * * *

(j) The plan must provide that the degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice of by any other dispersion technique, except as provided in § 51.12(k) and (l) of this part. The plan must provide that before a State submits to EPA a new or revised emission limitation that is based on stack height determined through a fluid model or field study, the State must notify the public of the availability of the demonstration and must provide opportunity for public hearing on it.

(k) The provisions of §§ 51.12(j) and 51.18(l) of this part shall not apply to (1) stack heights in existence, or dispersion techniques implemented prior to December 31, 1970, of (2) coal-fired steam electric generating units, subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

(l) Creditable stack heights for any source seeking credit for stack height above GEP because of plume impaction may be established by determining the stack height necessary to predict the same maximum air pollution concentration on any elevated terrain feature as the maximum concentration which results from modeling the source using the GEP stack height and assuming the elevated terrain features to be equal in elevation to the GEP stack height. If this stack height is greater than the stack height the source proposes to use, the source's emission limitation and air quality impact shall be determined using the proposed stack height and the actual terrain heights.

3. It is proposed to amend § 51.18 by adding paragraph (l) as follows:

§ 51.18 Review of new sources and modifications.

* * * * *

(l) Such procedures must provide that the degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in § 51.12(k) and (l) of this part. Such procedures must provide that before a State issues a permit to a source based on a stack height determined through a fluid model or field study, the State must notify the public of the availability of the demonstration and must provide opportunity for public hearing on it.

Discussion of Public Comments

The following paragraphs discuss the comments received on the January 12, 1979 proposal of stack height regulations (44 FR 2608), including the May 31, 1979 public hearing comments, fluid modeling guideline comments, and comments on technical information released on May 1, 1981. A copy of all comments received and a transcript of the public hearing is included in Docket No. A-79-01.

1. *The GEP Formula*—Section 123 of the Act states that the GEP stack height is "the height necessary to insure that emissions from the stack do not result in excessive concentrations of any air pollutant" and "shall not exceed two and one-half times the height of such source unless the owner or operator of the source demonstrates * * * that a greater height is necessary." Based on studies reviewed in the draft technical support document, July 1978 (final, dated

July 1981), we proposed use of the formula ($H_g = H + 1.5L$) to determine GEP stack height. In cases where the nearby structure is wider than it is high, the formula yields a GEP stack height of two and one-half times the building height. However, if the structure is taller than it is wide, then the formula yields a GEP height which is less than two and one-half times the structure height. Studies of airflow over structures cited in the technical support document indicate that tall, thin structures disturb airflow less than wider structures of the same height. Accordingly, sources near thin structures do not require as much stack height to avoid structure-induced downwash of their stack emissions.

Section 123 grants the Administrator discretion to define GEP height, based on two statutory directives. First, the statute provides that GEP height is to be the height necessary to prevent excessive concentrations due to downwash, wakes, or eddy effects created by the source, nearby structures, or terrain as determined by the Administrator. Second, GEP is not to exceed two and one-half times the height of the source unless the source demonstrates, to the Administrator's satisfaction, that a greater height constitutes GEP. Thus the Administrator has discretion to establish a method to determine GEP which reflects data on the height necessary to avoid excessive concentrations caused by downwash, wakes, and eddies.

Thirty commenters questioned the applicability, technical formulation, and use of the formula. The comments fall into eight categories discussed below:

A. Many commenters objected to the proposed formula because, in some cases, the use of the formula would define GEP stack height as less than two and one-half times the height of the source. This may require a source to perform a fluid modeling or field study to justify a stack height less than two and one-half times the height of the source. The commenters stated that Section 123 requires a source to justify its stack height only when it wishes to receive credit for a stack greater than two and one-half times the source height. We find, however, that Section 123 supports the use of the proposed formula. Section 123(c) defines GEP as that stack height necessary to avoid excessive concentrations. Section 123(c) also requires a demonstration to justify any GEP height which exceeds two and one-half times the height of structures. Section 123 does not prohibit us from requiring a demonstration to justify a GEP height at heights which are less than two and one-half times the source's height if we find that such a demonstration is needed to make an accurate determination of the stack height necessary to avoid excessive concentrations. As described above, allowing a source near a tall, thin structure to obtain credit for a stack two and one-half times the height of that structure would allow the source more credit than it needs to avoid excessive concentrations due to structure-induced downwash. Furthermore, no commenter presented any evidence to demonstrate that the proposed GEP formula does not accurately determine that stack height necessary to avoid excessive concentrations caused by structure-induced downwash.

B. Some electrical power industry commenters stated that the two and one-half times rule traditionally has been used to define the minimum, not maximum, stack height necessary to avoid downwash problems. Our review of stack height literature indicates that a stack height up to two and one-half times a structure height is sufficient to prevent downwash at most facilities. Moreover, we are not using the formula to set a limit on maximum stack height credit. Sources which wish to claim additional stack height credit may do so provided they demonstrate a need through fluid modeling or field studies.

C. One commenter suggested that additional credit should be given to avoid the effects of stack tip-included downwash. Stack tip downwash is created by the structure of the stack itself and affects emissions when the flow rate is well below the stack design flow rate. We believe that additional stack height credit for stack tip downwash is not necessary. Stack tip downwash effects can be reduced or eliminated by methods other than increasing stack height, such as redesigning stack flow parameters. Section 51.1(hh) of the proposed regulations defines manipulations of stack flow parameters which increase plume rise as "dispersion techniques." However, stack tip downwash can frequently be solved by manipulations which will not increase plume rise or affect the energy efficiency of the source. As general guidance is difficult to formulate, sources within stack tip downwash problems should consult a reviewing agency before manipulating any stack flow parameters in order to insure that they will not be held in violation of the Act's prohibition on the use of dispersion techniques.

D. Commenters also noted that the formula was based on structures of simple design and does not address either complex structures or sources which do not have specific building-like structures around their process units. We acknowledge that we have not investigated all possible combinations of structures. However, we have suggested methods for applying the formula to sources with complex structures. The technical support document discusses methods for applying the formula to multiple-tiered buildings or multiple-building facilities.

E. One commenter felt that we should include a 20 percent safety factor into the formula to insure that downwash is avoided. It is appropriate to include "safety factors," or margins for error when regulatory limits are based on theory in order to compensate for possible inaccuracies or overpredictions in the theory. However, the stack height formula is based on empirical data instead of theory. The formula accurately predicts the amount of stack height needed to prevent excessive concentrations due to downwash under a variety of meteorological conditions. No additional margin of safety is needed.

F. One commenter felt that the assumptions used in developing the formula were too conservative. As explained in response E, the formula is based on empirical data gathered from fluid modeling and field studies. The formula provides accurate representations of stack heights necessary to avoid excessive concentrations.

G. One commenter suggested that the formula should be based on aerodynamically efficient structures instead of traditional rectangular structures in order to induce the construction of pollution sources that would not need tall stacks to avoid structure-induced downwash. Although Section 123 gives us considerable discretion in defining GEP stack height, we feel that Congress would have provided a clear indication of its intent if it had wanted us to use Section 123 to promote radical changes in industrial design practices. We can find no indication of such intent in either the language of Section 123 or its legislative history. In the absence of a clear Congressional directive and a significant potential for emissions reductions,we have decided to base the GEP formula on traditional rectangular building designs.

H. One commenter argued that stack height should be measured from the point at which the source's process emissions enter the stack rather than from ground level. However, GEP formula height is based on the height of an external structure which interferes

with the flow of emissions once emitted from a stack. The height at which process emissions enter a stack does not affect the manner in which external structures interrupt the flow of stack emissions. Considerations of emission entry points are not relevant to a determination of GEP stack height based on the formula. In addition, it is easier to calculate the amount of stack height needed to prevent a structure from causing excessive concentrations if both the structure and the stack are measured from ground level.

2. *Definition of "In Existence"*—In the January 12, 1979 proposal we defined "in existence" as the actual physical height of a stack on December 31, 1970. Comments were received that argued the intent of Section 123 was to give full credit to the full stack height planned or projected to be constructed provided that a source had contracts for construction or commenced construction of its stack prior to December 31, 1970. Since the time of proposal, the Agency has reviewed the definition of "in existence." In this period, the Agency issued regulations to implement the visibility protection provisions of 169A of the Clean Air Act (45 FR 80084). In these regulations, "in existence" was defined in a manner similar to "commenced construction." (See definition of "commenced" in Section 169.) The Agency agrees that there was no Congressional intent to penalize sources which in good faith planned construction of plants before the Act was implemented. This means that plants which had commitments for construction before December 31, 1970 should be able to model their emissions based on the committed stack height.

Some commenters also claimed that the date for defining "in existence" should be August 7, 1977, which was the enactment date of the amendments which added Section 123 to the Clean Air Act. However, Section 123 clearly states that "in existence" refers to the date of enactment of the Clean Air Act Amendments of 1970 which was December 31, 1970.

Some confusion appears to have occurred about the fact of what was grandfathered by the term "in existence." The Act clearly states that the "stack height in existence," not just the stack, is grandfathered. Therefore, a source which is replacing a stack for only old production units may build that new stack to the grandfathered height for those production units.

3. *Definition of Nearby*—In our January 1979 proposed regulations, we requested comments on the use of our definition of nearby in GEP determinations for both structures and terrain features. We intended the definition of "Nearby" to set a limit on the distance from a stack to a structure or terrain feature beyond which a source could not use that structure or terrain feature to claim stack height credit.

Some commenters requested that we extend the maximum distance for application of the formula. However, we did not receive any substantive technical support for this increase. We did receive comments arguing that giving any credit for stack heights based on nearby structures would encourage sources to place stacks near large structures. We believe that sources are not likely to manipulate structure size or placement solely for the purpose of increasing their stack height credits. The costs of building large new structures would discourage most sources from attempting such manipulations. Also, many new sources of emissions will be required to meet applicable new source performance standards under Section 111 of the Act, best available control technology under EPA's PSD program, or lowest achievable emission rate in nonattainment areas. After installing the emissions controls required by these programs, most sources should be able to meet their SIP emission limitations without a need for increased stack height credit. These new sources would have little motivation to manipulate structure sizes and locations. Accordingly, we have retained the proposed definition of "nearby" for structures. Sources cannot apply the formula to structures located at distances greater than 0.8 km (one-half mile) or 5 times the height or width of the structure, whichever is less. However, sources can conduct a fluid model or field study to ascertain the effect of more distant structures.

We also proposed to apply the same limitations to terrain features that cause downwash. Commenters indicated that several problems could result from applying these limits to terrain features. First, the boundaries of terrain features are not always distinct and easy to define. This makes it difficult to make precise measurements of distances from a source to a terrain feature and difficult to calculate a distance equivalent to five times the height or width of a terrain feature.

Second, commenters noted that some terrain features can cause downwash effects at distances greater than 0.8 km from a source. At the same time, other commenters pointed out that the leislative history of Section 123 indicates that Congress intended that only terrain features within 0.4 km (one-quarter mile) be used in calculating GEP height based on the formula. We decided to change the proposed rule to require any source wishing to claim stack height credit to prevent downwash, wakes, or eddies, caused by any terrain feature to demonstrate the existence of excessive concentrations in a fluid model or field study. These techniques allow a source to take into account the downwash effect of an entire terrain feature if it causes excessive concentrations. Any terrain feature which is close enough to a source to cause excessive concentrations must be considered a "nearby" feature.

4. *Definition of "Excessive Concentrations"*—During the comment period, arguments were made that the 40 percent change in concentration criterion was not fully supported by the technical support information. Individual commenter stated that the 40 percent criterion was too high or too low, but none provided data to support any different criterion.

The January 1979 proposed regulations also included in the definition of "excessive concentrations" a requirement that the downwash causes a violation of a NAAQS or a PSD increment. Some comments challenged this requirement. Commenters stated that when downwash occurs, high levels of pollutants contact the ground for very short periods of time. Little mixing of emissions with ambient air occurs before the emissions reach the ground. The ambient air quality standards and PSD increments are based on concentrations measured after pollutants have dispersed into the ambient air. These standards also measure average concentrations over varying times (from 1 hour to 1 year). The high pollutant concentrations of extremely short duration caused by downwash do not represent ambient air quality as measured by the NAAQS and PSD increments. We agree with the commenter's views and have deleted from the definition of "excessive concentrations" the requirements for a violation of a NAAQS or PSD increment.

5. *Definition of "Dispersion Technique"*—There was concern expressed in some comments that the broad definition of "dispersion technique" could lead to inconsistencies among the Regional Offices of EPA, the States, or local control agencies in applying the definition. We have provided guidance in the new regulations to help alleviate inconsistencies.

Some comments questioned the effect of the regulations on prescribed burning, a practice use particularly in forest

lands for clearing forest undergrowth. Similar practices and used in some areas to clear crop wastes. The Agency realizes that both of these types of burning are conducted on an intermittent basis when atmospheric conditions favor dispersion of emissions. However, prescribed buring is not used as an alterhative to constant emission controls. Therefore, we are not defining either prescribed burning or crop waste burning as a dispersion technique. In addition, we are working with the Department of Agriculture in establishing smoke management technique guidelines for prescribed burning to minimize air quality impacts. We hope these guidelines will be available in the near future.

One commenter noted that the DEP stack height formula defines a physical stack height but ignores plume rise produced by the heat and velocity of the exhaust gases. In large power plants, these factors produce an effective stack height much greater than the actual physical height. In addition, the comments correctly pointed out that the technical support document was based on studies which did not include plume rise. Fluid models and field studies take into account gas flow rates and temperature, in addition to stack height. Accordingly, they will take into account some plume rise in establishing the GEP stack height. We recognize that increased plume rise can reduce an emission limitation established by modeling. We have proposed to prohibit alterations of plume characteristics for the purpose of enhancing plume rise.

6. *Definition of "Emission Limitation"*—Commenters challenged the proposed requirement that opacity limits and equipment or fuel specifications must also be met on a constant basis. They stated that this phrase unlawfully expanded the definition of "emission limitation" contained in Section 302(k) of the Act. We agree that Section 302(k) does not specifically mention either opacity or equipment and fuel specifications. However, we find that other sections of the Clean Air Act which define emission limitations and dispersion techniques support our requirement. Section 302(m) specifically includes both equipment and fuel specifications in its definition of "means of emission limitation." Section 123 prohibits use of a dispersion technique to meet any SIP emission limitation. Opacity limitations are currently included in our SIP emission limitation requirements. See, for example, 40 CFR 51.19(c). We feel it is important to insure that opacity limits also are met on a continuous basis. This definition applies to all of 40 CFR Part 51. Accordingly, we have retained both of these requirements in our "emission limitation" definition.

7. *Impaction Issue*—Many of the comments requested us to allow a source located in complex terrain to obtain stack height credit if it can demonstrate that its stack emissions impact on an elevated terrain feature. Plume impaction (also known as plume impingement) occurs when a plume from a stack comes into contact with a terrain feature which is high enough to interrupt the plume before significant dispersion of the pollutants occurs. The nature of the air pollution problem created by plume impaction is similar to the problem created by downwash. In this proposal, we have adopted a policy for setting emission limitations at GEP stack height for plants subject to impaction problems. This method allows a source to use stack height to avoid impaction but not in setting an emission limitation. Once an emission limitation and a modeling stack height are determined by the proposed process, they would be used in determining all impacts of the source.

8. *Definition of "Immediate Vicinity"*—The January 1979 proposal did not define the "immediate vicinity" of a source. Some comments were received stating that such a definition is needed to limit the distance from the source within which a showing of excessive concentrations could be used to determine good engineering practice stack height. We feel that a specific definition is not necessary. The measurement of excessive concentrations is based on comparing predictions of maximum concentrations with and without the downwash-inducing structure or terrain. The ratio decreases rapidly when measuring the downwashed plume further from the source. Structures or terrain features located at great distances from a source will not produce a 40 percent difference in concentration. In addition, any demonstration of a 40 percent difference in concentrations indicates an actual downwash problem. A source should be able to obtain credit to avoid a downwash problem regardless of the distance from the source to the obstacle causing the problem. The introduction of an arbitrary limit on the distance for measuring excessive concentrations cannot be technically supported.

9. *Definition of a "Stack"*—Comments were received concerning the proposed definition of a "stack." All of the comments on this subject argued that flares are not designed to disperse polluants but for the release of heat during upset conditions. The comments also argued that the emmissions from flares are hard to measure due to the variability of the rate of flow and composition of the emissions stream. For these reasons, we have deleted flares from the definition of a "stack."

10. *Increasing Stack Height at Existing Sources*—The proposed regulations generally allow credit for the formula height to all sources. However, the reviewing authority had discretion to require a demonstration of downwash for a source raising its existing stack or rebuilding its stacks on existing units, even if the new height is equal to or less than the formula height. Comments were received stating that this provision could lead to inconsistencies in implementation of the regulations. Some commenters requested EPA to provide specific criteria to determine which sources would have to demonstrate a downwash problem instead of claiming credit for formula height. Most of these commenters favored the establishment of an automatic formula height credit for existing sources. However, two commenters argued that the language of Section 123 and the legislative history show that Congress did not intend that all sources should automatically get credit for the formula stack height. These commenters suggested that we require downwash demonstrations for all stack height credit increases requested by existing sources with stacks exceeding the *de minimis* height. We agree that inconsistencies could result, and we have established that the formula is the best determination of good engineering practice stack height based on nearby structures. Therefore, we have eliminated the review authority discretion to require a downwash demonstration if the stack is equal to or below the formula height.

11. *De Minimis Height*—We proposed a minimum GEP stack height of 30 meters (100 feet) which would automatically be granted to all sources in order to enable sources to release their emissions at levels high enough to avoid the turbulent atmosphere conditions commonly found near the earth's surface. We reviewed information which stated that the 30 meter review cutoff would (1) be basically meaningless since most sources can justify, by the formula, a stack height above 30 meters, generally in the range of approximately 65 meters, and (2) result in some inaccurate modeling of emissions at smaller sources since current modeling may not be accurate for emissions released at less than 50 meters above ground level. Recognizing these problems, we

determined that we should raise the de minimis stack height to 65 meters (213 feet). We have evaluated the potential for additional sulfate formation and transport from stacks in the 30 to 65 meter height range. While it is true that additional stack height can increase sulfate formation and transport, we found that no significant increase in sulfate formation will result from any increase in the de minimis height from 30 to 65 meters. A copy of the report prepared on this subject is available in Docket No. A–79–01. In addition, a review of EPA's National Emissions Data System shows that only approximately 3 percent of the total stationary sources had stacks over 65 meters and that these sources emitted 70 percent of the sulfur dioxide emitted by stationary sources.

12. *Regulatory Impact*—We prepared a draft regulatory impact paper in July of 1978 for the proposed stack height regulations. This paper was limited to an investigation of the impact on the electric power generating industry. Several of the comments received on the proposed regulations took issue with the methods and assumptions of that analysis. The major comments were: (1) that the assessment for GEP stack height at the affected source did not sufficiently take into account the correct building size of local terrain, (2) that the analysis did not look at all industry groups, and (3) that the economic effects on the power industry were underestimated. We decided to investigate the effects of the regulation in more detail. Another regulatory impact report and the two supporting documents were included in Docket A–79–01 in April 1981. We first determined which industry categories would be affected by the final regulations. We found that almost the entire impact would be felt by the electric power generating industry so we used that industry as the basis for economic impact study. Structure heights and terrain configuration vary widely from plant to plant, so no individual plant could serve as a reliable model for estimating an average GEP stack height for all plants. The study, completed in April 1981, used actual power plant building information to generate GEP formula heights. This study was part of the technical documents released for public comment on May 1, 1981 at 46 FR 24596. We prepared a detailed response to comments received on this report which is included in Docket No. A–79–01.

We did not consider terrain in this study because we could not obtain accurate data on terrain conditions near existing power plants. However, we do not believe that terrain considerations will increase compliance costs. Sources with terrain downwash problems can perform fluid modeling or field studies to justify additional stack height credit. Sources with terrain impaction problems will be able to use existing stack height above GEP to model their air quality impacts. If they still have an impaction problem at full actual stack height with the GEP determined stack height emission limitation, the source must reduce its emissions further or construct a taller stack to avoid the impaction problem. The use of a taller stack would not change the GEP-determined emission limitation. The source also has the option of monitoring the impaction point to check on the modeled prediction. In no case may the emission limitation be less restrictive than the limitation shown to be needed to avoid NAAQS or PSD increment violations at the GEP stack height with terrain limited to the GEP stack height. This assures all sources an equal assessment of pollution control.

The Agency prepared a final regulatory impact evaluation based on these newly proposed regulations and information furnished by commenters during the comment period on technical documents. The major change to the impact assessment involved reviewing plants under the new definition of "in existence" which reduces the number of plants that are subject to the regulation. We have also increased the costs to reflect 1981 dollars. The comments on the April 1981 report stated that the cost assessments should be based on the projected GEP–SIP emission further reduced by 20 percent to account for sulfur variability. The Cramer ratio is conservative for noncomplex terrain and since the assumption was made that the current SIP just meets the NAAQS, a further reduction of 20 percent in the GEP–SIP may be overly conservative. However, costs were developed based on this further reduction, and they are part of a sensitivity analysis in the "Impact Assessment Report for the Reproposed Stack Heights Regulations" (July 1981). The economic effect of terrain impaction ws not considered in the April 1981 assessment. The newly proposed regulations allow for the use of stack height to avoid this problem and no further review is necessary.

The costs for purchase of lower sulfur coal at the potentially affected power plants is expected to be $44 million per year.

13. *Fluid Modeling*—These regulations require, in some cases, that fluid modeling or field studies be used to demonstrate the stack height needed to avoid downwash at a source. We received comments stating that fluid modeling facilities are not readily available and that sources need a significant increase in permitting time to perform a fluid model study. In response to this comment, we reviewed the availability of fluid modeling facilities. This review is included in the Docket as a memorandum entitled "Fluid Model Facilities for GEP Stack Height Studies," dated July 8, 1980. We determined that while fluid modeling facilities are less readily available than computer modeling facilities, they are reasonably available. Also, most sources will not need to perform fluid modeling. The fluid modeling requirement is only for sources that wish to have a stack height above the formula height. More importantly, we feel that fluid modeling and field studies are the most reliable means available to demonstrate the existence of excessive concentrations due to downwash.

Commenters also argued that fluid modeling measurements may be subject to error. We realize that any modeling is subject to error; however, because complex downwash flow patterns are not predictable by computer simulation, fluid modeling and field studies are the best means to determine GEP stack height.

14. *State Resource Limitations*—Comments from States on the proposed regulations indicated that States would have difficulties meeting the requirements for reviewing emission limitations due to limited resources. The increase in the de minimis stack height has reduced this burden by eliminating all review for sources with stack heights below 65 meters. States will still need to review fluid modeling and field study reports which will require specialized personnel. Our fluid modeling guidelines will assist the States in their calculations. In addition, case-by-case assistance will be available for evaluating field studies.

The requirement for providing a public hearing review of all stack height demonstrations using fluid modeling or field studies can be fulfilled by incorporating stack height review into any public hearing on a permit or SIP revision. The hearing requirement will generally not place an ad. 'ional burden on the State since most current regulations require States to provide opportunity for public comment on most permits and all SIP revisions.

15. *Economic and Technological Infeasibility*—The proposed regulations contained language that required sources to comply with the rule even

where the source faced economic and technological problems. The Supreme Court held that, in general, Congress did not intend EPA to consider economic and technical feasibility problems in approving State Implementation Plans or plan revisions.[2] The inclusion of the wording referencing this in the proposed regulations was superfluous. Thus we have deleted the wording concerning economic and technological infeasibility. However, we will not approve a SIP revision allowing a source to use dispersion techniques even where the use of constant controls is economically or technologically infeasible.

16. *Exemption of BACT, RACT, and LAER Sources*—Comments were received that request us to exempt from the stack height credit limitations sources required by the new source review rules, or nonattainment area rules to install control technology meeting best available control technology (BACT), lowest achievable emission rate, (LAER), and reasonably available control technology (RACT) requirements. The commenters argued that since a source subject to any of these requirements would have to install the most stringent emission controls possible, it should receive unlimited stack height credit. Section 123 makes no provision for such an exception. The Clean Air Act clearly requires sources to meet both GEP limits and the emission requirements of BACT, LAER and RACT. Most sources meeting these emission requirements and not having impaction problems will not need stack height credits above their formula stack height to meet ambient standards or PSD increments.

17. *Scaling Factors for Large Facilities*—One comment mentioned that the proposed formula is biased towards very large structures. The comment stated that a large structure which receives credit up to the formula height would get a proportionally higher stack height credit than a smaller source. However, large structures need higher stack height credits. The disturbance of air flow around a structure is related to the size of the structure. It should be also noted that the GEP formula is not just related to height. If a source is very tall, but thin, the formula equates to the height of the source plus one and one-half times the width of the source. Finally, the economic constraints of building excessively large structures just for the purpose of obtaining increased stack height credit help to limit the abuse of the formula.

18. *Exemption for Odor Emission Sources*—Three comments were received requesting that the GEP stack height credit limitations not apply to sources that have strong odorous emissions. The Act does not provide for the establishment of controls based solely on odors. Any source which emits only an odorous substance which is not one of the pollutants regulated under the Act would not be subject to GEP stack height constraints. Any source which emits a pollutant regulated under the Act must comply with the Act's ban on dispersion techniques even if the substance also happens to have a strong odor. Section 123 contains no exceptions for odorous emissions.

19. *Impact on the Bubble Concept*—We have established, in another notice (44 FR 71780, December 11, 1979) the concept of considering only the net changes in all emissions from a source for the purpose of computing emissions decreases or increases. This concept allows a source to place controls where they will be the most cost effective. Comments were received which claimed that limiting stack height would inhibit a source's ability to trade off emissions from various production units. However, trade-off situations are not exempt from the requirement to use constant emission controls. Therefore, we cannot support any exemption from the GEP requirement for sources in a trade-off situation.

20. *Hawaiian Exemption*—One commenter petitioned for an exemption from the requirements of Section 123 for sources in Hawaii due to their unique air quality situation. The Act does not provide for any particular exemptions. Therefore, the Agency does not exempt any State from these requirements.

21. *Issues Beyond the Scope of the Regulation*—A comment was received concerning the definition of a local air pollution control agency as it appears in the Code of Federal Regulations, Title 40 Part 51. Although today's action modifies Part 51, it does not address this definition. We will review this definition in future rulemaking.

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[2] See Union Electric v. EPA, 427 U.S. 246(1976); rehearing denied 249 U.S. 873(1977).

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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/FHWA	USDA/OPM		DOT/FHWA	USDA/OPM
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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.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of October 11 through October 17, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

47799 9-30-81 / Handling of Almonds grown in California; administrative rules governing quality control; comments by 10-16-81

45323 9-11-81 / Lemons grown in California and Arizona, minimum size requirements; comments by 10-13-81

45542 9-11-81 / Milk in the Alabama-West Florida Marketing Area; proposed marketing agreement and order; comments by 10-13-81

Commodity Credit Corporation—

41487 8-17-81 / Processed agricultural commodities; standards for approval of dry and cold storage warehouses for processed agricultural commodities, extracted honey and bulk oils; comments by 10-16-81

Food and Nutrition Service—

40764 8-11-81 / Food stamp administrative grants provisions; comments by 10-13-81

Forest Service—

40706 8-11-81 / Timber management planning provisions; comments by 10-13-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

45968 9-16-81 / Foreign fisheries; Bering Sea and Northwest Pacific; comments by 10-16-81

DEFENSE DEPARTMENT

Office of the Secretary—

45368 9-11-81 / Education of handicapped children in the DOD dependents schools; comments by 10-13-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

46142 9-17-81 / Utah; high-cost gas produced from tight formations; comments by 10-13-81

ENVIRONMENTAL PROTECTION AGENCY

45378 9-11-81 / Approval and promulgation of implementation plans, Connecticut revisions; comments by 10-13-81

41814 8-18-81 / Approval and promulgation of State implementation plans; Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin; comments by 10-17-81

45157 9-10-81 / Approval and promulgation of State implementation plans; Arkansas; prevention of significant deterioration regulations; comments by 10-13-81

45162 9-10-81 / Glyphosate; tolerance; comments by 10-13-81

45160 9-10-81 / Revisons of Delaware air quality plans; comments by 10-13-81

45381 9-11-81 / Revision of Pennsylvania State implementation plan; comments by 10-13-81

45159 9-10-81 / Revision of State implementation plan; Virginia; comments by 10-13-81

FEDERAL COMMUNICATIONS COMMISSION

37923 7-23-81 / Amendment to permit increased antenna height to Class A FM commercial broadcast stations in Puerto Rico and the Virgin Islands; reply comments by 10-15-81

48733 10-2-81 / Bell System Procurement practices; comments by 10-15-81

37920 7-23-81 / FM broadcast station, Delhi, La.; changes in table of assignment; reply comments by 10-13-81

42703 8-24-81 / FM broadcast stations in Greenfield and Springfield, Mo.; changes in table of assignments; comments by 10-13-81

42701 8-24-81 / FM broadcast stations in Hudson and Adrian, Mich., and Swanton, Ohio; changes in table of assignments; comments by 10-13-81

42474 8-21-81 / FM broadcast station in Hilo, Hawaii; changes in table of assignments; comments by 10-13-81

46147 9-17-81 / FM broadcast stations in Natchitoches, La.; changes in table of assignments; reply comments by 10-13-81

[*See also* 46 FR 37058, 7-17-81]

42475 8-21-81 / FM broadcast station in Petosky, Mich.; changes in table of assignments; comments by 10-13-81

42477 8-21-81 / FM broadcast station in Redding, Calif.; changes in table of assignments; comments by 10-13-81

42483 8-21-81 / FM broadcast stations in Truth or Consequences, N. Mex.; changes in table of assignments; comments by 10-13-81

46147 9-17-81 / Future role of television translators and low-power television broadcasting; comments by 10-13-81

[*See also* 46 FR 42478, 8-21-81]

40899 8-13-81 / Policy regarding character qualifications in broadcast licensing; reply comments by 10-16-81

37927 7-23-81 / Release, allocation, assignments, and criteria for use of the remaining 250 channels in the 800 MHz private land mobile reserve band; reply comments by 10-14-81

41534 8-17-81 / TV broadcast station in Barstow, Calif.; changes in table of assignments; comments by 10-13-81

FEDERAL TRADE COMMISSION

41080 8-14-81 / Trade regulation rule: labeling and advertising of home insulation; comments by 10-13-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

42470 8-21-81 / Prescription drug products; patient package insert requirements; comments by 10-15-81

INTERSTATE COMMERCE COMMISSION

43721 8-31-81 / Certificate to construct, acquire or operate railroad lines; application procedures for a certificate to construct, acquire or operate railroad lines; comments by 10-15-81

JUSTICE DEPARTMENT

Prisons Bureau—

43812 8-31-81 / Control, custody, care, treatment and instructing of inmates; comments by 10-16-81

LABOR DEPARTMENT

Office of the Secretary—

41438 8-14-81 / Practice before the Board of Service Contract Appeals; comments by 10-13-81

41428 8-14-81 / Rules of practice for administrative proceedings enforcing labor standards in Federal and federally assisted construction contracts and Federal service contracts; comments by 10-13-81

Wage and Hour Division, Employment Standards Administration—

41456 8-14-81 / Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to nonconstruction contracts subject to the Contract Work Hours and Safety Standards Act); comments by 10-13-81

41444 8-14-81 / Procedures for predetermination of wage rates; comments by 10-13-81

41380 8-14-81 / Service Contract Act; Labor standards for Federal Service Contracts; comments by 10-13-81

NATIONAL CREDIT UNION ADMINISTRATION

45365 9-11-81 / Description of office, disclosure of official records; availability of information, promulgation of regulations; comments by 10-12-81

POSTAL SERVICE

45787 9-15-81 / Northern Mariana Islands; mail security; comments by 10-15-81

SECURITIES AND EXCHANGE COMMISSION

44775 9-8-81 / Recordkeeping by brokers and dealers; comments by 10-12-81

SMALL BUSINESS ADMINISTRATION

41523 8-17-81 / Business loan policy for small business lending companies; comments by 10-16-81

TRANSPORTATION DEPARTMENT

Coast Guard—

39460 8-3-81 / Operational visibility from navigational bridge of commercial vessels operating in U.S. water; comments by 10-12-81

43701 8-31-81 / Safety zone; vicinity Bascule Bridge, Ft. Lauderdale, Fla.; comments by 10-15-81

Federal Aviation Administration—

40646 8-10-81 / Certification: pilot and flight instructors; proposed amendment of instrument rating requirements; comments by 10-12-81

40529 8-10-81 / Need requirement and fees for certification of foreign airmen and air agencies; comments by 10-12-81

VETERANS ADMINISTRATION

45765 9-15-81 / Disclosure of loan guaranty information; comments by 10-15-81

Deadlines for Comments on Proposed Rules for the Week of October 18 through October 24, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

47588 9-29-81 / Milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas Marketing Areas; comments by 10-19-81

42487 8-21-81 / Establishment of United States Standards for grades of canned celery; comments by 10-20-81

Animal and Plant Health Inspection Service—

46784 9-22-81 / Harry S Truman Animal Import Center, importation of certain animals; comments by 11-23-81

42438 8-21-81 / Mediterranean fruit fly; designation of additional areas in Hillsborough Co., Fla., as regulated areas; emergency regulation; comments by 10-20-81

Food Safety and Quality Service—

42487 8-21-81 / Establishment of United States standards for grades for canned celery; comments by 10-20-81

CIVIL AERONAUTICS BOARD

38930 7-30-81 / Tariffs; sum of segments fares; permission to use rather than higher through fare; reply comments by 10-19-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

44203 9-3-81 / Tanner crab off Alaska; fishery management plan; comments by 10-19-81

COMMODITY FUTURES TRADING COMMISSION

42463 8-21-81 / Large traders reporting requirements; routine filing of series '03 reports; comments by 10-20-81

DEFENSE DEPARTMENT

Office of the Secretary—

42876 8-25-81 / Discharge Review Boards; procedures and standards; comments by 10-18-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

47239 9-25-81 / High-cost gas produced from tight formations; Colorado; comments by 10-21-81

39445 8-3-81 / Inclusion of construction work in progress for public utilities; reply comments by 10-23-81

ENVIRONMENTAL PROTECTION AGENCY

48720 10-2-81 / Benomyl; tolerances; comments by 10-19-81

FEDERAL COMMUNICATIONS COMMISSION

32888 6-25-81 / Amateur radio service provisions; reply comment period extended to 10-21-81

[*See also* 45 FR 83592; 12-19-80]

44793 9-8-81 / Amendment of the Commission's rules to reclassiy coin-operated electronic games From Class B to Class A Computing Devices; reply comments by 10-20-81

43204 8-27-81 / FM broadcast station in Bismarck, N. Dak; changes in table of assignments; comments by 10-19-81

43215 8-27-81 / FM broadcast station in Blakely, Ga.; changes in table of assignments; comments by 10-20-81

39629 8-4-81 / FM broadcast station in Brookville and Versailles, Ind.; changes in table of assignments; reply comments by 10-19-81

43203 8-27-81 / FM broadcast station in Cape Coral, Fla.; changes in table of assignments; comments by 10-19-81

39627 8-4-81 / FM broadcast station in Carnelian Bay and South Lake Tahoe, Calif., changes in table of assignments; reply comments by 10-19-81

44008 9-2-81 / FM broadcast station in Cheney, Grand Coulee, and Spokane, Wash.; changes in table of assignments; comments by 10-19-81

43202 8-27-81 / FM broadcast station in Durant, Okla.; changes in table of assignments; comments by 10-19-81

43201 8-27-81 / FM broadcast station in Ellijay Ga.; changes in table of assignments; comments by 10-19-81

43209 8-27-81 / FM broadcast stations in Goose Creek, S.C.; changes in table of assignments; comments by 10-20-81

43208 8-27-81 / FM broadcast station in Kodiak, Ala.; changes in table of assignments; comments by 10-20-81

43212 8-27-81 / FM broadcast station in Kremmling, Colo.; changes in table of assignments; comments by 10-19-81

43207 8-27-81 / FM broadcast station in Las Vegas, Nev.; changes in table of assignments; comments by 10-20-81

43216 8-27-81 / FM broadcast station in Leoti, Kans.; changes in table of assignments; comments by 10-19-81

43206 8-27-81 / FM broadcast station in Naknek, Ala.; changes in table of assignments; comments by 10-20-81

43212 8-27-81 / FM broadcast station in Riverton, Wyo.; changes in table of assignments; comments by 10-20-81

43217 8-27-81 / FM broadcast station in Virginia Beach Va.; changes in table of assignments; comments by 10-20-81

44019 9-2-81 / FM broadcast station in Winamac, Ind.; changes in table of assignments; comments by 10-20-81

43210 8-27-81 / FM broadcast station in Woodstock VA.; changes in table of assignments; comments by 10-20-81

43715 8-31-81 / FM broadcast station; changes in table of assignments; Fairfield, Tx.; comments by 10-20-81

43717 8-31-81 / FM broadcast station; changes in table of assignments; Fairmont, W.Va.; comments by 10-19-81

43712 8-31-81 / FM broadcast station; changes in table of assignments; Palm Springs, Ca.; comments by 10-20-81

43714 8-31-81 / FM broadcast station; changes in table of assignments; Williston and Micanopx, Fla.; comments by 10-20-81

43211 8-27-81 / FM broadcast station Sidney, Nebr.; changes in table of assignments; comments by 10-20-81

39185 7-31-81 / Inland expansion of non-government radiolocation in the 420-450 MHz frequency band including use of spread spectrum technology; reply comments by 10-21-81

43709 8-31-81 / Operation of computing equipment prior to certification or verification; reply comments by 10-19-81

47243 9-25-81 / Policy regarding character qualifications in broadcast licensing; reply comments by 10-23-81

44790 9-8-81 / Request to exempt medical diagnostic equipment from the commissions rules; reply comments by 10-20-81

47801 9-30-81 / Revision to permit inland assignment of frequencies in a certain MHz band for non-government radiolocation; comments extended to 10-21-81

See also [16 FR 39185, 7-31-81]

46148 9-17-81 / Rule changes or deregulation in the field of medical emergency communications; comments by 10-23-81

See also [46 FR 38390, 7-27-81]

37916 7-23-81 / TV auxiliary broadcast pickup stations on a secondary basis, allocating a certain frequency band; reply comment by 10-19-81

43716 8-31-81 / TV broadcast station; changes in table of assignments; Alvin, Tx.; comments by 10-20-81

FEDERAL TRADE COMMISSION

42681 8-24-81 / Tomy Corp.; prohibited trade practices; consent agreement with analysis to aid public comment; comments by 10-23-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

46314 9-18-81 / Antibiotic drugs; rifampim capsules; comments by 10-19-81

46311 9-18-81 / Antibiotic drugs; updating and technical changes; comments by 10-19-81

46795 9-22-81 / Food for human consumption, indirect food additives; comments by 10-22-81

Health Care Financing Administration—

42698 8-24-81 / Medicaid Programs; authorization for intermediate care facilities for the mentally retarded (ICFs/MR) to negotiate revisions to their 1977 plans of correction for Life Safety Code, living, dining and therapy area deficiencies under certain circumstances; comments by 10-23-81

42669 8-24-81 / Medicare and medicaid programs; reimbusement for clinical laboratory services (final rule; comments by 10-23-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

46605 9-21-81 / Disposal of forfeited or abandoned property; comments by 10-21-81

Surface Mining Reclamation and Enforcement Office—

46744 9-21-81 / Procedures for regulatory and small operator assistance program; financial assistance; comments by 10-21-81

INTERSTATE COMMERCE COMMISSION

44013 9-2-81 / Motor carriers; lease and interchange of vehicles; comments by 10-19-81

JUSTICE DEPARTMENT

Attorney General Office—

46968 9-23-81 / Rewards provisions under the Atomic Weapons and Special Nuclear Materials Rewards Act; comments by 10-23-81

NUCLEAR REGULATORY COMMISSION

46587 9-21-81 / Emergency planning and preparedness for production and utilization facilities; comments by 10-21-81

41786 8-18-81 / Financial qualifications; domestic licensing of production and utilization facilities; comments by 10-19-81

38081 7-24-81 / Licensing requirements for land disposal of radioactive waste; comments by 10-22-81

SECURITIES AND EXCHANGE COMMISSION

62418 9-19-80 / Confidential treatment procedures under the Freedom of Information Act; comments by 10-19-81

TRANSPORTATION DEPARTMENT

Coast Guard—

44779 9-8-81 / Anchorage grounds, port of New York and vicinity; comments by 10-23-81

FEDERAL AVIATION ADMINISTRATION—

46569 9-21-81 / Security control of air traffic; revocation of Panama Canal Air Defense identification zone; comments by 10-21-81

12278 8-20-81 / Summary of petitions received and dispositions of petitions denied; comments by 10-19-81

National Highway Traffic Safety Administration—

19947 9-2-81 / Crash worthiness rating provisions; comment period extended to 10-22-81

[*See also* 46 FR 7025, 1-22-81]

46604 9-21-81 / Federal Motor Vehicle Safety Standards; fields of direct view; comments by 10-21-81

Research and Special Programs Administration—

45652 9-14-81 / Carriage of tear gas devices aboard aircraft; extension of comment period; comments by 10-19-81

47091 9-24-81 / Enforcement procedures and related miscellaneous proposals; comments by 10-22-81

37951 7-23-81 / Petition submitted by International Association of Fire Chiefs for removal of requirements for display of EMPTY placards on tank cars; comments by 10-20-81

TREASURY DEPARTMENT

Internal Revenue Service—

42286 8-20-81 / Mortgage subsidy bonds; outlines of oral comments by 10-23-81

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF UNITED STATES

47244 9-25-81 / Informal Action Committee, Washington, D.C. (open), 10-15-81

AGRICULTURAL DEPARTMENT

Science and Education Administration—

48734 10-2-81 / Food and Agricultural Science Joint Council, Executive Committee, Arlington, VA. (open), 10-14-81

48734 10-2-81 / Food and Agricultural Sciences Joint Council, Arlington, Va. (open), 10-14 through 10-16-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

47134 9-24-81 / National Council on the Arts, Special Projects Panel, Washington, D.C. (partially open), 10-13 through 10-16-81

CIVIL RIGHTS COMMISSION

48277 10-1-81 / Maine Advisory Committee, Portland, Maine (open), 10-17-81

45789 9-15-81 / Massachusetts Advisory Committee, Boston, Mass. (open), 10-14-81

COMMERCE DEPARTMENT

Census Bureau—

47106 9-24-81 / Census Advisory Committee of the American Economic Association, Suitland, Md. (closed), 10-16-81

International Trade Administration—

47809 9-30-81 / President's Export Council, Washington, D.C. (open), 10-15-81

National Oceanic and Atmospheric Administration—

46154 9-17-81 / Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 10-14 and 10-15-81

Office of the Secretary—

43732 8-31-81 / National Voluntary Laboratory Accreditation Program, Gaithersburg, Md. (open), 10-13 and 10-14-81

DEFENSE DEPARTMENT

Army Department—

47650 9-29-81 / Army Science Board, Washington, D.C. (closed), 10-15 and 10-16-81

47650 9-29-81 / New Orleans East, Inc., New Orleans, La. (open), 10-14-81

44029 9-2-81 / United States Army Medical Research and Development Advisory Panel, Bacterial Diseases Subcommittee, Washington, D.C. (partially open), 10-15 and 10-16-81

44029 9-2-81 / United States Army Medical Research and Development Advisory Panel, Parasitic Diseases Subcommittee, Washington, D.C. (partially open), 10-14-81

Office of the Secretary—

46376 9-18-81 / Defense Science Board, Application of High Technology to Ground Forces Task Force, Fort Lewis, Wash. (closed), 10-7-81 rescheduled for 10-17-81

[*See also* 46 FR 45011, 9-9-81]

42327 8-20-81 / Wage Committee, Wash., D.C. (closed), 10-13-81

EDUCATION DEPARTMENT

48285 10-1-81 / Women's Educational Programs National Advisory Council, Washington, D.C. (open), 10-15 and 10-16-81

ENERGY DEPARTMENT

Western Area Power Administration—

47293 9-25-81 / Power marketing plan, Sacramento, Calif. (open), 10-15-81

[Originally published at 46 FR 41547, 8-17-81]

FEDERAL COMMUNICATIONS COMMISSION

47490 9-28-81 / Marine Services Radio Technical Commission, Universal Marine Radiotelephone Compatibility, Special Committee No. 79 and Executive Committee, Washington, D.C. (open), 10-14 and 10-15-81

FINE ARTS COMMISSION

47108 9-24-81 / Washington, D.C. (open), 10-13-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

47013 9-23-81 / National Advisory Bodies, Rockville, Md. (partially open), 10-14 through 10-17-81

Centers for Disease Control—

42769 8-24-81 / Immunization Practices Advisory Committee, Atlanta, Ga. (open), 10-14 and 10-15-81

46002 9-16-81 / Mine Health Research Advisory Committee, Rockville, Md. (open), 10-13 and 10-14-81

47491 9-28-81 / Reye Syndrome Work Group, Atlanta, Ga. (open), 10-14-81

Food and Drug Administration—

45199 9-10-81 / Aging, National Advisory Council on, Bethesda, Md. (partially open), 10-14 through 10-16-81

43884 9-1-81 / Chemical Pathology Study Section, Bethesda, Md. (partially open), 10-13 through 10-15-81

43884 9-1-81 / Metallobiochemistry Study Section, Georgetown, D.C. (partially open), 10-15 through 10-17-81

45815 9-15-81 / Miscellaneous Internal Drug Products Panel, Rockville and Bethesda, Md. (open), 10-16 and 10-17-81

43884 9-1-81 / Molecular and Cellular Biophysics Study Section, Georgetown, D.C. (partially open), 10-16 through 10-18-81

46679 9-21-81 / Neurological and Communicative Disorders and Stroke National Advisory Council, and Subcommittee, Bethesda, Md. (partially open), 10-14, 10-15 and 10-16-81

41567 8-17-81 / Neurological Disorders Program—Project Review B Committee, Los Angeles, Calif. (partially open), 10-16 through 10-18-81

47305 9-25-81 / Research Resources National Advisory Council, Bethesda, Md. (partially open), 10-15 and 10-16-81

45815 9-15-81 / Surgical and Rehabilitation Devices Panel, Orthopedic Device Section, Washington, D.C. (open), 10-14-81

Public Health Service—

47870 9-30-81 / National Advisory Bodies, Health Services Research Review Subcommittee, Washington, D.C. (partially open), 10-15 and 10-16-81

INTERIOR DEPARTMENT

Land Management Bureau—

44514 9-4-81 / Dickinson District Advisory Council, Dickinson, N. Dak. (open), 10-15 and 10-16-81

46840 9-22-81 / Medford District Advisory Council, Medford, Oreg. (open), 10-16-81

44291 9-3-81 / Montana and North Dakota environmental impact statements:

Wibaux, Mont. (open) 10-13-81

Killdeer, N. Dak. (open), 10-14-81

Dickinson, N. Dal. (open) 10-15-81

44064 9-2-81 / Pinson Grazing Management environmental impact statement, Beryl, Utah (open), 10-14-81

44064 9-2-81 / Pinyon Grazing Management environmental impact statement, Cedar City, Utah (open), 10-15-81

44064 9-2-81 / Pinyon Grazing Management environmental impact statement, Milford, Utah (open), 10-13-81

NATIONAL SCIENCE FOUNDATION

46704 9-21-81 / Environmental Biology Advisory Committee, Subcommittee on Systematic Biology, Washington, D.C. (closed), 10-15 and 10-16-81

46237 9-17-81 / Physiology, Cellular and Molecular Biology Advisory Committee, Cell Biology Subcommittee, Washington, D.C. (closed), 10-14 through 10-16-81

NUCLEAR REGULATORY COMMISSION

47512 9-28-81 / Reactor Safeguards Advisory Committee, DOE Response Working Group Subcommittee, Washington, D.C. (open), 10-14-81

47512 9-28-81 / Reactor Safeguards Advisory Committee, Floating Nuclear Plant Subcommittee, Washington, D.C. (open), 10-13-81

47513 9-28-81 / Reactor Safeguards Advisory Committee, Regulatory Activities Subcommittee, Washington, D.C. (open), 10-14-81

47513 9-28-81 / Reactor Safeguards Advisory Committee, Sequoyah Nuclear Plant, Washington, D.C. (open), 10-13-81

48349 10-1-81 / Reactor Safeguards Advisory Committee, Washington, D.C. (partially open), 10-15 through 10-17-81

STATE DEPARTMENT

Office of the Secretary—

47161 9-24-81 / International Commission for the Conservation of Atlantic Tunas, Committee to United States National Section, Advisory Committee, Washington, D.C. (partially open), 10-15 and 10-16-81

TRANSPORTATION DEPARTMENT

Coast Guard—

47522 9-28-81 / Ship Structure Committee, New York, N.Y. (open), 10-15-81

Federal Aviation Administration—

43789 8-31-81 / Forecasting and Planning Review Conference, Arlington, Va. (open), 10-13 and 10-14-81

National Highway Traffic Safety Administration—

45237 9-10-81 / Safety-related defect, Washington, D.C., 10-16-81

59246 9-8-80 / Second International Automative Fuel Economy Research Conference, Rome, Italy, 10-12 through 10-16-81

TREASURY DEPARTMENT

Internal Revenue Service—

46036 9-16-81 / Art Print Advisory Panel, Washington, D.C. (closed), 10-14-81

VETERANS ADMINISTRATION

47170 9-24-81 / Education Allowances Station Committee, Nashville, Tenn., 10-16-81

47524 9-28-81 / Medical Research Service Merit Review Boards, Washington, D.C., San Francisco, Calif. and Chicago, Ill. (partially open), October and November dates

46463 9-18-81 / Wage Committee, Washington, D.C. (closed), 10-15-81

Next Week's Hearings

DEFENSE DEPARTMENT

Office of the Secretary—

47090 9-24-81 / Education of handicapped children in DOD dependents schools, Alexandria, Va. 10-15 and 10-16-81

ENVIRONMENTAL PROTECTION AGENCY

45672 9-14-81 / Oil gas operations on Outer Continental Shelf off southern California, Santa Barbara, Calif., 10-16-81

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

46744 9-21-81 / Procedures for Regulatory and Small Operator Assistance Program; Financial Assistance, Washington, D.C., 10-13-81

INTERNTIONAL TRADE COMMISSION

45222 9-10-81 / Certain steel rod treating apparatus and components, Washington, D.C., 10-14-81

SUSQUEHANNA RIVER BASIN COMMISSION

39719 8-4-81 / Proposed Comprehensive Plan amendment, Harrisburg, Pa., 10-15-81

List of Public Laws

Last Listing October 6, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S.J. Res. 78 / Pub. L. 97-52—To provide for the designation of October 2, 1981, as "American Enterprise Day" (Oct. 2, 1981, 95 Stat. 959) Price: $1.50

S.J. Res. 103 / Pub. L. 97-53—To authorize and request the President of the United States to issue a proclamation designating the seven calendar days beginning October 4, 1981, as "National Port Week". (Oct. 2, 1981; 95 Stat. 960) Price: $1.50

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

48092 9-30-81 / ED—Funds for the improvement of postsecondary education; assistance awards; comments by 11-16-81

48582 10-1-81 / HHS/Secretary—Block Grant Programs (interim final rule); comments by 11-30-81

APPLICATIONS DEADLINES

48741 10-2-81 / Commerce/MBDA—Financial assistance applications under Portfolio Growth Program, apply by 11-17-81

MEETINGS

47870 9-30-81 / HHS/HSA—Maternal and Child Health Research Grants Review Committee, Rockville, Md. (partially open), 11-18 and 11-19-81

47870 9-30-81 / HHS/PHS—National Advisory Bodies, Health Services Research Review Subcommittee, Washington, D.C. (partially open), 10-15 and 10-16-81

47870 9–30–81 / HHS/PHS—National Advisory Bodies, Health Services Developmental Grants Review Subcommittee, Washington, D.C. (partially open), 10–22 and 10–23–81

47870 9–30–81 / HHS/PHS—National Advisory Bodies, Health Care Technology Study Section, Washington, D.C. (partially open), 10–26 and 10–27–81

48346 10–1–81 / NSF—Atmospheric Sciences Advisory Committee, Washington, D.C. (partially open), 10–19, 10–20, and 10–21–81

48347 10–1–81 / NSF—Behavioral and Neural Sciences, Advisory Committee for, Subcommittee on Psychobiology, Washington, D.C. (partially open), 10–29 and 10–30–81

48347 10–1–81 / NSF—Physics Advisory Committee, Washington, D.C. (open), 10–22 through 10–24–81

48347 10–1–81 / NSF—Physiology, Cellular, and Molecular Biology, Advisory Committee for, Subcommittee on Molecular Biology, Group A, Washington, D.C. (closed), 10–22 and 10–23–81

OTHER ITEMS OF INTEREST

48323 10–1–81 / HHS/PHS—First-year student enrollment decreases for health professions schools; health professions construction grants, loan guarantees and interest subsidies

48592 10–1–81 / HHS/Secretary—Block Grant Implementation; Revocation of categorical health grant regulations

47511 9–28–81 / LSC consideration of application by Native Hawaiian Legal Corp.; comments requested



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Revised as of July 1, 1981

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