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Tuesday
October 13, 1981

Highlights

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Highlights

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A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Executive Order 12328 of October 8, 1981

Federal Employees Contracting or Trading With Indians

By the authority vested in me as President of the United States of America by Section 437(b) of Title 18 of the United States Code (94 Stat. 544; Public Law 96–277), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. The functions vested in the President by Section 437(b) of Title 18 of the United States Code (94 Stat. 544; Public Law 96–277) to prescribe rules and regulations under which any officer, employee, or agent of the Bureau of Indian Affairs may purchase from or sell to any Indian any service or any real or personal property or any interest therein, are delegated to the Secretary of the Interior.

Sec. 2. The functions vested in the President by Section 437(b) of Title 18 of the United States Code (94 Stat. 544; Public Law 96–277) to prescribe rules and regulations under which any officer, employee, or agent of the Indian Health Service may purchase from or sell to any Indian any service or any real or personal property or any interest therein, are delegated to the Secretary of Health and Human Services.

Sec. 3. Until rules and regulations are issued pursuant to Sections 1 and 2 of this Order, those rules and regulations previously applicable to Federal employees contracting or trading with Indians are hereby adopted as the rules and regulations of the President pursuant to, and to the extent not inconsistent with, Section 437(b) of Title 18 of the United States Code (25 CFR 251.5 and 252.31).

Ronald Reagan

THE WHITE HOUSE,
October 8, 1981.

[FR Doc. 81-29730
Filed 10-8-81; 3:33 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Fee Schedule; Science and Education, National Agricultural Library

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: The fee schedule is amended to show price changes for National Agricultural Library photographic reproductions, and to establish charges for on-line and off-line searches of bibliographic and non-bibliographic data bases. These changes are necessary to offset increased production costs and increased use of research services.

EFFECTIVE DATE: October 13, 1981.

FOR FURTHER INFORMATION CONTACT: Jennie L. Brogdon, Head, Utilization Section, Information Access Division, Room 111, National Agricultural Library, United States Department of Agriculture, Beltsville, Maryland 20705 (301-344-3834).

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1955 and has been determined to be exempt from those requirements. Dean K. Crowther, Director of the Office of Operations and Finance made this determination because this action is an agency management decision required to assure recovery of increased production costs. As an agency management action, this document is exempt from Executive Order 12291 and from the President's January 29, 1981, memorandum, "Postponement of Pending Regulations." This action is also not a rule as defined by Pub. L. 96-354, the Regulatory Flexibility Act; consequently it is exempt from the provisions of that Act. Further, since this final rule relates to agency management, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.**

PART 1—ADMINISTRATION REGULATIONS

Accordingly, Appendix A of 7 CFR Part 1 (Subpart A) is amended by revising Sec. 16a as set forth below:

Sec. 16. *Photographic Reproduction Prices.*

* * * * *

a. *Science and Education, National Agricultural Library.* The following prices are applicable to National Agricultural Library items only: Reproduction of electrostatic, microfilm, and microfiche copy—$3.00 for the first 10 pages or fraction thereof, and $2.00 for each additional 10 pages or fraction thereof. Duplication of NAL-owned microfilm—$10.00 per reel. Duplication of NAL-owned microfiche—$3.00 for the first fiche, and $0.50 for each additional fiche. Magnetic tape containing bibliographic files—$45 per reel. Charges for manual and automated data base searches for bibliographic or other research information will be made in accordance with section 8, subsections c-e of this fee schedule. The contract rate charged by the commercial source to the National Agricultural Library for computer services is available at the National Agricultural Library, Room 111, Information Access Division, United States Department of Agriculture, Beltsville, Maryland 20705 (301-344-3834).

* * * * *

(5 U.S.C. 301 and 552; 7 U.S.C. 2244; 31 U.S.C. 438a; and 7 CFR 2.75(a)(3)(111))

Signed at Washington, D.C on September 29, 1981.

Dean K. Crowther,

Director, Office of Operations and Finance.

[FR Doc. 81-29755 Filed 10-9-81; 8:45 am]
BILLING CODE 3410-98-M

Agricultural Marketing Service

7 CFR Parts 905 and 944

Florida Orange, Grapefruit, Tangerine and Tangelo Regulation 5; Grapefruit Import Regulation 5; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This regulation sets minimum grade and size requirements for Florida oranges, grapefruit, tangerines and tangelos and imported grapefruit. Such action is necessary to assure shipment of ample supplies of fruit of acceptable grades and sizes in the interest of growers and consumers. This rule also makes minor revisions in the instructions for obtaining inspection and certification of imported avocados, grapefruit, limes and oranges. This action reflects reorganization of inspection services and changes in addresses of inspection offices.

DATES: Interim rule effective October 19, 1981, through December 6, 1981; comments which are received by November 12, 1981 will be considered prior to issuance of a final rule to become effective December 7, 1981, and continued in effect until modified, suspended, or terminated.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. 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 it would not measurably affect costs for the directly regulated handlers.

The Florida orange, grapefruit, tangerine and tangelo regulation would be issued under the marketing agreement and Order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The grapefruit import regulation would be issued under Section 8e (7 U.S.C. 608e-1) of this Act. The grade and size requirements applicable to Florida

oranges, grapefruit, tangerines and tangelos were recommended by the Citrus Administrative Committee which locally administers the program.

The grade and size requirements for domestic and export shipments are necessary to prevent shipment of Florida oranges, grapefruit, tangerines and tangelos of a lower grade or smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers.

The committee estimates the 1981–82 season's crop of Florida round oranges at about 155 million boxes, 10 percent less than last season. It estimates grapefruit production at about 46.6 million boxes, seven percent lower than the 1980–81 season production, and a 9 percent decrease in specialty Florida citrus fruit.

The committee reports that grove conditions are generally improving from the effects of the January 1981 freeze. The new crop should be of good quality, with average disease and wind damage reported. The shape and size of the fruit is considered to be generally average.

The committee's appraisal indicates fresh market demand at 17,000 carlots of round oranges, 3,000 carlots of Temple oranges, 10 carlots of seeded grapefruit, 33,000 carlots of seedless grapefruit, 3,000 carlots of tangelos, and 4,800 carlots of tangerines. Hence, considering the available supply and the reported size and quality of the fruit, more than ample quantities of each of the specified fruits meeting the grade and size requirements will be available to supply such demands.

The minimum grade and size requirements for imported grapefruit are consistent with Section 8e of the Act. This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality or maturity requirements as those in effect for the domestically produced commodity.

It is proposed that the regulations contained in the interim rule, effective for the period October 19, 1981, through December 6, 1981, would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Interested persons are invited to comment through November 12, 1981 with regard to the interim rule and proposed final regulation. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. The proposed change to issue regulations which would continue in effect from marketing season to marketing season reflects the fact that regulations change infrequently from season to season and it is believed unnecessary to issue them only for a single season. In addition, the proposed action could result in a reduction in operational costs to the committee and the government. Although the final regulation would be effective for an indefinite period the committee would continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will review committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of Florida oranges, grapefruit, tangerines and tangelos would tend to effectuate the declared policy of the act.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this interim rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) Shipment of the current crop of Florida citrus began on September 10, 1981; (2) the current Florida orange, grapefruit, tangerine, and tangelo and grapefruit import regulation (45 FR 67047) will expire October 18, 1981; (3) the Florida citrus regulation was recommended by the committee following discussion at a public meeting on September 15, 1981; (4) Florida citrus handlers have been apprised of these requirements for Florida oranges, grapefruit, tangerines and tangelos and the effective date; (5) the grapefruit import requirements are mandatory under section 8e of the Act, and they become effective at the same time as the domestic requirements; (6) the import regulation imposes the same grade and size requirements as are being made applicable to the shipment of grapefruit grown in Florida under Florida Orange, Grapefruit, Tangerine and Tangelo Regulation 5; and (7) three days notice, the minimum prescribed by section 8e, is provided with respect to this import regulation.

Information collection requirements (reporting or recordkeeping) under these parts are subject to clearance by the Office of Management and Budget and are in the process of review. These information collection requirements shall not become effective until such time as clearance by OMB has been obtained.

PART 905—ORANGES; GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Therefore, new §§ 905.305 and 944.105 are added and § 944.400 is revised to read as follows:

§ 905.305 Orange, Grapefruit, Tangerine and Tangelo Regulation 5.

(a) During the period specified in Column (2) of Table I, no handler shall ship between the production area and any point outside thereof, in the continental United States, Canada, or Mexico, any variety of fruit listed in Column (1) of such table unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) of this section specified for such variety in Columns (3) and (4) of such table.

TABLE I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (inches) (4)
Oranges:			
Early and midseason	10/19/81–12/6/81	U.S. No. 1	2 9/16
Navel	10/19/81–12/6/81	U.S. No. 1 Golden	2 9/16
Valencia and other late type	10/19/81–12/6/81	U.S. No. 1	2 9/16
Temple	10/19/81–12/6/81	U.S. No. 1	2 9/16
Grapefruit:			
Seeded, except pink	10/19/81–12/6/81	U.S. No. 1	3 15/16
Seeded, pink	10/19/81–12/6/81	U.S. No. 1	3 15/16
Seedless, except pink	10/19/81–12/6/81	Improved No. 2	3 9/16
Seedless, pink	10/19/81–12/6/81	Improved No. 2	3 9/16
Tangerines:			
Robinson	10/19/81–12/6/81	U.S. No. 1	2 9/16
Dancy	10/19/81–12/6/81	U.S. No. 1	2 9/16
Honey	10/19/81–12/6/81	Florida No. 1	2 11/16

TABLE I—Continued

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (inches) (4)
Tangelos: Tangelos	10/19/81-12/6/81	U.S. No. 1	2 5/16

(b) During the period specified in Column (2) of Table II, no handler shall ship to any destination outside the continental United States, other than Canada or Mexico, any variety of fruit listed in Column (1) of such table unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) of this section) specified for such variety in Columns (3) and (4) of such table.

TABLE II

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (inches) (4)
Oranges:			
Early and midseason	10/19/81-12/6/81	U.S. No. 1	2 5/16
Navel	10/19/81-12/6/81	U.S. No. 1 Golden	2 5/16
Valencia and other late type	10/19/81-12/6/81	U.S. No. 1	2 5/16
Temple	10/19/81-12/6/81	U.S. No. 1	2 5/16
Grapefruit:			
Seeded, except pink	10/19/81-12/6/81	U.S. No. 1	3 5/16
Seeded, pink	10/19/81-12/6/81	U.S. No. 1	3 5/16
Seedless, except pink	10/19/81-12/6/81	Improved No. 2	3 5/16
Seedless, pink	10/19/81-12/6/81	Improved No. 2	3 5/16
Tangerines:			
Robinson	10/19/81-12/6/81	U.S. No. 1	2 5/16
Dancy	10/19/81-12/6/81	U.S. No. 1	2 5/16
Honey	10/19/81-12/6/81	Florida No. 1	2 5/16
Tangelos: Tangelos	10/19/81-12/6/81	U.S. No. 1	2 5/16

(c) Size Tolerances: In the determination of minimum size as prescribed in Tables I and II, the following tolerances are permitted (1) for *oranges*, as set forth in § 2851.1152 of the U.S. Standards for Grades of Florida Oranges and Tangelos, except that such tolerances for other than navel and Temple oranges shall be based only on the oranges in the lot measuring 2 1/16 inches or smaller in diameter, and the tolerance for Honey tangerines shall be as specified in § 2851.1818 of the U.S. Standards for Grades of Florida Tangerines; (2) for *grapefruit*, as specified in § 2851.761 of the U.S. Standards for Grades of Florida Grapefruit; (3) for *tangerines*, as specified in § 2851.1818 of the U.S. Standards for Grades of Florida Tangerines; and (4) for *tangelos*, as set forth in § 2851.1152 of the U.S. Standards for Grades of Florida Oranges and Tangelos.

(d) Terms used in the marketing order, including Improved No. 2 grade for grapefruit, when used herein, mean the same as is given to the terms in the order; Florida No. 1 grade for Honey tangerines means the same as provided in Rule No. 20-35.03 of the Regulations of the Florida Department of Citrus, and terms relating to grade, except Improved No. 2 grade for grapefruit, and diameter shall mean the same as is given to the terms in the U.S. Standards for Grades of Florida Oranges and Tangelos (7 CFR 2851.1140-2851.1180), the U.S. Standards for Grades of Florida Tangerines (7 CFR 2851.1810-2851.1835), or the U.S. Standards for Grades of Florida Grapefruit (7 CFR 2851.750-2851.784).

PART 944—FRUITS; IMPORT REGULATIONS

§ 944.105 Grapefruit Regulation 5.

(a) *Applicability to imports.* Pursuant to Section 8e of the Act and Part 944—Fruits; Import Regulations, during the period specified in Column (2) of Table I, in § 905.305 of this chapter, the importation into the United States of any variety of grapefruit listed in Column (1) of said table is prohibited unless such variety meets the applicable minimum grade and size specified for such variety in Columns (3) and (4) of said table. In the determination of minimum size as prescribed in Table I, a tolerance is permitted as specified in paragraph (c) of § 905.305 of this chapter.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Designating the Agencies to Perform Required Inspection and Certification (7 CFR 944.400).

(c) Notwithstanding any other provisions of this regulation, any importation of grapefruit which, in the aggregate, does not exceed ten standard packed cartons, equivalent to four-fifths (4/5) of a United States bushel of grapefruit, each, or equivalent quantity, may be imported without regard to the requirements specified herein.

(d) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(e) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(f) It is determined that imports of grapefruit, during the effective time of this regulation, are in most direct competition with grapefruit grown in the State of Florida. The requirements of this section are the same as those being made effective for grapefruit grown in Florida.

(g) Terms used herein relating to grade, except Improved No. 2 grade, and diameter shall have the same meaning as in the United States Standards for Grades of Florida Grapefruit (7 CFR 2851.750-2851.784). Improved No. 2 shall mean the same as in the marketing agreement and Order No. 905, both as amended (7 CFR Part 905). Importation means release from custody of the United States Customs Service.

* * * * *

§ 944.400 Designated inspection services and procedure for obtaining inspection and certification of imported avocados, grapefruit, limes, and oranges regulated under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(a) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, AMS, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados, grapefruit, limes and oranges that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of the specified fruit, is required on all imports. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados, grapefruit, limes, and oranges should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the fruit will be imported:

Ports, Office, and Advance Notice

All Texas points: Officer-in-Charge, P.O. Box 107, San Juan, TX 78587, phone 512-787-4091, or Officer-in-Charge, 6070 Gateway East, Suite 410, El Paso, TX 79905, phone 915-543-7723; 1 day.

All New York points: Officer-in-Charge, Room 28A, Hunts Point Market, Bronx, N.Y. 10474, phone 212-991-7668 and 7669, or Officer-in-Charge, 176 Niagara Frontier Food Terminal, Room 7, Buffalo, N.Y. 14206, phone 716-824-1585; 1 day.

All Arizona points: Officer-in-Charge, 3150 Tucson-Nogales Highway, P.O. Box 1485, Nogales, Ariz. 85621, phone 602-281-0783; 1 day.

All Florida points: Officer-in-Charge, 1350 Northwest 12th Avenue, Room 530, Miami, Fla. 33136, phone 305-324-6116, or Officer-in-Charge, 550 Third Street NW., P.O. Box 1232, Winter Haven, Fla. 33880, phone 813-294-3511, extension 33, or Officer-in-Charge, Unit 8, 3335 North Edgewood Avenue, Jacksonville, Fla. 32205, phone 904-354-5983; 1 day.

All California points: Officer-in-Charge, 784 South Central Avenue, Room 271, Los Angles, Calif. 90021, phone 213-688-2489; 3 days.

All Louisiana points: Officer-in-Charge, 5027 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113, phone 504-589-6741; 1 day.

All other points: Chief, Fresh Products Branch, FVD, AMS, USDA, Washington, D.C. 20250, phone 202-447-5870; 3 days.

(b) Inspection certificates shall cover only the quantity of fruit that is being imported at a particular port of entry by a particular importer.

(c) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851). The cost of any inspection and certification shall be borne by the applicant therefore.

(d) Each inspection certificate issued with respect to any of the specified fruits to be imported into the United States shall set forth, among other things: (1) The date and place of inspection; (2) The name of the shipper, or applicant; (3) The commodity inspected; (4) The quantity of the commodity covered by the certificate; (5) The principal identifying marks on the container; (6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, the name of the air carrier, or other identification of the shipment; and (7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

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

Dated: October 7, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-29578 Filed 10-9-81; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1430

Price Support Program for Milk; Terms and Conditions of Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule removes from Part 1430 of Title 7 of the Code of Federal Regulations reference to the annual price support level for milk and the prices Commodity Credit Corporation will pay for butter, cheese and nonfat dry milk which the Corporation purchases from manufacturers in order to carry out the price support program for milk. Such price support level and prices will hereafter appear as notices published in the **Federal Register.**

EFFECTIVE DATE: October 13, 1981.

ADDRESS: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 5741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: S. E. T. Bogan, Agricultural Economist, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 5741 South Building, P.O. Box 2415, Washington, D.C. 20013, (202-447-3571).

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291, and has been classified as not a "major rule" since the changes made by this rule will not have an annual effect on the economy of $100 million or more.

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

The title and number of the federal assistance program that this deletion applies to is Title—Commodity Loans and Purchases; Number—10.051 as found in the catalogue of Federal Domestic Assistance Programs.

This final rule merely deletes paragraphs containing references to the level of price support for milk and the prices Commodity Credit Corporation will pay for dairy products purchased under the Milk Price Support Program, as set forth in 7 CFR Part 1430. Such prices are revised at least once a year. These revisions will hereafter appear as notices in the **Federal Register.** This final rule also redesignates the remaining paragraphs of Part 1430 applicable to the Milk Price Support Program. Since this action is procedural only and involves no substantive administrative decisionmaking, it is hereby determined that no further public rulemaking is required.

Final Rule

PART 1430—DAIRY PRODUCTS

7 CFR 1430.282 is amended by revising paragraph (a)(1), removing paragraph (b) and redesignating paragraphs (c)–(e) as paragraphs (b)–(d), as follows:

§ 1430.282 Price support program for milk.

(a)(1) The level of price support for milk and the prices Commodity Credit Corporation will pay for dairy products purchased under the Milk Price Support Program are revised at least once a year. Such revisions will appear as notices in the **Federal Register.**

* * * * *

(Sec. 201(c), Agricultural Act of 1949, as amended (63 Stat. 1051, as amended by Pub. L. 97–35; 7 U.S.C. 1446); and secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; (15 U.S.C. 714b and 714c))

Signed at Washington, D.C., on September 30, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-29579 Filed 10-9-81; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 523

[No. 81-599]

Securities Constituting Permanent Equity; Correction

Dated: October 7, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rules; correction.

SUMMARY: This document corrects the amendatory language in the final amendments regarding securities which constitute permanent equity for net-worth purposes, 46 FR 45593 (Sept. 14, 1981).

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: James C. Stewart ((202) 377–6457), Office of General Counsel, Federal Home Loan Bank Board, Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: By Resolution No. 81–516 (Sept. 4, 1981), the Federal Home Loan Bank Board amended 12 CFR 523.10 and 561.13 to allow certain securities to be counted towards the liquidity and net-worth requirements of institutions regulated by the Board. 46 FR 45593 (Sept. 14, 1981). The amendatory language in that resolution, however, did not account for previous amendments made to § 523.10 in Resolution Nos. 81–135 (March 12, 1981) and 81–326 (June 11, 1981), at 46 FR 18686 (March 26, 1981) and 32013 (June 19, 1981), respectively.

PART 523—MEMBERS OF BANKS

Accordingly, the Federal Home Loan Bank Board hereby corrects the amendatory language of Resolution No. 81–516 to read as follows:

1. Amend paragraph (g) of § 523.10 by: redesignating subparagraphs (7), (8), and (9) as subparagraphs (8), (9), and (10), respectively; revising the last line of new subparagraph (8) to read "subparagraphs (1) through (7) of this paragraph (g);" and adding a new subparagraph (7) to read as follows:

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

* * * * *

(g) *Liquid assets.*

* * * * *

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

* * * * *

2. Amend subparagraph (h)(6) of § 523.10 by revising the reference therein to "subparagraph (g)(7)" to read "subparagraph (g)(8)"; and amend subparagraph (h)(7) by revising the reference therein to "subparagraph (g)(8)" to read "subparagraph (g)(9)".

(Sec. 5, 48 Stat. 134, as amended; 12 U.S.C. 1464. Secs 402, 403, 406, 407, 48 Stat. 1256, 1257, 1259, 1260, as amended; 12 U.S.C. 1725, 1726, 1729, 1730. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-29611 Filed 10-9-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-RM-1-AD; Amdt. 39-4232]

Raven Industries, Inc., Models S-40A, S-50A, S-55A, S-60A, S-66A, RX-6, RX-7; and W100LB Hot Air Balloons; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspection and repair, as necessary, of hook and pile fastener tape used in certain deflation panels on all models of Raven Industries, Inc., hot air balloons. This AD is needed to prevent degraded performance due to deterioration of deflation panel fastener, unwanted openings of the panel edges and subsequent loss of hot air.

DATES: Effective October 13, 1981.

Compliance schedule—as indicated in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: Raven Industries, Inc.; P.O. Box 1007, Sioux Falls, South Dakota 57101.

A copy of the service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW, Washington, D.C. 20591. The document may also be examined in Room 307, Federal Aviation Administration, Rocky Mountain Region, Engineering and Manufacturing Branch, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: Mark E. Baldwin or Woodford R. Boyce, Engineering and Manufacturing Branch, ARM–210, Rocky Mountain Region, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010, Telephone: (303) 340–5302.

SUPPLEMENTARY INFORMATION: Raven Industries, Inc., uses Military Specification MIL–F–21840E hook and pile synthetic fastener tape in the deflation panels of all models of hot air balloons. This material is often referred to as "velcro," derived from VELCRO, U.S.A., the initial manufacturer in the United States.

Two types of deflation panels are used. Both are circular in shape and fit inside an opening of approximately the same size in the top of the balloon envelope.

One type of deflation panel is connected to several lines fastened at equal spaces around the circumference of the panel. The lines are gathered to a single point below the center of the delation panel and continued with a single line to the balloon gondola. Small tabs of hook and pile fastener tape are used to hold the panel in place for inflation, after which the panel is pulled loose from the tabs and released to assume its own position in the envelope. When the deflation line is pulled, hot air escapes from the envelope about the entire periphery of the deflation panel. The duration and extent of the pull on the deflation line controls the desired amount of balloon deflation. This type of deflation panel is often referred to as the "parachute" type.

[1] Service Bulletin filed as a part of original document.

The other type of deflation panel is sewn into the envelope along a portion of the circumference. Early balloons were sewn for one (1) foot. All others of this type are sewn for one-third of the panel circumference. The remaining circumference uses continuous hook fastener tape at the edge of the envelope opening and pile fastener tape on the panel edge. The panel circumference is always made slightly larger than the opening circumference to avoid loading the hook and pile fastener tape perpendicular to its direction of installation. During the installation of the deflation panel for flight, the excess circumference of the panel, compared to the envelope opening, is taken up with small tucks at regular intervals. The deflation line is connected to this type of deflation panel at a single point across the panel from the sewn portion and continues to the gondola. When the deflated line is pulled, the panel is peeled away from the envelope, opening a portion of the panel. The duration and extent of the pull on the deflation line controls the desired amount of balloon deflation as before. This type of deflation panel is sometimes referred to as the "rip" type.

This AD applies to the latter type of deflation panel only. Excessive damage, deterioration, wear or foreign matter contamination of the hook and pile fastener tape can cause improper sealing of the deflation panel, excessive loss of hot air and degraded performance resulting in an unsafe condition.

Since this condition is likely to exist or develop on all models of Raven hot air balloons using the "rip" type deflation panel, an airworthiness directive is being issued which requires inspection and repair as necessary.

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

Adoption of Amendment

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

Raven Industries, Inc., Applies to Models S-40A, S-50A, S-55A S-60A, S-66A, RX-6, RX-7 and W100LB hot air balloons certificated in all categories which have deflation panels using continuous hook and pile fastener tape around the circumference except where the panel is sewn to the envelope.

Compliance is required as indicated.

To prevent unwanted opening of the deflation panel, accomplish the following:

(a) Before each inflation for the purpose of flight, visually check the hook and pile fastener tape which mates the deflation panel and envelope opening. Remove debris and foreign matter from the tape. Check for damage due to wear or deterioration caused by heat. Check the hoop and pile fastener tape for adequate retention capability by the following procedure or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Rocky Mountain Region. Mate the fastener tapes firmly by hand for 15 to 20 inches along the panel circumference. Grasp the fabric with both hands approximately 12 inches from the fastener tape on each side of the mated portion. Apply a pull of approximately twenty (20) pounds across the fastened tape. If the fastener tapes do not separate, it is acceptable in the area checked. If the fastener tapes separate it is unacceptable for flight, requiring compliance with paragraphs (c), (d) and (e) of this AD. A twenty (20) pound pull may be estimated by comparing a pull on a spring scale.

(b) The checks required by paragraph (a) of this AD may be conducted by any person holding a pilot certificate with a free balloon rating or a student pilot with a solo endorsement for the make and model of the free balloon being checked.

(c) Whenever the hook and pile fastener tape retention capability is found unacceptable for flight under paragraph (a) of this AD; and, recurrently at each 100 hours of balloon inflated-buoyant time since the last inspection under paragraphs (c), (d) and (e) of this AD or at each annual inspection after the first one hundred (100) hours of inflated-buoyant time, whichever occurs first, conduct the inspections and tests prescribed in paragraph (d) of this AD, or an FAA approved equivalent, in the following locations:

1. Areas of the fastener tape contaminated with residual debris or foreign matter.
2. Areas showing damage caused by wear or heat deterioration.
3. The area within twelve (12) inches each side of the deflation line attach point.
4. Areas adjacent to where the hook and pile fastener tape has been replaced.
5. For models S-40A, S-50A, S-55A, S-60A, S-66A and W100LB balloons, an area in each fourth gore. For models RX-6 and RX-7 ballons, an area in each second gore.

(d) At each test location, press a six (6) inch length of the hook and pile fastener tapes together by rolling a roller, which exerts five (5) pounds of pressure on the tapes, back and forth three times. The hook and pile fastener tape may be masked on each end of the 6-inch test area. Secure a clamping device on a free end of the pile tape such that a tensile gauge or scale can be connected to the clamping device. The clamping device should be faced with material which will prevent slippage or damage to the tape. Attach a tensile gauge or pull scale to the clamping device. Hold the opposite free end of the hook tape by hand and exert a pulling force on the tensile gauge or pull scale so that the tapes are loaded along their length (in shear) to a minimum of thirty-five (35) pounds or until the tapes separate if less. Conduct this test three (3) times for each test location. Average the three (3) test results.

(e) If the average for each test location equals or exceeds thirty (30) pounds when tested as prescribed in paragraph (d) of this AD, the fastener is acceptable for flight. If the average for any test location is below thirty (30) pounds, before further flight, the hoop and pile fastener tape must be replaced in that location in a manner prescribed by Raven Service Bulletin No. 112, dated March 16, 1981 or later FAA approved revision, or an FAA approved equivalent.

(f) If an equivalent means of compliance is used in complying with paragraphs (d) and (e) of this AD, that equivalent means must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010.

(g) The inspections and repairs required by paragraphs (c), (d) and (e) of this AD must be accomplished by an appropriately rated mechanic or FAA certified repair station.

This amendment becomes effective October 13, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive who have not already received the applicable service bulletin from the manufacturer may obtain a copy upon request to Raven Industries, Inc., P.O. Box 1007, Sioux Falls, South Dakota 57101. The service bulletin may also be examined at the FAA, Rocky Mountain Region, Room 307, 10455 East 25th Avenue, Aurora, Colorado 80010 and at FAA Headquarters, Room 916, 800 Independence Ave., SW., Washington, D.C. 20591.

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

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

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

States Court of Appeals for the District of Columbia.

Issued in Aurora, Colo., on September 29, 1981.

Arthur Varnado,

Director, Rocky Mountain Region.

[FR Doc. 81-29069 Filed 10-9-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

Animal Drugs, Feeds, and Related Products; Endo Laboratories, Inc.; Change of Address

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of address for Endo Laboratories, Inc.

EFFECTIVE DATE: October 13, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Endo Laboratories, Inc., has filed a supplement to each of its new animal drug applications to note a change of address for its corporate headquarters. Endo stated that its corporate headquarters were being transferred from 1000 Stewart Ave., Garden City, NY 11530, to One Rodney Square, Wilmington, DE 19898. The regulations are being amended to reflect this change. This action does not involve changes in manufacturing facilities, equipment, procedures, or personnel. Under the Bureau of Veterinary Medicine's policy regarding supplements to new animal drug applications (42 FR 64367; December 23, 1977), approval of this action does not require a reevaluation of the safety and effectiveness data in the parent applications.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) for the entry "Endo Laboratories, Inc.," and (c)(2) for "000056," under the "Firm name and address" heading by revising the name and address to read "Endo Laboratories, Inc., One Rodney Square, Wilmington, DE 19898."

Effective date. This regulation becomes effective October 13, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)))

Dated: October 2, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-29039 Filed 10-9-81; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 5H5091/T74; TSH-FRL 1956-4]

Tolerances for Pesticides in Animal Feed; Amitraz

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a feed additive regulation related to an experimental use permit for the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl) imino]methyl]-*N*-methylmethanimidamide and its metabolites *N'*-(2,4-dimethylphenyl)-*N*-methylmethanimidamide and *N'*-(2,4-dimethylphenyl)formamide in citrus pulp resulting from application of the insecticide to growing grapefruit, lemons, oranges, and tangerines in accordance with an experimental use permit issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This regulation extends a feed additive tolerance of 7 parts per million (ppm).

EFFECTIVE DATE: October 13, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Office of Pesticide Programs, Environmental Protection Agency, Rm. 200, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of September 9, 1975 (40 FR 41773) that Upjohn Co., Kalamazoo, MI 49001 had filed a feed additive petition (FAP 5H5091) with the EPA. The petition established a feed additive regulation for residues of the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]methyl]-*N*-methylmethanimidamide and its metabolites *N'*-(2,4-dimethylphenyl)-*N*-methylmethanimidamide and *N*-(2,4-dimethylphenyl)formamide in citrus pulp at 3 parts per million resulting from application of the insecticide to growing grapefruit, lemons, oranges, and tangerines in accordance with experimental use permit 1023-EUP-35.

EPA issued an amended feed additive regulation in the **Federal Register** of March 17, 1981 (46 FR 17016) increasing the tolerance to 7 parts per million.

Any person adversely affected by this regulation may, on or before November 12, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such

food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on: October 13, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: October 1, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR Part 561 is amended by revising § 561.195 to read as follows:

§ 561.195 Amitraz.

A temporary tolerance is established for residues of the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]methyl]-*N*-methylmethanimidamide and its metabolites *N'*-(2,4-dimethylphenyl)-*N*-methylmethanimidamide and *N*-(2,4-dimethylphenyl)formamide in citrus pulp at 7 parts per million resulting from application of the insecticide to grapefruit, lemons, oranges, and tangerines. Such residues may be present therein only as a result of application of the insecticide in an experimental use program that expires July 29, 1982. Residues not in excess of this tolerance remaining after the expiration of this experimental use program will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and the feed additive tolerance.

[FR Doc. 81-29580 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF JUSTICE

28 CFR Part 41

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

AGENCY: Department of Justice.

ACTION: Change of address and telephone.

SUMMARY: On August 11, 1981, (46 FR 40687) the Department of Justice suspended application of its guidelines for prohibiting discrimination on the basis of handicap in transportation programs and activities receiving Federal finanial assistance and requested comments on whether it should be replaced by a revised guideline. Comments were to be available for public inspection at the Office of the Coordination and Review Section, Civil Rights Division, Department of Justice.

The Coordination and Review Section moved to a different building on September 14. This document gives the address at which comments will be available for inspection after September 14, and the telephone number at which further information may be obtained. The address to which comments are to be mailed will not change.

DATE: This change of address and telephone was effective on September 14, 1981.

ADDRESS: On and after September 14, 1981, comments received on the suspension of guidelines published August 11, 1981 at 46 FR 40687, may be inspected at 320 1st Street, N.W., Room 854, Washington, D.C. between 9:00 A.M. and 5:30 P.M. Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, United States Department of Justice, Washington, D.C. 20530, phone: (after September 14) (202) 724-2222. (This is not a toll-free number.)

Stewart B. Oneglia,

Chief, Coordination & Review Section, Civil Rights Division.

[FR Doc. 81-29587 Filed 10-9-81; 8:45 am]

BILLING CODE 4410-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations; State and Local Fair Employment Practices Agencies

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rulemaking.

SUMMARY: The Equal Employment Opportunity Commission is revising its procedural regulations by the addition of §§ 1601.75, 1601.76, 1601.77, 1601.78, 1601.79 and 1601.80 to 29 CFR Part 1601. These sections set forth procedures whereby the Commission and certain State and local fair employment practices agencies (706 agencies) are relieved of the present Commission individual, case-by-case review of cases processed by these agencies under contract with the Commission, as provided in section 709(b) of Title VII of the Civil Rights Act of 1964, by certification of the 706 agencies. Certification of a 706 State or local agency means that the Commission will accept the findings and resolutions in cases processed under contract with EEOC by those agencies, with certain exceptions, without conducting an individual, case-by-case review of those findings and resolutions.

EFFECTIVE DATE: These regulations are effective on October 19, 1981.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Legal Counsel Division, Office of General Counsel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506. (202) 634-6595.

SUPPLEMENTARY INFORMATION: On July 21, 1981, the Commission published for comments a notice of proposed rulemaking to amend its procedural regulations to add provisions for certification of State and local fair employment practices agencies (706 agencies). Such certification would mean that the resolution of those 706 agencies which meet certain criteria will be accepted by the Commission without individual case-by-case review. The proposed regulation provides that the current substantial weight review will continue where charges are closed by the 706 agency for lack of jurisdiction or failure of conciliation, and that either party to a charge can request a substantial weight review.

The Commission received four comments on the proposed regulation. One commentor felt that the provision for public comment prior to certification was important in order for the Commission to receive feed back on the efficacy of 706 agencies. The Commission reexamined this provision and decided that it should invite such comment throughout the process and thus changed § 1601.79 accordingly. The provision was deleted from § 1601.75(c) because it was felt it was too cumbersome at that stage in the certification process. A related comment was that the criteria established in § 1601.75(b) (1) and (3) should be deleted. The Commission feels that it must keep high standards for certification to protect the right of all parties. Since the criteria for certification are so high, it was felt that public comment would not be as beneficial at the initial certification, but that public comment throughout the certification period should be encouraged.

Another commentor questioned whether the audit system would be too cumbersome. The Commission agrees that it does not want to create an unwieldy process, so has changed §§ 1601.78 and 1601.79 to delete the reference to audit. Evaluation is now used in these sections to reflect a less cumbersome Commission review process. An additional exception to the certification process, where the decision on the merits of a charge involves an issue for which there is no existing Commission Decision Precedent, has been added.

With these changes the Commission adopts the proposed certification regulations (46 FR 37523) in final form. This regulation has been reviewed pursuant to Executive Order 12291 (46 FR 13193; February 19, 1981), and has been determined not to be a major rule.

Signed at Washington, D.C. this 22nd day of September 1981. For the Commission.

J. Clay Smith, Jr.,

Acting Chairman.

BILLING CODE 6570-06-M

In 29 CFR Part 1601, §§ 1601.75, 1601.76, 1601.77, 1601.78, 1601.79 and 1601.80 are added to read as follows:

PART 1601—PROCEDURAL REGULATIONS

* * * * *

Subpart H—706 Agency Designation Procedures

Sec.

* * * * *

1601.75 Certification of designated 706 agencies.
1601.76 Right of party to request review.
1601.77 Review by the Commission.
1601.78 Evaluation of designated 706 agencies certified by the Commission.
1601.79 Revocation of certification.
1601.80 Certified designated 706 agencies.

Authority: 42 U.S.C. 2000e-8 and 2000e-12.

Subpart H—706 Agency Designation Procedures

* * * * *

§ 1601.75 Certification of designated 706 agencies.

(a) The Commission may certify designated 706 agencies based upon the past, satisfactory performance of those agencies. The effect of such certification is that the Commission shall accept the findings and resolutions of designated 706 agencies in regard to cases processed under contracts with those agencies, as provided in section 706(b) of Title VII, without individual, case-by-case substantial weight review by the Commission except as provided in §§ 1601.76 and 1601.77 of this part.

(b) Eligibility criteria for certification of a designated 706 agency are as follows:

(1) That the State or local agency has been a designated 706 agency for 4 years;

(2) That the State or local designated 706 agency's work product has been evaluated within the past 12 months by the operations Evaluation Division, Office of Field Services, and found to be in conformance with the Commission's Substantial Weight Review Procedures (EEOC Order 916); and

(3) That the State or local designated 706 agency's findings and resolutions pursuant to its contract with the Commission, as provided in section 709(b) of Title VII, have been accepted by the Commission in at least 95% of the cases processed by the 706 agency in the past 12 months.

(c) Upon Commission approval of a designated 706 agency for certification, it shall notify the agency of its cetification and shall effect such certification by issuance and publication of an amendment to § 1601.80 of this part.

§ 1601.76 Right of party to request review.

The Commission shall notify the parties whose cases are to be processed by the designated, certified 706 agency of their right, if aggrieved by the agency's final action, to request review by the Commission within 15 days of that action. The Commission, on receipt of a request for review, shall conduct such review in accord with the procedures set forth in the Substantial Weight Review Procedures (EEOC Order 916).

§ 1601.77 Review by the Commission.

After a designated 706 agency has been certified, the Commission shall accept the findings and resolutions of that agency as final in regard to all cases processed under contract with the Commission, as provided in section 709(b) of Title VII, except that the Commission shall review charges closed by the certified 706 agency for lack of jurisdiction, as a result of unsuccessful conciliation, or where no previously issued Commission decision serves as precedent for the determination in the charge.

§ 1601.78 Evaluation of designated 706 agencies certified by the Commission.

To assure that designated 706 agencies certified by the Commission, as provided in § 1601.75 of this part, continue to maintain performance consistent with the Commission's Substantial Weight Review Procedures (EEOC Order 916), the Commission shall provide for the evaluation of such agencies as follows:

(a) Each designated 706 agency certified by the Commission shall be evaluated at least once every 3 years; and

(b) Each designated 706 agency certified by the Commission shall be evaluated when, as a result of a substantial weight review requested as provided in § 1601.76 of this part or required in regard to cases closed as a result of unsuccessful conciliation or for lack of jurisdiction as provided in § 1601.77 of this part, the Commission rejects more than 5% of a designated 706 agency's findings at the end of the year or 20% or more of its findings for two consecutive quarters. When the Commission rejects 20% or more of a designated 706 agency's findings during any quarter, the Commission shall initiate an inquiry and may conduct an evaluation.

(c) The Commission may, on its own motion, require an evaluaiton at any time.

§ 1601.79 Revocation of certification.

Certification of a designated 706 agency is discretionary with the Commission and the Commission may, upon its own motion, withdraw such certification as a result of an evaluation conducted pursuant to § 1601.78 or for any reason which leads the Commission to believe that such certification no longer serves the interest of effective enforcement of Title VII. The Commission will accept comments from any individual or organization concerning the efficacy of the certification of any designated 706 agency. The revocation shall be effected by the issuance and publication of an amendment to § 1601.80 of this part.

§ 1601.80 Certified designated 706 agencies.

The designated 706 agencies receiving certification by the Commission are as follows:

Alaska Commission for Human Rights
Alexandria (Va.) Human Rights Office
Arizona Civil Rights Division
Baltimore (Md.) Community Relations Commission
California Department of Fair Employment and Housing
Colorado Civil Rights Commission
Connecticut Commission on Human Rights and Opportunity
Dade County (Fla.) Fair Housing and Employment Commission
District of Columbia Office of Human Rights
East Chicago (Ind.) Human Rights Commission
Fairfax County (Va.) Human Rights Commission

Fort Wayne (Ind.) Metropolitan Human Relations Commission
Fort Worth (Tex.) Human Relations Commission
Gary (Ind.) Human Relations Commission
Hawaii Department of Labor and Industrial Relations
Idaho Human Rights Commission
Indiana Civil Rights Commission
Iowa Civil Rights Commission
Lexington-Fayette (Ky.) Urban County Human Rights Commission
Maine Human Rights Commission
Maryland Commission on Human Relations
Massachusetts Commission Against Discrimination
Michigan Department of Civil Rights
Minneapolis (Minn.) Department of Civil Rights
Minnesota Department of Human Rights
Montana Human Rights Division
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
New Hampshire Commission for Human Rights
New York City (N.Y.) Commission on Human Rights
New York State Division on Human Rights
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Omaha (Neb.) Human Relations Department
Oregon Bureau of Labor
Orlando (Fla.) Human Relations Department
Pittsburgh (Pa.) Human Relations Department
Pittsburgh (Pa.) Commission on Human Rights
Rhode Island Commission for Human Rights
Seattle (Wash.) Human Rights Commission
South Bend (Ind.) Human Rights Commission
South Dakota Division of Human Rights
Tacoma (Wash.) Human Relations Division
Utah Industrial Commission, Anti-Discrimination Division
Vermont Attorney General's Office, Civil Rights Division
Virgin Islands Department of Labor
Washington Human Rights Commission
Wisconsin Equal Rights Division Department of Industry, Labor and Human Relations
Wyoming Fair Employment Practices Commission

[FR Doc. 81-28435 Filed 10-9-81; 8:45 am]
BILLING CODE 6570-06-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110, and 117

[CGD 5-81-07R]

Marine Event; Yorktown Bicentennial Celebration, York River, Yorktown and Gloucester Point, Va.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These rules are designed to (1) Manage vessel traffic from near the mouth of the York River to the Coleman Memorial Bridge (U.S. HWY 17), (2) establish anchorage grounds for participating and spectator vessels and, (3) restrict the opening to marine traffic of the Coleman Memorial Bridge during the Yorktown Bicentennial Celebration. Due to the confined nature of the waterway, the presence of six or more large U.S. and foreign naval vessels, numerous spectator craft, several waterborne activities, and expected high volume vehicle traffic, it is necessary to manage vessel traffic in this portion of the York River, establish temporary anchorage grounds, and restrict openings of the Coleman Memorial Bridge to marine traffic for reasons of safety and public interest during the celebration.

EFFECTIVE DATE: These regulations shall be effective from 9:00 a.m. EDST, on October 15, 1981 until 3:00 p.m. EDST on October 20, 1981.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Ronald T. VIA, Chief, Boating Affairs Branch, Fifth Coast Guard District, Portsmouth, Virginia (804-398-6202).

SUPPLEMENTARY INFORMATION: On August 6, 1981, the Coast Guard published a proposed rule (46 FR 40057) concerning this amendment. The Commander, Fifth Coast Guard District, also published this proposed rule in Public Notice 5-487 dated September 10, 1981, which was included in Local Notice to Mariners No. 37 dated September 15, 1981. Interested persons were requested to submit comments and one comment was received.

Drafting Information

The principal persons involved in drafting these rules are Lieutenant Commander Ronald T. VIA, Asst. Project Officer, Fifth Coast Guard District, Boating Affairs Branch, and Lieutenant Commander David J. KANTOR, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

Discussion of Rules

The Yorktown Bicentennial Celebration marks the 200th anniversary of the defeat of Lord Cornwallis at Yorktown and the end of the American Revolution. The celebration, which is scheduled to run for four (4) days beginning on October 16, 1981, is expected to be attended by numerous U.S. and foreign dignitaries and is also expected to attract hundreds of thousands of spectators. Also, it is anticipated that several hundred spectator craft will anchor in the York River during the celebration. Among the waterborne events scheduled to take place during this celebration are: open house aboard several U.S. and foreign naval vessels, a sailing regatta, a visit by several large sailing vessels, a U.S. Navy hydrofoil demonstration, and several other marine events. Due to the number and variety of waterborne activites, the presence of large naval vessels and spectator craft, and the anticipated large crowds, it will be necessary to (1) restrict navigation on the York River by designating a portion of the river a "regulated area" to promote the safety of life during this event, (2) establish anchorage grounds for participating and spectator vessels to enhance the safety of both categories of vessels, and (3) restrict the opening of the Coleman Memorial Bridge (U.S. HWY 17) to marine traffic to facilitate vehicle traffic in and our of Yorktown. While restrictions on the Coleman Memorial Bridge will help alleviate vehicle congestion in and around the celebration area, no adverse economic impacts are expected as the U.S. Navy historically has been the only entity regularly requiring a bridge opening. Discussion with the U.S. Navy reveals their concurrence to the bridge restrictions. In addition, the regulated area will not create adverse economic impacts as there is minimal commercial vessel traffic in this area.

One comment was received requesting the exact starting point of the line beginning at the Amoco dock and constituting the eastern boundary of the regulated area. The west end of the Amoco dock will be the starting point for the line running across the York River to the Gloucester County shoreline.

There are no substantive differences between the proposed rules and the final rules. However, the demonstration area discussed in § 100.35-05.02(b)(2)(iv) has been labeled "Demonstration Area B" in § 100.35-05.02(b)(2)(iv) of the final rule. The coordinates remain the same. Anchorage B discussed in § 110.166-05(a)(3)(i) of the proposed rule has been redesignated "Anchorage D" and is now described in § 110.166-05(a)(3)(ii) of the final rule. The coordinates remain the same. In addition, § 110.166-05(c) has been revised to reflect that spectator craft may only anchor in anchorages C and D. These changes will make the final rule conform to a map of the area distributed with Fifth District Public Notice 5-487 and several Fifth District Notice to Mariners diagramming Anchorages A, C, and D and Demonstration area B.

Because of the need to have these regulations in effect for the Bicentennial Celebration, these regulations will take effect less than thirty (30) days after publication. This was necessitated by

the short time frame between the request for rule making and the scheduled celebration.

Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major rules. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, their impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

Final Regulations

In consideration of the foregoing, Parts 100, 110, and 117 of Title 33, *Code of Federal Regulations* are amended as follows. By adding new §§ 100.35-05.02, 110.166-05 and 117.345 to read as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

§ 100.35-05.02 Yorktown Bicentennial celebration; special local regulations.

(a) The following area is designated a "regulated area" during the celebration: Those waters of the York River from shore to shore and bounded by the Coleman Memorial Bridge, between Yorktown, Virginia and Gloucester Point, Virginia, on the west and by a line bearing 000°T from the west end of the Amoco Oil Company pier on Goodwin Neck completely across the York River to its intersection with the Gloucester County shoreline between Gaines Point and Cuba Island on the east.

(b) Regulation:

(1) No person or vessel may enter or navigate within the regulated area except:

(i) Participating vessels of the Yorktown Bicentennial Celebration,

(ii) Those persons or vessels so authorized by the Coast Guard Patrol Commander, or his designee

(iii) Vessels proceeding directly to a spectator anchorage ground from outside the regulated area and vessels leaving the regulated area directly from an anchorage, unless the Coast Guard Patrol Commander or his designee instructs otherwise.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop his vessel immediately upon being directed to do so by any Coast Guard Officer or petty officer on board a vessel displaying a Coast Guard ensign; and

(ii) Proceed as directed by any Coast Guard Officer or petty officer.

(iii) Operate at such speed so that minimum wake is created.

(iv) Under no circumstances operate in Demonstration Area B consisting of an enclosed area beginning at latitude 37°14'25" N, longitude 76°30'21" W; thence to latitude 37°14'17" N, longitude 76°30'00" W; thence to latitude 37°14'00" N, longitude 76°30'10" W; thence along the shoreline to latitude 37°14'17" N, longitude 76°30'29" W; thence to the point of beginning, unless authorized by the Coast Guard Patrol Commander.

(3) The Coast Guard Patrol Commander is a commissioned officer of the Coast Guard designated by Commander, Fifth Coast Guard District. The Patrol Commander will be stationed at a command post on the Yorktown beach or on board a Coast Guard patrol vessel on patrol in the area specified in paragraph (a) of this section.

(4) These regulations and other applicable laws and regulations shall be enforced by Coast Guard officers and petty officers on board Coast Guard and private vessels displaying the Coast Guard ensign.

(5) These regulations shall be effective from 9:00 a.m. EDST, on October 15, 1981 until 3:00 p.m. EDST on October 20, 1981.

(Sec. 1, Pub. L. 60-102, 35 Stat. 69, (46 U.S.C. 454); sec. 6(b)(1), Pub. L. 89-670, 80 Stat. 937, (49 U.S.C. 1655(b)(1); 33 CFR 100.35, 49 CFR 1.46(b))

PART 110—ANCHORAGE REGULATIONS

§ 110.166-05 York River, Virginia.

(a) Anchorage grounds. For the purpose of the Yorktown Bicentennial Celebration, the following anchorage areas are established in the York River immediately below the Coleman Memorial Bridge and within a regulated area as set forth in 33 CFR 100.35-05.02:

(1) For U.S. and foreign naval vessels, ten circular anchorages (Nos. 1-10) having a diameter of 400 yards and the following center points:

(i) 37°14'09" N; 76°29'54" W
(ii) 37°14'04" N; 76°29'41" W
(iii) 37°13'56" N; 76°29'28" W
(iv) 37°13'51" N; 76°29'15" W
(v) 37°13'53" N; 76°29'01" W
(vi) 37°14'12" N; 76°28'43" W
(vii) 37°14'12.5" N; 76°28'58" W
(viii) 37°14'13" N; 76°29'13" W
(ix) 37°14'19" N; 76°29'27.5" W
(x) 37°14'23.5" N; 76°29'42" W

(2) For special character vessels participating in the Bicentennial Celebration

(i) Anchorage A. Beginning at latitude 37°14'40" N, longitude 76°30'17" W; thence to latitude 37°14'41" N, longitude 76°29'47" W; thence to latitude 37°14'26" N, longitude 76°29'59" W; thence to latitude 37°14'35" N, longitude 76°30'21" W; thence to the point of beginning.

(3) For spectator vessels

(i) Anchorage C. Beginning at latitude 37°14'02" N, longitude 76°29'58" W; thence to latitude 37°13'50" N, longitude 76°29'35" W; thence to latitude 37°13'40" N, longitude 76°29'05" W; thence to latitude 37°13'33" N, longitude 76°29'46" W; thence to latitude 37°14'00" N, longitude 76°30'00" W; thence to the point of beginning.

(ii) Anchorage D. Beginning at latitude 37°14'42" N, longitude 76°29'39"W; thence to latitude 37°14'36" N, longitude 76°28'30" W; thence to latitude 37°14'18" N, longitude 76°28'35" W; thence to latitude 37°14'20" N, longitude 76°29'13" W; thence to latitude 37°14'33" N, longitude 76°29'45" W; thence to the point of beginning.

(b) Anchorages 1-10 are reserved for the exclusive use of naval vessels and no other vessel shall anchor or operate therein without the permission of the Patrol Commander.

(c) Spectator vessels may anchor only in anchorages C and D and shall not anchor in any other location within the regulated area established by 33 CFR 100.35-05.02.

(d) These regulations shall be effective from 9:00 a.m. EDST on October 15, 1981 until 3:00 p.m. EDST on October 20, 1981.

(Sec. 7, 38 Stat. 1053 (33 U.S.C. 471); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(a); 33 CFR 1.05-1(g)))

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.345 Yorktown, VA: Coleman Memorial Bridge, York River.

(a) From 9:00 a.m. EDST on October 15, 1981 until 3:00 p.m. EDST on October 20, 1981, the bridgetender shall not open the draw except as provided in paragraph (b) of this section.

(b) Upon approach of a public vessel of the United States the bridgetender shall open the draw on signal as provided in § 117.240.

(Sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); sec. 6(g)(2), Pub. L. 89-670, 80 Stat. 937, as amended (49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: September 30, 1981.

John D. Costello,

Rear Admiral, Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 81-29627 Filed 10-9-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Glacier Bay National Park and Preserve; Protection of Humpback Whales

AGENCY: National Park Service, Interior.

ACTION: Amendment to Final Rule.

SUMMARY: On December 30, 1980, the National Park Service published final rules to protect the declining populations of the humpback whale within Glacier Bay National Park and Preserve. They became effective on September 1, 1981. These rules contain information collection requirements that were approved by the Office of Management and Budget after the final rules were published. This amendment adds that OMB approval to the regulations.

EFFECTIVE DATE: October 13, 1981.

FOR FURTHER INFORMATION CONTACT: Maureen Finnerty, Division of Ranger Activities and Protection, National Park Service, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-4874.

SUPPLEMENTARY INFORMATION: .

Background

On December 30, 1980, (45 FR 85741) the National Park Service published final rules to protect the humpback whales within Glacier Bay by establishing numerical limitations upon small vessels and by prohibiting the commercial harvesting of the major organisms upon which the humpback whales feed. These rules became effective September 1, 1981, and contain information collection requirements that have been approved by the Office of Management and Budget. This amendment to that final rule is necessary to add this OMB approval to the regulation, as required under 44 U.S.C. 3507.

Public Participation

Since this rule makes only minor technical changes in a regulation and is required for statutory compliance, it is deemed impracticable, unnecessary and contrary to the public interest to seek public comment. For the above reason, the Department has also determined that there is no good cause to delay its effective date.

Drafting Information

The author of this amendment is Maureen Finnerty, National Park Service, Washington, D.C.

(Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and 44 U.S.C. 3507)

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing § 7.23 of Title 36 of the Code of Federal Regulations is amended by the addition of a new paragraph (g) as follows:

§ 7.23 Glacier Bay National Monument, Alaska.

* * * * *

(g) The information collection requirements contained in § 7.23(e) have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0016. The information is being collected to solicit information necessary to allow the superintendent to issue permits to allow small vessels into Glacier Bay during the whale season. This information will be used to grant administrative benefits. The obligation to respond is voluntary.

[FR Doc. 81-29607 Filed 10-9-81; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1932-4]

Approval and Promulgation of State Implementation Plans: Arkansas Submission of Volatile Organic Compound Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action approves revisions to the Arkansas State Implementation Plan (SIP) which were submitted by the Governor on April 23, 1981. Specifically, the State revised Sections 3, 4, and 5 of the Arkansas Regulations for the Control of Volatile Organic Compounds (VOCs) to include new definitions, legally enforceable regulations for the control of VOC emissions from petroleum liquid storage in external floating roof tanks, and applicable, effective, and final compliance dates and testing and reporting requirements for this source category.

This action will be effective on December 14, 1981, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: December 14, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

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

Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 "M" Street, NW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, U.S. EPA Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: On October 10, 1980, the Governor of Arkansas submitted revisions to Sections 3, 4, and 5 of the Arkansas Regulations for the Control of Volatile Organic Compounds (VOCs). These revisions, which consisted of additional control measures for specific VOC source categories, were required as part of the ozone nonattainment area control strategy for Pulaski County, and developed to meet the requirements of Part D of the Clean Air Act.

In addition, the Governor submitted certification that there were no major sources within the ozone nonattainment area for several other VOC source categories, among them, petroleum liquid storage in external floating roof tanks. However, as a result of a literature search, the Arkansas Department of Pollution Control and Ecology discovered that this source category existed in Pulaski County. Therefore, on April 23, 1981 the Governor submitted revisions to the Arkansas SIP which included new definitions, legally enforceable regulations, and applicable, effective, and final compliance dates for the control of VOC emissions from petroleum liquid storage in external floating roof tanks. These revisions had been adopted by the Commission on Pollution Control and Ecology on April 10, 1981.

EPA has reviewed the State's submittal and developed an evaluation

report[1] which discusses the technical aspects of the revisions in detail. This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 office and the other addresses listed above.

EPA has reviewed the revisions against the Control Technique Guideline (CTG) for this source category. The CTG provides information on available air pollution control techniques and contains recommendations of what EPA calls the "presumptive norm" for reasonably available control technology (RACT) for this source category. Based on the Agency's review, EPA has determined that the revisions to the State's regulation for the control of VOCs represent RACT. Therefore, EPA is approving the revisions to Section 3 (i.e., 3.(ii) through 3.(nn)), Section 4 (i.e., 4.1, 4.5(a)(1), 4.5(a)(2), and 4.6(e)), and Section 5 (i.e., 5.6) of the Arkansas Regulations for the Control of VOCs.

The public should be advised that this action will be effective December 14, 1981. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking 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 October 13, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval 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.

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

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

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

(Sec. 110(a), 172, Clean Air Act (42 U.S.C. 7410(a) 7502))

Dated: October 5, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart E—Arkansas

1. In § 52.170, paragraph (c) is amended by adding a new subparagraph (13) which reads as follows:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(13) Revisions to Section 3 (i.e., 3.(ii) through 3.(nn)), Section 4 (i.e., 4.1, 4.5(a)(1), 4.5(a)(2), and 4.6(e)), and Section 5 (i.e., 5.6) of the Arkansas Regulations for the Control of Volatile Organic Compounds were adopted by the Arkansas Commission on Pollution Control and Ecology on April 10, 1981 and submitted by the Governor on April 23, 1981.

[FR Doc. 81-29578 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-38-M

[1] EPA Review of Arkansas' State Implementation Plan Revisions for the Control of VOC Emission from External Floating Roof Tanks, July 1981.

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40 CFR Part 180

[PP 1F2464/R342; PH-FRL 1957-1]

Tolerances and Exemptions From Tolerances for Pesticides Chemicals in or on Raw Agricultural Commodities; (E)-4-Tridecen-1-YL Acetate and (Z)-4-Tridecen-1-YL Acetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the insecticides Nomate™ Suppress-2 (tomato pinworm mating disruptant tape dispenser formulation) and Nomate™ Suppress-2 (tomato pinworm mating disruptant chopped fiber formulation) containing the active ingredients (*E*)-4-Tridecen-1-yl acetate and (*Z*)-4-Tridecen-1-yl acetate when used on tomato plants. This regulation was requested by Albany International. This rule eliminates the need to establish a maximum permissible level for residues of (*E*)-4-Tridecen-1-yl acetate and (*Z*)-4-Tridecen-1-yl acetate.

EFFECTIVE DATE: October 13, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 7, 1981 (46 FR 25542) that Albany International, 110 A St., Needham Heights, MA 02194, had filed a pesticide petition (PP 1F2464) with the EPA. This petition proposed that an exemption from the requirement of tolerance be established for residues of the pheromone (*E*)-4-Tridecen-1-yl acetate and (*Z*)-4-Tridecen-1-yl acetate for use in or on the raw agricultural commodity tomato plants (preharvest).

No comments were received in response to this notice of filing.

The data submitted or referenced in this petition, as well as all other relevant material, have been evaluated. The toxocological data considered in support of the exemption from the requirement of a tolerance included: acute oral LD_{50} study in rats; an acute dermal LD_{50} study in rabbits; an acute inhalation LC_{50} 4-hour rat study; a primary dermal irritation study in rabbits; a primary eye irritation study in rabbits; and mutagenicity studies and *Salmonella typhimurium* studies.

1. In the acute oral toxicity study there were no mortalities over the 14-day observation period. One male rat exhibited decreased locomotive activity and loose stools 3 hours after feeding. No other abnormalities were seen. Necropsies revealed no gross pathological organ changes.

2. In the acute dermal LD_{50} study of tomato pinworm pheromone (96 percent (*E*)-4-Tridecenyl acetate and 4 percent (*Z*)-4-Tridecenyl acetate) there were no mortalities. No pharmacotoxic symptoms were seen in any aminals. After 24 hours all 10 test sites showed erythema; 1 abraded male and 2 unabraded females had edema. Skin sites appeared normal by day 5. Flaking was seen on test sites on day 8 and continued to day 14 for all animals except 2 unabraded females which

returned to normal, one on day 12 and one on day 13. All animals appeared otherwise normal and showed weight gains. Gross necropsy revealed no pathological changes in any animals.

3. In the acute inhalation toxicity study, of the pheromone for tomato pinworm, in rats there were no mortalities. Animals appeared normal throughout the study period. Weight gains were similarly normal. No gross pathological changes were seen in organs at autopsy.

4. A primary dermal irritation study of tomato pinworm pheromone (96 percent (*E*) -4-Tridecen-1-yl acetate and 4 percent (*Z*)-4-Tridecen-1-yl acetate) on abraded and unabraded skin of New Zealand albino rabbits. At 24 hours, erythema was seen on 7/12 abraded and 2/12 unabraded sites and slight erythema was observed on 5/12 abraded and 10/12 unabraded test sites. Slight edema was seen on 2/12 abraded and 1/12 unabraded sites. At 72 hours, slight erythema was seen in 6/12 abraded sites and 3/12 unabraded sites. No edema was seen at 72 hours. All test sites appeared normal at 4 days. The primary dermal irritation index was 0.93 (= sum of average scores 7.45, divided by 8, the number of observations from 24 and 72 hours combined).

5. The primary eye irritation study of tomato pinworm pheromone (96 percent (*E*) -4-Tridecen-1-yl acetate and 4 percent (*Z*)-4-Tridecen-1-yl acetate) on New Zealand albino rabbits resulted in no effects seen in treated washed or unwashed eyes of any rabbits at the times examined.

6. In the mutagenicity evaluation of tomato pinworm (96 percent (*E*) -4-Tridecen-1-yl acetate and 4 percent (*Z*)-4-Tridecen-1-yl acetate) the test substance was nontoxic to any of the 5 *Salmonella* strains tested in the dose range 0.005–50 uliters per plate. Test results for the mutagenicity assays with or without metabolic activation were negative. Under the conditions of the assays, the pheromone did not exhibit genetic activity and is considered not mutagenic.

No adverse effects were indicated by any of the test data reviewed.

The agency is currently in the process of promulgating proposed guidelines for the registration of biorational pesticides (i.e., Biochemical and Microbial Pest Control Agents). These guidelines would establish the standards for testing and requirements for data submission to support the registration of biorational pesticides. The agency expects that the proposed guidelines will be published in the **Federal Register** in late 1981.

Any person adversely affected by this regulation may on or before November 12, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: October 13, 1981.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated: October 1, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR Part 180 is amended by adding § 180.1064 to read as follows:

§ 180.1064 (E)-4-Tridecen-1-yl acetate and (Z)-4-Tridecen-1-yl acetate; exemption from the requirement of a tolerance.

The tomato pinworm pheromone insecticides (*E*)-4-Tridecen-1-yl acetate and (*Z*)-4-Tridecen-1-yl acetate is exempted from the requirement when applied to tomato plants (preharvest) from a tape dispenser and by chopped fiber application to control tomato pinworms.

[FR Doc. 81-29581 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Parts 205, 206, 233, 234, 235, 238 and 239

Aid to Families With Dependent Children

Correction

In FR Doc. 81-27554, appearing at pages 46750–46773 in the issue for Monday, September 21, 1981, make the following changes:

1. In the middle column of page 46763, item 6 should read:

"6. Section 233.20 is amended by revising (a)(3)(i), (a)(3)(ii)(B), (D), (E) and the flush paragraph following paragraph (a)(3)(ii)(E), by revising paragraph (a)(3)(iii), (viii), (xi)–(xiii), (a)(4)(i), (a)(6)(ix), the introductory text of (a)(7), (a)(7)(ii), (a)(1), the heading of (a)(12), and by adding paragraph (a)(13) to read as follows:"

2. In the first column of page 46769, item 22 should read:

"22. Section 233.100 is amended by revising the section heading, the introductory text of paragraph (a), (a)(1), (a)(1)(ii), (a)(3)(i), the introductory text of (a)(3)(ii), (a)(3)(ii)(*c*), (a)(3)(iv), and (a)(5)(i). Also, in 233.100, amend the flush paragraph following (a)(1)(ii), (a)(2), (a)(3)(ii)(*b*), and the first lines of (a)(3)(iii), (a)(5)(ii), (a)(6), (a)(7), (c)(1)(iii), (c)(1)(iv), (c)(1)(v), (c)(2)(i), (c)(2)(ii) and (c)(2)(iii)".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22, 73 and 74

[Docket No. 80-710; RM-3467; RM-3782; FCC 81-411]

Amendment to Reallocate to the Broadcast Services Certain Frequency Bands in the State of Hawaii

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action reallocates certain frequency bands to the broadcast services in the State of Hawaii. Previously, these bands were allocated for the common carrier inter-island rural service (telephone) in Hawaii. The reallocation action will enable the Commission to allot any of

these channels to one or more Hawaiian broadcast markets in further rule making proceedings. This action also brings Hawaii into conformity with the forty-eight contiguous states insofar as VHF and FM allocations are concerned.

EFFECTIVE DATE: November 9, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis, Office of Science and Technology, Washington, DC 20554, (202) 653-8164—Room 7310.

SUPPLEMENTARY INFORMATION:

Adopted: September 22, 1981.

Released: October 2, 1981.

Summary

In the matter of Amendment of Part 2 of the Commission's rules governing Frequency Allocations; Part 22 of the Commission's Rules governing the Domestic Public Land Mobile Radio Services; Part 73 of the Commission's rules governing the Radio Broadcast Services, and Part 74 of the Commission's Rules governing Experimental, Auxiliary, and Special Broadcast, and Other Program Distributional Services to reallocate to the Broadcast Services the frequency bands 76–88 and 98–108 MHz in the State of Hawaii, Docket No. 80–710, RM–3467, RM–3782; *Report and Order*.

1. In this Report and Order, we are reallocating the bands 76–88 MHz (VHF–TV Channels 5 and 6) and 98–108 MHz (FM Channels 251–300) from the Common Carrier Rural Radio Service to the Broadcast Services in the State of Hawaii. Although this Report and Order amends three Parts of the FCC's Rules and Regulations, it only addresses the reallocation question and does not in any way prejudice the TV or FM Tables of Assignments proceedings to be initiated shortly under the existing rule making numbers.

Background

2. On November 24, 1980, we released a Notice of Proposed Rule Making (NPRM), FCC 80–633 (45 FR 79516) in the above-captioned proceeding. As stated in that Notice, the frequency bands 76–88 and 98–108 MHz were allocated to the Rural Radio Service in Hawaii in 1952. For almost thirty years, the local telephone company used this 22 megahertz of spectrum to provide reliable inter-island telephone service. With the passage of time, however, microwave technology progressed and the telephone company gradually replaced its old VHF equipment with microwave equipment. Thus, when the Hawaiian Telephone Company submitted its last two VHF station licenses for cancellation last year, the frequency bands 76–88 and 98–108 MHz became vacant in Hawaii.

3. Lee M. Holmes, aware of Hawaiian Telephone's intentions to vacate the VHF and FM Channels, petitioned the Commission on July 11, 1979, to amend the Television Table of Assignments (§ 73.606(b)] to make one of the two television Channels available to the Honolulu, Hawaii, market. Before such a proposal can be contemplated, however, it is necessary to reallocate the spectrum in question to the Broadcast Services. The purpose of this Report and Order, therefore, is to reallocate the 76–88 and 98–108 MHz bands after which we may initiate action to examine the outstanding requests to allot a TV and FM radio channel to certain Hawaiian markets. Such action will require further proceedings where pertinent comments will be considered. However, the action taken in this Report and Order does not presuppose the FCC's action with regard to a modification to its allotment tables for either Television or FM.

4. In addition to proposing to amend the allocation table in response to the Holmes petition, we also proposed *sua sponte* in the NPRM to allocate the upper half of the FM frequency band (98–108 MHz) to the Broadcast Services for FM use. Thus, both portions of the spectrum would then be consistent with the current allocation in the conterminous U.S. While the Commission's Notice was being considered, KHVH, Inc., filed a petition requesting the very allocation the Commission was proposing *sua sponte*, and looking toward a modification to the Table of FM Assignments (§ 73.202(b)). Because the two proceedings are overlapping, the KHVH petition (RM–3782) is hereby incorporated into this proceeding, i.e., Docket 80–710. The KHVH petition clearly reinforces the Commission's contention that the absence of available FM Channels in certain Hawaiian markets indicates a present or future interest in the previously unavailability half of the FM band.

Comments

5. Eight parties filed timely comments on the NPRM. One party, Sunset Communications Corporation, filed late comments. In the interest of making the record complete, we have considered Sunset's late filing along with the other comments. The parties who filed in this proceeding are listed in Appendix A. Of the sets of comments, three parties favored the reallocation of the TV Channels, and two parties favored the reallocation of the FM spectrum. One party opposed the TV reallocation; one party opposed the FM reallocation; and a third party voiced opposition to both reallocations. The remaining party, RadioCall, Inc., neither favored nor opposed the Commission's Notice but rather reserved judgement until such time as the FCC acted on a petition for reconsideration (RM–2364) which was pending at the time these comments were filed. The Commission has since issued a proposal in response to RadioCall's petition, proposing the reallocation of the 488–494 MHz frequency band (TV Channel 17) to the Fixed Service in Hawaii for control and repeater operations.[1] RadioCall's comments in the instant proceeding state that reallocation of Channel 17 in Hawaii would satisfy the radio common carriers' needs.

6. The proposal to reallocate television Channels 5 and 6 for broadcast purposes in the State of Hawaii was supported by the petitioner Lee M. Holmes (Holmes), the Association of Maximum Service Telecasters, Inc. (MST), and Mid-Pacific Television Associates (Mid-Pacific).[2] The petitioner has modified his position somewhat in that he originally requested that either Channel 5 or Channel 6 be made available for television use in Hawaii, and he now "fully support[s] the allocation of both Channels to Hawaii" (Holmes' comments, p. 4). The comments of MST favor the Commission's proposal insofar as the television Channels are concerned, and reiterate that "the full complement of television broadcast services is not available [in Hawaii] because there is no TV Channel 5 or 6" (MST comments, p. 2). Mid-Pacific is the licensee of Television Station KIKU in Honolulu and is the only independent station licensed in that market. Mid-Pacific expresses hope that the FCC will adopt the proposed allocation of both Channels, and allot one to Maui to be used as a TV satellite transmission facility. According to Mid-Pacific, KIKU could then rebroadcast its signal to as many as four other islands.

7. Sunset Communications Corporation (Sunset) and Mauna Kea Broadcasting Company (Mauna Kea) both opposed the TV reallocation.[3] We

[1] Docket 81–460, adopted July 16, 1981, 46 FR 40530.

[2] Mid-Pacific later filed supplemental information which substantially contradicts its earlier comments and reply comments. The most recent filings are discussed later in this Report and Order at paragraphs 15 and 17.

[3] Mauna Kea also opposed the FM reallocation. However, this portion of the Report and Order focuses on the TV allocation issue and will therefore only address that portion of Mauna Kea's

Continued

accept Delta Television Corporation's motion to accept late filed comments by Sunset, but fail to see the connection between the two names, i.e., Delta and Sunset. This unexplained nomenclature discrepancy notwithstanding, we recognize the permittee of new UHF television station KHAI, Channel 20, in Honolulu, Hawaii, and will henceforth refer to it as "Sunset." Arguing against reallocation of Channel 5 or 6 in Hawaii, Sunset contends that Hawaii has no need for more VHF Channels since UHF-TV Channels are still amply available, and that there is a need for an additional fixed common carrier control and repeater allocation as described by RadioCall, Inc. in the latter's comments. Sunset further contends that between the Direct Broadcast Satellite (DBS) and low power television services the Commission has proposed, there will be more than enough television service available in Hawaii without any additional television allocations. Mauna Kea, permittee of UHF-TV Channel 26 in Honolulu, Hawaii, opposes the reallocation of the two TV Channels, stating that there is no necessity for it. Mauna Kea finds it "extraordinary indeed" for the FCC to consider the simultaneous reallocation of Channel 17 in one proceeding and Channels 5 and 6 in another (Mauna Kea's comments, p. 3).

8. The proposal to reallocate the upper half of the FM radio band (98-108 MHz) to the broadcast services in Hawaii was supported by KHVH, Inc. (KHVH) and Windward Broadcasting, Inc. (Windward). The KHVH petition, as stated previously, requests the very same reallocation of the band segment 98-108 MHz which we were promulgating by our own motion in the NPRM. The comments of KHVH lend full support to that portion of the Notice which proposes the FM allocation. Windward, the licensee of a Honolulu AM station, states its support for the Commission's proposal and voices its intention to file an application for construction permit for a new FM station if additional allotments are made.[4] Windward believes that there is "sufficient demand for additional FM allotments in Hawaii to justify reallocating Channels 251-300."[5]

9. Island Communications, Inc. (Island) and Mauna Kea opposed the FM reallocation. Island is the licensee of one AM and one FM station, both in Honolulu. Island's primary concern focuses on the Honolulu market which Island describes as "over-radioed." Island is opposed to an allocation which would lead specifically to additional FM Channels on the Islands of Oahu and Maui, and is specifically opposed to KHVH's petition where the latter proposes new Honolulu FM assignments. Island's request that the Commission "consider channel assignments only after the allocation proceeding has been concluded"[6] is granted in full since that was our intention throughout this proceeding (see Notice, ¶2). Mauna Kea, licensee of an FM station and permittee of another (both on the Island of Hawaii), opposes the FM reallocation for the same reasons it opposes the VHF reallocation: the adequacy of existing broadcast stations and the radio common carriers' need for additional control and repeater spectrum in Hawaii. Additionally, Mauna Key hypothesizes that were the Commission to reallocate the VHF and FM Channels, and allot them to Hawaiian markets, there would be an interference problem between TV Channel 6 and the lower FM Channels. Mauna Kea suggests an alternate FM allotment scheme which would avoid such interference. Since the latter proposal is clearly of an allotment nature and not of an allocation nature, its merits will not be discussed herein. When we address KHVH's petition for assignment in some future proceeding, it will then be appropriate to evaluate Mauna Kea's suggested allotment scheme.

10. RadioCall, Inc. (Radiocall) is the petitioner in a separate proceeding, General Docket 81-460, which considers reallocation of the UHF-TV Channel 17 (488-494 MHz) in Hawaii for common carrier control and repeat operations. Although RadioCall had previously expressed interest in the 76-108 MHz spectrum, it has since indicated its preference for the UFH Channel. Its comments in this proceeding therefore no longer apply because of its change in position and our action in proposing to reallocate Channel 17.

Replies

11. Reply comments were filed by Holmes, Mid-Pacific, and Sunset.[7] Holmes summarizes Sunset's comments and points out that nowhere in the contiguous 48 states is the 76-88 MHz spectrum allocated for Domestic Public Land Mobile Radio Service (DPLMRS) operations. Holmes also points out the weakness of relying on RadioCall's comments since the latter's needs can be satisfied elsewhere in the spectrum, and further that RadioCall was the only radio common carrier (RCC) to comment on the Notice. Holmes further contends that Direct Broadcast Satellite Service (DBS) and low power television were not intended to replace traditional VHF and UHF-TV broadcasting. Holmes summarizes Sunset's comments as a "thinly disguised effort on the part of a broadcast permittee to protect itself against the rigors of marketplace competition" (Holmes' reply comments, p. 3). Holmes treats Mauna Kea's comments in a similar fashion, pointing out the similarities of its opposition to those of Sunset's. In regard to Mauna Kea's proposed solution to the alleged interference problem, Holmes accurately identifies it as a channel assignment issue which should be addressed in another proceeding. Holmes concludes by urging the FCC to reallocate TV Channels 5 and 6 to the State of Hawaii.

12. Mid-Pacific, like Holmes, limits the scope of its reply comments to the opposing comments filed regarding the television spectrum reallocation issue. Mid-Pacific sums up Mauna Kea's arguments as anti-competitive and discusses the FCC's policies with regard to economic competition among broadcasters concluding that the proposed reallocation should be made. Mid-Pacific reiterates its need a the VHF-TV Channel to be used as a satellite station on the Island of Maui. Mid-Pacific discusses allotment issues which are not included here because they are beyond the scope of this proceeding. Mid-Pacific asserts that Sunset's reliance, in its comments, on RadioCall's professed need for DPLMRS spectrum is "less than convincing" (Mid-Pacific's reply comments, p. 5). Mid-Pacific concludes that the benefits of increased television programming for the Hawaiian public greatly outweigh the economic considerations.

13. Sunset's reply comments, like its comments, failed to meet the dates set forth by the Commission in its Notice. In fact, Sunset's reply comments were so late that they included a discussion of Mid-Pacific's timely filed reply comments. The purpose of comment periods is obvious and need not be stated here. However, in addition to serving the Commission's needs of knowing that the record is complete as of a given date, deadlines also prevent opposing parties from having the unfair advantage of evaluating everyone else's filings before submitting their own. The Commission will therefore limit its acceptance of Sunset's late filed reply comments to that portion which addresses the timely filed comments,

comments which are germane. The remainder of Mauna Kea's opposition will, however, be discussed fully in the FM allocation portion of this proceeding.

[4] Windward's comments, ¶2.

[5] Ibid.

[6] Island's comments, p. 11.

[7] Once again Sunset filed late.

and Sunset's discussion of Mid-Pacific's reply comments will not be considered.

14. Sunset defines the issue before the Commission as a question of reallocating the band 76–88 MHz to the broadcast service or to a non-broadcast service. Sunset contends that a new TV allocation in Hawaii will "stunt" UHF development in that State. Sunset also alleges that RadioCall has shown a greater need for the spectrum than have the broadcast interests. Sunset also seems to believe that RadioCall's lengthy history of searching for additional spectrum was entirely focused on the 76–108 MHz band. This is not so. RadioCall's original petition (Docket 19943) was for spectrum in that portion of the radio spectrum; however, since 1974, RadioCall's efforts have been directed at obtaining use of UHF Channel 17 (488–494).[8] Sunset urges the FCC to terminate this proceeding and reallocate the available spectrum for non-broadcast use.

Miscellaneous Filings

15. The comments and replies were followed by several miscellaneous filings commencing with Mid-Pacific's "Supplement to Reply Comments" and a "Motion to Accept Late-Filed Pleading." In its pleading, Mid-Pacific partially withdraws its support for reallocation of the TV spectrum. As will be shown later in the discussion, Mid-Pacific like many others is unaware of the special definitions accorded the words "allocation," "assignment," and "allotment" under FCC terminology. The thrust of Mid-Pacific's late supplemental filings falls under the category of allotment not allocation. Since that is not within the confines of this proceeding, there is no need to summarize Mid-Pacific's arguments. Grant or denial of Mid-Pacific's Motion to accept its late-filed pleading is therefore moot.

16. Holmes filed an "Opposition to Motion to Accept Late Filing" in response to Mid-Pacific's late filing. Holmes remarks that Mid-Pacific should have requested an extension of time and recommends that the FCC reject the late filing. Holmes alleges that Mid-Pacific's late filing represents not only a reversal of its position as presented in its comments and replies, but also a contradiction of all of its arguments.

17. The most recently filed document in this proceeding is a "Reply to Opposition to Motion to Accept Late Filing," submitted by Mid-Pacific. In it, Mid-Pacific accuses Holmes of (1) failing to show how acceptance of Mid-Pacific's Supplement will prejudice any party to the proceeding, (2) attempting to preclude Mid-Pacific from expressing its position and (3) selfishly desiring to squelch opposition.[9] Mid-Pacific states its belief that its Supplemental Filing "will aid the Commission in reaching a proper resolution of the issues in this proceeding and * * *must be considered".[10]

Discussion

18. Much of the controversy over this proceeding stems from a misunderstanding of the words allocation, allotment and assignment. The following definitions were adopted at the 1979 World Administrative Radio Conference (WARC) of the International Telecommunication Union.[11]

Allocation (of a frequency band): Entry in the Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more terrestrial or space radiocommunication services or the radio astronomy service under specified conditions. This term shall also be applied to the frequency band concerned.

Allotment (of a radio frequency or radio frequency channel): Entry of a designated frequency channel in an agreed plan, adopted by a competent conference, for use by one or more administrations for a terrestrial or space radiocommunication service in one or more identified countries or geographical areas and under specified conditions.

Assignment (of a radio frequency or radio frequency channel): Authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions.

Thus, for example, the frequency band 76–88 MHz is allocated to the Broadcasting Service in the continental United States; Channel 5 (76–82 MHz) is allotted to the District of Columbia, and is assigned to Metromedia, Inc.

19. The only issue which this proceeding is concerned with is the reallocation of the bands 76–88 and 98–108 MHz to the Broadcasting Services in the State of Hawaii. Nowhere in our NPRM did we suggest if or how the TV and FM Channels might be allotted or assigned. It should also be noted that the FCC cannot allocate to one island and not another. Such a piecemeal scheme would surely lead to chaos in the allocation process and diminish the usefulness of our allocation table. In fact, most of our allocation proceedings are done on a nationwide basis. The instant proceedings brings Hawaii into conformity with the 48 contiguous states insofar as the VHF and FM broadcast frequencies are concerned.

20. Most of the comments can be placed in two categories and can be described as (1) opposing a new television or FM assignment and/or (2) advocating the need for a DPLMRS allocation rather than a broadcasting one in the 76–88 and 98–108 MHz bands. The first category can be dismissed without further discussion since it has no bearing on a reallocation decision.[12] The second category represents the RadioCall proponents. Their objections might have had merit if the Commission had not proposed reallocation of Channel 17 for DPLMRS use in Hawaii in another proceeding. RadioCall has stated its preference for the UHF Channel and therefore removed the only barrier in the path of this reallocation. The concerns of the two UHF permittees are understandable and will certainly be taken into consideration when the Commission weighs the merits of Lee Holmes' request for assignment of a new station in Honolulu. Likewise, Island's objections to yet another FM station in Honolulu will be evaluated when the Commission takes action on KHVH's petition. Sunset's argument that DBS and low power TV could better serve Hawaii's television needs is also not germane to this reallocation proceeding. If we decide to allot one or more television channels to Hawaiian market(s), alternative means of TV service will then be considered. Since the Commission is not closing the two rule making petitions, none of these parties will have to refile comments.

21. Therefore, the Commission has concluded that the reallocation of the 76–88 and 98–108 MHz bands to the Broadcast Services in the State of Hawaii is in fact in the public interest. Although no benefits will be immediately available, petitions such as KHVH's and Lee Holmes' will now be considered.

Action

22. Accordingly, it is ordered that, under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules are

[8] For a fuller discussion of RadioCall's various filings and the Commission's actions, see, in the Notice of Proposed Rule Making in Docket 81-460, the section entitled "Background."

[9] Reply to Opposition to Motion to Accept Late Filing, by Mid-Pacific, pp. 1-2.

[10] Ibid., p. 1.

[11] The U.S. has not ratified the Final Acts from the '79 WARC.

[12] See, for example, 42 RR 2d 1673 and 42 RR 2d 618.

amended as set forth in the attached Appendix, effective November 9, 1981.

23. It is further ordered that this proceeding is terminated. It is further ordered, that the Homes petition (RM-3467) and the KHVH petition (RM-3782) are granted to the extent consistent herewith and the issues of allotment and assignment will be addressed in further proceedings concerning RM-3467 and RM-3782. It is further ordered that Mid-Pacific's motion to accept late filing is granted, and that miscellaneous filings of Mid-Pacific and Lee M. Holmes are incorporated into the file, RM-3467.

24. Regarding questions on matters covered in this document contact Maureen Cesaitis at (202) 653-8164.

(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 A

Comments

Mauna Kea Broadcasting
Delta Television Corporation/Sunset Communications Corp.[1]
Lee M. Holmes
RadioCall, Inc.
Association of Maximum Service Telecasters
Mid-Pacific Television Associates
Island Communications, Inc.
KHVH
Windward Broadcasting, Inc.

Replies

Lee M. Holmes
Mid-Pacific Television Associates
Sunset Communications Corporation[1]

Motion To Accept Late Filing and Supplement to Reply

Mid-Pacific

Opposition to Motion To Accept Late Filing

Lee M. Holmes

Reply to Opposition to Motion To Accept Late Filing

Mid-Pacific

Appendix B

Parts 2, 22, 73 and 74 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

[1] Filed late.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS GENERAL RULES AND REGULATIONS

§ 2.106 [Amended]

In § 2.106, the Table of Frequency Allocations is amended by removing footnote designator NG21 in column 7 for the bands 76–88 and 88–100 MHz and by removing the text of footnote NG21 from the list of footnotes following the Table.

PART 22—PUBLIC MOBILE RADIO SERVICES

§ 22.601 [Amended]

Section 22.601(c) is removed.

PART 73—RADIO BROADCAST SERVICES

§ 73.220 [Amended]

1. Section 73.220(c) is removed.

2. Section 73.603(b) is revised to read as follows:

§ 73.603 Numerical designation of television channels.

(a) * * *

(b) In Alaska, the frequency bands 76–82 MHz and 82–88 MHz are allocated for non-broadcast use. These frequency bands (Channels 5 and 6) will not be assigned in Alaska for use by television broadcast stations.

* * * * *

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. Section 74.702 is revised by removing the last sentence in § 74.702(b)(1), and adding a new sentence in its place as follows:

§ 74.702 Frequency assignment.

* * * * *

(b)(1) * * * Any one of the 12 standard VHF channels (2–13 inclusive) may be assigned to a VHF translator on condition that no interference is caused to the direct reception by the public of the signals of any television broadcast station operating on the same or any adjacent channel. Channels 5 and 6 are allocated for nonbroadcast use in Alaska and will not be assigned to a VHF translator in that State.

* * * * *

§ 74.1202 [Amended]

2. Section 74.1202 is amended by removing the last sentence in § 74.1202(b)(3).

[FR Doc. 81-29532 Filed 10-9-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 16

Equal Access to Justice Act; Revocation of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Revocation of regulation.

SUMMARY: The Department of Labor hereby revokes its rules for implementing the Equal Access to Justice Act. This action is taken in order to permit further consideration of which matters should be covered by the rule.

EFFECTIVE DATE: October 9, 1981.

FOR FURTHER INFORMATION CONTACT: Sofia P. Petters, Counsel for Administrative Legal Services, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-2464, Washington, D.C. 20210; Telephone (202) 523-6807.

SUPPLEMENTARY INFORMATION: On Friday, October 9, 1981 in 46 FR 50352 the Department of Labor published a final rule, 29 CFR Part 16, which implemented the Equal Access to Justice Act. This Act, which became effective on October 1, 1981, authorized the establishment of uniform rules by each agency to provide for the payment of fees and expenses to eligible parties who prevail in an adversarial proceeding against any agency of the Government. Part 16 became effective on October 9.

The Department of Labor now realizes that further consideration of this rule is in order. Therefore, the agency hereby revokes Part 16.

Publication as a Final Rule

The Department has determined that this revocation is procedural in character. Accordingly, pursuant to 5 U.S.C. 553(b)(3)(A), notice and public comment are unnecessary.

Classification—Executive Order 12291

The revision is procedural in character. Therefore, this revocation is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

The Department believes that the revocation of the rule will have no "significant economic impact * * * upon a substantial number * * * small [business] entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 91 Stat. 1164 (5 U.S.C. 605(b)). The Secretary has certified to the Acting Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the amendment is procedural in character. This rule only regulates the conduct of Labor Department employees, not the public, thus no economic impact is expected with respect to small entities, nor with respect to other entities as well. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Acty Certification

I, Raymond J. Donovan, Secretary of Labor, hereby certify, pursuant to 5 U.S.C 605(b), that the revocation of the rule contained in 29 CFR Part 16 described in this document, will not have a significant economic impact on a substantial number of small entities. This conclusion in reached becasue the regulation and its revocation is procedural in character. The rule provides for the payment of fees and expenses to eligible parties who prevail in adversarial proceedings against an agency of the Government. Thus, only a favorable economic impact is expected with respect to small entities.

Signed at Washington, D.C. this 9th day of October, 1981.

Raymond J. Donavan,

Secretry of Labor.

PART 16—EQUAL ACCESS TO JUSTICE ACT [REMOVED]

Accordingly, Title 29 of the Code of Federal Regulations is amended by revoking Part 16.

(Pub. L. 96-481, 94 Stat. 2327 (5 U.S.C. 504)

Signed at Washington, D.C., this 9th day of October 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-29801 Filed 10-9-81; 12:06 pm]

BILLING CODE 4510-23-M

Proposed Rules

Federal Register
Vol. 46, No. 197
Tuesday, October 13, 1981

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

[Amdt. 2]

Standards for Approval of Warehouses for Grain, Rice Dry Edible Beans, and Seed

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: A Grain Elevator Task Force was established to review circumstances which have lead to an increasing number of warehouse bankruptcies. The task force reviewed current grain warehouse laws and regulations and recommended a number of changes to the regulations governing warehouse standards for approval issued by the Commodity Credit Corporation (CCC) in order to strengthen such standards and thus assist in the prevention of elevator bankruptcies. This proposed rule would amend the regulations providing the standards for the approval of warehouses to be used for the storage and handling of grain, rice, dry edible beans, and seed owned by the CCC or serving as collateral for a price support loan made by CCC. This proposed rule would amend the regulations to require a warehouseman to furnish to CCC an annual financial statement which has been examined by an independent Certified Public Accountant (CPA). In addition, the warehouseman must submit to CCC a copy of the CPA's audit report, prepared in accordance with generally accepted auditing standards, of the financial statement of such warehouseman. It is also proposed that the regulations be amended to delete the provision that the new worth of the warehouseman need not exceed $250,000 and change the rate used in calculating the net worth requirement with respect to grain warehouses. As a result of this increase in the net worth requirements for warehousemen, the regulations would also be amended to permit warehousemen to furnish to CCC an irrevocable letter of credit as security to meet such net worth requirements. The effect of this proposed rule will be to insure greater security for CCC and indirectly for other depositors who use warehouses approved by CCC for storage of commodities.

DATES: Comments must be received on or before November 16, 1981, in order to be assured of consideration.

ADDRESS: Interested persons are invited to sent written comments to Paul W. King, Acting Director, Transportation and Storage Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Barry W. Klein, Marketing Specialist, U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, Transportation and Storage Division, Storage Management Branch, P.O. Box 2415, Washington, D.C. 20013; (202) 447-7335. The Draft Regulatory Impact analysis describing the Options considered is available on request from the above named individual.

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

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

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

Paul W. King, Acting Director, Transportation and Storage Division, Agricultural Stabilization and Conservation Service, has determined that an emergency situation exists which warrants publication of this proposed rule with less than a 60-day comment period. Many warehousemen have their financial statements prepared on a calendar year cycle. Accordingly, since this proposed rule, if adopted, would require that such financial statements be audited by a CPA, warehousemen will need to make the necessary arrangements for an audit with a CPA as soon as possible.

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

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

The proposed amendment to this subpart relating to Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed would: (1) Require a warehouseman to furnish to CCC an annual financial statement which has been examined by an independent CPA, as well as a copy of the CPA's audit report, prepared in accordance with generally accepted auditing standards, of the financial statement of such warehouseman; (2) delete the provision that the net worth of the warehouseman need not exceed

$250,000 as presently prescribed by the regulations at 7 CFR 1421.5552(a)(3); (3) increase the rate used to calculate the net worth required of a grain warehouseman from ten cents to twenty cents per bushel based upon the maximum storage capacity of the warehouse for grain; and (4) permit warehouseman to furnish an irrevocable letter of cedit to CCC in order to meet the net worth requirements as provided in the current regulations at 7 CFR 1421.5553.

By requiring the warehouseman to submit to CCC an annual financial statement which has been examined by an independent CPA, as well as a copy of the audit report prepared by the CPA with respect to such financial statement, the Agricultural Marketing Service (AMS) analysts will be provided with the information necessary to judge a warehouseman's economic performance on an annual basis. The CPA's audit report should also help the warehouseman to determine which segments of his operations are the most efficient and which operations are in need of improvement. In addition, the audit report could give both CCC and the warehouseman an early signal of possible failures of the warehousing operation.

The net worth requirement in the Standards of Approval is applicable to a warehouseman and each of the warehouses owned and operated by such warehouseman for which CCC approval is sought for the storage or handling of CCC-owned or loan commodities. Section 1421.5552 of the regulations provides that among other considerations, a warehouseman is required to have a net worth which is the greater of $25,000 or a calculated net worth (which need not exceed $250,000) based upon certain factors, including storage capabilities and commodity value factors of certain commodities. If the calculated net worth exceeds $25,000, the warehouseman may satisfy any deficiency between the $25,000 minimum net worth requirement and the calculated net worth requirement by furnishing bonds or acceptable substitute security.

By amending § 1421.5552(a)(3) of the regulations (1) to delete the provision that the net worth of the warehouseman need not exceed $250,000 and (2) to increase the rate used in calculating the net worth requirement from ten cents to twenty cents per bushel for grain times the maximum storage capacity of the warehouse for grain, CCC and indirectly other depositors would be afforded greater protection from warehouse failures. These changes would therefore, provide the same net worth requirements for CCC approved grain warehouses as are specified for grain warehouses under the U.S. Warehouse Act. The rates used in calculating the net worth requirement for commodities other than grain as specified in § 1421.5552(a)(3) of the regulations would remain the same.

In addition, the current regulations provide that CCC may accept cash, negotiable securities, or a legal liability insurance policy in lieu of the amount of bond coverage. This proposed rule would add an irrevocable letter of credit as an acceptable substitute security which may be provided by the warehouseman to CCC for any deficiency in the net worth of such warehouseman. It is proposed that such irrevocable letter of credit be on form CCC-33A, "Irrevocable Letter of Credit". Since this rule proposes to increase the net worth requirements of warehousemen seeking approval by CCC, the letter of credit as an acceptable substitute security, provides flexibility to the warehouseman and will benefit CCC in that CCC's Standards for Approval of Warehouses can be met by more warehousemen and thus there should be an increase in available storage capacity for CCC. The warehouseman should also benefit by the lower cost involved when compared to a deficiency bond or some other substitute security. It is estimated that the cost to the warehouseman to furnish an irrevocable letter of credit to CCC in order to satisfy any net worth requirement is approximately one-tenth to one-twentieth of the cost of furnishing a bond.

Proposed Rule

Accordingly, it is proposed to amend Subpart-Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed, of Part 1421, Title 7 of the Code of Federal Regulations as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1. The authority citation for this subpart, Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed, reads as follows:

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714).

2. In § 1421.5551, paragraph (d)(2) is revised to read as follows:

§ 1421.5551 General statement and administration.

* * * * *

(d) * * *

(2) A current financial statement examined by an independent Certified Public Accountant (CPA) and accompanied by a copy of the CPA's audit report prepared in accordance with generally accepted auditing standards, of the financial statement of such warehouseman. Such statement shall show the financial condition of the warehousemen as of a date not earlier than ninety (90) days prior to the date of the warehouseman's application for approval or such other date as CCC may prescribe. Such financial statements and audit reports shall be furnished annually and at such other times as CCC may require. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity.

* * * * *

3. In § 1421.5552, paragraph (a)(3) is revised to read as follows:

§ 1421.5552 Basic standards.

(a) * * *

(3) Have a net worth which is the greater of $25,000 or the amount which results from multiplying the maximum storage capacity of the warehouse (the total quantity of the commodity involved which the warehouse can accommodate when stored in the customary manner) under approved contract with CCC times twenty (20) cents per bushel in the case of grain, forty (40) cents per hundredweight in the case of rough rice, seventy (70) cents per hundredweight in the case of milled rice, and fifty (50) cents per hundredweight in the case of dry edible beans. In the case of seed, the net worth of the warehouseman shall be at least equal to the product obtained by multiplying the estimated total number of pounds of seed to be stored times six (6) cents per pound. If the calculated net worth exceeds $25,000, the warehouseman may satisfy any deficiency in net worth between the $25,000 minimum requirement and such calculated net worth by furnishing bonds (or acceptable substitute security) meeting the requirements of § 1421.5553.

* * * * *

4. Section 1421.5553 is amended by adding a new paragraph (e) to read as follows:

§ 1421.5553 Bonding requirement for net worth.

* * * * *

(e) An irrevocable letter of credit may be accepted by CCC in lieu of the required amount of bond coverage provided that the issuing bank is an insured commercial bank in the United States with assets of $100 million or more. Such letter of credit shall be on

Form CCC-33A, "Irrevocable Letter of Credit."

Signed at Washington, D.C. on October 2, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-29875 Filed 10-9-81; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL RESERVE SYSTEM

12 CFR Part 213

[Reg. M; CL-1]

Consumer Leasing; Proposed Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed official staff interpretation.

SUMMARY: In accordance with 12 CFR 213.1(d), the Board's staff is publishing for comment a proposed official staff commentary to Regulation M (Consumer leasing). The commentary applies and interprets the requirements of the regulation and is intended to replace individual Board and staff interpretations. In final form, it will be an official staff interpretation providing creditors with protection under section 130(f) of the Truth in Lending Act.

DATE: Comments must be received on or before December 11, 1981.

ADDRESS: Comments should include a reference to CL-1 and should be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, N.W., Washington, D.C. 20551, between 8:45 a.m. and 5:15 p.m. Comments regarding each section should begin on a separate page. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Barbara Ranagan or Steven Zeisel, Staff Attorneys (202-452-3667), Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: (1) **Introduction.** The Board adopted Regulation M (46 FR 20949), effective April 1, 1981, to implement the consumer leasing provisions of the Truth in Lending Act. The leasing rules were formerly contained in Regulation Z, 12 CFR Part 226. Compliance with the new regulation becomes mandatory on April 1, 1982. Until that time lessors may comply with either Regulation M or the previous version of Regulation Z.

The Truth in Lending Simplification and Reform Act (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96-221) made revisions to Truth in Lending, but it affected consumer leasing only slightly. When Regulation Z was revised earlier this year to implement the amended act, the leasing rules were removed and consolidated as Regulation M. Apart from a few minor changes necessitated by the amendments to the act, Regulation M adopted almost verbatim the leasing rules of Regulation Z.

The Board suggested that Congress simplify the Consumer Leasing Act in the near future. At the present time, however, congressional amendments to the act do not appear imminent. Because the Board and staff interpretations of previous Regulation Z will expire when compliance with Regulation M becomes mandatory (April 1, 1982), the Board's staff is publishing in proposed form a commentary that incorporates the interpretations.

The commentary, in its final form, will replace the individual opinion letters that were issued under previous Regulation Z as the vehicle for staff interpretations. It will concentrate on material of general application for use by the widest possible audience and will be updated annually or more often as the need arises.

In keeping with the Board's desire to avoid unnecessary regulatory changes, the proposed commentary is based largely on the existing staff opinion letters to previous Regulation Z. The staff has added new interpretations or altered existing interpretations as infrequently as possible. The categories in which such changes have been made can be summarized as follow:

- When a statutory change has resulted in a new or different regulatory provision (for example, Comment 4(c)-1 on the treatment of multiple lessors).
- When recent Supreme Court decisions have interpreted provisions of the act or regulation (for example, Comment 2(a)(8)-1 on the definition of "lessor").
- When an area of concern to consumers or lessors can be profitably addressed, and the benefit of adding a new interpretation outweighs any burden (for example, Comments 4(h)-1 and 4(h)-3 on renegotiations and extensions).

The proposed commentary adopts the substance of most of the individual leasing interpretations issued under previous Regulation Z. However, interpretations have not been incorporated if they repeat information found elsewhere, if they have been rendered valueless by the passage of time, or if they deal with facts that are unique or too particular to warrant treatment in the new commentary. In a few instances, the previous interpretations dealt with issues of civil liability, such as the applicability of the three-monthly payment limitation of section 183 of the act. These interpretations have not been incorporated in the proposed commentary because the staff believes that liability issues are inappropriate for regulatory treatment.

Comment is welcome on both the substance of the material and the format in which it is presented. Commenters are encouraged to focus on material or particular interest to them; they need not address every provision. The staff will consider for inclusion in the commentary any material appropriate for a staff interpretation of this scope. No comments that have the effect of revising or eliminating any requirements of the regulation itself will be considered. The staff particularly solicits comments on its decision to retain the substance of existing interpretations whenever feasible. To expedite analysis of the comments, commenters are requested to identify portions of the commentary according to section and paragraph numbers and to begin discussion of each section on a separate page. After consideration of comments and possible revision of the commentary, the staff expects to issue official staff interpretation CL-1 in final form in the **Federal Register**.

(2) *Authority.* 15 U.S.C. 1640(f).

PROPOSED OFFICIAL STAFF COMMENTARY—CL-1

Introduction

1. *Official status.* This commentary is the vehicle by which the staff of the Division of Consumer and Community Affairs of the Federal Reserve Board issues official staff interpretations of Regulation M, effective April 1, 1981. Good faith compliance with this commentary affords protection from liability under section 130(f) of the Truth in Lending Act. Section 130(f) (15 U.S.C. 1640) protects lessors from civil liability for any act done or omitted in good faith in conformity with any interpretation issued by a duly authorized official or employee of the Federal Reserve System.

2. *Procedures for requesting interpretations.* Pursuant to § 213.1(d) of the regulation, anyone may request an official staff interpretation. Interpretations that are adopted will be incorporated in this commentary following publication in the **Federal Register.** No official staff interpretations are expected to be issued other than by means of this commentary.

3. *Status of previous interpretations.* All statements and opinions issued by the Federal Reserve Board and its staff interpreting previous Regulation Z remain effective until April 1, 1982, only insofar as they interpret that regulation. When compliance with Regulation M becomes mandatory on April 1, 1982, the Board and staff interpretations of the previous Regulation Z leasing provisions will be entirely superseded by Regulation M and this commentary except with regard to liability under the previous regulation.

4. *Rules of construction.* Lists that appear in the commentary may be exhaustive or illustrative; the appropriate construction should be clear from the context. In most cases, illustrative lists are introduced by phrases such as "including, but not limited to," "among other things," "for example," or "such as."

5. *Comment designations.* Each comment in the commentary is identified by a number and the regulatory section or paragraph that it interprets. The comments are designated with as much specificity as possible according to the particular regulatory provision addressed. For example, the comments to § 213.8 are designated as Comments 8–1 through 8–3, while the comments to § 213.4 are further broken down and designated according to the particular subsection addressed, such as Comment 4(a)(2)–1 and Comment 4(h)–2. This introduction may be cited as Comments I–1 through I–6. The appendices may be cited as, for example, Comments App. C–1 and App. C–2.

6. *Cross-references.* The following cross-references to related material appear at the end of each section of the commentary: (1) "Statute"—those sections of the Truth in Lending Act on which the regulatory provision is based; (2) "Previous regulation"—parallel provisions in previous Regulation Z; and (3) "1981 changes"—a brief description of the major regulatory changes made when the leasing rules were moved from previous Regulation Z to Regulation M. Where appropriate, a fourth category ("Other sections") provides cross-references to other provisions in the regulation necessary to understand that section.

Section 213.1—General Provisions

1. *Foreign applicability.* The regulation applies to all persons (including branches of foreign banks or leasing companies located in the United States) that extend consumer leases to residents (including resident aliens) of any state as defined in § 213.2(a). The regulation does not apply to a foreign branch of a U.S. bank or leasing company leasing to a U.S. citizen residing or visiting aboard or to a foreign national abroad.

2. *Issuance of staff interpretations.* This commentary is the method by which the staff provides interpretations that afford formal protection under section 130(f) of the act. This commentary may be amended periodically.

References

Statute: Sections 102(b), 105, and 130(f).

Previous regulation: § 226.1.

1981 changes: None.

Section 213.2—Definitions and Rules of Construction

2(a) Definitions.

2(a)(2) "Advertisement".

1. *General coverage.* Only commercial messages that promote consumer lease transactions requiring disclosures are advertisements. Messages inviting, offering, or otherwise announcing generally to prospective customers the availability of consumer leases, whether in visual, oral, or print media, are covered by the definition. The list of examples in the definition is not exhaustive; telephone solicitations and letters sent to customers as part of an organized solicitation of business, for example, are also advertisements. The term does *not* include the following:

- Direct personal contacts, such as follow-up letters, cost estimates for individual lessees, or oral or written communications relating to the negotiation of a special transaction.
- Informational material distributed only to business entities.
- Notices required by federal or state law, if the law mandates that specific information be displayed and only the information so mandated is included in the notice.
- News articles, the use of which is controlled by the news medium.
- Market research or educational materials that do not solicit business.

2. *Persons covered.* See the commentary to § 213.5(a).

2(a)(4) "Arrange for lease of personal property".

1. *General.* The definition of lessor in § 213.2(a)(8) includes one who regularly, in the ordinary course of business, arranges for the leasing of personal property. One example of an arranger is an automobile dealer who completes the necessary lease agreement before forwarding it to the leasing company (to whom the obligation is payable on its face) for execution. When there are multiple lessors, § 213.4(c) discusses who must make disclosures.

2(a)(6) "Consumer lease".

1. *Primary purposes.* A lessor must determine in each case if the leased property will be used primarily for personel, family, or household purposes. If some question exists as to the primary purpose for a lease, the lessor is, of course, free to make the disclosures. The fact that disclosures are made in such circumstances is not controlling on the question of whether the transaction was exempt.

2. *Period of time.* To be a consumer lease, the initial term of the lease must be more than 4 months. Thus, a lease of personal property for 4 months, 3 months or on a month-to-month or week-to-week basis (even though the lease actually extends beyond 4 months) is not a consumer lease and is not subject to the disclosure requirements of the regulation. A lease with a penalty for canceling during the first 4 months is considered to have a term of more than 4 months. A month-to-month or week-to-week extension of a lease that was originally for 4 months or less is not a consumer lease, even if the extension actually lasts for more than 4 months. For example, a 3 month lease extended on a month-to-month basis and terminated after 1 year does not require consumer lease disclosures.

3. *Organization.* A consumer lease does not include a lease made to an organization, as defined in § 213.2(a)(9). A lease to an organization is outside the requirements of the regulation even if the property is used (by an employee, for example) primarily for personal, family or household purposes. Likewise, a lease made to an organization is not a consumer lease even if it is subsequently assigned to a natural person.

4. *Credit sale.* A lease that meets the definition of a credit sale in Regulation Z, 12 CFR 226.2(a)(16), is not a consumer lease. Regulation Z defines a credit sale, in part, as "a bailment or lease (unless terminable without penalty at any time by the consumer) under which the consumer: (1) Agrees to pay as compensation for use a sum substantially equivalent to, or in excess of, the total value of the property and

services involved; and (2) Will become (or has the option to become), for no additional consideration or for nominal consideration, the owner of the property upon compliance with the agreement."

2(a)(8) "Lessor".

1. *Assignees.* An assignee may be a lessor in certain circumstances. For example:

- An automobile dealer and a bank have a business relationship in which the bank supplies the dealer with lease contracts that are initially payable to the dealer and provide for the immediate assignment of the obligation to the bank. The dealer and the lessee execute the contract only after the bank approves the "creditworthiness" of the lessee. Both the dealer and the bank are lessors for purposes of the regulation. Under § 213.4(a)(2), both the dealer and the bank must be identified on the disclosures.

2(a)(9) "Organization".

1. *Joint venture.* The term "organization" includes joint ventures.

2(a)(12) "Personal property".

1. *Coverage.* What is personal property may differ depending on state law. For example, a mobile home or houseboat may be considered personal property in one state but real property in another.

2(a)(14) "Realized value".

1. *General.* Realized value is not a required disclosure. It refers to the value of the property at early termination of at the end of the lease term. Realized value is relevant only to leases in which the lessee's liability at early termination or at the end of the lease term is the difference between the estimated value of the property and its realized value.

2. *Options.* At the end of the lease term or at early termination the lessor may choose any of the 3 methods for determining realized value. If the lessor sells the property, the price received for the property is the ralized value. If the lessor does not sell the property, the lessor may choose either the highest offer of the fair market value as the ralized value.

3. *Exclusions.* The realized value may exclude any amount attributable to taxes.

4. *Disposition charges.* If the lessor charges the lessee a fee to cover the disposition expenses, the fee must be disclosed at consummation under § 213.4(g)(5) and may not be subtracted in determining the realized value.

5. *Offers.* In determining the highest offer for disposition, the lessor need not consider offers that have been withdrawn or reneged upon.

6. *Appraisal.* The lessor may obtain an apprasial of the leased property to determine its realized value. Such an appraisal, however, is not the one addressed in section 183(c) of the act and § 213.4(g)(14); those provisions refer to the lessee's right to an independent professional appraisal.

2(a)(15) "Security interest".

1. *Coverage.* The list of security interests in the definition is not exhaustive. Beyond those mentioned, only interests that are security interests under state or other applicable law are encompassed by the definition. For example, any interest the lessor may have in the leased property falls within this definition only if it is considered a security interest under the state or other applicable law.

2. *Insurance.* The lessor's right to insurance proceeds of unearned insurance premiums is not a security interest for purposes of this regulation.

2(a)(17) "Total lease obligation".

1. *Disclosure.* The total lease obligation is disclosed under § 213.4(g)(15)(i). It is relevant only to so-called open-end leases, in which the lessee's liability at the end of the lease term is based on the difference between the estimated value of the leased property of its realized value.

2. *Periodic payments: Disclosure distinguished.* The amount of the scheduled periodic payments for purposes of calculating the total lease obligation may be less than the amount of the periodic payments disclosed under § 213.4(g)(3) because certain items that may be paid periodically are not part of the lessee's total lease obligation.

3. *Periodic payments: Inclusions.* The total of scheduled periodic payments under the lease for purposes of calculating the total lease obligation is composed of the following:

- Any portion of the periodic payments attributable to depreciation, cost of money, and profit.
- The capitalized cost of a mechanical breakdown protection contract.
- Taxes, if paid by the lessor initially and capitalized over the lease term. (Taxes that are not capitalized but paid periodically by the lessee may be included at the lessor's option. See commentary to § 213.4(g)(15).)

4. *Periodic payments: Exclusions.* The total of scheduled periodic payments under the lease for purposes of calculating the total lease obligation does *not* include the following:

- Any amount not paid periodically.
- Any portion of the periodic payments attributable to official fees, registration, certificate of title, or license fees.
- Any poriton of the periodic payments attributable to maintencance or insurance (except the capitalized cost of a mechanical breakdown protection contract).

5. *Initial payments.* The following amounts are *not* included among the payments at consummation when calculating the total lease obligation:

- Refundable security deposits.
- Official fees and charges disclosable under § 213.4(g)(4).
- "Other charges" disclosable under § 213.4(g)(5).
- The cost of a mechanical breakdown protecton contract purchased at consummation.

6. *Estimated value.* In calculating the total lease obligation, the lessor must estimate the value of the leased property at the end of the lease term.

2(a)(18) "Value at consummation".

1. *Disclosure.* Value at consummation, as defined by this section, is required by § 213.4(g)(15)(i) to be disclosed and subtracted from the total lease obligation.

2. *Taxes.* If the lessor pays a tax at consummation, the amount of the tax is included in the value at consummation. If the lessor does not pay a tax at consummation, the tax is not included in the value at comsummation. See the commentary to § 213.4(g)(15).

3. *Other amounts.* The definition of the value at consummation explicitly permits the lessor to include a profit or markup (without separate itemization). Aside from the inclusion of tax in certain cases, the lessor may not include in this amount other items (such as maintenace or extended warranty insurance), even if they are provided or paid for by the lessor.

2(b) Rules of construction.

1. *Footnotes.* Material that appears in a footnote has the same legal weight as material in the body of the regulation.

2. *Consummation.* Whether a contractual relationship is created between the lessor and the lessee is determined under state or other applicable law.

References

Statute: Sections 103(g) and 181.
Previous regulation: § 226.2
1981 changes: "Agricultural purpose" has been slightly revised to conform to the amended act.

Section 213.3—Exempted Transactions

References

Statute: Section 105(a).
Previous regulation: § 226.3(f).

1981 changes: None.

Section 213.4—Disclosures

4(a) General requirements.

Paragraph 4(a)(1).

1. *Clearly, conspicuously and in meaningful sequence.* This standard requires that disclosures be in a reasonably understandable form. For example, while that regulation requires no particular mathematical progression or format, the disclosures must be presented in a way that does not obscure the relationship of the terms to each other. Appendix C contains model forms that meet this standard, although lessors are not required to use these forms. The requirement that disclosures be made "clearly and conspicuously" does not mean that they must be more conspicuous than other terms in a combined contract-disclosure statement, nor does it preclude the use of a multi-purpose disclosure form that enables the lessor to designate the specific disclosures applicable to a given transaction. See the commentary to Appendix C.

2. *Type size.* The term "point" in the phrase "10-point type" is a printing term that refers to the size of the body of the type, as distinguished from the size of the type face, which may vary among different print manufacturers.

Paragraph 4(a)(2).

1. *Consummation.* The time of consummation is determined by state or other applicable law. See commentary to § 213.2(b)(2).

2. *Identity of multiple lessors and multiple lessees.* Although § 213.4(c) permits a single lessor to make disclosures to a single lessee, in transactions involving multiple lessors and lessees, the disclosure statement must identify all the lessors and lessees.

3. *Integrated lease/disclosure forms.* Contract terms that are not required disclosures may be added to the disclosure statement so long as the required disclosures are made together on a single page (which may include both sides) and above the place for the lessee's signature. Generally, contract terms may precede, follow, or be intermingled with the disclosures within the limits of § 213.4(b) governing the use of additional information and the clear, conspicuous, and meaningful sequence disclosure standard in § 213.4(a)(1).

4. *Lessee's signature.* The regulation does not require the lessee to sign the disclosures but, if disclosures are combined with contract terms, the lessor may require the lessee's signature for contract or evidentiary purposes. In such a case, the disclosures must be made above the place for the lessee's signature. When disclosures and contract terms appear on 2 sides of a page, the consumer's signature usually appears on the bottom of the second side. The consumer's signature may appear, however, on the bottom of the first side if all the disclosures appear on that side.

Paragraph 4(a)(4).

1. *Permissible uses.* If the lessor chooses to provide foreign-language translations of the disclosures or is required to do so by state, federal, or local law, the translations are not inconsistent per se with disclosures under this regulation and may be provided as additional information under § 213.4(b).

2. *Advertisements in Puerto Rico.* The requirement for providing English disclosures upon request shall not apply to advertisements subject to § 213.5 of this regulation.

4(c) Multiple lessors; multiple lessees.

1. *Multiple lessors.* If a lease transaction involves more than one lessor:

- The lessors must choose one among them to make the required disclosures.
- If multiple lessors do not select among themselves, then each lessor is required to make consumer lease disclosures.
- All disclosures for the transaction must be given, even if the disclosing lessor would not otherwise have been obligated to make a particular disclosure.

2. *Multiple lessees.* If one lessee is merely a surety or guarantor, the disclosures must be given to the principal lessee.

4(d) Unknown-information estimate.

1. *Time of estimated disclosure.* The lessor may use estimates to make disclosures if necessary information is unknown or unavailable at the time the disclosures are made.

2. *Basis of estimates: General.* The estimates must be made on the basis of the best information reasonably available at the time disclosures are made. The "reasonably available" standard requires that the lessor, acting in good faith, exercise due diligence in obtaining information. For example:

- Section 213.4(g)(4) requires the lessor to disclose the total amount payable by the lessee during the lease term for official fees, registration, certificate of title, license fees, or taxes. When these amounts are subject to indeterminable increases over the course of the lease, the lessor may base its estimated disclosures on those rates or charges in effect at the time of disclosure.

3. *Basis of estimates: the estimated value of leased property at termination.* When the lessee's liability at the end of the lease term is based on the estimated value of the leased property (see § 213.4(g)(15)), the lessor may choose either a retail or a wholesale value in making the estimate, provided that choice is consistent with the lessor's actual practice in determining the value of the property at the end of the lease term. Regardless of which value is assigned, the estimate must be reasonable and based on the best information available to the lessor. For example:

- An automobile lessor offering an open-end lease must disclose the estimated value of the vehicle at the end of a 3-year lease. The lessor relies on the *Kelly Blue Book* as the best source of information on wholesale used vehicle prices. Use of a wholesale price is permissible, if the lessor intends to assign a wholesale value to the vehicle at the end of the lease term.
- Same facts as above, except that the lessor discloses an estimated wholesale value that is lower than the value derived from the *Kelly Blue Book* because, in its experience, the *Kelly Blue Book* values are higher than the values actually received in local used-vehicle markets. The use of a value for a vehicle lower than that derived from the *Kelly Blue Book* or similar publication is permissible so long as it actually approximates objectives experience in the used motor vehicle market.

4. *Labelling estimates.* Generally, only the particular disclosure for which the exact information is unknown is labelled as an estimate. However, when several disclosures are affected because of the unknown information, the lessor has the option of labelling either every affected disclosure or only the disclosure primarily affected.

5. *Understating the estimated value.* In non-purchase option leases, the lessor may not use a lower value than that indicated by the best information available when disclosing the estimated value of lease property at the end of the lease term under § 213.4(g)(15).

4(e) Effect of subsequent occurrence.

1. *Subsequent occurrences.* Examples of subsequent occurrences include:

- A change from a monthly to a weekly payment schedule.
- The addition of insurance or a security interest by the lessor because the lessee has not performed obligations contracted

for in the lease.

- An increase in official fees or taxes. See the commentary to § 213.4(d).
- An increase in insurance premium or coverage caused by a change in law.
- Late delivery of an automobile caused by a longshoremen's strike.

2. *Redisclosure.* When a disclosure becomes inaccurate because of a subsequent occurrence, the lessor need not make new disclosures unless new disclosures are required under § 213.4(h).

4(g) Specific disclosure requirements.

1. *Inapplicable disclosures.* The disclosures required by this section need be made only as applicable. Any disclosure not relevant to a particular transaction may be eliminated entirely. For example, if the lessor does not take a security interest, no disclosure is required under § 213.4(g)(9). See the commentary to Appendix C.

2. *Other required disclosures.* The disclosure statement must include the date and identify the lessor and the lessee. See § 213.4(a)(2).

Paragraph 4(g)(1).

1. *Multiple-item lease.* In a multiple-item lease, the property may be described in separate statements as provided in § 213.4(a)(3).

Paragraph 4(g)(2).

1. *Itemization not required.* The lessor must disclose one total initial payment amount and identify the components of this one amount (for example, capitalized cost reduction, mechanical breakdown protection, registration fees). The lessor may, but need not, itemize the individual amount of each component.

2. *Consummation.* The time of consummation is determined by state or other applicable law. See commentary to § 213.2(b)(2).

3. *Fees payable upon delivery.* This provision does not apply to fees paid at delivery, when delivery occurs after consummation. For example:

- The lessee agrees to pay registration fees, sales taxes, and a delivery charge in one lump sum on the date the automobile is delivered, some time after consummation. None of these charges is an initial payment under § 213.4(g)(2) because it is paid after consummation of the lease. The registration fees and sales taxes are disclosed under § 212.4(g)(4), and the delivery charge is disclosed as an "other charge" under § 213.4(g)(5).

Paragraph 4(g)(3).

1. *Itemization not required.* Section 213.4(g)(3) does not require the lessor to itemize the components of the periodic payments. Some of the components must be disclosed separately, however, if their disclosure is required by other provisions of the regulation. Examples of periodic payment components that must be disclosed separately include:

- Taxes. See § 213.4(g)(4).
- Insurance costs. See § 213.4(g)(6).

2. *Periodic payments.* The phrase "periodic payments," as used in § 213.4(g)(3) requires the disclosure of all payments made periodically and could include maintenance and insurance charges. It is distinguished from the same term as used in the definition of total lease obligation § 213.2(a)(17). See the commentary to § 213.2(a)(17) and Appendix C.

Paragraph 4(g)(5).

1. *Coverage.* Section 213.4(g)(5) requires the disclosure of charges that are anticipated by the parties as incident to the normal operation of the lease agreement. It does not require disclosure of charges that are imposed when the lessee fails to abide by the lease agreement, such as charges for:

- Late payment.
- Default.
- Deferral of payments.
- Extension of the lease.

2. *Relationship to other provisions.* The other charges mentioned in § 213.4(g)(5) are charges that are not specifically covered by another provision of § 213.4(g). For example:

- A delivery charge that is paid after consummation is disclosed as an "other charge." A delivery charge that is paid at consummation, however, is disclosed as part of the total initial charges under § 213.4(g)(2), *not* as an "other charge."
- The price of a mechanical breakdown protection contract ordinarily is disclosed as an "other charge." In states where mechanical breakdown protection contracts are regarded as insurance, however, the cost is disclosed in accordance with § 213.4(g)(6), *not* as an "other charge". See the commentary to § 214.4(g)(6).

3. *Lessee liabilities at the end of the lease term.* Liabilities that the lease imposes upon the lessee at the end of the lease term and that must be disclosed include, but are not limited to, disposition and "pick-up" charges.

Paragraph 4(g)(6).

1. *Mechanical breakdown protection.* Whether mechanical breakdown protection purchased in conjunction with a lease should be treated as insurance is determined by state or other applicable law.

Paragraph 4(g)(7).

1. *Brief identification.* The statement identifying warranties may be brief. For example, manufacturer's warranties may be identified simply by a reference to the standard manufacturer's warranty.

2. *Warranty disclaimers.* Although a disclaimer of warranties is not required by the regulation, the lessor may give a disclaimer as additional information in accordance with § 213.4(b).

3. *State law.* Whether an express warranty or guaranty exists is determined by state or other applicable law.

Paragraph 4(g)(8).

1. *Standards for wear and use.* The lessor is permitted but not required to set standards for wear and use (such as excess mileage). The disclosure may be omitted by lessors that do not set such standards. See the commentary to § 213.4(g)(15).

Paragraph 4(g)(9).

1. *Third-party security interests.* The regulation does not require disclosure of security interests taken by someone other than the lessor. For example, when a bank that is not a lessor makes loans to leasing companies and takes assignments of consumer leases generated by those companies, neither the leasing company nor the bank must disclose the commercial security interest in the lessor's receivables.

Paragraph 4(g)(10).

1. *Collection costs.* The automatic imposition of collection costs or attorney fees upon default must be disclosed under § 213.4(g)(10). Collection costs or attorney fees that are not imposed automatically, but are contingent upon expenditure of amounts in conjunction with a collection proceeding or upon the employment of an attorney to effect collection, need not be disclosed.

2. *Charges for early termination.* When default is a condition for early termination of a lease, default charges must also be disclosed under § 213.4(g)(12). The § 213.4(g)(10) and (12) disclosures may be combined. Examples of combined disclosure are provided in the model lease disclosure forms in Appendix C.

3. *Simple-interest leases.* In a simple-interest accounting lease, the additional lease charge that accrues on the lease balance when a periodic payment is made after the due date does not constitute a penalty or other charge for late payment. Similarly, continued accural of the lease charge after termination of the lease because the lessee fails to return the leased property does not constitute a default charge. In

either case, if the additional charge accures at a rate higher than the normal lease charge, the lessor must disclose the amount of or the method of determining the additional charge under §213.4(g)(10).

4. *Extension charges.* Extension charges that exceed the lease charge in a simple-interest accounting lease or that are added separately are disclosed under §213.4(g)(10).

Paragraph 4(g)(11).

1. *Mandatory disclosure of no purchase option.* Although generally the lessor need only make the specific required disclosures that apply to a transaction, it must disclose affirmatively that the lessee has no option to purchase the leased property when the purchase option is inapplicable.

2. *Lessee's right to bid.* The lessee's right to submit a bid to purchase property at termination of the lease is not an option to purchase under § 213.4(g)(11), if the lessor is not required to accept the lessee's bid and the lessee does not receive preferential treatment.

Paragraph 4(g)(12).

1. *Default.* When default is also a condition for early termination of a lease, default charges must be disclosed under this section. See the commentary to § 213.4(g)(10).

2. *Lessee's liability at early termination.* When the lessee is liable for the difference between the estimated and realized values at early termination, the amount or the method of determining the amount of the difference must be disclosed under this section.

Paragraph 4(g)(14).

1. *Disclosure inapplicable.* When the lessee is liable at the end of the lease term or at early termination for unreasonable wear or use but *not* for the estimated value of the leased property, the lessor need not disclose the lessee's right to an independent appraisal. For example,

- The automobile lessor may reasonably expect a lessee to return an undented car with four tires at the end of the lease term. Even though it holds the lessee liable for the difference between a dented tireless car and the value of a car in reasonably good repair, the lessor is not required to disclose the lessee's appraisal right.

2. *Lessor's appraisal.* The lessor may obtain an appraisal of the leased property to determine its realized value. Such an appraisal, however, is not the one addressed in § 183(c) of the act, and the lesssor still must disclose the lessee's independent right to an appraisal under § 213.4(g)(14).

3. *Time restriction on appraisal.* Neither the act nor the regulation specifies any time period in which the lessee must exercise the appraisal right. The lessor may require a lessee to obtain the appraisal within a reasonable time after termination of the lease. The regulation does not define what is "reasonable time."

Paragraph 4(g)(15).

1. *Coverage.* The limitations of the lessee's liability for the value of the leased property under § 213.4(g)(15) do not apply at early termination.

2. *Total lease obligation.* The requirement that the total lease obligation be itemized is satisfied by disclosing the 3 components in the definition of total lease obligation in § 213.2(a)(7) with their corresponding amounts.

3. *Taxes.* Taxes that are in the value at consummation and capitalized over the lease term are included in the scheduled periodic payments for purposes of computing the total lease obligation. Taxes that are not capitalized but are paid monthly to the lessor (which pays it to the appropriate governmental agency) are not included in the value at consummation and may be included in or excluded from the total lease obligation at the lessor's option. When the tax is paid by the lessee at consummation, it may, but need not, be included in the total lease obligation and excluded from the value at consummation. It may never be included in the value at consummation and excluded from the total lease obligation.

4. *Leases with a minimum term.* If a lease has an alternative minimum term, the § 213.4(g)(15) disclosures governing the liability limitation need not be repeated for the minimum term. The lessee's option to terminate the lease at the end of the minimum term should be treated as an early termination provision and disclosed under § 213.4(g)(12), (13), and (14).

5. *Average payment allocable to a monthly period.* The phrase "average payment allocable to a monthly period" corresponds to the periodic payment used to compute the total lease obligation. See the commentary to § 213.2(a)(17).

6. *Charges not subject to rebuttable presumption.* The limitation on liability applies only to liability that is based on the estimated value of the property at the end of the lease term. The lessor also may recover additional charges from the lessee at the end of the lease term. Examples of such additional charges include:

- Disposition charges.
- Excess mileage charges.
- Late payment and default charges.
- Amounts that have accrued in simple interest accounting leases because the lessee has made late payments.

4(h) Renegotiations or extensions.

1. *Renegotiation.* A renegotiation occurs when an existing lease that was subject to this regulation (or its predecessor) is satisfied and replaced by a new lease undertaken by the same lessee. A renegotiation is a new lease requiring new disclosures. Whether and when a lease is satisfied and replaced by a new lease is determined by state or other applicable law. The following events shall not be treated as renegotiations:

- A substitution of leased property in a multiple-item lease, provided the average payment is not changed by more than 25 percent.
- A reduction in the lease charge.
- An agreement involving a court proceeding.
- A substitution of leased property with property that has a substantially equivalent or greater economic value, provided no other lease terms are changed.

2. *Assumptions.* No new disclosures are required when a consumer lease is assumed by another person.

3. *Extension.* An extension is any continuation of a consumer lease beyond the date of early termination of the lease or the scheduled termination date of the lease. The continuation is an extension only if it has been agreed to by both the lessor and the lessee. An extension that exceeds 6 months is a new lease requiring new disclosures.

4. *Month-to-month extensions.* Section 213.4(h) applies only to existing leases that were covered by the requirements of this regulation or the previous Regulation Z, 12 CFR Part 226. It therefore does not apply to leases with an initial term of 4 months or less because such leases are not covered by the definition of consumer lease in § 213.2(a)(6). If a lease that is not covered by the regulation is extended on a month-to-month basis, new disclosures are *not* required even if the extension in fact exceeds 6 months. New disclosures *are* required, however, in the following instances:

- A lease that was subject to the regulation is extended beyond 6 months.
- A lease that was not subject to the regulation is extended or renegotiated for a specified term that exceeds 4 months.

5. *Timing of extension disclosures.* If a consumer lease is extended for a

specified term greater than 6 months, new disclosures based on the specified term are required at the time the extension is agreed to. If the lease is extended on a month-to-month basis and exceeds 6 months, new disclosures are required at the commencement of the seventh month. Because the extension is month-to-month, the disclosures are based on a 1-month term. Subsequent disclosures are required only at 6-month intervals.

References

Statute: Sections 102(b), 121, 122, 124, 182, and 183.

Other sections: §§ 213.2, 213.5 and 213.7 and Appendix C.

Previous regulation: §§ 226.6 and 226.15.

1981 changes: Although reorganized, the disclosure requirements are substantially the same as the previous requirements. The sole amendment implements section 121 of the Truth in Lending Act pertaining to multiple lessors and lessees disclosure requirements.

Section 213.5—Advertising

5(a) General rule.

1. *Persons covered.* An advertisement includes any commercial message in any communication medium that promotes, directly or indirectly, a consumer lease. Responsibility for complying with the advertising rules is not limited to lessors but includes *any* person advertising a consumer lease that requires transactional disclosures. Under section 184(b) of the act, however, the owner and personnel of the medium in which an advertisement appears, or through which it is disseminated, are not subject to civil liability.

2. *"Usually and customarily."* Section 213.5(a) is not intended to inhibit the promotion of new leasing programs but to bar the advertising of terms that are not and will not be available. Thus, an advertisement may state terms that will be offered for only a limited period or terms that will become available at a future date.

5(b) Catalogs and multipage advertisements.

1. *General rule.* The multiple-page advertisements to which § 213.5(b) refers are advertisements consisting of a numbered series of pages—for example, a supplement to a newspaper. A mailing comprised of several separate flyers or pieces of promotional material in a single envelope is not a single multiple-page advertisement.

2. *Cross-references.* A multiple-page advertisement is a single advertisement (requiring only one set of lease disclosures) if it contains a table, chart, or schedule clearly stating sufficient information for the reader to determine the disclosures required under § 213.5(c) (1) through (5). If one of the triggering terms listed in § 213.5(c) appears on another page of the catalog or multiple-page advertisement, that page must clearly refer to the specific page where the table, chart, or schedule begins.

5(c) Terms that require additional information.

1. *Clear and conspicuous standard.* Section 213.5(c) prescribes no specific rules for the format of the necessary disclosures. The terms need not be printed in a certain type size and need not appear in any particular place in the advertisement.

2. *Triggering terms.* Whenever certain triggering terms appear in lease advertisements, the additional terms enumerated in § 213.5(c) (1) through (5) must also appear. The additional terms must be disclosed even if the triggering term is not stated explicitly, but is readily determinable from the advertisement. For example, if an advertisement states a 5-year lease term with monthly payments, the number of required payments—a triggering term—is readily apparent.

5(d) Multiple-item leases; merchandise tags.

1. *Merchandise tags.* Section 213.5(d) provides a method for using merchandise tags without including all the required disclosures on the tags. As an alternative to this disclosure method, a merchandise tag may state all the necessary terms on one or both sides of the tag. If the terms are on both sides of the tag, both sides must be accessible to the consumer.

References

Statute: Sections 105(a) and 184.

Previous regulation: § 226.10 (a), (b), and (h).

Other sections: § 213.2(a) (2) and (6).

1981 changes: None.

Section 213.6—Preservation and Inspection of Evidence of Compliance

1. *Preservation methods.* Lessors must retain evidence that they performed required actions as well as made the required disclosures. Adequate evidence of compliance does not require actual paper copies of disclosure statements or other business records. The evidence may be retained on microfilm, microfiche, or by any other method designed to reproduce records accurately (including computer programs). The lessor need retain only enough information to reconstruct the required disclosures or other records.

References

Statute: Section 105(a).

Previous regulation: § 226.6(i).

1981 changes: A uniform 2-year record-retention rule replaces the previous requirement that records be retained through at least one compliance examination.

Section 213.7—Inconsistent State Requirements

1. *Procedures.* Only states (through their authorized officials) may request and receive determinations on inconsistency. The procedures for requesting a Board determination on inconsistency are contained in Appendix B.

2. *Optional state disclosures.* A lessor that chooses to make inconsistent state disclosures must do so in the manner prescribed by § 213.4(b).

References

Statute: Sections 111(a)(1) and 186(a).

Previous regulation: § 226.6(b)(3).

Other sections: §§ 213.2(a)(16) and 213.4(b) and Appendix B.

1981 changes: None.

Section 213.8—Exemption of Certain State-Regulated Transactions

1. *Classes eligible.* The state determines the classes of transactions for its exemption and makes its application for those classes. Classes might be, for example, all automobile leases or all leases in which the lessor is a bank.

2. *Substantial similarity.* The "substantially similar" standard requires that state statutory or regulatory provisions and state interpretations of those provisions must be generally the same as the federal act and Regulation M. A state will be eligible for an exemption even if its law covers classes of transactions not covered by the federal law. For example, if a state's law covers leases for agricultural purposes, this will not prevent the Board from granting an exemption for consumer leases, even though leases for agricultural purposes are not covered by the federal law.

3. *Adequate enforcement.* The standard requiring adequate provision for enforcement generally means that appropriate state officials are authorized to enforce the state law through procedures and sanctions comparable to those available to federal enforcement agencies.

References

Statute: Sections 111(a)(2) and 186(b).

Previous regulation: § 226.6(b)(3).

Other sections: §§ 213.2(a)(16) and 213.4(b) and Appendix A.
1981 changes: None.

Appendix A—Procedures and Criteria for State Exemptions

References

Statute: Section 186(b).
Previous regulation: § 226.80 (supplement VI, Section I).
Other sections: § 213.8
1981 changes: None.

Appendix B—Procedures and Criteria for Board Determination Regarding Preemption

References

Statute: Section 186(a)
Previous regulation: § 226.80 (Supplement VI, Section II).
Other sections: § 213.7
1981 changes: None.

Appendix C—Model Forms

1. *Permissible changes.* Although use of the model forms is not required, lessors using them properly will be deemed to be in compliance with the regulation. Lessors may make certain changes in the format or content of the forms and may delete any disclosures that are inapplicable to a transaction without losing the act's protection from liability. The changes to the model forms may not be so extensive as to affect the substance, clarity, or meaningful sequence of the forms. Examples of acceptable changes include:

- Using the first person, instead of the second person, in referring to the lessee.
- Using "lessee," "lessor," or names instead of pronouns.
- Rearranging the sequences of the disclosures.
- Incorporating certain state "plain English" requirements.
- Deleting inapplicable disclosures by whiting out, blocking out, filling in "N/A" (not applicable) or "O," crossing out, leaving blanks, checking a box for applicable items, or circling applicable items. (This should permit use of multi-purpose standard forms.)
- Adding language or symbols to indicate estimates.

2. *Model open-end or finance vehicle lease disclosures.* Model C-1 is designed for an open-end or finance lease of a vehicle. An open-end or finance lease is one in which the lessee's liability at the end of the lease term is based on the difference between the estimated value of the leased property and its realized value. Section 213.4(g)(15)(i) requires disclosure of an itemized total lease obligation for such leases. To facilitate this disclosure, Model C-1 divides the initial charges (item 3) into two categories: those that are included in the total lease obligation and those that are not. The amount of the monthly payment (item 4) is similarly divided. This format permits the components of the total lease obligation (item 11) to be disclosed simply by cross-reference to the previous items. See the commentary to § 213.2(a)(17). The inclusion of taxes in the basic monthly payment disclosure (mentioned in the instructions to item 4(a) is not mandatory in all cases. See the commentary to § 213.4(g)(15).

3. *Model closed-end or net vehicle lease disclosures.* Model C-2 is designed for a closed-end or net lease of a vehicle. A closed-end or net lease is one in which the lessee's liability at the end of the lease term is *not* based on the difference between the estimated value of the leased property and its realized value. Item 13(c) is included for those closed-end vehicle leases in which the lessee's liability at early termination is based on the vehicle's estimated value. See § 213.4(g)(14).

4. *Model furniture lease disclosures.* Model C-3 is a closed-end lease disclosure statement designed for a typical furniture lease. It does not include a disclosure of the appraisal right at early termination that is required under § 213.4(g)(14) because few closed-end furniture leases base the lessee's liability at early termination on the estimated value of the leased property. The disclosure may be added, if it is applicable, without loss of the form's protection from civil liability.

References

Statute: Sections 105, 130, and 185.
Previous regulation: § 226.1501, 1502, and 1503.
1981 changes: References in the instructions to the previous regulation have been deleted.

Appendix D—Federal Enforcement Agencies

References

Statute: Section 108.
Previous regulation: Appendix E.
1981 changes: None.

Board of Governors of the Federal Reserve System, October 5, 1981.

William W. Wiles,

Secretary of the Board.

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 702

[IRPS 81-8]

Full and Fair Disclosure Requirements; Proposed Interpretive Ruling and Policy Statement

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed Interpretive Ruling and Policy Statement.

SUMMARY: This statement is to advise Federal credit unions that adherence to the accounting principles and standards in Section 2000 of the Accounting Manual for Federal Credit Unions will ensure compliance with the full and fair disclosure provisions of CFR Part 702.

DATE: Comments must be received on or before November 27, 1981.

ADDRESS: Send comments to Regulatory Development Coordinator, Robert Monheit, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Harry Moore, Accounting Officer or Joseph Visconti, Surveillance Officer, Office of Examination and Insurance, Telephone (202) 357-1065.

SUPPLEMENTARY INFORMATION: Proposed regulations have been issued for public comment that will remove the Accounting Manual for Federal Credit Unions (Accounting Manual) from incorporation by reference in the National Credit Union Administration Rules and Regulations under 12 CFR 701.2 and 701.14.

The Accounting Manual has recently undergone extensive revision. Sections 1000, 3000, 4000, 5000, 6000 and 7000 provide guidance and offer suggestions to Federal credit unions for accounting in all areas of operations. The accounting principles and standards that Federal credit unions are expected to follow in maintaining financial records and preparing financial statements are contained in Section 2000.

The full and fair disclosure provisions of 12 CFR 702.3 define the required level of disclosure needed on financial statements, require Federal credit unions to select an accounting basis that is described in the Accounting Manual, and instruct credit unions to prepare financial statements in the manner prescribed in the Accounting Manual or equivalent financial statements. This statement is to advise Federal credit unions that adherence to the accounting principles and standards in Section 2000 of the Accounting Manual will ensure

compliance with the full and fair disclosure provisions of § 702.3. Of course, alternative accounting principles and guidelines not inconsistent with statutory or regulatory requirements may also satisfy these disclosure requirements. The remainder of the Accounting Manual for Federal Credit Unions presents guidelines and recommended procedures and practices.

There are instructions and discussions in the Accounting Manual that provide guidance for compliance with statutory and regulatory requirements. For example; Section 4000 of the Accounting Manual discusses statutory regular reserve transfer requirements of the Federal Credit Union Act and how the transfer is calculated. The discussions in the Accounting Manual which relate to the Federal Credit Union Act, NCUA Rules and Regulations or any other statutory requirement are only summaries and Federal credit unions should not interpret deregulation of the Accounting Manual as relief from those rules and statutes.

As previously stated, the Accounting Manual has been extensively revised, a summary of the significant changes is attached as Appendix A. In a companion action to this proposed Interpretative Ruling and Policy Statement (IRPS), the NCUA Board has proposed to remove the Accounting Manual from incorporation by reference in the NCUA Rules and Regulations. Credit union officials are cautioned that, until final action is taken on this proposed IRPS and the companion proposed rule change, the provisions of the Accounting Manual (except for those provisions identified in the list of changes attached hereto) continue to be incorporated by reference in the National Credit Union Administration Rules and Regulations.

A copy of the revised Accounting Manual is being provided to each Federal credit union and single copies are available to the public upon request from: The National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

The NCUA Board requests public comment on the proposed deregulation because of the substantial number of groups and organizations that make use of credit union financial statements.

Text of Statement of Interpretation and Policy

1. Full and Fair Disclosure

12 CFR 702.3(a) defines full and fair disclosure as the level of disclosure a prudent person would provide to a credit union member, the National Credit Union Administration, or a creditor to fairly inform them of the financial condition and results of operation of the credit union. The accounting principles discussed in Section 2020 of the Accounting Manual provide for a level of disclosure in financial reporting that will meet the requirements of this Section of the regulation. Major concepts of Section 2020 are summarized as follows:

a. *Going Concern Concept*—Each credit union will normally maintain its accounts as a "going concern" on the basis that its operations will be continued indefinitely. Therefore, assets and liabilities will represent the value to the credit union as a "going concern" and will not be based on liquidation values. Whenever unusual circumstances indicate a limited life for a credit union, e.g., if the credit union goes into a liquidation status, the "going concern" concept will no longer apply. As a result, appropriate modifications will be required to realistically state assets and liabilities and recognize appropriate revenues and expenses. These modifications would include for example, a re-evaluation of the loan portfolio to recognize possible discounts on sales of loans, an evaluation of the realizable value of fixed assets in liquidation, possible adjustments required in the carrying value of deferred charges and deferred income, etc.

b. *Monetary Basis For Accounting*—Accounts of each credit union will be stated in terms of the dollar amounts involved at the time transactions occur. The recording of each transaction in terms of dollar units provides the best feasible indicator as to its relative impact on the overall operations of the credit union. It also permits identification of the amount of assets, liabilities, income or expenses represented by the transaction.

c. *Consistency in Accounting From Period to Period*—Consistent accounting practices will normally be followed by each credit union from one accounting period to the next. However, when a material change in accounting treatment occurs, the facts must be disclosed on credit union financial statements, including the dollar effect upon the balance sheet and the changes in net income for the period.

d. *Timely Recognition in Accounting Records*—Accounting transactions will be recorded on a timely basis so that all material information applicable to each accounting period will be shown in the records. To properly recognize in accounting records and financial reports the reasonable value of assets, liabilities, and shareholders' equity, each credit union will make provision for estimated losses to be sustained in the collection or conversion of loans and other assets by charges against current expenses. Estimated amounts will be used in accruing income or expenses if actual amounts are not known and cannot be readily determined. Differences between the actual and estimated amounts will be absorbed in the operations of the subsequent accounting period unless they are so large that they seriously distort net income.

e. *Materiality*—Material facts, individually and cumulatively, relating to credit union financial activity must be recognized in the accounts of a credit union and reported on its financial statements. A statement, fact, or item is material if, giving full consideration to the surrounding circumstances as they exist at the time, it is of such a nature that its disclosure, or the method of treating it, would be likely to influence or to "make a difference" in the judgment and conduct of a reasonable person. The accumulation of many small items each of which in itself would not be "material", would be "material" if the overall effect would tend to influence the judgment and conduct of a reasonable person.

f. *Conservative Accounting*—Each credit union will maintain its accounting records on a conservative basis. It will make reasonable provisions in the accounts, based on its best judgment, for potential losses on recorded assets and the settlement of contingent liabilities. It will neither overstate nor understate materially its assets, liabilities, revenues or expenses.

g. *Internal Control*—Each credit union will adopt appropriate measures of internal control to improve the dependability of its accounting records.

h. *Complete Recording of Income and Expenses*—All income, expenses, gains and losses will be recorded in income and expense accounts and shown on the Statement of Income prepared for the accounting period. Income and expense accounts will include actual and estimated loan losses, as well as entrance fees, late charges and other assessments against members.

i. *Accounting and Dividend Periods*—Credit union accounting periods may be monthly, quarterly, semiannually or annually depending on the period selected by the credit union to close its books. Each credit union must close its books at least annually. It is recommended that Federal credit unions close the books at the end of each regular share account dividend period unless dividends are paid more frequently than monthly. Provision must

be made for statutory reserve transfers and adjustments to meet valuation allowance requirements when a credit union elects not to close the books at the end of any dividend period except where such dividend period is more frequent than monthly.

j. *Fiscal Year*—The fiscal year of all Federal credit unions will begin January 1 and end December 31. This is a requirement of section 110 of the Federal Credit Union Act.

2. Alternative Accounting Principles Available

Within the accounting principles authorized by the NCUA for use by credit unions, various alternatives are provided for adoption at the option of any credit union for certain types of transactions. These alternatives are designed to provide the flexibility required for meaningful accounting under a variety of circumstances that may be encountered by credit unions of different size and scope of operations. Absolute uniformity is not required so long as each credit union conforms its accounting to the authorized accounting principles and standards.

The American Institute of Certified Public Accountants (AICPA) and the Financial Accounting Standards Board (FASB) and their committees establish generally accepted accounting principles (GAAP), accounting guidelines, and preferred accounting treatment for various activities. Credit unions should refer to such accounting profession pronouncements for guidance where a particular activity is not addressed in the Accounting Manual or other NCUA publications. Credit unions may adopt such accounting profession pronouncements provided they are not inconsistent with the principles, standards, and procedures set forth in Section 2000 of the Accounting Manual or statutory or regulatory requirements.

3. Selection of an Accounting Basis

12 CFR 702.3(b)(2)(i) requires Federal credit unions to select an accounting basis as provided in the Accounting Manual. The requirements of the Accounting Bases are discussed in Section 2020 of the manual. Credit unions must use the accrual or modified cash basis of accounting. The accrual basis is the method of accounting under which liabilities and expenses are recorded when incurred whether or not paid, and income is recorded when earned whether or not received. Under the modified cash basis, transactions are recorded when funds are received or disbursed except as described below. Provision must be made to reflect: liabilities not paid when due; dividends and interest refunds applicable to, but not paid in, an accounting period; deferred credits and charges applicable to future accounting periods; estimated losses that may be sustained on loans and other risk assets; and, depreciation on fixed assets. The NCUA Board encourages all Federal credit unions to adopt the accrual basis of accounting because that method more precisely matches costs with income in accounting cycles and provides for more timely recognition of changes to assets and liabilities. It is also recognized by the NCUA Board that the accrual method may be unnecessarily burdensome for many, smaller Federal credit unions. Thus, adoption of the accrual basis of accounting should be subject to the following considerations:

a. The adoption of the accrual basis of accounting is strongly recommended for credit unions with assets of $2 million or more.

b. Credit union accounting should be maintained on the accrual basis by all other credit unions for which such basis is deemed practicable by the board of directors.

c. Where the accrual basis is followed, a cash basis of accounting and reporting may be applied to particular accounts where the results would be only insignificantly differently from the accrual basis. For this purpose "insignificantly" refers to differences which would not be considered important for a proper evaluation of the condition of, or operation of, the credit union.

d. Credit unions for which adoption of the accrual basis is not practicable will use a modified cash basis of accounting. At the $2 million asset range, operations are generally sufficient in scope to require relatively advanced management techniques such as budgeting and asset/liability management. To be effective, these techniques require financial data and records which fully reflect the results of financial transactions in appropriate accounting periods. Accordingly, the NCUA Board considers accrual accounting to be a requisite of sound operations and not an unnecessary burden.

4. Use and Content of Financial Statements

12 CFR 702.3(b)(2)(ii) requires the use of financial statements or equivalent format described in the Accounting Manual. Section 2080 of the Accounting Manual sets forth the conditions necessary to produce financial statements that will meet the full and fair disclosure requirements of the regulation. Major conditions are as follows:

a. *Purpose of financial statements.* The financial statements of Federal credit unions provide the vehicle for accomplishing the most important external function of the accounting process; that of presenting fairly the financial position of the credit union at a particular date and the results of operations for a particular period in accordance with generally accepted accounting principles and the principles prescribed in Section 2000 of the Accounting Manual. The financial statements are needed to permit management to make sound decisions and effectively manage the credit union and to show how management has carried out its stewardship to shareholders. In order to provide for full and fair disclosure on financial statements all assets, liabilities, reserves and retained earnings, including valuation allowance accounts as may be necessary to present fairly the credit union's financial position; and all income and expenses necessary to present fairly the results of the credit union's operations for the period covered by the report must be disclosed.

b. *Frequency of financial statements.* As required by Article VIII, section 5(d) of the Federal Credit Union Bylaws, a Statement of Financial Condition and Statement of Income must be prepared monthly. To provide for full and fair disclosure of financial condition, a Statement of Changes in Equity should be prepared quarterly or at the end of a regular share account dividend period, if the dividend period is longer than quarterly and credit unions following the accrual basis of accounting should prepare a Statement of Changes in Financial Position on an annual basis.

c. *Chart of accounts.* For purposes other than reporting to the National Credit Union Administration, any credit union may utilize a different system for numbering its General Ledger accounts than the system discussed in Section 4000 of the Accounting Manual. Any such alternate system adopted must permit the classification of transactions in at least the detail required to properly complete the financial report Forms FCU 109A, FCU 109B, FCU 109C, FCU 109D, and FCU 109E. These forms constitute the majority of the semiannual call report submitted by federally insured credit unions to NCUA under the provisions of 12 CFR 701.13 and 741.7 of the NCUA Rules and Regulations. The required account numbers for these forms are described in Section 4000 of the Accounting Manual. The account

numbers are also printed on the financial reporting forms.

Sections 1000, 3000, 4000, 5000, 6000 and 7000 of the Accounting Manual are instructional in nature and designed to assist credit unions to maintain accurate records and prepare financial statements which fully disclose their financial condition. While the procedures in these sections are optional, adherence to the principles and standards discussed in Section 2000 will ensure compliance with the full and fair disclosure requirements of Part 702 of the NCUA Rules and Regulations. Alternate procedures and principles not in consistent with statutory or regulatory requirements may also satisfy compliance with Part 702.

Rosemary Brady,

Secretary of the NCUA Board.

September 24, 1981.

Appendix A—Outline of Revisions to the Accounting Manual for Federal Credit Unions

Section 1000—General Instructions

Reference to the Condensed Version of the *Accounting Manual for Federal Credit Unions* has been deleted since that publication has been cancelled. New sections on Specialized Accounting and Operational Procedures, and Managerial Accounting are introduced.

Section 2000—Accounting Principles and Standards for Federal Credit Unions

Section 2020.10, "Accounting Basis," recommends the adoption of the accrual basis of accounting for all credit unions particularly for those with assets of $2 million or more.

Section 2020.11, "Accounting and Dividend Periods," recommends that FCUs close the books at the end of each dividend period unless the dividend period is more frequent than monthly.

Section 2030, "Accounting Profession Pronouncements," has been added to recognize the existence of generally accepted accounting principles (GAAP) and other recognized accounting guidelines. This section indicates that credit unions should rely on GAAP when the Manual does not address a specific activity.

Section 2050.1.7.1 requires the accrual of dividends whenever dividend rates are specified or contracted for in advance.

Section 2060.4, "Reserve for Loss Contingencies," is the new account title for the previous "Reserve for Contingencies." This section specifies that loss contingency expenses will not be charged directly to Reserves for Loss Contingencies.

Section 2070.1.12, "NCUA Insurance Guaranty," defines the topic, and states that a guaranty will not be recorded as income.

Section 2070.2.4, "Accrued Interest on Loans Included in Valuation Allowance," provides that interest will not be accrued on loans that are 6 months or more delinquent.

Section 2080.5, "Notes to Financial Statements," is a new section that states the purpose of and requirements for such notes.

Section 2080.10, "Chart of Accounts," is a new section that was added to require the use of Section 4000's Chart of Accounts for reporting to the National Credit Union Administration.

Section 3000—Financial Reports

Section 3020, "Frequency of Report Requirements," has been revised to eliminate the reference to the Statistical Report which has been cancelled. It also eliminates any references to the Statement of Changes in Undivided Earnings and the Statement of Changes in Equity, since these have been consolidated into a "Statement of Changes in Equity."

Section 3050.3, "Supporting Schedules for Financial Statements," is a new section for the new form FCU 109C that is used to provide notes to the financial statements. Following this section are completed sample financial statements.

Section 3050.5, "Statement of Changes in Equity," provides the new consolidated statement of changes for all undivided earnings and reserve accounts.

Section 3050.6, "Statement of Changes in Financial Position," includes the completely revised statement to provide more detailed information about the credit union's sources and uses of funds for the current year.

Section 3050.7.1, "Illustration of the Use of Notes to the Financial Statements," provides illustrated financial statements with their accompanying notes, providing examples of how notes can be prepared.

Section 4000—General Ledger Accounts

Section 4030.2.9, "Conversion to the Accrual Basis of Accounting," is a new discussion on how to convert to the Accrual Basis of Accounting.

Section 4030.2.10, "Transactions after Conversion," is a new section that provides instructions on the use of some of the accrued income and expense accounts.

Section 4040, "Chart of General Ledger Accounts," provide a complete listing of all of the new General Ledger Accounts that are used in this manual.

Section 4050.4, "Asset Accounts (700 Series)," was revised to expand the listing of investment asset accounts. Thus, the accrued income asset accounts were moved to the 780 account numbered series. Investment Asset Accounts now spread from Account No. 740 to 759, the latter being the Allowance for Losses On Investments, which was formerly Account No. 749. Common Trust Investments (Account No. 743) now includes Mutual Fund Investments.

Section 4050.5, "Liability Accounts (800 Series)," under Dividends Payable (Account No. 820) previously required that all dividend periods must be established so that the last dividend period of any calendar year end on December 31. Dividend periods will no longer be limited to the December 31st requirement, provided that the cost of the dividends is accrued through December 31 by recording the dividend expense and the corresponding accrued liability.

Section 4050.6, "Saving and Equity Accounts," has been amended to permit reference to share accounts as savings rather than equity. The discussion included in the Regular Reserve (Account No. 931) reflects the reduced transfer requirements of Pub. L. 95-22 of April 1977. The Reserve for Loss Contingencies (Account No. 933), (formerly the Reserve for Contingencies) has been revised to limit the establishment of such a reserve to probable losses that are known and determinable in amount. A new account, Appropriated Undivided Earnings (Account No. 942), was established for the purpose of allocating undivided earnings for planned expenditures or liabilities.

Section 5000—General Accounting and Operating Procedures

Section 5030.1.5.1, "Termination of a Joint Account," is an expanded version of this topic which is based on a current NCUA legal opinion.

Section 5040.2.1, "Pledge of Shares," includes legal interpretations on the subject and provides sample wording and advice that can be followed when initiating a pledge.

Section 5040.4.1, "Applying for the Loan," incorporates the new "Application for Loan" form NCUA 6001.

Section 5040.5.2.4 provides a new discussion of the board of directors' authority to establish interest rates based on various classifications of loans.

Section 5040.5.7 provides a new discussion of the assessment and administration of late charges.

Section 5040.5.8 provides a new narrative outline on the loan security reporting requirements of Federal Reserve Board Regulation G, "Securities Credit By Persons Other Than Banks, Brokers and Dealers."

Section 5050.1.1, "Balancing Out Teller's Funds," contains new instructions for credit union operating personnel on how to balance a cash drawer.

Section 5050.1.1.2, "Check Endorsements," is a new discussion on the various types of check endorsements, and the basis for each.

Section 5050.1.5, "Balancing Teller's Cash Receipts and Disbursements Using On-line Computer Terminals," is a new subsection that was added to provide teller instructions when using an on-line computer terminal.

Section 5050.1.6, "Receipts and Disbursements Using Automatic Transfer Accounts and NOW Accounts," is a new discussion that addresses credit union disbursements via an automatic transfer or Negotiable Order of Withdrawal Account.

Section 5050.2.8, "Change Funds and Monetary Reserve Requirements of Regulation D," provides a clarification that change funds are included in the definition of "vault cash" in satisfying the monetary reserve requirements of Regulation D.

Section 5060.5 emphasizes providing necessary detail in support of bank reconcilements.

Section 5060.11, "Preparing the Schedule of Delinquent Loans," includes a new discussion on the preparation of form FCU 118LC, Schedule of Delinquent Lines of Credit.

Section 5070.1, "End of Accounting Period," urges the closing of the credit union's books at the end of each dividend period.

Section 5070.2, "Interest Refunds," reflects Change No. 39 to the NCUA Rules and Regulations which authorizes refunds of interest that vary according to different classes of loans.

Section 5080, "Subsidiary Recordkeeping," is a consolidation of former references to subsidiary recordkeeping.

Section 5080.5, "Other Subsidiary Records for Other General Ledger Accounts," emphasizes the need to maintain subsidiary ledgers when there are two or more separate items supporting one General Ledger Account.

Section 5090.2, "Direct Deposit of Federal Recurring Payments," is a new subsection which provides instructions for handling those payments including the use of a preselected date when the deposit is credited to the member's account.

Section 5090.4, "Payroll Deduction Plans," provides a new discussion on providing disclosure information regarding the operation of payroll deduction plans.

Section 5090.8, "Distribution of Statements of Account," provides an expanded discussion regarding distribution of members' accounts in consideration of the Federal Reserve Board's Regulation Z requirements.

Section 5090.8.1, "No Mail Accounts," provides credit union officials and operating personnel with instructions for handling members' "no mail" accounts.

Section 5090.9, "Regulation E", provides a discussion of statement distribution requirements and composition of the statement based on this Federal Reserve Board regulation.

Section 5100.3, Automatic Teller Machine (ATM)," discusses the advantages of such machines in view of the services that they can provide.

Section 5120.2, "Allowance For Depreciation," provides new acceptable depreciation ranges for depreciable assets.

Section 5140, "Internal Controls," includes expanded comments on the maintenance of administrative and accounting controls that comprise a good system of internal control.

Section 5140.4, "Management Official Interlocks," is a discussion of the Depository Institution Management Interlocks Act and the related requirements of Part 711 of the NCUA Rules and Regulations.

Section 5150, "Share, Share Draft and Share Certificate Account," is a consolidation of the Pub. L. 95-22 authority for variable share accounts as expressed in the former "1978 Interim Dividend Guidelines for FCUs" and current NCUA Rules and Regulations.

Section 5160, "Dividends," is an expansion of the "1978 Interim Guidelines for FCUs and the instructions found in the previous version of the Accounting Manual for FCUs.

Section 5190.3.3, "Microfiched or Microfilmed Records," is a new presentation on the use of current microfilming processes for the storage and maintenance of the vital records of the credit union.

Section 5200.1.1, "Essentials Needed For Offering the Sale Of, And Cashing Of, Money Orders and Checks," provides a listing of the items needed for this members' service.

Section 5200.6 "Group Purchasing and Insurance Activities," addresses the problem of computing the amount of direct and indirect costs in providing a service.

Section 5210, "Third Party Payments," provides a consolidated summary of a credit union's authority to make payments to third parties on behalf of credit union members.

Section 5210.1.2, "Electronic Funds Transfer Act," provides a definition of an electronic funds transfer and provides a summary of some of the Act's provisions.

Section 5210.1.3, "Automatic Clearing House," provides a brief discussion of the purpose and operations of such a facility.

Section 5220, "Delinquency Control," provides advice for credit union managers for the implementation and administration of an effective collection program. It expresses the need, benefits and elements of delinquency control. Method "D" for delinquency computation was deleted since it allowed delinquent interest payments to be counted as satisfying the note's repayment terms.

Section 5220.2.8.15, "Ethical Loan Collection Practices," provides an outline of collection procedures that can be used while preserving courtesy and respect for the borrower. Observance of these procedures will assist the credit union in avoiding unnecessary law suits from unfair debt collection practices.

Section 5230, "Reserve Requirements," provides a discussion on regular reserve transfer requirements.

Section 5230.1.3, "Split-Rate Transfers," provides a discussion on how split-rate transfers to reserves are computed. There will be occasions when a credit union has satisfied the requirements of one transfer rate and can thus drop to a lower rate of transfer during the same accounting period. This subsection provides an example of such a computation.

Section 5240, "Liquidity Reserve Computation," provides a discussion on the requirements of liquidity reserves in connection with Part 742 of the NCUA Rules and Regulations.

Section 5240.2, "Regulation D," provides summary of this Federal

Reserve Board regulation, which addresses transaction accounts and nonpersonal time deposits and their monetary reserving requirements.

Section 5250, "Correspondent Credit Unioning," provides a new discussion on this program and the requirements and procedures to be followed.

Section 5260, "Safe Deposit Box Service," provides an outline of the precautions, safeguards and internal controls which must be considered.

Section 5270, "Federal Funds Transaction," includes a discussion of the authority for Federal credit unions to participate in the Federal Funds market

Section 5280.1, "Political Contributions By Federal Credit Unions," is a new discussion on the subject.

Section 6000—Specialized Accounting and Operational Procedures

This section covers topics primarily related to the larger credit unions having more complex operations. Operational and accounting procedures are provided for such activities as: share drafts; credit card programs; investment in credit union service corporations; fixed assets; branch offices; offices on Department of Defense facilities; leases; and the purchase sale and pledge of eligible obligations. Guidance is also provided in a broad range of topics including: pension plans; real estate lending; long-term investments; treasury tax and loan accounts; public unit accounts; corporate central credit unions; and membership in the Central Liquidity Facility.

This is an entirely new major section of the *Accounting Manual for Federal Credit Unions.* It recognizes the use and application of current generally accepted accounting principles (GAAP) in regard to credit union programs or services. This section represents a special effort to update credit union accounting practices so that they will be more in tune with GAAP as set forth by the American Institute of Certified Public Accountants.

Section 7000—Managerial Accounting

This section describes the budgetary process including the planning function, budget preparation, financial control and evaluation. Various techniques of asset/liability management are discussed and examples of the spread analysis and allocation-of-funds methods are illustrated. A listing of ratios which can be used to measure liquidity, capital adequacy and profitability are provided.

Section 8000—Appendices

Section 8000 includes tables that are used in other sections of this Manual. New tables that have been added are: table 8–2 Present Value of $1 Per Period; Table 8–3 Present Value of $1; Table 8–4 Future Value of an Annuity of $1 Per Period; Table 8–5 Future Value of $1; and Table 8–8 Mortgage Yield Conversion Table. Table 8–7 Dividend Table has been revised. Table 8–6 Level Payment Delinquency Table for Loans has been expanded to cover loans for 360 months and interest rates of 15%, 18% and 21% APR.

[FR Doc. 81-29051 Filed 10-9-81; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, Information Systems Division (Code NSM–12), Office of Management Operations, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202–755–3140.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," and NASA Management Instruction 1410.10C, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require that a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** on the first Monday in April and the first Monday in October.

James M. Beggs,
Administrator.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—REGULATORY AGENDA

Title	Description	Legal citation	Status	Contact	Regulatory analysis required
Space Transportation System (STS) Insurance Indemnification Requirements.	Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users.	Pub. L. 96–48	Proposed rule published in the **Federal Register** Vol. 45, No. 219, page 74499, Nov. 10, 1980. Comments due by Jan. 9, 1981, and were received from several individuals. Expect a final rule to be published in next 3 months.	Robert J. Wojtal, Office of General Counsel, NASA Headquarters, Washington, DC 20546, 202/755–3169.	No.
Space Transportation System; Reimbursement for Spacelab Services.	Describes the policy for Spacelab services provided by NASA to users.	42 U.S.C. 2473	Final rule being prepared. Proposed rule appeared in the **Federal Register**, Vol. 45, No. 188, page 63506, Sept. 25, 1980. Comments received from several people. Expect a final rule to be published early 1982.	Robert Hallermann, Office of Space Transportation Operations, NASA Headquarters, Washington, DC 20546, 202/755–3303.	No.
Equal Access to Justice Act	Implements the Act in Agency proceedings which are adversary adjudications, in accordance with model regulations of the Administrative Conference of the United States.	Pub. L. 96–481, 94 Stat. 2325, Oct. 21, 1980 (5 U.S.C. 504)	Draft Interim Rules completed. Pending intra-and inter-agency consultations.	Sara Najjar, Office of General Counsel, NASA Headquarters, Washington, DC 20546 202/755–3920.	No.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—REGULATORY AGENDA—Continued

Title	Description	Legal citation	Status	Contact	Regulatory analysis required
Standards of Conduct; post Employment Regulations.	This rule contains the procedures to be followed by a former NASA employee who wishes to communicate scientific or technical information to NASA.	18 U.S.C. 207(f)	Final rule to be published within 3 months.	Elizabeth N. Siegel, Office of General Counsel, NASA Headquarters, Washington, DC 20546 202/755-3923.	No.
Space Transportation System; The Authority of the Space Transportation System (STS) Commander.	Final rule published on March 7, 1980 (45 FR 14845-14846) setting forth authority of STS Commander. This proposed amendment will state that the Director of JSC will relieve the Commander if the Commander is unable to carry out responsibilities.	Pub. L. 85-588; 72 Stat. 426; 42 U.S.C. 2473, 2455; 18 U.S.C. 799; Art. VII, TIAS 6347 (18 U.S.C. 2410).	Final rule; amendment in draft stage.	Robert T. O'Neil Code MSP-2, NASA Headquarters, Washington, DC 20546, 202/755-2424.	No.
Coordination of NASA Facilities Planning Projects.	Establishes policy and procedures for coordinating NASA facilities planning or projects with states, areawide, and local planning authorities and clearinghouses. 14 CFR 1204.15 is amended by revising the Authority paragraph; it updates citations, and includes the coordination requirements of 14 CFR 1216.3, 14 CFR 1204.11, and 14 CFR 1216.2.	National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451 et seq.). Procedures for implementing the provisions of the NEPA; OMB Circular A-95; Coastal Zone Management Act of 1972; Floodplain and Wetlands Management; Title IV of Intergovernment Coop Act of 1968; and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.	Final rule to be published in approximately 30 days.	Margaret Herring, Code NSM-12, NASA Headquarters, Washington, DC 20546, 202/755-3140.	No.
Patent Waiver Regulations	Revision of NASA Patent Waiver Regulations to bring them into conformity with the requirements of Pub. L. 96-517; 94 Stat. 3019.	42 U.S.C. 2457	Final rule published in **Federal Register** Vol. 46, No. 137, page 37023, July 17, 1981.	Robert F. Kempf, Code GP-4, NASA Headquarters, Washington, DC 20546, 202/755-3932.	No.
Patent Licensing Regulations	Regulations for Licensing NASA inventions to conform with Pub. L. 96-517.	35 U.S.C. 207, 208; 94 Stat. 3024.	Temporary regulations to be published in the **Federal Register**.	John G. Mannix, Code GP-4, NASA Headquarters, Washington, DC 20546, 202/755-3954.	No.
Civil Rights Act-Nondiscrimination in Federally Assisted Program of NASA.	Sets forth the programs, delegations of authority, responsibilities and procedures concerning nondiscrimination in Federally-assisted programs of NASA, is being updated to reflect titles and functional changes (originally published in February 1965).	Civil Rights Act of 1964, Pub. L. 88-352; Stat. 241 (42 U.S.C. 2000 d-1); Sec. 203(b) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473).	In marked up draft to be retyped for review. To be submitted for publication during next 6 months.	Lynda Sampson, Code U-1, NASA Headquarters, Washington, Dc 20546, 202/755-8302.	No.
Delegation of Authority of Certain Civil Rights Functions to Department of Education.	Delegates responsibilities of NASA under Title VI Civil Rights Act of 1964 with respect to institutions of higher educaion to the Secretary, Department of Education.	Pub. L. 88-352	To be revised to change Dept. of Health, Education and Welfare to Department of Education, and to correct functional title.	Lynda Sampson, Code U-1, NASA Headquarters, Washington, DC 20546, 202/755-8302.	No.

NOTE.—There are no proposed regulations to report in this agenda that are likely to have a significant impact on a substantial number of small entities.

[FR Doc. 81-28517 Filed 10-9-81; 8:45 am]

BILLING CODE 7510-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 9103]

The Times Mirror Co.; Proposed Consent Agreement With Analysis To Aid Public Comment

Corrections

In FR Doc. 81-28539 appearing at page 48226 in the issue for Thursday, October 1, 1981, make the following corrections:

1. On page 48227, in the first column, under FOR FURTHER INFORMATION CONTACT, in the last line, "(213) 834-7575" should have read "(213) 824-7575."

2. On page 48229, in the second column, in paragraph 5, in the nineteenth line, "separate schedule" should have read "separate rate schedule."

3. On page 48230, in the third column, in paragraph V, in the second line, "constructed" should have read "construed."

4. On page 48231, in the second column, in the seventh line, "responable" should have read "reasonable."

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 24, 111, and 141

Proposed Amendments Relating To Discharge of an Importer's Liability for Duties; Extension of Time for Public Comment

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule; notice of extension of time for comments.

SUMMARY: This notice extends the period of time within which interested members of the public may submit

comments with respect to a proposal to amend Parts 24, 111, and 141, Customs Regulations (19 CFR Parts 24, 111, 141), relating to the discharge of an importer's liability for duties. A document inviting the public to comment on this proposal was published in the **Federal Register** on September 3, 1981 (46 FR 44195). Comments were to have been received on or before November 2, 1981. A request has been received to extend the period of time for the submission of comments. The notice extends the period of time to December 2, 1981.

DATE: Comments must be received on or before December 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Edward B. Gable, Jr., Office of Regulations and Rulings (202-566-5706), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Dated: October 6, 1981

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 81-29609 Filed 10-9-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Health Maintenance Organizations; Reconsiderations and Hearings

AGENCY: Public Health Service, HHS.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: The Department withdraws the Notice of Proposed Rulemaking for Subpart J published in the **Federal Register** (41 FR 40292-5) on September 17, 1976. The proposed Subpart J outlined the procedures for an entity to follow in requesting reconsiderations and hearings (1) after the Secretary had denied its application for qualification as a health maintenance organization (HMO) or (2) after the Secretary had determined that the entity failed to comply with applicable laws, regulations or signed assurances. The Department has decided, as set forth more fully below under "Supplementary Information," that the provisions of these proposed rules are no longer necessary.

EFFECTIVE DATE: October 13, 1981.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Acting Director of Office of Health Maintenance Organizations, 12420 Parklawn Drive, Park Building, Room 3-10, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: The Department is now carefully reviewing the justification for all of its regulations and has determined that the conditions that prompted it to propose a separate set of regulations for entities requesting reconsiderations and hearing have changed. Subpart F of 42 CFR Part 110 provides that entities whose applications for qualification as HMOs have been denied by the Secretary may request reconsiderations and hearings and specifies certain of the procedures applicable to them. The Department has decided that it can provide the details of any further procedures necessary for conducting reconsiderations and hearings to applicants upon request and that it need not publish these procedures as regulations.

As to entities which fail to comply with applicable assurances under Title XIII of the Public Health Service Act and regulations issued under Title XIII (42 CFR Part 110), the HMO Amendments of 1976 (Pub. L. 94-460) revised section 1312 of the Act to provide greater detail regarding applicable enforcement procedures. Subsequently, the Department issued final regulations at Subpart I of 42 CFR Part 110, "Continued Regulation of Health Maintenance Organizations and Other Entities," which regulations implement the revised section 1312. In accordance with section 1312, the Subpart I regulations provide for notices of noncompliance and periods for the initiation and carrying out of corrective action before the Secretary avails himself of the applicable remedies. The Department has concluded, in light of the detailed procedures in Subpart I, that separate provisions for reconsiderations and hearing are no longer necessary for these compliance actions.*

In view of this discussion, the notice of proposed rulemaking for Subpart J is withdrawn.

*Congress has amended section 1312 through the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). As amended, section 1312 requires that the Secretary provide an HMO a reasonable opportunity for reconsideration, including, at the HMO's option, a fair hearing, before revoking the HMO's Federal qualification. This amendment will be incorporated into the the Subpart I regulations.

Dated: June 26, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: October 5, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-29626 Filed 10-9-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-17; Notice 1]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes that Safety Standard No. 108 be amended to delete the dimensional requirements for all headlamp retaining rings. It implements the grant of a petition for modification of Dimension K, specified in SAE Standard J571d for retaining rings of headlamps. The primary purpose of this amendment would be to remove a design restriction and associated administrative and compliance burdens upon the automotive industry.

DATES: Comments closing date: November 27, 1981.

Proposed effective date: Date of publication of the final rule in the **Federal Register.**

ADDRESS: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (Docket hours: 8:00 a.m. to 4:00 p.m.)

FOR FURTHER INFORMATION CONTACT: Marx Elliott, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1714).

SUPPLEMENTARY INFORMATION: Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment* (49 CFR 571.108), incorporates by reference SAE Standard J571d "Dimensional Specifications for Seal Beam Headlamp Units," June 1976. Toyota Motor Sales, USA, Inc. informed NHTSA that it had developed a new retaining ring for a

four lamp rectangular headlamp system which combined the function of the previously separate headlamp door (mounting ring) and the retaining ring. The new ring is lighter in weight by 0.2 kg than the old rings and its use makes it easier to replace a headlamp. But in order to allow it, Toyota argued that Dimension "K" as specified in SAE J571d should not be limited to the 1.52 mm maximum beyond the area where the mechanical aimer is set, and it petitioned the agency for rulemaking to eliminate Dimension K. Having been assured that the new design does not interfere with use of a mechanical aimer, NHTSA granted the petition.

Upon its review of Standard No. 108 the agency concluded that it sould go beyond the scope of the petition and that deletion of all retaining ring design requirements would not compromise motor vehicle safety. This appeared to be one of those Federal regulations that can be rescinded, relieving a burden, if only a small one, on vehicle manufacturers during a time of economic stress. The necessary compliance and associated administrative tasks will be removed and therefore implementation of the proposal should have a positive economic impact. Retaining ring dimensions specified in SAE Recommended Practice J1132, applicable to two-lamp rectangular headlamp systems, are also proposed for elimination.

The agency's preliminary evaluation has shown that this rulemaking action is not a major regulation under Executive Order 12291 "Improving Government Regulations," or a significant regulation under the departmental regulatory policies and procedures, and that neither a regulatory impact analysis nor a regulatory evaluation is required. Amendment of the standard will impose no additional requirements but will allow manufacturers flexibility to adopt retaining ring designs with dimensional specifications that may now be precluded by strict adherence to the SAE requirements incorporated in Standard No. 108.

The agency has also considered the impacts of this proposal in relation to the Regulatory Flexibility Act. NHTSA concludes that amending Standard No. 108 to eliminate dimensional requirements for retaining rings would not have a significant effect on a substantial number of small entities. Accordingly, no initial regulatory flexibility analysis has been prepared. Based on available information, the agency believes that few, if any, of the retaining ring manufacturers are small businesses as that term is defined for purposes of the Flexibility Act. Small organizations and government jurisdictions which purchase fleets of motor vehicles would probably not be significantly affected if the standard is amended. Retaining rings will continue to be required and provided, in most instances probably unchanged from current ones. The difference in cost of vehicles equipped with current retaining rings and those of a different design would be insubstantial at most.

NHTSA has analyzed this proposal for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the human environment.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is hereby proposed that 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, be amended by adding new paragraph S4.1.1.25 to read as follows:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

* * * * *

S4.1.1.25 The dimensional specifications for headlamp unit retaining rings of Figures 2(B), 5(B), and 8(B) of SAE Standard J571d "Dimensional Specifications for Sealed Beam Headlamp Units," June 1976, and of Figure 2(B), SAE Recommended Practice J1132 "142 mm × 200 mm Sealed Beam Headlamp Unit," January 1976, do not apply.

* * * * *

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The engineer and attorney primarily responsible for this proposal are Marx Elliott and Taylor Vinson, respectively.

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

Issued on: August 24, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-29484 Filed 10-9-81; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 571

[Docket No. 81-16; Notice 1]

Federal Motor Vehicle Safety Standards; Motor Vehicle Lighting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment of Motor Vehicle Safety Standard No. 108 that would substitute SAE Standard J594f for J594e as the referenced standard on reflex reflectors. This proposal is in response to a petition for rulemaking submitted by Motor Vehicle Manufacturers Association (MVMA). The effect of the proposal is to increase the diameter of the circumscribing circle for the photometric test from 7 to 10 inches.

DATE: Comments must be received on or before: November 27, 1981.

Proposed effective date: Date of publication of final rule.

ADDRESS: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5109, Nassif Building, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (Docket hours: 8:00 a.m. to 4:00 p.m.).

FOR FURTHER INFORMATION CONTACT: Marx Elliott, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1714.

SUPPLEMENTARY INFORMATION: Standard No. 108 requires that reflex reflectors be designed to conform to SAE standard J594e *Reflex Reflectors*, March 1970. Section J "Photometry" of the Standard specifies that "reflex reflectors may have any linear or area dimensions, but for the photometric test a maximum of 12 square inches contained within a 7 inch diameter circle shall be exposed." In January 1977 the SAE adopted J594f which increased the diameter of the test circle to 10 inches. MVMA has petitioned the agency to substitute J594f as the referenced standard on reflex reflectors arguing that it will relieve a design restriction and permit greater latitude in reflector design with no decrease in safety performance.

Specifically, MVMA noted that the increase in minimum requirements for lens area of rear turn signal lamps from 3.5 to 8 inches adopted by NHTSA in 1976 has resulted in increased use of reflex material in the form of horizontal or vertical strips as well as material incorporated within the lenses. But some types of designs are prohibited by current requirements that would be allowable when 12 square inches of reflex material are circumscribed by a circle with a diameter increased from 7 to 10 inches. The performance requirements of this reflective material itself would remain unchanged.

The NHTSA agrees with this argument and is proposing the adoption of J594f. It wishes to point out, however, the following additional differences between the two standards. The option of using visual measurements for determining photometric performance will be eliminated. This change will result in a greater comparability of test results between manufactuers and NHTSA, which uses photometric rather than visual measurements, thus reducing the likelihood of disagreements when photometric failures occur. In addition, a new Table I is provided, "Minimum Milli-candelas per Incident Lux for Red Reflex Reflectors", the current table becoming "1A". The new table is the equivalent of the old in metric units. Either table may be used, a fact not made clear by J594f.

The agency's preliminary examination has shown that this rulemaking action is not a major regulation under Executive Order 12291 "Improving Government Regulations," or a significant regulation under the Department's regulatory policies and procedures, and that neither a regulatory impact analysis nor a regulatory evaluation is required. Amendment of the standard will impose no additional manufacturer requirements but will allow producers flexibility to adopt reflex material designs that are now precluded by the current requirements of Standard No. 108. Although visual measurements for determining photometric conformance will be eliminated, the cost of substituting photometric measures should be minimal. NHTSA believes that most manufacturers, as the best assurance of compliance, have relied on photometric measurements in the past.

The agency has also considered the impacts of this proposal in relation to the Regulatory Flexibility Act. NHTSA concludes that amending Standard No. 108 to increase the diameter of the circumscribing circle for the photometric tests of reflex reflectors would not have a significant effect on a substantial number of small entities. Accordingly, no initial regulatory flexibility analysis has been prepared. Based on available information, the agency believes that few, if any, of the manufacturers of reflex reflectors are small businesses as that term is defined for purposes of the Flexibility Act. Small organizations and governmental jurisdictions which purchase fleets of motor vehicles would probably not be significantly affected if the standard is amended. The difference in cost of vehicles equipped with current reflex reflectors and those permitted by the proposed amendment would be insubstantial at most.

NHTSA has analyzed this proposal for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the human environment.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that 49 CFR 571.108 Motor Vehicle Safety Standard No. 108, be amended as follows:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

1. Paragraph S4.1.1.4 would be revised to read:

* * * * *

S4.1.1.4 Reflective material conforming to Federal Specification L-S-300, "Sheeting and Tape, Reflective; Non-exposed Lens, Adhesive Backing," September 7, 1965, may be used for side reflex reflectors if this material as used on the vehicle, meets the performance standards in either Table I or Table IA of SAE Standard J594f, "Reflex Reflectors", January 1977.

* * * * *

2. The first sentence of paragraph S5.1 would be amended as follows:

* * * * *

S5.1 SAE Standards and Recommended Practices subreferenced by the SAE Standards and Recommended Practices included in Tables I and III and paragraphs S4.1.4 and S4.5.1 are those published in the 1970 edition of the SAE Handbook, except that the SAE standard referred to as "J575" is J575e, *Tests for Motor Vehicle Lighting Devices and Components*, August 1970, for tail lamps, stop lamps, turn signal lamps, and reflex reflectors designed to conform, respectively, to SAE Standards J585d, J586c, J588e, and J594e. * * *

* * * * *

3. In Table I, under the column headed "Item" the term "intermediate reflex reflectors" would be revised to read "intermediate side reflex reflectors."

4. Table I and Table III would be revised to substitute "J594f, January 1977" in the column headed "Applicable SAE standard or recommended

practice" as the referenced standard for reflex reflectors, and intermediate side reflex reflectors.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments the docket supervisor will return the postcard by mail.

The program official and attorney responsible for developing this proposal are John Simeroth and Taylor Vinson, respectively.

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

Issued on: Augst 24, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-29483 Filed 10-9-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 4

Service Contract Act; Labor Standards for Federal Service Contracts; Extension of Comment Period

AGENCY: Wage and Hour Division, Labor.

ACTION: Proposed Rule; Extension of Comment Period.

SUMMARY: This document extends the period for filing comments regarding a proposed rule intended to revise Part 4 of Title 29 of the Code of Federal Regulations (29 CFR Part 4) which concerns Labor Standards for Federal Service Contracts.

DATE: Comments in triplicate must be received on or before December 1, 1981.

ADDRESS: Comments should be sent to William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: (202) 523-8305.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 14, 1981 (46 FR 41380) the Department of Labor published a proposed rule intended to revise 29 CFR Part 4 which concerns Labor Standards for Federal Service Contracts under the Service Contract Act. Interested persons were requested to submit comments on or before October 13, 1981. The agency believes that the extention of the comment period is appropriate, and that the additional time should be provided to all interested persons. This action is taken in order to leave the record open while hearings are conducted in Florida on the proposed rule. A notice concerning the details of the hearing will be published in the near future. Therefore, the comment period for the proposed rule, revising 29 CFR Part 4, is extended to December 1, 1981.

Signed at Washington, D.C. this 9th day of October, 1981.

William M. Otter,

Administrator, Wage and Hour Division.

[FR Doc. 81-29600 Filed 10-9-81; 12:06 pm]

BILLING CODE 4510-27-M]

Notices

Federal Register
Vol. 46, No. 197
Tuesday, October 13, 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

Regulation of Business Committee; Freedom of Information Act; Confidential Business Information; Meeting

AGENCY: Administrative Conference of the United States; Committee on Regulation of Business.

ACTION: Committee meeting.

Agenda for Meeting

The Committee will meet with its consultants to discuss the development of recommendations related to the administration of exemption (b)(4) of the Freedom of Information Act. This meeting was originally scheduled for October 2, 1981 (46 FR 45385).

Date; Time; Place

October 26, 1981; 10:00 a.m.; Lower Level Conference Room, 2120 L Street NW., Washington, D.C. 20037.

Public Participation

Attendance at the Committee's meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least one day in advance of the meeting. The Committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or after the meeting. Minutes of the meeting will be available on request to the contact person.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037, Telephone: (202) 254-7065.

SUPPLEMENTARY INFORMATION: The Administrative Conference Committee on Regulation of Business is working toward developing recommendations concerning agency procedures and practices in dealing with Freedom of Information Act requests for information that would fall within exemption 4 of the Act, the "business records exemption" (5 U.S.C. 552(b)(4)). This information would ordinarily be in the form of documents in an agency's possession that had been submitted to the agency by a private person or business firm and that deal with the business of the individual or firm, and would include documents containing "confidential" information or trade secrets.

The Committee is working on this project with two consultants, Russell B. Stevenson and James T. O'Reilly. Mr. Stevenson has presented his final report to the Committee, and Mr. O'Reilly's first draft report is due in mid-October. These reports, and the development of recommendations based on them, will be the subjects of discussion.

Richard K. Berg,
General Counsel.
October 5, 1981.

[FR Doc. 81-29588 Filed 10-9-81; 8:45 am]

BILLING CODE 6110-01-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended October 2, 1981

Subpart Q Applications[1]

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
9-29-81	40082	Continental Air Lines, Inc., Los Angeles International Airport, Los Angeles, California 90009. Application of Continental Air Lines, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation of persons, property and mail over the following routes: (1) Between a point or points in the United States and a point or points in Switzerland; (2) Between the co-terminal points Denver, Houston, Los Anageles, Miami, and New York City/Newark, and co-terminal points in Belgium, The Netherlands, and Luxembourg; (3) Between the co-terminal points Denver, Houston, Los Angeles, Miami, and New York City/Newark, the intermediate points Kingston and Montego Bay, Jamaica; Providenciales, Grand Turk; South Caicos, Turks & Caicos; Port-au-Prince and Cap Haitien, Haiti; Santo Domingo, Dominican Republic; St. Kitts; St. Johns, Antigua; Pointe-a-Pitre, Guadeloupe; Fort de France, Martinique; St. Lucia; Barbados; Grenada; Port-of-Spain, Trinidad and Tobago; Aruba, Bonaire, Curacao and St. Maarten, Netherlands Antilles; Barranquilla, Colombia and the terminal point San Andres, Colombia. This authority would be subject to the condition that the holder shall not operate single-plane service between Miami-Fort Lauderdale and points in the Netherlands Antilles. (4) Between the co-terminal points Denver, Houston, Los Angeles, Miami, and New York City/Newark, and the terminal point Bermuda; (5) Between a point or points in the United States and Shannon, Ireland; (6) Between a point or points in the United States and a point or points in Jordan; (7) Between a point or points in the United States and co-terminal points in Indonesia, Malaysia, Thailand, Sri Lanka, and India; (8) Between a point or points in the United Stalos and Paris, Marseille, and Nice, France; and (9) Between a point or points in the United States and Tel Aviv, Israel. Conforming Applications, motions to modify scope, and Answers may be filed by October 27, 1981.

[1] See 14 CFR 302.1701 et seq.

Date filed	Docket No.	Description
9-29-81	40083	America West Airlines, Inc., 1411 N. Third Street, Phoenix, Arizona 85004. Application of America West Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to provide scheduled air transportation of passengers and property between: The terminal point: Phoenix, Arizona; The intermediate points: Tucson, Arizona; Albuquerque, New Mexico; El Paso, Texas; Midland-Odessa, Texas; San Antonio, Texas; Dallas/Ft. Worth, Texas; Houston, Texas; New Orlean, Louisiana; Oklahoma City, Oklahoma; Tulsa, Oklahoma; Wichita, Kansas; St. Louis, Missouri; Kansas City, Missouri; Omaha, Nebraska; Des Moines, Iowa; Minneapolis/St. Paul, Minnesota; Colorado Springs, Colorado; Denver, Colorado; Salt Lake City, Utah; Billings, Montana; Boise, Idaho; Spokane, Washington; Seattle/Tacoma, Washington; Portland, Oregon; Reno, Nevada; Sacramento, California; Oakland, California; San Francisco, California; San Jose, California; Monterey, California; Fresno, California; Las Vegas, Nevada; Santa Barbara, California; Burbank, California; Los Angeles, California; Monterey, California; Fresno, California; Las Vegas, Nevada; Santa Barbara, California; Burbank, California; Los Angeles, California; Long Beach, California; Ontario, California; Orange County, California; and the terminal point: San Diego, California. Conforming Applications, motions to modify scope, and Answers may be filed by October 27, 1981.
10-2-81	40099	Challenge Air Transport, Inc., Mr. B. F. Spohrer, President, P.O. Box 52-2933, Miami, Florida 33152. Application of Challenge Air Transport, Inc. requests the Board pursuant to Section 401 of the Act, and Subpart Q of the Board's Rules of Practice, for a certificate of public convenience and necessity so as to authorize it to engage in scheduled foreign air transportation of property and mail on a permissive basis, as follows: Between a point or points in the United States, and a point or points in Belize, Chile, Costa Rica, El Salvador, Honduras, Guatemala, Netherlands Antilles, Nicaragua and Panama. Conforming Applications, motions to modify scope, and Answers may be filed by October 30, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-29620 Filed 10-9-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40051; Order 81-9-41]

Air One Fitness Investigation; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-captioned matter is assigned to be held on October 20, 1981, at 9:30 a.m. (local time) in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue, N. W., Washington, D. C., before the undersigned administrative law judge.

Notice is also given that the hearing in this proceeding will be held immediately following conclusion of the prehearing conference in the absence of any objection thereto presenting good cause for postponement of the hearing date.

The Board's Order 81-9-141 of September 23, 1981, instituting this investigation, noted that the applicant in this proceeding had submitted with its application information required by section 204.5 of the Board's Economic Regulations, and directed the applicant to submit certain additional information. Order 81-9-141 also directed that petitions for leave to intervene in this proceeding should be filed no later than October 13, 1981. Objections to the holding of the hearing on October 20, 1981 should be filed no later than October 16, 1981. At the time of the hearing, the parties will submit three (3) fully corrected copies of all exhibit materials to be offered for receipt into the record.

Dated at Washington, D. C. October 6, 1981.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 81-29621 Filed 10-9-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-10-37]

Fitness Determination of Atlantis Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-10-37, Order to Show Cause.

SUMMARY: The Board is proposing to find that Atlantis Airlines, Inc. is fit, willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 20, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-10-37.

FOR FURTHER INFORMATION CONTACT: Mr. James Olavarria, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5405.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-10-37 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-10-37 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 5, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-29622 Filed 10-9-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39718; Order 81-10-19]

Braniff Airways, Inc.; Proposed Baggage Rules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of October, 1981.

On June 25, 1981, Braniff Airways, Inc. filed tariff revisions proposing new baggage rules in its U.S.-South America/Mexico markets, for effectiveness August 24, 1981. Checked bags weighing more than 50 lbs. each will no longer be carried free of charge, and acceptance of excess checked baggage for carriage on the same aircraft as the passenger under ordinary baggage priority will be limited to two pieces for first-class passengers and one for economy class passengers; additional excess pieces will be accepted only under the same priority as air freight. Further, the application of excess baggage charges will be placed on a sliding scale with multiple charges applying beginning with the sixth excess piece, as well as to all excess pieces

weighing over 50 lbs. or the sum of whose dimensions exceeds 62 inches.[1]

In support of its proposal, Braniff states that since the inception of the piece baggage system in South America, it has been faced with severe problems in carrying excess baggage because of a steady stream of "commercial business" passengers who purchase large amounts of goods in the United States for resale in South America, and even substantial excess baggage charges are no deterrent to this traffic; Braniff must turn to other means to handle this traffic in order to provide sufficient space for other passengers' baggage, as well as cargo and mail; and most of its passengers will be unaffected by the revised rules.[2]

DHL Corporation has filed a complaint requesting rejection, or suspension and investigation of Braniff's new baggage rules. DHL asserts that the essential issue here is how scarce baggage capacity should be allocated in markets where Braniff allegedly does not provide sufficient capacity, and the market-clearing price is greater than the cost-based price; Braniff's proposed division of baggage into two classes (over and under 50 lbs.) is unreasonable and unjustly discriminatory, and Braniff would assign a higher priority to freight and mail than to some baggage; DHL will no longer be able to use Braniff for its Miami-Bogota courier operations because of the altered priority and increased charges, and will have to abandon its plans for expanding service to Braniff's other South American markets; Braniff has not cost-justified its sliding scale of excess baggage charges or the triple charge for any piece over 50 lbs., and the proposed levels are exhorbitant; [3] according to data included in Braniff's own justification most of the carrier's passengers check bags weighing more than 50 lbs. and hence would suffer the triple charge, although some could avoid it simply by interlining; [4] and Braniff has not explained how "excess excess" baggage would be handled or retrieved at destination, or how it would clear customs. DHL offers an alternative proposal for resolving problems associated with heavy baggage loads: advance reservations for excess baggage; a market-clearing price coupled with historic baggage priority; transferable, saleable excess baggage rights; Board-mandated priorities for excess baggage, with courier bags "enhancing the domestic and foreign commerce of the United States" receiving priority; and limiting the rules geographically, directionally or chronologically.

Donald L. Pevsner has submitted an answer in support of DHL's complaint, although he disagrees with DHL's suggestion that courier baggage should receive priority ahead of other passengers', and reiterates his view that checked baggage must never be classified subjectively.

Braniff, in an answer to DHL, states that Braniff and other U.S.-South America carriers have demonstrated on numerous occasions that the South American market is unique compared to other international markets because it is flooded with "shopper" traffic which purchases large quantities of goods in the United States for resale in South America; the extent of this traffic is so great that Braniff and other carriers are unable to provide adequate service to the U.S. Postal Service, U.S. diplomatic pouches and freight shippers, because of the requirement to carry excess baggage under the highest priority; Braniff agrees with DHL that "combination services should serve passengers' needs first," but DHL by its own admission is not a passenger, but a commercial user of the air transportation system shipping large amounts of traffic; and Braniff's new rules do not penalize the general public but provide that the average passenger's baggage will accompany him on the same flight in lieu of having his baggage delayed due to belly space being swamped by commercial users. Braniff alleges that while DHL attacks the proposed rates as excessive relative to costs, the Board has frequently stated its belief that passengers should not bear the costs of services they do not use, and Braniff's proposal is consistent with the Board's policy because it merely requires heavy users of excess baggage capacity to bear more of the cost involved; and carriers must be free to experiment with solutions to difficulties such as the baggage problem in Latin American markets, and if a particular solution is not appropriate, competition and free market forces will dictate that it be revised.

The Board has permitted Braniff's tariff rules to go into effect, and will dismiss DHL's complaint, which does not set forth facts warranting investigation.

Braniff's proposal is similar in motivation and design to the new baggage rules recently proposed by Pan American, though the two proposals are not, of course, identical.[5] DHL's arguments agains Braniff are essentially the same as those it advanced against Pan American. They did not convince us then that we should suspend Pan American's tariff, and have not convinced us now that we should suspend Braniff's. As explained in Order 81-8-19, August 5, 1981, we have actively encouraged innovative approaches to difficult problems, such as excessive baggage tender by a minority of passengers which can burden many other passengers. The heavy volume of "shopper" traffic in South American markets is a real problem, and Braniff's proposal appears to be a reasonable attempt to cope with it without affecting the ordinary passenger unduly. If it appears that Braniff's rules are actually having a harsh effect on the typical passenger, we still have the authority to investigate them, with or without suspension.

We do, however, have the same concern about adequate notice to passengers that we expressed in the Pan American case, and expect the carrier to act responsibly in informing passengers and agents.

Accordingly,

1. We dismiss the complaint of DHL Corporation in Docket 39718; and

2. We shall serve copies of this order on DHL Corporation, Braniff Airways, Inc., and Donald L. Pevsner, Esq.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[6]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-29619 Filed 10-9-81; 8:45 am]

BILLING CODE 6320-01-M

[1] Braniff originally proposed a reduction in the size limits for free baggage, but subsequently withdrew that element of its filing, stating that it had been made in error.

[2] Braniff cites an April 1981 survey of its Miami-South America flights which indicated an average of 1.59 bags per passenger, well below the proposed maximums.

[3] DHL states that in the Miami-Rio de Janeiro market, ten courier-accompanied 55-lb. bags now cost $472 on Braniff, $1,290 on Pan Am's courier rate but would cost $1,770 under Braniff's proposal, as compared to $942.50 for a 550-lb. cargo shipment under Braniff's general commodity rate.

[4] Braniff's new rules apply only to travel wholly on Braniff.

[5] For example, although both carriers would reduce the maximum free weight per bag from 70 to 50 lbs., Braniff is not changing the basic free allowance while Pan Am would reduce it from two checked pieces to one for promotional fare passengers; Braniff is placing specific limits on the number of excess pieces which will be accepted under traditional baggage handling procedures and priority while Pan Am is not; Braniff is introducing a sliding scale which would increase the incidence of excess baggage charges on overweight and oversized pieces as well as those over certain numerical limits, while Pan Am would make no change in its excess baggage charges; and Braniff's new rules apply only to its own Latin American services while Pan Am's apply systemwide including interline transportation.

[6] All members concurred.

[Order 81-10-20]

Certificate of Public Convenience and Necessity; World Airways; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 81-10-20.

SUMMARY: The Board proposes to approve the following application:

Applicant: World Airways, Inc.

Application Date: February 18, 1981.

Authority Sought: World Airways seeks to amend its certificate of public convenience and necessity to authorize it to provide scheduled foreign air transportation of persons, property and mail between the coterminal points San Francisco/Oakland and Los Angeles, California, and Honolulu, Hawaii, on the one hand, and Manila, Republic of the Philippines, on the other hand.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than October 27, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of the Republic of the Philippines in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other supporting evidence.

If no objections are filed, the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificate.

ADDRESSES FOR OBJECTIONS: Docket 39325, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, (202) 673-5203.

By the Civil Aeronautics Board: October 1, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-29622 Filed 10-9-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-006]

Steel Jacks From Canada; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on steel jacks from Canada. The review covers the one firm included in the finding, the J. C. Hallman Manufacturing Company Limited, for consecutive periods from January 1, 1977 to August 31, 1980. This review indicates the existence of dumping margins in particular periods.

As a result of this review the Department has preliminary determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of J. C. Hallman's shipments during the periods of review.

EFFECTIVE DATE: October 13, 1981.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4794/2496).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 13, 1966, a dumping finding with respect to steel jacks from Canada, manufactured by J. C. Hallman Manufacturing Company Limited (J. C. Hallman), was published in the **Federal Register** as Treasury Decision 66-191 (31 FR 11974). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on steel jacks from Canada. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of steel jacks, currently classifiable under item number 664.1057 of the Tariff Schedules of the United States Annotated (TSUSA). We have divided the review into consecutive periods from January 1, 1977 through August 31, 1980. The Treasury Department reviewed all prior periods and issued appraisement instructions ("master lists") for all such periods through June 30, 1978. The master list for the period January 1, 1977 through June 30, 1978 was suspended by Treasury on September 11, 1979 due to discrepancies and that time period therefore is part of this present review.

United States Price

In calculating United States price the Department used purchase price, as defined in section 203 of the 1921 Act and section 772 of the Tariff Act, since all sales were made to unrelated purchasers. Purchase price was based on a packed FOB plant price plus an addition for the Canadian federal sales tax rebated on exportation. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 205 of the 1921 Act and section 773 of the Tariff Act, since the manufacturer sold more than 80% of its production of such or similar merchandise in the home market. Home market price was based on the packed FOB plant price. An adjustment for selling expenses was not allowed because they were not individually identified, quantified, or demonstrated to be directly related to the sales in question. An adjustment for sales commissions was not allowed since the commissions were not quantified by individual invoice. An adjustment for advertising expenses was not allowed since there was no indication the advertising was directed to the ultimate customer. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Time period and margins

[Percentage]

Jan. 1, 1977–Aug 31, 1977	0
Sept. 1, 1977–Aug 31, 1978	0.24
Sept. 1, 1978–Aug. 31, 1979	0.29
Sept. 1, 1979–Aug 31, 1980	2.01

Interested parties may submit written comments on these preliminary results on or before November 12, 1981 and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries of steel jacks produced by J. C. Hallman with purchase dates during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins above, that is 2.01 percent of the entered value, shall be required on all shipments of steel jacks produced by J. C. Hallman, and entered, or withdrawn from warehouse for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 6, 1981.

[FR Doc. 81-29513 Filed 10-9-81; 8:45 am]

BILLING CODE 3510-25-M

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 17, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and place

October 15, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building Room B841, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Charter of the Committee was signed on September 18, 1981, but because the Notice of Determination to close meetings to the public was not signed until September 29, 1981, the meeting is called on short notice. This meeting is required because of the need to obtain and consider the Committee's advice on proposals to revise the multilateral list soon to be discussed in formal COCOM sessions in Paris, France.

Agenda

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) A review of subcommittee activities:

a. Memory and Media,

b. Foreign Availability,

c. Display and Terminals, and

d. Export Regulations.

(4) New Business.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: October 6, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-29506 Filed 10-9-81; 8:45 am]

BILLING CODE 3510-25-M

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Telecommunications Equipment Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 17, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to telecommunications equipment or technology, and (D) exports of the aforementioned commodities subject to unilateral and

multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place

October 20, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 5230, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Charter of the Committee was signed on September 18, 1981, but because the Notice of Determination to close meetings to the public was not signed until September 29, 1981, the meeting is called on short notice. This meeting is required because of the need to obtain and consider the Committee's advice on proposals to revise the multilateral list soon to be discussed in formal COCOM sessions in Paris, France.

Agenda

General Session

(1) Opening remarks by the Acting Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of CCL entry 1565 as it relates to computer controlled switching equipment.

(4) Industry comments on relevant control parameters for export licensing purposes are requested.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: October 5, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-29585 Filed 10-9-81; 8:45 am]

BILLING CODE 3510-25-M

University of Chicago; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00198. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Excimer Multi-Gas Laser, Model EM 102 and Accessories. Manufacturer: Lambda-Physics, Inc., West Germany. Intended use of article: See Notice on page 31464 in the **Federal Register** of June 16, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (February 17, 1981).

Reasons: The foreign article has a 14 Watt average power and a 100 Hertz repetition rate. The National Bureau of Standards advises in its memorandum dated September 17, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use that was available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of eqivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-29584 Filed 10-9-81; 8:45 am]

BILLING CODE 3510-25-M

University of Michigan; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00274. Applicant: The University of Michigan, Department of Geological Sciences, 1006 C. C. Little Building, Ann Arbor, Michigan, 48109. Article: Ratio Mass Spectrometer, MM 602E and Accessories. Manufacturer: VG Isotopes, United Kingdom. Intended use of article: See Notice on page 47892 in the **Federal Register** of July 17, 1980.

Comments: Comments dated August 1, 1980 were received from Nuclide Corporation (Nuclide). Nuclide contended, inter alia, that (1) it offered Ratio Mass Spectrometer (RMS) features matching those the applicant termed pertinent to the foreign article's intended use, (2) it received no formal request for quote (RFQ) and (3) if a RFQ had been received, it would have bid responsively without taking any exceptions.

Decision: Application denied.

Reasons: An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used was being manufactured in the United States at the time the foreign article was ordered (June 12, 1979).

Discussion: The applicant alleges in its response to Question 8.c.(2) that

certain features of the foreign article are pertinent to its intended use (within the meaning of § 301.2(n) of the regulations) that are not available in any domestic instrument including those manufactured by Nuclide. However the National Bureau of Standards (NBS) advises in its memorandum dated October 20, 1980 that each of several Nuclide Models comparable to the foreign article (the 3-60-RMS, the 6-60-RMS, or the 12-90-RMS) was of equivalent scientific value to the article for its intended use at the time the foreign article was ordered. A discussion of the key issues in the application including each of the features alleged pertinent by the applicant follows.

Applicant's Contact With Nuclide

The applicant states that Nuclide and the foreign manufacturer were contacted by telephone in May 1979; were informed of the "essential requirements of equipment" and were asked to provide literature and specifications on standard catalogued instruments. Nuclide responded in a letter dated May 8, 1979 with literature, specifications, and prices on its Models 6-60-RMS and 3-60-RMS/HD. The foreign manufacturer responded with a brief note dated May 22, 1979 outlining the features of the foreign article, followed by quote dated June 1, 1979. Nuclide was not sent a formal RFQ; but, with the exception of the variable metal bellows and "adaptability for an on-line extraction system," its May 8, 1979 response addressed and documented its ability to provide all features alleged pertinent in response to application Question 8. The variable metal bellows is a simple device which Nuclide has provided in the past and, though not specifically stated, must be a part of Nuclide's all metal system. We cannot tell whether Nuclide was aware of the applicant's desire for easy adaptability to an on-line system. In its comments, Nuclide claimed it could provide this feature but was not sent a formal RFQ. In this regard the legislative history of Pub. L. 89-651 and the Department's regulations (15 CFR 301.11 (1978)) require the Department to take into account the capability of a domestic manufacturer to produce an instrument with certain specifications, even if it has not previously done so. The record contains no evidence that Nuclide was unable to meet the alleged pertinent specifications of the article at the time it was ordered. In the absence of a formal RFQ, the Department must give due weight to Nuclide's contention that it would have bid without exceptions to such a formal request.

Inlet and Analyzer of All Metal Construction With Full System Bakeout

The applicant contends that the article provides all metal construction including valves and a full bakeout oven for inlet and analyzer whereas Nuclide provided glass construction and an inlet system that is not bakeable. However, the foreign article's specifications do not clearly state how the inlet system is baked out. Specifications of the foreign article merely state that the complete analyzer can be enclosed in the oven provided and baked to 250° C. These specifications also indicate that the metal inlet system can be baked out without indicating how this is accomplished. Dated specifications (including those sent to the applicant) show that Nuclide could provide a tape and/or oven bakeable metal inlet system and analyzer (Publications RMS-2(3-65) pages 11 and 12, PUBS 1873-1078, PUBS 1661-1076 pages 1 and 6, and PUBS 1610-0378-AD1 Section L.) with attainable temperatures in the 300-400° C range. The applicant also states that Nuclide provides analyzer bakeout. The Department concurs with NBS that this feature is available in the Nuclide instrument.

Variable Reservoirs

The applicant states (without relating the feature to its intended use) that the foreign article provides all metal variable bellows while Nuclide provides mercury-filled glass columns. In this regard NBS in its memorandum on a prior case (Docket Number 78-00357) involving an instrument ordered on May 24, 1976 advises in pertinent part:

> Adjustable volumes on each side (of an RMS inlet system are needed) so that the pressure can be made equal (on each side). In the past this was accomplished with mercury filled pistons (these could be manual or automatic, glass or metal). A more recent way is the use of metal bellows which can be expanded or contracted with a small stepper motor. Again these can be manual or automatic systems. These two systems must be considered scientifically equivalent although the bellows system is more convenient. Nuclide has offered to provide any or all of these systems and in any event any manufacturer could be expected to provide these simple devices with no delay.

The Department concurs with this advice and finds the metal bellows feature not pertinent to the applicant's work and, in any case, available from Nuclide.

Analysis of Small Samples

The applicant states that the foreign article's minimum sample is less than .01 atm cm^3 while Nuclide's is .1 atm cm^3. The foreign article provides a small volume inlet system for analysis of carbon dioxide samples down to 0.01 atm cm^3. Nuclide also provides this small sample capability (see PUBS. 1661-1076 page 2 and PUBS. 1151-A-1076 pages 2 and 7 which Nuclide sent to the applicant). Nuclide also provides the capability to anlyze samples as small as 0.005 atm cm^3 (see Nuclide publication no. 1873-1078). The Department concurs with NBS that Nuclide RMS instruments match the small sample capability of the foreign article.

On-Line Extraction System

The applicant states it intends to adapt the article's inlet system to an on-line extraction system. It also states that the use of Nuclide's Model 3-60-RMS would require significant modification of the inlet manifold and gas handling system making its proposed modification more difficult. The applicant does not state this modification is not possible with Nuclide instruments. The record does not show that the applicant informed either Nuclide or the foreign manufacturer of the need for on-line adaption. We concur with the NBS advice that adaptability for an on-line extraction system is a design feature of convenience which cannot be considered pertinent within the meaning of § 301.2(n) of the regulations.

Operator Safety

The applicant contends that the foreign article is constructed entirely of metal; has fully enclosed, insulated vacuum pumps and ovens; and has a no mercury inlet system for resistence to physical abuse and maximum operator safety. Nuclide can also provide all metal construction, a no mercury system and enclosed ovens. Further, NBS advises that Nuclide is required by law to provide protective features comparable to those of the foreign article. We concur and, noting that vacuum pumps can be easily shielded or enclosed, find no justification for duty-free entry in the applicant's operator safety comparisons.

Vacuum Pumping System with a Background Pressure at 10^{-9} torr

Specifications of the foreign articles state that its vacuum system provides a typical residual vaccum for the analyzer of 10^{-9} torr, read on the Bayard-Alpert ion guage, using its oil diffusion and two stage rotary pumping systems. Nuclide can supply a variety of pumping systems such as oil, ion, diffusion and/or turbo pumps (see PUBS 1151-A-1076 pages 3, 4, 6, 10 and PUBS 1661-1076 pages 3, 4). Many of these systems and especially

the optional ion pump systems, attain pressures of 10^{-9} torr or below (PUBS 1452-A-0974 page 1). We concur with NBS that Nuclide instruments are available with a variety of pumping systems which can provide 10^{-9} torr vacuum.

Based on the foregoing considerations, NBS advice and our own review of this application as well as other factual information in our possession (specifications, textbooks, etc.), we find that the Nuclide Models, 3-60-RMS, 6-60-RMS, or 12-90-RMS were each of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-29582 Filed 10-9-81; 8:45 am]

BILLING CODE 3510-25-M

Syracuse University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00181. Applicant: Syracuse University, Department of Chemistry, 108 Bowne Hall, Syracuse, NY 13210. Article: Excimer Laser, Model TE 861S with Unstable Resarator Optics, Models 504RX and 504FX. Manufacturer: Lumonics, Inc., Canada. Intended use of article: See Notice on page 28204 in the Federal Register of May 26, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 6, 1981).

Reasons: The foreign article provides a 4 watt average pulse power and a 65 pulse per second repetition rate (for XeC1). The National Bureau of Standards advises in its memorandum dated September 17, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use that was available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-29583 Filed 10-9-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to discuss surf clam and ocean quahog quotas; status of other fishery management plans, foreign fishing applications, as well as other fishery management and administration matters.

DATES: The public meetings will convene on Wednesday, November 11, 1981, at approximately noon and will adjourn on Thursday, November 12, 1981, at approximately 3 p.m. The meetings may be lengthened or shortened, depending upon progress on the agenda.

ADDRESS: The meetings will take place at the Best Western Airport Motel, Philadephia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: October 7, 1981.

Jack L. Falls,

Chief, Administrative Support Staff National Marine Fisheries Service.

[FR Doc. 81-29624 Filed 10-9-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Navy

Academic Advisory Board to the Superintendent, United States Naval Academy; Subcommittee of the Secretary of the Navy's Advisory Board on Education and Training; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy, will meet on November 6, 1981, in Rickover Hall, Room 301, United States Naval Academy, Annapolis, Maryland. The meeting will commence at 8:30 a.m. and terminate at 3:00 p.m.

The purpose of the meeting is to advise and assist the Superintendent of the Naval Academy concerning the education of midshipmen. To accomplish this objective, the Board will review academic policies and practices of the Naval Academy and will submit its proposals to the Superintendent to aid him in improving educational standards and in solving Academy problems.

For further information concerning this meeting contact: Major Jill A. Berle, USMC, Military Secretary to the Academic Advisory Board, Office of the Academic Dean, United States Naval Academy, Annapolis, Maryland 21402, Telephone: (301) 267-2500.

Dated: October 6, 1981.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-29518 Filed 10-9-81; 8:45 am]

BILLING CODE 3810-AE-M

Force Enhancement Sub-Panel of the Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Force Enhancement Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on October 28 and 29, 1981, from 9:00 a.m. to 5:00 p.m. each day, at 2000 North Beauregard St., Alexandria,

Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of Navy techniques to delay or deny target lock-on by an opposing force and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Lieutenant K. M. Cummings, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, VA 22311, Phone (703) 756–1205.

Dated: October 6, 1981.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-29519 Filed 10-9-81; 8:45 am]

BILLING CODE 3810-AE-M

Secretary of the Navy's Advisory Committee on Naval History; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Secretary of the Navy's Advisory Committee on Naval History will meet on November 5, 1981, at 9:00 a.m., in the Naval Historical Center Library Conference Room, 2nd floor, Bldg. #220, Washington Navy Yard, Washington, D.C.

The purpose of the meeting is to review the naval historical activities of the past eighteen months and to make comments and recommendations on these activities to the Secretary of the Navy.

Public attendance, depending on available space, may be limited to those persons who have given written notice at least 5 days prior to the meeting of their intention to attend.

For further information concerning this meeting, contact: Ms. M. Conte, Secretary to the Director of Naval History, Building 220, Washington Navy Yard, Washington, D.C. 20374, Telephone: (202) 433–2379.

Dated: October 6, 1981.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-29520 Filed 10-9-81; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Medical Reimbursement Rates for Fiscal Year 1982

Notice is hereby given that the Assistant Secretary of Defense (Comptroller) on September 24, 1981, issued the following memorandum to the Assistant Secretaries of the Army (IL&FM), Air Force (FM), Comptroller of the Navy and the Director, OCHAMPUS:

Reimbursement rates for inpatient and outpatient medical care are established for Fiscal Year 1982 as follows:

	IMET [1]	Inter-agency [2]	Others
Per inpatient day:			
Burn Center, Brooke Army Hospital	$375	$1,421	1,680
Panama, general medical and dental care (Note 1)	282	320	368
All other general medicare and dental care	190	348	406
Per outpatient visit:			
Panama area (Note 1)	24	32	37
All other areas	19	35	40
Per FAA Air Traffic Controller; Examination		68	

[1] International Military Education and Training Students.
[2] Other Federal Agency sponsored patients and Government civilian employees and their dependents outside the United States.

Note 1: No separate reimbursement rate has been determined for the Mental Health Center, at Corazol for Fiscal Year 1982. In a reorganization of Panama medical activities, this facility was established as the Department of Neurology and Psychiatry, Gorgas US Army Community Hospital.

The Panama-specific medical reimbursement rates are applicable through March 31, 1982. Effective April 1, 1982, the Panama-specific health care reimbursement rates will be discontinued and replaced with the Fiscal Year 1982 rates used worldwide for reimbursement of medical care provided in US military health care facilities.

The charge for inpatient medical and dental care given to dependents of military personnel shall be $6.30 per day effective October 1, 1981.

Dated: October 7, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-29565 Filed 10-9-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Fund for the Improvement of Postsecondary Education; Mina Shaughnessy Scholars Program; Application Procedures

AGENCY: Department of Education.

ACTION: Application Notice for Mina Shaughnessy Scholars Program.

Applications are invited for new awards to be made in fiscal year 1982 under the Mina Shaughnessy Scholars Program of the Fund for the Improvement of Postsecondary Education, Department of Education.

Authority for this program is contained in Title X of the Higher Education Act, as amended. Under this program, the Secretary makes awards to institutions of postsecondary education and other public and private educational institutions and agencies. The purpose of the awards is to improve postsecondary education. (20 U.S.C. 1135)

Closing Date for Transmittal of Applications

Applications for awards must be mailed (postmarked) or hand-delivered by November 10, 1981.

Applications Delivered by Mail

An application sent by mail must be addressed to the Mina Shaughnessy Scholars Program, Attention: 84.116E, Department of Education, Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., (Room 3100, Regional Office Building 3), Washington, D.C., 20202–3328.

To establish proof of mailing, an applicant must show one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark, or a mail receipt that is not dated by the U.S. Postal Service as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the Mina Shaughnessy Scholars Program, Attention: 84.116E, Department of Education, Fund for the Improvement of Postsecondary Education, 7th and D Streets, S.W.,

Room 3100, Regional Office Building 3, Washington, D.C.

The Secretary will accept hand-delivered applications between 8:00 a.m., and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on November 10, 1981.

Program Information

Type of Competition

In this competition, the Secretary supports efforts by postsecondary educational practitioners to contribute to knowledge about postsecondary education or to the improvement of post-secondary education by producing a document or other product or by engaging in an activity designed to transmit the practitioner's knowledge to others.

Program Priorities

The Secretary is not establishing priorities for this competition. Applicants have the opportunity and responsibility to identify the areas of practice that they seek to address.

Selection Criteria

The Secretary evaluates an application on the basis of the following selection criteria:

(a) *Significance for Postsecondary Education.* The Secretary reviews each project for its significance in improving postsecondary education by determining the extend to which it would:

(1) Achieve the purposes of the Mina Shaughnessy Scholars Program.

(2) Address an important problem or need.

(3) Involve learner-centered improvements; achieve far-reaching impact through improvements that will be useful in a variety of ways and in a variety of settings; and increase the cost-effectiveness of services.

(b) *Feasibility.* The Secretary reviews each project for its feasibility by determining the extent to which:

(1) The project represents an appropriate response to the problem or need addressed;

(2) The applicant is capable of carrying out the project, as evidenced by the quality of the project design (including objectives and approaches) and the adequacy of resources (including money, personnel, facilities, equipment, and supplies);

(3) The applicant is capable of carrying out the project, as evidenced by the qualifications of the prospective Scholar(s) and the relevance of each prospective Scholar's prior experience;

(4) The applicant and any other participating organizations are committed to the success of the project, as evidenced by the contribution of resources.

(c) *Appropriateness of the Fund's Support.* The Secretary reviews each application to determine whether support of the project by the Fund is appropriate in terms of the availability of other funding sources for the proposed activities.

The selection criteria (a)(1), (a)(2), (a)(3), (b)(1), (b)(2), (b)(3, (b)(4), and (c) are of equal importance. The Secretary's final judgment of an application is based on an overall assessment of the degree to which the application addresses the selection criteria.

Other Information or Materials that may be Requested from Applicants: The Secretary will request each finalist in this competition to submit the names of at least three references and any supporting material relevant to the application such as samples of prior written work. In addition, phone interviews may be conducted with finalists.

Available Funds

Approximately $350,000 is estimated to be available for new awards in Fiscal Year 1982. It is estimated that these funds could support approximately 20 new awards. The estimated maximum amount for new awards will be $20,000 for a 15-month project period.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless the amount is otherwise specified by statute or regulations.

Application Forms

The application form included in the program information package may be obtained from the Fund for the Improvement of Postsecondary Education, Department of Education, Attention: 84.116E, 7th and D Streets, S.W., Washington, D.C., 20202-3328. The program information package is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competition.

Applicable Regulations

The regulations governing awards made by the Fund for the Improvement of Postsecondary Education are contained in:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and Part 77 (Definitions), with the exceptions noted in the regulations referred to below.

(2) When adopted in final form, the regulations for the Fund for the Improvement of Postsecondary Education in 34 CFR Part 630 (formerly 45 CFR Part 1501) published in the **Federal Register** as a Notice of Proposed Rulemaking on September 30, 1981 (46 FR 48092). If public comment on these proposed regulations results in substantive changes in the final regulations, applicants will be given the opportunity to amend their applications.

FOR FURTHER INFORMATION CONTACT: For further information contact the Fund for the Improvement of Postsecondary Eduction, regarding 84.116E, the Mina Shaughnessy Scholars Program, telephone: (202) 245-8091.

(Catalog of Federal Domestic Assistance No. 84.116E, Fund for the Improvement of Postsecondary Education)

Dated: October 8, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-29609 Filed 10-8-81; 1:36 pm]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

North Central Oil Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on a Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: October 13, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager for Enforcement, P.O. Box 35228, Dallas, Texas 75235, (phone) 214/767-7745.

SUPPLEMENTAL INFORMATION: On August 19, Vol. 46, Page 42095, 1981, the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a proposed Consent Order with North Central Oil Corporation on July 28, 1981 which would not become effective sooner than thirty days after publication. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Proposed Consent Order.

Three comments were received, but not modification was suggested. The proposed Consent Order, therefore, was finalized and made effective on August 28, 1981.

Issued in Dallas, Texas on the 28th day of September, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-29003 Filed 10-9-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed Week of September 18 Through September 25, 1981

During the week of September 18 through September 25, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall 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.

October 2, 1981.

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARING AND APPEALS

[Week of Sept. 18 through Sept. 25, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 18, 1981	Mauna Loa Macadamia Nut Corp., Washington, D.C	BEE-1700	Application for Exception. If granted: Mauna Loa Macadamia Nut Corp. would receive an exception from the provisions of 10 CFR 211.67 permitting the firm to obtain entitlements benefits as a producer and consumer of a petroleum substitute.
Do	Olokele Sugar Co., Washington, D.C	BEE-1701	Application for Exception. If granted: Olokele Sugar Company would receive an exception from the provisions of 10 CFR 211.67 permitting the firm to obtain entitlements benefits as a producer and consumer of a petroleum substitute.
Do	Rutha L. Bradley, Atlanta, Ga	BFA-0745	Appeal of Information Request Denial. If granted: The July 29, 1981 Information Request Denial issued by the Acting Inspector General of the DOE would be rescinded, and Rutha L. Bradley would receive access to additional DOE materials.
Do	Davies Hamakau Sugar Co., Washington, D.C	BEE-1699	Application for Exception. If granted: Davies Hamakua Sugar Company would receive an exception from the provisions of 10 CFR 211.67 permitting the firm to obtain entitlements benefits as a producer and consumer of a petroleum substitute.
Do	Hilo Coast Processing Co., Washington, D.C	BEE-1697	Application for Exception. If granted: Hilo Coast Processing Company would receive an exception from the provisions of 10 CFR 211.67 permitting the firm to obtain entitlements benefits as a producer and consumer of a petroleum substitute.
Do	Ka'u Sugar Co., Inc., Washington, D.C	BEE-1698	Application for Exception. If granted: Ka'u Sugar Company, Inc. would receive an exception from the provisions of 10 CFR 211.67 permitting the firm to obtain entitlements benefits as a producer and consumer of a petroleum substitute.
Sept. 21, 1981	Conoco, Inc., Washington, D.C	BRD and BRH-1466	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Conoco, Inc. in response to the May 6, 1981 Proposed Remedial Order (Case No. BRO-1446) issued to the firm by the Office of Special Counsel.
Do	Emond Oil Co., Pawtucket, R.I	BCX-0227	Supplemental Order. If granted: The September 27, 1976 Remedial Order issued by Region I of the Federal Energy Administration to Emond Oil Company (Case No. FEA-1002) would be rescinded pursuant to an Order by the District Court of the District of Rhode Island.
Do	NUMAP, Washington, D.C	BFA-0746	Appeal of Information Request Denial. If granted: The August 19, 1981 Information Request Denial issued by the Office of Nuclear Energy would be rescinded and NUMAP would receive access to certain DOE information.
Do	Powerline Oil Co., Los Angeles, Calif	BFA-0747	Appeal of Information Request Denial. If granted: The September 2, 1981 Information Request Denial issued by the Office of Enforcement would be rescinded, and Powerline Oil Co. would receive access to information pertaining to the Notice of Probable Violation issued to the firm on December 30, 1980.
Sept. 22, 1981	Collier, Shannon, Rill & Scott, Washington, D.C	BFA-0748	Appeal of Information Request Denial. If granted: The September 2, 1981 Information Request Denial issued by the Department of Energy, Region VIII, would be rescinded, and Collier, Shannon, Rill & Scott would receive access to documents relating to the audit of Acorn Petroleum, Inc.
Do	Hogan and Hartson, Washington, D.C	BER-0162	Request for Modification/Rescission. If granted: The September 8, 1980 Decision and Order (Case No. BFA-0442) issued by the Office of Hearings and appeals would be modified, regarding the Economic Regulatory Administration's response to the firm's freedom of information request.
Do	Texas Crude, Inc., Houston, Tex	BEE-1702	Exception to the Reporting Requirements. If granted: Texas Crude, Inc. would not be required to file Form EIA-23, Schedule 2 of Part II.
Do	Bill Forney, Inc., Washington, D.C	BRD-1450	Motion for Discovery. If granted: Discovery would be granted to Bill Forney, Inc. in connection with the Statement of Objections submitid in response to the Proposed Remedial Order (Case No. BRO-1450) issued to the firm by the Office of Enforcement.

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARING AND APPEALS—Continued

[Week of Sept. 18 through Sept. 25, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Do	North American Petroleum Corp., Washington, D.C	BEA-0749	Appeal of Entitlements Notice. If granted: The Economic Regulatory Administration's denial of North American Petroleum Corporation's request that a corrected entitlements reports filed by the firm be included in the Entitlements Notice for January 1981 would be reversed.
Sept. 24, 1981	OE/Liberty Oil & Gas Co., Inc., Livonia, La	BEF-0092	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the July 23, 1979 Consent Order issued to Liberty Oil & Gas Company, Inc.
Do	Warrior Asphalt Co./Cities Service Co., Washington, D.C	BEJ-0211	Motion for Protective Order. If granted: Warrior Asphalt Company and Cities Service Co. would enter into a Protective Order regarding the exchange of confidential information relating to Case Nos. BYR-0132, 0133 and 0137.

NOTICES OF OBJECTION RECEIVED

[Week of Sept. 18, 1981, to Sept. 25, 1981]

Date	Name and location of applicant	Case No.
Sept. 21, 1981	Bettis, Boyle, & Stovall Graham, Tex.	BEE-1679

[FR Doc. 81-29521 Filed 10-9-81; 8:45am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders Week of August 31 Through September 4, 1981

During the week of August 31 through September 4, 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.

Appeals

Fuel Oil Supply Terminaling, Inc., September 4, 1981, BFA-0720

Fuel Oil Supply Terminaling, Inc., filed an Appeal from a partial denial by the Acting Assistant Director of the ERA Office of Petroleum Operations of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the Acting Assistant Director had not conducted a sufficient search for responsive documents and, therefore, concluded that the request should be remanded to the Acting Assistant Director for a further search for responsive documents. Accordingly, the Appeal was granted in part.

James W. Mayo, September 1, 1981, BFA-0695

James W. Mayo filed an Appeal from a partial denial by the DOE Director of Personnel of a Request for Information which Mr. Mayo has submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the request should be remanded to the Director of Personnel in order that he make a thorough search for responsive documents and either release any such documents or issue a determination, in compliance with 10 CFR 1004.7, that such documents are not releasable. Accordingly, the Appeal was granted in part.

Remedial Order

Jack Halbert September 4, 1981, DRO-0169

Jack Halbert objected to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to him on December 19, 1978. In the Proposed Remedial Order, the Office of Enforcement concluded that Mr. Halbert sold crude oil from eight of his properties at prices which exceeded the ceiling price levels permitted by DOE regulations. In considering Mr. Halbert's objections, the DOE found that Mr. Halbert incorrectly characterized the gas well condensate produced from two of his properties as stripper well crude oil and improperly sold it at market price levels. Specifically, the DOE found that the liquid hydrocarbon production from the two properties was non-associated gas and gas condensate. The DOE further determined that in order to reflect a recent change in DOE interest rate policy, interest rates applicable to the overcharges set forth in the Proposed Remedial Order should be increased to 12 percent per annum as of February 1, 1980, and to the prime rate as of February 11, 1981. Finally, the DOE determined that the total overcharges set forth in the Proposed Remedial Order should be reduced to reflect exception relief that was granted to Mr. Halbert in a prior proceeding. The DOE therefore concluded that the Proposed Remedial Order, as modified to reflect the foregoing, should be issued as a final Order.

Requests for Exception

Woolley Fuel Co., J. E. DeWitt, Inc., September 2, 1981, BEE-1538, BEE-1596

Woolley Fuel Co. and J. E. DeWitt, Inc. filed Applications for Exception in which they requested that they be relieved of their obligation to file Form EIA-9A, No. 2 Distillate Price Monitoring Report. In considering the requests, the DOE found that both Woolley and DeWitt had failed to demonstrate that the firms were suffering a serious hardship or gross inequity as a result of the obligation to file Form EIA-9A. Accordingly, exception relief was denied. The Decision and Order discusses Dewitt's contentions that the DOE does not have the authority to require firms to file Form EIA-9A and that the filing requirement deprives DeWitt of equal protection under the law.

Motion for Modification and/or Rescission

Nello Sbrega d.b.a. Elmwood Service Station, September 4, 1981, BRR-0149

Nello Sbrega d.b.a. Elmwood Service Station was deemed to have filed a Motion for Reconsideration of a Remedial Order issued to him on May 21, 1981. In the Motion, Mr. Sbrega contended that the Remedial Order was invalid on the ground that he is not the operator of the outlet. Mr. Sbrega contended that his wife, Mrs. Sbrega, operated the outlet, and that since the Proposed Remedial Order issued on June 9, 1980 and the resulting Remedial Order were not issued to her, the Remedial Order is invalid. In considering Mr. Sbrega's Motion, the DOE determined that Mr. Sbrega had not demonstrated that he was not the operator of the outlet. Accordingly, the Motion was denied.

Supplemental Orders

Plateau, Inc., September 1, 1981, BEX-0157

On September 1, 1981, the DOE issued a Decision and Order to Plateau, Inc. that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1980 fiscal year. The Decision and Order determined that Plateau received excessive relief during its 1980 fiscal year. Accordingly, the Decision and Order provided that the firm purchase an appropriate number of entitlements.

Young Refining Corporation, September 1, 1981, *BYX-0225*

Young Refining Corporation filed a request for a Supplemental Order in which the firm sought a modification of exception relief from the provisions of 10 CFR 211.67 (the Entitlements Program) which had previously been granted to the firm under the *Delta/Beacon* standards. *Young Refining Corp.*, 8 DOE ¶ ——, Nos. BYR-0135, BES-0160 (July 14, 1981). In considering the request, the DOE determined that an adjustment of the relief granted Young for its 1978 fiscal year was appropriate. Accordingly, Young's request was granted.

Dismissals

The following submissions were dismissed without prejudice:

Company name and case number	
Whitco Chemical Corp.	BEA-0351

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, NW, 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.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 5, 1981.

[FR Doc. 81-28552 Filed 10-9-81; 8:45am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51320A; TSH-FRL 1957-3]

Certain Chemicals; Premanufacture Notices; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the PMN specific chemical identity on a premanufacture notice (PMN) submitted by Nalco Chemical Company, as required by section 5(a)(1) of the Toxic Substances Control Act (TSCA).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: In the **Federal Register** on September 29, 1981 (46 FR 47658), EPA issued a notice of receipt of a PMN submitted by Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, IL 60521.

In the FR Doc. 81-28154 appearing at page 47568 under "PMN 81-458", second column, the specific chemical identity "Monoethanalamine" is corrected to read "Monoethanolamine citrate in an aqueous solution."

Dated: October 6, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-29563 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51331; TSH-FRL 1957-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of five PMNs and provides a summary of each.

DATES: Written comments by: December 5, 1981. PMN 81-507, 81-508, 81-509, 81-510, and 81-511.

ADDRESS: Written comments, identified by the document control number "[OPTS-51331]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-507

Close of Review Period. January 4, 1982.

Manufacturer's Identity. Gaco Western, Inc., P.O. Box 88698, Seattle, WA 98188.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Isocyanate functional polyester.

Use. The manufacturer states that the PMN substance will be used in roof coverings and walking decks.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	135,000	140,000
2d year	140,000	145,000
3d year	145,000	150,000

Physical/Chemical Properties

Boiling point—Degrades above 170° C.
Melting point—30-40° C.
Solubility—∞ @ RT xylene.
Density—9.3 # gal (calculated).

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 2 workers may experience dermal exposure up to 1 hr/day, up to 200 days/yr during packaging of finished goods.

Environmental Release/Disposal. The manufacturer states that 10-100 kg/yr will be released to the land. Disposal is to a publicly owned treatment works (POTW) and an approved landfill.

PMN 81-508

Close of Review Period. January 4, 1982.

Manufacturer's Identity. The Goodyear Tire and Rubber Company, 1144 East Market Street, Akron, OH 44316.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Benzenedicarboxylic acid saturated mixed glycol polyester.

Use. The manufacturer states that the PMN substance will be used as a resin for powder coating production.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	68,000	160,000
2d year	160,000	300,000
3d year	180,000	320,000

Physical/Chemical Properties

Appearance—Brittle flake.
Melting point—105° C.
Viscosity—0.175.
Solubility: water—Non-soluble.
Density—1.196 g/cc.
Mositure content:
90% retained—40 mesh.
93% retained—100 mesh.
97.2% retained—325 mesh.
M_n—3900.
M_w—5400.
M_w/M_n—1.4.
Glass transition temperature—64° C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 10 workers may experience inhalation exposure 8 hrs/day, 60 days/yr.

Environmental Release/Disposal. The manufacturer states that 100-1,000 kg/yr will be released to the land. Disposal is by onsite lagoon system, incineration and an approved landfill.

PMN 81-509

Close of Review Period. January 4, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—West North Central.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Lower alkyl ester of an alkyl propionic acid.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as an intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral LD_{50} (rats)—>16 g/kg.
Acute dermal LD_{50} (rats)—>20 g/kg.
Primary skin irritation (rabbits)—3.25.
Primary eye irritation (rabbits)—Not a primary irritant.
Acute inhalation LC_{50} (rats)—19.6 mg/L
DOT skin corrosivity (rabbits)—Not corrosive.

Exposure. The manufacturer states that during manufacture 1–2 workers may experience exposure 3–4 hrs/day, 10 days/yr during drumming and disposal.

Environmental Release/Disposal. The manufacturer states that release to the environment will be minimal. Disposal is by incineration of liquid wastes and reclamation of metal containers by drum reconditioning.

PMN 81–510

Close of Review Period. January 4, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—Over $500,000,000.
Manufacturing site—East North Central.
Standard Industrial Classification Code—2869.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Heteromonocyclic fatty acid ester.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance wil be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity 25° C/25° C—0.93.
Flash point (COC)—425° F.
Viscosity centistokes 100° F—10.
Solubility: water—Negligible.
Acid value mg KOH/g—1.
Color (Gardner)—4.
Hydroxyl value mg KOH/g—3.

Toxicity Data. No data on the PMN substance were submitted.

Exposure. The manufacturer states that during manufacture 6 workers may experience dermal exposure 2 hrs/day, 30 days/yr during filtration, drumming, sample taking and analysis.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and water 24 hrs/day, 30 days/yr, and 100–1,000 kg/yr will be released to land. Disposal is to an approved landfill and water treatment system.

PMN 81–511

Close of Review Period. January 4, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—Over $500,000,000.
Manufacturing site—East North Central.
Standard Industrial Classification Code—2869.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Fatty acids, esters with trimethylolpropane and a polyol.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity 25° C/25° C—0.93
Flash point (COC)—555° F.
Viscosity centistokes 100° F—50.
Solubility: water—Negligible.
Acid value mg KOH/g—3.
Color (Gardner)—11.
Hydroxyl value mg KOH/g—9.

Toxicity Data. No data on the PMN substance were submitted.

Exposure. The manufacturer states that during manufacture 6 workers may experience dermal exposure 2 hrs/day, 15 days/yr during filtration, drumming, sample taking and analysis.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and water 24 hrs/day, 15 days/yr and 100–1,000 kg/yr will be released to land. Disposal is to an approved landfill and water treatment system.

Dated: October 6, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-29582 Filed 10-9-81; 8:45 am]
BILLING CODE 6560-31-M

[OPP-C31052; PH-FRL 1956-8]

Certain Companies; Applications To Conditionally Register Pesticide Products Involving Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to conditionally register, or amend registration of, pesticide products involving changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

DATE: Comments by November 12, 1981.

ADDRESS: Written comments, identified by the document control number [OPP-C31052] and the file or registration number, should be submitted to the product manager (PM) cited at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: The product manager at the telephone number cited.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to conditionally register, or amend registration of, pesticide products involving changed use pattern pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of applications does not imply a decision by the Agency on the applications.

Applications Received

1. EPA Registration Number: 100-607.
   Applicant: Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, NC 27409.
   Product Name: Ridomil 2E Fungicide.
   Active Ingredient: Metalaxyl (*N*-(2,6-dimethylphenyl)-*N*-methoxyacetyl)alamine methyl ester 25.11%.
   Proposed new use: In addition to its present use as a blue mold control on tobacco, new use will include use on leafy vegetables (head lettuce, spinach), cole crops (cabbage, broccoli, and cauliflower), cotton, cucumbers, melons, onions (dry bulb and green), potatoes, soybeans, tomatoes, and wheat.
   Proposed use classification: General.
   Product manager (PM) 21: Henry M. Jacoby (703-557-1900).
2. EPA File Symbol: 46197-R.
   Applicant: Kansai Paint Co., Ltd., c/o M&T Chemicals Inc. (Agent), P.O. Box 1104, Rahway, NJ 07065.
   Product Name: Rabamarine A/F No. 1000.
   Active Ingredient: Triphenyltin hydroxide 23.8%; cuprous oxide, 5.7%.

Proposed new use: In addition to its present use on crops and as a mildew preventative in vinyl, new use will include aquatic impact (antifoulant).
Proposed use classification: General.
Product manager (PM) 21: Richard Mountfort (703-557-1830).

Notice of approval or denial of an application to register, or amend registration of, a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after time specified will be considered only to the extent possible without delaying processing of the application.

The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available in the product manager's office between 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: October 1, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-29500 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-30205; PH-FRL 1957-1]

E. I. Du Pont De Nemours & Co.; Application To Register A Pesticide Product Containing A New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register a pesticide product containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

DATE: Comment by November 12, 1981.

ADDRESS: Written comments, identified by the document control number [OPP-30205] and the file symbol, should be submitted to: Robert Taylor (PM-25), Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA received an application as follows to register a pesticide product containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

Application Received

File symbol: 352-UNG.
Applicant: E. I. du Pont de Nemours and Co., Wilmington, DE 19898.
Product name: du Pont Glean Weed Killer.
Active ingredient: 2-chloro-*N*-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)aminocarbonyl] benzenesulfonamide 75%.
Proposed classification: General use to control weeds on noncropland areas.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available in the product manager's office between 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: October 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-29561 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50555; PH-FRL 1975-4]

Renewal of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

100-EUP-55. Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, NC 27409. This experimental use permit allows the use of 21,000 pounds of the insecticide profenofos on cotton to evaluate control of various cotton insect pests. A total of 3,500 acres are involved. The program is authorized only in the States of Alabama, Arizona, Louisana, Mississippi, and North Carolina. The permit was previously effective from August 1, 1978 to August 1, 1979. It is now effective from June 29, 1981 to June 29, 1982. Temporary tolerances for residues of the active ingredient in or on cottonseed; eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep have been established. Feed additive regulations for residues of the active ingredient in cottonseed hulls and soapstock have been established (21 CFR 561.53). [William Miller, PM 16, Rm. 211, CM#2, (703-557-2600)]

2548-EUP-2. Research Products Company, Box 1057, Salina, KS 67401. This experimental use permit allows the use of 339.85 pounds of the fumigant aluminum phosphide on corn, soybeans, and wheat to evaluate control of *S. oryzae*, *R. dominica*, and *T. confusum*. This permit involves treatment of an unspecified number of ship holds containing bulk grains. The program is authorized only in the States of

Alabama, California, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, and Washington. The experimental use permit was previously effective from April 1, 1980 to March 31, 1981. It is now effective from April 30, 1981 to April 30, 1982. Permanent tolerances for residues of the active ingredient in or on corn, soybeans, and wheat have been established (40 CFR 180.255). (William Miller, PM 16, Rm. 211, CM#2, (703-557-2600))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136)).

Dated: October 1, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-29564 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 1G2453/T328; PH-FRL 1956-5]

Mefluidide; Establishment Of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the plant growth regulator mefluidide (N-[2,4-dimethyl-5-[[(trifluoromethyl)-sulfonyl]amino]phenyl]acetamide) in or on the raw agricultural commodities, fat of cattle, sheep, goats and horses at 0.02 part per million (ppm); meat of cattle, sheep, goats and horses at 0.01 ppm; meat byproducts of cattle, sheep, goats and horses at 0.3 ppm; and pasturegrass and pasturegrass hay at 10 ppm.

DATE: These temporary tolerances expire August 6, 1982.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: 3M Co., Commercial Chemicals Div., Agricultural Products Project, 3M Center, Building 223-6SE-04, St. Paul, MN 55144, has requested the establishment of temporary tolerances for residues of the plant growth regulator mefluidide (N-[2,4-dimethyl-5-[[(trifluoromethyl)-sulfonyl]amino]phenyl]acetamide) in or on the fat of cattle, sheep, goats and horses at 0.02 ppm; meat of cattle, sheep, goats and horses at 0.01 ppm; meat byproducts of cattle, sheep, goats and horses at 0.3 ppm; and pasturegrass and pasturegrass hay at 10 ppm.

These temporary tolerances will permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 7182-EUP-22 which is being issued under the Federal Insecticide, Fungicide,and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the plant growth regulator be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the plant growth regulator to be used must not exceed the quantity authorized by the experimental use permit.

2. 3M Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire August 6, 1982. Residues in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the plant growth regulator is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this plant growth regulator indicate that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that these temporary tolerance is not "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Excutive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 34a(j)))

Dated: October 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-29559 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-C30204; PH-FRL 1956-7]

Uniroyal Chemical; Application To Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to conditionally register a pesticide product containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

DATE: Comment by November 12, 1981.

ADDRESS: Written comments, identified by the document control number [OPP-C30204] and the file symbol, should be submitted to: Robert Taylor (PM-25), Registration Division (TS-767C, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA received an application as follows to conditionally register a pesticide product containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

Application Received

File Symbol: 400-RLL
Applicant: Uniroyal Chemical, Division of Uniroyal, Inc., 74 Amity Road, Bethany, CT 06525
Product name: Harvade-5F
Active ingredient: 2,3-Dihydro-5,6-dimethyl-1,4-dithiin 1,1,4,4-tetraoxide 49%
Proposed classification: General use as plant growth regulant for defoliation in cotton and vine kill in potatoes.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available in the product manager's office between 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: October 2, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-29557 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 1G2432/T322; PH-FRL-1956-6]

Pesticides; 1-(4-Chlorophenoxy)-3,3-Dmethyl-1-(1H-1,2,4-Triazol-1-YL)-2-Butanone and it Metabolite; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a temporary tolerance for residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite, beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H*-1,2,4-triazol-1-ethanol in or on the raw agricultural commodity wheat grain at 0.1 part per million (ppm).

DATE: This temporary tolerance expires December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7060).

SUPPLEMENTARY INFORMATION: Mobay Chemical Corp., Agricultural Chemicals Div., PO Box 4913, Kansas City, MO 64120, has requested the establishment of a temporary tolerance for residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite, beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H*-1,2,4-triazol-1-ethanol in or on wheat grain at 0.1 ppm.

This temporary tolerance will permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 3125-EUP-175 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Mobay Chemical Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires December 31, 1982. Residues not in excess of 0.1 ppm remaining in or on wheat grain after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: October 1, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-29558 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-32-M

[SA-FRL 1958-2]

Science Advisory Board, Executive Committee; Open Meeting

Under Public Law 92-463, notice is hereby given of a meeting of the Executive Committee of the Science Advisory Board (SAB). The meeting will be held October 28-29, 1981, starting at 9:15 am on October 28 in Room 1101, West Tower, EPA, 401 M Street, SW, Washington, D.C. The agenda for the meeting includes the following issues: the role of the Science Advisory Board in EPA's rulemaking process, reorganization of SAB committees, and other issues of member interest.

The meeting is open to the public. Any member of the public wishing to obtain information should contact Terry F. Yosie or Cheryl B. Bentley on (202) 755-0263 by close of business October 26, 1981.

Dated: October 1, 1981.

Terry F. Yosie,

Acting Director, Science Advisory Board.

[FR Doc. 81-29675 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-34-M

FEDERAL HOME LOAN BANK BOARD

Reserve Savings and Loan Association, Elmhurst, Illinois; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Reserve Savings and Loan Association, Elmhurst, Illinois, effective October 6, 1981.

Dated: October 6, 1981.

J. J. Finn,

Secretary.

[FR Doc. 81-29618 Filed 10-9-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-61]

Abbott Laboratories Versus Trailer Marine Transport Corp.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Abbott Laboratories against Trailer Marine Transport Corporation was served October 1, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(a) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-29324 Filed 10-9-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within *10* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-2745-2.

Filing Party: Amy Loeserman Klein, Attorney, Galland, Kharasch, Calkins & Short, P.C., Canal Square, 1054 Thirty-First Street, NW., Washington, D.C. 20007.

Summary: Agreement No. T-2745-2, between Consolidation Coal Sales Company (successor to Canton Company of Baltimore, Canton Railroad Company and the Cottman Company) (CCSC) and Puerto Rico Maritime Shipping Authority (successor to Transamerican Trailer Transport, Inc.) (PRMSA), modifies the parties' basic agreement which provides for the lease to PRMSA of Pier 10 and two parcels of improved inland area at Baltimore, Md., to be used as a waterfront shipping terminal, trucking and rail freight handling and forwarding terminal and other activities incidental thereto.

The purpose of the modification is to extend the lease term for an additional two months, with an expiration date of January 31, 1982. During this extension period, PRMSA shall pay CCSC a single monthly rental of $25,000 in lieu of the separate monthly rentals on the leased parcels. The parties further agree that CCSC shall pay PRMSA the sum of $123,572 (instead of $148,572) in full satisfaction of all of PRMSA's right, title and interest in the New Yard improvements, upon the expiration of this lease.

Agreement No.: T-3296-1.

Filing Party: Mr. Marion S. Moore, Jr., Traffic Manager, South Carolina State Ports Authority, P.O. Box 817, Charleston, South Carolina 29402.

Summary: Agreement No. T-3296-1, between South Carolina State Ports Authority (the Authority) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement between the parties which provides for the lease by the Authority to Sea-Land of certain facilities and land, as well as for the preferential use of berths and cranes, at the Authority's Columbus Street Terminal in the Port of Charleston. The purpose of the modification is: (1) To change the amount of wharfage guaranteed; (2) to add a discount on wharfage and crane rates; (3) to add an option to transfer Sea-Land's operation to the Authority's Wando River Terminal; and (4) to change the form of the agreement from a lease to a license.

Agreement: No.: 10432.

Filing Party: Mr. Peter P. Wilson, Senior Counsel, Matson Navigation Company, 333 Market Street, San Francisco, California 94105.

Summary: Agreement No. 10432 is an agency agreement between Matson Agencies Division of Matson Navigation Company, Inc. (Matson) and Moore McCormack Lines, Inc. (Mooremack), which provides that Mooremack will appoint Matson to act as its traffic and freight sales agent in the states of California, Arizona, Washington, Oregon, Idaho, Nevada, New Mexico, Montana and Utah and the Canadian Province of British Columbia, for Mooremack services operating between the U.S. Atlantic Coast ports and ports in Brazil, Uruguay, Argentina, the Republic of South Africa, Mozambique, Tanzania, Kenya, Somalia and the Malagasy Republic. Mooremack will compensate Matson for its services according to a formula as mutually agreed. The term of the agreement is indefinite.

Dated: October 6, 1981.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-29464 Filed 10-9-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-60]

Eastern Cement Corp. Versus Port of Palm Beach District; Filing of Complaint and Assignment

Notice is given that a complaint filed by Eastern Cement Corporation against Port of Palm Beach District was served September 30, 1981. Complainant alleges that respondent has subjected it to payment of rates for storage facilities in violation of 46 U.S.C. 814, 815 and 816.

This proceeding has been assigned to Administrative Law Judge Paul J. Fitzpatrick. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-29625 Filed 10-9-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

American Bancorp, Inc.; Formation of Bank Holding Company

American Bancorp, Inc., Newport, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The American National Bank of Newport, Newport, Kentucky and 90 percent of the voting shares of Bellevue Commercial and Savings Bank, Bellevue, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29540 Filed 10-9-81; 8:45 am]

BILLING CODE 6210-01-M

Callaway Security Banks, Inc.; Formation of Bank Holding Company

Callaway Security Banks, Inc., Fulton, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Callaway Bank, Fulton, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29541 Filed 10-9-81; 8:45 am]

BILLING CODE 6010-01-M

DeKalb County Bancshares, Inc.; Formation of Bank Holding Company

DeKalb County Bancshares, Inc., Clarksdale, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 89.63 percent of the voting shares of Clarksdale Bank, Clarksdale, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than November 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented to a hearing.

Board of Governors of the Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29542 Filed 10-9-81; 8:45 am]

BILLING CODE 6210-01-M

Financial Dominion of Indiana Corp.; Formation of Bank Holding Company

Financial Dominion of Indiana Corporation, Rushville, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Rushville National Bank, Rushville, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29543 Filed 10-9-81; 8:45 am]

BILLING CODE 6210-01-M

First National Bancshares, Inc.; Formation of Bank Holding Company

First National Bancshares, Inc., East Lansing, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Michigan, East Lansing, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29544 Filed 10-9-81; 8:45 am]

BILLING CODE 6210-01-M

First WNB Corp.; Formation of Bank Holding Company

First WNB Corporation, Washington, D.C., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Women's National Bank, Washington, D.C. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29545 Filed 10-9-81; 8:45 am]

BILLING CODE 6210-01-M

Goltry Bancshares, Inc., Formation of Bank Holding Company

Goltry Bancshares, Inc., Goltry, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank of Goltry, Goltry, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29546 Filed 10-9-81; 8:45 am]

BILLING CODE 6210-01-M

Munich Bancshares, Inc.; Formation of Bank Holding Company

Munich Bancshares, Inc., Munich, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of the First State Bank of Munich, Munich, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29547 Filed 10-9-81; 8:45 am]

BILLING CODE 6210-01-M

Myers Bancshares, Inc.; Formation of Bank Holding Company

Myers Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Continental State Bank, Boyd, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29548 Filed 10-9-81; 8:45 am]

BILLING CODE 6210-01-M

Peoples Holding Co., Inc.; Formation of Bank Holding Company

Peoples Holding Company, Inc., Collinsville, Alabama, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to beome a bank holding company by acquiring 80 percent or more of the voting shares of The Peoples Bank, Collinsville, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29549 Filed 10-9-81; 8:45 am]

BILLING CODE 6010-01-M

Sargent Bankshares, Inc.; Formation of Bank Holding Company

Sargent Bankshares, Inc., Forman, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87.4 percent or more of the voting shares of Sargent County Bank, Forman, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29550 Filed 10-9-81; 8:45 am]

BILLING CODE 6210-01-M

Waunakee Bank Shares, Inc.; Formation of Bank Holding Company

Waunakee Bank Shares, Inc., Waunakee, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Waunakee, Waunakee, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 5, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29551 Filed 10-9-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Safety and Occupational Health Study Section; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) committee meeting:

Name: Safety and Occupational Health Study Section

Date: November 17, 18, 19, 1981

Place: Centers for Disease Control, Building 2, Classroom 1, 1600 Clifton Road, Atlanta, Georgia 30333

Time and type of meeting: Open 8:45 a.m. to 10:15 a.m., November 17; Closed 10:30 a.m.-5 p.m., November 17; Closed 8:30 a.m.-5 p.m., November 18-19

Contact person: Mark R. Green, Ph.D., Executive Secretary, 5600 Fishers Lane, Parklawn Building, Room 8-63, Rockville, Maryland 20857

Telephone: 301-443-4493

Purpose. The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda. Agenda items for the open portion of the meeting will include consideration of minutes of previous meeting and administrative reports. Beginning at 10:30 a.m., November 17, through November 19, 1981, the Study Section will be performing the initial review of research, demonstration and training grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552b(c)(6), Title 5 U.S. Code, and the Determination of the Director, Centers for Disease Control, pursuant to Pub. L. 92-463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: October 2, 1981.

William H. Foege, M.D.,

Director, Centers for Disease Control.

[FR Doc. 81-29677 Filed 10-9-81; 8:45 am]

BILLING CODE 4110-87-M

Food and Drug Administration

Scientific Organizations Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming meeting with scientific organizations. The meeting will be chaired by Arthur Hull Hayes, Jr., Commissioner of Food and Drugs.

DATE: The meeting will be held from 10 a.m. until 12 noon, Monday, October 19, 1981.

ADDRESS: The meeting will be held in the Hubert H. Humphrey Bldg., Rms. 337A and 339A, 200 Independence Ave. SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John A. Harvey, Sr., Office of Health Affairs (HFY-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5470.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs meets periodically with executives of scientific organizations to share mutual concerns and to facilitate dissemination of FDA proposals and decisions affecting the country's health care. Topics for discussion at this meeting include: (1) Food Safety Reform, (2) Risk Assessments, (3) National Toxicology Program.

Dated: October 7, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-29632 Filed 10-6-81; 10:40 am]

BILLING CODE 4110-03-M

Health Care Financing Administration

Medicare Program; Schedule of Limits on Hospital Per Diem Inpatient General Routine Operating Costs for Cost Reporting Periods Beginning on or After July 1, 1981

Correction

On page 46406 in the **Federal Register** of Friday, September 18, 1981, in the table at the bottom of column three, make the following correction:

The wage index for the Honolulu, HI SMSA area now reading "1.1654" should have read "1.1645".

BILLING CODE 1505-01-M

Health Resources Administration

Application Announcement for Health Careers Opportunity Program Grants

The Office of Health Resources Opportunity, Health Resources Administration, announces that applications for Fiscal Year 1982, Health Careers Opportunity Program (HCOP) grants are now being accepted under the authority of section 787 of the Public Health Service Act as recently amended by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35.

Section 787 authorizes the Secretary to make grants to schools of medicine, osteopathy, public health, dentistry, veterinary medicine, optometry, pharmacy, podiatry, and allied health and other public or private nonprofit health or educational entities to carry out programs which assist individuals from disadvantaged backgrounds to enter and graduate from health professions schools. The assistance authorized by this section includes identification and recruitment, remedial education, counseling, and advice on financial aid.

For this program, an "individual from a disadvantaged background" means an individual who (a) comes from an environment that has inhibited the individual from obtaining the knowledge, skills, and abilities required to enroll in and graduate from a health professions school, or from a program providing education or training in an allied health profession, or (b) comes from a family with an annual income below a level based on low income thresholds according to family size, published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in all health professions programs, 42 CFR 57.1804(b)(2).

The following income figures determine what constitutes a low income family for purposes of these Health Careers Opportunity grants for Fiscal Year 1982.

Size of parents family[1] and income level[2]

1	$5,600
2	7,200
3	8,600
4	11,000
5	12,900
6 or more	14,500

[1] Includes only dependents listed on Federal income tax forms.
[2] Rounded to $100 (adjusted gross income for calendar year 1980).

Fiscal year 1982 materials are being made available without final action on an appropriation for this program. The projected amount of money available for competitive applications is based on a $19.5 million anticipated appropriation for Fiscal Year 1982.

Based on projected commitments for currently active projects requiring continued support, an estimated $800,000 for section 787 will be available for competitive awards in Fiscal Year 1982. This amount may be changed by final action on the Fiscal Year 1982 appropriation.

The 1981 amendments require that at least 80 percent of the funds appropriated in any fiscal year must be obligated for grants or contracts to institutions of higher education. Also, the 1981 amendments permit no more than five percent of the funds appropriated in any fiscal year for award to projects having information dissemination as their primary purpose. Current commitments for information dissemination projects and commitments to grantees which are not institutions of higher education already exceed the maximum allowable. In view of the legislative amendments and the level of funds expected to be available for competitive awards, applications will be accepted only from institutions of higher education for projects whose primary purpose is other than information dissemination.

The program regulations, which are located at Title 42 of the Code of Federal Regulations, Part 57, Subpart S, continue to govern the award of grants although minor portions have been superseded by the new legislation. Because only limited funding is expected to be available for competitive awards in Fiscal Year 1982, the funding preferences announced last year by general notice for Fiscal Year 1981 will no longer apply to competitive awards.

Requests for grant application materials and questions regarding grants policy should be directed to: Grants Management Officer (D18), Bureau of Health Professions, Health Resources Administration, Center Building, Room 4–27, 3700 East-West Highway, Hyattsville, Maryland 20782; Telephone: (301) 436–7418.

To obtain specific information regarding the programmatic aspects of this grant program, direct inquiries to: Mr. Arthur Testoff, Director, Division of Program Coordination, Office of Health Resources Opportunity, Health Resources Administration, Center Building, Room 10–50, 3700 East-West Highway, Hyattsville, Maryland 20782; Telephone: (301) 436–7230.

To be considered for Fiscal Year 1982 funding, applications must be received by the Grants Management Officer, Bureau of Health Professions postmarked no later than December 11, 1981. Material postmarked after that date will not be included in the review process.

This program is listed at 13.822 in the *Catalog of Federal Domestic Assistance*. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in Office of Management and Budget Circular No. A–95.

Dated: October 6, 1981.

Robert Graham,

Acting Administrator.

[FR Doc. 81–29510 Filed 10–8–81; 8:45 am]

BILLING CODE 4110–83–M

National Institutes of Health

Cancer Special Program Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Special Program Advisory Committee, National Cancer Institute, November 9–10, 1981, Hyatt Anaheim, 1700 South Harbor Blvd., Anaheim, California 92802. This meeting will be open to the public on November 9 from 9:00 a.m. to 10:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 9, from 10:00 a.m. to 5:00 p.m. and on November 10, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the

applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William R. Sanslone, Executive Secretary, Cancer Special Program Advisory Committee, National Cancer Institute, Westwood Building, Room 805, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance number 13.392, project grants in cancer construction, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: September 29, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-29633 Filed 10-9-81; 8:45 am]

BILLING CODE 4110-08-M

Clinical Cancer Program Project and Cancer Center Support Review Committee; Cancer Center Support Review Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Center Support Review Subcommittee), National Cancer Institute, November 19-20, 1981, Building 31-A, Conference Room 4, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on November 19 from 8:30 a.m. to 10:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 19, from 10:00 a.m. to 6:00 p.m.; and on November 20, from 8:30 a.m. to adjournment. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Robert L. Manning, Executive Secretary, Cancer Center Support Review Subcommittee, National Cancer Institute, Westwood Building, Room 803, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7721) will furnish substantive program information.

(Catalog of Federal Domestic Assistance number 13.397, project grants in cancer center support, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: October 2, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-29634 Filed 10-9-81; 8:45 am]

BILLING CODE 4110-08-M

Large Bowel and Pancreatic Cancer Review Committee; Pancreatic Cancer Review Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee (Pancreatic Cancer Review Subcommittee), National Cancer Institute, November 4, 1981, Ambassador West Hotel, Kings Room, 1300 N. State Parkway, Chicago, Illinois 60610. This meeting will be open to the public on November 4 from 8:30 a.m. to 10:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552(c)(4) and 552(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 4, from 10:00 a.m. to 5:00 p.m., for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William E. Straile, Executive Secretary, Pancreatic Cancer Review Subcommittee, National Cancer Institute, Blair Building, Room 314, National Institutes of Health, Bethesda, Maryland 20205 (301/427-8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention; detection and diagnosis; and cancer treatment research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular.

Dated: September 29, 1981.

Thomas C. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-29636 Filed 10-9-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Desert District Multiple-Use Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert District Multiple-Use Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet November 13 and 14, 1981, in the Community Room of the Raincross Square Convention Center, 3443 Orange Street, Riverside, California. The meetings will be from 8:30 a.m. to 5:00 p.m. both days. The purpose of the meeting is to introduce the newly appointed Council members, election of officers and a review of the Desert Plan and current District programs. The Council will also review a number of proposed amendments to the Desert Plan. The meeting is open to the public and interested persons may attend and file statements with the Advisory Council.

For further information and meeting confirmation contact the California Desert District, 1695 Spruce Street, Riverside CA, (714) 787-1424.

Special Note.—The meeting is scheduled with the expectation that the Council members will be appointed by that time. If they are not, the meeting will be postponed.

Dated: October 1, 1981.

Bruce Ottenfeld,

Acting District Manager.

[FR Doc. 81-29812 Filed 10-9-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Availability of a Final Environmental Impact Statement on the Proposed Disposition and Administration of Lands Declared Excess by the U.S. Navy on the Island of Culebra and Culebrita in Puerto Rico

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that a final environmental impact statement (FEIS) on the proposed disposition and administration of lands declared excess by the U.S. Navy on the Islands of Culebra and Culebrita, Puerto Rico, will be available for public review by October 16, 1981.

The FEIS considers environmental and other effects of transferring approximately 1,712 acres of excess lands on Culebra and about 262 acres of national wildlife refuge lands on Culebrita to the Commonwealth of Puerto Rico and/or the U.S. Fish and Wildlife Service (FWS). The FEIS evaluates the impacts of six alternatives for disposing of and administering these lands, including an alternative that would implement the recommendations of the Joint Report of October 1973, entitled "Culebra: A Plan for Conservation and Development."

Although written comments are not required, they may be sent to the following address.

ADDRESS: Mr. Walter O. Steiglitz, Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, S.W., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Butts, Chief Ascertainment Biologist, U.S. Fish and Wildlife Service, 75 Spring Street, S.W., Atlanta, Georgia 30303. Telephone (Commercial) 404-221-3548; (FTS) 242-3548.

Dated: September 22, 1981.

Walter O. Steiglitz,

Regional Director, Fish and Wildlife Service.

[FR Doc. 81-28811 Filed 10-9-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Outer Continental Shelf (OCS) Oil and Gas Information Program; Availability of OCS Summary Report for the North Atlantic

SUMMARY: The first OCS Summary Report for the North Atlantic region has been published by the U.S. Geological Survey, Department of the Interior. The objective for issuing the report is to provide information on Outer Continental Shelf oil and gas activities and possible onshore impacts so that affected States may plan accordingly.

The *North Atlantic Summary Report* is one of a series or regional reports, prepared by the Office of OCS Information for the U.S. Geological Survey in conjunction with the Bureau of Land Management, which presents (1) current oil and gas resource estimates, reserves, and production levels; (2) the magnitude and timing of OCS exploration, development, and production; (3) strategies for transporting oil and gas; and (4) the nature and location of onshore facilities.

EFFECTIVE DATE: October 15, 1981.

ADDRESSES: copies of the report may be obtained from the Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, Va., 22092.

FOR FURTHER INFORMATION CONTACT: David A. Nystrom, Chief, Office of OCS Information, U.S. Geological Survey, 6740 National Center, Reston, Va., 22092, telephone (703) 860-7166.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81-29638 Filed 10-9-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 8:30 a.m. (EDT), on Thursday, October 22, 1981, at Canal Visitor Center located at 6399 Canal Road, one mile south of Rockside Road in Valley View, Ohio.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff-4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

Matters to be discussed at this meeting include:

1. Briefing on health and safety problems pointed out in recent professional reports.

2. Update on Park operations.

The meeting will be open to the public. It is expected that about 100 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreational Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 650-4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: October 2, 1981.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 81-29606 Filed 10-9-81; 8:45 am]

BILLING CODE 4310-70-M

Lassen Volcanic National Park; Intent To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on November 12, 1981, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with California Guest Services, Inc., authorizing it to continue to provide lodging, camper store, downhill skiing, and various food service facilities and services for the public at Lassen Volcanic National Park, California for a period of twenty (20) years from October 1, 1981, through September 30, 2001.

This proposed contract requires a construction and improvement program. The construction and improvement program required was previously addressed in the Environmental Impact Statement dated January 1981, that was prepared in conjunction with the General Management Plan for Lassen Volcanic National Park.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on September 30, 1981, and therefore, pursuant to the Act of October 9, 1965, as cited above, is

entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect grants California Guest Services, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of California Guest Services, Inc. is substantially equal to others received. In the event a responsive proposal superior to that of California Guest Services, Inc. (as determined by the Secretary) is submitted, California Guest Services, Inc. will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with California Guest Services, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before November 12, 1981, to be considered and evaluated.

Interested parties should contact the Regional Director, Western Region, National Park Service, 450 Golden Gate Ave., Box 36063, San Francisco, CA 94102, for information as to the requirements of the proposed contract.

Dated: September 25, 1981.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 81-29606 Filed 10-9-81; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 2, 1981. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by October 28, 1981.

Carol Shull,

Acting Keeper of the National Register.

Kansas

Lyon County

Emporia, *Old Emporia Public Library*, 118 E. 6th St.

Louisiana

East Baton Rouge Parish

Baton Rouge, *McKinley High School*, 1500 East Blvd.

Mississippi

Yalobusha County

Coffeeville, *Coffeeville Hotel*

Ohio

Wood County

North Baltimore, *North Baltimore Town Hall*, 207 N. Main St.

Virginia

Campbell County

Rustburg, Campbell County Courthouse, U.S. 501

Norfolk (independent city)

Old Norfolk City Hall, 235 E. Plume St.

Pittsylvania County

Chatham, *Pittsylvania County Courthouse*, U.S. 29

Richmond (independent city)

Almshouse, The, 210 Hospital St.

Wisconsin

Sauk County

Lake Delton vicinity, *Peterson, Seth, Cottage*, Dell Ave.

[FR Doc. 81-29455 filed 10-9-81; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Determination of Valid Existing Rights; Daniel Boone National Forest

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

ACTION: Decision on Greenwood Land and Mining Company's request for a determination of valid existing rights to conduct underground coal mining operations in the Daniel Boone National Forest in Pulaski and McCreary Counties, Kentucky.

SUMMARY: On March 9, 1981, the Greenwood Land and Mining Company requested that OSM determine that it has "valid existing rights" (VER) under section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(e)), to conduct underground coal mining operations at its Nos. 1, 5, and 6 mines located on Federal lands within the Daniel Boone National Forest, Kentucky. On July 15, 1981, the Director, Office of Surface Mining, published a notice of his decision that the Greenwood Land and Mining Company has valid existing rights to operate its Nos. 1, 5, and 6 mines (46 FR 36758–36761). As noted in the July 15, 1981, **Federal Register** notice the decision would become final at the end of a 30-day comment period (which expired August 14, 1981) unless otherwise ordered by the Director.

As of August 14, 1981, OSM had received comments from three commentors. These comments have been carefully considered and OSM has concluded that the information provided does not justify modification or departure from the decision to grant the Greenwood Land and Mining Company valid existing rights for its proposed operations at its mine site Nos. 1, 5, and 6 (No. 5 site includes openings 5a, 5b, 5c, and 5d). Therefore, the July 15, 1981, decision to grant Greenwood VER for these operations became effective August 15, 1981.

FOR FURTHER INFORMATION CONTACT: W. Hord Tipton, Acting Regional Director, Region II, Office of Surface Mining, 530 Gay Street, SW, Suite 500, Knoxville, Tennessee, 37902, (615) 971–5230.

SUPPLEMENTARY INFORMATION: OSM received three letters of comment concerning the Director's July 15, 1981, notice in the **Federal Register** (46 FR 36758–36761) that Greenwood Land and Mining Company has "valid existing rights," as that term is used in Section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (30 USC 1272(e)), to operate mines Numbers 1, 5, 5a, 5b, 5c, 5d, and 6 located within the boundaries of the Daniel Boone National Forest, Kentucky. Commentors contended that Greenwood's request to OSM did not include a request for determination of valid existing rights for surface coal mining operations on what is known as the "John Martin Ridge," an area adjoining the Beaver Creek Wilderness Area. Commentors further asserted that if OSM finds that the said area ("John Martin Ridge") is included in Greenwood's request, then a finding of VER would be improper because Greenwood failed to meet the "all permits" test enunciated by Judge Flannery, in *In re Permanent Surface Mining Regulation*, No. 79–1114, February 26, 1980. Commentors further demanded that prior to a finding of VER for either the "John Martin Ridge" or the Beaver Creek Wilderness Area that OSM conduct an informal conference; provide written notice of such conference to counsel for the commentors; and permit the commentors to be heard and to engage in cross-examination at such conference.

In response to these comments OSM would like to make clear that the Director's findings of Wednesday, July 15, 1981, (46 FR 36758–36759) only

address Greenwood mine Nos. 1, 5, 6. None of these operations include the "John Martin Ridge" or the Beaver Creek Wilderness Area. These latter locations, however, are included within an area encompassed by a mining permit application (Kentucky permit application No. 974-5011) a separate action filed by Greenwood. With regard to this permit application, the Acting Regional Director, Region II, has notified the Greenwood Land and Mining Company that mining on the applied for Federal lands is not authorized unless the Company can establish valid existing rights or the Secretary of the Interior determines that the operation would not be incompatible with significant recreational, timber, economic, or other values. See 30 U.S.C. 1272(e)(2). In the case of the Beaver Creek Wilderness Area, no mining would be permitted unless Greenwood can establish valid existing rights.

The commentor's demands for an informal conference; written notice of such conference to counsel for commentors; and an opportunity for cross-examination at such conference is premature. Until Greenwood applies for valid existing rights or a compatibility determination for the involved Federal lands, OSM does not believe it is necessary to arrange such a conference. Further we would point out that, because of the potential controversy relative to a VER decision involving the Beaver Creek Wilderness Area, OSM would publish such decision in the **Federal Register** and provide a public comment period. At that time persons wishing to comment on the decision or arrange a meeting would be invited to do so.

The U.S. Forest Service (FS) commented that the letter-decisions to the Greenwood Land and Mining Company, as printed in the July 15, 1981, **Federal Register** (46 FR 36759-36761), implied that the FS has approved operating plans for all No. 5 deep mines submitted to date. The FS pointed out that this was incorrect and, in fact, approval was denied on deep mine No. 5a based on a review of the Secretary of Agriculture's Rules and Regulations for the Mining and Removal of Minerals * * * of March 1, 1911, Section 2. Also, the FS pointed out that OSM's discussion of pending litigation in which Greenwood challenged the Forest Service's mine plan approval requirements was incorrect (46 FR 36760). The FS noted that the decision issued by the district court on October 23, 1978, as referenced in the **Federal Register**, had not been appealed by Greenwood. Rather, a "Motion for Reconsideration" was made to the court following that decision. These corrections have been incorporated into the letter-decision to the Greenwood Land and Mining Company, and duly noted for the record; it does not, however, detract from the determination that Greenwood has VER by virtue of Greenwood having made a good faith attempt to obtain the required permits.

In regards to the FS's approval of operating plans for the mine openings included in the No. 5 mine, OSM would point out that Greenwood's application for VER did not discuss specifically and fully this matter. This omission, however, was reflected in the **Federal Register** notice, which analyzed Greenwood's applications to the Forest Service in general terms. However, the failure to win Forest Service approval of the No. 5a opening does not go to whether Greenwood has shown VER overall. As indicated in the **Federal Register** notice, the exact parameters of Greenwood's VER will be determined by a future, thorough analysis of Greenwood's prior submissions to the Forest Service. The July 15, 1981, **Federal Register** findings should in no way, therefore, be interpreted to conflict with the Forest Service's decision to deny operating plans for the No. 5a mine.

One commenter, while agreeing with OSM's determination that the Greenwood Land and Mining Company has VER, questioned the approach OSM used in making such determination. The commentor stated that OSM's approach perpetuates the "all permits" requirement, as modified to include the "good faith attempt" concept approved by Judge Flannery in *In Re Permanent Surface Mining Regulation Litigation* No. 79-1114, February 26, 1980, despite contrary representations to the U.S. Court of Appeals for the District of Columbia Circuit and the U.S. Supreme Court.

In reaching a decision in the Greenwood case, OSM evaluated information submitted by the Company. That submission provided sufficient information to enable OSM to declare that Greenwood had in hand or had made a good faith effort to obtain all necessary permits prior to passage of the Act. Therefore, Greenwood's submission made it unnecessary to explore other ways in which Greenwood could establish "valid existing rights." Thus, OSM believes that its approach to determining VER for Greenwood is consistent with Judge Flannery's decision of February 26, 1980, and the Department's interpretation of the "all permits" test presented to the U.S. Supreme Court.

The same commentor pointed out that OSM's discussion of valid existing rights and substantial legal and financial commitments at 46 FR 36759 confuses the relationship between the two exemptions. In particular, the commentor objected to describing VER in terms of the criteria (significant investments) which constitute "substantial legal and financial commitments." The commentor, therefore, suggested that the sentence describing VER be deleted from the preamble to the Greenwood findings.

OSM did not intend to create the impression that, in all cases, a finding of VER will also automatically include a finding of substantial legal and financial commitments (SLFC). Under certain circumstances, an operator might qualify for VER but not SLFC or vice versa. All discussion of whether Greenwood Land and Mining Company qualifies for the SLFC exemption has been deleted from the final letter decision to Greenwood's representative because Greenwood has neither requested such a determination nor made the necessary showing under 30 CFR 762.5.

Based on the above discussion, OSM concludes that the information provided by the commentors is not sufficient to alter the findings published in the July 15, 1981, **Federal Register** (46 FR 36758-36761). Therefore, those findings stand as OSM's final decision and the Greenwood Land and Mining Company's VER and the Company has been notified accordingly.

Dated: October 7, 1981.

J. Steven Griles,

Acting Director.

[FR Doc. 81-29596 Filed 10-9-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-156]

Applications for Motor Carrier Operating Authority by Railroads and Rail Affiliates; Proposed Policy Statement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed policy statement.

SUMMARY: In light of recent statutory changes, the Commission proposes to re-examine its policy of placing certain restrictions on operating authority issued to rail affiliated motor carriers unless "special circumstances" are demonstrated.

DATES: Comments should be filed by November 27, 1981.

ADDRESSES: An original and 10 copies, if possible, of any comment should be sent to: Ex Parte No. MC-156, Room 5416, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Harold Johnson (202) 275-7887.

SUPPLEMENTARY INFORMATION: The policy against issuance of unrestricted motor carrier operating authority to railroads or their affiliates has its origins in the motor-rail consolidation and merger section 213(a)(1) (now 49 U.S.C. 11344(c)) of the Interstate Commerce Act as amended by the Motor Carrier Act of 1935. This legislation prohibited a railroad from acquiring or merging with a motor carrier "unless * * * the transaction * * * (would) promote the public interest by enabling such (rail) carrier * * * to use service by motor vehicle to public advantage in its operations and not unduly restrain competition." Historically, in the area of rail-motor mergers the Commission has authorized these transaction by restricting the resulting motor operations to those auxiliary or supplemental to rail service. See *Pennsylvania Truck Lines, Inc.-Control-Barker Motor Freight*, 1 MCC 101 (1936). The aim was to prevent anti-competitive rail control of the growing trucking industry.

The Commission incorporated these principles into its motor carrier operating rights proceedings under former sections 207 and 209 of the Act (now 49 U.S.C. 10922 and 10923). Consequently the Commission has developed and imposed auxiliary-to-rail restrictions on motor carrier authority acquired by or issued to a railroad or a rail affiliate. Typically, all or some of the following restrictions have been imposed:

1. Service performed by the rail-affiliated motor carrier should remain auxiliary to or supplemental of rail service meaning, in part, that shipments must be consigned on a rail carrier bill of lading at rail carrier rates.

2. Service could not be rendered to or from any point not on the rail line of the railroad.

3. Service could not be performed between or through any large termini on the rail line. (This restriction is commonly referred to as the "Key point" restriction, and in effect prevented the motor carrier from participating independently in most major traffic flows.)

4. The motor carrier might be limited to handling only freight which has a prior or subsequent movement on the rail line.

5. Contractual agreements between the railroad and the motor carrier had to be reported to the Commission and were subject to Commission modification.

6. The Commission retained the right to impose further conditions necessary to insure that service remained auxiliary or supplemental to rail service.

This practice received Supreme Court approval in *ICC* v. *Parker*, 326 U.S. 60, rehearing denied 326 U.S. 603 (1945). However, the Commission also recognized that the rail-motor merger prohibitions could not act as an absolute bar to the issuance of unrestricted motor carrier operating rights to railroads or their affiliates if the Commission was to fulfill its obligation to authorize motor service to meet the needs of the shipping public. Therefore, the Commission formulated the "special circumstances" doctrine allowing the issuance of unrestricted motor carrier authority to railroads or rail affiliates in proceedings where they could meet the additional burden of showing that a grant of unrestricted authority did not result in undue restraint of competition, and that the public interest required the proposed operation which was not being furnished by independent motor carriers.[1]

The "special circumstances" doctrine was approved by the Supreme Court in *American Trucking Assns.* v. *United States*, 335 U.S. 141 (1957), where the court concluded that the provisions of the present 49 U.S.C. 11344(c) were not to be strictly applied when considering applications for operating authority, but recognized that the National Transportation Policy favored application of those provisions unless the Commission in considering the Act "as a whole" should conclude that circumstances exists which would warrant a grant of unrestricted authority to a rail affiliated motor carrier.

In *American Trucking Assn.* v. *U.S.*, 364 U.S. 1 (1960), the Supreme Court reversed a Commission decision granting unrestricted motor operating rights to a rail affiliate and reaffirmed the Commission's obligation to impose auxiliary-to-rail restrictions upon motor carrier authority in those proceedings where rail affiliated applicants fail to demonstrate "special circumstances." In so doing, the Court emphasized the continuing congressional policy underlying this doctrine when at pages 6-7 of its decision it stated:

> The Commission long ago concluded that the policy of the transportation legislation requires that the standard of section 5(2)(b)—then section 213(a) of the Motor Carrier Act of 1935, 49 Stat. 555—be followed as a general rule in other situations, notably in applications for common carrier certificates of convenience and necessity under section 207. *Kansas City Southern Transport Co., Common Carrier Application*, 10 MCC 221 (1938). And this Court has *confirmed the correctness of the Commission's conception of its responsibilities under both section 5(2)(b) and section 207 (italics supplied).*

The Commission has continued to apply the "special circumstances" doctrine in recent cases, even those filed after recent changes in the Act.

We note that the amended Interstate Commerce Act retains the provisions (now codified in 49 U.S.C. 10101(a) (1) and 11344(c)) which form the statutory basis for restricting grants of authority to rail affiliated motor carriers. Also, newly enacted 49 U.S.C. 10505 gives the Commission broad power to exempt rail transportation from regulation under designated circumstances but subsection (g)(1) of that section specifically excludes from that exemption authority "to authorize intermodal ownership which is otherwise prohibited by this title."

However, competition has become a major consideration under the Motor Carrier Act of 1980 which added 49 U.S.C. 10101(a) (7) to the former provisions of the transportation policy and the Staggers Rail Act of 1980 which added 49 U.S.C. 10101a, an entirely new rail transportation policy, which is to govern "where policy has an impact on rail carriers", see 49 U.S.C. 10101. Also, we recognize that 49 U.S.C. 10922(b) has changed the applicable standards for obtaining a grant of motor common carrier authority, lightening the applicant's burden and placing upon protestants the burden of showing (once applicant has made its case) that the proposed service would be "inconsistent

[1] The Commission has carved out several exceptions to this standard. These exceptions have allowed rail affiliates to obtain motor carrier authority unencumbered by incidental-to-rail restirctions in proceedings where (1) there is little opposition (*see New York Central Transport Co. Ext.—Oakbrook, Ill.*, 99 MCC 94 (1965); (2) loss of the involved traffic from the affiliated rail carrier is so great that the existence of rail service is threatened (*see H.C. Gabler, Inc. Ext. -Cement from MD. and PA. Counties*, 86 MCC 447 (1961)—this decision was overruled in part in the *Pennsylvania. Truck Lines Extension* decision *supra*, as to certain motor carrier applicants who demonstrated only that their affiliated rail companies would lose traffic); (3) applicant proposes a unique and innovative service (*see Railway Exp. Agency Inc., Extension—Nashua, N.H.*, 91 MCC 311 (1961)) and (4) service for small shippers at small points is shown to be required (*see Santa Fe Trail Transp. Co. Ext.—Colo & Kans. Points*, 111 MCC 224 (1970) and *Southern Pac. Transp. Ext—Elimination or Restrictions*, 117 MCC 224 (1972), affid *sub nom. American Trucking Assoication, Inc.* v. *United States*, 373 F. Supp. 252 (W.D. Tex. 1973), aff'd 414 U.S. 1105 (1973).

with the public convenience and necessity."

It is possible that the applicability of the "special circumstances" doctrine to motor carrier operating rights proceedings has been significantly altered or, that the doctrine is no longer applicable to such proceedings at all. It is the Commission's intention to examine the statutory provisions and existing law to determine whether, and to what extent, the "special circumstances" doctrine is still applicable. In recent proceedings before the Commission, we have noticed a great deal of interest in the subject, and, think that public comments would be helpful in formulating our policy. We, invite comment on whether, or to what extent, the doctrine of "special circumstances" should survive recent statutory changes, and the reasoning which supports those views. We do not intend to limit the scope of comments, but request comments on the following questions:

(1) Should the doctrine of "special circumstances" survive recent statutory changes in the Interstate Commerce Act?

(2) If it is determined that the doctrine of "special circumstances" should survive the statutory changes,

(a) Should the provisions of 49 U.S.C. 10101 or those of 49 U.S.C. 10101a, or both, govern the application of 49 U.S.C. 11344(c) to requests for rail-affiliated motor carrier operating authority? Are there other provisions of the Act which would affect the applicability of 49 U.S.C 11344(c) to such requests?

(b) In view of the recent statutory changes, should the applicant have the burden of establishing "special circumstances," or should protestants have the burden of establishing a lack of "special circumstances?"

(c) Should what constitutes "special circumstances" be redefined in light of the changes made by recent legislation? If so, under what conditions should a finding of "special circumstances" be made?

This action is proposed under the authority of 5 U.S.C. 553 and 49 U.S.C. 10321. This action does not appear to affect significantly the quality of the human environment or the conservation of energy resources. The provisions of 5 U.S.C. 603 require that the Commission examine the impact of proposed policy on small businesses and small organizations. We anticipate no significant economic impact on small entities as a result of this proposed policy statement.

Decided: September 23, 1981.

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

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29626 Filed 10-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 419]

Conrail Abandonments Under Northeast Rail Service Act of 1981; Proposed Policy Statement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed policy statement.

SUMMARY: On August 13, 1981, the Northeast Rail Service Act of 1981 (NERSA) was enacted, as Subtitle E of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). Its provisions radically alter the way the Commission processes rail line abandonment applications filed by the Consolidated Rail Corporation (Conrail).

By this proceeding, the Commission announces the manner in which it intends to implement the NERSA provisions relating to Conrail line abandonments. It also asks for public comment upon the proper interpretation to apply to two of the provisions.

COMMENTS: All interested parties are invited to comment. Comments (an original and 10 copies, where possible) should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423. Comments should refer to Docket No. Ex Parte 419.

DATES: Comments must be received on or before November 12, 1981.

FOR FURTHER INFORMATION CONTACT:

Ellen Hanson (202) 275-7245
Wayne Michel (202) 275-7657

SUPPLEMENTARY INFORMATION:

Conrail Abandonment Procedures

Section 308(b) of the Regional Rail Reorganization Act of 1973 (3R Act) (added by section 1156 of NERSA) provides that any abandonment application filed before December 1, 1981, must be granted by the Commission within 90 days unless an offer of financial assistance is made. The statute is silent as to the service and contents of the application.

Conrail has indicated that it will make a good faith effort to serve copies of the application on the following parties: the Commission; all shippers who are significant users on the line; the Governors, Public Service Commissions, designated State agencies and State Cooperative Extension Services of all affected States; certain offices of the Departments of Transportation, Defense and Interior; the Railroad Retirement Board; the Office of Special Counsel; the National Rail Passenger Corporation; and the Railway Labor Executives' Association. Because we believe that service to these parties is adequate notice in this situation, we will not publish notice of these filings in the **Federal Register.** Conrail will not publish a notice in the local newspapers, which entails substantial expense.

Conrail has also indicated what it plans to include in its applications. In addition to identifying the applicant and the line to be abandoned, the application will contain phone numbers of offices at the Commission which will assist the public and a copy of the relevant statute—section 308 of the 3R Act.

Conrail will also provide with its application certain information for potential purchasers or subsidizers intending to file offers of financial assistance under section 308(d). Although the statute apparently permits Conrail to decide what information should be included in its applications, the Commission is given the responsibility for ensuring that potential offerors receive, in a timely fashion, the information necessary to make an offer of financial assistance. In recognition of ths fact, Conrail has indicated that when it has available the data necessary to prepare an estimate of subsidy or purchase costs, a summary of that data will be supplied with the application. If the data is not available at the time of filing, Conrail's application will state that the summary of the data will be supplied within 15 days to all persons who where served with the application. The application will also indicate that after the summary is supplied, parties will have 15 days to request Conrail to supply all data underlying the summaries (copies of such requests are to be sent to the Commission).

Conrail will supply the data underlying its subsidy estimate within 15 days of receiving the request. [1] The data underlying its purchase price estimate, which is more difficult to generate, will be supplied to interested parties within 45 days of their request.

We believe this is an equitable plan. The schedule gives Conrail time to complete the massive analysis, including

[1] It must be noted that until the final net liquidation value estimate is sent to parties, the subsidy estimate will be missing a key element, because the subsidy amount includes a fair return on the net liquidation value.

on-site inspections, necessary for setting the purchase price or net liquidation value of the line. This schedule also provies interested parties with all the data they need to make an offer of financial assistance within 75 days. Because offers can be filed up to the 90th day, offerors will have at least 15 days to consider making an offer.

By allowing offers to be filed by the 90th day yet also requiring applications for which no offer has been filed to be granted by the 90th day, Congress has placed us in a difficult position. If we prepare and serve an order granting abandonment on the 90th day, there is a strong possibility that we would have to vacate such an order because an offer had been timely-filed. Therefore, we do not plan to release the decision granting abandonment for approximately one week after the 90th day. In this manner we will eliminate needless confusion and unnecessary work. However, we would like comments on other approaches to this problem, such as requiring offers to be filed in less than 90 days or serving a decision prior to the 90th day but with an effective date after the 90th day. We also propose to delegate the authority to issue these decisions to the Review Boards.

After the abandonment is granted (for those applications filed before December 1, 1981), section 308(e) allows interested parties the opportunity to purchase the line at 75 percent of its net liquidation value as appraised by the Commission. Under this provision, we are supposed to appraise each line approved for abandonment "as soon as practicable" and publish our results in the **Federal Register**. Parties can make a discount purchase offer within 120 days aftr that appraisal is published.

Because of our limited staff resources, we have decided not to do independent appraisal unless requested by an interested party. Otherwise, we will generally accept the estimated net liquidation value submitted by Conrail. Our decision granting abandonment will, therefore, include Conrail's estimate and indicate that unless a party requests us within 15 days to set our own appraisal value, we will publish the Conrail figure as the appraised net liquidation value. If no party makes such a request, we will publish Conrail's estimate in the **Federal Register**. Then any party may seek to purchase the line at 75 percent of that value within 120 days.

However, if a party does request us to set the value, we will do so soon as practicable. In so doing, we will rely on whatever evidence is before us. Thus, we would accept any evidence submitted by Conrail or other interested parties. Once we set the price and publish it in the **Federal Register** purchasers would have 120 days to make Conrail an offer at 75 percent of the appraised value.

Matters for Comment

We set forth below our initial views on the proper reading of two provisions of NERSA: (1) When can Conrail cease operations over lines to be abandoned; and (2) what segments of line can be purchased at a discount under section 308(e). The public is invited to submit comments on these views and to address any additional issues of concern in the implementation of the NERSA provisions regarding Conrail line abandonments.

Cessation of Service

Congress established two different methods by which potential purchasers could acquire Conrail lines which are the subject of abandonment applications filed before December 1, 1981. The first route is to file an offer of financial assistance within 90 days of the filing of Conrail's application. If this route is chosen, we are directed to follow the provisions of 49 U.S.C. 10905(d)–(f), which provide for postponement of issuing abandonment certificates. Thus, if such an offer is timely-filed, Conrail would have to continue providing service until the financial assistance procedures have been completed.

Alternatively, under section 308(e)(3)(A), a purchaser can acquire the line at a discount price after the abandonment is granted and an appraised value is published. If no bona fide offer is made to acquire the line within 120 days after publication of the appraisal under this provision, section 308(e)(3)(B) provides that Conrail may "abandon or dispose of the line as it chooses," (with exceptions for certain facilities which Conrail may be required to keep intact for longer periods). Section 308 does not specify a time for issuance or effectiveness of an abandonment certificate following a Commission "grant" under section 308(b). Thus, we conclude from the language of section 308(e)(3)(B) that Conrail may not cease service over a line for which an abandonment application has been granted until sale of the line under section 308(e)(3)(A) or expiration of the 120 day period following Commission publication of an appraisal.

Partial Purchases Under Section 308(e)

In our opinion, purchasers can acquire a portion of a line under the financial assistance provisions of section 308(d). The following language in section 10905(f)(4) supports this conclusion: "No purchasers of a line or portion of line sold under this section * * *" (emphasis added). We have already accepted one purchase offer for less than the entire line in a section 10905 proceeding. *Chicago and North Western Transp. Co.—Abandonment*, 363 ICC 979 (1981).

The question is whether a purchaser can acquire less than the entire line under the discount purchase provisions of section 308(e). Section 308(e)(1) requires us to "appraise the net liquidation value of the line to be abandoned * * *" The statute also states that Conrail must sell for "for 75 percent of the amount at which the liquidation value of such line was appraised by the Commission." Thus, it appears that we would have to set a value for the entire line and the prospective purchaser would have to offer 75 percent of that value.[2]

Moreover, unlike section 10905, section 308(e) has no language referring to purchases of segments of lines being abandoned. The statute envisions a simple, "take-it-or-leave-it" procedure. It does not provide the opportunity for individualized negotiations for portions of the line. Furthermore, for us to attempt to "break-out" the portion of the value allocable to various (possibly numerous) segments of the line would be impractical in this context. Section 308(e) appears to be a special provision added by Congress which would allow purchasers willing to operate the line for at least 5 years a *limited* opportunity to acquire abandoned lines for a bargain price.

Therefore, we believe that under section 308(e) a purchase offer must be for the entire line being abandoned. If purchasers want to acquire less than the entire line, they should submit an offer of financial assistance under section 308(d).

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

Decided: September 28, 1981.

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

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29527 Filed 10-9-81; 8:45 am]

BILLING CODE 7035-01-M

[2] In addition, a purchaser could not acquire the entire line and then abandon the unwanted portion without repaying the U.S. Treasury all proceeds from liquidating the unwanted portion. See Section 308(e)(4).

Motor Carrier Finance Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC-FC-79223. (Republication) By decision of June 26, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to Fry's Horse Transportation, Inc., of Certificates No. MC-14903 issued June 14, 1962, and No. MC-14902 (Sub-No. 3) issued May 25, 1971, to Fry's Horse Transportation, Inc., authorizing the transportation over irregular routes of *Livestock*, other than ordinary livestock, and, in connection therewith, *personal effects of attendants, supplies, and equipment*, including mascots, used in the care and/or exhibition of such animals, between points in Arkansas, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia. *Horses* (other than ordinary livestock), Between points in Rhode Island, Florida and Nebraska. Between points in Rhode Island, Florida and Nebraska, on the one hand, and, on the other, points in Arkansas, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Pennsylvania, New Hampshire, New Jersey, New York, Oklahoma, Tennessee, Texas, and West Virginia. *Horses, other than ordinary horses*, and in the same vehicle therewith, *mascots, personal effects of attendants, and supplies and equipment* used in the care and exhibition of such horses, restricted against the transportation of shipments originating at or destined to points in Canada. Between points in Kentucky, on the one hand, and, on the other, points in Delaware, Georgia, Massachusetts, North Carolina, South Carolina, Virginia, and Vermont. Between points in Delaware, on the one hand, and, on the other, points in Pennsylvania. Between points in Arkansas, on the one hand, and, on the other, points in North Carolina. Between points in Massachusetts, on the one hand, and, on the other, points in New Hampshire and Ohio. Applicant's representative is A. Charles Tell, Suite 1800, 100 East Board Street, Columbus, OH 43215.

Note.—This publication corrects the decision-notice published September 8, 1981 at page 44894 which erroneously identified the transferor and transferee as Fry's Norse Transportation, Inc. rather than as Fry's Horse Transportation, Inc.

MC-FC-79326. By decision of September 23, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to TOWN STEEL SERVICE, INC. of Detroit, MI of Permit No. MC-136050 issued September 5, 1972 to TOWN CARTAGE, INC. of Detroit, MI authorizing the transportation of *Iron and steel rolls, coils, sheets*, and tubes, over irregular routes, from Detroit and Escorse, MI to Toledo and Perrysburg, OH with no transportation for compensation on return except as otherwise authorized. From Toledo, OH to Detroit and Escorse, MI with no transportation for compensation on return except as otherwise authorized. Subject to the following conditions: Restricted to the transportation of shipments originating at and destined to the facilities of Donovan Wire and Iron Company and limited to a transportation service to be performed, under a continuing contract, or contracts, with Donovan Wire and Iron Company of Toledo, OH. Applicant's representative: William B. Elmer, Esq., 624 Third Street, Traverse City, MI 46984. Transferee is not a carrier. Temporary authority has not been requested.

MC-FC-79341. By decision of 9/10/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to NOAH E. FERRIS, d.b.a. CONTRACT FURNITURE CARRIERS, of Roanoke, VA, of Certificate No. MC-31208 and Permit No. 140239 (Sub-Nos. 2 and 3), issued to ROBERT C. FENNELL, d.b.a. ROBERT FENNELL TRUCKING CO. (FIRST NATIONAL EXCHANGE BANK OF MONTGOMERY COUNTY, SECURED CREDITOR), authorizing the transportation of (A) as a common carrier, over irregular routes, (1) *livestock, poultry, and eggs*, from Kingsport, Morristown and New Tazewell, TN, and Bristol, Abingdon and Marion, VA, points within 10 miles of each, to Washington, DC, Baltimore, MD, Philadelphia, PA, and New York, NY; (2) *egg cases and chicken coops*, from Washington, DC, Baltimore, MD, Philadelphia, PA, and New York, NY, to Kingsport, Morristown and New Tazewell, TN, and Bristol, Abingdon and Marion, VA, and points within 10 miles of each; (3) *trailers and semi-trailers and parts and accessories therefor*, by truckaway method, in initial movements, from Bristol, VA, to points in AL, CT, DE, FL, GA, KY, MD, MA, MI, NJ, NY, NC, PA, OH, RI, SC, TN, VA, WV, and DC; (4) *rejected shipments* of the above specified commodities from the above specified destination points in Bristol, VA; (5) *sugar*, from Baltimore, MD, and Phladelphia, PA, to Afingdon, VA; (6) *wooden cabinets*, from Bristol, VA, to Sunbury, PA; (7) *machinery*, from Hackettstown, NJ, and Waynesboro, PA, to points in Wythe County, VA; (8) *livestock*, from Wytheville, VA, to Harrisburg and Philadelphia, PA, Baltimore, MD, and Washington, DC; (9) *lumber*, from Hartsville, and Columbia, SC, to Wytheville, VA; (10) *malt beverages*, from Brooklyn, NY, and Newark, NJ, to Marion and Galax, VA; (11) *empty malt beverage containers*, from Marion and Galax, VA, to Brooklyn, NY, and Newark, NJ; (12) *petroleum products*, in containers, from Marcus Hook, PA, and Sewaren, NJ, to Radford, Wytheville, and Marion, VA;

(13) *empty petroleum products containers*, from Radford, Wytheville, and Marion, VA, to Marcus Hook, PA, and Sewaren, NJ; (14) *live or dressed poultry and eggs*, from Wytheville, Meadowview, and Abingdon, VA, to Baltimore, MD, Philadelphia, PA, Newark, NJ, and New York, NY; (15) *canned goods*, (a) from points in Wythe County, VA, to Washington, DC, and Baltimore, MD, and (b) from Baltimore, MD, to Bristol and Pulaski, VA; (16) *feed*, from Charlotte, NC, and Columbia, SC, to Wytheville, VA; (17) *agricultural commodities*, from points in Wythe, Smyth, and Washington Counties, VA, to Beckley and Charleston, WV, and points in NC and SC; (18) *soap and soap products*, from Baltimore, MD, to points in VA on and west of VA Hwy 8; (19) *household goods*, as defined by the Commission, between points in Wythe County, VA, on the one hand, and, on the other, points in MD; (20) *repossessed and used trade-in trailers and semi-trailers and parts and accessories thereto*, in secondary movements, in truckaway service, from points in AL, CT, DE, FL, GA, KY, MD, MA, MI, NJ, NY, NC, PA, OH, RI, SC, TN, VA, WV, and DC, to the plant site of the Black Diamond Trailer Company, Inc., at Bristol, VA; (21) *wooden rails, wooden posts, and wooden gates*, from Clinchburg, VA, to points in the part of the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to the western boundary of Itasca and Koochiching Counties, MN, to the United States-Canada Boundary line, and to points in LA, TX, AR, MO, KS, IA, MN, NE, and OK, and (B) as a contract carrier, over irregular routes, (1)(a) *precast concrete products*, from the plant site of Salem Concrete Products, Inc., at Salem, VA, to points in WV, and (b) *materials and supplies* used in the manufacture of precase concrete products (except in bulk), in the reverse direction, under contracts with Salem Concrete Products, Inc., of Salem, VA; and (2) *precast and prestressed concrete products*, from the facilities of Phoenix Concrete Products, Inc., at or near Roanoke, VA, to points in MD, NC, SC, TN, WV, and DC, and (b) *materials and supplies* used in the manufacture of precase concrete products (except in bulk), from the above-named destination points to the facilities of Phoenix Concrete Products, Inc., under continuing contracts with Phoenix Concrete Products, Inc., of Roanoke, VA. Applicant's representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168.

Notes.—Transferee does not hold any authority from this Commission.

TA application has not been filed.

MC-FC-79346. By decision of September 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to STAN PHILLIPS d.b.a. HEAVY COMPANY of Lincoln, NE of Certificate No. MC-11022 (Sub-No. 2X) issued to SULLIVAN TRANSFER & STORAGE COMPANY of Lincoln, NE authorizing: *machinery, those commodities which because of their size or weight require the use of special handling or equipment and building materials*, between points in Nebraska on the one hand, and, on the other, points in Iowa, Kansas, Missouri, and Colorado. Applicant's representative: Michael J. Ogborn, 3423 No. 35th St., P.O. Box 5728, Lincoln, NE 68505. TA lease is sought. Transferee is not a carrier.

MC-FC-79350. By decision of September 11, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to RAZORBACK EXPRESS, INC. of Harrison, AR of Certificate No. MC-150199 (Sub-No. 1F) issued to MISSOURI AND NORTH ARKANSAS TRANSPORTS, INC. of Harrison, AR authorizing: *General commodities* (1) between Harrison, AR, and Kansas City, MO, from Harrison over U.S. Hwy 65 to Springfield, MO, then over Missouri Hwy 13 to junction Missouri Hwy 7, then over Missouri Hwy 7 to junction US Hwy 71, then over US Hwy 71 to Kansas City, and return over the same route, serving no intermediate points, and (2) between Harrison, AR and St. Louis, MO, from Harrison over US Hwy 65 to Springfield, MO, then over the same route, serving no intermediate points, restricted in (1) and (2) against traffic moving between St. Louis and Kansas City, MO. Applicant's representative: Jay C. Minor, P.O. Box 313, Harrison, AR 72601. TA lease is not sought. Transferree is a carrier.

MC-FC-79351. By decision of September 17, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Burks Trucking, Inc., of Old Fort, OH, of Certificate No. MC-120116 (Sub-No. 5) and No. MC-120116 (Sub-No. 6) issued January 9 and 22, 1981, respectively, to J. W. Humbert, Inc., of Green Springs, OH authorizing the transporation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Ohio, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Hwy 219, and points in West Virginia on and north of U.S. Hwy 50, and (1) between Bellevue, Bucyrus, Cleveland, Clyde, Crestline, Genoa, Gibsonburg, Green Springs, Woodville, Youngstown, and points in Marion County, OH, on the one hand, and, on the other, points in Ohio; and (2) between the facilities of (a) Basic Incorporated, at Maple Grove, OH; (b) Rural-Serve, Inc., at Fremont, OH; (c) SCM Corporation, at points in Erie County, OH; and (d) the Johnson Corporation, at Columbus, OH, on the one hand, and, on the other, points in Ohio. Applicant's representative: E. H. van Deusen, Attorney, 220 West Bridge Street, P.O. Box 97, Dublin, OH 43017. Application for TA has not been filed. Transferee presently holds authority under Permit No. MC-149376 and Certificate No. MC-146676.

MC-FC-79353. By decision of September 11, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to Love's Trucking, Inc. of Permit No. MC-107006 (Lead and Sub Nos. 7F, 8F, and 9F) and Certificate No. MC-107006 Sub Nos. 10F, 11F, 12F, 13F, and 14F, issued to Thomas Kappel, Inc. authorizing irregular routes transportation of specified commodities as a contract carrier in the States of IL, IN, KY, MD, MS, MO, NY, PA, OH, TN, WI, and WV, and as a common carrier between named OH, SC, and MO cities or shipper's facilities, on the one hand, and, on the other, points in the United States. Transferree holds authority from the Commission in No. MC-151483. Application for temporary authority has been filed. Applicant's representative: A. Charles Tell, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215.

MC-FC-79358. By decision of September 23, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to LOIS B. KEAGEL, d.b.a. LATOUR'S MOVING & STORAGE, of Fulton, NY, of Certificate No. MC-24412, issued May 2, 1955, to PAUL M. BROWN, d.b.a. LATOUR'S MOVING & STORAGE, of Fulton, NY, authorizing the transportation, as a motor common carrier, over irregular routes, of *household goods*, between Oswego, NY, on the one hand, and, on the other, points in MD, OH, PA and DC. Representative: Leyden E. Brown, 130 East Second Street, Oswego, NY 13126.

Notes.—TA application has not been filed. Transferee does not hold authority from this Commission.

MC-FC-79362. By decision of September 22, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Bronc Enterprises Inc., of Houston, TX of Certificate No. MC-146311 issued November 3, 1980, to Toby Martin Oilfield Trucking, Inc., of Houston, TX authorizing the transportation of machinery, materials, supplies, and equipment incidential to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Oklahoma, Texas, and Louisiana. Applicant's representative: C. W. Ferebee, 14614 Falling Creek, Suite 124-P, Houston, TX 77068.

MC-FC-79365. By decision of September 23, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to Barbline, Inc., of Permit No. MC-108453 (lead and Sub-Nos. 8, 9, 11, 12, 14, 15, 17, 22, 23, 25, 26, 27, 30, 31, 32, 34, 36, 37F, 38F, 39, 40F, 41F, 42 and 43) issued as indicated below to G&A TRUCK LINE, INC. authorizing the transportation of: Irregular Routes: Lead—(September 30, 1948): *Agricultural commodities*, from points in Branch, Cass and St. Joseph Counties, MI, to points in IL and IN. *Agricultural Machinery and parts*, from Chicago, IL, to Constantine, MI, and points within 10 miles of Constantine. *Alum*, from Joliet, IL, to South Bend, IN, Three Rivers and White Pigeon, MI, points within 10 miles of South Bend, and points and places in MI within 10 miles of Three Rivers and White Pigeon. *Building materials and supplies*, from Chicago and Chicago Heights, IL, and South Bend and East Chicago, IN to points and places in St. Joseph, Kalamazoo and Cass Counties, MI. *Empty acid carboys*, from Three Rivers and White Pigeon, MI, and points in MI within 10 miles of Three Rivers and White Pigeon, to Hegewisch, IL. *Feed*, from Chicago, IL, to points in MI, Berrien, Calhoun, Kalamazoo and Van Buren Counties, MI, and DeKalb, Elkhart, LaGrange, LaPorte, St. Joseph and Steuben Counties, IL. from Gary, IN, to points in Berrien, Calhoun, Kalamazoo and Van Buren Counties, MI. *Feed, fertilizer and farm machinery*, from points in IL, and IN, to points in Branch, Cass and St. Joseph Counties, MI. *Flour*, from Chicago, IL, to points and places in Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph and Van Buren Counties, MI, and DeKalb, Elkhart, LaGrange, LaPorte, St. Joseph and Stueben Counties, IN. From Gary, IN, to points in Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph, and Van Buren Counties, MI. *Onions, celery and celery cabbage*, from Constantine, MI, and points within 15 miles of Constantine, to Chicago, IL. *Petroleum products, in containers*, from Whiting, IN, to Niles, Cassopolis, Bronson and Coldwater, MI, and points and places in St. Joseph County, MI. *Empty petroleum product containers*, from Niles, Cassopolis, Bronson and Coldwater, MI, and points in St. Joseph County, MI, to Whiting, IN. *Roofing material*, from Lockport, IL, to Valparaiso, Mishawaka, Michigan City and South Bend, IN, and Niles, Three Rivers, Mendon, Kalamazoo, Detroit, Mt. Clemens and Flint, MI. *Wood pulp*, from Detroit, South Haven, Muskegon and Port Huron, MI, to Three Rivers, and White Pigeon, MI, and points and places within 1 mile of White Pigeon. *Scrap paper*, from points in that part of Indiana on and north of a line beginning at the Illinois-Indiana state line and extending along U.S. Highway 36 to Indianapolis, thence along U.S. Highway 40 to the Indiana-Ohio state line, and those in that part of Illinois on and north of U.S. Highway 24, to South Bend, Indiana, Three Rivers and White Pigeon, MI, to points within 10 miles of South Bend, and points in Michigan within 10 miles of Three Rivers and White Pigeon. From points in Ohio on and north and west of U.S. Highway 62, to Three Rivers and White Pigeon, MI, and points in Michigan within 10 miles of Three Rivers and White Pigeon. *Scrap paper and waste paper*, from Milwaukee, Appleton and Racine, WI, to Three Rivers and White Pigeon, MI, and points within one mile of Three Rivers and White Pigeon.

Waste paper, from points in the Chicago, IL, Commercial Zone as defined by the Commission in 1 MCC 673, and Rockford, IL, and South Bend, Elkhart, Hammond, and Mishawaka, IN, to Three Rivers and White Pigeon, MI, and points within 1 mile of White Pigeon. *Paperboard*, from Constantine, Michigan, and points within 5 miles of Constantine, to Chicago, Joliet and Maywood, IL, and Toledo, OH. *Paperboard, paper and paper products*, damaged, defective or refused, from Chicago, IL, to Constantine, MI, and points within 10 miles of Constantine. From Milwaukee, Racine and Appleton, WI, to Three Rivers and White Pigeon, MI, and points within 1 mile of Three Rivers and White Pigeon. *Wood skids*, returned, from Appleton, Milwaukee and Racine, WI, and points in the Chicago, IL, Commercial Zone, as defined by the Commission in 1 MCC 673, to Three Rivers and White Pigeon, MI, and points within 1 mile of Three Rivers and White Pigeon. From points in the Chicago, IL, Commercial Zone, supra, to South Bend, IN, and points and places within 10 miles of South Bend. *Waste paper, resin, alum and such commodities* as are used or useful in the production of paper products, from points in IN, IL, and WI, to Three Rivers and White Pigeon, MI. Return with no transportation for compensation except as otherwise authorized, to the above-specified origin points. *Paper and paper products*, from White Pigeon, MI, and points within 1 mile of White Pigeon, to Appleton and Racine, WI. From Three Rivers and White Pigeon, MI, to points and within 1 mile of Three Rivers and White Pigeon, to Milwaukee, WI. From Three Rivers and White Pigeon, MI, to points and places in IL, and WI. Return, with no transportation for compensation except as otherwise authorized, to the above-specified origin points. Between South Bend, IN, Three Rivers and White Pigeon, MI, points within 10 miles of South Bend, and points in MI, within 10 miles of Three Rivers and White Pigeon, on the one hand, and, on the other, Louisville, Kentucky, points in IN, and those in that part of IL on and north of U.S. Highway 50. Between Three Rivers and White Pigeon, MI, and points in MI, within 10 miles of Three Rivers and White Pigeon, on the one hand, and, on the other, Cincinnati, OH, points and places in OH, within 10 miles of Cincinnati, and those in Ohio on and north of U.S. Highway 22. *Paper, paper products and machinery*, from Three Rivers and White Pigeon, MI, to Louisville, KY, points in IL and WI, and those in IN on the following highways: those portions of U.S. Highway 12 between the Illinois-Indiana state line and the Indiana-Michigan state line; U.S. Highway 20 between Illinois-Indiana state line and South Bend, IN; U.S. Highway 31 from the Michigan-Indiana state line to junction Alternate U.S. Highway 31 north of Columbus, through Columbus and Seymour to the junction of U.S. Highway 31 east of Seymour; and U.S. Highways 31E and 31W from Sellersburg to the Indiana-Kentucky state line. *Such commodities* as are used or useful in the production of paper and paper products, from the above-specified KY, IL, IN and WI points to Three Rivers and White Pigeon, MI. *Paper mill supplies*, between Three Rivers and White Pigeon, MI, and points within 1 mile of White Pigeon, on the one hand, and, on the other, Chicago

and Rockford, IL. *Castings, pumps, patterns, machinery, railway supplies and windmills,* between Three Rivers, MI, on the one hand, and, on the other, Chicago, IL, and Beloit, WI. Under special and individual contracts or agreements with persons (as defined in Section 203(a) of the Interstate Commerce Act) who operate paper mills, for the transportation of the commodities indicated below: *Such materials and supplies* as are used or dealt in by persons operating paper mills, from Milwaukee, WI, Louisville, KY, and points and places in IN, those in that part of IL on and north of U.S. Highway 50, those in that part of OH on and north of U.S. Highway 22, and Cincinnati, OH, and points and places in Ohio within 10 miles of Cincinnati, to Three Rivers and White Pigeon, MI, and points and places in MI, within 10 miles of Three Rivers and White Pigeon, with no transportation for compensation on return except as otherwise ordered. Any repetition in the statement of the authority granted herein shall be construed as conferring only a single operating right. *Sub-No. 8*—(February 15, 1949): *Paper products,* from Three Rivers, MI, and points within 3 miles thereof, to Rochester, NY. *Paperboard,* from White Pigeon, MI, and points within 3 miles thereof, to Rochester, NY. *Paper products,* from Rochester, NY, to points in IN, IL, WI, the lower peninsula of MI (except Kalamazoo, Parchment, Plainwell, Otsego, Battle Creek and Grand Rapids, MI), points in OH on, north and west of U.S. Highway 22, Cincinnati, OH, and points and places within 10 miles of Cincinnati, OH and Louisville, KY. *Waste paper,* from Rochester, NY, to White Pigeon, MI. (The foregoing embodies Permit No. MC-108453 and subs 1 to 8, inclusive.) *Sub-No. 9*—(February 27, 1950): *Paperboard,* over irregular routes, from East Stroudsburg, Pennsylvania, to South Bend, IN. *Sub-No. 11*—(May 25, 1950): *Empty skids,* from Rochester, NY, to Three Rivers and White Pigeon, MI, and points within 3 miles of White Pigeon. *Sub-No. 12*—(March 1, 1950): *Pulpboard,* over irregular routes, from White Pigeon and Three Rivers, MI, to Baltimore, MD. *Empty paper containers, paper skids and damaged or defective shipments of pulpboard,* over irregular routes, from Baltimore, MD, to White Pigeon and Three Rivers, MI. *Sub-No. 14*—(March 5, 1951): *Paper and paper products,* over irregular routes, from Three Rivers and White Pigeon, MI, and Rochester, NY, and points within 1 mile of each named point, to St. Louis, MI, and points in MI in the St. Louis Missouri-East St. Louis, IL, Commercial Zone, as defined by the Commission. *Waste paper and empty skids,* over irregular routes, from the above-specified destination points to the origin points indicated. Authority is granted to traverse OH, IL, PA and IN for operating convenience only. *Sub-No. 15*—(May 23, 1951): *Feed,* over irregular routes, from Riverdale, IL, to points in DeKalb, Elkhart, LaGrange, LaPorte, St. Joseph and Steuben Counties, IN, with no compensation for return movement except as otherwise authorized. *Sub-No. 17*—(October 26, 1954): *Pulpboard,* from White Pigeon, MI, to Buffalo, NY. *Waste paper, skids and pallets,* from Buffalo, NY, to White Pigeon, MI. *Sub-No. 22*—(February 21, 1962): *Paper products and supplies and waste or scrap paper and such commodities as are used or are useful in the production of paper and paper products,* over irregular routes, between Middlebury, IN, and points within 1 mile thereof, on the one hand, and, on the other, points in IL, WI, the Lower Peninsula of MI, those in that part of Ohio, on and north of U.S. Highway 22, Cincinnati, OH, and points within 10 miles thereof, Louisville, KY, Rochester and Buffalo, NY, and St. Louis, MO. Restriction: The operations authorized herein (Sub-22) are limited to a transportation service to be performed under a continuing contract, or contracts, with the Weyerhaeuser Co. *Sub-No. 23*—(September 25, 1962): *Paper and paper products,* over irregular routes, between Goshen, Indiana, on the one hand, and, on the other, Rochester, NY, Chicago, IL and St. Louis, MO. Restriction: The operations authorized herein (Sub-23) are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Weyerhaeuser (Company, of Tacoma, WA.) *Sub-No. 25*—(October 31, 1963): *Paper and paper products,* over irregular routes, from Middlebury, IN, and White Pigeon and Three Rivers, MI, to Albion, Macedon and Batavia, NY, and *Waste paper,* from Albion, Macedon and Batavia, NY, to Middlebury, IN, and White Pigeon and Three Rivers, MI. Restrictions: The operations authorized herein (Sub-25) are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Weyerhaeuser Company of Tacoma, WA. *Sub-No. 26*—(April 14, 1965): *Lumber, wood paneling, wood doors and wood products,* from Goshen and Mishawaka, IN, to points in Calhoun, Kalamazoo, Branch, Cass, St. Joseph, Berrien and Van Buren Counties, MI, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein (Sub-26) are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Weyerhaeuser Company of Tacoma, WA. *Sub-No. 27*—(December 11, 1964): *Paper and paper products* (except scrap paper), from Belleville, IL, and points in the St. Louis, Missouri-East St. Louis, IL, Commercial Zone, as defined by the Commission, to Three Rivers and White Pigeon, MI, with no transportation for compensation on return except as otherwise authorized. *Sub-No. 30*—(July 17, 1967): *Paper and paper products and paper mill supplies,* over irregular routes, between White Pigeon, MI, on the one hand, and, on the other, Clinton, IA. Restriction: The operations authorized herein (Sub-30) are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Weyerhaeuser Company, of Tacoma, WA. *Sub-No. 31*—(August 21, 1969): *Paper and paper products and commodities* used in the production of paper and paper production, in containers. Restrictions: The operations authorized herein (Sub-31) are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Weyerhaeuser Company, of Tacoma, WA. *Sub-No. 32*—(June 16, 1970): *Plastic containers and accessories therefore and such commodities* (except in bulk) as are used in the production of plastic containers and accessories therefore, between Three Rivers, MI, on the one hand, and, on the other, points in IL, IN, OH and WI, and Louisville, KY, Rochester, NY, and St. Louis, MO. Restriction: The operations authorized herein (Sub-32) are limited to a transportation service to be performed, under a continuing contract, or contracts, with Continental Can Co., Inc., of New York, NY. *Sub-No. 34* — (January 18, 1978): *Paper and* paper *products, plastic containers* and *accessories* of plastic containers, and *such commodities* (except in bulk) as are used in the production of plastic containers and accessories, between Shelbyville, IL, on the one hand, and, on the other, points in IN, OH, WI, MI, and Louisville, KY. Restrictions: The authority granted herein is limited to a transportation service to be performed under a continuing contract, or contracts, with the Crest Container Corporation of the Bondware Division of Continental Can Co., Inc. *Sub-No. 36*—(November 28, 1978); *Pulpboard,* from White Pigeon, MI, to points in New York (except Rochester, Buffalo, Albion, Macedon and Batavia). *Waste paper,* from points in New York (except

Rochester, Buffalo, Albion, Macedon and Batavia) to White Pigeon, MI. Restrictions: The authority granted herein (Sub-36) is limited to a transportation service to be performed under a continuing contract, or contracts, with White Pigeon Paper Company, of White Pigeon, MI.

Sub-No. 37F—(February 24, 1981): *Paper mill products and supplies* (except in bulk), used in the manufacture and distribution of paper mill products, between the facilities of Spartan Paperboard, Inc., at or near Kalamazoo, MI, and points in IN, IL, OH, WI, NY, KY, MO, and IA, under continuing contract, or contracts, with Spartan Paperboard, Inc., of Three Rivers, MI. *Sub-No. 38F*—(November 20, 1980): *Paper, paper products and scrap paper* (except commodities in bulk), between the facilities of Continental Forest Industries, Consumer Products Division, at Three Rivers, MI, on the one hand, and, on the other, points in PA, IA, NY, NJ, MN, KY, and MI, under a continuing contract, or contracts, with Continental Forest Industries, Consumer Products Division, of Three Rivers, MI. *Sub-No. 39*—(April 8, 1981): *General commodities*, between Lowell, MI, on the one hand, and, NY, OH, and IL on the other. Restricted against the transportation of commodities in bulk, under a continuing contract with Root-Lowell Manufacturing Company. *Sub-No. 40F*—(January 30, 1981): *Such commodities as are dealt in or used by manufacturers and distributors of pulpboard and boxboard*, between points in the United States, under continuing contract(s) with White Pigeon Paper Company, of White Pigeon, MI. *Sub-No. 41F*—(January 20, 1981): *Paper, paper products and scrap paper and materials and supplies* used in the manufacture and distribution of paper, paper products and scrap paper (except in bulk), between points in the United States, under continuing contract, or contracts, with Continental Forest Industries, of Three Rivers, MI. *Sub-No. 42*—(August 4, 1981): *General commodities (except classes A and B explosives)*, between points in the United States, under continuing contract(s) with ACM Plastic Products, of Sturgis, MI. *Sub-No. 43*—(May 29, 1981): *General commodities*, between points in the United States, under continuing(s) with Simplex Industries, Inc., of Constantine, MI. Applicant's representative is: Edward Malinzak, Esq., 900 Old Kent Bldg., Grand Rapids, MI 49503.

Note.—An application for temporary authority to lease the operating authority has been filed. Transferee is not a carrier. Transferee should seek substitution as party applicant in Transferor's pending application [1] in No. MC-108453 (Sub-No. 44) by letter to the Office of the Secretary of the Commission in Washington, D.C.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29530 Filed 10-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OPY-2-191]

Motor Carrier; Permanent Authority; Republications Grants of Operating Rights Authority Prior to Certification

The following grants of operating right authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously notice in the **Federal Register.**

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Any such pleading shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

By the Commission.

James H. Bayne,

Acting Secretary.

MC 65112 (Sub-1) (Republication), filed February 5, 1981, published in the **Federal Register** issue of March 10, 1981, and republished this issue. Applicant: FOGARTY VAN LINES, INC., 1103 Cumberland Ave., Tampa, FL 33602. Representative: Bernard C. Pestoe, 700 Brickell Ave., Suite 401, Miami, FL 33131. A Decision of the Commission, *Division 1*, Acting as an Appellate Division, Commissioners Clapp, Gresham, and Taylor, decided September 2, 1981 and served September 8, 1981, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *household goods*, between points in Arizona, Arkansas, California, Colorado, Delaware, Maine, Nevada, New Hampshire, New Mexico, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Utah, Vermont, and Washington.

Note.—Applicant is authorized to tack the above authority with its existing certificates; that applicant is fit, willing, and able properly to perform the service authorized and to conform to statutory and administrative requirements. The purpose of this republications is to properly make notice that tacking is authorized.

MC 69492 (Sub-77) (Republication), filed December 30, 1980, published in the **Federal Register** issue of February 4, 1981, and republished this issue. Applicant: HENRY EDWARDS TRUCKING CO., INC., P.O. Box 97, Clinton, KY 42031. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. A Decision of the Commission, *Division 1*, Acting as an Appellate Division, Commissioners Clapp, Trantum, and Taylor, decided July 22, 1981 and served July 28, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *general commodities* (except classes A and B explosives), between points in Fulton, Hickman, Carlisle, Ballard, McCracken, and Graves Counties, KY, and Obion County, TN, on the one hand, and, on the other, points in the United States.

Note.—Applicant is authorized to tack the above authority with its existing regular-route authority so as to serve between St. Louis, MO, and Memphis, TN, on the one hand, and, on the other, points in the United States; that applicant is fit, willing, and able properly to perform the service authorized and to conform to statutory and administrative requirements.The purpose of this republication is to indicate applicant's ability to tack, as authorized by the Commission.

MC 99622 (Sub-2) (Republication), filed April 24, 1981, published in the **Federal Register** issue of May 11, 1981, and republished, this issue. Applicant: AJAX TRANS. CO., INC., 485 Harrison Avenue, Boston, MA 02118. Representative: Salvatore D. Petringa (same as applicant). A Decision of the Commission, *Review Board 1*, decided August 3, 1981, and served August 17, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *general commotities* (except classes A and B explosives) between points in Massachusetts, on the one hand, and, on the other, points in Maine, Massachusetts, Connecticut, New Hampshire, Rhode Island, Vermont, New York, New Jersey, and

[1] This case formerly docketed No. MC-FC-14689, Barbline, Inc.-Purchase (Por). G & A Truck Line, Inc. has been redocketed as a transfer application because the case does not fall within 49 U.S.C. 11343.

Pennsylvania; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to delete the state of California, and include Massachusetts in lieu thereof.

[FR Doc. 81-29528 Filed 10-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 178]

Motor Carrier; Permanent Authority; Restriction Removals

Decided: October 6, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 29 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

James H. Bayne,

Acting Secretary.

FF-506 (Sub-1)X, filed September 25, 1981. Applicant: ARNOLD INTERNATIONAL MOVERS, INC., 2600 West Broadway, Louisville, KY 40211. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036. Lead permit: Broaden used household goods and unaccompanied baggage, and used automobiles, to "household goods and transportation equipment"; (2) delete excluding AK and to export and import traffic.

MC 26639 (Sub-7)X, filed August 31, 1981. Applicant: DEL TRANSPORT, INC., P.O. Box 6125, Providence, RI 02940. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its Certificate No. MC-26639 and Sub-Nos. 1, 2, 3F, 5F, and 6F, to (1) broaden all its general commodity descriptions from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; (2) broaden the commodity description in its lead from electrical appliances and jewelry cases to "machinery" and "leather and leather products"; (3) broaden the commodity description from machined parts to "machinery" in its Sub-No. 3F; (4) broaden the commodity descriptions from scrap plastic and plastic sheets to "rubber and plastic products" in Sub-No. 5F; (5) broaden in Sub-No. 6F, the commodity descriptions from sprinkler systems and equipment, materials, and supplies used in the manufacture and distribution of sprinkler systems to "metal products and machinery, and equipment and materials and supplies used in the manufacture and distribution of these commodities", from alcoholic beverages to "food and related products", from suitcases, traveling bags, and brief cases to "rubber and plastic products" and "leather and leather goods"; (6) replace the City of Attleboro, MA, with "county-wide authority of Norfolk and Bristol Counties, MA, and Providence County, RI" in its lead; (7) replace the City of Providence, RI, with "county-wide authority of Providence, Bristol, Kent, and Washington Counties, RI" in its lead; (8) replace the City of Boston, MA, with "county-wide authority of Suffolk, Middlesex, Essex, Norfolk, and Plymouth Counties, MA" in its lead; (9) replace the City of Warwick, RI, with "county-wide authority of Kent, Providence, Bristol, Newport, and Washington Counties, RI" in its Sub-No. 3F; (10) replace Warren, RI, with "county-wide authority of Bristol County, RI" in its Sub-No. 5F; (11) replace Mansfield, TX, with "county-wide authority of Tarrant County, TX" in its Sub-No. 5F; (12) replace one-way authorities with "radial authorities" in its lead and Sub-No. 6F; (13) authorize service at all intermediate points between Boston, MA, and Attleboro, MA, in its lead; (14) remove "in-bulk" restriction in its Sub-No. 6F; (15) eliminate restrictions against service to Alaska and Hawaii wherever they appear; and (16) remove the service restriction which precludes the transportation of "traffic having a prior or subsequent movement by water" in its Sub-No. 6F.

MC 118806 (Sub-77)X, filed September 25, 1981. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Blvd., Winnipeg, Manitoba, Canada, R2J 3K4. Representative: Bernard J. Kompare, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Subs 4, 29 and 56: Broaden (1)(a) (Sub-4) agricultural chemicals to "chemicals and related products"; (b) (Sub 29) finished plastic articles to "rubber and plastic products"; and (c) (Sub 56) forestry and logging machinery and equipment, and attachments and parts to "machinery and metal products"; (2) to radial service (all subs); (3) remove restrictions to Canadian origins (Subs 4 and 56) and except "AK and HI" (Subs 29 and 56).

MC 126045 (Sub-41)X, filed September 29, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut Street, P.O. Box 3122, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Sub 33: broaden from cast iron products to "metal products."

MC 134405 (Sub-107)X, filed September 25, 1981. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Sub 103: broaden sand to "ores and minerals."

MC 138328 (Sub-139)X, filed September 23, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same as applicant). Applicant seeks to remove restrictions in MC-133233 Sub-No. 76 permit and MC-138328 Sub-No. 133X certificate to (1) broaden the commodity descriptions from appliances to "machinery" in MC-133233 Sub-No. 76; general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in MC-138328 Sub-No. 133 Sheet No. 4; and (2) authorize service between points in the U.S., under continuing contract(s) with a named shipper in MC-133233 Sub-No. 76.

MC 140487 (Sub-6)X, filed September 25, 1981. Applicant: YELLOWSTONE TRUCKING, INC., 1212 Appleway, Coeur d' Alene, ID 83814. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions

in its Sub-Nos. 1 and 2F permits, to (1) broaden the commodity description from (a) lumber, and materials, equipment, and supplies used in the production, sales, and distribution of lumber to "lumber and wood products and materials, equipment, and supplies used in the production, sales, and distribution thereof" in Sub-No. 1, and (b) lumber to "lumber and wood products" in Sub-No. 2F; and (2) broaden the territorial description, in Sub-Nos. 1 and 2F, to "between points in the U.S.," under continuing contract(s) with a named shipper.

MC 140914 (Sub-8)X, filed September 25, 1981. Applicant: DOBSON TRUCKING, INC., P.O. Box 498, Dobson, NC 27017. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave, NW., Washington, DC 20005. (1) Subs 5 and 7: Broaden (Sub 5) fertilizer, fertilizer products and fertilizer materials (except in pneumatic vehicles) to "chemicals and related products," and (Sub 7) wire saw abrasive, crusher jaws, crusher jaw parts, steel shot, and cut granite products to "metal products, machinery, and clay, concrete, glass or stone products," and (Sub 7) Mt. Airy, NC, to Surry County, NC; and (2) MC-150749 Sub-No. 2F permit: Broaden steel rods to "metal products," and to between points in U.S., under contract(s) with named shipper.

MC 143713 (Sub-13)X, filed September 14, 1981. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF ILLINOIS, 37 Forest Ridge, Springfield, IL 62707. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 6F, 7F, 8F, 9F, and 10F certificates to (1) broaden certain of its commodity descriptions as follows: Lead certificate, (a) "machinery, metal products, lumber and wood products, parts and accessories" from agricultural equipment, parts and accessories, agricultural implements, and used agricultural equipment; (b) "buildings" from farm buildings; (c) "machinery" from feedlot equipment, agricultural irrigation equipment, and farm mowers; (d) "metal products" from metal buildings; and (e) "buildings, machinery and supplies" from farm buildings, farm machinery, and supplies; Sub-No. 1, (a) "chemicals and related products" from chemicals, in drums and bags, fertilizer, liquid fertilizer, and agricultural chemicals; and (b) "food and related products" from flavoring syrups, beverage preparations, liquid or dry stabilizers and emulsifiers, and cocoa powders; Sub-No. 2, "food and related products" from meats and articles distributed by meat packinghouses (except hides and commodities in bulk), canned goods, food seasonings, flour, meat binders, and food processing ingredients, cheese, diary products, powdered milk, and starches; Sub-No. 6 "Chemicals and related products" from animal and poultry health care products, and chemical fertilizer; Sub-No. 7, "food and related products" from dairy products, starch, food seasoning, flour, meat binders, and food processing ingredients; Sub-No. 8, (a) "metal products, machinery, and lumber and wood products" from agricultural equipment, (b) "machinery" from irrigation system, (c) "materials and supplies used in the manufacture of machinery" from materials and supplies used in the manufacture of irrigation systems, (d) "buildings, machinery and supplies" from farm buildings, farm machinery and farm supplies, and (e) "metal products" from metal buildings, knocked down; and Sub-No. 10, "metal products and parts for metal products" from steel buildings, knocked down, and parts for steel buildings; (2) remove restrictions against the transportation of commodities in bulk, in tank vehicles, in the lead and Sub-Nos. 1 and 2; (3) remove restrictions limiting service to traffic orginating at or destined to the named shippers' facilities, in the lead and Sub-Nos. 1, 2, and 8; (4) remove restrictions against service in AK and HI in Sub-Nos. 2, 6, and 8; (5) authorize radial service in place of one-way service; and (6) broaden plantsites and cities to countywide authority, as follows: lead certificate, Kane, Livingston, Warren, Mercer, Mason, Tazewell, McLean and Ford Counties, IL (facilities at Batavia, Fairbury, Monmouth, Aledo, Havanna, Morton, Forrest, Chenoa, and Gibson City, IL); and Black, Henry and Polk Counties, IA (facilities at Cedar Falls, Mount Pleasant, and Des Moines, IA); Sub-No. 1, Logan, Warren, Livingston, Cook and DeWitt Counties, IL and Chicago, IL (facilities at Mt. Pulaski, Monmouth, Fairbury, Lemont, Franklin Park, Farmer City, and Chicago, IL); LaPorte County, IN (facilities at Kingsbury, IN); Crawford County, AR (Van Buren, AR); Fresno County, CA (Fresno, CA); and Hudson County, NJ (Harrison, NJ); Sub-No. 2, Warren, Vermilion and Peoria Counties, IL and Chicago, IL (facilities at Monmouth, Hoopeston, Princeville, and Chicago, IL); Cherokee, Polk, Dallas, Warren and Linn Counties, IA (Cherokee, Des Moines, and Cedar Rapids, IA); Freeborn County, MN (Albert Lea, MN); West Feliciana and Avoyelles Parishes, LA (facilities at St. Francisville and Hessmer, LA); Dodge amd Manitowoc Counties, WI (Mayville and Manitowoc, WI); Sampson County, NC (Turkey, NC); Middlesex County, NJ (Middlesex, NJ); Auglaize County, OH (Wapakoneta, OH); and Los Angeles County, CA (Artesia, CA); Sub-No. 6, Oneida County, WI (Rhinelander, WI); Livingston, Logan, Warren, Cook, Iroquois and Peoria Counties, IL (Fairbury, Mt. Pulaski, Monmouth, Franklin Park, Ashkum, and Peoria, IL); Crawford County, AR (facilities at Van Buren, AR); Fresno County, CA (Fresno, CA); Camden and Hudson Counties, NJ (facilities at Cherry Hill and Harrison, NJ); and Des Moines County, IA (West Des Moines, IA); Sub-No. 7, Auglaize County, OH (Wapakoneta, OH); Livingston County, IL and Chicago, IL (Forrest, IL and facilities at Chicago, IL); Cass County, ND (Fargo, ND); and Mecklenburg County, NC (Charlotte, NC); Sub-No. 8, McLean County, IL (Gridley, IL); Mason County, IL (facilities at Havanna, IL); McDonough and Kane Counties, IL (facilities at Macomb and Dundee, IL); Warren County, IL (Monmouth, IL); Cook County, IL (Broadview, IL); and Polk, Dallas and Warren Counties, IA (Des Moines, IA); Sub-No. 9, Kane and McDonough Counties, IL (Dundee and Macomb, IL); and Sub-No. 10, Vigo County, IN (Terre Haute, IN).

MC 144778 (Sub-3)X, filed September 23, 1981. Applicant: HI-RAIL SERVICE COMPANY, Suite 622, 1819 Peachtree Road, NE., Atlanta, GA 30309. Representative: J. Pat Sadler (same address as above). Applicant seeks to remove restrictions in Sub-No. 2F permit, authorizing the transportation of "repair and replacement parts for railroad cars," to broaden the territorial description to between points in the U.S., under contract(s) with the named shipper.

MC 144909 (Sub-9)X, filed September 23, 1981. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine Street, Boston, MA 02119. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, NW., Washington, DC 20005. Applicant seeks to remove restrictions in its MC-140846 permit to broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 146447 (Sub-13)X, filed September 22, 1981. Applicant: TANBAC, INC., 847 Glenbrook Road, Orange, CT 06477. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Applicant seeks to remove

restrictions in its lead and Sub-Nos. 1, 2 and 4F permits to (1) broaden the commodity descriptions from wood connector plates and materials, supplies and equipment used in the manufacturer, distribution and installation of such commodities (except commodities in bulk) to "building materials and materials, equipment and supplies used in the manufacture, distribution and installation of building materials", in Sub-No. 1; from paper, paper board, and paper products and materials, supplies and equipment used in the manufacture and distribution of the above named commodities (except in bulk) to "pulp, paper and related products and materials, equipment, and supplies used in the manufacture and distribution of the above commodities in Sub-Nos. 2 and part (2) of 4F; (2) broaden the territorial description to between points in the US under continuing contract(s) with named shippers, in the lead and all subs, and (3) remove the "in bulk" restriction, in the lead.

MC 148339 (Sub-6)X, filed September 21, 1981. Applicant: WILLIAM POTT & SON, INC., 5547 Cheviot Rd., Cincinnati, OH 45239. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3F, and 5F certificates to (1) broaden the commodity descriptions from (a) plastic products and materials, equipment, and supplies used in the manufacture of plastic products to "rubber and plastic products and materials, equipment and supplies used in the manufacture or distribution of rubber and plastic products" in Sub-No. 2F; and (b) such commodities as are dealt in or used by manufacturers of bedding or upholstery to "such commodities as are dealt in or used by manufacturers or distributors of furniture and fixtures" in Sub-Nos. 3F and 5F; (2) remove the except commodities in bulk restriction in each certificate; (3) eliminate the facilities limitation in Sub-No. 2F; and (4) expand city to county-wide authority from East Enterprise, Osgood, and Shelbyville to Switzerland, Ripley, and Shelby Counties, IN, in Sub-No. 2F; Mason to Warren and Butler Counties, OH in Sub-Nos. 3F and 5F; and Nicholasville, Simpsonville, and Winchester to Jessamine, Shelby and Clark Counties, KY, in Sub-No. 5F.

[FR Doc. 81-29528 Filed 10-9-81; 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 representatives, 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.

Originally published in **Federal Register** of September 28, 1981.

MC 151806 (Sub-II-2-TA), filed September 14, 1981. Applicant: HARRY E. PEEK, SR., INC., 105 Olde Greenwich Dr., Fredericksburg, VA 22401. Representative: Gary M. Nuckols, P.O. Box 240, Fredericksburg, VA 22401. Contract, irregular: *New furniture, furnishings and appliances*, from the facilities of Gallahan's Furniture & Appliances, Inc., at or near Fredericksburg, VA to points in MD, DE, DC, Franklin, Adams, York, Lancaster and Chester Counties, PA; and Greenbrier, Pendleton, Hampshire, Berkeley, Pocahontus, Hardy, Morgan and Jefferson Counties, WV; NC, SC, GA, FL, under continuing contract(s) with Gallahan's Furniture & Appliances, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Gallahan's Furniture & Appliances, Inc., P.O. Box 7126, Fredericksburg, VA 2204. The purpose of the re-publication is to show scope of authority which was incorrected published.

MC 158485 (Sub-II-1-TA), filed September 28, 1981. Applicant: B & W TRUCKING CO., INC., 319 N. Fourth Street, Columbus, OH 43215. Representative: Jerry B. Sellman, 50 W. Broad Street, Columbus, OH 43215. *General commodities, (except Classes A and B explosives)*, between Weirton and Wheeling, WV, and all pts in OH, on the one hand, and, on the other, pts in Chicago, IL, and Columbus, OH, *for 270 days. An underlying ETA seeks authority for 120 days.* Restricted to movements on Bills of Lading on freight forwarder traffic. Applicant intends to interline with rail carriers on TOFC movements in Chicago, IL. Supporting shipper: Western Carloading Association, Los Angeles, CA.

MC 152509 (Sub-II-19-TA), filed September 28, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). Contract, irregular: *Paper and paper products and materials used in the manufacture thereof* between facilities of Stone Container Corp. and its substidiaries, on the one hand, and, on the other, points in and east of AR, IA, MN, MO, TX, under continuing contract(s) with Stone Container Corp., for 270 days. Supporting shipper: Stone Container Corp., 360 N. Michigan Ave., Chicago, IL 60601.

MC 141119 (Sub-II-2TA), filed September 25, 1981. Applicant: MERCHANTS 5 STAR, INC., P.O. Box 541, Marietta, OH 45750. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *General commodities*, except A and B explosives, between Washington County, OH, on the one hand, and, on the other, points in GA, KY, IN, IL, MI, NC, PA, SC, and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 5 supporting shippers. Their statements may be examined at the office listed below.

MC 148859 (Sub-II-6TA), filed October 1, 1981. Applicant: MID STATE

TRADING COMPANY, P.O. Box 3275, 2525 Trenton Ave., Williamsport, PA 17701. Representative: Sander M. Bieber, Suite 800, 888 17th Street NW., Washington, DC 20006. Contract carrier; irregular routes: *Industrial chemical wastes*, between the facilities of SKF Industries, Inc. at Hornell, NY, and points in PA, MD, NJ, NY, OH, and DE under a continuing contract for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: SKF Industries, Inc., Horton Street, Hornell, NY 14843.

MC 107012 (Sub-II-194TA), filed September 28, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *General commodities (except classes A and B explosives)*, between points in the U.S., under continuing contract(s) with Triangle Pacific Corporation, Dallas, TX for 270 days. Supporting shipper: Triangle Pacific Corp., 16803 Dallas Parkway, Dallas, TX 75248.

MC 107012 (Sub-II-195TA), filed September 30, 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). *Such merchandise as is dealt in by craft and nursery stores*, between points in the U.S., restricted to traffic originating at or destined to the facilities of Frank's Nursery & Crafts, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Frank's Nursery & Crafts, Inc., 6399 East Nevada, Detroit, MI 48234.

MC 107012 (Sub-II-196TA), filed September 30, 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). *Telecommunication equipment* from Newnan, GA; Chicago, IL; Franklin Park, IL; Greenville, MS; St. Stephen, SC; Memphis, TN; Bedford, TX; and Milwaukee, WI, to points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Reliance Comm/TEC, 11333 Addison Street, Franklin Park, IL 60131.

MC 133966 (Sub-II-3-TA), filed September 30, 1981. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Artificial trees, garlands and wreaths* and *materials, supplies and equipment* used in the manufacture, sale and distribution of said commodities, between Lycoming and Clinton Counties, PA, Washington County, TX and Fulton County, GA, on the one hand, and, on the other, points in the U.S. (except AK & HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Marathon Carey-McFall Company, 205 Loyalsock Ave., Montoursville, PA 17754.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 146265 (Sub-3-2-TA), filed September 30, 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, NE., Atlanta, GA 30309. *Contract* carrier; Irregular; *Fabric*, between Decatur, AL, on the one hand, and, on the other, Appleton, WI; Balfour, NC; Philadelphia, PA; Richmond, VA; Wilmington, DE; and Windsor Locks, CT, under a continuing contract with Disposables, Inc. Supporting shipper: Disposables, Inc., 14 Locust, Manhasset, NY 11030.

MC 151508 (Sub-3-2-TA), filed September 24, 1981. Applicant: BARY, INC., 6001 Crittenden Dr., P.O. Box 35354, Louisville, KY 40232. Representative: Jack Bary, 1303 Blackwood Ct., Jeffersonville, IN 47130. *Contract carrier*, irregular route; *Chemicals and related products, machinery, and furniture and fixtures* between points in the U.S. Supporting shippers: Borden, Inc., 180 East Broad Street, Columbus, Ohio 43215 and Hart Fireplace Furnishings, Division of S & T Industries, Inc., 2549 Charleston Road, New Albany, Indiana 47130.

MC 158336 (Sub-3-1-TA), filed September 30, 1981. Applicant: CROWN TRANSPORT SYSTEMS, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant). *Articles dealt in and sold by food distribution centers, grocery store chains, fast food outlets and discount stores* between points in the U.S. (except AK and HI). Supporting shipper(s): (1) New York Turkey Corporation, 49—24 Maspeth Ave., Maspeth, NY 11378 (2) Whitman Chocolate Co., 9701 Roosevelt Blvd., Philadelphia, PA 19114 (3) M & M Mars, Inc., High Street, Hackettstown, NJ 07840 (4) Barton Candy Company, 477 Hudson Ave., Brooklyn, NY 11201.

MC 152142 (Sub-3-2TA), filed September 30, 1981. Applicant: D & A TRANSPORT, 3500 S. Federal Hwy., P.O. Box 974, Ft. Pierce, FL 33450. Representative: Dallas M. Cronrath (same as applicant). *Contract:* Irregular; *Plastic fittings, granules, and/or products used in manufacture or installation of plastic fittings. Except in tank vehicles.* Between Ft. Pierce, FL and Kalamazoo, MI and all points in the U.S. except (AK and HI). Under continuing contract(s) with Colonial Engineering, Inc. Supporting shipper: Colonial Engineering, Inc., 4000 Metzger Road, Ft. Pierce, FL 33450.

MC 143956 (Sub-3-23TA), filed September 30, 1981. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, Suite 1631, 3400 Peachtree Road, NE., Atlanta, GA 30326. *Ovens, cooking ranges, dishwashers, trash compacters, and products parts and materials related thereto* between Topton, PA, Chicago, IL, Atlanta, GA, Miami, FL, Delaware, OH, Charlotte, NC, Cleveland, OH, Connorsville, IN. Supporting shipper: Caloric Corporation, Topton, PA 19562.

MC 143956 (Sub-3-22TA), filed September 30, 1981. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, Suite 1631, 3400 Peachtree Road, Atlanta, GA 30326. *Juices, concentrated juices, malt syrup and products related thereto* from San Joaquin County, CA to points in the United States. Supporting shipper: M & R Company, 505 South Main, Lodi, CA 95204.

MC 146282 (Sub-3-2TA), filed September 30, 1981. Applicant: BILL HEAD TRUCKING, INC., P.O. Box 9632, Birmingham, AL 35215. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Food products*, between the facilities of the Piggly-Wiggly Corporation located in Birmingham, AL, on the one hand, and, on the other MS, TN, LA, FL, GA, AL, AR, MO, IL, IN, OH, KY, and SC. Supporting shipper: Piggly-Wiggly Corporation, 2500 13th Street Ensley, Birmingham, AL 35208.

Note.—Applicant intends to tack with existing authority and to interline at all points in authority.

MC 158136 (Sub-3-1TA), filed September 30, 1981. Applicant: KELLIE MITCHELL PULLEY, d.b.a. K. M. PULLEY TRUCKING COMPANY, 112-C Photinia Ct., Rocky Mount, NC 27801. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288. *Lumber* between Nashville, NC, on the one hand, and, on the other points in DE, FL, DC, GA, MD, NJ, NY, PA, SC and VA. Supporting shipper: Evans Lumber Company, Inc., P.O. Drawer D, Nashville, NC 27856.

MC 134011 (Sub-3-1TA), filed September 30, 1981. Applicant: LEON H.

PENN, d.b.a., PENN TRUCKING COMPANY, Route 3, Box 112, Cordele, GA 31015. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. *(1) Plumbing and heating equipment, accessories, supplies and fixtures used in equipping mobile homes,* from Lapeer County, MI, Ashland and Summit Counties, OH and Elkhart County, IN on the one hand, and, on the other, Winston County, AL, Crisp County, GA and Marion County, FL and *(2) billiard tables, billiard balls, cue sticks, racks and related goods, and materials and supplies used in the manufacture and shipping thereof,* between Bibb County, GA, on the one hand, and, on the other, all points in FL, MI, NC and OH. Supporting shipper: Service Supply Systems, P.O. Box 749, Cordele, GA 31015 and Gandy's Industries, Inc., 510 11th St., Macon, GA 31202.

MC 141002 (Sub-3-1TA), filed September 30, 1981. Applicant: ARNEL TOURS, INC., 3745 Zip Industrial Boulevard, S.E., Atlanta, GA 30354. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, N.E., Atlanta, GA 30309. *Common carrier;* regular routes: *Passengers and their baggage, and express,* between Atlanta, GA and Tallahassee, FL: from Atlanta, GA over Interstate Hwy 75 to its junction with GA Hwy 85, thence over GA Hwy 85 to Columbus, GA, thence over U.S. Hwy 27 to Tallahassee, FL, and return over the same route, serving all intermediate points and serving Hartsfield International Airport near Atlanta, GA and Fort Benning Military Reservation near Columbus, GA, as of off-route points.

Note.—Applicant intends to interline with other carriers at Atlanta, GA, Columbus, GA and Tallahassee, FL. Supporting shipper(s): There are 18 statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 155916 (Sub-3-5TA), filed September 30, 1981. Applicant: ARDMORE FARMS, INC., Post Office Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *Such commodities as are dealt in, utilized or distributed by a manufacturer or distributor of pet food (except commodities in bulk),* between facilities of SuperBowel Pet Foods, Inc., at or near Maspeth, NY, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and LA. Supporting shipper: SuperBowl Pet Foods, Inc., 57-18 48th Street, Maspeth, NY 11378.

MC 126139 (Sub-3-2TA), filed September 30, 1981. Applicant: AARON SMITH TRUCKING COMPANY, INC., Post Office Box 153, Dudley, NC 28333. Representative: John N. Fountain, attorney at law, Post Office Box 2246, Raleigh, NC 27602. *Building materials* between points and places in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. Supporting shipper: Georgia Pacific Corporation, P.O. Box 1808, Augusta, GA 30903.

MC 158387 (Sub-3-2TA), filed September 29, 1981. Applicant: YELLOW LAKE, INC., (Ohio corporation), Post Office Box 1364, Auburndale, FL 33823. Representative: Elbert Brown, Jr., Registered Practitioner, Post Office Box 1378, Altamonte Springs, FL 32701-1378. *Contract,* Irregular; *Household Cleaning products, cleaning agents, and empty containers and materials, equipment and supplies used in the manufacture and distribution of these commodities, except in bulk,* between points in AL, FL, GA, NC, SC, VA, WV, PA, NJ, CT, RI, MA, ME, NH, VT, TX, TN, KY, OH, IN, IL, MS, LA, MD, MO, KS, under continuing contract(s) with Purex Corporation. Supporting shipper: Purex Corporation, 1414 Radcliff Street, Bristol, PA 19007.

MC 158135 (Sub-3-1TA), filed September 22, 1981. Applicant: CLARK MOTOR CO., INC., 807 N. Maine St., Lexington, NC 27292. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288. *Wrecked or disabled vehicles and replacement vehicles for wrecked or disabled vehicles,* between points in NC on the one hand, and, on the other, points in and east of MN, IO, MO, AR, and TX. Supporting shipper: Coble Dairy Products Inc., 707 N. Main St., Lexington, NC 27292; C. W. Transport, Inc., P.O. Box 741, City Lake Rd., Lexington, NC 27292; Billings Transfer Corp., Inc., Green Needles Rd. Lexington, NC 27292.

MC 158381 (Sub-3-1TA), filed September 29, 1981. Applicant: YELLOW LAKE, INC., Post Office Box 1364, Auburndale, FL 33823. Representative: Elbert Brown, Jr., Post Office Box 1378, Altamonte Springs, FL. *Contract,* Irregular; *Foodstuffs and related products,* (1) between the facilities of Nabisco, Inc. at or near Atlanta GA, Houston, TX, Fair Lawn, NJ, Philadelphia and Pittsburgh, PA and Richmond, VA (2) from above named facilities to points in AL, CT, FL, GA, IN, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, under continuing contract(s) with Nabisco, Inc. Supporting Shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 140902 (Sub-3-10TA), filed September 24, 1981. Applicant: DPD, INC., 3600 N.W. 82 Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract;* irregular; *General commodities (except commodities of unusual value, Class A or B explosives or hazardous commodities)* from Jersey City, NJ and Chicago, IL to Portland, OR (and its commerical zone) under continuing contract(s) with Washington, Oregon Shippers Cooperative Association, Inc. Supporting shipper: Washington Oregon Shippers Cooperative Association, Inc., 200 West Thomas Street, Seattle, WA 98110.

MC 158507 (Sub-3-1TA), filed September 29, 1981. Applicant: ALEX CITY SALT TERMINAL, INC., P.O. Box 352, Alexander City, AL 35010. Representative: Donald B. Sweeney, Jr., Esq., P.O. Box 2366, Birmingham, AL 35201. (1) *Salt and salt products;* (2) *chemicals and related products* from Alexander City, AL to points in FL on and west of I-75; points in GA, on and west of U.S. Hwy 1; points in MS, on and east of I-55; and points in TN, on and south of I-40. Supporting shipper: Cargill, Inc., P.O. Box 5621, Minneapolis, MN 55440.

MC 157859 (Sub-3-1TA), filed September 29, 1981. Applicant: NORTH AMERICAN CARTAGE COMPANY, INC., P.O. Box 1997, Greenwood, MS 38930. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. (1) *Metal products;* (2) *machinery;* and (3) *those commodities which because of size or weight require the use of special equipment,* between Corpus Christi, TX; Topeka, KS; and points in Terrebonne Parish, LA; Leflore County, MS; and Grayson, Gregg and Morris Counties, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Hydra-Tool Corporation, 1213 Eastmon, Greenwood, MS 38930; Resource Oil & Gas Supply Co., Suite A-2, 501 Towne Lake Plaza, Spur 63, Longview, TX 75601; and Delta International Corporation, P.O. Box 1545, Greenwood, MS 38930.

MC 155373 (Sub-3-2-TA), filed September 29, 1981. Applicant: WASTE DISPOSAL, INC., 888 Freewill Road, Cleveland, TN 37311. Representative: Benny J. Green (same address). *Contract carrier;* irregular routes; *hazardous materials* from Chattanooga, TN to Emelle, AL under continuing contract(s) with Cavalier Corporation. Supporting shipper: Cavalier Corporation, 1100 E. 11th Street, Chattanooga, TN.

MC 152530 (Sub-3-2-TA), filed September 29, 1981. Applicant: WINDER'S WRECKER SERVICE CO., 5315 Knight Arnold Road, Memphis, TN

38118. Representative: Robert L. White, 5100 Poplar Avenue, Suite 2736, Clark Tower, Memphis, TN 38137. *Wrecked, disabled and replacement vehicles in truck away or tow away service,* between Memphis, TN and its commercial zone on the one hand, and, on the other, points in AL, AR, IL, KY, LA, MO, and MS. Supporting shipper: There are 9 appendix of support which may be reviewed at the ICC Regional Office in Atlanta, GA.

MC 85621 (Sub-3-2-TA), filed September 29, 1981. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Representative: Donald B. Sweeney, Jr., Esq., 512 Massey Building, Birmingham, AL 35203. *Tobacco and tobacco products* between Nashville, TN, on the one hand, and, on the other, all points in the State of AL. Supporting shipper: U.S. Tobacco Co., P.O. Box 26070.

MC 140334 (Sub-3-6-TA), filed September 25, 1981. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract* carrier, irregular: *Such commodities as are dealt in or used by manufacturers and distributors of textiles and synthetic fibers,* between Odenton, MD on the one hand, and, on the other, Gainesville and Cornelia, GA, Shelby, NC, Belton, SC and Wooster, OH under continuing contract(s) with Ametek Corporation. Supporting shipper: Ametek Corp., Special Filaments Div., 8335 Telegraph Rd., Odenton, MD 21113.

MC 156331 (Sub-3-2-TA), filed Septembe 29, 1981. Applicant: M. D. ASSOCIATES, 3220 Phillips Highway, Jacksonville, FL 32207. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *(1) Glass Containers,* from Tampa, FL to Albany, GA, Eden and Winston-Salem, NC and *(2) Fibreboard Boxes, corrugated, knocked down flat; Fillers, Partitions or Platforms for packing, not otherwise identified; Fibreboard, knocked down flat,* from Fernandina Beach, FL to Albany, GA. Supporting shippers: Container Corporation of America, P.O. Box 1225, Stone Mountain, GA 30086 and Thatcher Glass Mfg. Company, Inc., P.O. Box 265, Elmira, NY 14902.

MC 153599 (Sub-3-16-TA), filed September 29, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Road, Louisville, KY 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 W. Jefferson St., Louisville, Kentucky 40202. *Contract:* irregular; *metal products,* between points in the U.S. except AK & HI with Anaconda Aluminum Co. Supporting shipper: Anaconda Aluminum Co., First National Towers, Louisville, Kentucky 40202.

MC 146402 (Sub-3-19-TA), filed September 29, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Paper bags and paper wrapping paper in rolls* between the facilities of Central States Diversified, Inc., at Palatka, FL and points in the U.S. Supporting shipper: Central States Diversified, Inc., 1400 Reid Street, Palatka, FL 32077.

MC 157802 (Sub-3-2-TA), filed September 25, 1981. Applicant: CONTRACT TRANSPORT, INC., 1311 Ludie Street, Dalton, GA 30720. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338. *Contract* carrier; irregular: *Such commodities as are used, sold or dealt in by wholesale, retail and variety stores,* between all points in the U.S. under continuing contracts with Southeast Carpet Consolidators, Inc. Supporting shipper: Southeast Carpet Consolidators, Inc., 1311 Ludie Street, Dalton, GA 30720.

MC 138106 (Sub-3-2-TA), filed September 28, 1981. Applicant: TIDWELL MOTOR CARRIERS, INC., P.O. Box 639, Haleyville, AL 35565. Representative: Robert J. Birnbaum, 3636 Executive Center Drive, Suite 151, Austin, TX 78731. *Contract,* irregular. *(1)(a) trailers designed to be drawn by passenger automobiles, in initial movements, (b) buildings, in sections when moving on their own undercarriages, and (c) modular homes, when moving on their own or removable undercarriages,* from Hill County, TX, to points in the U.S. (except AK and HI), and (2) *returned, disabled, wrecked, and repossessed shipments of the commodities described in (1)((a), (b) and (c) above* from points in the U.S. (except AK and HI), to Hill County, TX under a continuing contract or contracts with Tidwell Industries, Inc. of Haleyville, AL. Supporting shipper: Tidwell Industries, Inc., P.O. Box 679, Haleyville, AL 35565.

MC 158504 (Sub-3-1-TA), filed September 25, 1981. Applicant: GULFPORT AUTO AUCTION, INC., Route 3, Box 163, Gulfport, MS 39501. Representative: Harold D. Miller, Jr., 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Automobiles and pickup trucks,* between the facilities of Gulfport Auto Auction, Inc., at or near Gulfport, MS, on the one hand, and, on the other, points in AL, FL, LA and TX. There are 17 statements of support to this application which may be examined in the Atlanta, GA, regional office of the ICC.

MC 153421 (Sub-3-4TA), filed September 25, 1981. Applicant: PRINTCO, INC., P.O. Box 16039, Memphis, TN 38116. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. *Such commodities as are dealt in or used by wholesale, retail, discount variety and department stores,* between points in Pulaski County, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Target Stores, Inc., 600 Carnahan Drive, Maumelle, AR 72118.

MC 152620 (Sub-3-4TA), filed September 24, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., P.O. Box 40083, Jacksonville, FL 32203. Representative: John W. Carter (same address as applicant). *Contract carrier:* irregular: *General commodities (except Classes A&B explosives)* between points in the U.S. under continuing contract(s) with the Goodyear Tire & Rubber Company. Supporting shipper: The Goodyear Tire & Rubber Company, 1144 E. Market St., Akron, OH 44316.

MC 148362 (Sub-3-13TA), filed September 24, 1981. Applicant: HAR-BET, INC., 7209 Tara Boulevard, Jonesboro, GA 30236. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., N.E., 5th Floor Lenox Towers South, Atlanta, GA 30326, (404) 262-7855. *Contract:* Irregular: *General Commodities (except household goods and Classes A and B explosives)* between the facilities of Cargill, Inc. at or near Forest Park, GA, on the one hand, and, on the other, points in the U.S. under contract or continuing contract(s) with Cargill, Inc. Supporting shipper: Cargill, Inc., 71 Barnett Road, Forest Park, GA 30050.

MC 158493 (Sub-3-1TA), filed September 24, 1981. Applicant: FOREST CITY FORWARDING & DISTRIBUTION, INC., Suite 133, 4 Woodlawn Green, Charlotte, NC 28210. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *New furniture and furniture parts, materials and supplies,* between Whittier, CA; Dallas, TX; Edison, NJ; Chicago, IL; and Atlanta, GA. Supporting shipper: Universal Furniture Industries, Inc., 2690 Pellissier Place, Whittier, CA 90601.

MC 151985 (Sub-3-8TA), filed September 24, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Suite 10, Atlanta, GA 30318. Representative: John C. Bach, 53

Perimeter Center East, Suite 350, Atlanta, GA 30346. *Barium carbonate, barium chloride, sodium sulfide, sodium silicate dry, strontium carbonate, and barium sulfide,* between the facilities of Chemical Products Corporation located at or near Cartersville, GA, on the one hand and points in LA, IN, WY, NM, AL, SC, OH, WI, KY, PA, NY, MI, TX, MS, MO, CO, IA, NE, UT, AR, KS, NJ, NC, and WV, on the other hand. Supporting shipper: Chemical Products Corporation, P.O. Box 449, Cartersville, GA 30120.

MC 158503 (Sub-3-1TA), filed September 24, 1981. Applicant: DICK MILES CANINE TRANSPORTATION, INC., 749 E. Logan Drive, Longwood, FL 32750. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Racing dogs and equipment,* between points, in FL on the one hand, and, on the other, points in Plainfield, CT; Seabrook and Hinsdale, NH; Raynham, Taunton and Revere, MA; and Lincoln, RI. Supporting shippers: Dan O'Connor Kennels, P.O. Box 788, Longwood, FL 32750; White Shadows Kennel, 755 Edgemore Lane, Sarasota, FL; Seminole Animal Supply, Inc., 410 Dog Track Road, Longwood, FL; and Henry Caswell Greyhound Kennels, 480 Britton Street, Raynham, MA 02767.

MC 153509 (Sub-3-15TA), filed September 28, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Campground Road, Louisville, KY 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson Street, Louisville, KY 40202. *Contract;* irregular; *Chemicals & related products,* between points in KY, NJ, TX, CT, OK, NY, MA, GA, IL, and CA, on the one hand, and, on the other, points in the U.S. except AK & HI under a continuing contract with Mobile Chemical Corp., Short Hill, NJ. Supporting shipper: Mobile Chemical Corp., P.O. Box F-1, Short Hill, NJ 07078.

MC 97929 (Sub-3-1TA), filed September 24, 1981. Applicant: MID-STATE DELIVERY SERVICE, INC., 614 Eugene Court, P.O. Box 5447, Greensboro, NC 27403. Representative: John F. Comer, P.O. Box 297, Greensboro, NC 27402. *General commodities, with exception of classes A and B explosives, volatile or hazardous substances, commodities in bulk, and those requiring special equipment* between points in the States of NC and the points in the State of VA. Supporting shipper(s): Universal Warehouse, Inc., Memphis, TN.

MC 155916 (Sub-3-4TA), filed September 24, 1981. Applicant: ARDMORE FARMS, INC., P.O. Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. *Printed material,* from the facilities of Robert E. Krieger Publishing Company, Inc., at or near Reading, PA and Ann Arbor, MI, to Malabar, FL. Supporting shipper: Robert E. Krieger Publishing Company, Inc., P.O. Box 9542, Melbourne, FL 32901.

MC 142524 (Sub-3-1TA), filed September 24, 1981. Applicant: SPICER TRUCK SERVICE, INC., 121 Caden Drive, Nashville, TN 37210. Representative: Ruth M. Spicer (same address as applicant). (1) *Wrecked, disabled, stolen, repossessed and abandoned motor vehicles, in truckaway service, and* (2) *replacement vehicles for wrecked, or disabled motor vehicles* between points in TN on the one hand, and, on the other, points in the U.S. (except AK and HI). Applicant proposes to tack on to existing authority MC-142524. Supporting shippers: There are six supporting shippers whose statements can be examined at the Interstate Commerce Commission Regional Office in Atlanta, GA.

MC 154103 (Sub-3-20TA), filed September 24, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). (1) *Products made from wire and metal,* from the plant sites of Nashville Wire Products Corporation located at Nashville, TN, Clarksville, TN, Lebanon, TN, and White Bluff, TN, to points in the U.S. in and east of ND, SD, NE, KS, OK and TX. (2) *Equipment, materials and supplies used in the manufacturing, distribution and sale of the commodities listed in paragraph (1) above,* from points in the U.S. in and east of ND, SD, NE, KS, OK and TX, to the plant sites of Nashville Wire Products Corporation located at Nashville, TN, Clarksville, TN, Lebanon, TN, and White Bluff, TN. Supporting shipper: Nashville Wire Products Corporation, Nashville, TN 37210.

MC 114848 (Sub-3-8TA), filed September 24, 1981. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, P.O. Box 13068, Memphis, TN 38113. Representative: Robert T. Wharton (same address as applicant). *Metallic ores,* between Madison County, IL and Madison County, TN. Supporting shipper: Florida Steel Corporation, P.O. Box 23328, Tampa, FL 33623.

MC 45220 (Sub-3-6TA), filed September 28, 1981. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 5, Box 242, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Apple juice, in bulk, in tank vehicles,* from points in Henderson County, NC, to points in Bergen County, NJ. Supporting shipper: Red Cheek, Inc., P.O. Box 136, Fleetwood, PA 19522.

MC 155470 (Sub-3-2TA), filed September 28, 1981. Applicant: H & O TRANSPORT, INC., P.O. Box 357, Campbellsville, KY 42718. Representative: Robert L. Baker, Sixth Floor, United American Bank Building, Nashville, TN 37219. *Common;* regular: *General commodities (except classes A and B explosives, used household goods, commodities in bulk and those requiring special equipment),* (1) between Columbia and Louisville, KY. From Columbia over KY Hwy 61 to junction with U.S. Hwy 68, then over U.S. Hwy 68 to junction with KY Hwy 55, then over KY Hwy 55 to junction with U.S. Hwy 150, then over U.S. Hwy 150 to Louisville and return over the same route serving all intermediate points except those between Louisville and Springfield, KY, and serving all points in Adair, Green, Marion, Taylor and Washington Counties, KY, as off-route points in connection with carrier's regular route operations; (2) between Columbia, KY and Nashville, TN. From Columbia, over KY Hwy 80 to junction with Interstate Hwy 65, then over Interstate Hwy 65 to Nashville and return over the same route, serving no intermediate points and serving all points in Adair, Green, Marion, Taylor and Washington Counties, KY as off-route points in connection with carrier's regular route operations; and (3) between Columbia, KY and Cincinnati, OH. From Columbia over KY Hwy 55 to junction with U.S. Hwy 68, then over U.S. Hwy 68 to junction with Interstate Hwy 75, then over Interstate Hwy 75 to Cincinnati and return over the same route serving all intermediate points except those between Cincinnati, OH and the Marion-Boyle County, KY lines on U.S. Hwy 68 and serving all points in Adair, Green, Marion, Taylor and Washington Counties, KY as off-route points in connection with carrier's regular route operations. Applicant proposes to tack this authority operated by it in MC-FC-79340 and to interline in Cincinnati, OH, Louisville, KY and Nashville, TN. Supporting shippers: There are 28 shipper certifications attached to the application which may be examined at the ICC office in Atlanta, GA.

Note.—Applicant intends to tack with authority operated by it in MC-FC-79340 and to interline with other carriers at Louisville, KY, Cincinnati, OH and Nashville, TN.

MC 158381 (Sub-3-3TA), filed September 30, 1981. Applicant: YELLOW LAKE, INC. (Ohio Corporation), Post Office Box 1364, Auburndale, FL 33823.

Representative: Elbert Brown, Jr., Post Office Box 1378, Altamonte Springs, FL 32701–1378. *Contract carrier,* irregular: *Drugs, medicines and toilet articles, N.O.I.* between the facilities of C. B. Fleet Company, Inc. at or near Lynchburg, VA and all points east of the Mississippi River and MN, KS, MO, AR, TX, and LA under continuing contract(s) with C. B. Fleet Company, Inc. Supporting shipper: C. B. Fleet Company, Inc., P.O. Box 11349, Lynchburg, VA.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 82044 (Sub-4–1TA), filed September 28, 1981. Applicant: ILLIANA MOTOR SERVICE, INC., 4431 South Halsted St., Chicago, IL 60609. Representative: Harold Tatro (same address as applicant). *General commodities,* (except Classes A and B explosives), between AR, AZ, CO, ID, IL, IN, IA, KS, LA, MI, MO, MN, MT, NE, NM, NV, ND, OH, OK, OR, SD, TX, UT, WA, WI, and WY, on the one hand, and, on the other points CA. Restricted to a prior or subsequent movement via a freight forwarder. Supporting shipper(s): Hawaiian Cargo Expediters, Donald A. Oliphant, Pres., P.O. Box 7250, Los Angeles, CA 90022; Southern Freight, Inc., Mr. Robert J. Fauls, Jr., Pres., P.O. Box 6862, Lakewood Sta., 99 University Ave., S.W., Altanta, GA 30315.

MC 129863 (Sub-4–2TA), filed September 29, 1981. Applicant: FREDERICK L. BULTMAN, INC., 11144 W. Silver Spring Dr., Milwaukee, WI 53225. Representative: William P. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract,* irregular: *Floor covering, and materials and supplies used in the installation of floor covering* from points in the Chicago, IL, Commercial Zone, Minneapolis, MN, Janesville, WI, and points in the Milwaukee, WI, Commercial Zone to points in IA, IL, MI, MN, and WI. Supporting shippers: There are 10 supporting shippers.

MC 158563 (Sub-4–1TA), filed September 29, 1981. Applicant: RICHARDS BROS. TRANSPORT, LTD., Route 4, Box 293, Fort Atkinson, WI 53538. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *petroleum products* from Rockford and Des Plaines, IL, and East Chicago, IN, to points in WI. Restriction: restricted to shipments performed under continuing contract(s) with U.S. Petroleum Co., Inc., Interstate Oil Corp., and Hodge Aero, Inc. An underlying ETA seeks 120 days authority. Supporting shippers: U.S. Petroleum Co., Inc., 839 Harding St., Janesville, WI 53547; Interstate Oil Corp., 839 Harding St., Janesville, WI 53547; and Hodge Aero, Inc., Route 7, Highway 51 South, Janesville, WI 53545.

MC 136635 (Sub-4–19TA), filed September 28, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Bread croutons, stuffing mix and bread crumbs,* from Indianapolis, IN to points in the U.S. Supporting shipper: Colonial Baking Co., 2465 Winthrop Avenue, Indianapolis, IN.

MC 139276 (Sub-4–8TA), filed September 29, 1981. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Ave., Bensenville, IL 60106. Representative: Grace Kasallis (same address as applicant). *Metal products and machinery and machinery parts and material, equipment and supplies used in manufacture of machinery* between IL, IN, MI and WI and points in the U.S. excluding AK and HI. Supporting shipper; there are 7 supporting shippers.

MC 142096 (Sub-4–4TA), filed Spetember 28, 1981. Applicant: MILLER BROS. TRUCKING CO., INC., 4100 West Mitchell St., Milwaukee, WI 53215. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Common;* irregular: *empty glass containers* between Burlington, WI, and Minneapolis/St. Paul, MN. Restriction: restricted to transportation originating or terminating at the facilities of Foster-Forbes, Div. of National Can Corp. An underlying ETA seeks 120 days authority. Supporting shipper: Foster-Forbes Glass Company, Div. National Can Corporation, 8101 West Higgins Road, Chicago, IL 60631.

MC 149497 (Sub-4–21TA), filed September 28, 1918. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman, P.O. Box 1023, Wausau, WI 54401. *Contract* irregular: *General Commodities and Radioactive Materials* between Jonesboro, TN and points in the U.S., excluding AK and HI, under continuing contract with TNS, Incorporated. Supporting shipper: TNS, Incorporated, P.O. Box 399, Jonesboro, TN 37659.

MC 151051 (Sub-4–2TA), filed September 29, 1981. Applicant: HARLEY E. HOMANN, d.b.a. Homann Transport, Route #1, Jim Falls, WI 53956. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Common irregular: Food grade liquid aqua ammonia neutralizer and calcium chloride (in bulk tank trucks)* from the facilities of Dairyland Food Laboratories, Inc. at Waukesha, WI to points in IA. Supporting shipper: Dairyland Food Laboratories Inc., P.O. Box 406, Waukesha, WI 53186.

MC 151927 (Sub-4–2TA), filed September 28, 1981. Applicant: COLORADO & EASTERN, INC., PO Box 39, Delafield, WI 53018. Representative: Eugene R. Kraklow Jr., (same as applicant). *Common* irregular: *Malt beverages and materials and supplies used in the manufacture and distribution of malt beverages.* from Peoria, IL, Memphis, TN, and Milwaukee, WI, to points in IL, IN, IA, KY, MI, MN, MO, OH, TN, WI. Supporting shippers: Pabst Brewing Co., 917 W Juneau, Milwaukee, WI 53201; Schlitz Brewing Co., PO 614 Milwaukee, WI 53201.

MC 156520 (Sub-4–4TA), filed September 29, 1981. Applicant: PREMIER TRANSPORTATION SERVICES, INC., 2 E 106th, St., Room 150, Indianapolis, IN 46280. Representative: Buren V. Beaman (same address as applicant). *Agricultural Implements and Machinery, other than hand and component parts and Wood Burning Stoves and component parts* between Richmond, IN on the one hand, and, on the other points in the U.S. Supporting shipper, Dunham Lehr, Inc., 300 Industrial Parkway, Richmond, IN 47274.

MC 157265 (Sub-4–1TA), filed September 29, 1981. Applicant: D & B TRUCKING, INC., 1021 N. DuPage Ave., Lombard, IL 60148. Representative: Philip A. LEE, 120 W. Madison St., Chicago, IL 60602. *Articles of Iron and steel; shades, venetian blinds; lawnmowers, snowblowers, heaters (parts & accessories); hooks, hails & adhesives; lighting fixtures (parts & accessories); fire hydrants & protective valves; electrical materials; rubber and plastic articles; gravity feed shelving & automatic case openers; resistors; railroad maintenance tools; diffusers; appliances (parts & accessories); pneumatic tires, batteries & tubes; office filing systems; roof-curbs; portable lamps & vinyl floor tile,* between IL, IN, IA, MO, OH, WI, MI, MN, ND, & SD. Supporting shippers: There are 27 supporting shippers.

MC 157917 (Sub-4–1TA), filed September 28, 1981. Applicant: J & J OIL, INC., Highway 18 West, P.O. Box 150, Dodgeville, WI 53533. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *petroleum*

products in bulk, in tank vehicles, from Dubuque, IA, to points in WI and Galena, IL. Restriction: restricted to transportation performed under a continuing contract(s) with Iowa Oil Company, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Iowa Oil Company, Inc., Levee/Front, Dubuque, IA 52001.

MC 158505 (Sub-4-1TA), filed September 29, 1981. Applicant: JERED FREIGHT SERVICES, 4126 Meadowlark Lane, Eagan, MN 55122. Representative: Same as applicant. *Contract* irregular: *General Commodities* except commodities in bulk between Minneapolis-St. Paul Minnesota and points in the U.S. Restricted to traffic moving under continuing contract with World Wide Transport. Supporting shipper: World Wide Transport, 4126 Meadowlark Lane, Eagan, MN 55122.

MC 158511 (Sub-4-1TA), filed September 29, 1981. Applicant: WISCONSIN GENERAL CARTAGE AND WAREHOUSE, INC., 4080 N. Port Washington Road, Milwaukee, WI 53212. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular: *Liquid and ground spices, seasonings, and blends thereof, and materials, equipment and supplies* used in the manufacture, sale and distribution of such commodities between Berlin, WI, and points in CA, IL, IN, IA, MI, MN, NY, OH and TX. Restriction: Restricted to transportation performed under continuing contract(s) with Wisconsin Spice, Inc. Supporting shipper: Wisconsin Spice, Inc., 114 S. Catron St., Berlin, WI 54923.

MC 158512 (Sub-4-1TA), filed September 29, 1981. Applicant: NICHOLSON & SON EXPRESS, INC., 2037 W. Farragut Ave., Chicago, IL 60625. Representative: John J. Nicholson (same address as applicant). (1) *Scrap paper,* between the facilities of Great Lakes Secondary Fibres, Inc., at Chicago, IL, on the one hand, and, on the other, points in IN, IA, MI and WI, (2) *automotive supplies,* between Chicago, IL and its Commercial Zone, on the one hand, and, on the other, the facilities of American Fuel & Supply Co., Inc., at Milwaukee, WI, and (3) *trailers,* between the facilities of Royal Truck & Trailer, at Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, MI and WI. Supporting shippers: Royal Truck & Trailer, 1950 W. 43rd St., Chicago, IL 60609; American Fuel & Supply Co., Inc., 9053 Deerbrook Trail, Milwaukee, WI 53223; Great Lakes Secondary Fibres, Inc., 3702 W. 38th St., Chicago, IL 60632.

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 105566 (Sub-5-22TA), filed September 29, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. *Heating and cooling equipment, parts and accessories thereto; and materials, equipment and supplies used in the manufacture thereof,* between the facilities of York-Luxaire, Inc. at Norman, OK, on the one hand, and, on the other, points in the U.S. Supporting shipper: York-Luxaire, Inc., Norman, OK 73069.

MC 127047 (Sub-5-6TA), filed September 28, 1981. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Oil field equipment, materials and supplies,* between KS, on the one hand, and, on the other, points and places in the U.S. Supporting shipper(s): Gray Oil Field Supply Co., 111 North Baltimore, Derby, KS 67037; and Schneider Manufacturing, Inc., 20 Industrial Avenue, Wellington, KS 67152.

MC 136669 (Sub-5-1), filed September 28, 1981. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, NE 68731. Representative: Robert E. Gillespie (same address as applicant). *Kitchen Cabinets,* from Lakewood, NJ to Freeport, IL; Carroll, IA; Ft. Dodge, IA; Sioux City, IA; Waterloo, IA; Wessington Springs, SD; and Norfolk, NE. Supporting shipper: Fullerton Lumber Co., 1200 Roanoke Bldg., Minneapolis, MN 55440.

MC 141021 (Sub-5-2TA), filed September 28, 1981. Applicant: PETROLEUM TRANSPORT CO., INC., P.O. Drawer 1559, Kenner, LA 70063. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. *Gasoline and diesel in bulk in tank vehicles* between points in LA and MS. Supporting shipper: Tenneco Oil Company, P.O. Box 1037, Chalmette, LA.

MC 144982 (Sub-5-13Ta), filed September 28, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112. *Food and related items,* from points in OH to points in CA, OR, TX and WA. Supporting shipper: Tastee Caramel Apple Co., Inc., 60810 County Rd. 9, Newcomerstown, OH 43832.

MC 146553 (Sub-15TA), filed September 28, 1981. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Tractor seats and parts,* from the facilities of Sears Manufacturing at Davenport, IA to all points in the U.S. Supporting shipper: Sears Manufacturing, 1718 South Concord, Davenport, IA 52808.

MC 146553 (Sub-5-16TA), filed September 29, 1981. Applicant: Adrian Carriers, Inc., 1822 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Curved glass,* from Tipton, PA to East Moline, IL. Supporting shipper: McLaughlin Body Co., 1400 5th Street, East Moline, IL 61244.

MC 147196 (Sub-5-27TA), filed September 28, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse (same as above). *Contract:* Irregular. *Printed Matter and Materials, Supplies and Equipment used in the manufacture and distribution thereof* between DeSoto County, MS and Tarrant County, TX on the one hand, and, on the other, the 48 states under a continuing contract or contracts with Storm Printing Co., Memphis, TN. Supporting shipper: Storm Printing Co., P.O. Box 30208, Memphis, TN 38130.

MC 147969 (Sub-5-9TA), filed September 28, 1981. Applicant: JOE S. BOWEN, INC., P.O. Box 262, Springdale, AR 72764. Representative: George Spencer, 7 North Block, #204, Fayetteville, AR 72701. *Food and Related Products and Materials Equipment and Supplies used in the Processing of Poultry Products,* Between the facilities of OK Foods, Inc., in the State of AR on the one hand, and, on the other, points in the U.S. Supporting shipper: OK Foods, Inc., Post Office Box 286, Fort Smith, AR 72904.

MC 150008 (Sub-5-6TA), filed September 29, 1981. Applicant: KUELLA, INC., Route 2, King City, MO 64463. Representative: Michael A. Knepper or Lee Reeder, 310 Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. *Contract,* Irregular; *Insulating materials and equipment and supplies used in the manufacture, distribution and installation of insulating materials* between Alexandria, IN; Belton, TX; Cameron, MO; Denver, CO; Fontana, CA; Nashville, TN; Pueblo, CO; and

points in the U.S. (except AK and HI) under continuing contract with Rockwool Industries, Inc., P.O. Box 5170, Denver, CO 80217.

MC 150330 (Sub-5-10TA), filed September 29, 1981. Applicant: BELCO, INC., 2101 West Main Street, Jacksonville, AR 72076. Representative: Terry Pitts (same as above). *Contract*, irregular; *cosmetics, NOI, equipment, materials, and supplies used in the manufacture and distribution thereof* between the facilities of Maybelline Company on the one hand, and to all points in the U.S. on the other hand. Supporting shipper: Maybelline Company, I-40 and Galloway, North Little Rock, AR 72117.

MC 152277 (Sub-5-2TA), filed September 28, 1981. Applicant: LONG MILE RUBBER COMPANY, 155 South Court, Exchange Park, Dallas, TX 75245. Representative: James Petty (same as above). *Contract*, Irregular: *food and related products* between points in the U.S. under a continuing contract with Stevens Foods, Inc., Mesquite, TX.

MC 152277 (Sub-5-3TA), filed September 29, 1981. Applicant: LONG MILE RUBBER COMPANY, 155 South Court, Exchange Park, Dallas, TX 75245. Representative: James Petty, (same as above). Contract, irregular; *malt beverges* between Portland, OR and Albuquerque, NM under a continuing contract with Quality Import Co., Albuquerque, NM.

MC 153395 (Sub-5-3TA), filed September 28, 1981. Applicant: CHAR-LINE CORPORATION, 702 E. 21st, Suite 30, Wichita, KS 67214. Representative: Tommy M. Thomas (same as applicant). *Plastic articles and materials and supplies used in the manufacture of such items*, between points and places in AR, MO, OK, NE, IA, CO, TX, IL, and IN. Supporting shipper: Hoover Universal, Inc., Lenexa, KS 66215.

MC 155107 (Sub-5-2TA), filed September 28, 1981. Applicant: GEORGE R. BUCHANON, d.b.a., SUPER B EXPRESS, P.O. Box 1195, Sherman, TX 75090. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *General Commodities* (except classes A and B explosives or hazardous materials) between points in the U.S. Under continuous contract(s) with United Forwarding, Inc. of Omaha, NB. Supporting shipper: United Forwarding, Inc., 7000 Building, Suite 445, Omaha, NB 68106.

MC 30378 (Sub-5-3TA), filed October 2, 1981. Applicant: ASSOCIATED TRANSPORTS, INC., 9050 Pershall Road, Hazelwood, MO 63042. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Motor vehicles*, between points in the states of IL, IA, IS, MN, NO, NE, ND, SD and WI. Supporting shipper: Ford Motor Company, P.O. Box 1529-B, NAAO Bldg., Dearborn, MI 48121.

MC 61396 (Sub-5-17TA), filed October 2, 1981. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 83028, Lincoln, NE 68501, (402) 475-6761. *Liquid argon, nitrogen, oxygen and compressed gases*, between points in the U.S., restricted to traffic originating at or destined to the facilities of Liquid Carbonic Corporation, and its subsidiaries. Supporting shipper: Liquid Carbonic Corporation, Chicago, IL.

MC 108207 (Sub-5-44TA), filed October 1, 1981. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Drugs, I.V. Solutions, and associated hospital supplies*, from North Chicago, IL, to points in AZ, AR, CA, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NV, NM, OH, OK, SD, TN, TX, UT, and WI (restricted to traffic originating at the facilities of Abbott Laboratories). Supporting shipper: Abbott Laboratories, Inc., 14th and Sheridan Road, North Chicago, IL 60064.

MC 115003 (Sub-5-1TA), filed October 2, 1981. Applicant: RED RIVER TRUCKING COMPANY, Highway 271 North, Paris, TX 75460. Representative: James W. Hightower, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. *Crushed stone*, from Idabel, Ok to De Soto and Webster Parishes, LA. Supporting shipper: Boorhem-Fields, Inc., P.O. Box 1177, Paris, TX 75460.

MC 124174 (Sub-5-52TA), filed October 2, 1981. Applicant: MOMSEN TRUCKING CO., 13811 L Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Steel tubing and related materials (metal products)*, between Clinton, IA on the one hand, and, on the other, all points in the USA (except AK and HI). Supporting shipper(s): Central Steel & Tube Co., P.O. Box 551, Clinton, IA 52732.

MC 127047 (Sub-5-7TA), filed October 1, 1981. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Metal products*, between Reno and Sedgwick Counties, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Kaiser Aluminum and Chemical Corporation, 3000 East Avenue B, Hutchinson, KS 67501.

MC 128007 (Sub-5-10TA), filed September 30, 1981. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66601. *Contract*, irregular: *Metal products and waste or scrap materials*, between points in the U.S., under a continuing contract with Teller Metal Company. Supporting shipper: Teller Metal Company, Suite 253, 12115 Lackland Road, St. Louis, MO 63141.

MC 142239 (Sub-5-1TA), filed October 1, 1981. Applicant: NEBRASKA COAST, INC., Rural Route #1, P.O. Box 110, Neola, IA 51559. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Contract; irregular; *Food and related products*, Between points in the US, under a continuing contract(s) with Spencer Beef Division, Land O'Lakes, Inc., Arden Hills, MN. Supporting shipper: Spencer Beef Division, Land O'Lakes, Inc., P.O. Box 544, Schuyler, NE 68661.

MC 143645 (Sub-5-1TA), filed October 1, 1981. Applicant: R. B. RAINES, SR. & WILLIAM RAINES, d.b.a. R. & R. TRUCKING, P.O. Box 209, Princeton, Louisiana 71067. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, Texas 75245. *Ores and minerals, clay, concrete, glass or stone products* between Bienville, Webster and Red River Parishes, LA, on the one hand and on the other, Gregg, Harrison, Panola and Shelby Counties, TX. Supporting shipper(s): Carthage Concrete Products, Inc., 461 West Phiffer, Carthage, Texas 75633 and Tri-State Concrete, P.O. Box 99, Heflin, Louisiana 71039.

MC 145595 (Sub-5-1TA), filed October 1, 1981. Applicant: WARREN G. GORMLEY, d.b.a. GORMLEY TRUCKING, 1607 West Swan, P.O. Box 47, Springfield, MO 65801. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Pot ash, nitrate, limestone*, from Carlsbad, NM; Joplin, MO; and Springfield, MO, to Council Hill, OK. Supporting shipper: Cherokee Prairie Fertilizer, P.O. Box 128, Highway 72, Council Hill, OK 74428.

MC 145595 (Sub-5-2TA), filed October 2, 1981. Applicant: WARREN G. GORMLEY, d.b.a. GORMELY TRUCKING, 1607 West Swan, Springfield, MO 65801. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Crushed, pulverized, dolomitized, or ground limestone and limestone rock*, between Christian and Greene Counties, MO, on the one hand, and, on the other, points in OK and AR. Supporting

shipper: Clever Stone Company, R. R. #1, P.O. Box 63, Clever, MO 65631.

MC 147047 (Sub-5-4TA), filed September 30, 1981. Applicant: CAPITAL WIRE & CABLE CORPORATION, d.b.a. CWC TRUCKING COMPANY, P.O. Box 7, Plano, TX 75074. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Alcoholic Beverages or Wine* from AR, CA, IL, IN, MD, LA, KY, NJ, NY, MI, OH, TN, OR, WA, PA and SC to TX. Restricted to shipments originating at or destined to the facilities of Lone Star Company of Dallas, TX. Supporting shipper: Lone Star Company, 4000 Spring Valley, Dallas, TX 75234.

MC 147047 (Sub-5-5TA), filed September 30, 1981. Applicant: CAPITAL WIRE & CABLE CORPORATION, d.b.a. C. W. C. TRUCKING COMPANY, P.O. Box 7, Plano, TX 75074. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. (1) *Metal and/or Plastic Articles and* (2) *Materials, Equipment and Supplies used in the manufacture and sale of Metal and Plastic Articles* between Plano, TX and Newport, AR on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to the facilities of Capital Wire & Cable Corporation. Supporting shipper: Capital Wire & Cable Corporation, P.O. Box 7, Plano, TX 75074.

MC 147632 (Sub-5-5TA), filed September 17, 1980. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440-0496. *Transportation equipment*, 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 Moines, 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 150999 (Sub-5-5TA), filed October 1, 1981. Applicant: GENE F. LACAEYSE, d.b.a. G. F. LACAEYSE TRANSPORT, R.R. #2, Box 110, Montezuma, IA 50171. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Food and related products*, between points in IL, MO, MN, IA, WI, MI, and IN, on the one hand, and, on the other, Oakland, Los Angeles, and San Francisco, CA; Portland, OR; and Seattle, WA. Supporting shipper: Dart Orient Services, Inc., 208 South LaSalle Street, Chicago, IL 60604.

MC 153835 (Sub-5-2TA), filed October 1, 1981. Applicant: ROCK-CO. TRANSPORT, LTD., 621 Prairie Ave., Boone, IA 50036. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Fertilizer*, between points in IA, IL and WI, restricted to traffic originating at or destined to the facilities of Growmark, Inc. Supporting shipper(s): Growmark, Inc., 1701 Towanda Avenue, Bloomington, IL 61701.

MC 158419 (Sub-5-1TA), filed September 31, 1981. Applicant: ON TIME FREIGHT SYSTEM, INC., 2512 South 163rd Street, Omaha, NE 68130. Representative: James P. Beck, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract* irregular *Meats, meat-by-products and articles distributed by meat packinghouses*, from Sterling, Ft. Morgan and Denver, CO to points in the U.S. under continuing contract(s) with Sterling Colorado Beef and Circle C Beef Company. Supporting shipper(s): Sterling Colorado Beef Company and Circle C Beef Company, P.O. box 1728, 1500 Right of Way Rd., Sterling, CO 80751.

MC 158551 (Sub-5-1TA), filed September 30, 1981. Applicant: ROSE TRANSPORTATION CO., 221 Railroad Ave., Steele, MO 63877. Representative: Lisa Rigdon, Rt. 2 Box 237, Little Rock, MS 39337. *Lumber and Wood Products and Building Materials*. Between All Points in the U.S. In and East of TX, OK, KS, NE, SD, ND. Supporting shippers: 6.

MC 158587 (Sub-5-1TA), filed October 2, 1981. Applicant: BARNEY L. MESSERSMITH, d.b.a. M&M, P.O. Box 833, Emporia, KS 66801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Foodstuffs and related products*, between points in KS, on the one hand, and, on the other, points in AL, AR, GA, IL, KY, MS, MO, TN, and WI. Supporting shippers: 7.

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 145872 (Sub-6-1TA), filed September 25, 1981. Applicant: T B T, P.O.B. 1802, Gilroy, CA 95020. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *Contract Carrier*: Irregular routes: *fibreboard or pulpboard boxes* from Gilroy, CA to Medford, OR, for the account of Crown Zellerbach Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Crown Zellerbach Corporation, 6400 Jamieson Way, Gilroy, CA 95020.

MC 158468 (Sub-6-1TA), filed September 25, 1981. Applicant: HOLIDAY TRANSPORT, INC., P.O.B. F, Alsea, OR 97324. Representative: Nancy A. Crawford (same as Applicant). *Contract Carrier*, irregular route: *Brick, Lumber, and Wood Products, and materials such as are dealt in or distributed by producers of building materials*, between points in AZ, CA, CO, ID, MT, OR, NM, NV, TX, UT, WA, and WY for the account of Cascade West/Mtls. Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cascade West/Mtls., Inc., P.O.B. 1586, Lake Oswego, OR 97034.

MC 148445 (Sub-6-6TA), filed September 25, 1981. Applicant: WLD TRUCKING COMPANY, P.O.B. 32458, Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. *Contract Carrier*; Irregular routes: *Tile and items related to the manufacture or distribution of tile* from Tampa, FL, to Oklahoma City, Edmond and Tulsa, OK; Denver, CO; Birmingham, AL; Barling, AR; Roanoke, VA and Trenton, NJ, for the account of Wenczel Tile Co. of Florida for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Wenczel Tile Co. of Florida, 6608 S.W. Shore Blvd., P.O.B. 19368, Tampa, FL 33686.

MC 158468 (Sub-6-1TA), filed September 25, 1981. Applicant: LARAYTO ENTERPRISES LTD., 3642-204th St., Langley, B.C., CD V3A 1X2. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. (1) *Scrap metals* from ports of entry on the International Boundary line between the U.S. and CD located in WA to points in Los Angeles and Orange Counties, CA; and (2) *foodstuff* from Los Angeles and Orange Counties, CA, to ports of entry on the U.S.-CD International Boundary line in WA, for 270 days. Supporting shippers: Toyo Importing Co., Ltd., 1335 Grant St., Vancouver, B.C., Canada V5L 2X7; Davis Trading & Supply Ltd., 1100 Grant St., Vancouver, B.C., CD V6A 2J6.

MC 158233 (Sub-6-1TA), filed September 23, 1981. Applicant: H & C, INC., P.O.B. 2681, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. (1) *Lumber and lumber products*, from points in OR, WA and CA to points in CO, UT and CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Standard Forest Products, Inc., P.O.B. 10306, Eugene, OR 97440.

MC 148445 (Sub-6-5TA), filed September 23, 1981. Applicant: WLD

TRUCKING COMPANY, 4527 N. 16th St., Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. *Contract Carrier*, Irregular routes: *Metal products and machinery*, between the facilities of Picoma Industries, Inc., in Martins Ferry, OH, and points in the U.S., for 270 days, for the account of Picoma Industries Inc. Supporting shipper: Picoma Industries, Inc., P.O.B. 488, Martins Ferry, OH 43935.

MC 150756 (Sub-6-7TA), filed September 13, 1981. Applicant: GUTHMILLER TRUCKING INC., P.O.B. 206, Union City, CA 94587. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. *Metal cans and closures* from Modesto CA to Hillsboro OR for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Haley's Foods, Inc., P.O.B. 39, Hillsboro, OR 97123.

MC 158444 (Sub-6-1Ta), filed September 24, 1981. Applicant: RICHARDSON TRUCKING, INC., 870 Sussex, Casper, WY 82601. Representative: Eric A. Distad, P.O. Box 2314, Casper, WY 82602. *Machinery, materials, equipment and supplies used in replacing, servicing and repairing machinery and equipment used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, including electrical and geothermal energy and ore.* Between points in WY, MT, N.D., S.D., NE, CO, UT, NV, ID. For 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are fifteen (15) supporting shippers. Their statements may be examined at the Regional Office listed above.

MC 150208 (Sub-6-2TA), filed September 23, 1981. Applicant: S. AND S. BROKERS AND DISTRIBUTORS LTD., 236 Manor Crescent NE, Calgary, Alberta T2A 4S5. Representative: John A. Anderson, 101 SW Main St. Rm 1600, Portland, OR 97204. *Inedible offal*, from the port of entry on the international boundary line between the U.S. and CD located at or near Eastport, ID to Seattle, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Protein Products, Inc., P.O. 328, Newberg, OR 97132.

MC 158167 (Sub-6-1TA), filed September 25, 1981. Applicant: TAI TAN NGUYEN, d.b.a. CALINEVA TOUR, 237 N. First St., San Jose, CA. 95112. Representative: (Same as applicant). *Passengers and their baggage, in special operation*, from San Jose and Sacramento, CA to North Lake Tahoe, Reno, NV and return, for 180 days. Supporting shipper: There are 12 shippers. Their statements may be examined at the office above.

MC 158312 (Sub-6-1TA), filed September 24, 1981. Applicant: EXPINOSA CARTAGE COMPANY, 801 Nikanda, N.E., Albuquerque, NM 87107. Representative: Edward J. Kiley, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036-4579. *General commodities* (except commodities in bulk and Classes A and B explosives), between Albuquerque, NM, on the one hand, and, on the other, points in NM, for 270 days. Applicant seeks to interline at NM points. Supporting shippers: There are fire (5) shippers. Their statements may be examined at the Regional Office listed above.

MC 158492 (Sub-6-1TA), filed September 25, 1981. Applicant: JOSEPH ERNEST PEREZ TRUCKING, d.b.a. JOSEPH E. PEREZ TRUCKING, 18945 Quebec, Corona CA 91720. Representative: Joseph E. Perez (same as applicant). *Contract Carrier*, Irregular routes: *Groceries, Grocery house supplies and equipment used in the processing and distribution of same* between points in AZ, CA, NM, and TX for the account of Fed Mart Retail Discount Department Chain, for 270 days. Supporting shipper: Fed Mart, 7130 Miramar Road; San Diego, CA 92121.

MC 158491 (Sub-6-1TA), filed September 23, 1981. Applicant: R. D. WEST, d.b.a. R. D. WEST TRUCKING COMPANY, Star Route 1, Box 160-A, Coulee City, WA 99115. Representative: R. D. West (same as applicant). *Iron and steel products* and *lumber, lumber products and building materials* between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY for 270 days. Supporting shippers: Pacific Western Industries, Inc., East 4104 Boone Ave., Spokane, WA 99202; Lakeview Lumber Company, 4903 Industrial Avenue West, Coeur D'Alene, ID 83814.

MC 144624 (Sub-6-3TA), filed September 28, 1981. Applicant: AMERICAN STREVELL TRANSPORT, INC., P.O. Box 26828, Salt Lake City, UT 84125. Representative: Eugene D. Anderson, 910-17th St., N.W., Suite 428, Washington, D.C. 20006. *Contract Carrier*; Irregular Routes: *Styrene, expanded polystyrene* from Emmett, ID to Logan and Salt Lake City, UT and service to points between, under a continuing contract(s) with Enpro, Inc. for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Enpro, Inc., P.O. Box 38, Mill and Schiller Rds., Emmett, ID 83617.

MC 128685 (Sub-6-6TA), filed September 28, 1981. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern I, Billings, MT 59101. *Petroleum or coal products and crude petroleum, natural gas or gasoline*, between points in WY, SD, NE, CO and MT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 7 shippers. Their statements may be examined at the Regional Office listed.

MC 145991 (Sub-6-1TA), filed September 28, 1981. Applicant: HARRISON-NICHOLS CO., LTD., 5265 N. 4th Street, Irwindale, CA 91706. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier*, irregular routes, *Sand* in bulk, from Overton, NV, to El Monte, CA under a continuing contract(s) with Ball Corporation, for 270 days. Supporting shipper: Ball Corporation, 4000 North Arden Drive, El Monte, CA 91734.

MC 123061 (Sub-6-3TA), filed September 28, 1981. Applicant: LEATHAM BROTHERS INC., P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108. *Construction & Building Materials & Supplies*, Between UT and WY, for 270 days. Supporting shipper: Anderson Lumber Co., 1100 First Security Bldg., Ogden, UT 84401.

MC 158526 (Sub-6-1TA), filed September 28, 1981. Applicant: MERGENTHALER TRANSFER & STORAGE CO., 1414 N. Montana Ave., Helena, MT 59601. Representative: David L. Jackson, 203 N. Ewing St., Helena, MT 59601. *Contract carrier*, irregular routes: *Equipment, materials, supplies, records and other property of The Mountain States Telephone and Telegraph Company (including used, damaged or defective equipment, materials, supplies and other property) used or required by the company in construction, service and operation of its telephone and general communication system and related enterprises* between Mountain States Telephone and Telegraph Company properties, including leased facilities, suppliers and job sites, in UT, ID and MT, for the account of The Mountain States Telephone and Telegraph Company, for 270 days. Supporting shipper: The Mountain States Telephone and Telegraph Company, 560 N. Park, Helena, MT 59601.

MC 158346 (Sub-6-1TA), filed September 29, 1981. Applicant: VIRGIL MILLER, 4700 S. 5th, Sp. 45, Pocatello, ID 83201. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract carrier,* irregular routes: *tires and tubes* from Waco, TX to Denver, CO; Salt Lake City, UT and Pocatello, ID, for the account of Idaho Farm Bureau Service Cooperative, Inc. and Colorado Farm Bureau, Consumer Corp., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Idaho Farm Bureau Service Cooperative, Inc., 1920 N. Harrison, Pocatello, ID 83201. Colorado Farm Bureau, Consumer Corp., 5095 Colorado Blvd., Denver, CO 80216.

MC 138732 (Sub-6-11TA), filed September 24, 1981. Applicant: OSTERKAMP TRUCKING, INC., P.O.B. 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 5 Crow Canyon Ct., Ste. 200, San Ramon, CA 94583. *Such commodities as are dealt in by manufacturers, producers, and distributors of pulp, paper and related articles,* and *containers,* (1) Between points in and west of CO, MT, MN, OK, TX, and WY; and (2) Between the facilities of Orchids Paper Products, Corp., Pryor, OK, on the one hand, and, points in and east of CO, MT, NM, OK, TX, and WY on the other for 270 days. Supporting shippers: Orchids Paper Products Corp., 5111 Fresca Dr., La Palma, CA 90623; American Can Co., 333 Gellert Blvd., Daly City, CA 94105; Boise Cascade Corp., P.O. Box 7747, Boise, ID 83707.

MC 152357 (Sub-6-2TA), filed September 28, 1981. Applicant: R. G. STINE TRUCKING, INC., 801 S. Santa Fe, Visalia, CA 93277. Representative: Donald R. Hedrick, POB 88, Norwalk, CA 90650. *Contract carrier,* irregular routes: *Petroleum and petroleum products; auto wax and rubbing compounds; paint, varnish and wallpaper removers; alcohol stove fuel; and, automotive care products,* from Compton and Hayward, CA, to points in OR, WA, CO, UT and AZ, for the account of Sta-Lube, Inc., for 270 days. Supporting shipper: Sta-Lube, Inc., 3039 Ana, St., Compton, CA 90224.

MC 146075 (Sub-6-6TA), filed September 28, 1981. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 W. 29th Pl., Wheatridge, CO 80214. Representative: Delbert Ewing (same as above). *(1) Malt beverages and related advertising materials, (2) empty used beverage containers and materials used in and dealt with by breweries,* between Jefferson County, CO and points in MS, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 142189 (Sub-6-1TA), filed September 28, 1981. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, P.O.B. 980, Baker, MT 59313. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Mercer commodities,* between points in Will County, IL, on the one hand, and, on the other, points in CO, UT, NV, NM, AZ, OK, TX, KS, AR, LA and NE, for 270 days. Supporting shipper: Bennett Industries, Division of Growth International Industries, 555 N. 1st St., Peotone, IL 60468.

MC 152250 (Sub-6-3TA), filed September 28, 1981. Applicant: WHITE TRANSPORT, INC., 133 Canfield St., Sheridan, WY 82801. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101. *Coal* from Ashland, MT, and Sheridan, WY, to Lewistown, Moccasin and Heath, MT, for 270 days. Supporting shipper: Goodan Enterprises, Moccasin, MT 59462.

MC 150667 (Sub-6-2TA), filed September 29, 1981. Applicant: WORTHING TRANSPORT (EDSON) LTD., Box 2580, Edson, Alberta, Canada, TOE OPO. Representative: David T. Chambers (same as applicant). Authority requested: *Rubber tired seismic machines,* which because of size or weight require the use of special equipment between the ports of entry on the International Boundary Line between the U.S. and Canada located in MT, on the one hand, and, on the other, points in MT, ND, SD, for the account of Western Geophysical Co. of Canada, for 270 days. Supporting shipper: Western Geophysical Co. of Canada, 2612 37 Ave. NE., Calgary, Alberta, Canada T2H 1X6.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29531 Filed 10-9-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Oregon State Standards; approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under Section 6 of the Occupational Safety and Health Act of 1970.

In response to Federal standards changes, the State originally submitted standards comparable to 29 CFR 1910.268, Telecommunications, as published (40 FR 13441) on March 26, 1975. These State standards were in effect on July 20, 1976. The State has subsequently revised these standards and submitted amendments in accordance with applicable procedures.

By letter dated August 22, 1979 from Darrel D. Douglas, Administrator, Accident Prevention Division, Workers' Compensation Department, to James W. Lake, Regional Administrator, the State submitted amendments to OAR Chapter 437, Division 82, Telecommunications, effective July 27, 1977. The State received no request for a public hearing.

Additional amendments were submitted to Region X by letter dated May 12, 1980 from Darrel D. Douglas to James W. Lake. These amendments were promulgated following a public hearing on September 24, 1979 and became effective March 19, 1980.

2. *Decision.* Having reviewed the state submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and accordingly should be approved. The significant areas of difference are more stringent standards for worksite hazard evaluation, first aid training, and employer supervision. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building; 909 First Avenue, Seattle, Washington

98174; Workers' Compensation Board, Labor and Industries Building, Salem, Oregon 97310.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 13, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Wash., this 6th day of March 1981.

James W. Lake,

Regional Administrator.

[FR Doc. 81-29566 Filed 10-9-81; 8:45 am]

BILLING CODE 4510-26-M

Washington State Standards; approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the Federal Register (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides, after public hearing, for the adoption of State standards which are at least as effective as Federal standards promulgated under section 6 of the Act. Section 1952.120.124 of Subpart F sets forth the State's schedule for the adoption of Federal standards. By letter dated March 26, 1981 from James P. Sullivan, Assistant Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910 Subpart T, Commercial Diving Operations.

The Federal standard was published in the **Federal Register** (42 FR 37668) on July 24, 1977, and became effective October 20, 1977. The Washington Commercial Diving standard, which is contained in Chapter 296-37 WAC was originally promulgated by the State following hearings on October 2, 1978 and submitted to Region X on August 28, 1979. The standard was returned to the State by Region X for revisions on October 10, 1979. The final standard was filed as Washington Administrative Order No. 81-4 on March 17, 1981 and become effective April 15, 1981.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard is at least as effective as the comparable Federal standard and accordingly should be approved. The areas of difference, in addition to State renumbering and administrative changes, are that the State standard exceeds the Federal standard in the area of requirements for a positive means of communication between the diver and a standby diver in enclosed or confined spaces (WAC 296-37-550(3)(c)). The State standard is at least as effective as the Federal Commercial Diving standard.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along withthe approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 13, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Wash., this 3rd day of June, 1981.

Richard L. Beeston,

Acting Regional Administrator.

[FR Doc. 81-29567 Filed 10-9-81; 8:45 am]

BILLING CODE 4510-26-M

National Advisory Committee on Occupational Safety and Health; Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet in Washington, D.C. on November 2-4, 1981. The meeting will began at 9:30 a.m., on Monday, November 2 in Room N-5437 of the Frances Perkins Department of Labor Building (formerly the New Department of Labor Building), Third Street and Constitution Avenue, N.W., Washington, D.C. The public is invited to attend.

The National Advisory Committee was established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

New members will be sworn in at this meeting. The agenda will include reports on OSHA activities and discussions of: policy initatives; the use of workplace safety and health committees; and other matters concerning the agency. Subgroups will be appointed to discuss selected issues.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairman of the Committee to the extent which time permits.

For additional information contact: Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N3635, Third Street and Constitution Avenue NW., Washington, D.C. 20210, Telephone: (202) 523-8024.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C. this 5th day of October 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-29828 Filed 10-9-81; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL SCIENCE FOUNDATION

Harold W. Borns, Jr.; Antarctic Conservation Act of 1978; Permit Applications Received

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservaton Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by November 2, 1981. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the 7 June 1979 **Federal Register**. Additional information was published in the 13 August 1981 **Federal Register**, page 40951.

The application received is:

1. *Applicant:* Harold W. Borns, Jr., Institute for Quaternary Studies, 304A Boardman Hall, University of Maine, Orono, Maine 04469.

2. *Activities for Which Permit Requested:* Enter Site of Special Scientific Interest (Barwick Valley).

The applicant proposes to enter Barwick Valley to examine glacial deposits. A two person field party proposes to enter the valley on foot. The party may collect sediment samples for laboratory analysis.

3. *Location:* Barwick Valley, Victoria Land, Antarctica.

4. *Dates:* December 1, 1981 to March 1, 1982.

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs.

A. N. Fowler,

Division of Polar Programs.

[FR Doc. 81-29991 Filed 10-9-81; 8:45 am]

BILLING CODE 7555-01-M

NORTHERN MARIANA ISLANDS COMMISSION ON FEDERAL LAWS

Applicability of U.S. Laws to Northern Mariana Islands; Meeting

The Northern Mariana Islands Commission on Federal Laws, established pursuant to section 504 of the Convenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Pub. L. 94-241, 48 U.S.C. 1681 note), will meet on Monday, November 30, 1981, at 9:00 a.m., in Room 348 at 1221 Kapiolani Boulevard in Honolulu, Hawaii.

The purpose of the Commission is "to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner."

The intended agenda for this meeting is a review of the Commission's work to date. Included in this review will be consideration of a proposed interim report on the Federal Tort Claims Act and on certain rights of U.S. citizenship.

A limited number of seats will be available to the public on first-come, first-serve basis. For further information about this meeting contact Daniel H. MacMeekin, Executive Director, Northern Mariana Islands Commission on Federal Laws, Washington, D.C. 20240, (202) 343-5617, or Jose S. Dela Cruz, Liaison Attorney, Northern Mariana Islands Commission on Federal Laws, P.O. Box 326 (3rd Floor, Nauru Building) Saipan, CM 96950 (telephone 6892).

Dated: September 15, 1981

James A. Joseph,

Chair, Northern Mariana Islands Commission on Federal Laws.

[FR Doc. 81-29589 Filed 10-9-81; 8:45 am]

BILLING CODE 4310-93-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-413A and 50-414A]

Duke Power Co.; Receipt of Antitrust Information Accompanying Operating License Application

Note.—This document was originally published in the issue of September 21, 1981. It is reprinted at the request of the NRC.

The Duke Power Company has submitted antitrust information in connection with the owner's plans to operate two pressurized water reactors located in York County, South Carolina. The reactors have been designated as Catawba Nuclear Station, Units 1 and 2. The data submitted contain antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the **Federal Register** notice. The results of any reevaluation that is requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room,

1717 H Street, N.W., Washington, D.C., and at the local public document room a the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina 29730.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before November 20, 1981.

Dated at Bethesda, Maryland, this 31st day of August 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Branch Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-27452 Filed 9-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-348]

Alabama Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. NPF-2 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Jospeh M. Farley Nuclear Plant, Unit No. 1, (the Facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The amendment incorporates the TMI-2 Lessons Learned Category "A" Technical Specification changes.

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 this 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 enviromental 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 25, 1981, (2) Amendment No. 25 to License No. NPF-2, and (3) the Commission's letter dated October 5, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention, Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of October, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-29612 Filed 10-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Granting of Relief From Certain Requirements of ASME Code Section XI Inservice (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Connecticut Yankee Atomic Power Company. The relief relates to the Inservice Inspection Program for the Haddam Neck Plant (the facility) located in Middlesex County, Connecticut. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief allows postponement of inservice inspection requirements involving volumetric and visual examinations of a reactor coolant pump casing, pursuant to 10 CFR 50.55a(g)(6)(i) of the Commission's regulations.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of relief 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 action.

For further details with respect to this action, see (1) the licensee's letter received by the Commission on August 10, 1981 (Accession Number 8108110432) and letter dated September 16, 1981, and (2) the Commission's letter to the licensee dated October 5, 1981, which contains the Commission's related evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of October, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-29613 Filed 10-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment clarifies the intent of the calibration requirements for the PORVs and defers the calibration requirement for PORV Control Pressure Channels (PT-RC-444, 445) until the second refueling outage for Beaver Valley Power Station, Unit No. 1.

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 this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 16, 1981, (2) Amendment No. 45 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of September 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-29014 Filed 10-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

Northeast Nuclear Energy Co., et al.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Provisional Operating License No. DPR-21, issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which revised the Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1 (the facility), located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment relates to TMI-2 Lessons Learned Category "A" requirements. These requirements concern (1) Emergency Power Supply/Inadequate Core Cooling, (2) Valve Position Indication, (3) Containment Isolation, (4) Integrity of Systems Outside Containment, (5) Iodine Monitoring, and (6) Shift Technical Advisor.

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.

For further details with respect to this action, see (1) the application for amendment dated September 16, 1980, as revised in discussions with Northeast Nuclear Energy Company staff, (2) Amendment No. 79 to License No. DPR-21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of October 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-29015 Filed 10-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 & 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Thomas S. Moore, Chairman
Dr. John H. Buck

Dated: October 6, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-29016 Filed 10-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-24, and Amendment No. 60 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments address TMI-2 short term Lessons Learned Category A Technical Specification changes requested by the NRC staff. They incorporate new requirements in the form of limiting conditions for operation and surveillance requirements for instruments and equipment.

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 license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 4, 1981, (2) Amendment Nos. 55 and 60 to License Nos. DPR-24 and DPR-27, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of September, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-29617 Filed 10-9-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC78-3]

Electronic Mail Classification Proposal, 1978 (Remand)

October 7, 1981.

Notice is hereby given that on October 6, 1981, the Presiding Officer issued a Notice rescheduling the second prehearing conference in this remanded proceeding from October 9, 1981, at 2 p.m., to October 14, 1981, at 10 a.m., because of a conflict with a schedule of hearings by other government entities. Pursuant to further notice of the Presiding Officer issued October 7, 1981, the time for this prehearing conference has been changed from 10 a.m., to 2 p.m., on October 14, in the Commission's Hearing Room, Postal Rate Commission, 2000 L Street NW., Suite 500, Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 81-29679 Filed 10-9-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18137; File No. SR-BSE-81-8]

Boston Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Proposed change by Boston Stock Exchange, Inc., relating to the regulation of specialists. Comments requested on or before November 3, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 3, 1981, the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed changes as described in Item I, II, and III below, which Items have been prepared by the self-regulatory organizations. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement on the Terms of Substance of the Proposed Rule Change

I. It is proposed to renumber Chapter XIIA as Chapter XII and rescind present Chapters XIIB, XIIC, XIII, and XIV. Chapter XV has been revised to include:

(a) An "affirmative" obligation that a Specialist engage in a course of dealings for his own account to assist in the maintenance, insofar as practicable, of a fair and orderly market;

(b) "Negative" obligations that restrict a Specialist's dealings so far as practicable to those reasonably necessary to maintain a fair and orderly market;

(c) Provisions stating the responsibilities of a Specialist acting as a Broker in securities in which he is registered;

(d) Procedures to provide for effective and systematic surveillance of Specialists' trading activity.

II. Self-Regulatory Organizatrion's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The proposed amendments dealing with the regulation of Specialists on the Exchange anticipate the effectiveness of an order of the Commission which will modify the current exemptions from a Commission rule requiring national securities exchanges to have rules regulating their specialists. In Release 34-17855 dated June 11, 1981 the Committee announced its intent to issue an order which would subject regional exchanges on and after October 1, 1981 to the provisions of Rule 11b1 of the Securities Exchange Act of 1934. In adopting this rule in 1964, the Commission specifically exempted certain exchanges (and their specialists) from its operation. The proposed order is based on the Commission's belief that because regional exchanges provide the primary exchange markets for their regional listings, they are in a position analagous to that of the New York Stock Exchange of American Stock Exchange with respect to securities listed on those exchanges, since the quality of markets in these regional listings are affected significantly by the peformance of the regional specialists, the Commission deems it appropriate that the regional exchanges have in place obligations and procedures which are designed to assure fair and orderly markets in those securities.

Upon review of its rules the Exchange found that many but not all of the requirements of Rule 11b1 were already in place. In an effort to incorporate in one chapter the affirmative and negative obligation of specialists and their responsibilities when acting as a broker in securities in which they are registered, certain rules have been rewritten, while others, no longer relevant to the current trading environment, have been rescinded.

The proposed rule changes do not alter the minimum capital requirements of a specialist, contained in Chapter XXII Sec. 2 of the Rules or current procedures which provide effective and systematic surveillance of specialist trading activities.

(b) The proposed rule changes are consistent with Section 6(b)(1) of the Act, since they relate to the capacity of the Exchange to carry out the purposes of the Act, to enforce compliance by its members with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Boston Stock Exchange, Inc., does not believe the amendment imposes any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.

No comments have been received from members or others.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before November 17, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By the order approve such proposed change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington DC 20549. Copies of the submission, all subsequent amendments, all written statements with repect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 1, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29508 Filed 10-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18151; File No. SR-NASD-81-21]

National Association of Securities Dealers, Inc., Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by National Association of Securities Dealers, Inc., relating to proposed clarification of policy under the Interpretation of the Board of Governors—Review of Corporate Financing. Comments requested on or before November 3, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 18, 1981, the National Association of Securities Dealers, Inc. ("Association") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association has adopted the proposed rule change to clarify the applicability of the interpretation of the Board of Governors—Review of Corporate Financing ("Corporate Financing Interpretation" or "Interpretation") under Article III, Section 1 of the Rules of Fair Practice to certain practices which have recently evolved, to assure that the underwriting terms and arrangements of public offerings in which Association members participate are fair and reasonable, and to prevent the circumvention of the Interpretation via practices not explicitly referenced therein.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is intended to address the problem of the lack of clarity in the Interpretation with respect to certain practices which have recently surfaced. As more definitively described in the proposed rule change, these practices relate to the receipt by broker/dealers of compensation upon the exercise of warrants or other securities held by the public. These practices are unfair and unreasonable because, among other things, they typically result in broker/dealers receiving more compensation than would otherwise be viewed as reasonable in connection with a public offering. The proposed rule change is expected to resolve these problems by more clearly describing practices which are unfair and unreasonable under the Corporate Financing Interpretation.

The statutory basis for the proposed rule change is found in section 15A(b)(6) of the Securities Exchange Act of 1934, as amended.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will have an impact on competition to the extent that members and related persons who participate in the distribution of offerings involving publicly-held warrants will be subject to the requirements governing their exercise while other members of the Association and non-members will not be subject to such constraints. The Association believes, however, that any burden resulting from the proposed rule change is necessary in light of the regulatory objectives sought to be achieved in furtherance of the Association's obligations under the Securities Exchange Act of 1934.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abroqate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should

be submitted on or before November 23, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 5, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29570 Filed 10-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18150; SR-NASD-81-15]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

October 5, 1981.

The National Association of Securities Dealers, Inc., 1735 K Street, NW., Washington, D.C. 20006, ("NASD"), filed a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78(s)(b)(1) and Rule 19b-4 thereunder, on June 18, 1981, and an amendment thereto on August 25, 1981, to amend Part XI of Schedule D under Article XVI of its By-Laws relating to the standards for determining the criteria for inclusion in the NASDAQ quotation lists submitted to the news media. The proposed rule change authorizes the NASDAQ Committee to determine the criteria for selecting the issuers whose shares will be quoted on the National and Additional NASDAQ Lists ("Lists"). The NASD has submitted a companion rule proposal (File No. SR-NASD-81-14), setting forth the specific financial criteria to be used in determining inclusion in the Lists, which becomes effective upon issuance of this order by the Commission approving proposed rule change SR-NASD-81-15.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 34-18082, September 4, 1981) and by publication in the **Federal Register** (46 FR 45461, September 11, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 15A of the Act and the rules and regulations thereunder.

The NASD has requested that the proposed rule change be approved prior to the thirtieth day after the date of publication of the notice of this filing. The Commission finds good cause for such accelerated approval in order to accommodate the NASD's public notice to NASDAQ issuers on October 7, 1981, and schedule for publicizing and implementation of the proposed revisions in the Lists.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29574 Filed 10-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18133; File No. S7-787]

National Market System Securities; Filing of Proposed Designation Plan

October 1, 1981.

On July 24, 1981, pursuant to Rule 11Aa2-1 [1] under the Securities Exchange Act of 1934 (the "Act") the National Association of Securities Dealers ("NASD") filed with the Commission its proposed "National Market System Securities Designation Plan With Respect to NASDAQ Securities" ("Designation Plan"). Generally, the Designation Plan proposes (i) procedures for the designation of national market system securities; (ii) procedures for determining substantial compliance with the "Tier 2" criteria established in the rule; (iii) maintenance criteria for national market system securities; (iv) procedures and criteria for terminating or suspending the designation of securities; and (v) procedures for publication of lists of designated securities.[2]

With respect to its procedures for designating national market system securities, the NASD will review all NASDAQ securities as of each qualification date [3] to determine if those securities are subject to the "Tier 1" criteria contained in paragraph (b)(4)(i) of the rule ("mandatory designation criteria"). In addition, an issuer whose securities do not meet the mandatory designation criteria may apply for voluntary designation by filing an application with the NASD which provides the financial and corporate data on which the NASD can base a determination as to whether that issuer's securities meet the "Tier 2" criteria contained in paragraph (b)(4)(ii) of the Rule ("voluntary designation criteria").

A standing committee of the Board of Governors of the NASD will decide whether issuers applying for voluntary designation have substantially complied with the voluntary designation criteria. An issuer denied designation by the committee may petition that committee to review its decision, and, if the denial of designation stands, any aggrieved person may appeal that denial to the Board of Governors of the NASD.

The NASD also has proposed maintenance criteria which a national market system security must substantially meet to retain its designation. Specifically, those criteria require that the security have 200,000 publicly-held shares with a market value of $2,000,000, and that the issuer either have had annual net income of $200,000 the previous fiscal year (or in two of the last three fiscal years) or have net worth of at least $2,000,000. In addition, the security must have at least three authorized NASDAQ market makers and the dollar value of shares traded within the previous year must have been at least $1,000,000.

With respect to the procedure for terminating or suspending the designation of securities, a security which falls below the mandatory designation criteria will remain designated until it falls below the maintenance criteria or until the issuer requests termination of designation. Similarly, a security voluntarily designated upon application of the issuer will remain designated as long as it meets the maintenance criteria or until the issuer requests that the designation be terminated. If the NASD determines that a security no longer substantially complies with the maintenance criteria, the issuer will be notified that the termination of designation will become effective in 10 business days. An issuer then would have appeal rights identical to those afforded when the NASD initially denies an application for designation.

Finally, the Designation Plan provides that the NASD will release additions and deletions to the list of designated securities daily, and, periodically, but not less than three times a year, will

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[1] 17 CFR 240.11Aa2-1 (the "Rule").

[2] The Commission today also has published a number of proposed changes to the rule that the NASD has petitioned the Commission to adopt. Securities Exchange Act Release No. 18131 (October 1, 1981). The NASD's Designation Plan, however, is based upon the rule as currently formulated. In the event the Commission adopts the NASD's proposed rule amendments, any necessary corresponding changes to the Designation plan would have to be adopted.

[3] "Qualification date" is defined in subsection (a)(9) of the rule to mean, initially, the effective date of subsection (b) of the rule, and, thereafter, the last business day of each calendar quarter.

provide a complete list of designated securities.

Publication of notice of the submission of the Designation Plan is expected to be made in the **Federal Register** during the week of October 5, 1981. In order to assist the Commission in determining whether to approve the Designation Plan, interested persons are invited to submit written data, views and arguments concerning the submission within 30 days from the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. Reference should be made to File No. S7-787.

Copies of the submission, all written statements with respect to the Designation Plan which are filed with the Commission, and all written communications relating to the amendment between the Commission and any person, other than those which may be withheld from the public,[4] will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20549.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29571 Filed 10-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22220; 70-5543]

New England Electric System and New England Energy, Inc.; Proposed Investment by Fuel Subsidiary in Existing Oil and Gas Exploration and Development Partnership

October 5, 1981.

New England Electric System ("NEES"), a registered holding company, and New England Energy Incorporated ("NEEI"), 25 Research Drive, Westborough, Massachusetts 01581, a fuel subsidiary of NEES, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended pursuant to section 6(a), 7, 9(a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and rules 43 and 45(c) thereunder.

By order dated October 30, 1974 (HCAR No. 18635), NEES was authorized to organize NEEI, acquire its capital stock and make investments (including subordinated notes) in NEEI of up to $20,250,000 through July 31, 1976, and NEEI was authorized to enter into a partnership agreement ("Agreement") with Samedan Oil Corporation ("Samedan"), a wholly owned subsidiary of Noble Affiliates, Inc., to explore for oil and gas in the continental United States ("partnership"). NEEI's long range objective was to produce the equivalent of 4 million barrels of oil per year by the late 1980's. Under the 15-year plan for the NEES system ("NEESPLAN"), NEEI's objective is the production of 5.5 million equivalent barrels per year by 1996. By accomplishing its NEESPLAN objectives, NEEI hopes to contribute to a major reduction in the reliance of the NEES system on foreign oil.

The basic features of the Agreement with Samedan include the following: (1) Samedan acting as managing partner; (2) a limitation on the geographical scope of the Partnership's activities to the continental United States (including Alaska), both onshore and offshore; (3) each partner having a fifty percent interest in the Partnership, with NEEI paying a larger share of the costs of exploration (to compensate Samedan for its expertise in running the Partnership as well as for Samedan's accumulated geological and geophysical work in evaluating prospects); (4) each partner sharing equally the costs of development and production of successful prospects; (5) each partner being entitled to take in kind or sell one-half of the Partnership production of oil and gas (with NEEI also having a first call to purchase Samedan's share of oil produced from any prospect); (6) the Partnership being terminable by either partner at the end of any calendar year on sixty day's prior notice and (7) Samedan placing into the Partnership 100% of any and all interests which it or any of its affiliates shall acquire in new oil and gas leases located in, or offshore of, the continental United States (including Alaska).

Most of NEEI's activities in oil and gas exploration and development to date have been carried out through the Partnership with Samedan. However, by order dated December 30, 1980 (HCAR No. 21862) NEEI was authorized to participate in a similar venture with Dorchester Exploration, Inc. ("Dorchester").

By order dated July 19, 1978 (HCAR No. 20632), NEEI was authorized to sell fuel oil to New England Power Company ("NEP"), an affiliate, pursuant to a fuel purchase contract, which included, among other things, a provision that the price of fuel oil sold by NEEI to NEP would be adjusted by the difference between the proceeds from the sale of NEEI production to nonaffiliates and the costs related to such production.

By order dated August 24, 1981 (HCAR No. 22175), the Commission authorized NEEI to enter into a revolving credit and term loan agreement with Bank of Montreal ("Bank Loan"). The terms of the Bank Loan provide for borrowings by NEEI under the revolving credit portion up to a total outstanding of $400 million through at least December 31, 1984. In that proceeding the Commission also extended through the term of the Bank Loan the authority for NEES to invest up to $45 million in NEEI. NEEI was authorized to use such investments to finance its procurement and inventory activities and to finance fuel exploration and development activities with Samedan and/or other parties.

By order dated December 29, 1979 (HCAR No. 21365), NEEI was authorized (1) to enter into an amendment to the Agreement with Samedan, which amendment extended the term of the Agreement through December 31, 1984, and (2) to invest in the Partnership a maximum amount of $30,000,000 for exploration, development or any other purpose from January 1, 1980, through December 31, 1980, which amount for said period was increased to $60,000,000 in the Commission's order of August 7, 1980 (HCAR No. 21673). By order dated December 31, 1980 (HCAR No. 21864), the Commission authorized NEEI to invest in the Partnership from January 1, 1981 through December 31, 1981 a maximum of $75 million for exploration and development.

This authorized amount was based on the best estimates of NEEI and Samedan, developed during the summer and fall of 1980, as to requirements for 1981. On the basis of actual experience through August 31, 1981 and near term estimates for the remainder of 1981, it is now clear that the investment required of NEEI to complete the Partnership's program for 1981 will be substantially in excess of $75 million.

In order to provide for these additional requirements, NEEI is now seeking Commission authorization of investments of up to $135 million by NEEI in the Partnership for the period beginning November 1, 1981 and extending through December 31, 1982. It is estimated that approximately $110 million will be for exploration and $25 million for development of successful prospects. The need for the additional funds is due in part to an unusually high degree of success in a bidding on Federal leases of properties in the Gulf of Mexico which were viewed very favorably by Samedan. The acquisition

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[4] See 17 CFR 240.24b-2.

of 13 leases at a cost to NEEI of approximately $22 million was an unusually large expenditure which increased actual expenditures beyond the amount estimated for the period.

NEEI has invested a total of about $204 million in the Samedan and Dorchester Partnerships through July 1, 1981. NEEI's share of the total proved and probable reserves discovered by both Partnerships through July 1, 1981, including 2.05 million equivalent barrels of production, was 14.25 million equivalent barrels. Costs associated with these reserves, including capital costs and costs associated with production, totalled about $223 million or a current average cost per barrel of $15.63. NEEI production and revenues through June 30, 1981, were about 2.05 million equivalent barrels and about $29 million, respectively. This production has resulted in about $5 million of savings in fuel costs for customers of the NEES system. The entire savings are attributable to the Samedan Partnership.

The financing for the proposed investment will consist of (1) additional funds from NEEI's Bank Loan, borrowings thereunder being $134 million at August 31, 1981 with total borrowings of $180 million anticipated by December 31, 1981, leaving $220 million available through 1984; (2) continued investment by NEES in NEEI through the acquisition of subordinated notes or common stock, with NEES' outstanding investment at $44 million as of August 31, 1981, and with investments of $40 million anticipated at December 31, 1981; (3) additional funds from the receipt of the cash equivalent of reduction in consolidated tax liabilities as a result of the inclusion of NEEI's losses in the consolidated tax returns of the NEES system, it being estimated that NEEI will receive approximately $35 million from other NEES system companies in 1981; and (4) funds from the sale of NEEI production under the terms of the order of July 19, 1978 (HCAR No. 20632), NEEI presently expecting to recover approximately $55 million of its investment in this manner in 1982.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 29, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice of order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29753 Filed 10-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22221; 70-6638]

Northeast Utilities and Holyoke Water Co.; Proposed Issuance of Notes to Banks by Subsidiary, Guaranty by Parent Company, and Open Account Advances and Capital Contributions by Parent to Subsidiary

October 5, 1981.

Northeast Utilities ("NU"), 174 Brush Hill Avenue, West Springfield, Mass. 01089, a registered holding company, and Holyoke Water Power Company ("HWP"), One Canal Street, Holyoke, Mass. 01040, a wholly-owned subsidiary of NU, have filed an applicaton-declaration and an amendment thereto with this Commission pursuant to Sections 6, 7 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50 promulgated thereunder.

HWP proposes to enter into an unsecured, multi-bank revolving and term loan credit agreement ("Credit Agreement") under which HWP would borrow through October 31, 1988 up to an aggregate principal amount of $28,000,000 from BayBank Valley Trust Company of Springfield, Massachusetts, individually and as agent, and seven other banks ("Banks"). During the revolving period HWP will have the right to reduce the amount available under the Credit Agreement at any time and from time to time on at least five days notice. The Credit Agreement requires HWP (i) to maintain a minimum Tangible Net Worth of at least $14,000,000, (ii) to obtain $6,000,000 of advances or capital contributions from NU as described below, and (iii) to limit dividends to NU and total indebtedness of HWP as specified in the Credit Agreement. Amounts borrowed under the term loan are expected to be repaid from internal generation of cash, issuance of first mortgage bonds or other long term debt securities by HWP or from additions to HWP's equity through capital contributions and/or otherwise.

Borrowings under the Credit Agreement will be on a revolving basis during the first three years and will be due three years after the Credit Agreement is executed unless HWP elects to convert amounts which may be borrowed under the Credit Agreement into the term loan hereinafter described. At the end of three years, HWP may elect to convert all or a portion of the amount which may be borrowed under the Credit Agreement (whether or not such amounts are then outstanding) to a term loan, under which the aggregate principal amount of the term loan will be due in four equal annual installments of principal. Interest under the Credit Agreement will be at the following rates, payable quarterly in arrears: (i) For the first three years, at a rate equal to the initial Base rate (the prime rate at Bay Bank Boston, N.A.), from time to time in effect, (ii) for the fourth through sixth years, at a rate equal to 103% of the Base Rate from time to time in effect, and (iii) for the seventh year until maturity, at a rate equal to 105% of the Base Rate from time to time in effect. HWP will pay the Banks a commitment fee of ½ of 1 percent per annum, commencing on the date the Credit Agreement is executed, on the daily average of the unused amount available under the Credit Agreement, payable quarterly. The effective cost of borrowing assuming full use of the credit line and a prime rate of 20 percent, would be 20 percent for the first three years, 20.6 percent for the fourth through sixth years, and 21 percent for the seventh year. On the execution of the Credit Agreement, HWP will pay to the Agent a one-time Agent's fee for arranging the credit and for serving as agent under the Credit Agreement, in the amount of $70,000. Any borrowing may be repaid in whole or in part without penalty. During the revolving period any amounts repaid may be reborrowed.

The Banks have requested NU to execute and deliver an NU Undertaking in support of the Credit Agreement. The NU Undertaking requires NU to provide $6,000,000 to HWP either as open account advances or as capital contributions on an agreed schedule. The schedule requires NU to provide such funds in the following incremental amount no later than the dates indicated:

Amount	Date
$3,000,000	Dec. 31, 1981.
$2,000,000	Dec. 31, 1982.
$1,000,000	Dec. 31, 1983.

By Order dated June 3, 1981 (HCAR No. 22077), the Commission authorized NU to make, up to June 30, 1982, open account advances to HWP in amounts not to exceed $6,000,000, and to convert all or any portion of such advances to capital contributions. NU seeks authorization to extend the period for making such advances and capital contributions through December 31, 1981. Any such advances, together with all other indebtedness to NU of HWP or HWP's subsidiary, Holyoke Power & Electric Company, are to be subordinated, in accordance with the terms of the NU Undertaking, to the prior repayment of all of HWP's obligations to the Banks and to expenses of collection.

HWP will use the loan funds to finance construction, to provide interim financing for conversion of HWP's Mt. Tom plant from oil to coal and to finance fossil fuel inventories and accounts receivable related to the recovery of fuel costs, and for other corporate purposes.

NU proposes to enter into a guaranty of HWP's obligations under the Credit Agreement ("NU Guaranty") until certain conditions specified in the NU Guaranty are satisfied, provided that the maximum amount for which NU may be liable will not exceed the lesser of $11,000,000 or the amount by which (i) the aggregate amount of money which HWP shall have expended in accomplishing the Mt. Tom Conversion exceeds (ii) the sum of (A) the cumulative amount of HWP's revenue collections under the Oil Conservation Adjustment, less federal and state income taxes paid or payable with respect to such collections, and (B) the amount of any proceeds of any pollution control notes or bonds issued for the purpose of financing a portion of the cost of the Mt. Tom Conversion that shall have been disbursed for the benefit of HWP by the trustee holding such proceeds.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 29, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29572 Filed 10-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18136; File No. SR-PSE-81-17]

Pacific Stock Exchange, Inc.; Self-Regulatory Organization; Proposed Rule Change

Proposed rule change by Pacific Stock Exchange, Incorporated, relating to short selling by Exchange members. Comments requested on or before November 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 10, 1981 the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE") proposes to amend its Rule III, Section 9, of the Rules of the Board of Governors to incorporate amendments adopted by the Securities and Exchange Commission to Rule 10a-1 which will permit a broker-dealer, under certain specified circumstances, to effect short sales of a security at a price equal to the price associated with that borker-dealer's most recently communicated offer for that security.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On November 20, 1980, the Securities and Exchange Commission announced the adoption of amendments to its rule governing short sales (Rule 10a-1) in order to eliminate conflicts between that rule and its rule governing firm quotations (Rule 11Ac1-1). The amendments modify Rule 10a-1 to permit a broker-dealer, under certain specified circumstances, to effect short sales of a security at a price equal to the price associated with that broker-dealer's most recently communicated offer for that security.[1]

The proposed rule change would modify PSE Rule III, Section 9, to include the amendments adopted by the Securities and Exchange Commission. In addition, the proposed rule, as amended, prohibits Registered Specialists and Market Makers on the PSE from utilizing the equalizing exemption in circumstances where the Board of Governors determines that short sales in a security for which trades are reported in a consolidated system shall be effected based upon the last sale of such security, regular way, on the PSE.

The proposed rule change is consistent with section 6(b) of the Securities Exchange Act of 1934, in general, and furthers the objectives of section 6(b)(5) of the Act, in particular, in that it prevents fraudulent and manipulative acts and practices, promotes just and equitable principles of trade, and protects investors and the public interest.

(B) Self-Regulatory Organization's Statements on Burden on Competition

The Exchange does not believe that the proposed rule change imposes any burden on competition.

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[1] The PSE has also withdrawn a previous proposed rule change (SR-PSE-76-30) relating to short sales (Securities Exchange Act Release No. 12800, September 15, 1976, 41 FR 41487, September 22, 1976).

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before November 17, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 1, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29569 Filed 10-9-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5369]

Ibero-American Investors Corp.; Conflict of Interest Transaction

Notice is hereby given that Ibero-American Investors Corporation, 55 Saint Paul Street, Rochester, New York 14604, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. 661 *et seq.*), have filed an application with the Small Business Administration, pursuant to Section 312 of the Act and covered by § 107.1004(b)(1) of the regulations governing small business investment companies (SBICs/Licensees) (15 CFR 107.1004 (1981)), for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

The Licensees propose to make a $20,000 loan to Mr. Jaime Santiago and Mrs. Carmen Encarnacion. Mr. Santiago is considered to be an Associate of the Licensee under Section 107(3)(h) of the regulations as Mr. Santiago's wife is an employee of the Ibero-American Action League, Inc., the parent of the Licensee.

Notice is hereby given that any interested person may, on or before October 23, 1981, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Rochester, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 6, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81-29585 Filed 10-9-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2012]

New York; Declaration of Disaster Loan Area

Jefferson County and adjacent counties within the State of New York constitute a disaster area as a result of damage caused by heavy rains and flooding which occurred on August 7–11, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 7, 1981 and for economic injury until the close of business on July 5, 1982 at:

Small Business Administration, District Office, Federal Building, Room 1073, 100 South Clinton Street, Syracuse, New York 13260

or other locally announced locations.

For recent changes in disaster loan eligibility see 46 **Federal Register** 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 2, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-29593 Filed 10-9-81; 8:45 am]

BILLING CODE 8025-01-M

Request for Comments on Credit Needs of Small Business

Pursuant to Title IV (Section 404) of Pub. L. 96-302, Congress has requested the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation in consultation with the Administrator of the Small Business Administration and the Bureau of Census to conduct such studies of the credit needs of small businesses as may be appropriate to determine the extent to which such credit needs are being met by commercial banks.

To complement this study, and pursuant to Pub. L. 94-305, Sec. 202, paragraph 5, we are requesting the following information from the small business community to ascertain their views of the lending practices of commercial banks.

Interested parties are given until the close of business December 1, 1981, to submit their comments.

Written comments are to be transmitted to Frank S. Swain, Chief Counsel for Advocacy, Small Business Administration 1441 L Street NW., Washington, D.C. 20416. For further information, please contact Gerald L. Feigen, Associate Advocate for Capital Formation and Venture Capital or Steve Stanalonis at (202) 653-7584.

Information is being sought by the Small Business Administration (SBA) on the flow of credit to small businesses and on the role of the commercial banking industry and other financial institutions in the provision of credit to small businesses.

We are seeking this information from the small business community so that the users of credit from the commercial banking system will be given an opportunity to voice their concerns and suggestions.

Please answer the following suggested questions. A complete response to these questions would be helpful, however,

we will accept any information volunteered on the subject.

1. How well have local and nonlocal commercial banks met your business credit needs in recent years? Please provide a short description.

2. What difficulties, if any, has your business had in obtaining bank credit?

3. Do you believe that the characteristics of a bank (e.g. size of a bank, whether it is headquartered locally or other) affect its willingness or ability to meet your business' credit needs?

4. Do any specific policies or characteristics of a bank affect its willingness or ability to meet your business' credit needs?

5. What experience has your business had with government loan or loan guarantee programs? What suggestions would you make regarding these programs?

6. Please make any other specific comments or recommendations concerning how the commercial banks can make improvements in meeting your short-term and long-term credit needs.

Please furnish the following information about your business:

a. What is your form of business organization?

1. Proprietorship.
2. Partnership.
3. Corporation.

b. Please classify your major business activity using one of the categories. If more than one applies, please indicate only the one contributing the most to your gross sales or total revenues.

1. Retail trade-franchise.
2. Retail trade-other.
3. Construction.
4. Service.
5. Wholesale trade.
6. Commodity dealers.
7. Reality firms.
8. Manufacturing.
9. Mining.
10. Security brokers/dealers.
11. Transportation.
12. Other (specify).

c. During your last fiscal year, what were your gross sales or revenues, net of sales taxes and other excise taxes?

d. How many employees do you have including yourself? (Number of full-time equivalents)

e. What were the total assets of your business for the most recent fiscal year end?

f. What is the location of your business?

1. Rural.
2. Small Town (under 25,000 population, non-SMSA).
3. Suburban.
4. Urban.

Dated: October 7, 1981.

Frank S. Swain,

Chief Counsel for Advocacy.

[FR Doc. 81-29594 Filed 10-9-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-81445]

Integrated Services Digital Network (ISDN) Working Party on the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on October 21 at 10:30 a.m. in Room 1408 to the Department of State, 2201 C Street, N.W., Washington, D.C. This Working Party deals with the evolution of ISDN as it is being considered by CCITT Study Group XVIII.

The agenda for the October 21, meeting will include consideration of the following:

1. Report of June meeting of Study Group XVIII;
2. Status of Work and contributions to the Working Parties 1 and 2 of Study Group XVIII;
3. Any other Business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to October 21, members of the general public who plan to attend the meeting so advise Mr. Richard H. Howarth, Department of State, telephone number 632-1007. All non-government attendees must use the C Street entrance to the building.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-29597 Filed 10-9-81; 8:45 am]

BILLING CODE 1407-07-M

[Public Notice CM 8/446]

Shipping Coordinating Committee Subcommittee on Safety of Life at Sea; Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Thursday, October 29, 1981 in Room 3201 of US Coast Guard Headquarters, 2100 2nd St., SW, Washington, D.C. 20593.

The purpose of the meeting is to finalize preparations for the 12th Session of the Assembly of the Intergovernmental Maritime Consultative Organization (IMCO), related council meetings, and for the 45th Session (expanded) of the IMCO Maritime Safety Committee (MSC), all of which are scheduled during the period November 9-20, 1981 in London. In particular, the SHC will discuss the development of US positions dealing with, inter alia, the following topics:

Assembly—Consideration of committee reports.

—report of the Council to the Assembly.

—election of members of the Council.

MSC—amendments to 1974 SOLAS.

—Amendments to the 1978 Protocol to 1974 SOLAS.

Members of the public may attend up to the seating capcity of the room.

For further information contact Mr. Gerard P. Yoest, US Coast Guard Headquarters (G-CPI), 2100 2nd St., SW, Wash., D.C. 20593. Telephone (202) 426-2280.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 24, 1981.

[FR Doc. 81-29598 Filed 10-9-81; 8:45 am]

BILLING CODE 4701-07-M

[Public Notice CM-8/447]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The Panel on Bulk Cargoes under the SOLAS Subcommittee Working Group on Containers and Cargoes will conduct an open meeting at 10:00 a.m., Wednesday, October 28, 1981 in Rooms 3442, 4, and 6 of the Nassif Building, 7th and D Sts., SW, Washington, D.C. 20590.

The purpose of the meeting will be to discuss the proposed amendments to Appendix B of the IMCO Code of Safe Practices for Bulk Cargoes, in particular the entries for Coal, Ore Concentrate, Direct Reduced Iron (DRI), Seed Cake and Zinc Ashes.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. John F. McAnulty, U.S. Coast Guard (G-MHM), Wash., D.C. 20593, Telephone (202) 426-1577, or Captain S. Fraser Sammis, National Cargo Bureau, Inc., Suite 2757, One World Trade Center, New York, N.Y. 10048, Telephone (202) 432-1280.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 24, 1981.

[FR Doc. 81-29599 Filed 10-9-81; 8:45 am]

BILLING CODE 4701-07-M

[Public Notice CM-S/448]

Shipping Coordinating Committee Subcommittee on Safety of Life at Sea; Meeting

The National Committee for the Prevention of Marine Pollution (NC) of the Shipping Coordinating Committee will conduct an open meeting at 9:30 a.m. on Tuesday, November 24, 1981 in room 3201 of the US Coast Guard Headquarters Building, 2100 Second St., S.W., Washington, D.C. 20593.

The purpose of the meeting is to finalize preparations for the 16th Session of the Marine Environment Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled for November 30–December 4, 1981 in London. In particular, the NC will discuss the development of US positions dealing with, inter alia, the following topics:

—Status of international conventions relating to marine pollution;

—Uniform interpretation and proposed amendments of MARPOL 73/78, and

—Enforcement of conventions: violations of conventions and penalties imposed.

Members of the public may attend up to the seating capacity of the room.

For further information contact Capt. J. E. Vorbach, US Coast Guard Headquarters (G-CPI), 2100 2nd St., SW., Wash., DC. Telephone (202) 426-2280.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 16, 1981.

[FR Doc. 81-29600 Filed 10-9-81; 8:45 am]

BILLING CODE 4701-07-M

[Public Notice CM-8/449]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold the first meeting on October 29, 1981, of the Working Group on Treatment of Investment and Special Investment Problems of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 9:15 a.m. to 12 noon. The meeting will be held in Room 1207 of the State Department, 2201 C Street, N.W., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to discuss the need to reduce obstacles to investment flows, to identify the principal barriers to such flows, and to review OECD work on treatment of investment.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: September 29, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-29601 Filed 10-9-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/450]

Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on October 22 at 10:00 a.m. in Room 1207 of the Department of State, 2201 C Street, NW., Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of international digital data transmission.

The agenda for the October 22 meeting will include consideration of the following:

1. Report of Rapporteurs Meetings;
2. Consideration of delayed contributions to Study Group XVIII meeting;
3. Consideration of contribution for Study Group VII Working Parties Meetings;
4. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to October 22, members of the general public who plan to attend the meeting so advise Mr. T. de Haas, Chairman of U.S. Study Group D. Mr. de Haas can be contacted at the Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Boulder, Colorado 80303, telephone number (303) 499-1000, Ext. 3728. Persons in the Washington, D.C. metropolitan area may contact Mr. Richard H. Howarth, Department of State, telephone number 632-1007. All non-government attendees must use the C Street entrance to the building.

Dated: September 28, 1981.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-29602 Filed 10-9-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-259]

White or Irish Potatoes, Other Than Certified Seed; Tariff-Rate Quota

AGENCY: Customs Service, Treasury.

ACTION: Announcement of the quota quantity for white or Irish potatoes, other than certified seed, for the 12-month period beginning September 15, 1981.

SUMMARY: The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States (TSUS), for the 12-month period beginning September 15, 1981, is 45 million pounds.

EFFECTIVE DATES: The 1981 tariff-rate quota is applicable to white or Irish potatoes described in item 137.25, TSUS, entered, or withdrawn from warehouse, for consumption during the 12-month period beginning September 15, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Mays, Acting Head, Quota Section, Duty Assessment Division, Office of Commercial Operations, U.S. Customs Service, Washington, D.C. 20229 (202-566-8592).

SUPPLEMENTARY INFORMATION: Each year the tariff-rate quota for potatoes described in item 137.25, TSUS, is based on the estimate by the Department of Agriculture of potatoes produced during the calendar year.

The estimate of the production of white or Irish potatoes including seed potatoes, in the United States for the calendar year 1981, made by the United States Department of Agriculture as of September 1, 1981, was in excess of 21 billion pounds.

In accordance with Headnote 2, Part 8A, of Schedule 1, Tariff Schedules of the United States, the quota quantity is not increased because the estimated production is greater than 21 billion pounds.

Dated: September 29, 1981.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 81-29590 Filed 10-9-81; 8:45 am]

BILLING CODE 4810-22-M

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 8]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $321,000 has been established for the company.

Name of Company: Classified Insurance Corporation.

Business Address: Post Office Box 1407, Waukesha, Wisconsin 53187.

Incorporated in the State of: Wisconsin.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annuual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33965 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: October 5, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-29555 Filed 10-9-81; 8:45 am]

BILLING CODE 4810-35-190-M

Office of the Secretary

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that a meeting will be held at the U.S. Treasury Department in Washington, D.C. on October 27 and 28, 1981, of the following debt management advisory committee:

Public Securities Association
U.S. Government and Federal Agencies Securities Committee

The agenda for the Public Securities Association, U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on October 27 and the preparation of a written report to the Secretary of the Treasury on October 28, 1981.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5 (January 7, 1981), I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b (c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: October 6, 1981.

Roger W. Mehle,

Assistant Secretary (Domestic Finance).

[FR Doc. 81-29511 Filed 10-9-81; 8:45 am]

BILLING CODE 4810-25-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-43 (Sub-No. 62F)]

Illinois Central Gulf Railroad Co.; Abandonment Between Bemis, TN and Coffeeville, MS; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission has found that the public convenience and necessity require or permit abandonment by Illinois Central Gulf Railroad Company of its line of railroad between Milepost 474 at Bemis, TN and Milepost 600.7 near Coffeeville, MS, a distance of 126.7 miles, in Madison, Hardeman, and Fayette Counties, TN, and in Benton, Marshall, Lafayette and Yalobusha Counties, MS, subject to conditions. A certificate of abandonment will be issued permitting this abandonment unless within 15 days after this publication the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Dated: October 8, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gresham did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-29799 Filed 10-9-81; 11:56 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 197
Tuesday, October 13, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

[M-334; October 7, 1981]

TIME AND DATE: 2:30 p.m., October 14, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 39870, New York-Ottawa Proceeding. Instructions to staff. (BIA)
3. Docket 38906, *Dual authority*, to allow certificated carriers to engage in air taxi operations. (OGC, BDA)
4. Delegation of authority to the Assistant Director, Bureau of Domestic Aviation, Legal Division. (Memo 814, OGC, BDA)
5. Dockets 29044, 38048—Application by Action on Smoking and Health for a postponement of the effective date of the Board's new smoking rule pending court review. (OGC, BCCP)
6. Proposed change in the definition of commuter air carrier to exclude small mail and scheduled cargo carriers from that grouping. (Memo 816, OGC, BDA)
7. Comments on H.R. 19, a bill to provide a comprehensive program to improve cargo security. (OGC)
8. Dockets 20051 and 20700; *Airline Scheduling Committee Investigation*. (BDA, OEA, BCCP)
9. Docket 39835, Issuance of the draft order making final the award of a charter air carrier certificate under section 401(d)(3) to Gulf Air Transport, Inc. to engage in interstate and overseas charter air transportation. (Memo 722-A, BDA, OGC)
10. Docket 39683, Jet Charter Service, Inc.—Application for a section 418 All-Cargo Air Service Certificate. (Memo 818, BDA, OGC)
11. Commuter carrier fitness determination of Charlie Hammonds Flying Service, Inc. d/b/a Hammonds Commuter Airline, Hammonds Air Service, Hammonds Air Freight Service. (Memo 828, BDA)
12. Commuter carrier fitness determination of Ponderosa Aviation, Inc. (Memo 820, BDA)
13. Commuter carrier fitness determination of Imperial Airlines, Inc. (Memo 832, BDA)
14. Commuter carrier fitness determination of Flightaire, Inc. (Memo 833, BDA)
15. Commuter carrier fitness determination of Christman Trucking Corporation d/b/a Christman Air System. (Memo 834, BDA)
16. Commuter carrier fitness determination of Heussler Air Service Corporation. (Memo 822, BDA)
17. Commuter carrier fitness determination of Ryan Air Service, Inc. (Memo 827, BDA)
18. Dockets EAS-765 and EAS-792; Request for instructions on the appeals of the essential air service determinations for Berlin, New Hampshire and Newport, Vermont under section 419(b) of the small communities program. (BDA, OGC, OCCR)
19. Docket EAS-548, Essential air service at Zanesville, Ohio. (Memo 195-C, OGC, OCCR, BDA)
20. Dockets 40017 and 39994, Temporary replacement service at Modesto and Stockton. (Memo 793-A, BDA, OCCR)
21. Docket 39979, Braniff's notice of its intention to suspend all service at Atlanta, Georgia. (Memo 831, BDA, OCCR)
22. Docket 39895, Western's notice of its intention to terminate all service at Oakland. (Memo 815, BDA, OCCR)
23. Docket 32484, The Sixth Review of Class Rate IX. (BDA, OCCR, OC)
24. Docket 39203, Peninsula Airways' subsidy rate for service to Atka, Alaska, Order 81-8-15. (BDA, OCCR, OC)
25. Docket 35634, IATA agreement which, among other things, establishes, under authority of IATA's Cargo Services Conference, procedures for local agreement of charges for ancilliary services not included as part of the airport-to-airport cargo rate and charges for collection by delivering carriers of disbursements paid for services incidental to carriage of the consignment (Memo 821, BIA)
26. Docket 32629—Application of Saudi Arabian Airlines Corporation (Saudia) for renewal of its foreign air carrier permit to engage in charter foreign air transportation of property between New York, Dallas/Fort Worth, and Houston, on the one hand, and a point or points in Saudi Arabia, on the other. (Memo 254-A, BIA, OGC, BALJ)
27. Docket 39006—Application of Federal Express Corporation for U.S.-Canada all-cargo authority. (Memo 321-B, BIA, OGC)
28. Dockets 39610 et al.—Final order in the *U.S.-Middle East/Greece Show Cause Proceeding*. (Memo 464-A, BIA, OGC, BALJ)
29. Discussion on upcoming Negotiations with Canada. (BIA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1545-81 Filed 10-8-81; 3:42 pm]

BILLING CODE 6320-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

FCC to Hold a Federal-State Joint Board Meeting, Tuesday, October 13, 1981

The Commission will hold a Federal-State Joint Board Meeting on the subject listed below on Tuesday, October 13, 1981, which is scheduled to commence 1:00 P.M. in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No. and Subject

Common Carrier—1—*Title:* CC Docket No. 80-286, *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board. Summary:* The Federal-State Joint Board in this proceeding established by the Commission to recommend changes in the rules for jurisdictional separations will consider the question of separations changes in the area of terminal equipment as a separate phase of this proceeding as well as other issues in light of the comments received in response to the Joint Board's Order released June 12, 1981.

Issued: October 6, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1544-81 Filed 10-8-81; 2:57 pm]

BILLING CODE 6712-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION

October 7, 1981.

TIME AND DATE: 10 a.m., October 14, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda—734th Meeting, October 14, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3295, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District and South Columbia Basin Irrigation District

CAP-2. Project No. 3892-000, Georgia-Pacific Corp.; Project No. 4244-000, Long Lake Energy Corp.

CAP-3. Project No. 2157, Public Utility District #1 of Snohomish County, City of Everett

CAP-4. Docket No. ER81-560-000, Lockhart Power Co.

CAP-5. Docket Nos. ER81-448-000, ER81-474-000, ER81-382-000, and ER81-386-000, APS-PJM interconnection agreement, et al.

CAP-6. Docket No. ER81-575-000, Idaho Power Co.

CAP-7. Docket No. ER81-613-000, Missouri Power & Light Co.

CAP-8. Docket No. ER80-559, The Kansas Power & Light Co.

CAP-9. Docket No. ER80-421, Oklahoma Gas & Electric Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM80-6, Columbia Gas Transmission Corp.

Consent Gas Agenda

CAG-1. Docket No. RP81-137-000, Pacific Gas Transmission Co.

CAG-2. Docket No. TA82-1-20, Algonquin Gas Transmission Co.

CAG-3. Docket No. RP80-106, Trunkline Gas Co.

CAG-4. Docket No. RP80-101, Texas Gas Transmission Corp.

CAG-5. Docket Nos. RP80-55 and RP80-118, Sea Robin Pipeline Co.

CAG-6. Docket No. CI81-457-000, Exxon Corp.; Docket No. CI81-8-000, Exxon Corp.; Docket Nos. CS72-746, et al., Harry J. Strief, Jr.; Robert E. Strief, Paul Arthur Strief Trust and Paul Individual (Harry and Robert Strief), et al.; Docket No. CI81-453-000, Newmont Oil Co.; Docket No. CI80-59-002, Exxon Corp.; Docket Nos. CS81-101-000, et al., Cookson Hills Gas Corp., et al.; Docket No. CI64-1102-001, Exxon Corp.; Docket No. CI76-244-000, Mitchell Energy Corp.; Docket No. CI81-381-000, Exxon Corp.; Docket No. CI74-519-000, Mitchell Energy Corp.; Docket No. CI76-243, Westland Oil Development Corp.

CAG-7. Docket No. CI79-559, W. L. Kirkman, Inc.; Docket No. CI81-166-000, Southwest Petro Capitol Corp.

CAG-8. Docket Nos. CI78-993 and CI79-241, Gulf Oil Corp.; Docket No. CI78-616, Hondo Oil & Gas Co.; Docket No. CI81-1-000, Kerr-McGee Corp.; Docket Nos. CI78-1195, CI79-681, CI80-178 and CI80-234, Mobil Oil Exploration & Producing Southeast Inc.

CAG-9. Docket No. CP66-269, Tennessee Gas Pipeline Co., a division of Tenneco Inc.; Docket Nos. CI66-910, et al., Amoco Production Co.; Docket No. CI67-1805, the Delta Development Co., Inc.; Docket No. CI67-1806, Moise W. Dennery; Docket No. CI67-1807, Charles William Fasterling; Docket No. CI67-1808, Gertrude Jackman Fasterling; Docket No. CI67-1809, John Bernard Fasterling, III; Docket No. CI67-1810, the Louisiana Land & Exploration Co.; Docket No. CI67-1811, Joseph McCloskey; Docket No. CI67-1812, Joan B. Fasterling Meyers; Docket No. CI67-1813, Edith Fasterling McGee & Kenneth F. McGee

CAG-10. (a) Docket Nos. CP77-1, CP74-92, CP76-297, CP79-106 and CP79-197, MIGC, Inc.; Docket No. CP74-62, Colorado Interstate Gas Co.; Docket No. CP74-64, Mountain Fuel Supply Co.; (b) Docket No. CP76-274, MIGC, Inc.

CAG-11. Docket Nos. CP80-209-000, CP80-209-001, CP80-209-002, Michigan Wisconsin Pipe Line Co.; Docket No. CP81-103-000, Northern Natural Gas Co., Division of Internorth, Inc.

CAG-12. Docket No. CP81-34-000, Michigan Wisconsin Pipe Line Co.

CAG-13. Docket No. CP81-168-000, Valero Interstate Transmission Co.

CAG-14. Docket No. CP81-241-000, Great Lakes Gas Transmission Co.

CAG-15. Docket No. CP81-251-000, Southern Natural Gas Co.

CAG-16. Docket No. CP81-464-000, Consolidated Gas Supply Corp.

Regular Power Agenda

I. Licensed Project Matters

P-1. Project No. 3344, Town of Gassaway, West Virginia; Project No. 3808, Old Dominion Electric Cooperative

P-2. Project No. 4220, Puget Sound Power & Light Co.

II. Electric Rate Matters

ER-1. Docket No. ER81-341-001, Kentucky Utilities Co.;

ER-2. Docket No. ER81-550-000, Duke Power Co.;

ER-3. Docket No. ER76-819, Central Illinois Light Co.;

ER-4. Docket Nos. E-9520 and ER77-531, Illinois Power Co.;

ER-5. Docket No. ER76-530, Arizona Public Service Co.;

ER-6. Docket No. ER78-522, Virginia Electric & Power Co.;

ER-7. Docket Nos. ER81-144-000, and ER81-144-001, Upper Peninsula Power Co.

Regular Miscellaneous Agenda

M-1. Docket No. RM81-7, exemption from the licensing requirements of Part I of the Federal Power Act of certain categories of small hydroelectric power projects with an installed capacity of 5 megawatts or less

M-2. Docket No. RM80-39, regulations governing applications for license for major unconstructed projects and major modified projects; applications for license for transmission line only; and applications for amendment to license

M-3. Docket No. RM81-10, regulations governing applications for license for minor water power projects and major water power projects 5 megawatts or less

M-4. Docket No. RM81-15, revisions to regulations governing applications for preliminary permit and license for water power projects

M-5. Docket No. RM82- , amendments to regulations governing exemption from all or part of Part I of the Federal Power Act of small hydroelectric power projects with an installed capacity of 5 megawatts or less

M-6. Docket No. RM80-65, clarification of regulations governing exemption from all or part of Part I of the Federal Power Act of small hydroelectric power projects with an installed capacity of 5 megawatts or less

M-7. Docket No. QF80-28, Stieren Farms, small power production and cogeneration facilities—qualifying status

M-8. Reserved

M-9. Reserved

M-10. Docket No. RM81- , regulations implementing equal access to Justice Act

M-11. Docket No. RO80-7, Twin Montana, Inc.

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Reserved

II. Producer Matters

CI-1. Reserved

III. Pipeline Certificate Matters

CP-1. Docket No. CP75-104 (amendment of certificate), High Island Offshore System; Docket No. CP76-118 (amendment of certificate), U-T Offshore System

CP-2. Docket Nos. CP81-302-000, CP81-303-000, and CP81-304-000, Natural Gas Pipeline Co. of America; Docket No. CP81-332-000, Texas Gas Transmission Corp.

CP-3. Docket No. CP81-124-000, Pacific Interstate Transmission Co.

CP-4. Docket No. TC81-15-000, Panhandle Eastern Pipe Line Co.

CP-5. Docket No. ST81-106, Producer's Gas Co.

CP-6. Docket No. CP81-237-000, Texas Eastern Transmission Corp.

Kenneth F. Plumb,

Secretary.

[S-1541-81 Filed 10-8-81; 10:33 am]

BILLING CODE 6717-02-M

4

INTERNATIONAL TRADE COMMISSION

[USITC SE-81-31]

TIME AND DATE: 10 a.m., Monday, October 19, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:

a. Extracting plastic tubing (Docket No. 762).

5. Investigation TA-203-10 (Steel Cooking Ware)—briefing and vote.

6. Investigation 337-TA-82A (Certain Headboxes)—briefing and vote.

7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1542-81 Filed 10-8-81; 8:45 am]

BILLING CODE 7020-02-M

5

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1277]

TIME AND DATE: 7 p.m. (CDT), Thursday, October 15, 1981.

PLACE: Jaycee Pavilion, Southern Kentucky Fairgrounds, Lampkin Park, Bowling Green, Kentucky.

STATUS: Open.

Action Items

Old Business

1. Project Authorization No. 3578—Construction of the Murphy Hill, Alabama, 500-kV substation and transmission line connections.

New Business

B—Purchase Awards

*1. Amendment to Contract No. 79P38-826074 with The Babcock & Wilcox Company for atmospheric fluidized bed combustion pilot plant for Shawnee Steam Plant.

2. Financing arrangements for Western Area Radiological Laboratory at Muscle Shoals Reservation.

C—Power Items

1. New power contract with Kerr-McGee Chemical Corporation, Hamilton, Mississippi, plant.

2. Lease and amendatory agreement with Southwest Tennessee Electric Membership Corporation, covering arrangements for lease of TVA's Henderson 161-kV Substation.

D—Personnel Items

1. Renewal of personal services contract with Wyle Laboratories, Huntsville, Alabama, for engineering and related services, requested by the Office of Power.

2. Renewal of consulting contract with Dr. Menachem Luria, Jerusalem, Israel, for technical advice and counseling concerning atmospheric chemical transformation in coal-fired power plant plumes, requested by the Office of Natural Resources.

3. Renewal of consulting contract with Donald R. F. Harleman, Lexington, Massachusetts, for advice and assistance in the field of water resources and hydrodynamics, requested by the Office of Natural Resources.

4. Renewal of consulting contract with Robert B. Jansen, Mead, Washington, for consultation on the design and construction of major hydro projects and on foundation engineering problems associated with thermal power plant construction, requested by the Office of Engineering Design and Construction.

E—Real Property Transactions

1. Abandonment of a portion of the Hiwassee-Turtletown-Farner telephone line right-of-way easement affecting approximately 5.2 acres of land in Cherokee County, North Carolina—Tract No. FBTL-18.

2. Modification of highway and railroad easement allowing Reed Crushed Stone Company, Incorporated, to add the right to install a conveyor belt for handling coal and/or limestone products, affecting approximately 26 acres of Kentucky Dam Reservation land in Livingston County, Kentucky—Tract No. XGIR-811RR.

F—Unclassified

1. Designation of four Division of Finance employees to certify letter-of-credit transaction.

2. Revised TVA policy code relating to procurement of personal property and of services other than personal.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: October 8, 1981.

[S-1543-81 Filed 10-8-81; 2:04 pm]

BILLING CODE 8120-01-M

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*Item approved by individual Board members. This would give formal ratification to the Board's action.

federal register

Tuesday
October 13, 1981

Part II

Environmental Protection Agency

Pollution Control From New Motor Vehicles and New Motor Vehicle Engines

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 80, 86, and 600

[AMS-FRL 1931-1 Docket No. A-81-27]

Control of Pollution From New Motor Vehicles and New Motor Vehicle Engines; Revisions to Motor Vehicle Emission Certification Procedures

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule.

SUMMARY: This action revises the motor vehicle emission certification procedures for 1982 and later model year light-duty vehicles, light-duty trucks, and heavy-duty engines. These revisions are designed to provide specific reductions in the cost and resource requirements over the current certification program. These revisions to the motor vehicle certification program were announced by the Vice President on April 6, 1981 in an EPA notice of intent published on April 13, 1981 (46 FR 21628). Although these revisions will reduce some EPA certification oversight and some vehicle compliance testing requirements, EPA does not anticipate that they will affect air quality. These changes are interim measures designed to reduce the administrative burdens of emission certification while EPA develops and implements a new motor vehicle compliance program. In order to save time and printing costs, some nonrelated technical amendments and corrections have also been included in this rulemaking.

DATES: These regulations are effective October 13, 1981. EPA will, however, consider comments on this rule received within 30 days after publication of this notice. (See section VIII of this preamble—Public Participation).

ADDRESS: Material relevant to this interim final rule is contained in Public Docket No. A-81-27. The docket is located at the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying. Please submit written comments to: U.S. Environmental Protection Agency, Central Docket Section (A-130), Attn: Docket No. A-81-27, Waterside Mall, West Tower Lobby, Gallery I, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Thomas M. Ball, Certification Policy and Support Branch, Certification Division, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Phone: (313) 668-4280.

SUPPLEMENTARY INFORMATION:

I. Applicability

The provisions of these regulations apply to 1982 and later model year light-duty vehicles, light-duty trucks, and heavy-duty engines.

II. Background

Section 203(a)(1) of the Clean Air Act (Act) prohibits the sale, offering for sale, the introduction into commerce, the delivery for introduction into commerce, or the importation of any new motor vehicle unless the vehicle is covered by a certificate of conformity issued under regulations prescribed under sections 202 and 206 of the Act. Section 206(a)(1) of the Act directs the EPA Administrator to each year test or "require to be tested in such manner as he deems appropriate" any new vehicle submitted by the manufacturer to determine if the vehicle conforms with the regulations. Under these provisions, EPA established regulatory requirements that motor vehicle manufacturers must follow in order to obtain a certificate of conformity. These regulatory requirements constitute the EPA motor vehicle certification program. The current certification program has evolved during the past 10 years. During that time the development of emission control technology was being forced at an accelerated rate by emission standards that periodically increased in stringency. During that period of rapidly changing vehicle emission control strategies and the continuous creation of new control systems and components, it was necessary to closely control the certification of new vehicle designs to assure that production vehicles were capable of meeting emission standards throughout their useful lives.

EPA and the industry have both gained a great deal of emission control experience since the beginning of the emission control program, and the state-of-the-art of emission control components has improved. Also, the emission standards are now stabilizing. This stabilization allows for greater confidence in the control systems due to the reduction in the rate of innovation. EPA now believes that this maturity and stability should allow EPA to be more flexible in its evaluation of familiar control strategies and equipment. It should be noted, however, that technical innovation and change continue for other reasons, primarily for fuel efficiency and less costly emission control systems. For this reason the annual certification demonstration is still necessary, but perhaps on a more limited scale, until EPA develops more comprehensive changes to the motor vehicle emission compliance programs.

The industry has already conducted portions of the certification program on its own under the Abbreviated Certification Review procedure. The Abbreviated Certification Review procedure, initiated by EPA in the 1980 model year, allows the manufacturers to take certain certification actions without prior EPA approval. Manufacturers readily adopted this procedure and now routinely make decisions for many aspects of the certification program.

Given all these factors, the Agency can be reasonably well assured that no detrimental air quality impact will result from the implementation of these changes. These changes will increase, to a certain extent, the risk that some noncomplying vehicles may be produced. However, considering the need for the cost and resource savings that these changes should produce, EPA does not believe that this slight increase in risk is significant.

EPA is currently evaluating alternative methods to assure motor vehicle emissions compliance. These alternatives may, in the long term, replace the current preproduction certification program. Such a comprehensive change in the mobile source emission compliance process will require several years to develop, propose, and implement and could also require statutory changes. The revisions to the current certification program that are announced in this final rule will help reduce regulatory costs while a more cost beneficial program is developed.

III. Description of Changes

Many of the changes described below discuss the transfer of the responsibility for conducting portions of the certification program from the Agency to the industry. To maintain consistency throughout the certification program these transfers of responsibility will be accomplished using the provisions of the Abbreviated Certification Review process (§ 86.080-12). The regulations published today will specify that the Administrator is to take certain actions. Then under § 86.080-12(a)(3)(ii) the Administrator will allow the manufacturers to assume the responsibility for some of these actions. The use of this approach allows the Administrator to transfer an engine family to the complete review procedure if it can be shown that the manufacturer has acted inappropriately. EPA can be confident that any errant manufacturer can be dealt with individually without the necessity of restricting the

flexibilities extended to the remainder of the industry. As pointed out above the use of this approach requires that the regulations be written specifying that the Administrator take certain actions. In this preamble, however, where it is intended that the manufacturer assume the responsibility for a certain action under § 86.080-12(a)(3)(ii) we have opted, for clarity, to simply state that the manufacturer will take the action.

A. General Changes

1. Broaden engine family definition:

Section 86.082-24(a)(1) establishes the concept of segmenting a manufacturer's product line into test groups (engine families) based on expected emissions characteristics. Section 86.082-24(a)(2) goes further by establishing a list of mandatory parameters that must be identical if engines are to be included in the same engine family. Additional discretionary parameters that may be used to further subdivide engine families are listed in § 86.082-24(a)(3).

Modern emission control system technology depends more on auxiliary after-treatment devices (catalysts) than on minor variations in basic engine design. It has therefore become appropriate to increase the flexibility allowed in considering the minor dimensional parameters contained in the present mandatory engine family criteria. These criteria will, however, still be available as discretionary criteria for use in defining an engine family at the manufacturer's option. The change involves moving the following parameters from mandatory criteria to optional criteria:

(1) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(2) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

In the particular cases where engine families are otherwise the same, the removal of these parameters as mandatory family determinants will allow the combination of these engine families, thus reducing testing and paperwork costs. This will also facilitate carryover of data from previous model years if the manufacturer makes minor changes to the engine.

2. Allow implementation of running changes without prior EPA approval:

Under current requirements, if a manufacturer intends to add a vehicle to an engine family that has already been certified (§ 86.079-32), or if it intends to make changes to currently certified vehicles that may affect emissions (§ 86.079-33), the manufacturer must request EPA approval for the change. Following this submittal the Administrator evaluates the change and establishes testing requirements if necessary. If this testing is successful, the Administrator approves the change and the manufacturer may then implement the change in production. These changes during production are called "running changes."

With the advent of the Abbreviated Certification Review procedure, manufacturers have been encouraged to evaluate their proposed changes and determine and conduct what they consider to be appropriate testing. This has allowed manufacturers to submit completed running change packages (including appropriate test data) to EPA with requests for approval of the changes. EPA personnel then review these requests and approve them if the changes are acceptable. This procedure has been very successful and the manufacturers have developed and demonstrated the ability to establish satisfactory test requirements for approving changes.

This rule change will allow manufacturers to add vehicles to a certified engine family and to implement running changes without prior EPA approval. The manufacturer will be responsible for determining that all vehicles still comply with emission standards following implementation of any running change. The manufacturer's determination may be based on either an engineering evaluation of the change and/or emission test data. The manufacturer will be required to notify EPA of all running changes as they are approved for implementation and supply EPA with the documentation necessary for updating the application for certification. EPA will retain the right to specify additional test vehicles and/or conduct confirmatory testing for any vehicle addition or running change. If EPA requires additional data, the manufacturer will have 30-days to provide these data or rescind the addition or change. EPA may grant an extension to this time limit if necessary.

If, by reviewing or auditing a manufacturer's documentation and data, by requiring additional and/or confirmatory testing, or based on any other information, EPA determines that the manufacturer has added vehicles to its product line, implemented running changes, or implemented combinations of running changes that result in the vehicles affected by these additions or changes to fail to comply with the emission standards, EPA will notify the manufacturer to rescind the addition, change, or changes immediately. As is currently provided in § 86.079-34(d), the manufacturer would be deemed to have consented to recall all vehicles approved under this proposal, and subsequently found not in compliance with the emission standards.

Under the Abbreviated Certification Review procedure, manufacturers have routinely evaluated running changes and determined test requirements for running change approval. Therefore, EPA does not anticipate this change will significantly increase noncompliance risks.

The major benefit to manufacturers that should result from this change is the ability to implement production changes without advance EPA approval. This should result in better production planning translating into reduced cost. This change will also benefit EPA in that less resources will be required to review and approve the substantial number of running changes submitted each year.

3. Expanded zero-mile limits:

"Zero miles" is currently defined in § 86.078-2 as "that point after initial engine starting (not to exceed 10 miles of vehicle operation, or one hour of engine operation) at which normal assembly line operations and adjustments are completed."

Under this definition of "zero miles," only the first emission test performed on a given vehicle can be considered the zero-mile test, even if the test is invalid. Consequently, if the first test is invalidated, the manufacturer may not have accurate zero-mile test results and may have to run extra backup vehicles to ensure that one vehicle is representative of design intent. In addition, manufacturers frequently have to make special shipping arrangements in order to get the vehicle from the point of assembly to the testing laboratory without exceeding the 10-mile limit. This usually means trailering the vehicle instead of driving it, resulting in unnecessary increased vehicle handling costs.

This action changes the definition of "zero miles" to expand the limits to 100 miles and three (3) hours and permits retesting within these limits until one valid test is achieved. For heavy-duty engines, this action will expand the number of hours an engine may accumulate prior to initiation of service accumulation from one (1) to six (6) hours.

The present definition of "zero-miles" hampers the efficient handling, initial testing, and mileage accumulation start-up of the manufacturer's certification test vehicles. Under this change, manufacturers will be able to efficiently move their test vehicles within and between their various assembly and

testing facilities. Also, sufficient testing (one valid test) may be conducted to ensure that test vehicles and engines conform to manufacturers' design intent. If a manufacturer determines that a test vehicle must be recalibrated following the initial zero-mile test, he will be able, under this change, to perform an additional valid zero-mile test to confirm the new calibration's performance. This expansion of the zero-mile limits should reduce the administrative and cost burdens of this portion of the current process without significantly increasing the risk of vehicle noncompliance.

The benefit to the industry would be the increased flexibility and reduced cost involved in the physical manipulation of test vehicles and in the identification and correction of prototype vehicle assembly problems.

4. Mileage accumulation fuel specifications tied to in-use survey:

Section 86.113–79 contains the specifications for mileage accumulation fuels for gasoline-fueled and diesel light-duty vehicles and light-duty trucks (similar sections exist for heavy-duty engines). These specifications were established to ensure that mileage accumulation fuels would be typical of in-use fuels and that manufacturers did not attempt to bias their emission test data by accumulating mileage using special fuels.

The minimum lead content specification contained in the present leaded mileage accumulation fuel requirements needs to be updated to ensure that mileage accumulation fuels continue to accurately reflect in-use fuels and to ensure that acceptable mileage accumulation fuels are readily available to all manufacturers. Rather than continually revising the existing regulatory specifications to reflect lead content in current fuels, this action will base the minimum lead content specification on a periodic in-use fuel survey. This practice ensures that these fuels will represent in-use fuels and be easily obtainable.

This change would require the leaded gasoline used for service accumulation to contain an amount of lead equal to or greater than the average lead content of commercially available regular leaded gasoline found in the periodic fuel survey specified by the Administrator.

The benefit of this change to the industry will be decreased fuel costs and increased ease of obtaining mileage accumulation fuel. This change primarily affects heavy-duty manufacturers since few light-duty vehicles still use leaded fuel.

5. Modify the requirement for certain optional equipment to be installed on certification test vehicles:

Section 86.082–24(g)(3) requires that all optional equipment with over a 33 percent installation rate that may affect emissions be actually installed on test vehicles. This requirement was established to ensure that the test vehicles represented production vehicles as accurately as possible.

This rulemaking allows manufacturers more flexibility in the installation of optional equipment on certification test vehicles. This change will allow manufacturers, at their option, to determine by test data or engineering evaluation that the actual installation of certain optional equipment presently required to be installed on test vehicles does not affect the emissions or fuel economy values generated by these vehicles and, as a result, need not be actually installed. The weight of the options will still be required to be represented in the weight of the test vehicles. This change in no way affects the 10 percent increase in road-load horsepower used to represent air-conditioning which will continue to be handled as it is presently. The engineering evaluation, including any test data, used to support the deletion of optional equipment from test vehicles must be maintained by the manufacturer and be available to EPA upon request. The benefit to the industry of this change would be reduced cost due to reduced equipment installation and reconfiguration expenses.

6. Modify the requirements for test vehicle information and data submittal:

Section 86.082–26(a)(7) makes it necessary for the manufacturer to notify EPA of the existence of all test vehicles prior to the initiation of mileage accumulation. Under the current Abbreviated Certification Review process, the manufacturers notify EPA of the existence of all potential certification vehicles by the submittal of selected vehicle information and test data, when applicable, at the zero-mile point. The deadlines for data reporting are contained in § 86.082–26(a)(6)(i) which requires that all test data be air posted to EPA within 24 hours or delivered within three working days.

This change will delete the zero-mile vehicle reporting requirement. The manufacturer will not be required to report the existence of a test vehicle or provide information or data until the vehicle generated data that are intended for use in the certification process. This would likely occur after the 5,000-mile test point for a durability-data vehicle and after the first emission-data test for an emission-data vehicle. After this testing takes place and the manufacturer determines that these data will be used in the certification process, the manufacturer would be required to notify EPA of the existence of the vehicle and to assemble and maintain the necessary vehicle information and a complete vehicle test and maintenance history. This information would be available for EPA audit and would become part of the manufacturer's application for certification.

This change should relieve manufacturers of the responsibility for assembling and reporting the necessary information and test data for vehicles that are ultimately not used in the certification process. The reduction in the manufacturers' reporting requirements also reduces the data available for EPA to use in its evaluation of the manufacturers' products. The deletion of this reporting requirement will not, however, significantly increase the risk of noncompliance over that of the present requirement. All required test vehicles will still have to demonstrate compliance with the standards. The most significant risk is that a manufacturer will have a marginally noncomplying design which it insignificantly recalibrates and retests, following a failing test, hoping to pass the retest due to the vehicle-to-vehicle or test-to-test variability. However, EPA expects that this will occur infrequently and therefore will not represent a significant risk of inappropriate certification.

Also, as a part of this change, the present data reporting deadlines will be expanded to allow manufacturers to report data on a weekly basis. This change will reduce manufacturers' data reporting inconvenience and will have no effect on the level of risk of noncompliance.

The benefit to the industry will be in the form of reduced reporting costs and paperwork burden.

B. Durability Procedure Changes

1. Allow assigned deterioration factors for low sales volume engine families:

Sections 86.082–24(e) and 86.082–14(c)(7)(i)(B) currently allow some manufacturers to use assigned deterioration factors under certain restricted circumstances. Assigned deterioration factors are currently available to manufacturers that sell less than 10,000 total units (light-duty vehicles, light-duty trucks, and heavy-duty engines) in the United States or to manufacturers that sell less than 2,000 units in certain classifications.

This rulemaking will allow any manufacturer, regardless of size, to use assigned deterioration factors (d.f.'s) for low sales volume engine families. The use of assigned d.f.'s will only apply to entire engine families and will be limited to a combined total of 10,000 units per manufacturer for each model year.

The assigned deterioration factors that will be used will continue to be determined by EPA based on a technical evaluation of available data. When sufficient data to determine valid factors are unavailable for a particular type of engine or emission control system no factors will be established and manufacturers may be required to run durability-data vehicles or engines for the families affected. This type of situation may arise due to a change in emissions standards or due to the introduction of new technology (alternative engine design, etc.).

If all manufacturers that will be affected by this change take full advantage of assigned deterioration factors, the increase in the number of vehicles and/or engines certified using assigned deterioration factors will be less than 250,000 or approximately 2 percent of total sales. EPA also expects that the manufacturers electing to use assigned deterioration factors will generally apply them to engine families that are similar to other engine families (e.g., same basic engine, etc.) that have demonstrated durability through vehicle or engine testing. Because of the small percentage of vehicles and engines involved, the expected similarity to other certified designs, and because emission-data vehicles or engines will still be required to demonstrate compliance with the applicable standards, no significant increase in the level of risk of noncompliance over the current program is anticipated.

This change will allow the large domestic manufacturers greater flexibility in marketing small sales engine families. Families for which sales were too small to justify the expense of a durability-data vehicle or engine can now be certified using assigned deterioration factors. This should encourage marketing of vehicles designed for specific purposes and representing technological innovations.

2. Allow interpolated 4,000-mile durability-data point linecrossing:

The acceptability criteria for durability data are specified in § 86.082–28(a)(4)(i)(B). Under these requirements either the interpolated 4,000- and 50,000-mile data points must both be below the standard, or all of the applicable actual test points must be below the standard before these data can be used in the certification process.

It is possible for the 4,000-mile interpolated value to be above the standard due to the line-fitting process, while the remainder of the fitted line is below the standard and the 50,000-mile interpolated value is also below the standard. If, under these circumstances, the 4,000-mile interpolated value and one actual test value (regardless of the mileage point at which this actual test occurred) were above the applicable emission standard, the entire data set generated by the vehicle would currently not be considered acceptable and would be rejected.

This change would allow the data to be used whenever the 4,000-mile interpolated value is above the standard as long as the 50,000-mile interpolated value is below the standard (negatively sloped best fit line) and the 5,000-mile actual test value (the closest actual test point to 4,000-mile) is also below the standard.

Although 4,000-mile linecrossing does not occur frequently (manufacturers have informally indicated to EPA that this occurs about once a year for each major manufacturer), domestic manufacturers have indicated that this is one of the reasons they currently run additional backup durability-data vehicles as insurance against a vehicle generating unusable data. By allowing linecrossing at 4,000 miles, manufacturers may need to run fewer backup vehicles.

3. Allow flexible durability-data vehicle test intervals:

Sections 86.082–26(a)(4) and (5) specify 5,000-mile test intervals with a 250-mile tolerance for durability-data vehicles. This final rule allows manufacturers to determine their durability-data test intervals, subject to certain restrictions. Prior to the initiation of mileage accumulation on a durability-data vehicle, the manufacturer will establish the mileage interval for durability testing for the engine family represented by that vehicle. The test interval need not be the same for all engine families. Once testing has begun on a durability-data vehicle, the durability test interval for that family may not be changed. At a minimum, tests must be performed at 5,000 and 50,000 miles. The mileage interval between test points must be of equal length except for the interval between zero-mile and 5,000 miles, the final interval, and any interval before or after testing conducted in conjunction with vehicle maintenance. The 250-mile test point mileage tolerance will be retained. The requirement that tests be conducted before and after scheduled maintenance will also be retained.

The benefit to the industry of the implementation of this change will be in the form of increased program control within manufacturers' testing processes. Manufacturers will be able to decrease the number of tests performed and to optimize their remaining laboratory work flow by establishing test intervals that allow maximum testing efficiency.

4. Allow multiple tests at durability test points and establish an outlier procedure for durability data:

Section 86.082–26(a)(6)(i) requires the manufacturer to conduct the same number of tests at each test point. Section 86.082–28(a)(4)(i)(A) essentially requires that all valid data from tests conducted at specified test points be used in the deterioration factor calculation.

With this rulemaking, a manufacturer will be allowed to conduct multiple tests at any durability-data test point. These data must then be averaged to create a single value that would be used to represent that test point in the deterioration factor calculation. When using this option to generate data for a particular test point, the manufacturer must include in the average all valid test data generated at that test point.

Manufacturers will also be allowed to use a statistical data outlier criterion to automatically reject any data point that does not fit in the pattern of the rest of the data points and therefore may be in error. The outlier identification procedure that will be used will be specified by the Administrator. The outlier procedure will be optional for each manufacturer and, when used, shall be applied to all data from a category of vehicles or engines (i.e., light-duty vehicles, light-duty trucks, or heavy-duty engines) within a manufacturer's product line for the model year. The criterion can only be applied to each test vehicle's entire data set. (If manufacturers had been allowed to use the outlier procedure as an option for each individual vehicle or data point, they might have been able to bias the data base by only using the procedure when it was to their advantage.) If the procedure is used and it identifies a data point as an outlier, the data point will be automatically rejected from the data set. This statistical outlier procedure is only performed after the completion of the 50,000-mile durability testing sequence. Where the manufacturer chooses to apply the outlier procedure to a data set that contains multiple test data which are averaged, the averaging shall be completed prior to applying the outlier procedure.

These data handling changes will allow EPA and manufacturers to eliminate or offset test results that are of questionable validity. In most cases, the invalidity of a test result can clearly be determined by identifying procedural problems with the tests, or by identifying an overt vehicle malfunction that occurred during the test. However, in many cases a test value will be questionably out of line with the characteristic performance of the vehicle with no indication of a reason. This rule change will allow manufacturers to conduct additional tests at a given test point to confirm the level of the first test. By conducting additional tests and averaging all results, the confidence in the test point results will be increased. If a particular test result is far enough from the group of data over the entire 50,000 miles, it can be eliminated by the outlier procedure. This change could allow manufacturers to reduce the number of backup durability-data vehicles that they run.

5. Allow manufacturers to modify scheduled maintenance after beginning durability mileage accumulation:

Section 86.079–25 requires that the manufacturer establish a maintenance schedule prior to the initiation of mileage accumulation for use throughout a durability-data vehicle's testing. EPA has generally not allowed changes in the maintenance schedule during mileage accumulation. These requirements were established to prevent the manipulation of test vehicle maintenance which might have resulted in a favorable deterioration factor or prevented durability-data vehicle failure.

Generally, vehicles currently being produced no longer require as extensive scheduled maintenance as the vehicles in past model years. In many cases a tune-up now involves little more than changing spark plugs. This less extensive maintenance is due to overall product improvements and the use of unleaded fuel. In light of the less comprehensive nature of current scheduled maintenance, EPA is increasing the allowable flexibility in the scheduling of routine maintenance for durability-data vehicles.

This change will allow a manufacturer, at its option, to revise the maintenance schedule after durability-data vehicle testing has started. This would allow a manufacturer to initiate durability-data testing using one maintenance schedule and then, based on a technical evaluation that indicates the need for altering this schedule, revise the maintenance schedule and complete durability testing, using the revised schedule. The manufacturer must use the revised schedule for recommending maintenance to the ultimate consumer. (The manufacturer could, however, still recommend a different schedule to consumers by evaluating and justifying the difference between the actual maintenance performed on the test vehicle and the maintenance recommended to the consumer.) This change will only allow the substitution of one acceptable maintenance schedule for another, and all other current scheduled maintenance requirements remain unchanged.

The effect of this change is to allow the manufacturer to "fine tune" its maintenance schedule without risking the disqualification of an expensive durability-data vehicle. If the manufacturer determines that an engine family needs additional maintenance or shorter maintenance intervals in order to meet useful life emission standards, the manufacturer may make the change during the durability sequence as long as the scheduled maintenance recommended to the consumer is the same as performed on the durability-data vehicle. Conversely, the manufacturer could also eliminate maintenance items that it has determined are not necessary as long as the maintenance operation is deleted from the maintenance schedule *prior* to the performance of that operation on the test vehicle. The scheduled maintenance performed on the durability-data vehicles must still be representative of recommended maintenance to the ultimate purchaser.

The benefit to the industry of this change will be reduced durability-data vehicle costs. The ability to revise the maintenance schedule and continue to use the vehicle to generate data in lieu of being required to run additional vehicles has the potential for generating savings. In addition, the manufacturers will gain flexibility in reacting to unanticipated vehicle conditions that indicate that the original maintenance schedule may not have been appropriate. Also, not allowing the manufacturers to change their maintenance schedules after the initiation of mileage accumulation, as is presently done, causes the manufacturers to overestimate the necessary maintenance to ensure that the vehicle will not develop any problems that could have possibly been prevented by more frequent maintenance. If the manufacturers are allowed to adjust their maintenance schedules, as allowed by this change, it will no longer be necessary to continue to recommend unnecessary maintenance. This could lead to an overall reduction in the actual maintenance required resulting in substantial savings to both manufacturers and consumers.

6. Alternative Durability Program modifications:

The Alternative Durability Program was introduced on June 30, 1980 with the intent of providing a more flexible, less costly procedure to determine vehicle deterioration factors. Comments from manufacturers and our own analysis indicate that the criteria for grouping engine families into engine family groups are unnecessarily restrictive.

An intent of the Alternative Durability Program is to group vehicles of characteristically similar emission deterioration to determine a set of composite deterioration factors. Currently, such an engine family group is restricted to a manufacturer's engine family-emission control system designs that are identical in combustion cycle, cylinder block configuration, displacement and basic type of catalyst used. However, some additional designs might also be most appropriately grouped together. For example, some engines which differ slightly in displacement may exhibit characteristically similar emission deterioration due to their otherwise general similarity in design and construction. In order to allow the flexibility to group these designs, EPA is amending the regulation to allow a manufacturer to further group its designs upon demonstration to EPA that the designs are expected to get characteristically similar emission deterioration performance.

In addition, the current regulations separate light-duty vehicles from light-duty trucks to determine separate engine family groups. Often, however, engine family-emission control system combinations used by a particular manufacturer in its cars and trucks are sufficiently similar to allow carry-across of the emission deterioration data from one application to the other. Due to this similarity, EPA is amending the Alternative Durability Program regulations to allow a manufacturer to group light-duty vehicle and light-duty truck designs into an engine family group.

This change to the Alternative Durability Program will not alter the stringency of the certification requirements nor, because of the manufacturer's voluntary participation, will they cause an increased burden on the regulated industry.

C. Emission-Data Procedural Changes

1. Emission-data vehicle selection changes and reconfiguration:

Section 86.082-24(b)(1) specifies the requirements for selecting light-duty emission-data vehicles for testing to demonstrate compliance with exhaust emission standards. Typically, one vehicle selection based on highest projected sales and 2 or 3 vehicle selections based on expected "worst-case" emissions are tested for every engine family certified. The regulations also require vehicles to be tested to represent any additional untested engine/emission control system combinations, but this is seldom necessary since there is typically only one engine/emission control system combination per engine family.

Once a manufacturer's test fleet has been determined, a separate emission-data vehicle is built to represent each configuration selected. Each of these vehicles is then operated for 4,000 miles and tested. This 4,000-mile test data (after application of appropriate deterioration factors) serves as the basis for determining compliance with the emission standards.

The requirement to construct and run a separate emission-data vehicle to represent each configuration specified in the test fleet is contained in § 86.082-24(b)(1) and § 86.082-26(a)(3). These sections require vehicles, fully equipped with appropriately calibrated emission control systems, to complete the entire 4,000-mile test procedure without interruption or alteration (installed and operating for 4,000 miles). This practice created a large test vehicle sample and provided broad representation of the manufacturer's product line by the test fleet. Each of these vehicles provided additional assurance that the total population of vehicles represented by the test fleet was in compliance with the emission standards. This additional assurance was particularly important in the early certification procedure since limited experience with new designs made it difficult to determine worst-case vehicles.

Increased familiarity with the present technology has given the Agency and the industry greater confidence in their ability to identify and select the worst-case configurations for testing. Also, under the Abbreviated Certification Review procedure the manufacturers are responsible, with EPA audit oversight, for selecting their emission-data vehicles. Manufacturers now routinely select their own emission-data vehicles.

This change will reduce the number of emission-data vehicles required for certification. The test vehicle selection criteria under this change will require the manufacturer to select two exhaust emission-data vehicle configurations for each engine family. One selection will be based on fixed criteria. The manufacturer will select the second vehicle configuration from the remaining vehicles in the engine family based on the highest expected exhaust emission levels (worst-case). In addition, this change will allow vehicles to be reconfigured to represent different calibrations or configurations within the engine family and emission control system. Similar changes are made where appropriate in the heavy-duty procedures.

It is also appropriate to increase the flexibility of the evaporative emission-data vehicle selection process. To satisfy the evaporative emission-data requirement, a single "worst-case" evaporative configuration, from within each evaporative family/control system combination, must be selected from among the configurations represented by the exhaust emission-data selections for the engine family. This requirement will have been met if evaporative testing has already been completed on the worst-case configuration for the evaporative family as part of another engine family's testing. If an evaporative family or system is not represented by the exhaust selections and has not been previously tested, the reconfiguration and testing of a vehicle will be necessary to fulfill the proposed evaporative worst-case testing requirement. (Except for high altitude only evaporative families may demonstrate compliance by statement.)

These changes will decrease the test vehicle sample size by reducing the number of required test vehicles. However, since the remaining test vehicles should accurately reflect the worst-case emission performance of the manufacturer's product line, this change can be instituted without significant risk of noncompliance.

These changes greatly enhance the flexibilities allowed in the generation of emission data for use in the certification program. The benefit to the industry of these changes will be reduced cost due to the reduction in the number of required emission-data vehicles. These changes eliminate the emission-data selection based on sales and will allow the manufacturer to accumulate mileage on, and test a single vehicle for each engine family and satisfy any additional testing requirements for that engine family by reconfiguring and retesting that vehicle as long as only a single engine/emission control system combination is involved (the general case in the current certification program).

2. Allow mileage accumulation of less than 4,000 miles for emission-data vehicles:

Sections 86.082-26(a) (3) and (5) require manufacturers to test emission-data vehicles after accumulating 4,000 miles and to conduct that testing within a 250-mile tolerance. The 4,000-mile interval was established as a conservative minimum interval that would provide a certain assurance that all vehicles would be stabilized prior to testing. When this requirement was established the majority of vehicles were being operated on leaded fuel. Leaded fuel (which is no longer used by most light-duty vehicles) contributed substantially to combustion chamber deposits and a certain minimum of mileage accumulation was necessary to adequately account for the effects of these deposits.

In comments for the Selective Enforcement Audit rulemaking, the industry expressed its belief that a vehicle's emission performance stabilizes, in many cases, with significantly less mileage accumulation than 4,000 miles. Given the state of current control technology and the decreased use of leaded fuel, EPA believes that manufacturers are in the best position to determine when vehicles are stabilized.

This action changes the requirements to allow manufacturers to determine the appropriate mileage accumulation necessary prior to emission-data vehicle testing. The mileage interval will be established such that a vehicle's emisson performance has become stable and representative of design intent prior to testing. Sufficient mileage should be accumulated to reduce the possible effects of any emission variability that is the result of insufficient vehicle operation. Also the emission performance at the determined mileage should be such that the test results, after being adjusted by the appropriate deterioration factor, appropriately reflect the expected emission performance at 50,000 miles. In making this determination the behavior of the catalyst and its relation to accumulated mileage should be considered of primary importance. The same interval, once determined, will apply to all vehicles within an engine family. A manufacturer may continue to use the present 4,000-mile interval if it so desires. If a 4,000-mile interval is elected no stabilization determination is necessary. Once the mileage interval has been established for an engine family and emission-data vehicle testing has started, the interval

cannot be changed without the prior approval of the Administrator. Because stabilized vehicles are still required to be tested to demonstrate compliance, no increase in the risk of noncompliance is expected.

There is no restriction on the maximum amount of mileage that can be accumulated. It would generally be worse for emissions to accumulate more than 4,000 miles since the deterioration factor will continue to be calculated using the 4,000-mile interpolated value. A manufacturer could, however, bias the fuel economy data base by accumulating considerably more than 4,000 miles on its emission-data vehicles (fuel economy tends to increase with increased mileage). In order to prevent such biasing, if any emission-data vehicle accumulates more than 6,200 miles, its fuel economy results will be factored to compensate for the increased mileage. (For vehicles with between 4,000 and 6,200 miles, the increase is not sufficient to warrant the additional administrative burden of this factoring procedure.) This factoring applies only to those vehicles required by § 86.082–24. Vehicles that accumulate more than 10,000 miles prior to testing will not be considered acceptable for use in the Fuel Economy Program.

The benefit to the industry will be a more flexible, less time consuming, and less costly emission-data vehicle test program. The actual savings are dependent upon each manufacturer's vehicle/system stabilization characteristics and the manufacturer's ability to quantify these characteristics.

IV. Other Changes Considered

These regulatory revisions provide significant relief to the industry without significantly increasing the risk of vehicle noncompliance. More substantial changes might have required a notice of proposed rulemaking which could have delayed implementation of cost reductions. In that case, manufacturers would not be able to take full advantage of these cost savings for the 1983 model year.

Additional changes were considered but were rejected for various reasons. For example, eliminaton of specific evaporative emission testing requirements in favor of manufacturer self-certification was considered. A brief review of the 1981 and 1982 model year certification data base, however, uncovered a number of evaporative failures which resulted in evaporative system modifications. Therefore, it did not appear prudent to allow evaporative self-certification. The elimination of evaporative emission families was also considered but it was concluded that little or no cost savings would result and that some categorization of designs as is accomplished by establishing evaporative emission families would still be necessary for recordkeeping.

Another change considered was to routinely allow bench testing or artificial aging in the durability process. bench testing can be allowed currently, on a special case basis, to demonstrate equivalent or superior performance for carryover (OMSAPC Advisory Circular No. 17E, paragraph X) and also under the provisions of § 86.079–27 Special Test Procedures. Under a study contracted by EPA, the Agency did not obtain sufficient information from manufacturers to make specific rule change proposals.

EPA considered rule changes to use additive rather than the current multiplicative exhaust emission deterioration factors (d.f.'s) and, in conjunction with additive d.f.'s, allow the use of durability-data from vehicles which had interpolated values that exceeded the standard (linecrossed). EPA has not been able to determine, in general, that vehicle emission control performance deteriorates multiplicatively [1] as is currently assumed. Alternatively, the deterioration may be additive [2] in nature or some other function of mileage. Neither EPA nor the manufacturers have been able to show empirically that one type of d.f. is more appropriate than the other type for all motor vehicles or for any particular class of vehicles. Some groups of vehicles may be best characterized with an additive d.f. and other groups best characterized with a multiplicative d.f. However, the groups are not distinguishable by design, manufacturer, or other such parameters that would allow prediction of whether a particular design will be characteristically additive or multiplicative.

The multiplicative d.f. is extremely sensitive to variations of the deterioration rate at low emission levels. This problem has become more significant as the standards become more stringent (e.g., 0.41 gm/mi versus 1.5 gm/mi HC). For those groups of vehicles that deteriorate in an additive fashion, the use of multiplicative d.f. has penalized those manufacturers whose vehicles are calibrated at very low levels since the ratio of the 50,000-mile to 4,000-mile projections becomes greater at lower levels. The use of additive d.f.'s would eliminate this penalty.

The multiplicative d.f. encourages manufacturers to calibrate durability-data vehicles at high emission levels for those groups of vehicles that they believe deteriorate, at least in part, in an additive fashion. With a constant deterioration rate, the multiplicative d.f. decreases as the emission level increases. Since manufacturers may not know which groups of vehicles tend to deteriorate in an additive fashion, this encourages them to calibrate all of their durability-data vehicles as high as possible, often with calibrations purposely selected to be different than expected production calibrations. However, if the durability-data vehicle is calibrated so high that it linecrosses (the deterioration line exceeds the standard), it is no longer acceptable under the current regulations.

The combination of multiplicative d.f. and restriction against linecrossing has made it more difficult for manufacturers to complete the durability process as the emission standards have decreased. Manufacturers contend that, under statutory standards, a very narrow window of emission performance acceptability exists for durability-data vehicles. They have resorted to running backup durability-data vehicles in order to get one that results in a low enough d.f. and does not linecross. Domestic manufacturers are averaging five backup durability-data vehicles per family certified, at an estimated cost of $100,000 each or more. Rapid introduction of the new smaller models has apparently not left sufficient development time to fine tune durability-data vehicle calibrations so as to accurately predict 50,000-mile performance. Also, manufacturers may be cutting the calibration so close to the standards, in order to take maximum advantage of the effect on multiplicative d.f.'s, that slight vehicle and test variability could result in linecrossing.

If an additive d.f. were used and linecrossing were allowed, manufacturers would be able to substantially reduce the number of backup durability-data vehicles that they run. Manufacturers would probably continue to run some backup durability-data vehicles either as insurance against mechanical failure and vehicle collision or with less expensive alternative emission control systems.

However, by switching to an additive d.f. system, manufacturers could be allowed to increase the emissions of

[1] A vehicle that deteriorates multiplicatively will have higher *rates* of deterioration with higher initial emissions. That is, the slope of the fitted deterioration line increases with emission level.

[2] A vehicle that deteriorates additively always exhibits the same *rate* of deterioration no matter what the initial emission level. That is, the slope of the fitted deterioration line remains constant with emission level.

some vehicle designs due to the change in the mathematical methods of determining compliance. This is due to the removal of the multiplicative "penalty." EPA does not believe that the use of additive d.f.'s would reduce assurances that vehicles are designed to meet emission standards for 50,000 miles in actual use but it would allow some vehicles to be calibrated at higher emission levels and still be certified within the standards. EPA does not know to what extent this might occur. The Agency does not know if there are clear motives for manufacturers to pursue this strategy or if it is technically feasible to "fine tune" calibrations for these small changes. Considering these unknowns and the possibility that the change could result in the certification of some vehicles at slightly higher emission levels, EPA decided that this change should not be made without an opportunity for public comment. Accordingly, EPA requests comments on the technical appropriateness of the additive versus multiplicative d.f. calculation procedure and on the appropriateness of allowing linecrossing in the case of an additive d.f. Further, EPA requests comments on the likelihood and extent of higher emission level designs that could result from a change to an additive d.f. calculation procedure. EPA also requests comments on the extent to which changing to additive d.f.'s and allowing linecrossing would decrease the use of "backup" engine families. Based on these comments EPA may consider these changes in a future rulemaking.

V. Technical Amendments

In order to save the time and printing costs involved in publishing them under a separate notice, the following technical amendments are also included in this action:

1. Provisions of § 86.082–1 regarding the Alternative Durability Program are being reincorporated after they were inadvertently deleted in the high-altitude rulemaking.

2. Definitions are being consolidated and republished in alphabetical order in § 86.082–2.

3. A minor correction has been made in § 86.082–2 to the definition for "configuration;" the term "rear axle ratio" has been changed to "final drive ratio" to clearly apply to front-wheel drive vehicles.

4. Section 80.24 of the fuel regulations has been amended to define which vehicles must use unleaded fuel. Previously, these decisions were made on a case-by-case basis with the Administrator's decision set forth in the certificate of conformity. These decisions were based on the type of fuel used during emission certification; if unleaded fuel was used during certification then it would be required for production vehicles and engines. The regulations have been revised to explicitly set forth this criterion. In the future, manufacturers will determine if unleaded fuel is required.

5. Revisions have been made to regulations pertaining to the certificate of conformity language (§§ 86.082–30, 86.084–30, and 86.437–78). These regulations formerly required specific language to be contained on the certificate of conformity. This language would vary for different classes of vehicles, different engine types, and for other factors (for example, the Administrator's decision on the requirement for unleaded fuel as discussed above). Instead of requiring specific language on the certificate, the regulations have been amended to simply require a statement. This change will have no effect on the motor vehicle industry which is familiar with these requirements. It will permit EPA to reduce the cost of preparing and printing certificates, since uniform language will apply to all vehicles and engines. These changes are administrative in nature and do not affect the substantive requirements of the regulations.

6. Fuel specifications in §§ 86.113, 86.307, 86.513, and 86.1313 are amended to be consistent and to allow deviations with approval of the Administrator.

7. Provisions are being included in § 86.082–24 to indicate that heavy-duty engines certified for 1979 can be certified in subsequent model years without regard to test procedure. This statement was included in the rulemaking for the 1979 test procedure and was inadvertently deleted in a subsequent rulemaking.

8. Minor changes and clarifications have been made to the heavy-duty test procedures in Subpart D and Subpart I. These changes will reduce costs slightly by easing overly restrictive procedures; no change in the actual emission performance of heavy-duty engines will occur as a result. Provisions concerning gas specifications have been amended to specifically permit the use of gas blending devices as they are currently permitted for light-duty testing. An optional "quick-check" for the NO_x analyzer is permitted. The tolerance on calibrations is broadened for NDIR analyzers. Other specifications for water trap temperature measurement, analyzer gases, sample line temperature, and correction factors are relaxed somewhat. Measurement of fuel H/C ratios is optional; specified average values may be used if desired. Also, the hangup check at the end of an emission test can be performed with room air, in lieu of zero-grade air, at the manufacturer's option. The calibration interval for neutral density filters, used in diesel smoke tests, has been increased to one year for those filters in which the filter material is protected. Filters with exposed filter material must continue to be calibrated every six months. Under the revised regulation, manufacturers are not required to submit filters to EPA. Filter opacities must be confirmed against NBS (or equivalent) reference filters. EPA will continue to test opacity filters if requested.

9. Specifications for the heavy-duty gasoline engine test sequence (see § 86.340–79) have been amended to allow for fast idle speeds in excess of 2,000 rpm during engine warm-up. The time to check engine specifications has been increased to 20 minutes. The provisions for dealing with HC spikes, § 86.338–79(a)(6), now covers all modes rather than just idle and closed throttle.

10. Numerous sections of EPA's regulations, such as most of §§ 86.077, 86.078, 86.079, 86.080, and subparts H and J, apply to previous model years and have been superseded. These sections are being deleted from the Code of Federal Regulations as they are no longer of general interest. It should be noted that EPA is not revoking these regulations; they will still apply if a manufacturer seeks emission certification or fuel economy labels for vehicles manufactured during a previous model year. This rarely occurs and generally involves a very small number of vehicles.

11. Equations contained in §§ 86.110–82 and 86.145–82 have been changed to correct inadvertent errors contained in the original publication.

VI. Stringency

These amendments are administrative and procedural in nature, and will not affect the stringency of the emission standards. The technology necessary to meet the statutory emission standards has been developed and proven during previous certification years. The manufacturers have demonstrated the ability to satisfactorily conduct on their own many facets of the certification program under the Abbreviated Certification Review procedure which was established beginning with the 1980 model year. Manufacturers are expected to continue to conduct responsible certification programs under the revised certification procedures set forth in this rulemaking. EPA will continue to monitor manufacturers' compliance with

the certification procedures and emission standards through confirmatory emission testing, auditing of the manufacturers' certification programs, Selective Enforcement Audits, and recall.

VII. Certification Cost Reductions

It is extremely difficult to accurately estimate the cost savings that will result from these changes since the extent to which manufacturers will take advantage of each change is not known. Given this limitation, EPA's best estimate of the cost reduction resulting from these changes is between 5 million and 30 million dollars per year. In addition, we estimate these changes could reduce the reporting burden on the industry by as much as 35,000 person hours per year. Following the implementation of these changes and the stabilization of emission standards EPA estimates that the total cost to the industry of the certification program will be approximately 50 million dollars depending on the extent to which manufacturers continue to bring new engine designs into production.

VIII. Public Participation

The Agency finds that good cause exists for omitting as unnecessary and contrary to the public interest a notice of proposed rulemaking. This finding is based on the facts that (1) the action reduces the economic burden of the emission regulations on the regulated industry, (2) no adverse environmental impacts are anticipated, (3) the changes do not affect the stringency of the applicable emission standards, or the manufacturers' obligation to comply with these standards, (4) many of these changes adopt provisions already the subject of public comment in the rulemaking on certification for small-volume manufacturers, and (5) immediate implementation of the program will permit it to be utilized for certification for the remainder of the 1982 model year. This will give manufacturers and EPA an opportunity to derive some cost savings at the earliest possible time.

In addition, EPA finds that good cause exists for making these regulations effective on promulgation rather than 30 days after promulgation. This finding is based on the facts that (1) the industry has already started its 1983 certification program and delaying the effective date by 30 days would cause manufacturers to either forgo some of the advantages of the rule change or delay their certification programs until after the effective date, (2) this action relaxes the restrictions and reduces the economic burden of the existing regulations on the regulated industry, and (3) this action does not change the industry's obligation to comply with the emissions standards.

EPA will, however, consider comments on this rule received within 30 days after publication of this notice. Please submit written comments to: U.S. Environmental Protection Agency, Central Docket Section (A-130), Attn: Docket No. A-81-27, Waterside Mall, West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. A reasonable fee may be charged for copying service. If, as a result of those comments, additional changes to the regulations are appropriate, EPA will consider additional rule changes.

IX. Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Analysis. This regulation is not major because it will result in an annual effect on the economy of less than $100 million. The total cost reduction provided to manufacturers is estimated to be less than $30 million per year as a result of this action. Also, this regulation should not result in increased costs or prices for consumers, industries, or others, nor should it have adverse effects on competition, employment, investment, or productivity.

X. Regulatory Flexibility Act

Under the regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The certification procedures established by this rulemaking should reduce the burdens, including costs, of compliance with certification requirements for all manufacturers. Many of the certification cost reductions provided by this action were already available to small-volume manufacturers (less than 10,000 projected sales) under a previous regulation. The optional certification procedures published in the **Federal Register** on March 12, 1981 (46 FR 16259) provided these cost reductions to small-volume manufacturers. The result is that few small entities will be affected by this regulation. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: October 2, 1981.

Anne M. Gorsuch,

Administrator.

For the reasons set forth in the preamble, EPA amends 40 CFR Part 80, Part 86, and Part 600 as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for Part 80 reads as follows:

Authority: Sections 211 and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7545 and 7601.

2. A new paragraph (c) is added to § 80.24 and reads as follows:

§ 80.24 Controls applicable to motor vehicle manufacturers.

* * * * *

(c) For purposes of this section a motor vehicle shall be deemed to be equipped with an emission control device which will be significantly impaired by the use of leaded gasoline if unleaded gasoline was used in any testing or service accumulation under Part 86 relating to the emission certification of said motor vehicles or engine installed therein.

* * * * *

3. The table of contents of Part 86 is revised to read as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles, 1977 and Later Model Year New Light-Duty Trucks, and for 1977 and Later Model Year New Heavy-Duty Engines

Subpart B—Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles and New Light-Duty Trucks; Test Procedures

Subpart C—[Reserved]

Subpart D—Emission Regulations for New Gasoline-Fueled and Diesel Heavy-Duty Engines; Gaseous Exhaust Test Procedures

Subpart E—Emission Regulations for 1978 and Later New Motorcycles, General Provisions

Subpart F—Emission Regulations for 1978 and Later New Motorcycles; Test Procedures

Subpart G—Selective Enforcement Auditing of New Gasoline-Fueled and Diesel Light-Duty Vehicles and New Gasoline-Fueled and Diesel Light-Duty Trucks

Subpart H—Reserved

Subpart I—Emission Regulations for New Disel Heavy-Duty Engines; Smoke Exhaust Test Procedure

Subpart J—[Reserved]

Subpart K—Selective Enforcement Auditing of New Gasoline-Fueled and Diesel Heavy-Duty Engines.

Subparts L-M—[Reserved]

Subpart N—Emission Regulations for New Gasoline-Fueled and Diesel Heavy-Duty Engines; Gaseous Exhaust Test Procedures

4. The authority citation for Part 86 reads as follows:

Authority: Sections 202, 206, and 301(a)(1) of the Clean Air Act as amended, 42 U.S.C. 7521, 7524, and 7601(a)(1).

5. Section 86.082-1 is amended by adding paragraphs (c), (d), and (e) to read as follows:

§ 86.082-1 General applicability.

* * * * *

(c) *High-altitude certification.* The provisions of this subpart applicable to light-duty vehicles and light-duty trucks sold for principal use at designated high-altitude locations shall apply only during the 1982 and 1983 model years.

(d) *Alternative Durability Program.* For 1981 through 1984 model year light-duty vehicles and light-duty trucks, a manufacturer may elect to participate in the Alternative Durability Program. This optional program provides an alternative method of determining exhaust emission control system durability. The general procedures and a description of the program are contained in § 86.081-13 and specific provisions on test vehicles and compliance procedures are contained in § 86.082-24 and § 86.082-28 respectively.

(e) *Small-volume manufacturers.* Special certification procedures are available for any manufacturer whose projected combined U.S. sales of light-duty vehicles, light-duty trucks, and heavy-duty engines in its product line is fewer than 10,000 units for the model year in which the manufacturer seeks certification. In order to certify its product line under these optional procedures, the small-volume manufacturer must first obtain the Administrator's approval. Vehicles produced at facilities leased, operated, controlled, supervised, or in ten percent or greater part owned by the manufacturer shall be counted in calculating the total sales of the manufacturer. The small-volume manufacturer's certification procedures are described in § 86.082-14.

6. Section 86.082-2 is revised to read as follows:

§ 86.082-2 Definitions.

(a) The definitions of this section apply to this subpart and also to subparts B, D, and I of this part.

(b) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

"Accuracy" means the difference between a measurement and true value.

"Act" means Part A of Title II of the Clean Air Act, 42 U.S.C. as amended, 7521, *et seq.*

"Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

"Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vaccum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

"Basic engine" means a unique combination of manufacturer, engine displacement, number of cylinders, fuel system (as distinguished by number of carburetor barrels or use of fuel injection), catalyst usage, and other engine and emission control system characteristics specified by the Administrator.

"Basic vehicle frontal area" means the area enclosed by the geometric projection of the basic vehicle along the longitudinal axis, which includes tires but excludes mirrors and air deflectors, onto a plane perpendicular to the longitudinal axis of the vehicle.

"Body style" means a level of commonality in vehicle construction as defined by number of doors and roof treatment (e.g., sedan, convertible, fastback, hatchback).

"Body type" means a name denoting a group of vehicles that are either in the same car line or in different car lines provided the only reason the vehicles

qualify to be considered in different car lines is that they are produced by a separate division of a single manufacturer.

"Calibrating gas" means a gas of know concentration which is used to establish the response curve of an analyzer.

"Calibration" means the set of specifications, including tolerances, unique to a particular design, version, or application of a component or components assembly capable of functionally describing its operation over its working range.

"Car line" means a name denoting a group of vehicles within a make or car division which has a degree of commonality in construction (e.g., body, chassis). Car line does not consider any level of decor or opulence and is not generally distinguished by characteristics as roofline, number of doors, seats, or windows except for station wagons or light-duty trucks. Station wagons and light-duty trucks are considered to be different car lines than passenger cars.

"Configuration" means a subclassification of an engine-system combination on the basis of engine code, inertia weight class, transmission type and gear ratios, final drive ratio, and other parameters which may be designated by the Administrator.

"Crankcase emissions" means airborne substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

"Curb-idle" for manual transmission code heavy-duty engines means the manufacturer's recommended engine speed with the transmission in neutral or with the clutch disengaged. For automatic transmission code heavy-duty engines, curb-idle means the manufacturer's recommended engine speed with the automatic transmission in gear and the output shaft stalled.

"Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirements of engine starting.

"Diurnal breathing losses" means evaporative emissions as a result of the daily range in temperature.

"Drive train configuration" means a unique combination of engine code, transmission configuration, and axle ratio.

"Dynamometer-idle" for automatic transmission code heavy-duty engines means the manufacturer's recommended engine speed without a transmission that simulates the recommended engine speed with a transmission and with the transmission in neutral.

"Engine code" means a unique combination, within an engine-system combination, of displacement, carburetor (or fuel injection) calibration, choke calibration, distributor calibration, auxiliary emisison control devices, and other engine and emission control system components specified by the Administrator.

"Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and determined in accordance with § 86.082-24.

"Engine family group" means a combination of engine families for the purpose of determining a minimum deterioration factor under the Alternative Durability Program.

"Engine-system combination" means an engine family-exhaust emission control system combination.

"EPA Enforcement Officer" means any officer of employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

"Evaporative emission code" means a unique combination, in an evaporative emission family-evaporative emission control system combination, of purge system calibrations, fuel tank and carburetor bowl vent calibrations and other fuel system and evaporative emission control system components and calibrations specified by the Administrator.

"Evaporative emissions" means hydrocarbons emitted into the atmosphere from a motor vehicle, other than exhaust and crankcase emissions.

"Evaporative vehicle configuration" means a unique combination of basic engine, engine code, body type, and evaporative emission code.

"Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

"Fuel evaporative emissions" means vaporized fuel emitted into the atmosphere from the fuel system of a motor vehicle.

"Fuel system" means the combination of fuel tank(s), fuel pump, fuel lines, and carburetor or fuel injection components, and includes all fuel system vents and fuel evaporative emission control system components.

"Gross vehicle weight" means the manufacturer's gross weight rating for the individual vehicle.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"Hang-up" refers to the process of hydrocarbon molecules being adsorbed, condensed, or by any other method removed from the sample flow prior to reaching the instrument detector. It also refers to any subsequent desorption of the molecules into the sample flow when they are assumed to be absent.

"Heavy-duty engine" means any engine which the engine manufacturer could reasonably expect to be used for motive power in a heavy-duty vehicle.

"Heavy-duty vehicle" means any motor vehicle rated at more than 8,500 pounds GVWR or that has a vehicle curb weight of more than 6,000 pounds or that has a basic vehicle frontal area in excess of 45 square feet.

"High altitude" means any elevation over 1,219 meters (4,000 feet).

"High-altitude conditions" means a test altitude of 1,620 meters (5,315 feet), plus or minus 100 meters (328 feet), or equivalent observed barometric test conditions of 83.3±1 kilopascals.

"High-altitude reference point" means an elevation of 1,620 meters (5,315 feet) plus or minus 100 meters (328 feet), or equivalent observed barometric test conditions of 83.3 kPa (24.2 inches Hg), plus or minus 1 kPa (0.30 Hg).

"Hot-soak losses" means evaporative emissions after termination of engine operation.

"Incomplete truck" means any truck which does not have the primary load carrying device or container attached.

"Inertia weight class" means the class, which is a group of test weights, into which a vehicle is grouped based on its loaded vehicle weight in accordance with the provisions of Part 86.

"Intermediate speed" means peak torque speed if peak torque speed occurs between 60 and 75 percent of rated speed. If the peak torque speed is less than 60 percent of rated speed, intermediate speed means 60 percent of rated speed. If the peak torque speed is greater than 75 percent of rated speed, intermediate speed means 75 percent of rated speed.

"Light-duty truck" means any motor vehicle rated at 8,500 pounds GVWR or less which as a vehicle curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons, or

(3) Available with special features enabling off-street or off-highway operation and use.

"Light-duty vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or less.

"Loaded vehicle weight" means the vehicle curb weight plus 300 pounds.

"Low altitude" means any elevation equal to or less than 1,219 meters (4,000 feet).

"Low altitude conditions" means a test altitude less than 549 meters (1,800 feet).

"Malfunction" means not operating according to specifications (e.g., those specifications listed in the application for certification).

"Maximum rated horsepower" means the maximum brake horsepower output of an engine as stated by the manufacturer in his sales and service literature and his application for certification under § 86.082–21.

"Maximum rated torque" means the maximum torque produced by an engine as stated by the manufacturer in his sales and service literature and his application for certification under § 86.082–21.

"Military engine" means any engine manufactured solely for the Department of Defense to meet military specifications.

"Model" means a specific combination of car line, body style, and drivetrain configuration.

"Model type" means a unique combination of car line, basic engine, and transmission class.

"Model year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year. *Provided*, That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

"Nominal fuel tank capacity" means the volume of the fuel tank(s), specified by the manufacturer to the nearest tenth of a U.S. gallon, which may be filled with fuel from the fuel tank filler inlet.

"Opacity" means the fraction of a beam of light, expressed in percent, which fails to penetrate a plume of smoke.

"Option" means any available equipment or feature not standard equipment on a model.

"Oxides of nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

"Peak torque speed" means the speed at which an engine develops maximum torque.

"Percent load" means the fraction of the maximum available torque at a specified engine speed.

"Precision" means the standard deviation of replicated measurements.

"Rated speed" means the speed at which the manufacturer specifies the maximum rated horsepower of an engine.

"Reconfigured emission-data vehicle" means an emission-data vehicle obtained by modifying a previously used emission-data vehicle to represent another emission-data vehicle.

"Running loss" means fuel evaporative emissions resulting from an average trip in an urban area or the simulation of such a trip.

"Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed on a periodic basis to prevent part failure or vehicle (if the engine were installed in a vehicle) malfunction.

"Smoke" means the matter in the exhaust emission which obscures the transmission of light.

"Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

"Standard equipment" means those features or equipment which are marketed on a vehicle over which the purchaser can exercise no choice.

"System" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicles.

"Tank fuel volume" means the volume of fuel in the fuel tank(s), which is determined by taking the manufacturer's nominal fuel tank(s) capacity and multiplying by 0.40, the result being rounded using ASTM E 29–67 to the nearest tenth of a U.S. gallon.

"Test weight" means the weight, within an inertia weight class, which is used in the dynamometer testing of a vehicle, and which is based on its loaded vehicle weight in accordance with the provisions of Part 86.

"Throttle" means the mechanical linkage which either directly or indirectly controls the fuel flow to the engine.

"Transmission class" means the basic type of transmission, e.g., manual, automatic, semiautomatic.

"Transmission configuration" means a unique combination, within a transmission class, of the number of the forward gears and, if applicable, overdrive. The Administrator may further subdivide a transmission configuration (based on such criteria as gear ratios, torque convertor multiplication ratio, stall speed and shift calibration, etc.), if he determines that significant fuel economy or exhaust emission differences exist within that transmission configuration.

"Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed to correct a part failure or vehicle (if the engine were installed in a vehicle) malfunction.

"Useful life" means:

(1) For light-duty vehicles and light-duty trucks a period of use of 5 years or 50,000 miles, whichever first occurs.

(2) For gasoline-fueled heavy-duty engines a period of use of 5 years or 50,000 miles of vehicle operation or 1,500 hours of engine operation (or an equivalent period of 1,500 hours of dynamometer operation), whichever first occurs.

(3) For diesel heavy-duty engines a period of use of 5 years or 100,000 miles of vehicle operation or 3,000 hours of engine operation (or an equivalent period of 1,000 hours of dynamometer operation), whichever first occurs.

"Van" means a light-duty truck having an integral enclosure, fully enclosing the driver compartment and load carrying device, and having no body sections protruding more than 30 inches ahead of the leading edge of the windshield.

"Vehicle configuration" means a unique combination of basic engine, engine code, inertia weight class, transmission configuration, and axle ratio.

"Vehicle curb weight" means the actual or the manufacturer's estimated weight of the vehicle in operational status with all standard equipment, and weight of fuel at nominal tank capacity, and the weight of optional equipment computed in accordance with § 86.082–24; incomplete light-duty trucks shall have the curb weight specified by the manufacturer.

"Zero (0) hours" means that point after normal assembly line operations and adjustments are completed and before six (6) additional operating hours have been accumulated, including emission testing, if performed.

"Zero (0) miles" means that point after initial engine starting (not to exceed 100 miles of vehicle operation, or three hours of engine operation) at which normal assembly line operations and adjustments are completed, and including emission testing, if performed.

7. A new § 86.082–23, which is identical to § 86.079–23 except for revisions to paragraphs (c)(1)(i), (c)(1)(ii), and (c)(2) and deletion of

paragraphs (a)(1) and (a)(2), is added to read as follows:

§ 86.082-23 Required data.

(a) The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information: *Provided, however,* That if requested by the manufacturer, the Administrator may waive any requirement of this section for testing of vehicles (or engines) for which emission data are available, or will be made available, under the provisions of §86.081-29.

(b)(1) Exhaust emission durability data on such vehicles (or engines) tested in accordance with applicable test procedures and in such numbers as specified, which will show the performance of the systems installed on or incorporated in the vehicle (or engine) for extended mileage (or extended operation), as well as a record of all pertinent maintenance (all maintenance and servicing for heavy-duty engines) performed on the test vehicles (or test engines). Records of maintenance and servicing of heavy-duty engines performed prior to the zero-hour point do not need to be submitted but must be maintained.

(2) Evaporative emission deterioration factors for each evaporative emission family-evaporative emission control system combination and all test data that are derived from testing described under § 86.082-21(b)(4)(iii) designed and conducted in accordance with good engineering practice to assure that the vehicles covered by a certificate issued under § 86.082-30 will meet the evaporative emission standards in § 86.082-8 or § 86.082-9, as appropriate, for the useful life of the vehicle.

(c) Emission-data:

(1) *Certification vehicles.* (i) Emission data on such vehicles tested in accordance with applicable test procedures and in such numbers as specified. These data shall include zero-mile data, if generated, and emission data generated for certification as required under § 86.082-26(a)(3)(i) or § 86.082-26(a)(3)(ii).

(ii) Emission data on those vehicles selected under §§ 86.082-24(b)(1)(v) and 86.082-23(b)(1)(viii) and tested in accordance with the applicable test procedures of this subpart and in such numbers as specified, which are tested under high-altitude conditions after the vehicles emissions performance has stabilized. These data shall include zero mile data, if generated.

(2) *Certification engines.* Emission data on such engines tested in accordance with applicable emission test procedures, of this subpart and in such numbers as specified. These data shall include zero-hour data, if generated, and emission data generated for certification as required under § 86.082-26(b)(5).

(d) A statement that the vehicles (or engines) for which certification is requested conform to the requirements in § 86.081-5(b), and that the descriptions of tests performed to ascertain compliance with the general standards in § 86.081-5(b), and the data derived from such tests, are available to the Administrator upon request.

(e)(1) A statement that the test vehicles (or test engines) with respect to which data are submitted to demonstrate compliance with §§ 86.082-8, 86-082-9, 86-082-10, 86-082-11, as applicable, are in all material respects as described in the manufacturer's application for certification, have been tested in accordance with the applicable test procedures utilizing the fuels and equipment described in the application for certification and that on the basis of such tests, the vehicles (or engines) conform to the requirements of this part. If such statements cannot be made with respect to any vehicle (or engine) tested, the vehicle (or engine) shall be identified, and all pertinent data relating thereto shall be supplied to the Administrator. If, on the basis of the data supplied and any additional data as required by the Administrator, the Administrator determines that the test vehicle (or test engine) was not as described in the application for certification or was not tested in accordance with the applicable test procedures utilizing the fuels and equipment as described in the application for certification, the Administrator may make the determination that the vehicle (or engine) does not meet the applicable standards. The provisions of § 86.083-30(b) shall then be followed.

(2) For evaporative emission durability, the statement of compliance with paragraph (b)(2) of this section.

8. Section 86.082-24 is amended by revising paragraphs (a)(2), (a)(4), (a)(8), (a)(9), (a)(10), (b)(1)(i), (b)(1)(ii), (b)(1)(iii), (b)(1) (iv), (b)(1)(vii)(A), (b)(1)(vii)(B), (b)(1)(vii)(C), (b)(2)(iii), and (g)(3), adding paragraphs (a)(11), (b)(2)(iii)(A), (b)(2)(iii)(B), (b)(2)(v), (e)(1), (e)(2), (f)(1), (f)(2), (g)(3)(i), and (g)(3)(ii), and reserving paragraph (b)(2)(ii) to read as follows:

§ 86.082-24 Test vehicles and engines.

(a)(1) * * *

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) [Reserved]

(iii) [Reserved]

(iv) The cylinder block configuration (air cooled or water cooled: L-6, 90°, V-8, etc.).

(v) The location of the intake and exhaust valves (or ports), and the valve (or port) sizes (within a ⅛-inch range on the valve head diameter or within 10 percent of the port area.)

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics.

(ix) Thermal reactor characteristics.

(x) Type of air inlet cooler (e.g., intercoolers and aftercoolers) for diesel heavy-duty engines.

* * * * *

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraphs (a)(2) and (a)(3) of this section, the Administrator will establish families for those engines based upon those features most related to their emission characteristics. Engines that are eligible to be included in the same engine family based on the criteria in paragraphs (a)(2) and (a)(3)(i) of this section may be further divided into different engine families if the manufacturer determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The dimension from the center line of the crankshaft to the center line of the camshaft.

(ii) The dimension from the center line of the crankshaft to the top of the cylinder block head face.

* * * * *

(7) * * *

(8)(i) If the manufacturer elects to participate in the Alternative Durability Program, the engine families covered by an application for certification shall be grouped based upon similar engine design and emission control system characteristics. Each of these groups shall constitute a separate engine family group.

(ii) To be classed in the same engine family group, engine families must contain engines identical in all of the following respects:

(A) The combustion cycle.

(B) The cylinder block configuration (air-cooled or water-cooled; L-6, V-8, rotary, etc.).

(C) Displacement (engines of different displacement with 50 cubic inches or 15 percent of the largest displacement and

contained within a multidisplacement engine family will be included in the same engine family group).

(D) Catalytic converter usage and basic type (non-catalyst, oxidation catalyst only, three-way catalyst equipped).

(9) Engine families identical in all respects listed in paragraph (a)(8) of this section may be further divided into different engine family groups if the Administrator determines that they are expected to have significantly different exhaust emission control system deterioration characteristics.

(10) A manufacturer may request the Administrator to include in an engine family group, engine families in addition to those grouped under the provisions of paragraph (a)(8) of this section. This request must be accompanied by information the manufacturer believes supports the inclusion of these additional engine families.

(11) A manufacturer may combine into a single engine family group those light-duty vehicle and light-duty truck engine families which otherwise meet the requirements of paragraphs (a)(8) through (a)(10) of this section.

(b) * * *

(1) * * *

(i) Vehicles will be chosen to be operated and tested for emission data based upon engine family groupings. Within each engine family, one test vehicle will be selected based on the following criteria: The Administrator shall select the vehicle with the heaviest equivalent test weight (including options) within the family. Then within that vehicle the Administrator shall select, in the order listed, the highest road load power, largest displacement, highest fuel flow at the speed of maximum rated torque, the transmission with the highest numerical final gear ratio (including overdrive), and the highest numerical axle ratio offered in that engine family.

(ii) The Administrator shall select one additional test vehicle from within each engine family. The vehicle selected shall be the vehicle expected to exhibit the highest emissions of those vehicles remaining in the engine family. If all vehicles within the engine family are similar the Administrator may waive the requirements of this paragraph.

(iii) Within an engine family and exhaust emission control system, the manufacturer may alter any emission-data vehicle to represent more than one selection under paragraph (b)(1) (i), (ii), (iv), or (vii) of this section.

(iv) If the vehicles selected in accordance with paragraphs (b)(1) (i) and (ii) of this section do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be the vehicle expected to exhibit the highest emissions of those vehicles within the engine family.

* * * * *

(vii)(A) Vehicles of each evaporative emission family will be divided into evaporative emission control systems.

(B) The Administrator will select the vehicle expected to exhibit the highest evaporative emissions, from within each evaporative family to be certified, from among the vehicles represented by the exhaust emission-data selections for the engine family, unless evaporative testing has already been completed on the vehicle expected to exhibit the highest evaporative emissions for the evaporative family as part of another engine family's testing.

(C) If the vehicles selected in accordance with paragraph (b)(1)(vii)(B) of this section do not represent each evaporative emission control system, the Administrator will select the vehicle with the highest expected evaporative emissions from within each unrepresented evaporative system.

* * * * *

(2) * * *

(i) * * *

(ii) [Reserved]

(iii) The Administrator shall select a maximum of two engines within each engine family based upon features indicating that they may have the highest emission levels of the engines in that engine family as follows:

(A) The Administrator shall select one emission-data engine first based on the largest displacement within the engine family. Then within the largest displacement the Administrator shall select, in the order listed, highest fuel flow at the speed of maximum rated torque, the engine with the most advanced spark timing, no EGR or lowest EGR flow, and no air pump or lowest actual flow air pump.

(B) The Administrator shall select one additional engine, from within each engine family. The engine selected shall be the engine expected to exhibit the highest emissions of those engines remaining in the engine family. If all engines within the engine family are similar the Administrator may waive the requirements of this paragraph.

(iv) * * *

(v) Within an engine family and emission control system, the manufacturer may alter any emission-data engine to represent more than one selection under paragraphs (b)(2) (iii) and (iv) of this section.

* * * * *

(e)(1) Any manufacturer whose projected sales for the model year in which certification is sought is less than:

(i) 2,000 gasoline-fueled light-duty vehicles, or

(ii) 2,000 diesel light-duty vehicles, or

(iii) 2,000 gasoline-fueled light-duty trucks, or

(iv) 2,000 diesel light-duty trucks, or

(v) 2,000 gasoline-fueled heavy-duty engines, or

(vi) 2,000 diesel heavy-duty engines, may request a reduction in the number of test vehicles (or engines) determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(2) Any manufacturer may request to certify engine families with combined total sales of fewer than 10,000 light-duty vehicles, light-duty trucks, and heavy-duty engines utilizing assigned deterioration factors prescribed by the Administrator. The assigned deterioration factors shall be applied only to entire engine families.

(f)(1) In lieu of testing an emission-data or durability-data vehicle (or engine) selected under paragraph (b) or (c) of this section, and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data and/or fuel evaporative emission data, as applicable, on a similar vehicle (or engine) for which certification has previously been obtained or for which all applicable data required under § 86.082–23 have previously been submitted.

(2) Heavy-duty engine test data submitted prior to the 1980 model year and which comply with paragraph (f)(1) of this section can be used in subsequent model years, without regard to the test procedure. Any heavy-duty engine certified in the 1979 model year will be certified for 1980 and subsequent model years if requested by the manufacturer.

(g) * * *

(3)(i) Where it is expected that more than 33 percent of a car line, within an engine-system combination, will be equipped with an item of optional equipment that can reasonably be expected to influence emissions, then such items shall actually be installed (unless excluded under paragraph (g)(3)(ii) of this section) on all emission-data and durability-data vehicles of that car line, within that engine-system combination, on which the items are

intended to be offered in production. Optional equipment that can reasonably be expected to influence emissions are the air conditioner, power steering, power brakes and other items determined by the Administrator.

(ii) If the manufacturer determines by test data or engineering evaluation that the actual installation of the optional equipment required by paragraph (g)(3)(i) of this section does not affect the emissions or fuel economy values, the optional equipment need not be installed on the test vehicle. The weight of the options shall be included in the design curb weight and also be represented in the weight of the test vehicles. The engineering evaluation, including any test data, used to support the deletion of optional equipment from test vehicles, shall be maintained by the manufacturer and shall be made available to the Administrator upon request.

* * * * *

9. A new § 86.082-25, which is identical to § 86.079-25 except for revisions to paragraphs (a)(1) and (a)(10), is added to read as follows:

§ 86.082-25 Maintenance.

(a) *Light-duty vehicles and light-duty trucks.* Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(1) Scheduled maintenance on the engine, emission control system, and fuel system of durability-data vehicles, selected by the Administrator or elected by the manufacturer under § 86.082-24(c)(1), shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. This maintenance schedule may be updated as necessary throughout the durability-data vehicle's testing provided that no maintenance operation is deleted from the maintenance schedule after the operation has been performed on the test vehicle. Such maintenance shall be performed, except as provided in paragraph (a)(5)(iii) of this section, only under the following provisions:

(i) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving: *Provided,* That no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be restricted to paragraph (a)(1)(i) (A) or (B) of this section, and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel.

(A) *For gasoline-fueled vehicles,* the following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Ignition system.

(*2*) Cold starting enrichment system (includes fast idle speed setting).

(*3*) Curb idle speed and air/fuel mixture.

(*4*) Drive belt tension on engine accessories.

(*5*) Valve lash.

(*6*) Inlet air and exhaust gas control valves.

(*7*) Engine bolt torque.

(*8*) Spark plugs.

(*9*) Fuel filter and air filter.

(*10*) Crankcase emission control system.

(*11*) Fuel evaporative emission control system.

(B) *For diesel vehicles,* a major engine tuneup shall be restricted to the following:

(*1*) Adjust low idle speed.

(*2*) Adjust valve lash if required.

(*3*) Adjust injector timing.

(*4*) Adjust governor.

(*5*) Clean and service injector tips.

(*6*) Adjust drive belt tension on engine accessories.

(*7*) Check engine bolt torque and tighten as required.

(ii) Change of engine and transmission oil, and change or service of oil filter will be allowed at the same mileage intervals that will be specified in the manufacturer's maintenance instructions.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to adjustment during scheduled major engine tuneups, once during the first 5,000 miles of vehicle operation.

(2)(i) *For gasoline-fueled vehicles,* unscheduled maintenance on the engine, emission control system, and fuel system of durability-data vehicles may be performed, except as provided in paragraph (a)(5)(i) of this section, only under the following provisions:

(A) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(B) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a)(1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 rpm or more, or if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(ii) *For diesel vehicles,* unscheduled maintenance on the engine emission control system, and fuel system of durability-data vehicles may be performed except as provided in paragraph (a)(5)(i) of this section, only under the following provisions:

(A) Injectors may be changed if a persistent misfire is detected.

(B) Readjustment of the engine idle speed (curb idle and fast idle) may be performed in addition to that performed as scheduled maintenance under paragraph (a)(1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 rpm or more, or if there is a problem of stalling.

(3) An exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(i) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup, if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance at each of those mileage points. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(ii) Manufacturers may service the EGR system as unscheduled maintenance a maximum of three times during the 50,000 miles if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iii) Manufacturers may service the EGR system a maximum of three times during the 50,000 miles either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance. The signal may be activated either by the EGR system failure (unscheduled maintenance) or need for scheduled periodic

maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iv) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in vehicle performance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(4) The catalytic converter may be serviced once during 50,000 miles if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(5) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability-data vehicles shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(A) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(B) Had made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, vehicle stalling, overheating, fluid leakage, loss of oil pressure, or charge indicator warning. For the evaporative emission control system, this overt indication may be indicated by such items as fuel odor or fluid leakage.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a)(5)(i)(A) of this section.

(iii) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not be used as a durability-data vehicle.

(7) Where the Administrator agrees under § 86.082–26 to a mileage accumulation of less than 50,000 miles for durability testing, he may modify the requirements of this paragraph.

(8)(i) Adjustment of engine idle speed on emission-data vehicles may be performed once before the 6,436-kilometer (4,000-mile) test point. Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission-data vehicles shall be performed only with the advance approval of the Administrator.

(ii) Maintenance on emission-data vehicles selected under § 86.082–24(b)(1)(v) or (b)(1)(viii) and permitted to be tested for purposes of § 86.082–23(b)(1) (i) and (ii) under the provisions of § 86.082–24(b)(1)(vi) may be performed in conjunction with emission control system modifications at the 6,436-kilometer (4,000-mile) test point, and shall be performed in accordance with the maintenance instructions to be provided to the ultimate purchaser required under § 86.079–38.

(iii) Maintenance on those emission-data vehicles selected under § 86.082–24(b)(1)(v) which are not capable of being modified in the field for the purpose of complying with emission standards at an altitude other than intended by the original design may be performed in conjunction with the emission control system modifications at the 6,436-kilometer (4,000-mile) test point, and shall be approved in advance by the Administrator.

(9) Repairs to vehicle components of the durability-data or emission-data vehicle, other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(10) Complete emission tests (see §§ 86.106 through 86.145) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data may be submitted weekly to the Administrator, but shall be air posted or delivered within 7 days after completion of the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within 30 working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 86.082–23.

(11) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or vehicle malfunction (e.g., misfiring, stalling, black smoke), or an activation of an audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(12) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and:

(i) Are used in conjunction with scheduled maintenance on such components.

(ii) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (a)(5)(i) of this section for durability-data vehicles or paragraph (a)(8)(i) of this section for emission-data vehicles, or

(iii) Unless specifically authorized by the Administrator.

(b) [Reserved]

(c)(1) *Heavy-duty engines.* Paragraph (c) of this section applies to heavy-duty engines.

(2)(i) The scheduled maintenance described in this section may be performed on a durability-data engine provided the maintenance is requested in the application for certification. Such scheduled maintenance must be specified at the same intervals in the maintenance instructions furnished to the ultimate purchaser of the vehicle in which the engine, represented by the test engine, is installed. (For equivalent dynamometer hours, engine hours, and mileage intervals, see § 86.082–2.) A scheduled major engine servicing shall be restricted to items listed in this subparagraph and shall be conducted in a manner consistent with service instructions and specifications provided

by the manufacturer for use by the customer service personnel.

(A) For gasoline-fueled engines, major engine tuneups to manufacturer's specifications may be performed no more frequently than every 375 hours of scheduled dynamometer operation: *Provided*, no tuneups are performed after 1,375 hours of scheduled dynamometer operation. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(1) Ignition system

(2) Cold starting enrichment system (includes fast idle speed setting).

(3) Curb idle speed and air/fuel mixture.

(4) Drive belt tension on engine accessories.

(5) Valve lash.

(6) Inlet air and exhaust gas control valves.

(7) Engine bolt torque.

(8) Spark plugs.

(9) Fuel filter and air filter.

(10) Crankcase emission control system.

(11) Fuel evaporative emission control system.

(B) For diesel engines one major engine servicing to the manufacturer's specifications may be performed prior to 875 hours (±8 hours) of scheduled dynamometer operation. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(1) Low idle speed.

(2) Drive belt tension.

(3) Engine bolt torque.

(4) Valve lash.

(5) Injection timing.

(6) Injector assemblies.

(7) Governor settings.

(C) Normal engine servicing such as engine oil change, and oil filter, fuel filter, and air filter cleaning or replacement will be allowed at manufacturer's recommended intervals. If approved in advance by the Administrator, the maintenance for these items may differ from that specified in the manufacturer's maintenance instructions.

(D) Readjustment of the engine low idle speed may be performed once during the first 125 hours of engine operation.

(ii) Unscheduled maintenance may be performed on durability-data engines, except as provided in paragraph (c)(2)(v)(A) of this section, only under the following provisions:

(A) An injector or spark plug may be changed if a persistent misfire is detected.

(B) Readjustment of a gasoline-fueled engine cold-start enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (c)(2)(i) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 rpm or more, or if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(iii) Any exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(A) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup if an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for EGR system maintenance at the service point. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test engine unrepresentative of engines in use.

(B) Manufacturers may service the EGR system as unscheduled maintenance a maximum of one time during durability testing (1,500 hours for gasoline-fueled engines or 1,000 hours for diesel engines) if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the engine operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test engine unrepresentative of engines in use.

(C) Manufacturers may service the EGR system a maximum of three times during durability testing (1,500 hours for gasoline-fueled engines or 1,000 hours for diesel engines) either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for EGR system maintenance. The signal may be activated either by EGR system failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test engine unrepresentative of engines in use.

(D) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely as determined by the Administrator, to result in an improvement in engine performance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test engine unrepresentative of engines in use.

(iv) The catalytic converter may be serviced once during durability testing (1,500 hours for gasoline-fueled engines or 1,000 hours for diesel engines) if an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(v) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning or replacement on durability-data engines shall be performed only with the advance approval of the Administrator.

(A) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(1) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection components, or removable prechamber removal or replacement; and,

(2) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, engine stalling, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (c)(2)(v)(A)(*1*) of this section.

(C) Requests for authorization of scheduled maintenance of emission control related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the

manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(vi) If the Administrator determines that part failure or system malfunction occurrence and /or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability-data engine.

(3)(i) Scheduled maintenance on emission-data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specification.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(4) [Reserved]

(5)(i) Complete emission tests (see Subparts D or H of this part for gasoline-fueled engines and Suparts D and I, of this part for diesel engines) are required, unless waived by the Administrator, before and after:

(A) Scheduled maintenance approved for durability-data engines, except maintenance performed under § 86.082-25(c)(2)(i)(C);

(B) Unscheduled maintenance which may reasonably be expected to affect emissions.

(ii) The tests before and after scheduled maintenance, which are performed on durability-data engines prior to 117 hours, are waived. The test before scheduled maintenance, which is performed on durability-data engines after 117 hours and prior to 133 hours, is waived. The after-maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 86.082-28

(iii) The idle speed reset and any scheduled maintenance on the emission-data engine shall be performed prior to the 125-hour test. The before-maintenance and after-maintenance tests associated with idle speed reset and scheduled maintenance on the emission-data engine are waived.

(iv) Test data required by this paragraph may be submitted weekly to the Administrator, but shall be air posted or delivered to the Administrator within seven (7) days after the completion of the test, along with a complete record of all pertinent maintenance.

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted or delivered within 7 working days. A final engineering report shall be delivered or air posted within 30 working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(vi) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.082-23.

(6) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/ or engine malfunction (e.g., misfiring, stalling).

(7) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets, and:

(i) Are used in conjunction with scheduled maintenance on such components;

(ii) Are used subsequent to the identification of an engine failure or malfunction, as provided in paragraph (c)(2)(v)(A) of this section for durability-data engines or paragraph (c)(3) of this section for emission-data engines; or,

(iii) Unless specifically authorized by the Administrator.

10. Section 86.082-26 is amended by revising paragraphs (a)(3)(i)(A), (a)(3)(i)(B), (a)(3)(i)(C), (a)(3)(ii)(A), (a)(3)(ii)(B), (a)(3)(ii)(C), (a)(4)(i), (a)(4)(ii), (a)(4)(iii), (a)(5), (a)(6)(i), (a)(6)(ii), (a)(7), (a)(8), (b)(5), (b)(6), (b)(7), (b)(8)(i), (b)(8)(ii), and (b)(9), and adding paragraphs (a)(4)(iv), (a)(6)(iii), and (b)(8)(iii), as follows:

§ 86.082-26 Mileage and service accumulation; emission measurements.

(a) * * *

(3) * * *

(i) * * * (A) The manufacturer shall determine, for each engine family, the mileage at which the engine-system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. Any vehicle used to represent emission-data vehicle selections under § 86.082-24(b)(1) shall be equipped with an engine and emission control system that has accumulated at least the mileage determined under this paragraph. Fuel economy data generated from certification vehicles selected in accordance with § 86.082-24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006-82(c). Complete exhaust and evaporative (if required) emission tests shall be conducted for each emission-data vehicle selection under § 86.082-24(b)(1). The Administrator may determine under § 86.082-24(f) that no testing is required.

(B) Emission tests for emission-data vehicle(s) selected under § 86.082-24(b)(1)(v) or (viii) shall be conducted under high-altitude conditions.

(C) Exhaust and evaporative emission tests for emission-data vehicle(s) selected for testing under § 86.082-24(b)(1) (i), (ii), (iv) or (vii) shall be conducted under low-altitude conditions.

(ii) *Diesel* (A) The manufacturer shall determine, for each engine family, the mileage at which the engine-system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. Any vehicle used to represent emission-data vehicle selections under § 86.082-24(b)(1) shall be equipped with an engine and emission control system that has accumulated at least the mileage determined under this paragraph. Fuel economy data generated from certification vehicles selected in accordance with § 86.082-24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006-82(c). Complete exhaust emission tests shall be conducted for each emission-data vehicle selection under § 86.082-24(b)(1). The Administrator may determine under § 86.082-24(f) that no testing is required.

(B) Emission tests for emission-data vehicle(s) selected for testing under § 86.082-24(b)(1)(v) or (viii) shall be conducted under high-altitude conditions.

(C) Emission tests for emission-data vehicle(s) selected under § 86.082-24(b)(1)(i), (ii), and (iv) shall be conducted under low-altitude conditions.

* * * * *

(4) * * *

(i) *Gasoline-fueled.* Each gasoline-fueled durability-data vehicle selected by the Administrator or elected by the manufacturer under § 86.082-24(c)(1) shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as

the Administrator may agree to as meeting the objective of this procedure. Complete exhaust emission tests shall be made on all durability-data vehicles selected by the Administrator or elected by the manufacturer under § 86.082-24(c) at test point mileage intervals that the manufacturer determines. At a minimum, complete exhaust emission tests shall be made at 5,000 miles, and at 50,000 miles. The mileage interval between test points must be of equal length except for the interval between zero miles and 5,000 miles, the final interval, and any interval before or after testing conducted in conjunction with vehicle maintenance as specified in § 86.082-25(a)(10). The Administrator may determine under § 86.082-24(f) that no testing is required.

(ii) *Diesel.* Each diesel durability-data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of this procedure. Complete emission tests (see §§ 86.106 through 86.145) shall be made at test point mileage intervals that the manufacturer determines. At a minimum complete exhaust emission tests shall be made at 5,000 miles and at 50,000 miles. The mileage interval between test points must be of equal length except for the interval between zero miles and 5,000 miles, the final interval, and any interval before or after testing conducted in conjunction with vehicle maintenance as specified in § 86.082-25(a)(10).

(iii) Production durability-data vehicles selected under § 86.082-24(h)(1) shall be driven and tested in accordance with paragraphs (a)(4)(i) and (a)(4)(ii) of this section with the exception that the emission test specified for the 5,000-mile point shall be conducted at the 4,000-mile point.

(iv) The manufacturer may, at its option, alter the durability-data vehicle at the selected test point to represent emission-data vehicle(s) within the same engine/system combination and perform emission tests on the altered vehicle. Upon completion of emission testing, the manufacturer may return the test vehicle to the durability-data vehicle configuration and continue mileage accumulation.

(5) All tests required by this subpart on durability-data vehicles shall be conducted within 250 miles of each of the test points.

(6)(i) If the manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests unless the manufacturer chooses to average the test results. If the manufacturer chooses to average the test results at a test point, it may conduct more tests than the minimum number of tests conducted at any other test point. The results of all valid test data must be included in the average. The test results obtained from emission tests performed before maintenance affecting emissions shall not be averaged with test results after the maintenance. The manufacturer shall follow the same procedure for all exhaust pollutants in the vehicle's data set.

(ii) The results of all emission testing shall be supplied to the Administrator. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) may be submitted weekly to the Administrator, but shall be air posted or delivered to the Administrator within 7 days after completion of the test. In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.082-23. Where the Administrator conducts a test on a durability-data vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(iii) The results of all emission tests shall be rounded, using the "Rounding Off Method" specified in ASTM E 29-67, to the number of places to the right of the decimal point indicated by expressing the applicable emission standard of this subpart to three significant figures.

(7) Whenever a manufacturer intends to operate and test a vehicle which may be used for emission or durability data, the manufacturer shall retain in its records all information concerning all emission tests and maintenance, including vehicle alterations to represent other vehicle selections. For emission-data vehicles this information shall be submitted, including the vehicle description and specification information required by the Administrator, to the Administrator following the emission-data tests required under paragraph (a)(3) of this section. For durability-data vehicles, this information shall be submitted following the 5,000-mile test.

(8) Once a manufacturer submits the information required in paragraph (a)(7) of this section for a durability-data vehicle, the manufacturer shall continue to run the vehicle to 50,000 miles and the data from the vehicle will be used in the calculations under § 86.082-28. Discontinuation of a durability-data vehicle shall be allowed only with the written consent of the Administrator.

* * * * *

(b) * * *

(5) *Emission-data engines:* The manufacturer shall determine for each engine family, the number of hours at which the engine system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested a record of the rationale used in making this determination. The manufacturer may elect to accumulate 125 hours on each test engine within an engine family without making a determination. Any engine used to represent emission-data engine selections under § 86.082-24(b)(2) shall be equipped with an engine-system combination that has accumulated at least the number of hours determined under this paragraph. Complete exhaust emission tests shall be conducted for each emission-data engine selection under § 86.082-24(b)(2). Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system. The Administrator may determine under § 86.082-24(f) that no testing is required.

(6) *Durability-data engines:* Each gasoline-fueled durability-data engine shall be operated, with all emission control systems installed and operating, for 1,500 hours. Each diesel durability-data engine shall be operated for 1,000 hours. A zero-hour emission test may be performed prior to beginning service accumulation. Complete emission tests shall be made at a minimum of 125 hours and the completion of service accumulation. The service hours interval between test points must be of equal length except for the interval between zero hours and 125 hours, the final interval, and any interval before or after testing conducted in conjunction with vehicle maintenance as specified in § 86.082-25(c)(5). Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(7) All tests required by this subpart may be conducted at any accumulated number of hours within 8 hours of the test point.

(8)(i) Data from all emission tests (including voided tests) may be submitted weekly to the Administrator, but shall be air posted or delivered to the Administrator within 7 days after completion of the test. The manufacturer

shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. Tests between test points may be conducted as required by the Administrator. In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.082-23. Where the Administrator conducts a test on a durability-data engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests unless the manufacturer chooses to average the test results. If the manufacturer chooses to average the test results at a test point, it may conduct more tests than the minimum number of tests conducted at any other test point. The results of the multiple tests shall be averaged to create a single value which is the test point value used in the deterioration factor calculation specified in § 86.082-28. When using this option to generate data for a particular test point, the manufacturer must include in the average all valid test data generated at that test point. The manufacturer shall follow the same procedure for all exhaust pollutants. The test results obtained from emission tests performed before and after maintenance affecting emissions shall not be averaged.

(iii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29-67.

(9) Whenever a manufacturer intends to operate and test an engine which may be used for emission or durability data, the manufacturer shall retain in its records all information concerning all emission tests and maintenance, including engine alterations to represent other engine selections. For emission-data engines this information shall be submitted, including the engine description and specification information required by the Administrator, to the Administrator following the emission-data tests required under paragraph (b)(5) of this section. For durability-data engines, this information shall be submitted following the final durability-data test.

* * * * *

11. Section 86.082-28 is amended by revising paragraphs (a)(4)(i)(A), (a)(4)(i)(B), (a)(4)(ii)(A), (a)(4)(ii)(B), and (b)(4)(i)(B) and adding paragraphs (a)(4)(i)(A)(*4*), and (b)(4)(i)(A)(*4*), as follows:

§ 86.082-28 Compliance with emission standards.

(a) * * *

(4) * * *

(i) * * *

(A) The applicable results to be used, unless excluded by paragraph (a)(4)(i)(A)(*4*) of this section, in determining the exhaust emission deterioration factors for each engine-system combination shall be:

* * * * *

(*4*) The manufacturer has the option of applying an outlier test point procedure to completed durability data within its certification testing program for a given model year. The decision to apply to the outlier procedure shall be made separately for light-duty vehicles and light-duty trucks. The outlier procedure will be specified by the Administrator. For any pollutant, durability-data test points that are identified as outliers shall not be included in the determination of deterioration factors if the manufacturer has elected this option. The manufacturer shall specify to the Administrator, before the certification of the first light-duty vehicle or light-duty truck engine family for that model year, if it intends to use the outlier procedure. The manufacturer may not change procedures after the first engine family of the model year is certified. Where the manufacturer chooses to apply the outlier procedure to a data set that contains data which was averaged under § 86.082-26(a)(6)(i) the averaging shall be completed prior to applying the outlier procedure.

(B) All applicable exhaust emission results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The data will be acceptable for use in the calculation of the deterioration factor only if the interpolated 4,000-mile and 50,000 mile points on this line are within the low-altitude standards provided in § 86.082-8 or § 86.082-9, as applicable. Exceptions to this where the data are still acceptable are when a best fit straight line crosses an applicable standard but no data points exceeded the standard, or the best fit straight line crosses an applicable standard with a negative slope (the 4,000-mile interpolated point is higher than the 50,000-mile interpolated point) but the 5,000-mile actual data point is below the standard. A multiplicative exhaust emission deterioration factor shall be calculated for each engine-system combination as follows:

Factor = Exhaust emissions interpolated to 50,000 miles divided by exhaust emissions interpolated to 4,000 miles.

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29-67.

* * * * *

(ii)(A) The official exhaust emission test results for each emission-data vehicle at the selected test point shall be multiplied by the appropriate deterioration factor: *Provided:* that if a deterioration factor as computed in paragraph (a)(4)(i)(B) of this section is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(B) The official evaporative emission test results (gasoline-fueled vehicles only) for each evaporative emission-data vehicle at the selected test point shall be adjusted by addition of the appropriate deterioration factor: *Provided:* That if a deterioration factor as computed in paragraph (a)(4)(i)(C) of this section is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

* * * * *

(b) * * *

(4) * * *

(i) * * *

(A) * * *

(*4*) The manufacturer has the option of applying an outlier test point procedure to all completed durability data within its certification testing program for a given model year. The outlier procedure will be specified by the Administrator. For any pollutant, durability-data test points that are identified as outliers shall not be included in the determination of deterioration factors if the manufacturer has elected this option. The manufacturer shall specify to the Administrator, before the certification of the first engine family for that model year, if it intends to use the outlier procedure. The manufacturer may not change procedures after the first engine family of the model year is certified. Where the manufacturer chooses to apply the outlier procedure to a data set that contains data which was averaged under § 86.082-26(b)(8)(ii) the averaging shall be completed prior to applying the outlier procedure.

(B) All applicable emission results for (1) HC, (2) CO, (3) HC + NO_x, (4) acceleration smoke ("A"), (5) lugging smoke ("B"), and (6) peak smoke ("C") shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. These data will be acceptable for use in the calculation of the deterioration factor only if the interpolated 125-hour and 1,500-hour points for gasoline-fueled engines or the 1,000-hour point for diesel engines on this line are within the low-altitude standards provided in § 86.080-10 or § 86.080-11, as applicable. Exceptions to this where the data are still acceptable are when a best fit straight line crosses an applicable standard but no data points exceeded the standard, or the best fit straight line crosses and applicable standard with a negative slope (the 125-hour interpolated point is higher than the 1,500-hour or 1,000-hour, as applicable, interpolated point) but the 125-hour actual data point is below the standard.

* * * * *

12. Section 86.082-30 is amended by revising paragraphs (a)(2), (a)(3), (a)(6), (a)(7), (a)(8), (a)(9), (b)(5)(ii), and (b)(5)(iii) to read as follows:

§ 86.082-30 Certification.

(a) * * *

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part.

(3) One such certificate will be issued for each engine family. For gasoline-fueled light-duty vehicles and light-duty trucks, one such certificate will be issued for each engine family-evaporative emission family combination. Each certificate will certify compliance with no more than one set of standards except for low-altitude standards and high-altitude standards. The certificate shall cover vehicles sold or delivered to an ultimate purchaser for principal use at a designated high-altitude location only if the vehicle conforms in all material respects to the design specification that applied to those vehicles described in the application for certification at high altitude.

* * * * *

(6) The provisions of paragraph (a)(4) of this section shall not apply to any light-duty vehicle or light-duty truck sold, offered for sale, introduced, or delivered for introduction into commerce in California provided that the vehicle is covered by a certificate of conformity with emission standards in effect in California.

(7) Catalyst-equipped vehicles, otherwise covered by a certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for the importation without retrofit of the catalyst, they will be considered not to be within the coverage of the certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator.

(8) For incomplete light-duty trucks, a certificate covers only those new motor vehicles which, when completed by having the primary load-carrying device or container attached, conform to the maximum curb weight and frontal area limitations described in the application for certification as required in § 86.082-21(d).

(9) For heavy-duty engines, a certificate covers only those new motor vehicle engines installed in heavy-duty vehicles which conform to the minimum gross vehicle weight rating, curb weight, or frontal area limitations for heavy-duty vehicles described in § 86.082-2.

(b) * * *

(5) * * *

(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under § 86.079-32.) The Administrator may then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed; or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine, which is in all material respects the same as the first engine, as modified, may then be operated and tested in accordance with applicable test procedures.

* * * * *

13. A new § 86.082-34 is added, as follows:

§ 86.082-34 Alternative procedure for notification of additions and changes.

(a) A manufacturer may, in lieu of notifying the Administrator in advance of an addition of a vehicle (or engine) under § 86.079-32 or a change in a vehicle (or engine) under § 86.079-33, notify the Administrator concurrently with making an addition of a vehicle or a change in a vehicle, if the manufacturer determines that following the change all vehicles (or engines) effected by the addition or change will still meet the applicable emission standards. Such notification shall include a full description of the addition or change and any supporting documentation the manufacturer may desire to include to support the manufacturer's determination. The manufacturer's determination that the addition or change does not cause noncompliance shall be based on an engineering evaluation of the addition or change and/or testing.

(b) The Administrator may require that additional emission testing be performed to support the manufacturers original determination submitted in paragraph (a) of this section. If additional testing is required the Administrator shall proceed as in § 86.079-32 (b) and (c) or § 86.079-33 (b) and (c) as appropriate. Additional test data, if requested, must be provided within 30 days of the request or the manufacturer must rescind the addition or change immediately. The Administrator may grant additional time to complete testing. If based on this additional testing or any other information, the Administrator determines that the vehicles effected by the addition or change do not meet the applicable standards the Administrator will notify the manufacturer to rescind the addition or change immediately upon receipt of the notification.

(c) Election to produce vehicles (or engines) under this section will be deemed to be a consent to recall all vehicles (or engines) which the Administrator determines under § 86.079-32(c) do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

14. Section 86.084-23 is amended by revising paragraphs (c)(1)(i) and (c)(2), and reserving paragraphs (a)(1), (a)(2), and (c)(1)(ii), as follows:

§ 86.084-23 Required data.

(a) The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information: *Provided, however,* that if requested by the manufacturer, the Administrator may waive any requirement of this section for testing of vehicles (or engine) for which emission data are available.

or will be made available, under the provisions of § 86.081–29.

(1) [Reserved]

(2) [Reserved]

* * * * *

(c) * * *

(1) * * *

(i) Emission data on such vehicles tested in accordance with applicable test procedures and in such numbers as specified. These data shall include zero-mile data, if generated, and emission data generated for certification as required under § 86.084–26(a)(3)(i) or § 86.084–26(a)(3)(ii).

(ii) [Reserved]

(2) *Certification engines.* Emission data on such engines tested in accordance with applicable emission test procedures, of this subpart and in such numbers as specified. These data shall include zero hour data, if generated, and emission data generated for certification as required under § 86.084–26(b)(5).

* * * * *

15. Section § 86.084–24 is amended by revising paragraphs (a)(2), (a)(4), (a)(8), (a)(9), (a)(10), (b)(1)(i), (b)(1)(ii), (b)(1)(iii), (b)(1)(iv), (b)(1)(vii)(A), (b)(1)(vii)(B), (b)(1)(vii)(C), (b)(2)(iii), and (g)(3), adding paragraphs (a)(4)(i), (a)(4)(ii), (a)(11), (b)(2)(iii)(A), (b)(2)(iii)(B), (b)(2)(v), (e)(1), and (e)(2), and reserving paragraphs (b)(1)(v), (b)(1)(vi), (b)(1)(vii)(D), (b)(1)(vii)(E), and (b)(2)(ii) as follows:

§ 86.084–24 Test vehicles and engines.

(a)(1) * * *

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) [Reserved]

(iii) [Reserved]

(iv) The cylinder block configuration (air cooled or water cooled; L–6, 90°, V–8, etc.).

(v) The location of the intake and exhaust valves (or ports), and the valve (or port) sizes (within a ⅛-inch range on the valve head diameter or within 10 percent on the port area.)

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics.

(ix) Thermal reactor characteristics.

(x) Type of air inlet cooler (e.g., intercoolers and after coolers) for diesel heavy-duty engines.

* * * * *

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraphs (a)(2) and (a)(3) of this section, the Administrator will establish families for those engines based upon those features most related to their emission characteristics. Engines that are eligible to be included in the same engine family based on the criteria in paragraphs (a)(2) and (a)(3)(i) of this section may be further divided into different engine families if the manufacturer determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The dimension from the center line of the crankshaft to the center line of the camshaft.

(ii) The dimension from the center line of the crankshaft to the top of the cylinder block head face.

* * * * *

(8)(i) If the manufacturer elects to participate in the Alternative Durability Program, the engine families covered by an application for certification shall be grouped based upon similar engine design and emission control system characteristics. Each of these groups shall constitute a separate engine family group.

(ii) To be classed in the same engine family group, engine families must contain engines identical in all of the following respects:

(A) The combustion cycle.

(B) The cylinder block configuration (air-cooled or water-cooled; L–6, V–8 rotary, etc.).

(C) Displacement (engines of different displacement within 50 cubic inches or 15 percent of the largest displacement and contained within a multidisplacement engine family will be included in the same engine family group).

(D) Catalytic converter usage and basic type (non-catalyst, oxidation catalyst only, three-way catalyst equipped).

(9) Engine families identical in all respects listed in paragraph (a)(8) of this section may be further divided into different engine family groups if the Administrator determines that they are expected to have significantly different exhaust emission control system deterioration characteristics.

(10) A manufacturer may request the Administrator to include in an engine family group, engine families in addition to those grouped under the provisions of paragraph (a)(8) of this section. This request must be accompanied by information the manufacturer believes supports the inclusion of these additional engine families.

(11) A manufacturer may combine into a single engine family group those light-duty vehicle and light-duty truck engine families which otherwise meet the requirements of paragraphs (a)(8) through (a)(10) of this section.

(b) * * *

(1) * * *

(i) Vehicles will be chosen to be operated and tested for emission data based upon engine family groupings. Within each engine family, one test vehicle will be selected based on the following criteria: The Administrator shall select the vehicle with the heaviest equivalent test weight (including options) within the family. Then within that vehicle the Administrator shall select, in the order listed, the highest road load power, largest displacement, highest fuel flow at the speed of maximum rated torque, the transmission with the highest numerical final gear ratio (including overdrive), and the highest numerical axle ratio offered in that engine family.

(ii) The Administrator shall select one additional test vehicle from within each engine family. The vehicle selected shall be the vehicle expected to exhibit the highest emissions of those vehicles remaining in the engine family. If all vehicles within the engine family are similar the Administrator may waive the requirements of this paragraph.

(iii) Within an engine family and exhaust emission control system, the manufacturer may alter any emission-data vehicle to represent more than one selection under paragraph (b)(1) (i), (ii), (iv), or (vii) of this section.

(iv) If the vehicles selected in accordance with paragraphs (b)(1)(i) and (ii) of this section do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be the vehicle expected to exhibit the highest emissions of those vehicles remaining in the engine family.

(v) [Reserved]

(vi) [Reserved]

(vii)(A) Vehicles of each evaporative emission family will be divided into evaporative emission control systems.

(B) The Administrator will select the vehicle expected to exhibit the highest evaporative emissions, from within each evaporative family to be certified, from among the vehicles represented by the exhaust emission-data selections for the engine family, unless evaporative testing has already been completed on the vehicle expected to exhibit the highest evaporative emissions for the evaporative family as part of another engine family's testing.

(C) If the vehicles selected in accordance with paragraph (b)(1)(vii)(B) of this section do not represent each evaporative emission control system then the Administrator will select the highest expected evaporative emission vehicle from within the unrepresented evaporative system.

(D) [Reserved]

(E) [Reserved]

* * * * *

(2) * * *

(ii) [Reserved]

(iii) The Administrator shall select a maximum of two engines within each engine family based upon features indicating that they may have the highest emission levels of the engines in the engine family as follows:

(A) The Administrator shall select one emission-data engine first based on the largest displacement within the engine family. Then within the largest displacement the Administrator shall select, in the order listed, highest fuel flow at the speed of maximum rated torque, the engine with the most advanced spark timing, no EGR or lowest EGR flow, and no air pump or lowest actual flow air pump.

(b) The Administrator shall select one additional engine, from within each engine family. The engine selected shall be the engine expected to exhibit the highest emissions of those engines remaining in the engine family. If all engines within the family are similar the Administrator may waive the requirements of this paragraph.

* * * * *

(v) Within an engine family and emission control system, the manufacturer may alter any emission-data engine to represent more than one selection under paragraph (b)(2)(iii) and (iv) of this section.

* * * * *

(e)(1) Any manufacturer whose projected sales for the model year in which certification is sought is less than:

(i) 2,000 gasoline-fueled light-duty vehicles, or

(ii) 2,000 diesel light-duty vehicles, or

(iii) 2,000 gasoline-fueled light-duty trucks, or

(iv) 2,000 diesel light-duty trucks, or

(v) 2,000 gasoline-fueled heavy-duty engines, or

(vi) 2,000 diesel heavy-duty engines, may request a reduction in the number of test vehicles (or engines) determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(2) Any manufacturer may request to certify engine families with combined total sales of fewer than 10,000 light-duty vehicles, light-duty trucks, and heavy-duty engines utilizing assigned deterioration factors prescribed by the Administrator. The assigned deterioration factors shall be applied only to entire engine families.

* * * * *

(g) * * *

(3)(i) Where it is expected that more than 33 percent of a car line within an engine-system combination will be equipped with an item of optional equipment that can reasonably be expected to influence emissions, then such items shall actually be installed (unless excluded under paragraph (g)(3)(ii) of this section) on all emission-data and durability-data vehicles of that car line, within that engine-system combination, on which the items are intended to be offered in production. Optional equipment that can reasonably be expected to influence emissions are the air conditioner, power steering, power brakes and other items determined by the Administrator.

(ii) If the manufacturer determines by test data or engineering evaluation that the actual installation of the optional equipment required by paragraph (g)(3)(i) of this section does not affect the emissions or fuel economy values, the optional equipment need not be installed on the test vehicle. The weight of the options shall be included in the design curb weight and also be represented in the weight of the test vehicles. The engineering evaluation, including any test data, used to support the deletion of optional equipment from test vehicles, shall be maintained by the manufacturer and shall be made available to the Administrator upon request.

* * * * *

16. Section 86.084–25 is amended by revising paragraphs (a)(1), (a)(10), (b)(5)(iv), and (b)(5)(v) and reserving paragraphs (a)(8)(ii), (a)(8)(iii), (b)(3)(ii), and (b)(3)(iii), as follows:

§ 86.084–25 Maintenance.

(a) *Light-duty vehicles and light-duty trucks.* Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(1) Scheduled maintenance on the engine, emission control system, and fuel system of durability-data vehicles, selected by the Administrator or elected by the manufacturer under § 86.084–24(c)(1), shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. This maintenance schedule may be updated as necessary throughout the durability-data vehicle's testing provided that no maintenance operation is deleted from the maintenance schedule after the operation has been performed on the test vehicle. Such maintenance shall be performed, except as provided in paragraph (a)(5)(iii) of this section, only under the following provisions:

(i) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving: Provided that no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be restricted to paragraph (a)(1)(i) (A) or (B) of this section, and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel.

* * * * *

(8)(i) * * *

(ii) [Reserved]

(iii) [Reserved]

* * * * *

(10) Complete emission tests (see §§ 86.106 through 86.145) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data may be submitted weekly to the Administrator, but shall be air posted or delivered to the Administrator within 7 days after completion of the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within 30 working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 86.084–23.

* * * * *

(b) * * *

(3)(i) * * *

(ii) [Reserved]

(iii) [Reserved]

* * * * *

(5) * * *

(iv) Test data required by paragraph (b)(5) of this section shall be air posted or delivered to the Administrator within 7 working days, along with a complete record of all pertinent maintenance.

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted or delivered within 7 working days. A final engineering report shall be delivered or air posted within 30 working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

* * * * *

17. Section 86.084–26 is amended by revising paragraphs (a)(3)(i)(A), (a)(3)(ii)(A), (a)(4)(i), (a)(4)(ii), (a)(5), (a)(6)(i), (a)(6)(ii), (a)(7), (a)(8), (b)(2)(ii), (b)(4)(i)(A), (b)(4)(ii)(A), (b)(4)(iv), (c)(4), (d)(2)(i), (d)(2)(ii), and (d)(3), adding paragraphs (a)(4)(iii), and (a)(6)(iii), and reserving paragraphs (a)(3)(i)(B), (a)(3)(i)(C), (a)(3)(ii)(B), (a)(3)(ii)(C), (b)(4)(i)(B), (b)(4)(i)(C), (b)(4)(ii)(B), (b)(4)(ii)(C), and (d)(4), as follows:

§ 86.084–26 Mileage and service accumulation; emission measurements.

(a) * * *

(3) * * *

(i) * * * (A) The manufacturer shall determine, for each engine family, the mileage at which the engine-system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. Any vehicle used to represent emission-data vehicle selections under § 86.084–24(b)(1) shall be equipped with an engine and emission control system that has accumulated at least the mileage determined under this paragraph. Fuel economy data generated from certification vehicles selected in accordance with § 86.084–24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006–82(c). Complete exhaust and evaporative (if required) emission tests shall be conducted for each emission-data vehicle selection under § 86.084–24(b)(1). The Administrator may determine under § 86.084–24(f) that no testing is required.

(B) [Reserved]

(C) [Reserved]

(ii) *Diesel* (A) The manufacturer shall determine, for each engine family, the mileage at which the engine-system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. Any vehicle used to represent emission-data vehicle selections under § 86.084–24(b)(1) shall be equipped with an engine and emission control system that has accumulated at least the mileage determined under this paragraph. Fuel economy data generated from certification vehicles selected in accordance with § 86.084–24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006–82(c). Complete exhaust emission tests shall be conducted for each emission-data vehicle selection under § 86.084–24(b)(1). The Administrator may determine under § 86.084–24(f) that no testing is required.

(B) [Reserved]

(C) [Reserved]

(4) * * *

(i) *Gasoline-fueled.* Each gasoline-fueled durability-data vehicle selected by the Administrator or elected by the manufacturer under § 86.084–24(c)(1) shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objective of this procedure. Complete exhaust emission tests shall be made on all durability-data vehicles selected by the Administrator or elected by the manufacturer under § 86.084–24(c) at test point mileage intervals that the manufacturer determines. At a minimum, complete exhaust emission tests shall be made at 5,000 miles, and at 50,000 miles. The mileage interval between test points must be of equal length for the interval between zero miles and 5,000 miles, the final interval, and any interval before or after testing conducted in conjunction with vehicle maintenance as specified in § 86.084–25(a)(10). The Administrator may determine under § 86.084–24(f) that no testing is required.

(ii) *Diesel.* Each diesel durability-data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of the procedure. Complete emission tests (see §§ 86.106 through 86.145) shall be made at test point mileage intervals that the manufacturer determines. At a minimum complete exhaust emission tests shall be made at 5,000 miles and at 50,000 miles. The mileage interval between test points must be of equal length for the interval between zero miles and 5,000 miles, the final interval, and any interval before or after testing conducted in conjunction with vehicle maintenance as specified in § 86.084–25(a)(10.

(iii) The manufacturer may, at its option, alter the durability-data vehicle at the selected test point to represent emission-data vehicle(s) within the same engine/system combination and perform emission tests on the altered vehicle. Upon completion of emission testing, the manufacturer may return the test vehicle to the durability-data vehicle configuration and continue mileage accumulation.

(5) All tests required by this subpart on durability-data and emission-data vehicles shall be conducted within 250 miles of each of the test points.

(6)(i) If the manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests unless the manufacturer chooses to average the test results. If the manufacturer chooses to average the test results at a test point, it may conduct more tests than the minimum number of tests conducted at any other test point. The results of all valid test data must be included in the average. The test results obtained from emission tests performed before maintenance affecting emissions shall not be averaged with test results after the maintenance. The manufacturer shall follow the same procedure for all exhaust pollutants in the vehicle's data set.

(ii) The results of all emission testing shall be supplied to the Administrator. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) may be submitted weekly to the Administrator, but shall be air posted or delivered to the Administrator within 7 days after completion of the test. In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.084–23. Where the Administrator conducts a test on a durability-data vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(iii) The results of all emission tests shall be rounded, using the "Rounding Off Method" specified in ASTM E 29–67, to the number of places to the right of the decimal point indicated by expressing the applicable emission

standard of this subpart to three significant figures.

(7) Whenever a manufacturer intends to operate and test a vehicle which may be used for emission or durability data, the manufacturer shall retain in its records all information concerning all emissions tests and maintenance, including vehicle alterations to represent other vehicle selections. For emission-data vehicles, this information shall be submitted, including the vehicle description and specification information required by the Administrator, to the Administrator following the emission-data test. For durability-data vehicles, this information shall be submitted following the 5,000-mile test.

(8) Once a manufacturer submits the information required in paragraphs (a)(7) of this section for a durability-data vehicle, the manufacturer shall continue to run the vehicle to 50,000 miles, and the data from the vehicle will be used in the calculations under § 86.084–28. Discontinuation of a durability-data vehicle shall be allowed only with the consent of the Administrator.

* * * * *

(b) * * *

(2) * * *

(i) * * *

(ii) Mileage accumulation of the duration selected by the manufacturer on emission-data vehicles selected under § 86.084–24(b)(1). The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 86.129, the manufacturer may elect to conduct the respective emission tests at the test weight corresponding to the higher loaded vehicle weight.

* * * * *

(4) * * *

(i) * * * (A) The manufacturer shall determine, for each engine family, the mileage at which the engine-system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. Any vehicle used to represent emission-data vehicle selections under § 86.084–24(b)(1) shall be equipped with an engine and emission control system that has accumulated at least the mileage determined under this paragraph. Fuel economy data generated from certification vehicles selected in accordance with § 86.084–24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006–82(c). Complete exhaust emission tests shall be conducted for each emission-data vehicle selection under § 86.084–24(b)(1). The Administrator may determine under § 86.084–24(f) that no testing is required.

(B) [Reserved]

(C) [Reserved]

(ii) * * * (A) The manufacturer shall determine, for each engine family, the mileage at which the engine-system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested, a record of the rationale used in making this determination. The manufacturer may elect to accumulate 4,000 miles on each test vehicle within an engine family without making a determination. Any vehicle used to represent emission-data vehicle selections under § 86.084–24(b)(1) shall be equipped with an engine and emission control system that has accumulated at least the mileage determined under this paragraph. Fuel economy data generated from certification vehicles selected in accordance with § 86.084–24(b)(1) with engine-system combinations that have accumulated more than 10,000 kilometers (6,200 miles) shall be factored in accordance with § 600.006–82(c). Complete exhaust emission tests shall be conducted for each emission-data vehicle selection under § 86.084–24(b)(1). The Administrator may determine under § 86.084–24(f) that no testing is required.

(B) [Reserved]

(C) [Reserved]

(iii) * * *

(iv) All tests required by this subpart on durability-data vehicles shall be conducted within 250 miles of each of the test points.

* * * * *

(c) * * *

* * * * *

(4) The manufacturer shall determine, for each engine family, the number of hours at which the engine system combination is stabilized for emission-data testing. The manufacturer shall maintain, and provide to the Administrator if requested a record of the rationale used in making this determination. The manufacturer may elect to accumulate 125 hours on each test engine within an engine family without making a determination. Any engine used to represent emission-data engine selections under § 86.084–24 (b)(2) shall be equipped with an engine system combination that has accumulated at least the number of hours determined under this paragraph. Complete exhaust emission tests shall be conducted for each emission-data engine selection under § 86.084–24(b)(2). Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system. The Administrator may determine under § 86.084(f) that no testing is required.

* * * * *

(d)(1) * * *

(2)(i) The results of all emission testing shall be supplied to the Administrator. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriated based upon the explanation given by the manufacturer for the voided test. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) may be submitted weekly to the Administrator, but shall be air posted or delivered to the Administrator within 7 days after completion of the tests. In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.084–23. Where the Administrator conducts a test on a durability-data vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) * * *

(3) Whenever a manufacturer intends to operate and test a vehicle (or engine) which may be used for emission data, the manufacturer shall retain in its records all information concerning all emissions tests and maintenance, including vehicle (or engine) alterations to represent other vehicle (or engine) selections. This information shall be submitted, including the vehicle (or engine) description and specification information required by the Administrator, to the Administrator following the emission-data test.

(4) [Reserved]

* * * * *

18. Section 86.084–28 is amended by revising paragraphs (a)(4)(i)(A), (a)(4)(i)(B), (a)(4)(ii)(A), (a)(4)(ii)(B), (b)(4)(iii), (b)(6)(ii), (b)(6)(iii), (c)(4)(iii)(A), and (c)(4)(iii)(B), and

adding paragraph (a)(4)(i)(A)(*4*), as follows:

§ 86.084-26 Compliance with emission standards.

(a) * * *

(4) * * *

(i) * * *

(A) The applicable results to be used unless excluded by paragraph (a)(4)(i)(A)(*4*) of this section in determining the exhaust emission deterioration factors for each engine-system combination shall be:

* * * * *

(4) The manufacturer has the option of applying an outlier test point procedure to all completed durability data within its certification testing program for a given model year. The outlier procedure will be specified by the Administrator. For any pollutant, durability-data test points that are identified as outliers shall not be included in the deterioration factors if the manufacturer has elected this option. The manufacturer shall specify to the Administrator, before the certification of the first engine family for that model year, if it intends to use the outlier procedure. The manufacturer may not change procedures after the first engine family of the model year is certified. Where the manufacturer chooses to apply the outlier procedure to a data set that contains data which was averaged under § 86.084-26(a)(6)(i) the averaging shall be completed prior to applying the outlier procedure.

(B) All applicable exhaust emission results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The data will be acceptable for use in the calculation of the deterioration factor only if the interpolated 4,000-mile and 50,000-mile points on this line are within the low-altitude standards provided in § 86.083-8 or § 86.083-9, as applicable. Exceptions to this where data are still acceptable are when a best fit straight line crosses an applicable standard but no data points exceeded the standard, or the best fit straight line crosses an applicable standard with a negative slope (then 4,000-mile interpolated point is higher than the 50,000-mile interpolated point) but the 5,000-mile actual data point is below the standard. A multiplicative exhaust emission deterioration factor shall be calculated for each engine-system combination as follows:

Factor = Exhaust emissions interpolated to 50,000 miles divided by exhaust emissions interpolated to 4,000 miles.

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29-67.

* * * * *

(ii)(A) The official exhaust emission test results for each emission-data vehicle at the selected test point shall be multiplied by the appropriate deterioration factor: *Provided:* that if a deterioration factor as computed in paragraph (a)(4)(i)(B) of this section is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(B) The official evaporative emission test results (gasoline-fueled vehicles only) for each evaporative emission-data vehicle at the selected test point shall be adjusted by addition of the appropriate deterioration factor: *Provided:* That if a deterioration factor as computed in paragraph (a)(4)(i)(C) of this section is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

* * * * *

(b) * * *

(4) * * *

* * * * *

(iii) For transient HC, CO, and NOx idle CO (gasoline vehicles only), and exhaust particulate (diesel vehicles only), the official exhaust emission results for each emission-data vehicle at the selected test point shall be adjusted by multiplication by the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than one, it shall be one for the purposes of this paragraph.

* * * * *

(6)(i) * * *

(ii) The manufacturer shall determine, based on testing described in § 86.084-21(b)(4)(i), and supply an evaporative emission deterioration factor for each evaporative emission family-evaporative emission control system combination. The factor shall be calculated by subtracting the emission level at the selected test point from the emission level at the useful life point.

(iii) The official evaporative emission test results for each evaporative emission-data vehicle at the selected test point shall be adjusted by the addition of the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than zero, it shall be zero for the purposes of this paragraph.

* * * * *

(c) * * *

* * * * *

(4) * * *

* * * * * *

(iii)(A) For transient HC, CO, NOx (and, in the case of gasoline-fueled engines, for idle CO), the official exhaust emission results for each emission-data engine at the selected test point shall be adjusted by multiplication by the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than one, it shall be one for the purposes of this paragraph.

(B) For acceleration smoke ("A"), lugging smoke ("B"), and peak smoke ("C"), the official exhaust emission results for each emission-data engine at the selected test point shall be adjusted by the addition of the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than zero, it shall be zero for the purposes of this paragraph.

* * * * *

19. Section 86.084-30 is amended by revising paragraphs (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9), (b)(5)(ii), and (b)(5)(iii) to read as follows:

§ 86.084-30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 86.078-7(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) (or test engine(s)) meet(s) the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) (or engine(s)) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary or appropriate to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part.

(3) One such certificate will be issued for each engine family. For gasoline-fueled light-duty vehicles and light-duty trucks, one such certificate will be issued for each engine family-evaporative emission family combination. Each certificate will certify compliance with no more than one set of standards.

* * * * *

(7) Catalyst-equipped vehicles, otherwise covered by certificate, which

are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for importation without retrofit of the catalyst, they will be considered not to be within the coverage of the certificate unless included in a catalyst control program operated by a manufacturer or a United States Government agency and approved by the Administrator.

(8) For incomplete light-duty trucks, a certificate covers only those new motor vehicles which, when completed by having the primary load-carrying device or container attached, conform to the maximum curb weight and frontal area limitations described in the application for certification as required in § 86.084–21(d).

(9) For heavy-duty engines, a certificate covers only those new motor vehicle engines installed in heavy-duty vehicles which conform to the minimum gross vehicle weight rating, curb weight, or frontal area limitations for heavy-duty vehicles described in § 86.082–2.

* * * * *

(b) * * *

(5) * * *

(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under 86.079–32.) The Administrator may then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed; or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine which is in all material respects the same as the first engine, as modified, may then be operated and tested in accordance with applicable test procedures.

* * * * *

20. Section 86.085–28 is amended by revising paragraphs (a)(4)(i)(A), (a)(4)(i)(B), (a)(4)(ii)(A), and (a)(4)(ii)(B), (b)(4)(iii), (b)(6)(ii), (b)(6)(iii), (c)(4)(iii)(A), and (c)(4)(iii)(B), and adding paragraph (a)(4)(i)(A)(*4*), as follows:

§ 86.085–28 Compliance with emission standards.

(a) * * *

(4) * * *

(i) * * *

(A) The applicable results to be used unless excluded by paragraph (a)(4)(i)(A)(*4*) of this section in determining the exhaust emission deterioriation factors for each engine-system combination shall be:

* * * * *

(*4*) The manufacturer has the option of applying an outlier test point procedure to all completed durability-data within its certification testing program for a given model year. The outlier procedure will be specified by the Administrator. For any pollutant, durability-data test points that are identified as outliers shall not be included in the determination of deterioration factors if the manufacturer has elected this option. The manufacturer shall specify to the Administrator, before the certification of the first engine family for that model year, if it intends to use the outlier procedure. The manufacturer may not change procedures after the first engine family of the model year is certified. Where the manufacturer chooses to apply the outlier procedure to a data set that contains data which was averaged under § 86.084–26(a)(6)(i) the averaging shall be completed prior to applying the outlier procedure.

(B) All applicable exhaust emission results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The data will be acceptable for use in the calculation of the deterioration factor only if the interpolated 4,000-mile and 50,000-mile points on this line are within the low-altitude standards provided in § 86.083–8 or § 86.083–9, as applicable. Exceptions to this where data are still acceptable are when a best fit straight line crosses an applicable standard but no data points exceeded the standard, or the best fit straight lines crosses an applicable standard with a negative slope (the 4,000-mile interpolated point is higher than the 50,000-mile interpolated point) but the 5,000-mile actual data point is below the standard. A multiplicative exhaust emission deterioration factor shall be calculated for each engine-system combination as follows:

Factor = Exhaust emissions interpolated to 50,000 miles divided by exhaust emissions interpolated to 4,000 miles.

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29–67.

* * * * *

(ii)(A) The official exhaust emission test results for each emission-data vehicle at the selected test point shall be multiplied by the appropriate deterioration factor: *Provided:* that if a deterioration factor as computed in paragraph (a)(4)(i)(B) of this section is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(B) The official evaporative emission test results (gasoline-fueled vehicles only) for each evaporative emission-data vehicle at the selected test point shall be adjusted by addition of the appropriate deterioration factor: *Provided:* that if a deterioration factor as computed in paragraph (a)(4)(i)(C) of this section is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

* * * * *

(b) * * *

(4) * * *

* * * * *

(iii) For transient HC, CO, and NOx, idle CO (gasoline vehicles only), and exhaust particulate (diesel vehicles only), the official exhaust emission results for each emission-data vehicle at the selected test point shall be adjusted by multiplication by the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than one, it shall be one for the purposes of this paragraph.

* * * * *

(6)(i) * * *

(ii) The manufacturer shall determine, based on testing described in § 86.084–21(b)(4)(i), and supply an evaporative emission deterioration factor for each evaporative emission family-evaporative emission control system combination. The factor shall be calculated by subtracting the emission level at the selected test point from the emission level at the useful life point.

(iii) The official evaporative emission test results for each evaporative emission-data vehicle at the selected test point shall be adjusted by the addition of the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than zero, it shall be zero for the purposes of this paragraph.

* * * * *

(c) * * *

* * * * *

(4) * * *

* * * * *

(iii)(A) For transient HC, CO, NOx (and, in the case of gasoline-fueled engines, for idle CO), the official exhaust emission results for each emission-data engine at the selected test point shall be adjusted by multiplication by the appropriate deterioration factor.

However, if the deterioration factor supplied by the manufacturer is less than one, it shall be one for the purposes of this paragraph.

(B) For acceleration smoke ("A"), lugging smoke ("B"), and peak smoke ("C"), the official exhaust emission results for each emission-data engine at the selected test point shall be adjusted by the addition of the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than zero, it shall be zero for the purposes of this paragraph.

* * * * *

21. Paragraph (c)(1)(iv) of § 86.110–82 is revised to read as follows:

§ 86.110–82 Exhaust gas sampling system; diesel vehicles.

* * * * *

(c) * * *

(1) * * *

(iv) A ratio of net weights will be determined by the following formula:

$$\text{Ratio of net weights} = \frac{(\text{Mass particulate})_{\text{primary filter}}}{(\text{Mass particulate})_{\text{primary filter}} + (\text{Mass particulate})_{\text{back up filter}}}$$

22. A new § 86.113–82, which is identical to § 86.113–79 except for paragraph (a)(2), is added to read as follows:

§ 86.113–82 Fuel specifications.

(a) *Gasoline.* (1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing. Gasoline having the following specification or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing except that the lead and octane specifications do not apply.

Item	ASTM	Leaded	Unleaded
Octane, research, minimum	D2699	96	93
Sensitivity, minimum		7.5	7.5
Lead (organic), grams/U.S. gallon		[1] 1.4	0.00–.05
Distillation Range:			
IBP [2], °F	D86	75–95	75–95
10 pct point, °F	D86	120–135	120–135
50 pct point, °F	D86	200–230	200–230
90 pct point, °F	D86	300–325	300–325
EP, °F (maximum)	D86	415	415
Sulfur, weight percent, maximum	D1266	0.10	0.10
Phosphorus, grams/U.S. gallon, maximum		0.01	0.005
RVP [3] [4] pounds per square inch	D323	8.7–9.2	8.7–9.2
Hydrocarbon composition:			
Olefins, percent, maximum	D1319	10	10
Aromatics, percent maximum	D1319	35	35
Saturates	D1319	[5]	[5]

[1] Minimum.
[2] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 75–105.
[3] For testing which is unrelated to evaporative emission control, the specified range is 8.0–9.2.
[4] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 7.9–9.2.
[5] Remainder.

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation. For leaded fuel the minimum lead content shall be equal to the average lead content found in regular leaded gasoline in the fuel survey prescribed by the Administrator. Where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use a gasoline with a different lead content. The octane rating of the gasoline used shall be no higher than 1.0 research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers for unleaded fuel and 7.0 octane numbers for leaded fuel, where sensitivity is defined as the Research octane number minus the Motor octane number. The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a)(2) of this section shall be reported in accordance with § 86.079–21(b)(3).

(b) *Diesel fuel.* (1) The diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emission testing. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 2D" grade diesel, shall be used.

Item	ASTM test method No.	Type 2-D
Cetane Number	D613, D86	42–50
Distillation range:		
IBP, °F		340–400
10 percent point, °F		400–460
50 percent point, °F		470–540
90 percent point, °F		550–610
EP, °F		580–660
Gravity, °AP1	D287	33–37
Total sulfur, percent	D129 or D2622	0.2–0.5
Hydrocarbon composition	D1319	
Aromatics, percent (minimum).		27
Paraffins, naphthenes, olefins.		[1]
Flashpoint, °F (minimum)	D93	130
Viscosity, centistokes	D445	2.0–3.2

[1] Remainder.

(3) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of diesel fuel recommended by the engine manufacturer, commercially, designated as "Type 2–D" grade diesel fuel, shall be used.

Item	ASTM test method No.	Type 2-D
Cetane Number	D613	38–58
Distillation range:		
90 percent point °F	D86	430–630
Gravity °API	D287	30–42
Total sulfur, percent (minimum).	D129 or D2622	0.2
Flashpoint, °F (minimum)	D93	130
Viscosity, centistokes	D455	1.5–4.5

(4) Other petroleum distillate fuel specifications:

(i) Other petroleum distillate fuels may be used for testing and service accumulation provided they are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraph (b)(2) and (b)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), and (b)(4) of this section shall be reported in accordance with §86.078–21(b)(3).

(c) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

23. Paragraph (a) of § 86.145–82 is revised to read as follows:

§ 86.145-82 Calculation; particulate emissions.

(a) The final reported test results for the mass particulate (M_p) in grams/mile shall be computed as follows.

$$M_p = 0.43[M_{p1}+M_{p2}]/[D_{ct}+D_s] + 0.57[M_{p3}+M_{p2}]/[D_{ht}+D_s]$$

Where:

* * * * *

24. A new § 86.307-82, which is identical to § 86.307-79 except for paragraphs (a)(2) and (c), is added to read as follows:

§ 86.307-82 Fuel specifications

(a) *Gasoline.* (1) Gasoline having the following specifications will be used by the Administrator in exhaust emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator shall be used by the manufacturer in exhaust testing, except that the lead and octane specifications do not apply.

Item designation	ASTM	Leaded	Unleaded
Octane, research, minimum	D2699	100	96
PB (organic), grams/U.S. gallon		[1] 1.4	0.00-0.05
Distillation Range:			
IBP, °F	D86	75-95	75-95
10 pct point, °F	D86	120-135	120-135
50 pct point, °F	D86	200-230	200-230
90 pct point, °F	D86	300-325	300-325
EP, °F (maximum)	D86	415	415
Sulfur, weight percent, maximum	D1266	0.10	0.10
Phosphorus, grams/U.S. gallon, maximum		0.01	0.005
RVP pounds per square inch	D323	8.0-9.2	8.0-9.2
Hydrocarbon composition:			
Olefins, percent, maximum	D1319	10	10
Aromatics, percent maximum	D1319	35	35
Saturates	D1319	([2])	([2])

[1] Minimum.
[2] Remainder.

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation. For leaded fuel the minimum lead content shall be equal to the average lead content found in regular leaded gasoline in the fuel survey prescribed by the Administrator. Where the Administrator determines that engines represented by a test engine will be operated using gasoline of different lead content from that prescribed in this paragraph, he may consent in writing to use of a gasoline with a different lead content. The octane rating of the gasoline used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers for unleaded fuel and 7.0 octane numbers for leaded fuel, where sensitivity is defined as research octane number minus motor octane number.

(b) *Diesel Fuel.* (1) The diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxident, dehazer, antirust pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of diesel fuel recommended by the engine manufacturer commercially designated as "Type 1-D" or "Type 2-D", shall be used.

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane Number	D613, D86	48-54	42-50
Distillation range:			
IBP, °F		330-390	340-400
10 percent point, °F		370-430	400-460
50 percent point, °F		410-480	470-540
90 percent point, °F		460-520	550-610
EP, °F		500-560	580-660
Gravity, °AP1	D287	40-44	33-37
Total sulfur, percent	D129 or D2622	0.05-0.02	0.2-0.5
Hydrocarbon composition	D1319		
Aromatics, percent (minimum		[1] 8	[1] 27
Paraffins, naphthenes, olefins		([2])	([2])
Flashpoint, °F (minimum)	D93	120	130
Viscosity, centistokes	D445	1.6-2.0	2.0-3.2

[1] Minimum.
[2] Remainder.

(3) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 1-D" or "Type 2-D", shall be used.

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane (minimum)	D613	42-56	38-58
Distillation range 90 pct point, °F	D86	440-530	540-630
Gravity, °AP1	D287	39-45	30-42
Total sulfur, percent	D129 or D2622	0.05	0.2

Item	ASTM test method No.	Type 1-D	Type 2-D
Flashpoint, °F (minimum)	D96	120	130
Viscosity, centistokes	D445	1.2-2.2	1.5-4.5

[1] Minimum.

(4) Other petroleum distillate fuels may be used for testing and service accumulation provided:

(i) They are commercially available;

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service;

(iii) Use of a fuel listed under paragraphs (b) (2) and (3) of this section would have a detrimental effect on emissions or durability; and

(iv) Written approval from the Administrator of the fuel specifications was provided prior to the start of testing.

(5) The specification range of the fuels to be used under subparagraphs (b)(2), (b)(3), and (b)(4) of this section shall be reported in accordance with § 86.082-21(b)(3).

(c) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

25. Paragraphs (a)(1) and (g) of § 86.308-79 are revised to read as follows:

§ 86.308-79 Gas specifications.

(a) Analyzer gases (1) calibration gases for the CO and CO_2 analyzers shall have zero grade nitrogen as a diluent. Combined CO and CO_2 span gases are permitted. Zero grade nitrogen shall be the diluent for CO and CO_2 span gases.

* * * * *

(g) Proportioning and blending devices may be used to obtain required gas concentration.

26. Paragraphs (a)(1) and (a)(2) of § 86.310-79 are revised to read as follows:

§ 86.310-79 Sampling and analytical system; component specifications.

(a) *Temperature.* (1) *For gasoline-fueled engines any heated component:*

(i) In the HC sample path must be maintained above 110°C (230°F) and shall not exceed 230°C (446°F).

(ii) In the NO_x sample path must be maintained above 60°C (140°F) and shall not exceed 230°C (446°F).

(2) *For Diesel engines any heated component:*

(i) In the HC sample path must be maintained above 180°C (356°F) and shall not exceed 230°C (446°F).

(ii) In the NO_x sample path must be maintained above 60°C (140°F) and shall not exceed 230°C (446°F).

* * * * *

27. Paragraph (e) of § 86.311-79 is revised to read as follows:

§ 86.311-79 Miscellaneous equipment specifications.

* * * * *

(e) If water is removed by condensation, the sample gas temperature or sample dew point must be monitored either within the water trap or downstream. It may not exceed 7°C (45°F).

* * * * *

28. A new paragraph (b)(7) is added to § 86.330-79 and reads as follows:

§ 86.330-79 NDIR analyzer calibration.

* * * * *

(b) * * *

(7) If multiple range analyzers are used, only the lowest range must meet the curve fit requirements below 15 percent of full scale.

* * * * *

29. Paragraph (a) of § 86.332-79 is revised; new paragraphs (d) and (e) are added to read as follows:

§ 86.332-79 Oxides of nitrogen analyzer calibration.

(a) Perform a converter-efficiency check (see paragraph (b) of this section), every 7 days. Every 30 days perform a linearity check (see paragraph (c) of this section), which must be followed by a converter efficiency check. However, if the converter quick-check (see paragraphs (d) and (e) of this section) is performed every 7 days, the full converter efficiency check need only be performed every 30 days.

* * * * *

(d) *Converter checking gas.* If the converter quick-check procedure is to be employed, paragraph (e) of this section, a converter checking gas bottle must be named. The following naming procedure must occur after each converter efficiency check, paragraph (b) of this section.

(1) A gas bottle with an NO_2 concentration equal to approximately 80 percent of the most common operation range shall be designated as the converter checking gas bottle. Its NO concentration shall be less than 25 percent of its NO_2 concentration, on a volume basis.

(2) On the most common operating range, zero and span the analyzer in the NO_x mode. Use a calibration gas with a concentration equal to approximately 80 percent of the range for spanning.

(3) Introduce the converter checking gas. Analyze and record concentrations in both the NO_x mode (X) and NO mode (Y).

(4) Calculate the concentration of the converter checking gas using the results from step (3) and the converter efficiency from paragraph (b) as follows.

$$\text{Concentration} = \frac{(X-Y) \times 100}{\text{Efficiency}} + Y$$

(e) *Converter quick-check.* (1) Span the analyzer in the normal manner (NO_x mode) for the most common operating range.

(2) Analyze the converter checking gas in the NO_x mode, record the concentration.

(3) Compare the observed concentration with the concentration assigned under the procedure in paragraph (d) of this section. If the observed concentration is equal to or greater than 90 percent of the assigned concentration, the converter operation is satisfactory.

30. Paragraph (b)(6) of § 86.337-79 is revised to read as follows:

§ 86.337-79 Information.

* * * * *

(b) * * *

(6) Fuel identification.

* * * * *

31. Paragraph (a)(6) of § 86.338-79 is revised to read as follows:

§ 86.338-79 Exhaust measurement accuracy.

(a) * * *

* * * * *

(6) The HC analyzer's response may be less than 15 percent of full-scale when transient emissions (spikes) can be reasonably expected to exceed 90 percent of full-scale. Higher analyzer ranges may be used provided that the precision and linearity of the anlyzer at the level of the readings below 15 percent meets the specifications of the range that would be required if the transient emissions did not exist.

* * * * *

32. Paragraph (c)(1)(ii) and (c)(2) of § 86.340-79 are revised to read as follows:

§ 86.340-79 Gasoline-fueled engine dynamometer test run.

* * * * *

(c) * * *

(1) * * *

(ii) A torque equivalent to 10±3 percent of the most recent determination of maximum torque for 4 minutes ±30 second at 2,000 rpm. This torque level may be exceeded if the choke and fast idle cam mechanism would normally result in a stabilized idle speed in excess of 2,000 rpm.

* * * * *

(2) If tested under the provisions of § 86.079-29, check specifications as required. This check must be performed within 20 minutes after completion of engine preconditioning;

* * * * *

33. Paragraph (b) of § 86.341-79 is revised to read as follows:

§ 86.341-79 Diesel engine dynamometer test run.

* * * * *

(b) The temperature of the air supplied to the engine shall be between 68°F and 86°F. The fuel temperature at the pump inlet shall be 100°F±10°F. The observed barometric pressure shall be between 28.5 inches and 31 inches Hg. Higher air temperature or lower barometric pressure may be used, if desired, but no allowance shall be made for increased emissions because of such conditions unless correction factors are developed and approved in advance by the Administrator.

* * * * *

34. Paragraph (a)(1) of § 86.342-79 is revised to read as follows:

§ 86.342-79 Post-test procedures.

(a) * * *

(1) Introduce a zero-grade gas or room air into the sample probe or valve V2 to check the "hangup zero" response. Simultaneously start a time measurement.

* * * * *

35. A new § 86.348-79 is added and reads as follows:

§ 86.348-79 Alternative to fuel H/C analysis.

(a) Fuel H/C analysis need not be performed if the following average H/C ratios are used for all calculations.

(1) #1 Diesel: 1:93

(2) #2 Diesel: 1:80

(3) Gasoline: 1.85

36. Paragraphs (a)(2)(ii) and (b)(3) of § 86.437-78 are revised to read as follows:

§ 86.437-78 Certification.

(a) * * *

(2) * * *

(ii) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motorcycle covered by the certificate will meet the requirements of the act and of this subpart.

* * * * *

(b) * * *

(3) Such certificate will be issued for such a period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motorcycle covered by the certificate will meet the requirements of the Act and of this subpart.

* * * * *

37. A new § 86.513-82, which is identical to § 86.513-78 except for paragraphs (b) and (e), is added to read as follows:

§ 86.513-82 Fuel and engine lubricant specifications.

(a) Gasoline having the following specifications will be used by the Administrator in exhaust emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer for emission testing except that the lead and octone specifications do not apply.

Item designation	ASTM	Leaded	Unleaded
Octane, research, minimum	D2699	100	96.
PB (organic), grams/litre		0.370 (1.4) min	0.000-0.013.
(grams/U.S. gallon)			(0.00-0.05).
Distillation Range	D86		
IBP, °C (°F)		23.9-35 (75-95)	23.9-35 (75-95)
10 pct point, °C (°F)		48.9-57.2	48.9-57.2.
		(120-135)	(120-135).
50 pct point, °C (°F)		93.3-110	93.3-110.
		(200-230)	(200-230).
90 pct point, °C (°F)		148.9-162.8	148.9-162.8.
		(300-325)	(300-325).
EP, °C (°F) (maximum)		212.8 (415)	212.8 (415).
Sulfur, weight percent, maximum	D1266	0.10	0.10.
Phosphorus, grams/litre (grams/U.S. gallon), maximum		0.0026 (0.01)	0.0013 (0.005).
RVP, KPa (psi)	D323	55.2-63.4	55.2-63.4
		(8.0-9.2)	(8.0-9.2).
Hydrocarbon composition:			
Olefins, percent, maximum	D1319	10	10.
Aromatics, percent maximum		35	35.
Saturates		Remainder	Remainder.

(b) Gasoline and engine lubricants representative of commercial fuels and engine lubricants which will be generally available through retail outlets shall be used in service accumulation. For leaded fuel the minimum lead content shall be equal to the average lead content found in regular leaded gasoline in the fuel survey prescribed by the Administrator. Where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use a gasoline with a different lead content. The octane rating of the gasoline used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer. The Reid Vapor Pressure of the fuel used shall be characteristic of the motor fuel during the season which the service accumulation takes place. If the manufacturer specifies several lubricants to be used by the ultimate purchaser, the Administrator will select one to be used during service accumulation.

(c) The specification range of the fuels and engine lubricants to be used under paragraph (b) of this section shall be reported in accordance with § 86.416.

(d) The same lubricant(s) shall be used for both service accumulation and emission testing.

(e) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

38. Paragraph (a)(3) of § 86.879-11 is revised to read as follows:

§ 86.879-11 Instrument checks.

(a) * * *

(3) Calibrated neutral density filters having approximately 10, 20, and 40 percent opacity shall be employed to check the linearity of the instrument. The filter(s) shall be inserted in the light path perpendicular to the axis of the beam and adjacent to the opening from which the beam of light from the light source emanates, and the recorder response shall be noted. Filters with exposed filtering media shall be checked for opacity every 6 months; all other filters shall be checked every year, using NBS or equivalent reference filters. Deviations in excess of 1 percent of the nominal opacity shall be corrected.

* * * * *

39. Paragraph (a)(2) of § 86.1313-84 is revised to read as follows:

§ 86.1313-84 Fuel specifications.

(a) * * *

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation. For leaded fuel the minimum lead content shall be equal to the average lead content found in regular leaded gasoline in the fuel survey prescribed by the Administrator. Where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use of a gasoline with a different lead content. The octane rating of the gasoline used shall be not higher than 1.0 Research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers for unleaded fuel and 7.0 octane numbers for leaded fuel, where sensitivity is defined as the Research octane number minus the Motor octane number. The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

* * * * *

40. The table of contents of Part 600 is revised to read as follows:

PART 600—FUEL ECONOMY OF MOTOR VEHICLES

41. The authority for Part 600 reads as follows:

Authority: 15 U.S.C. 2003.

42. A new § 600.006-82, which is identical to § 600.006-81 except for the revised title, revised paragraphs (a), (c)(1), (c)(2), and added paragraph (g), is added to read as follows:

§ 600.006-82 Data and information requirements for fuel economy vehicles.

(a) For certification vehicles with less than 10,000 miles, the requirements of this section are considered to have been met except as noted in paragraph (c) of this section.

(b) The manufacture shall submit the following information for each fuel economy data vehicle:

(1) A description of the vehicle, exhaust emission test results, applicable deterioration factors, and adjusted exhaust emission levels.

(2) A statement of the origin of the vehicle including total mileage, mode of mileage accumulation, and modifications (if any) from the vehicle configuration in which the mileage was accumulated. (For modifications requiring advance approval by the Administrator, the name of the Administrator's representative approving the modification and date of approval are required.) If the vehicle

was previously used for testing for compliance with Part 86 of this chapter or previously accepted by the Administrator as a fuel economy data vehicle in a different configuration, the requirements of this paragraph may be satisfied by reference to the vehicle number and previous configuration.

(3) A description of all maintenance to engine, emission control system, or fuel system components performed within 2,000 miles prior to fuel economy testing. In the case of electric vehicles, the manufacturer should provide a description of all maintenance to electric motor controller, battery configuration, or other components performed within 2,000 miles prior to fuel economy testing.

(4) A copy of calibrations for engine, fuel system, and emission control devices, showing the calibration of the actual components on the test vehicle as well as the design tolerances. In the case of electric vehicles, the manufacturer should provide a copy of calibrations for the electric motor, motor controller, battery configuration, or other components on the test vehicle as well as the design tolerances. (If calibrations for components were submitted previously as part of the description of another vehicle or configuration, the original submittal may be referenced.)

(5) A statement that the fuel economy data vehicle, with respect to which data are submitted:

(i) Has been tested in accordance with applicable test procedures.

(ii) Is, to the best of the manufacturer's knowledge, representative of the vehicle configuration listed, and

(iii) Is in compliance with applicable exhaust emission standards.

(c) The manufacturer shall submit the following fuel economy data:

(1) For vehicles tested to meet the requirements of Part 86 (other than those chosen in accordance with § 86.082-24(c) and (h)), the city of highway fuel economy results from all tests on that vehicle, and the test results adjusted in accordance with paragraph (g) of this section.

(2) For each fuel economy data vehicle, all individual test results (excluding results of invalid and zero mile tests) and the test results adjusted in accordance with paragraph (g) of this section.

(d) The manufacturer shall submit an indication of the intended purpose of the data (e.g., data required by the general labeling program or voluntarily submitted for specific labeling, etc.).

(e) In lieu of submitting actual data from a test vehicle, a manufactuer may provide fuel economy values derived from an analysis. In order for fuel economy values derived from analytical methods to be accepted, the expression (form and coefficients) must have been approved by the Administrator.

(f) If, in conducting tests required or authorized by this part, the manufacturer utilizes procedures, equipment, or facilities not described in the Application for Certification required in § 86.079-21, the manufacturer shall submit a description of such procedures, equipment, and facilities.

(g) For test data generated by certification vehicles selected under 40 CFR 86.082-24(b) with engine system combination at more than 10,000 kilometers (6,200 miles) accumulation, the manufacturer shall adjust the test data using either of the following equations:

$$FE_{6,400km} = FE_T\,[0.969 + 0.523 \times 10^{-5}\,(km)]^{-1}$$

Equation A

$$FE_{4,000m} = FE_T\,[0.969 + 0.842 \times 10^{-5}\,(m)]^{-1}$$

Equation B

Where:

$FE_{6,400km}$ = Fuel economy data adjusted to 6,400-kilometer test point

$FE_{4,000m}$ = Fuel economy data adjusted to 4,000-mile test point

FE_T = Tested fuel economy value

km = Kilometer accumulation at test point

m = Miles accumulation at test point

(1) The adjusted values, rounded to 0.1 mpg, shall be considered the official data for that test.

(2) For vehicles with 10,000 kilometers (6,200 miles) or less accumulated, the manufacturer is not required to adjust the data.

§§ 86.077-1 through 86.077-39 [Removed]

43. Sections 86.077-1 through 86.077-39 are removed.

§§ 86.078-1, 86.078-2, 86.078-5, and 86.078-8 through 86.078-39 [Removed]

44. Sections 86.078-1, 86.078-2, 86.078-5, and sections 86.078-8 through 86.078-39 are removed.

§§ 86.079-1 through 86.079-11, 86.079-21 through 86.079-26, 86.079-28 through 86.079-30, 86.079-35, and 86.079-38 [Removed]

45. Sections 86.079-1 through 86.079-11, 86.079-21 through 86.079-26, 86.079-28 through 86.079-30, 86.079-35 and 86.079-38 are removed.

§§ 86.080-2, 86.080-8, 86.080-24, and 86.080-26 [Removed]

46. Sections 86.080-2, 86.080-8, 86.080-24, and 86.080-26 are removed.

§§ 86.081-1, 86.081-2, 86.081-14 through 86.081-28, 86.081-30, and 86.081-35 [Removed]

47. Sections 86.081-1, 86.081-2, 86.081-14 through 86.081-28, 86.081-30, and 86.081-35 are removed.

§§ 86.108-78, 86.113-78, 86.113-79, 86.114-78, 86.128-78, 86.129-78, 86.129-79, 86.135-78, 86.142-78, and 86.142-79 [Removed]

48. Sections 86.108-78, 86.113-78, 86.113-79, 86.114-78, 86.128-78, 86.129-78, 86.129-79, 86.135-78, 86.142-78, and 86.142-79 are removed.

§§ 86.177-1 through 86.177-23 [Removed]

49. Sections 86.177-1 through 86.177-23 are removed.

§ 86.307-79 [Removed]

50. Section 86.307-79 is removed.

§§ 86.410-78, 86.416-78, and 86.428-78 [Removed]

51. Sections 86.410-78, 86.416-78, and 86.428-78 are removed.

§ 86.513-78 [Removed]

52. Section 86.513-78 is removed.

53. Subparts H and J of Part 86 are removed.

§§ 600.002-77, 600.002-78, 600.002-79 [Removed]

54. Sections 600.002-77, 600.002-78, 600.002-79 are removed.

§ 600.111-78 [Removed]

55. Section 600.111-78 is removed.

§§ 600.206-77, 600.206-79, and 600.207-78 [Removed]

56. Sections 600.206-77, 600.206-79, and 600.207-78 are removed.

§§ 600.306-77, 600.306-78, 600.306-79, 600.306-80, 600.307-77, 600.307-78, 600.307-79, 600.307-80, 600.308-77, 600.308-78, 600.309-77, 600.309-78, 600.311-77, 600.312-77, 600.313-78, 600.315-78, and 600.315-79 [Removed]

57. Sections 600.306-77, 600.306-78, 600.306-79, 600.306-80, 600.307-77, 600.307-78, 600.307-79, 600.307-80, 600.308-77, 600.308-78, 600.309-77, 600.309-78, 600.311-77, 600.312-77, 600.313-78, 600.315-78, and 600.315-79 are removed.

§§ 600.501-78, 600.502-78, 600.506-78, 600.507-78, 600.507-79, 600.510-78, 600.510-79, 600.511-78, 600.512-78, 600.512-79, and 600.513-80 [Removed]

58. Sections 600.501-78, 600.502-78, 600.506-78, 600.507-78, 600.507-79, 600.510-78, 600.510-79, 600.511-78, 600.512-78, 600.512-79, and 600.513-80 are removed.

[FR Doc. 81-29467 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-26-M

federal register

Tuesday
October 13, 1981

Part III

Environmental Protection Agency

General Pretreatment Regulations for Existing and New Sources; Final Rule and Proposal

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 125 and 403

[WH-FRL 1943-3a]

General Pretreatment Regulations for Existing and New Sources

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On January 28, 1981, the Environmental Protection Agency promulgated amendments to the General Pretreatment Regulations for Existing and New Sources (46 FR 9404–9460). On March 27, 1981, the effective date of these amendments was indefinitely postponed, in order to enable the Agency to conduct a Regulatory Impact Analysis under Executive Order 12291 (46 FR 19936, April 2, 1981).

EPA has decided to terminate the indefinite postponement of the general pretreatment amendments and make them effective January 31, 1982. This is being done to allow public comment on the question of whether the amendments should be postponed indefinitely and in response to various groups' suggestions that portions of the general pretreatment amendments be put immediately into effect. By separate notice published this day, EPA is initiating a rulemaking on whether the amendments should be further postponed.

DATES: The effective date of the amendments to the general pretreatment regulations will be January 31, 1982.

ADDRESSES: The record supporting this rulemaking will be made available for inspection through contacting the following person at the following address: Bill Diamond, Environmental Protection Agency, Permits Division (EN-336), 401 M Street SW., Washington, D.C. 20460, (202) 426-4793.

FOR FURTHER INFORMATION CONTACT: Bill Diamond, Environmental Protection Agency, Permits Division (EN-336), 401 M Street SW., Washington, D.C. 20460, (202) 426-4793.

SUPPLEMENTARY INFORMATION: On June 26, 1978, the Environmental Protection Agency ("EPA") promulgated general pretreatment regulations establishing mechanisms and procedures for controlling the introduction of wastes from industry and other non-domestic sources into publicly-owned treatment works. (43 FR 27736–27773). Following promulgation, several parties brought actions in Federal court challenging these regulations. On January 28, 1981, pursuant to the terms of a settlement agreement entered into by some of the parties, EPA promulgated amendments to the 1978 regulations. (46 FR 9404–9460). These amendments were originally scheduled to take effect on March 13, 1981. Their effective date was temporarily deferred until March 30, 1981, however, under the President's Memorandum of January 29, 1981 (46 FR 11972, February 12, 1981). On March 27, 1981, EPA indefinitely postponed the amendments' effective date in order to enable it to conduct a Regulatory Impact Analysis of the general pretreatment program under Executive Order 12291. On April 2, 1981, EPA published a notice in the **Federal Register** to this effect (46 FR 19936). As a result of the deferral of the January 1981 amendments, the June 1978 general pretreatment regulations remain in effect.

Since EPA's indefinite deferral of the effective date of the general pretreatment amendments, a suit has been brought by the Natural Resources Defense Council challenging, among other things, EPA's deferral of the general pretreatment amendments without notice and comment. Additionally, two groups who are directly and intimately affected by the general pretreatment program have recommended that portions of the general pretreatment amendments go into effect. Accordingly, in order to allow public comment on the deferral and address public suggestions that the amendments be put into effect, EPA is today establishing January 31, 1982, as the effective date of the amendments to the general pretreatment regulations.

By separate notice published this day, EPA is conducting a rulemaking on whether the amendments to the general pretreatment regulations should be further deferred. Such a rulemaking will allow for a general public airing of the desirability and appropriate scope of the deferral. EPA considered terminating the current suspension and putting the amendments into effect immediately and then conducting a rulemaking on whether the amendments should be further suspended. This solution, however, would have risked a new suspension following very soon after the amendments had gone back into effect. In order to avoid such confusion, EPA has chosen an effective date which gives it time to complete a rulemaking on the question of further suspension.

Because notice and comment on the amendments' effective date is in effect being provided through the concurrent rulemaking on the question of further suspension, the Agency has determined that there is good cause to promulgate this rule without notice and comment.

Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. EPA is presently conducting a Regulatory Impact Analysis on the amendments to the general pretreatment regulations. Consequently, this rule, which puts those amendments into effect, may possibly be considered major. For the reasons previously outlined in this notice, EPA has nevertheless concluded that the amendments to the general pretreatment regulations should go into effect while they are under reconsideration.

This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the address in the beginning of this notice.

Dated: October 5, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-29605 Filed 10-9-81; 8:45 am]

BILLING CODE 6560-29-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 125 and 403

[WH-FRL 1943-3b]

General Pretreatment Regulations for Existing and New Sources

AGENCY: Environmental Protection Agency.

ACTION: Propose rule.

SUMMARY: On January 28, 1981, the Environmental Protection Agency promulgated amendments to the General Pretreatment Regulations for Existing and New Sources (46 FR 9404–9460). On March 27, 1981, the effective date of these amendments was indefinitely postponed, in order to enable the Agency to conduct a Regulatory Impact Analysis under Executive Order 12291 (46 FR 19936, April 2, 1981).

By separate action taken this day, EPA has announced that the general pretreatment amendments will be effective January 31, 1981. As an adjunct to this announcement, EPA, through this notice, proposes to further suspend the effective date of the general pretreatment amendments and invites comment on whether the effective date of the general pretreatment amendments, (or specific portions thereof) should be further postponded.

DATES: Comments must be submitted on or before November 12, 1981.

ADDRESSES: Comments should be addressed to: Bill Diamond, Environmental Protection Agency, Permits Division (EN-336), 401 M Street, SW., Washington, D.C. 20460 (202) 426-4793.

FOR FURTHER INFORMATION CONTACT: Bill Diamond, Environmental Protection Agency, Permits Division (EN-336), 401 M Street, SW., Washington, D.C. 20460 (202) 426-4793.

SUPPLEMENTARY INFORMATION: On March 27, 1981, the Environmental Protection Agency indefinitely postponed the effective date of the January 28, 1981 amendments to the General Pretreatment Regulations for Existing and New Sources (46 FR 9404–9460) in order to enable the Agency to conduct a Regulatory Impact Analysis under Executive Order 12291 (46 FR 19936, April 2, 1981).

In a separate notice published this day, EPA has announced that it is establishing January 31, 1982 as the effective date of the general pretreatment amendments. This action is being taken in order to allow opportunity for public comment on the issue of deferral of the amendments. It is also being taken, in part at least, at the behest of public suggestions that portions of the amendments be put into effect.

EPA has not as yet conducted a rulemaking on the desirability and appropriate scope of the deferral. Therefore, in order to provide a full public airing of the issue, EPA is hereby initiating a rulemaking on whether the effective date of the amendments should be further postponed and, if so, which portions and for how long. Commenters are encouraged to be as specific as possible.

Regulatory Impact Analysis and Regulatory Flexibility Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed regulation is not major because it imposes no new obligations and, if adopted, would extend the compliance date for existing obligations. This notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection through contacting the person listed in the front of this notice.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. EPA has determined that for the reasons discussed above, this rule does not have a significant adverse impact on small entities.

Dated: October 5, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-29604 Filed 10-9-81; 8:45 am]

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Reader Aids

Federal Register
Vol. 46, No. 197
Tuesday, October 13, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
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Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
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Scheduling of Documents	523-3187

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Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-4986
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TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, OCTOBER

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	MSPB/OPM		DOT/FHWA	MSPB/OPM
DOT/FRA	LABOR		DOT/FRA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS /FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing October 9, 1981