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federal register

Thursday
October 29, 1981

Highlights

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53394 DIDC postpones increase in savings account interest rates.

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53449 **Social Security** HHS/SSA proposes to establish new eligibility period, amount of payments, and computation method for supplemental security income benefits.

53418 **Motor Vehicles** DOT/FHWA clarifies policy that commercial drivers may have eye tests conducted by ophthalmologist as well as optometrists.

53419 **Motor Vehicle Safety** DOT/NHTSA rescinds installation requirement for automatic restraints in passenger car front seats.

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53645 **Oil and Gas Leases** Interior/BLM proposes to increase certain filing and rental fees. (Part VI of this issue)

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Highlights

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

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Presidential Documents

Title 3—

The President

Proclamation 4878 of October 26, 1981

Veterans Day, 1981

By the President of the United States of America

A Proclamation

The willingness of our citizens to give freely and unselfishly of themselves, even their lives, in defense of our democratic principles, gives this great Nation continued strength and vitality. From Valley Forge to Vietnam, through war and peace, valiant Americans have answered the call to duty with honor and dignity.

Americans throughout this great land set aside Veterans Day for special remembrance of the men and women who have served to protect our freedom. The sound of bugles playing taps will pierce the air at countless ceremonies around the country and at our bases overseas in tribute to those who gave their lives in order to safeguard human liberty.

On this special day, our hearts and thoughts also turn to those who were disabled while serving their country. Their sacrifices and hardships endure, and daily earn anew the honor and compassion of a grateful nation.

With a spirit of pride and gratitude, we honor all our veterans, and especially those who have fought on the battlefields of Europe and the beaches of the Pacific, in the jungles and mountains of Asia, in hostile waters and skies around the globe.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby invite the American people to join with me in a fitting salute on Veterans Day, Wednesday, November 11, 1981. I urge all Americans to recognize the valor and sacrifice of our veterans through appropriate public ceremonies and private prayers.

I ask that we devote special attention to those veterans who are sick and disabled. Let us show them through our actions that we remember and honor them. There could be no better nor more tangible expression of our gratitude.

I also call upon Federal, state, and local government officials to display the flag of the United States and to encourage and participate in patriotic activities throughout the country. I invite the business community, churches, schools, unions, civic and fraternal organizations, and the media to support this national observance with suitable commemorative expressions and programs.

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

Ronald Reagan

[FR Doc. 81-31530
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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 906 and 944

[Texas Orange and Grapefruit Regulation 33; Orange Import Regulation 12]

Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Fruits; Import Regulations; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This action establishes minimum grade and size requirements for Texas oranges and grapefruit and for imported oranges. This action is necessary to assure shipment of ample supplies of fruit of acceptable grade and size in the interests of growers and consumers.

DATES: Interim rule effective November 9, 1981, through February 7, 1982; comments which are received by November 30, 1981 will be considered prior to issuance of a final rule to become effective on February 8, 1982, and continued in effect until modified, suspended, or terminated.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States 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 Texas orange and grapefruit regulation is issued under the marketing agreement, as amended, and Order 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The orange import regulation is issued under section 8e (7 U.S.C. 608e-1) of this act. The grade and size requirements applicable to Texas oranges and grapefruit were recommended by the Texas Valley Citrus Committee which locally administers this marketing order program.

The committee estimates the 1981-82 season Texas orange crop at 10,000 carlots (1,000 42.5-pound cartons per carlot), a 15.5 percent increase over last year's production and 24.1 percent above the 1979-80 production level. Fresh shipments are estimated at 5,000 carlots. If realized, this would be 12.3 percent below last season's fresh shipments but 20.2 percent above 1979-80 fresh shipments.

The committee estimates the 1981-82 season Texas grapefruit crop at 17,700 carlots (1,000 40-pound cartons per carlot), 31.1 percent above last year's production and 12.0 percent above production in the 1979-80 season. Fresh shipments are estimated at 10,620 carlots. This would be 14.2 percent above last season's fresh shipments and 26.4 percent above fresh shipments during the 1979-80 season.

The committee estimates that about 50 percent of the Texas orange crop, and 60 percent of the Texas grapefruit crop will be marketed as fresh fruit. In addition to the regulated domestic market (United States, Canada, and Mexico), Texas oranges are sold in the fresh export market, the processed products market, and the local unregulated market within the production area. Fresh shipments of Texas oranges and grapefruit meet considerable competition in major markets from citrus produced in other areas of the country. This season, 3.0 percent of the nation's orange supply and 15.0 percent of the nation's grapefruit supply is expected to be produced in Texas.

It is proposed that the regulations contained in the interim rule, effective for the period November 9, 1981, through February 7, 1982, 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 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 for only 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 evaluate 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 Texas oranges and grapefruit would tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) the current Texas orange and grapefruit

regulation (45 FR 73895) will expire November 8, 1981; (2) the recommendation for regulation was developed at a public meeting at which interested persons were afforded an opportunity to submit their views; (3) the regulations will not require any special preparation on the part of the persons subject to these requirements which cannot be completed by the effective time; (4) shipment of the 1981–82 season Texas orange and grapefruit crops have already begun; (5) the regulatory provisions for Texas oranges and grapefruit, and for imported oranges, are the same as those currently in effect; (6) the import requirements are mandatory under section 8e of the act, and they should become effective at nearly the same time as is reasonably practicable as the domestic requirements; (7) the import regulation imposes the same grade and size requirements on imports of oranges as are being made applicable to shipments of Texas oranges; and (8) three days notice thereof, the minimum prescribed by section 8e, is provided with respect to this import regulation.

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

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

PART 944—FRUITS, IMPORT REGULATIONS

Therefore, new §§ 906.364 and 944.311 are added to read as follows: (§§ 906.364 and 944.311 expire February 8, 1982, and will not be published in the annual Code of Federal Regulations).

1. Section 906.364 is added to read as follows:

§ 906.364 Texas Orange and Grapefruit Regulation 33.

(a) During the period November 9, 1981, through February 7, 1982, no handler shall handle any variety of oranges or grapefruit grown in the production area unless:

(1) Such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Such oranges are at least pack size 288, as such size is specified in § 2851.691(c) of the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall be 2$^{7}/_{16}$ inches;

(3) Such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2;

(4) Such grapefruit are at least pack size 96, as such size is specified in § 2851.630(c) of the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3$^{9}/_{16}$ inches: *Provided,* That any handler may handle grapefruit smaller than pack size 96, provided such grapefruit grade at least U.S. No. 1 and they are at least pack size 112, as such size is specified in the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3$^{5}/_{16}$ inches;

(5) An appropriate inspection certificate has been issued for such fruit within 48 hours prior to the time of shipment; and

(6) The fruit meets all the applicable container and pack requirements effective under this marketing order.

(b) Terms relating to grade and diameter shall mean the same as in the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 2851.680–2851.714) or in the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California, and Arizona) (7 CFR 2851.620–2851.653).

2. Section 944.311 is added to read as follows:

§ 944.311 Orange Import Regulation 12.

(a) *Applicability to imports.* Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any oranges is prohibited during the period November 9, 1981, through February 7, 1982, unless such oranges meet the minimum grade and size requirements specified in paragraphs (a)(1) and (a)(2) of § 906.364 Texas Orange and Grapefruit Regulation 33.

(b) It is hereby determined that oranges imported into the United States are in most direct competition with oranges grown in the Lower Rio Grande Valley in Texas, and that the grade and size requirements specified in this section are the same as those being made effective for Texas oranges in § 906.364.

(c) 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 oranges 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 oranges, 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 Part 944).

(d) The term "importation" means release from custody of the United States Customs Service.

(e) *Minimum quantity exemption.* Any person may import up to 10$^{7}/_{10}$ bushel cartons, or equivalent quantity, of oranges exempt from the requirements specified in this seciton, except for oranges which have been inspected and found not to meet such requirements.

(f) 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.

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

Dated: October 26, 1981, to become effective November 9, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-31458 Filed 10-28-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Regulation 331]

Lemons Grown in California and Arizona; Minimum Size Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum size requirements for shipments of fresh California-Arizona lemons. Such action is designed to promote orderly marketing of suitable sizes of fresh California-Arizona lemons in the interest of producers and consumers.

DATE: Effective on and after December 6, 1981.

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.

An interim rule was published in the **Federal Register** (46 FR 45323) on September 11, 1981, which specified minimum size requirements applicable to shipments of California-Arizona lemons through December 5, 1981. That rule provided and opportunity to file comments through October 13, 1981. No comments were received. This final rule contains the same requirements as specified in the interim rule, and is effective on and after December 6, 1981.

This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Lemon Administrative Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The volume and size compositions of the lemon crop in California and Arizona is such that ample supplies of the more desirable sizes are available to satisfy the demand in domestic fresh markets. The committee estimates that approximately 2–3% of each season's crop is smaller than 1.82 inches in diameter. This regulation is designed to permit shipment of ample supplies of lemons of acceptable sizes, maturity, and juice content. Lemons which are smaller than 1.82 inches in diameter normally have negligible demand and sales opportunity, as they have relatively low juice yields. Additionally, such small fruit would be costly to prepare commercially for the market place. Lemons failing to meet this minimum size requirement could be shipped to fresh export markets, left on the trees to attain further growth, or utilized in processing. This regulation is consistent with the objectives of the act by promoting orderly marketing in the interest of producers and customers.

Under the terms of the regulation, the size requirements would be effective on and after December 6, 1981. Heretofore, the size regulation for California-Arizona lemons was made effective for a single marketing season. The change to issue a size regulation which would continue in effect from marketing season to marketing season reflects the fact that the size requirements have changed infrequently from season to season and it is believed that it is unnecessary to issue them for only a single season. With the exception of a 4-month period in 1979, the current size requirement has been in effect for a number of years. In addition, it could result in a reduction in operational costs to the committee and the government. Although the 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 evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the size regulation on shipments of California-Arizona lemons would tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to postpone the effective date of this regulation 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) an interim rule was published in the **Federal Register** (46 FR 45323) and no comments were received during the period provided; (2) the requirements contained in this final rule are the same as those currently in effect; and (3) the requirements will not require any additional preparation by handlers which cannot be completed by the effective date hereof.

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Therefore, a new § 910.631 is added as follows:

§ 910.631 Lemon Regulation 331.

(a) On and after December 6, 1981, no handler shall handle any lemons grown in District 1, District 2, or District 3 which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

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

Dated: October 26, 1981, to become effective December 6, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-31457 Filed 10-28-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 919

[Peach Regulation 22]

Peaches Grown in Mesa County, Colorado; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule sets minimum grade and size requirements for shipments of fresh Colorado peaches. Such action is necessary to promote orderly marketing of suitable quality and sizes of fresh Colorado peaches in the interest of producers and consumers.

DATES: Effective on and after November 30, 1981.

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.

An interim rule, making Peach Regulation 21 effective August 1 through October 15, 1981, and proposing its extension on and after October 16, 1981, was published in the **Federal Register** on July 31, 1981 (46 FR 39115). That interim rule allowed interested persons 30 days to submit written comments pertaining to it. None were received. This final rule contains the same requirements as specified in the interim rule except for the later effective date.

This regulation is issued under the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of fresh peaches grown in Mesa County, Colorado. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the committee established under the order and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

Under the terms of the regulation the grade and size requirements would be effective on and after November 30, 1981. Although the regulation will 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 will 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 evaluate committee recommendations and information submitted by the committee and other available information and determine whether modification, suspension or termination of regulation of shipments of peaches would tend to effectuate the declared policy of the act.

Specification of a minimum grade of U.S. No. 1 and minimum diameter of 2⅛ inches is necessary to maintain orderly marketing conditions by preventing the shipment of poor quality peaches. Shipment of such low quality fruit would disrupt orderly marketing and tend to depress prices of all peaches, since low quality fruit undermines consumer confidence in the quality of all peaches sold in the market and discourages repeat purchases. The specified grade and size requirements are necessary to provide ample supplies of good quality fruit in the interest of producers and consumers consistent with the declared policy of the act.

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

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Therefore, a new § 919.323 is added under a new subpart heading *Grade and Size Regulation* to read as follows:

§ 919.323 Peach Regulation 22.

(a) On and after November 30, 1981 no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1;

(2) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter if (i) not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter, and (ii) not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(b) The terms "U.S. No. 1", "diameter", and "count" mean the same as defined in the United States Standards for Peaches (7 U.S.C. 2851.1210–2851.1223).

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

Dated: October 26, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-31436 Filed 10-28-81; 8:45 am]

BILLING CODE 3410-02-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0021]

Adjustment of Interest Rates on Savings Accounts

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Postponement of Effective Date of Final Rule.

SUMMARY: The Depository Institutions Deregulation Committee ("the Committee") has postponed indefinitely the effective date of a final rule that would have increased by 50 basis points the ceiling rate of interest payable on nontransaction savings deposits on November 1, 1981. On the basis of preliminary information since its last meeting, the Committee has determined that the likely benefits to depositors now appear to be outweighed by the probable adverse effects (in terms of increased costs) to the depository institutions. Accordingly, depository institutions will continue to be subject to existing rules: commercial banks are permitted to pay interest on savings deposits at a rate of 5¼ percent, and savings and loan associations and mutual savings banks are permitted to pay 5½ percent on such accounts. None of the other rules of the Committee are affected by this action.

EFFECTIVE DATE: The November 1, 1981 effective date of § 1204.117 (12 CFR 1204.117) of the rules is postponed until further notice.

FOR FURTHER INFORMATION CONTACT: Allan Schott, Attorney-Advisor, or Elaine Boutilier, Attorney-Advisor, Department of the Treasury (202) 566–6798 or 566–8737; Daniel L. Rhoads, Attorney, Board of Governors of the Federal Reserve System (202) 452–3711; Rebecca H. Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202) 377–6446; David Ansell, Attorney, Office of the Comptroller of the Currency (202) 447–1880; Randall J. Miller, Acting Director, Office of Policy Analysis, National Credit Union Administration (202) 357–1090; and F. Douglas Birdzell, Counsel, or Kathy A. Johnson, Attorney, Federal Deposit Insurance Corporation (202) 389–4324 or 389–4384.

SUPPLEMENTARY INFORMATION: At its meeting on September 22, 1981, the Committee adopted a final rule to increase by 50 basis points the maximum interest rates payable on nontransaction savings deposits [1] to be

[1] The final rule defined transaction savings accounts as those savings accounts subject to transaction account reserve requirements under the Federal Reserve's Regulation D (12 CFR 204.2(e)). Such accounts include: all negotiable order of withdrawal accounts (NOWs); all credit union share draft accounts (CUSDs); all savings accounts subject to automatic transfers (ATS); savings accounts that permit more than three transfers per month through telephone transfers (TTS) or pre-authorized nonnegotiable transfers (PNTS); and all savings accounts that permit payment to third parties by means of an automated teller machine (ATM), remove service unit (RSU), or other electronic device. Nontransaction savings accounts

Continued

effective November 1, 1981 (see 46 FR 50782 (October 15, 1981)). This action was taken after public notice and consideration of public comments submitted in response to the notice. The Committee believed that this action would help stem the outflow of funds from such accounts and further the intent of the Depository Institutions Deregulation Act of 1980 (12 U.S.C. 3501 *et seq.*) to provide increased rates of return to savers.

On the basis of preliminary information since its last meeting, the Committee has determined that the likely benefits to depositors now appear to be outweighed by the probable adverse effects (in terms of increased costs) to the depository institutions. Accordingly, on October 19, 1981, the Committee voted to postpone indefinitely the effective date of its final rule that would have increased the ceiling rates on nontransaction savings accounts. Although the Committee will discuss this issue again at its December meeting, no decision has been made on whether further action will be taken at that time.

The existing interest rate ceilings on deposits will continue to apply to Federally insured depository institutions. Under these rules, commercial banks may pay up to 5¼ percent on all savings accounts (both transaction and nontransaction accounts) and thrifts may pay up to 5½ percent on all such accounts. The interest rate ceiling for NOW accounts at all institutions also will remain at 5¼ percent. No other actions taken by the Committee at the September 22 meeting are affected by the postponement of the savings ceiling rate rule.

Immediate postponement of the effective date of the nontransaction savings account ceiling rate rule is necessary to assure that depository institutions will have this information in a timely manner. The Committee finds for good cause that the notice and public procedure provisions of 5 U.S.C. 553 with regard to this action are impracticable and contrary to the public interest and that the deferred effective date provision of 5 U.S.C. 553 would be inconsistent with this action. In view of the Committee's findings, sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604) are not applicable. Furthermore, because of the nature of this action, the Committee finds that good cause exists under § 1201.6(e) of the Committee's regulations for making this action effective less than 30 days from the date of publication in the **Federal Register.**

Pursuant to its authority under section 203(a) of the Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221; 12 U.S.C. 3502(a)), the Committee hereby postpones the effective date of § 1204.117 of its rules, 12 CFR 1204.117, until further notice.

By order of the Committee, October 23, 1981.

Steven L. Skancke,

Executive Secretary.

[FR Doc. 81-31482 Filed 10-28-81; 8:45 am]

BILLING CODE 4810-25-M

would then be defined as all savings accounts with the exception of those mentioned above. It should be noted that the National Credit Union Administration Board has sole authority to set interest rate ceilings on deposits at Federally chartered credit unions.

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12 CFR Part 1204

[Docket No. D-0024]

New IRA/Keogh Time Deposits

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: The Depository Institutions Deregulation Committee (the "Committee") has adopted a final rule which establishes a new IRA/Keogh time deposit category. The new deposit category has a minimum maturity of 1½ years and no regulated interest rate ceiling. Accounts established under the new category may be structured to permit additions at any time without extending the maturity of the funds in the account. In addition, the Committee has determined that depository institutions, at their discretion, may waive the mandatory early withdrawal penalty governing time deposit accounts for transfers within the same institution from any IRA/Keogh time deposit in existence on or prior to December 1, 1981 to the new IRA/Keogh deposit category.

EFFECTIVE DATE: December 1, 1981.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4324), Paul S. Pilecki, Senior Attorney, Board of Governors of the Federal Reserve System (202/452-3281), Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798), Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6466), Mark Leemon, Attorney, Office of the Comptroller of the Currency (202/447-1880) or Randall J. Miller, Acting Director, Office of Policy Analysis, National Credit Union Administration (202/357-1090). For IRA/Keogh tax information: Internal Revenue Service (202/566-4576).

SUPPLEMENTARY INFORMATION: At its December 12, 1980 meeting the Committee requested comments on five proposals concerning IRA/Keogh accounts. The first proposal was to reduce the maturity on the special IRA/Keogh time deposit from three years to one. The second and third proposals were to establish one-year IRA/Keogh notice accounts. The fourth proposal presented several options for increasing, revising, or eliminating IRA/Keogh interest rate ceilings. The fifth proposal was to establish an IRA/Keogh time deposit with a minimum required maturity or notice period of 14 days and no regulated ceiling rate.

In seeking comments on these proposals, the Committee cited three basic objectives. The first objective was to reduce the complexities associated with the administration of IRA/Keogh accounts under current agency regulations, especially with regard to additional deposits to the accounts. The second was to help fulfill the Congressional intent of the Employee Retirement Income Security Act of 1974 (ERISA) to encourage qualified individuals to save for their retirement. The third objective was to proceed with the Committee's mandate to provide for the orderly phaseout and ultimate elimination of deposit ceilings. In this regard, the Committee viewed IRA/Keogh accounts as appropriate vehicles for deregulation because of their stability and because they accounted for a small proportion (less than 3%) of total time and savings deposits.

Summary of Public Comments

A total of 366 comments were received representing 153 commercial banks, 138 savings and loan associations, 26 mutual savings banks, 15 credit unions, 15 trade associations, 2 government regulators, 7 Federal Reserve Banks, and 10 other groups or individuals.

The respondents' views on the Committee's proposals to reduce the maturity on the special IRA/Keogh account from three years to one were evenly divided within all classes of institutions except for mutual savings banks which were generally opposed. The 124 respondents favoring this option generally cited its greater flexibility and its compatibility with the ERISA provision for a rollover of IRA/Keogh accounts once per year with no tax penalty. The 135 respondents opposed to this option indicated that it would tend to increase deposit volatility and increase administrative complexities.

Most respondents addressed the two notice account proposals together. All types of depository institutions expressed similar views on these options. Considering the comments on the two options together, a majority of commenters opposed one-year notice accounts. However, many commenters, whether supporting or opposing notice accounts, expressed the view that it would be desirable to permit additions to IRA/Keogh accounts without extending the maturity of the account.

With respect to the proposals to increase, revise, or eliminate the ceiling rates governing IRA/Keogh accounts, about three-fifths of the 333 respondents expressed a preference for floating rate ceilings indexed to U.S. Treasury security yields. However, there was a diversity of opinion as to which Treasury security yield would be an appropriate index, and at what frequency (weekly, monthly, quarterly, etc.) this ceiling rate should change. There was also support, particularly among commercial banks and credit unions, for elimination of all interest rate ceilings on retirement accounts. On the other hand, less than one-tenth of those responding preferred a higher fixed ceiling rate.

A majority of the respondents opposed a ceiling-free, minimum 14-day IRA/Keogh account. Those favoring the option stressed its flexibility and the ability it would provide depository institutions to compete effectively against nondepository institutions. Others noted that it would provide valuable experience in operating in a deregulated environment. The respondents that were opposed cited increased deposit volatility and higher deposit costs as their primary concerns. Many also questioned the logic of authorizing an account with a 14-day minimum maturity to accumulate traditionally long-term funds.

Subsequent DIDC Action

At its June 25, 1981 meeting, the Committee considered the five proposals and several ancillary issues which had been issued for comment. However, the Committee elected to defer action on these issues pending anticipated Congressional revisions to the law governing IRA/Keogh accounts.

On August 13, 1981, the President signed the Economic Recovery Tax Act of 1981 which amended the laws govering IRA/Keogh accounts. In general, these amendments expand the eligibility of IRA accounts to individuals already covered by some form of employer sponsored retirement plan and increase the allowable annual contribution limits for both IRA and Keogh accounts. It is estimated that these revisions will increase the number of taxpayers eligible for IRAs and Keogh plans by about 48 million.

At its June meeting, the Committee also reviewed the public comments and concluded that the areas of concern could be narrowed to two: (1) Providing institutions with the ability to accept additions without extending the maturity of IRA/Keogh accounts and (2) allowing for variable rates on such accounts in order to provide depositors with a market return on funds invested.

In light of the public comments on its proposals, the Committee, on September 22, 1981, approved a final rule establishing a new time deposit category available only to IRA/Keogh account holders. This new rule is effective on December 1, 1981. The new IRA/Keogh category provides for a minimum maturity of 1½ years and no regulated interest rate ceiling. The new account may accept additional deposits at any time without extending the maturity of any or all of the funds in the account. The Committee also ruled that mandatory early withdrawal penalties may be waived for transfers within the same institution from any IRA/Keogh account in existence on or prior to December 1, 1981 to the new IRA/Keogh account category. Depository institutions are given the discretion to permit such penalty-free transfers. During its deliberations, the Committee stated that the existing early withdrawal penalty provisions governing certificates with maturities greater than one year would apply to the new IRA/Keogh deposit category. In addition, the existing, permissive DIDC exceptions to the early withdrawal penalty for IRA/Keogh depositors who are 59½ or older, or disabled, apply to the new deposit category.

The minimum early withdrawal penalty for a floating rate time deposit (the interest rate for which varies during the term of the deposit) with a maturity of more than one year is an amount equal to six months' simple interest. If a depository institution ties the interest rate on its new IRA/Keogh account to an index that is beyond its control (*e.g.*, Treasury security rate, commercial paper rate, Federal funds rate, Federal Reserve discount rate, etc.) for the *entire* term of the deposit, the institution may base the simple interest rate, for purposes of calculating the minimum early withdrawal penalty, on the rate in effect on the date the account is opened or on the date of withdrawal, or on an average of the rates in effect during the term of the deposit, as described below. At the time the account is opened, however, the institution must specify whether it will use the initial interest rate, the rate on the date of withdrawal or the average rate. For example, if the rate on the account is set at the twenty-six week Treasury bill discount rate plus 100 basis points and it changes weekly with the most recent auction results, the early withdrawal penalty rate could be the discount rate (plus 100 basis points) in effect on the date the account was opened or the date of the withdrawal, or an average of all the rates in effect during the term of the deposit, but whichever is used must be specified in the deposit agreement.

If the depository institution chooses not to tie the interest rate on its new IRA/Keogh account to an index, but instead chooses to set the precise way in which the rate varies over the term of the deposit, or if it changes the relationship of the IRA/Keogh rate to the index (*e.g.*, the commerical paper rate minus 50 basis points for the first six months of the instrument and the commercial paper rate at minus 100 basis points thereafter), then the early withdrawal penalty must be computed using an average of the simple interest rates on the deposit during the time period that the deposit was outstanding. If the interest rate is established at regular intervals and remains in effect for regular periods (*e.g.*, the rate is established once a month and remains in effect for one month), the average simple interest rate would be the sum of the rates established at each interval while the funds were on deposit, divided by the number of periods the funds were on deposit. Each partial period will be considered a full period for the purpose of this calculation. For example, if a 1½ year time deposit with an interest rate that varies monthly was established on December 15, 1981, and withdrawn on February 7, 1982, the average simple interest rate would be the sum of the December, January, and February rates, divided by three.

If the length of the periods for which rates are effective varies, the average simple interest rate would be arrived at by dividing the amount of time a deposit was outstanding into equal periods and then adding the rates that were in effect during those periods and dividing by the number of periods. The period used should be the shortest period for which a rate was in effect. For example, a time deposit might have the following rates in effect for the following periods at the time a depositor wished to withdraw his/her funds.

6 months—15%
1½ years—16%
2 years—14%

The total amount of time the deposit was outstanding was 3 years (6 months + 1½ years + 1 year). This 3 year period would then be divided into 6 periods of 6 months each. Then the rates in effect for each period would be:

1st six month period—15%
2nd six month period—16%
3rd six month period—16%
4th six month period—16%
5th six month period—14%
6th six month period—14%

To arrive at the average simple interest rate, the rate in effect during each period would be added together—15+16+16+16+14+14=91. The resulting sum would then be divided by the number of periods—91÷6—to yield an average simple interest rate of 15.17%.

In the case of lump-sum payments of cash that would be regarded as interest under 12 CFR 1204.108, such payments must be taken into account in computing the penalty rate. Any lump-sum payment must be prorated over the life of the deposit. The portion that is attributed to the time period during which the deposit was outstanding must be regarded as interest for purposes of computing the penalty rate. The portion attributable to the remaining life of the deposit is regarded as unearned interest and must be deducted from the principal amount of the deposit and returned to the member bank.

Note.—Individuals and institutions should consult the Internal Revenue Service concerning permissible transactions involving IRA/Keogh accounts.

For example, assume that cash of $100 that would be regarded as interest were given to a depositor at the opening of a $1,000, 4-year variable rate time deposit, that the entire amount is withdrawn after one year, and that the average of the rates paid on the deposit during the time it was outstanding was 12 percent. The lump-sum of $100 would be regarded by the DIDC as a payment of interest and must be taken into account in computing the penalty rate. Since the deposit was outstanding for one-fourth of its expected life, a corresponding amount of the lump-sum must be taken into account in computing the penalty rate. Thus, 2.5 percent (25 divided by 1,000) must be added to the average of the rates paid during the time the deposit was outstanding (12 percent) to achieve a penalty rate of 14.5 percent. The remaining three-fourths of the lump-sum payment ($75) would be regarded as unearned interest and would be returned to the member bank. Thus the amount that the customer would return would be $147.50.

The new rule provides greater flexibility in designing IRA/Keogh accounts. Under the new rule, depository institutions will be permitted to accept additions to a 1½ year or more IRA/Keogh account governed by whatever interest rate structure—fixed or floating—they would choose, provided that the method of varying the interest rate is adequately disclosed in the contract. The Committee believes this could lead to more attractive overall rates and other terms on retirement accounts and thus encourage their use.

The new rule does not alter the income tax treatment of IRA/Keogh accounts or the fiduciary responsibilities of IRA/Keogh fiduciaries under Title I of ERISA.

The Committee considered the impact of its final ruling on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). In this regard, the Committee's action does not impose any new regulatory burden or impose any new reporting or recordkeeping requirements. Rather, this action eliminates regulatory restrictions on the maximum interest rate payable on IRA/Keogh accounts. Small entities that are depository institutions could have increased operating expenses as a result of this action, because it is likely they will be paying higher interest rates on IRA/Keogh deposits; however, their competitive position vis-a-vis nondepository institution competitors should be enhanced by their ability to offer higher rates on IRA/Keogh deposits. Furthermore, this action reduces an administrative burden which has been associated with IRA/Keogh deposits by permitting periodic additions to the accounts without a maturity extension.

PART 1204—INTEREST ON DEPOSITS

For the reasons set out in the preamble, Part 1204, Chapter XII of Title 12 Code of Federal Regulations, is amended as set forth below.

1. The authority citation for Part 1204 reads as follows:

Authority: Secs. 203, 204, and 205, Title II, Pub. L. 96-221, 94 Stat. 142 and 143 (12 U.S.C. 3502, 3503, and 3504).

2. In Part 1204, a new § 1204.118 is added to read as follows:

§ 1204.118 Individual Retirement Accounts and Keogh (H.R. 10) Plan Deposits of less than $100,000.

(a) A commercial bank, mutual savings bank or savings and loan association may pay interest at any rate as agreed to by the depositor on any time deposit with a maturity of one and one-half years or more, that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) 219, 401, 408 and related provisions. An institution may permit additional deposits to be made to such a time deposit at any time prior to its maturity without extending the maturity of all or a portion of the entire balance in the account.

(b) The early withdrawal penalty required to be imposed for the premature withdrawal of time deposits may be waived at the discretion of the institution when funds are transferred within the same institution from an Individual Retirement Account or Keogh Plan Account which was entered into prior to December 1, 1981 to a time deposit described in paragraph (a) of this section.

By order of the Committee, October 23, 1981.

Steven L. Skancke,

Executive Secretary.

[FR Doc. 81-31429 Filed 10-28-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-EA-22; Amdt. 39-4245]

Airworthiness Directives; DeHavilland

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive (A.D.) applicable to DeHavilland DHC-6 elevator torque tube hinge arm attachment bolts. The A.D. requires the inspection and replacement, if necessary, of the elevator torque tube hinge arm attachment bolts on certain DeHavilland DHC-6 aircraft. This A.D. is prompted by the failure of an elevator torque tube hinge arm attachment bolt which led to the loss of elevator control.

EFFECTIVE DATE: November 2, 1981. Compliance is required as set forth in the A.D.

ADDRESS: DeHavilland Service Bulletins may be acquired from the manufacturer at Downsview, Ontario, Canada M3K 145.

FOR FURTHER INFORMATION CONTACT: V. Barsamian, Airframe Section, AEA-212, Engineering and Manufacturing

Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There has been a report of an elevator torque tube hinge arm attachment bolt on a DeHavilland DHC-6 aircraft which failed, causing the loss of elevator control. This A.D. requires a one-time inspection of this bolt for cracking and replacement, if cracking is found.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by issuing a new A.D. as follows:

DeHavilland: Applies to all DHC-6 series aircraft certificated in all categories. To prevent failure of the elevator torque tube hinge arm attachment bolt, P/N AN175-27A, accomplish the following:

Within the next 200 hours in service, after the effective date of this airworthiness directive accomplish the following inspection on all aircraft with 5000 hours or five years in service, whichever occurs first, unless already accomplished:

(a) Inspect elevator torque tube hinge arm attachment bolt, P/N AN175-27A, for cracks in accordance with DeHavilland Service Bulletin (S/B) No. 6/406 Accomplishment Instruction No. 5 or approved equivalent.

(b) If cracking is evident replace damaged bolt with a new P/N AN175-27 in accordance with S/B No. 6/406 or approved equivalent and report to the Chief Engineering and Manufacturing Branch, FAA, Eastern Region, JFK International Airport, Jamaica, New York 11430, Telephone (212) 995-2842. (Reporting approved by the Office of Management and Budget under OMB NO CA-R0174).

(c) Alternative inspections, or parts may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(d) Compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, upon receipt of substantiating data submitted through an FAA maintenance inspector.

Effective Date: This amendment is effective November 2, 1981.

(Section 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it 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 Jamaica, New York, on October 16, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-31416 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-WE-17-AD; Amdt. 39-4236]

Airworthiness Directives; General Dynamics Model 340 and 440 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires repetitive inspections of, and provides an improved alternative for, elevator torque tube fasteners on General Dynamics Model 340 and 440 airplanes. The AD is prompted by a report of multiple fastener failures which could result in a loss of elevator control.

DATES: Effective October 29, 1981. Compliance schedule—Initial compliance required within 250 hours' time in service from the effective date of this AD.

ADDRESSES: The applicable service information may be obatined from: General Dynamics, Attn: Mr. Larry Hayes, Manager, Product Support, Convair Division, P.O. Box 80877, San Diego, California 92138.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western-Pacific Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351. Call FAA AWP Duty Officer (213) 536-6435 during off duty hours:

SUPPLEMENTARY INFORMATION: The FAA has received a report of an incident involving elevator torque tube fastener failures on a General Dynamics Model 340/440 airplane, which resulted in disconnection of the left hand elevator from command inputs. Since this condition is likely to exist or develop on other airplanes of the same type design an airworthiness directive is being issued which requires repetitive inspections of the aluminum elevator torque tube fasteners as an alternate to replacement with steel fasteners on General Dynamics Model 340/440 model airplanes.

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

Adoption of the Amendment

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

General Dynamics: Applies to Model 340, 440 and military models eligible for civil use under Type Certificate 6A6, and all such model airplanes converted to turbopropeller power, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent potential loss of elevator control resulting from loosening and ultimate shearing of the elevator flange to outer torque tube aluminum (rivet) fasteners, accomplish the following:

(a) Within 250 hours' additional time in service after the effective date of this AD, unless previously accomplished within 450 hours' time in service prior to the effective date of this AD, and at intervals not to exceed 700 hours' time in service thereafter, conduct a visual inspection of both left and right hand elevator outer torque tube assembly P/N 340-3540304 attachment to flange P/N 240-3540320 for evidence of loose or sheared rivets in accordance with the accomplishment instructions of paragraph two (2) of General Dynamics Convair Division Service Bulletin 640(340D)27-6 dated February 23, 1981 (hereinafter referred to as SB 640(340D)27-6).

If any loose or sheared rivets in the elevator torque tube to flange attachment are found, replace all rivets with interference fitting steel fasteners in accordance with paragraph two (2) of SB 640(340D)27-6 prior to return of aircraft to service.

(b) The inspections required by this AD may be terminated when all 12 torque tube to flange attachment aluminum rivets are replaced by interference fitting steel fasteners with a minimum tensile strength of 160,000 psi in accordance with paragraph two (2) of SB 640(340D)27-6.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

(d) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western-Pacific Region.

(e) Reports of the discrepancies found are requested. The reports should cite: Airplane "N" number and serial number, nature of defect and part identification, total airplane operating hours, time since last inspection and AD compliance paragraph.

Forward reports to Chief, Engineering and Manufacturing Branch, FAA Western-Pacific Region by mail within 10 days of discovery. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

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. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: General Dynamics, Attn: Mr. Larry Hayes, Manager, Product Support, Convair Division, P.O. Box 80877, San Diego, California 92138.

These documents may also be examined at:

FAA Western-Pacific Region Office, Office of the Regional Counsel, Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261

and at: FAA Headquarters, Rules Docket in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

This amendment becomes effective October 29, 1981.

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

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

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

Issued in Los Angeles, California on October 14, 1981.

H. C. McClure,

Director, FAA Western-Pacific Region.

[FR Doc. 81-31415 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-39; Amdt. 39-4238]

Airworthiness Directives; Swearingen Model SA226-AT, SA226-TC, SA227-AT and SA227-AC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Swearingen Model SA226-AT, SA226-TC, SA227-AC, and SA227-AT airplanes. There have been several reports of broken elevator return springs. One failure of the elevator return spring resulted in jamming of the elevator flight control system. The AD requires inspection of the elevator return spring, the attach bolts, the spacer, and the clevis; and replacement of damaged parts with new parts or relocation of the elevator return spring. The AD is needed to correct an unsafe condition which could result in loss of elevator control.

DATES: Effective November 2, 1981.

Compliance required as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from the Director of Product Support, Fairchild Swearingen Corporation, P.O. Box 32486, San Antonio, Texas 78284. These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C.

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

SUPPLEMENTARY INFORMATION: There have been several reports of broken elevator return springs and worn attach bolts, spacers, and clevises. In one instance, a failure of the elevator return spring resulted in jamming of the elevator flight control system in the airplane nose-up position. The FAA has determined that this is an unsafe condition and is likely to exist or develop on other airplanes with the same elevator return spring type design. The AD requires (1) inspection for deterioration, wear, and breakage of the elevator return spring, the attach bolts, the spacer and the clevis; and (2) replacement of damaged parts with new parts or relocation of the elevator return spring so that a failure of the return spring cannot jam the elevator flight control system. Applicable Fairchild Swearingen Service Bulletins SB27-032 and SB27-002 issued September 14, 1981, refer to the relocation of the elevator return spring.

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

Adoption of the Amendment

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

Swearingen Applies to Swearingen Models SA226-AT, S/N AT001 through AT999; SA226-TC, S/N TC201 through TC999; SA227-AC, S/N AC420 through AC473; SA227-AT, S/N AT423 through AT469 airplanes certified in all categories. Compliance required within the next 25 hours' time in service after the effective date of this AD, and thereafter at intervals of 300 hours' time in service since last compliance. The initial and subsequent inspections are not required if the applicable Fairchild Swearingen Service Bulletins SB27-032 or SB27-002 issued September 14, 1981, have been complied with. (Airworthiness Docket No. 81-ASW-39.)

Inspect the elevator return spring, the attach bolts, the spacer, and the clevis for deterioration, wear, and breakage and replace any damaged parts with new parts or relocate the return spring in accordance with the applicable Fairchild Swearingen Service Bulletins SB27-032 or SB27-002 issued September 14, 1981, or an equivalent means approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

A special flight permit may be issued in accordance with FAR 21.197 to allow flight of the aircraft to a location where this AD can be accomplished.

This amendment becomes effective November 2, 1981.

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

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

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

Issued in Fort Worth, Texas, on October 14, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-31414 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-30]

Alteration of Control Zone; Champaign, Ill.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal Action is to alter the existing control zone serving the University of Illinois-Willard Airport, Champaign, Illinois, by reducing the size of the zone and, in so doing, converting airspace from a controlled to a non-controlled status. The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: January 21, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The alteration to the control zone is a redefinition of the control zone boundary necessitated by changes in operational procedures which do not require all of the previously designated controlled airspace. This action will return several portions of airspace back to use in a non-controlled status where the floor of controlled airspace will be raised from the surface up to 700 feet above the surface. In addition, aeronautical maps and charts will reflect the defined areas, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 39444 of the **Federal Register** dated August 3, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the control zone near Champaign, Illinois. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 21, 1982, as follows:

In § 71.171 (46 FR 455), the following control zone is amended to read:

Champaign, Illinois

Within a 5 mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W. within 2.4 miles each side of the Champaign VORTAC 234° radial extending from the 5 mile radius zone to 6.5 miles southwest of the VORTAC.

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

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

Issued in Des Plaines, Illinois, on October 15, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-31411 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-26]

Alteration of Transition Area; Reed City, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to revoke the designated controlled airspace associated with the transition area for Miller Airport, Reed City, Michigan. The instrument approach procedure for Miller Airport has been cancelled and the intended effect of this action is to return the controlled airspace to visual weather conditions use.

EFFECTIVE DATE: January 21, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of controlled airspace in the area will be raised from 700 feet above the surface to 1200 feet above the surface. In addition, aeronautical maps and charts will reflect the change.

Discussion of Comments

On page 37910 of the **Federal Register** dated July 23, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the transition area near Reed City, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 21, 1982, as follows:

In § 71.181 (46 FR 540), the following transition area is amended to read:

Reed City, Michigan

Revoked

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

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

Issued in Des Plaines, Illinois, on October 15, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-31410 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-53]

Alteration of Transition Area; Starkville, Miss.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects the description of the amended Starkville, Mississippi, transition area. The final rule published in the **Federal Register** (46 FR 48129) on Thursday, October 1, 1981, altered the Starkville, Mississippi, transition area by amending the description of an extension to coincide with the BRYAN NDB final approach course bearing and by correcting the George M. Bryan Field Airport geographic position. When the transition area was redefined to incorporate the above changes, the extension predicated on the Bigbee VORTAC 260° radial was inadvertently omitted. The purpose of this amendment is to correct the defectively written description. Since this action is editorial in nature, further notice and public procedure is not necessary. The effective date of this correction coincides with the effectivity of the original amendment. To avoid confusion, the complete description, as corrected, is presented in the text of this corrective amendment.

EFFECTIVE DATE: 0901 GMT, November 26, 1981.

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

SUPPLEMENTARY INFORMATION:

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the amended description of the Starkville, Mississippi, transition area (14 CFR 71.181) published on October 1, 1981 (46 FR 48129) is revoked in its entirety and substituted for it, effective 0901 GMT, November 26, 1981 is a corrected description to read as follows:

Starkville, Mississippi

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the George M. Bryan Field (lat. 33°26'02" N., long. 88°50'55" W.); within 5 miles each side of the Bigbee VORTAC 260° radial extending from the 6.5-mile radius area to 32.5 miles west of the VORTAC; within 3 miles each side of the 340° bearing from the BRYAN NDB (lat. 33°35'53" N., long. 88°51'01" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within the Columbus, Mississippi, transition area.

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

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

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

Issued in East Point, Georgia, on October 16, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-31412 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-51]

Revocation of Control Zones; Plainview, TX; San Antonio, TX (Stinson Field); Ardmore, OK; West Memphis, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes the control zones at Plainview, TX; San Antonio, TX (Stinson Field); Ardmore, OK; and West Memphis, AR. This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing the foregoing airports. The amendment is necessary since the airport traffic control towers (ATCT's) at these locations have been temporarily closed because of the necessity of the FAA to redeploy all available resources. The basic requirements for establishing or retaining a control zone are that there must be communication capability to the surface of the primary airport, and weather observations, both hourly and special, be taken and reported to the air traffic control facility having jurisdiction of the controlled airspace. These four locations do not meet the basic criteria for retention of the control zone since weather observations are not available at any location.

DATES: Effective date October 29, 1981. Comments on the rule must be received before November 26, 1981.

ADDRESSES: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division Southwest Region: Docket No. 81-ASW-51, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

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

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F, § 71.171 as republished in the **Federal Register** on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of

aircraft conducting instrument flight rules (IFR) activity. Revocation of the control zones at Plainview, TX; San Antonio, TX (Stinson Field); Ardmore, OK; and West Memphis, AR, will necessitate an amendment to this subpart. Since these airports do not have weather reporting capabilities, it is necessary that action be taken to revoke the control zones. When the ATCT's resume operation at these locations, the agency will initiate action to designate a control zone at the qualifying locations.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) revokes the control zones at the foregoing airports. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, upon publication in the **Federal Register** (October 29, 1981) by deleting the following:

Plainview, TX
San Antonio, TX (Stinson Field)
Ardmore, OK
West Memphis, AR

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

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

Issued in Fort Worth, TX, on October 21, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-31407 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-52]

Alteration of Control Zone: Dallas, Texas (Addison Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of the control zone at Dallas, Texas (Addison Airport). This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing the Addison Airport. The amendment is necessary due to the unnecessary controlled airspace on the northwest side of the airport, extending from the 5-mile radius area of the control zone. In addition, the control zone effective hours in the description are 0600 to 2200 hours daily. The control zone is not effective during the time the Airport Traffic Control (ATCT) is not operational. Therefore, it is necessary to describe the control zone to permit changes in the effective hours to coincide with the ATCT hours of operation by Notice to Airmen (NOTAM).

DATES: Effective date—October 29, 1981. Comments on the rule must be received before November 26, 1981.

ADDRESS: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region: Docket No. 81-ASW-52, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

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

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F § 71.171 as republished in the **Federal Register** on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone description as Dallas, Texas (Addison Airport), will necessitate an amendment to this subpart. This action will release unnecessary airspace to the public and a statement at the end of the current description must be inserted in order to have the capability of part-timing the control zone by use of a NOTAM when the ATCT is not operational.

The Rule

This amendment of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Dallas, Texas (Addison Airport), control zone. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective upon publication in the **Federal Register** as follows:

Dallas, Texas (Addison Airport)

That airspace within a 5-mile radius of Addison Airport (latitude 32°58'06"N., longitude 96°50'10"W.); excluding the portion south of a line from latitude 32°59'30"N., longitude 96°55'30"W., through latitude 32°56'30"N., longitude 96°51'30"W., to latitude 32°54'00"N., longitude 96°46'30"W. The control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

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

Issued in Fort Worth, Texas, on October 16, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-30061 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-2420]

Commercial Credit Co.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on June 26, 1973 (38 FR 20229; 82 F.T.C. 1841) against one of the nation's largest finance companies by substituting for the order in its entirety, a modified order which deletes language requiring the company to obtain a "Personal Insurance Authorization" form from each borrower before the loan could be completed. For the next five years, the modified order requires the company to give borrowers who elect to purchase insurance a notice entitled "Your Right To Cancel Insurance," and give the customer the right to cancel credit insurance within 15 days of signing for a loan and receive a full refund of insurance funds.

DATES: Order issued June 26, 1973. Modifying order issued September 29, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/PD, Sarah J. Hughes, Washington, D.C. 20580. (202) 724-1145.

SUPPLEMENTARY INFORMATION: In the Matter of Commercial Credit Company, a Corporation. The codification appearing at 38 FR 20229 is changed to include the following: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-37 Formal regulatory and statutory requirements; 13.533-45 Maintain records; 13.533-55 Refunds, rebates and/or credits.

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

The Order Reopening the Proceeding and Modifying Cease and Desist Order, including further order requiring report of compliance therewith, is as follows:

[Docket No. C-2420]

Commercial Credit Co.; Order Reopening the Proceeding and Modifying Cease and Desist Order

Upon consideration of a request by respondent to reopen the proceeding and modify the Cease and Desist Order entered by consent against respondent in this matter on June 26, 1973, with the concurrence of the Divisions of Credit Practices and Compliance, and with the Director of the Bureau of Consumer Protection having recommended that the requested modifications of the Order be granted, the Commission has concluded on the basis of the foregoing that respondent's request should be granted.

It is therefore ordered, That this proceeding be reopened and that the following Modified Final Order be substituted and issued in lieu of the Order entered on June 26, 1973:

Modified Final Order

I. *It is ordered,* That respondent Commercial Credit Company, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the granting of consumer loans subject to the provisions of Regulation Z, 12 CFR 226.8 (1980), after April 1, 1982 12 CFR 226.17 and 226.18 (1981), and the Truth in Lending Act, 15 U.S.C. 1601 *et seq.*, as amended, do forthwith cease and desist from:

1. Failing, when the charges for credit life insurance and/or credit accident and health insurance are not included in the finance charge:

(a) To quote monthly payments, whether on the telephone, in person, or otherwise, which exclude the cost of credit life insurance and/or credit accident and health insurance.

(b) If monthly payments do reflect credit life insurance and/or credit accident and health insurance, such payments may be quoted only if the consumer is clearly told that:

(i) Credit life insurance and/or credit accident and health insurance are optional; and

(ii) The consumer's choice regarding the insurance coverage will not be considered in respondent's approval of the consumer's credit.

2. Failing to include in the finance charge, charges for credit life insurance and/or credit accident and health insurance written in connection with the credit transaction unless:

(a) The insurance coverage is not required by the respondent and is not a factor in the approval by the respondent of the extension of credit and this fact is clearly and conspicuously disclosed in writing to the customer; and,

(b) Any customer desiring such insurance coverage gives specifically dated and separately signed affirmative written indication of such desire after receiving written disclosure to the customer of the cost of such insurance, as required by 12 CFR 226.4(a)(5) (1980) (12 CFR 226.4(d) (1981) after April 1, 1982).

3. When the charges for credit life insurance and/or credit accident and health insurance are not included in the finance charge:

(a) Misrepresenting, orally or otherwise, directly or by implication, that credit life and/or credit accident and health insurance are required as a condition for obtaining credit from respondent.

(b) Discouraging, by misrepresentation, oral or otherwise, directly or by implication, the declination of credit life and/or credit accident and health insurance.

4. When the charges for credit life insurance and/or credit accident and health insurance are not included in the finance charge, failing:

(a) To grant each borrower who is covered by credit life and/or credit accident and health insurance a period of not less than fifteen days in which to cancel such insurance and receive a full refund of insurance funds. Such cancellation period shall begin to run on the day that respondent delivers to the borrower the notice of "Cancellation Right" and "Cancellation Request" referred to in section (b) and (c) of this paragraph 4. A borrower's notification to respondent of cancellation of his or her insurance coverage shall be considered given on the date mailed or otherwise delivered to respondent.

(b) To deliver to each borrower who is covered by credit insurance a notice entitled "Your Right to Cancel Insurance." Such notice shall:

(i) Be printed on paper of a color different from other loan documents;

(ii) Be printed in print not smaller than the print of Attachment A [1] hereto;

(iii) Be substantially similar to the content of Attachment A [1] hereto;

(iv) Be the last document delivered to the borrower at the time of closing together with an acknowledgement of receipt which is specifically dated and separately signed by the borrower.

(c) To deliver to each borrower who is covered by credit insurance a borrower's copy of the "Cancellation Request" which contains only the contents of Attachment B [1] hereto, and an envelope addressed to respondent.

(d) To mail or personally deliver to each borrower covered by credit insurance who orally inquires about cancellation, the notice of cancellation right described in section (b) and the envelope described in section (c).

(e) However, where the respondent receives a request for an extension of credit by mail, telephone, or written communication without personal

[1] Filed as a part of original document.

solicitation, the provisions of this paragraph 4 shall not be applicable if the respondents' printed material delivered or made available to the customer clearly sets forth the disclosures required by 12 CFR 226.4(a)(5) (1980) (12 CFR 226.4(d) (1981) after April 1, 1982), and also sets forth the scheduled amount of payments both including the cost of credit and/or credit accident and health insurance and excluding the cost of credit and/or credit accident and health insurance, and which otherwise meets the requirements of 12 CFR 226.8(g)(2) (1980) (12 CFR 226.17(g) (1981) after April 1, 1982).

5. Failing to compute and disclosure accurately the finance charge, as required by 12 CFR 226.4(a)(5) and 226.8(d) (1980) (12 CFR 226.4(d) and 226.18 (b) and (c) (1981) after April 1, 1982).

6. Failing to compute and disclose accurately the annual percentage rate to the nearest quarter of one percent as required by 12 CFR 226.5(b) and 226.8(b) (1980) (12 CFR 226.22 and 226.18 (1981) after April 1, 1982).

7. Failing, in any consumer loan transaction or advertisement to make all disclosures, determined in accordance with 12 CFR 226.4 and 226.5 (1980) (12 CFR 226.4 and 226.22 (1981) after April 1, 1982) in the manner, form and amount required by 12 CFR 226.6, 226.8, 226.9, and 226.10 (1980) (12 CFR 226.17, 226.18, 226.23, and 226.24 (1981) after April 1, 1982).

II. *It is further ordered,* That the respondent's obligations under the Order issued on June 26, 1973, shall remain effective and binding upon any of the consumer loan offices of respondent until such office is in compliance with paragraph 4 of this modified order: *Provided, however,* That all of respondent's consumer loan offices shall be in compliance with paragraph 4 of this modified order not later than six months from the date of service of this modified order. Each of respondent's consumer loan offices shall be obligated to comply with paragraph 4 of this modified order only for the period of five years following immediately after the day on which the loan office is in compliance with such paragraph 4.

III. *It is further ordered,* That respondent shall maintain for a three year period, by individual consumer loan offices, records of the total number of borrowers and the names and addresses of each borrower who exercises his or her right to cancel credit insurance. At the request of the Commission staff, the respondent shall maintain records for an additional two-year period. The records required by this paragraph shall be available for inspection and copying by Commission staff upon request.

IV. *It is further ordered,* That respondent, shall not later than six months after the service of this Order upon it, deliver a copy of this Order to Cease and Desist to all present and future personnel of respondent at its general offices in Baltimore and in each of its subsidiary or other loan offices who are engaged in the extension of consumer loans.

V. *It is further ordered,* That respondent notify the Commission within thirty (30) days of any change in the corporate respondent which may affect compliance obligations with regard to the extension of consumer loans arising out of this Order, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation with regard to the extension of consumer loans which may affect compliance obligations arising out of this Order.

VI. *It is further ordered,* That respondent shall within two hundred ten (210) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-31441 Filed 10-28-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. C-3075]

Kennecott Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Stamford, Conn., manufacturer engaged in the production of various products, including fabric air filter bags utilized in the control of industrial air pollution, to timely divest its subsidiary, the Filter Media Division, "FMD," in accordance with the terms of the order. Pending such divestiture, the firm is required to operate its prospective acquisition, National Filter Media, as a separately managed entity. The order further bars the company from certain acquisitions for a period of ten years without prior Commission approval.

DATES: Complaint and order issued September 28, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-2, Steven R. Newborn, Washington, D.C. 20580 (202) 254-8577.

SUPPLEMENTARY INFORMATION: On Wednesday, June 10, 1981, there was published in the **Federal Register**, 46 FR 30646, a proposed consent agreement with analysis In the Matter of Kennecott Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets, 13.5-20 F.T.C. Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[FR Doc. 81-31442 Filed 10-28-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM 79-14]

Order of the Director, OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the Natural Gas Policy Act of 1978

October 23, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Prescribing Incremental Pricing Thresholds.

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

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: November 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426 (202) 357–8500.

SUPPLEMENTARY INFORMATION: Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of November 1981 is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	January	February	March	April	May	June	July	August	September	October	November	December
Calendar year 1980												
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.377
NGPA Section 102 Threshold	2.358	2.381	2.404	2.426	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	6.040	7.840	7.380	7.400	7.400	7.450	7.530
Calendar year 1981												
Incremental Pricing Threshold	1.891	1.908	1.925	1.942	1.954	1.967	1.980	1.990	2.000	2.010	2.025	
NGPA Section 102 Threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	
130% of No. 2 Fuel Oil in New York City Threshold	7.610	7.760	8.260	9.010	9.510	9.430	9.350	9.260	8.860	8.700	8.930	

[FR Doc. 81-31320 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

[T.D. 81-268]

Specific Country of Origin Marking Requirements for Imported Compressed Gas Cylinders

Correction

In FR Doc. 81–30205 appearing at page 51243 in the issue for Monday, October 19, 1981, please make the following correction:

On page 51243, in the third column, in the "DATE" paragraph, in the last line, "January 18, 1981" should have read "January 18, 1982".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Exempt Chemical Preparations

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: By this rule, the below listed chemical preparations and mixtures which contain controlled substances have, as indicated, either been added to or deleted from the list of exempt chemical preparations set forth in Title 21, Code of Federal Regulations, § 1308.24. Those which are included in the list are exempted from the application of various provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and from certain Drug Enforcement Administration regulations. This action is in response to DEA's periodic review of the exempt chemical preparation list and of applications for exemptions filed with DEA, and is consistent with the needs of researchers, chemical analysts, and suppliers of these products.

DATES: This rule is effective December 28, 1981, subject to being suspended, reinstated, revoked or amended by the Administrator upon consideration of any comments or objections timely filed on or before December 28, 1981, which raise significant issues on any finding of fact or conclusion of law supporting this rule.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Telephone (202) 633–1366.

SUPPLEMENTARY INFORMATION: The Acting Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations (CFR) which ask that several chemical preparations containing controlled substances be granted the exemptions provided for in 21 CFR 1308.24.

The Acting Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to man or animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse, (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates

methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Acting Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts and suppliers of these products.

Pursuant to sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Acting Administrator hereby certifies that this matter will have no significant negative impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The addition of preparations to the list of exempt chemical preparations has the effect of exempting them from sections of the Controlled Substances Act of 1970 and regulations. Those preparations deleted from the list are no longer marketed.

Therefore, pursuant to the Act, the regulations of the Department of Justice and the Drug Enforcement Administration, the Acting Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as hereinafter appears.

(Sec. 201, 202, 501(b), Controlled Substances Act, 21 U.S.C. 811, 812, 871(b))

Dated: October 2, 1981.

Francis M. Mullen, Jr.,

Acting Administrator.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

a. Section 1308.24(i) is amended by removing the following:

§ 1308.24 [Amended]

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog no.	Form of product	Date of application
Abbott Laboratories	SLCG RIA Diagnostic Kit No. 5768	Kit: 300 tests, 100 tests	Apr. 7,1978.
Do	CG RIA Diagnostic Kit No. 7815	do	Do.
Do	T4 RIA (PEG) diagnostic kit	Kit: 1000 tests	Sept. 1, 1977.
Do	A-gent Thyrozyme Uptake Diagnostic Kit, Nos. 6004-30, 6004-48.	Kit: 500 tests, 90 tests	May 28, 1980.
American Hospital Supply Corp. (Dade Division).	Owren's veronal buffer No. B4234-25	Bottle: 15 ml	Jan. 22, 1973.
Do	Serum reagent No. B4233-1 and No. B4233-2.	Bottle: 2 ml	Do.
Do	Thrombin reagent (bovine) No. B4233-15	Bottle: 1 ml	Do.
Hyland Division Travenol Laboratories, Inc.	Supplemental urine clinical chemistry control, dried, No. 0402 and No. 0521.	Vial: 25 ml	Aug. 31, 1971.
Kallestad Labs, Inc.	Barbital Buffer No. 901	Vial: 7 dram, 7.4 g per vial, 5 vials per package.	Dec. 26, 1978.
Do	Quanticoat 125I-T3 uptake kit Cat. No. 833	Kit: 100 tests	Mar. 11, 1980.

b. Section 1308.24(i) is amended by adding the following to the table:

Manufacturer or supplier	Product name and supplier's catalog no.	Form of product	Date of application
Abbott Laboratories	SLCG RIA Diagnostic Kit No. 5768	Kit: 100 tests	Apr. 7, 1978.
Do	CG RIA Diagnostic Kit No. 7815	do	Do.
Do	A-gent Thyrozyme Uptake Diagnostic Kit, No. 6004-30.	Kit: 500 tests	May 28, 1980.
Do	A-gent Thyrozyme Uptake Diagnostic Kit, No. 6004-24.	Kit: 100 tests	July 7, 1981.
American Diagnostics	Anti-T4 Reagent	Vial: 15 ml	July 22, 1981.
Do	125I T4 (for T4 Radioimmunoassay)	do	Do.
Do	Anti-T3 Reagent	do	Do.
Do	125I T3 (for T3 Radioimmunoassay)	do	Do.
Do	125I T3 (for T3 Uptake Radioassay)	do	Do.
Do	NSB Reagent	Vial: 2 ml	Do.
American Hospital Supply Corp. (Dade Division).	Data-Fi Thrombin Reagent	Vial: 3 ml, 10 vials/box	May 18, 1981.
Do	Owren's Veronal Buffer	Bottle: 15 ml	Aug. 16, 1971.
Do	Serum Reagent	Bottle: 1 ml	Do.
Do	Thrombin Reagent (Bovine)	do	Do.
Amersham Corp.	Amerlex TSH RIA Kit	Kit: 100 tests	Aug. 5, 1981.
Bio-Rad Laboratories, Inc.	Fluoromatic T-4 Fluorescent Immunoassay-Barbital Buffer.	Foil pouch: 24.3 g, 121.5 g	May 6, 1981.
Do	Fluoromatic T-4 Fluorescent Immunoassay-Barbital Suspension Buffer.	Foil pouch: 9.6 g, 48.18 g	Do.
Do	Quantaphase Thyroxine RIA-Thyroxine Immunobeads.	Plastic Bottle: 60 ml, 260 ml.	Do.
Do	Quantaphase Thyroxine RIA-125I Tracer/Dissociating Reagent.	do	Do.
Damon Diagnostics	I.R.E. Fen-RIA-200	Kit: 8 vials, 2 pouches	June 22, 1981.
General Diagnostics Division of Warner-Lambert.	Midwest/Illinois/New Jersey Quality Control Program, Level I & II.	Vial: 10 ml, 10 vials/kit	Apr. 16, 1981.
Hyland Division Travenol Laboratories, Inc.	UR-SURE Chemistry Urine Control-II	Vial: 50 ml	Apr. 14, 1981.
Do	OMEGA Assayed Chemistry Control-Critical Value.	Vial: 5 ml	Apr. 13, 1981.
Do	OMEGA Therapeutic Drug Monitoring Control Serum Anticonvulsants, Levels I and II.	do	Mar. 10, 1981.
Do	Q-PAK Therapeutic Drug Monitoring Control Serum Anticonvulsants, Levels I and II.	do	Mar. 9, 1981

Manufacturer or supplier	Product name and supplier's catalog no.	Form of product	Date of application
Do	OMEGA Ligand Control Serum I	do	Feb. 24, 1981
Do	OMEGA Ligand Control Serum II	do	Do.
Do	OMEGA Ligand Control Serum III	do	Do.
Industrial Optical	Opti-Kleen	Bottle: 5 gal	June 24, 1981
Kallestad Labs, Inc	Barbital Buffer, No. 901	Vial: 8.36 g	May 19, 1981.
Do	Quanticoat 125I-T3 Uptake Reagent	2 Glass Bottles: 110 ml,	June 24, 1981.
Do	Quanticoat 125I-T3 Uptake Kit, Cat. No. 833	Kit: 100 tests	Do.
Research Triangle Institute	Iodine Kit for Radioimmunoassay of delta-9 THC in Blood	Kit ctg: 22—1 ml vials, 2—20 ml vials, 2—250 ml vials.	July 10, 1981
Do	Delta-9 THC Plasma Standards Kit	Kit ctg: 12—2 ml ampuls, 1—5 ml ampul.	Feb. 18, 1981
SIGMA Chemical Co	D-amphetamine sulfate, product no. A-3278	Vial: 1 ml	May 11, 1981
Do	Cannabidiol, product no. C-6395	do	Do.
Do	Cannabinol, product no. C-6520	do	Do.
Do	N,N-Diethyltryptamine, product no. D-0392	do	Do.
Do	Mephobarbital, product no. M-3514	do	Do.
Do	Phenylacetone, product no. P-2024	do	Do.
Do	Phendimetrazine, product no. P-3524	do	Do.
Do	Tropacocaine, product no. T-4516	do	Do.
Do	1-Tetrahydrocannabinol, product no. T-4764	do	Do.
Do	6-Tetrahydrocannabinol, product no. T-4889	do	Do.
E. R. Squibb & Sons, Inc	Digoxin Premix, H0840	Bottle: 200 ml	Mar. 20, 1981
Do	Digoxin Antiserum (Rabbit), H0840	Bottle: 100 ml	Do.
SYVA Co	Emit-st Serum Phenobarbital Positive Control	Vial: 3 ml	June 1, 1981
Do	Emit-st Serum Phenobarbital Calibrator	do	Do.
Do	Emit-st Serum Phenobarbital Assay	Vial: 3 ml, 60 vials/kit	Do.
Do	Emit-st Serum Barbiturate Assay	do	Feb. 16, 1981.
Do	Emit-st Serum Phencyclidine Assay	do	Do.
Do	Emit-st Serum Calibrator	Vial: 3 ml	Do.
Do	Emit-st Serum Benzodiazepine Assay	Vial: 3 ml, 80 vials/kit	Do.
Do	Emit-st Serum Controls	Vial: 3 ml, 2 vials/kit	Do.

[FR Doc. 81-31438 Filed 10-28-81; 8:45 am]

BILLING CODE 4410-09-M

21 CFR Part 1308

Schedules of Controlled Substances Placement of Halazepam in Schedule IV

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This is a final rule placing the drug, halazepam, into Schedule IV of the Controlled Substances Act. As a result of this rule, halazepam will be subject to the manufacturing, distribution, dispensing, importation and exportation controls of Schedule IV.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on Wednesday, April 29, 1981 (46 FR 23953-4), proposing that halazepam be placed into Scehdule IV of the Controlled Substances Act (21 U.S.C. 801 *et seq.*). All persons were given until June 29, 1981 to submit any comments or objections in writing regarding this proposal. One comment was received from the American Society for Hospital Pharmacists (ASHP), which supported the placement of halazepam in Schedule IV. No other comments or objections were received in response to this proposal, nor were there any requests for a hearing.

Relying on the scientific and medical evaluation and recommendation of the Acting Assistant Secretary for Health, and based on his independent evaluation in accordance with the provisions of 21 U.S.C. 811(c), the Acting Administrator of the Drug Enforcement Administration, pursuant to the provisions of 21 U.S.C. 811(a) and 811(b), finds that:

(1) Based on information now available, halazepam has a low potential for abuse relative to the drugs or other substances listed in Schedule III;

(2) Halazepam has a currently accepted medical use in treatment in the United States; and,

(3) Abuse of halazepam may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

The above findings are consistent with the placement of halazepam into Schedule IV of the Controlled Substances Act.

This control action involves the initial scheduling of a substance not previously approved for marketing in the United States and is necessary for final marketing approval. In order to avoid delays in the initial marketing of halazepam which may cause economic problems for the manufacturer, the control of halazepam will be effective on the date of publication of this final order. Further, all regulations applicable to Schedule IV substances will be effective on the date of publication. In the event this imposes special hardships on any registrant, the Drug Enforcement Administration will entertain any justified requests for an extension of time to comply with the Schedule IV regulations.

1. *Registration.* Any person who manufactures, distributes, imports or exports halazepam or who engages in research or conducts instructional activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* Halazepam must be manufactured, distributed and stored in accordance with §§ 1301.71-1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of halazepam must comply with the requirements of §§ 1302.03-1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. *Inventory.* Every registrant required to keep records who possesses any quantity of halazepam must take inventories pursuant to §§ 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of these substances on hand.

5. *Records.* All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on halazepam.

6. *Prescriptions.* All prescriptions for products containing halazepam shall comply with §§ 1306.01-1306.06 and §§ 1306.21-1306.25 of Title 21 of the Code of Federal Regulations.

7. *Importation and Exportation.* All importation and exportation of halazepam shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

8. *Criminal Liability.* The Acting Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to halazepam not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Under the authority vested in the Attorney General by section 201(a) of

the Act (21 U.S.C. 811(a)) and delegated to the Acting Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR 0.100), the Acting Administrator hereby orders that 21 CFR 1308.14(c)(11)–(22) be revised to read as follows:

§ 1308.14 Schedule IV.

* * * * *

(c) * * *

(11) Halazepam	2762
(12) Lorazepam	2885
(13) Mebutamate	2800
(14) Meprobamate	2820
(15) Methohexital	2264
(16) Methylphenobarbital (mephobarbital)	2250
(17) Oxazepam	2835
(18) Paraldehyde	2585
(19) Petrichloral	2591
(20) Phenobarbital	2285
(21) Prazepam	2764
(22) Temazepam	2925

* * * * *

The Food and Drug Administration issued a letter on September 24, 1981, notifying the Schering Corporation of the final approval of their New Drug Application for halazepam. A copy of this letter was received by DEA. The notification further stated that halazepam may not be legally marketed until a final order placing halazepam into Schedule IV of the CSA by the Drug Enforcement Administration is published in the **Federal Register.**

Pursuant to 5 U.S.C. 605(b), the Acting Administrator certifies that the placement of halazepam into Schedule IV of the Controlled Substances Act will not have a significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). This action involves the initial control of a substance not previously approved for marketing in the United States.

In accordance with the provisions of 21 U.S.C. 811(a), this placement of halazepam into Schedule IV is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

Dated: October 23, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-31439 Filed 10-28-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 209

Administrative Procedures; Shipping Safety Fairways and Anchorages, Gulf of Mexico

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Army is eliminating the Mermentau Pass Safety Fairway by revoking 33 CFR 209.135(d)(17). The fairway no longer serves its intended purpose and removal of this restriction will allow for further oil and gas exploration in the area.

EFFECTIVE DATE: November 30, 1981.

ADDRESS: HQDA, DAEN–CWO–N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Decker at (504) 838–2255 or Mr. Ralph T. Eppard at (202) 272–0200.

SUPPLEMENTARY INFORMATION: Shipping safety fairways and anchorage areas were established by the Department of the Army to provide safe approaches through oil fields in the Gulf of Mexico to entrances to the major ports along the coast. The regulations which establish these fairways in 33 CFR 209.135 were approved by the Secretary of the Army on 18 December 1968 and last amended on 10 February 1981. The Department of the Army is now amending fairway regulations by deleting paragraph (d)(17) to disestablish the Mermentau Pass Safety Fairway. The proposed change was published in the Notice of Proposed Rulemaking Section of the **Federal Register** on 2 July 1981 (46 FR 34583) with the comment period expiring on 3 August 1981. We received no comments. Shoaling in the area of the Mermentau Pass Safety Fairway has reduced the water depth and as a result, deep draft vessels no longer travel in the area. Vessel traffic now gains access to the Gulf of Mexico via a channel dredged and maintained from Lower Mud Lake by the Corps of Engineers. Elimination of this fairway would allow for further oil and gas exploration. This matter has been coordinated with the U.S. Coast Guard. The Army is also taking this opportunity to remove an obsolete reference to the U.S. Naval Oceanographic Office and replace it with "Defense Mapping Agency Hydrographic Center."

Note.—The Department of the Army has determined that this document does not contain a major rule requiring a regulatory impact analysis under Executive Order 12291 because it will not result in an annual effect on the economy of $100 million or more and it will not result in a major increase in costs or prices. The Department of the Army has also determined that this rule will not have a significant economic impact on a substantial number of entities and thus does not require the preparation of a regulatory flexibility analysis.

Accordingly, the Department of the Army is amending 33 CFR 209.135 by revising paragraph (b)(2)(v) and by removing and reserving paragraph (d)(17) as set forth below.

§ 209.135 Shipping Safety Fairways and Anchorage Areas, Gulf of Mexico.

* * * * *

(b) Permits.

* * * * *

(2) * * *

(v) The permittee must notify the District Engineer, U.S. Geological Survey, Bureau of Land Management, U.S. Coast Guard, National Oceanic and Atmospheric Administration and the Defense Mapping Agency Hydrographic Center of the approximate dates (commencement and completion) the anchors will be in place to insure maximum notification of mariners.

* * * * *

(d) The Areas.

* * * * *

(17) [Reserved]

* * * * *

(33 U.S.C. 403 and 43 U.S.C. 1333(e))

Dated: September 29, 1981.

William R. Gianelli,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 81-31434 Filed 10-28-81; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL-1939-3]

Alabama: Revisions to Chapter 6 of the Alabama Rules and Regulations and Kentucky: Bubble Action for Corning Glassworks-Danville, Kentucky Plant; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves changes in the Alabama and Kentucky State Implementation Plans (SIPs).

On April 1, 1981 the Alabama Air Pollution Control Commission (AAPCC) submitted to EPA revisions to Chapter 6

of the AAPCC's Rules and Regulations. These changes are being made for consistency within the Alabama regulations, agreement with EPA's new requirements for open top degreasers, and to eliminate requirements for volatile organic compound (VOC) control by existing sources located in attainment areas not including an urban area.

On May 18, 1981 the Kentucky Department for Natural Resources and Environmental Protection submitted a SIP revision developed under EPA's Alternative Emission Reduction Policy (bubble policy). The Kentucky bubble alters the allowable particulate emission limits for three glass melting tanks at the Corning Glass Works, Danville, Kentucky plant. EPA's review indicates that the altered emission limits provide a net air quality benefit, and that the action is consistent with EPA's bubble policy.

These approval actions will be effective December 28, 1981 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: These actions are effective December 28, 1981.

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

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

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

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

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

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36130.

Comments should be addressed to the Air Programs Branch, EPA, Region IV address above.

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

SUPPLEMENTARY INFORMATION:

Alabama

The Alabama Air Pollution Control Commission on April 3, 1979, adopted regulations for the control of volatile organic compounds (VOC). On June 3, 1980, (45 FR 37430), EPA fully approved Alabama's VOC strategies and regulations, which apply statewide. Alabama has subsequently modified these regulations as indicated below. These changes were adopted on March 16, 1981 after public hearing and submitted to EPA on April 1, 1981.

Alabama has submitted changes to the definition of "crude oil" to be consistent throughout the State's regulations. These changes clarify what a crude oil is and that it must be a liquid at standard conditions. EPA finds this change to be acceptable.

Alabama deleted the requirement in section 6.12.5 of the AAPCC's Rules and Regulations for maintaining a vapor level at no more than ten (10) centimeters below the condenser coil in open top vapor degreasers. This is in accordance with a change in EPA guidance contained in a memo dated June 20, 1979.

In addition, the AAPCC has requested to eliminate the requirement that VOC controls be installed by existing sources located in attainment areas, not including an urban area with a population greater than 200,000. EPA finds this action to be acceptable for areas that are formally designated as attainment in the **Federal Register.**

Kentucky

The Kentucky SIP revision was subjected to public hearing on March 26, 1981 in Frankfort, Kentucky, and subsequently submitted to EPA on May 18, 1981. The SIP revision from the Commonwealth of Kentucky, involves the use of the bubble concept for particulate emissions from three glass melting tanks at the Corning Glass Works—Danville, Kentucky plant. Presently tank T-121 operates without a control device, while particulate emissions from T-122 and T-123 are controlled by a common electrostatic precipitator. Stack tests performed on the tanks have confirmed that they are in compliance with the existing permit requirements.

Due to an uncertain market, the operation of tank T-122 is projected to be limited. The company proposes to operate this tank on an intermittent basis and proposes to operate the eletrostatic precipitator only when this tank is in use. Since the eletrostatic precipitator (EP) was designed to operate with the flue gas parameters from both tanks T-122 and T-123, the operation of the EP controlling emissions from tank T-123 alone would be impractical. However, when tank T-123 is operated uncontrolled, the actual particulate emission rate of 3.0 lbs/hr exceeds the allowable emission rate of 0.78 lbs/hr.

The source's permit, which includes the bubble provisions, specifies the following requirements:

1. When the bubble provision is not in use, tank T-121 operates uncontrolled and emissions from tanks T-122 and T-123 are controlled by a common electrostatic precipitator (see *Before Bubbling* in table below).

2. When the bubble provision is in use, tank T-121 will operate uncontrolled, tank T-122 will not be operated, and tank T-123 will operate uncontrolled (See *After Bubbling* in table below).

Emission point	Allowable emission rate (pound/hour)	Actual emission rate (pound/hour)	Maximum GLC[1] ($\mu g/m^3$) 24-hour
Before Bubbling			
T121	19.8	10.6	
T122	10.8		4.8
T123	0.78	0.5	
After Bubbling			
T121	19.8	10.6	
T122	0	0	3.2
T123	3.0	3.0	

[1] NOTE.—GLC means Ground Level Concentration.

Although under the bubble there is a slight increase in actual emissions (2.5 lbs/hr.), a review of the modelling analysis reveals that this increase has insignifcant ambient impact. As the tables indicate, use of the bubble will result in a decrease in allowable emissions. Modelling of the tanks at their allowable emission rates, using the CRSTER Model, shows a net air quality benefit when the bubble provision is in place (see table above).

Action: Based on the previous information, EPA is today approving the SIP revisions submitted by Alabama and Kentucky. This is being done without prior proposal because the changes are noncontroversial and of limited impact, and no comments are anticipated. The public should be advised that this revision will be effective 60 days from the date of this notice. However, if notice is received within 30 days of the date of this notice that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and subsequent notices will be published before the effective date. The subsequent notices will withdraw the final action and begin a new rulemaking by announcing a proposal of the action, and establishing comment period.

Note.—Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic

impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

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

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

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

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: October 22, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart B—Alabama

1. In § 52.50, paragraph (c) is amended by adding subparagraph (28) as follows:

§ 52.50 Identification of plan.

* * * * *

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

* * * * *

(28) Revisions to Chapter 6 of the Alabama Rules and Regulations were submitted by the Alabama Air Pollution Control Commission on April 1, 1981.

Subpart S—Kentucky

1. In § 52.920, paragraph (c) is amended by adding subparagraph (19) as follows:

§ 52.920 Identification of Plan.

* * * * *

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

* * * * *

(19) Revision to the State Implementation Plan for a bubble action at Corning Glassworks, Danville, Kentucky was submitted on May 18, 1981, by the Kentucky Department for Natural Resources and Environmental Protection.

[FR Doc. 81-31309 Filed 10-28-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL-1949-4]

Ohio; Approval and Promulgation of State Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of final rule.

SUMMARY: On March 27, 1981 the State of Ohio submitted a revision to the total suspended particulates portion of the Ohio State Implementation Plan concerning an alternate emission reduction plan ("bubble") for the General Motors Central Foundry in Defiance County, Ohio. On August 14, 1981 (46 FR 41051) EPA approved this revision to the Ohio plan. EPA subsequently received a request for an opportunity to submit an adverse or critical comment on this approval. Accordingly, EPA is today withdrawing its approval of this revision. Elsewhere in today's **Federal Register** EPA is proposing to approve this revision and providing an opportunity to comment on its proposed approval.

DATE: This action is effective on October 29, 1981.

ADDRESSES: Copies of this SIP revision are available for review at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

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

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Board Street, Columbus, Ohio 43215.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: On March 27, 1981, the State of Ohio submitted a revision to its state implementation plan (SIP) for total suspended particulates (TSP). The revision consisted of an alternative emissions reduction plan, or "bubble", for the General Motors (GM) Central Foundry in Defiance County, Ohio. On August 14, 1981 (46 FR 41051) EPA announced the availability of this submittal and approved it as a revision to the Ohio SIP for TSP. (For further information about the revision, see 46 FR 41051.)

In the approval notice EPA advised the public that it was deferring the effective date of its approval for 60 days (until October 13, 1981) to provide an opportunity to submit comments on the revision. EPA announced that, if, within 30 days of the publication of the notice of approval, it received notice that someone wanted to submit an adverse or critical comment, it would withdraw its approval and begin a new rule—by proposing the action and establishing a 30-day comment period.

EPA also published a general notice explaining this special procedure on September 4, 1981 (46 FR 44477).

EPA has received notice that a member of the public wishes to submit an adverse or critical comment on the revision for the GM Foundry. Therefore, in accordance with the procedure described above, EPA is today withdrawing its August 14, 1981 approval of the revision.

Elsewhere in today's **Federal Register**, EPA is proposing to approve this revision and soliciting comment on its proposed approval.

EPA is withdrawing this action without providing prior notice and opportunity to comment. EPA finds that it has good cause within the meaning of 5 U.S.C. 553(b) to proceed without notice and comment. Notice and comment would be impracticable because EPA needs to withdraw its approval as quickly as possible in order to consider the comments which members of the public want to submit. Moreover, further notice is not necessary because EPA has already informed the public that it would follow this procedure if it received a request for an opportunity to comment. (See 46 FR 41051 and 46 FR 44477.) For the same reasons, EPA finds it has good cause under 5 U.S.C. 553(d) to make this withdrawal immediately effective.

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

will not have a significant economic impact on a substantial number of small entities. It only affects one large entity in a single county in Ohio.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement for a Regulatory Impact Analysis. This rule is not major because it only affects a single source and will not have an annual impact of over $100 million.

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

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by December 28, 1981.

(Sections 110 and 301 of the Act as amended (42 U.S.C. 7410 and 7601))

Dated: October 22, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. 40 CFR 52.1870 is amended as follows:

Paragraph (c)(31) is removed and reserved.

§ 52.1870 [Amended]

* * * * *

(c) * * *

(31) [Reserved]

* * * * *

[FR Doc. 81-31401 Filed 10-28-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1954-7]

Approval and Promulgation of Implementation Plans; Kentucky: Public Notification and Participation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Pursuant to section 127 of the Clean Air Act, Kentucky submitted a revision to the State implementation plan (SIP) providing measures for assuring public notification and participation. EPA has reviewed this submittal and is today approving this revision. This action was proposed on January 6, 1981 (46 FR 1314); no comments were received in response.

DATE: This action is effective November 30, 1981.

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

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

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE, Atlanta, Georgia 30365

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

Kentucky Division of Air Pollution Control, 18 Reilly Road, Building #2, Ft. Boone Plaza, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Melvin Russell of EPA Region IV, Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365. Telephone 404/881-3286).

SUPPLEMENTARY INFORMATION: Section 127 of the Clean Air Act, as amended in 1977, requires States to adopt measures for notifying the public on a regular basis when National Primary Ambient Air Quality Standards are exceeded, and to encourage or provide opportunities for the public to participate in regulatory and other efforts to improve air quality. In addition, section 127 requires the State implementation plan (SIP) to include provisions for the enhancement of public awareness of air pollution preventive measures (40 CFR 51.286). The Commonwealth of Kentucky responded by preparing and formally submitting a revision to their State implementation plan. This includes provisions for public participation which encompass informal meetings, response to public inquiries and use of public hearings. The plan revision also allows for public notification and enhancement of public awareness through tape recorded messages, newspaper articles and press releases. Documents on criteria pollutants published by EPA will be used to inform the public on the health effects associated with air quality levels above the national primary standards. This revision also provides for the daily and annual public notification of ambient primary pollutant standard exceedances by using a modified form of the Pollutant Standard Index (PSI). The exceedances not covered by the PSI will be reported annually to the public in the "Annual SLAMS Air Quality Information Report" which is prepared each year to meet EPA requirements.

Action: After thorough review of this submittal, EPA has determined that Chapters 12.7 and 12.8 of the revised Kentucky SIP are consistent with the requirements of section 127 of the Clean Air Act. EPA is therefore today approving the Kentucky submittal.

Under section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this action is available only by the filing of a petition for review in the United States Court of Appeals of appropriate circuit within 60 days of today.

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

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it affects only the manner in which a state is to make the public aware of air quality issues.

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

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

(Secs. 110 and 127, Clean Air Act (42 U.S.C. 7410 and 7427))

Dated: October 22, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart S—Kentucky

Section 52.920 is amended by adding paragraph (c)(25) as follows:

§ 52.920 Identification of plan.

* * * * *

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

* * * * *

(25) Provisions for public notifications and participation pursuant to section 127(a) of the Clean Air Act, submitted on April 8, 1980, by the Kentucky Department for Natural Resources and Environmental Protection.

[FR Doc. 81-31397 Filed 10-28-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-6-FRL 1952-4]

Approval and Promulgation of State Implementation Plans; Louisiana Submission of Volatile Organic Compound (VOC) Regulations for Set II Control Technique Guideline Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action approves revisions to the Louisiana State Implementation Plan (SIP) which were submitted by the Governor on December 10, 1979 and September 12, 1980, and proposed for approval and/or conditional approval by EPA in the January 22, 1981 issue of the Federal Register (at 46 FR 7004). Specifically, the State revised Regulations 4.0 and 22.0 of the Louisiana Air Control Commission Regulations to include new definitions and legally enforceable regulations for several of the source categories addressed in the EPA Control Technique Guideline (CTG) documents which were issued between January 1978 and January 1979 (Set II CTGs).

When originally submitted, portions of the revisions to Regulation 22.0 contained minor deficiencies which the State agreed to correct. EPA received the corrections on January 12, June 3, and July 22, 1981. EPA has reviewed the State's submittals and found that they satisfy the conditions for approval.

EFFECTIVE DATE: Effective on November 30, 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., N.W., Washington, D.C. Room 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 M St., N.W., Washington, D.C. Room 2922

FOR FURTHER INFORMATION CONTACT: Donna 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 December 10, 1979 and September 12, 1980, the Governor of Louisiana submitted, among other things, revisions to regulations 4.0 and 22.0. These revisions had been submitted in response to the requirement that, for the stationary source portion of an approvable ozone SIP, States provide for the adoption and submittal of legally enforceable regulations that reflect the application of reasonably available control technology (RACT) for VOC sources covered by the Set II CTGs. The revisions to Regulation 22.0 consisted of legally enforceable regulations for the following Set II CTG source categories: perchloroethylene dry cleaning, graphic arts systems, pharmaceutical manufacture, gasoline tank trucks, surface coating of miscellaneous metal parts and products and flatwood paneling, petroleum refinery leaks, and petroleum liquid storage in external floating roof tanks. The revisions to Regulation 4.0 included definitions for new terms used in conjunction with the above mentioned source categories.

EPA reviewed the State's submittals and in the January 22, 1981 issue of the Federal Register, EPA proposed to approve the revisions to Regulation 4.0 and sections 22.3, 22.22, and 22.9.3(b) of Regulation 22.0. Under that notice, EPA also proposed to conditionally approve the revisions to sections 22.9.2, 22.19, 22.20, 22.21, and 22.23, and solicited public comment on EPA's proposed actions. EPA proposed to conditionally approve these portions of Regulation 22.0, since these sections contained provisions which were inconsistent with the information in the CTGs. The specific deficiencies and conditions for approval, as proposed in the January 22, 1981 notice, are outlined below.

1. Under the proposed conditional approval of section 22.9.2, which pertains to the control of VOC emissions from surface coating operations for miscellaneous metal parts and products, and flatwood paneling, the State was required to revise the regulation to include the appropriate test procedures for determining compliance with the requirements for add-on controls.

2. Under the proposed conditional approval of section 22.19, which pertains to perchloroethylene dry cleaning facilities, the State was required to revise the regulation to specify that the exemptions under subsections 22.19 (a) and (b) apply only to the add-on control requirements but such facilities are still subject to the operational requirements specified in the regulation.

3. Under the proposed conditional approval of section 22.20, which pertains to graphic arts systems, the State was required to revise the regulation to include the appropriate test for determining compliance with the requirements for add-on controls.

4. Under the proposed conditional approval of section 22.21, which pertains to petroleum refinery leaks, the State was required to revise the regulation to require that pressure relief valves be monitored within 24 hours after being vented to the atmosphere.

5. Under the proposed conditional approval of section 22.23, which pertains to pharmaceutical manufacturing facilities, the State was required to revise the regulation to include the appropriate test methods.

On January 12, June 3, and July 22, 1981, the Governor submitted, among other things, the required revisions to Regulation 22.0. The January 12, 1981 submittal contained revisions to subsections 22.9.3(b), 22.20.3, and 22.23.7 which specified the appropriate test methods for determining compliance with the requirements for surface coating operations, graphic arts systems, and pharmaceutical manufacturing facilities, respectively. The June 3, 1981 submittal contained a revision to subsection 22.21.2(E) which required that pressure relief valves be monitored within 24 hours after venting to the atmosphere. The July 22, 1981 submittal contained a revision to subsection 22.19.2(B) which specified that the dry cleaning facilities exempted therein are subject to the operational requirements specified under this section. EPA has reviewed the State's submittals and developed an evaluation report [1] which discusses the technical aspects of the revisions in detail. Based on the Agency's review, EPA has determined that the proposed conditions for approval have been met, and is hereby withdrawing conditional approval.

As previously noted, under the January 22, 1981 proposal notice, EPA also solicited public comments. No comments were received. Therefore, EPA is hereby approving the revisions to Regulation 4.0 (i.e., the addition of 4.99 through 4.116) and Regulation 22.0 (i.e., sections 22.3, 22.9.2, 22.9.3(b), 22.19, 22.20, 22.21, 22.22, and 22.23) submitted by the Governor on December 10, 1979 and September 12, 1980. In addition, EPA is also approving the revisions to subsections 22.9.3(b), 22.20.3 and 22.23.7, submitted on January 12, 1981, subsection 22.21.2(E) submitted on June 3, 1981, and subsection 22.19.2(B) submitted on July 22, 1981.

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 29, 1981. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice

[1] Addendum to EPA's Review of Louisiana's State Implementation Plan Revisions for Set II CTG Sources, August 1981.

may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—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.

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.

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

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

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

Dated: October 22, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart T—Louisiana

1. Section 52.970 is amended by adding new paragraphs (c)(24) and (c)(25) which read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(24) Revised Regulations 22.9.2, 22.9.3(b), 22.19, 22.20, 22.21, 22.22 and 22.23 and revised Regulation 4.0 (i.e. sections 4.99 through 4.116) were adopted by the State on November 27, 1979 and submitted by the Governor on December 10, 1979; and revised Regulations 22.3 and 22.20.2 were adopted by the State on July 22, 1980 and submitted by the Governor on September 12, 1980.

(25) Revised Regulations 22.9.3(b), 22.20.3, and 22.23.7 were adopted by the State on December 11, 1980 and submitted by the Governor on January 12, 1981; revised Regulation 22.21.2(E) was adopted by the State on April 23, 1981 and submitted by the Governor on June 3, 1981; and, revised Regulation 22.19.2(B) was adopted by the State on June 25, 1981 and submitted by the Governor on July 22, 1981.

[FR Doc. 81-31395 Filed 10-28-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[AH 400WV; A-3-FRL-1952-3]

Approval of Revision of West Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: West Virginia has asked EPA to approve a plan for assuring that the State's population is not exposed to excessive levels of lead in the atmosphere. EPA hereby announces approval of West Virginia's plan for controlling lead emissions as a revision to the West Virginia State Implementation Plan (SIP). EPA's approval will be effective as of December 28, 1981 unless EPA is notified by November 30, 1981, that someone wishes to submit adverse or critical comments.

DATE: This action is effective December 28, 1981.

ADDRESSES: Written comments should be addressed to Mr. James E. Sydnor of EPA Region III at the address cited below. Copies of West Virginia's submittal may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Mr. Raymond D. Chalmers

West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia, Attn: Mr. Carl Beard

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Raymond D. Chalmers, who can be reached at the EPA Region III address given above or by calling 215/597-8309.

SUPPLEMENTARY INFORMATION: Governor John D. Rockefeller IV of West Virginia has submitted a plan to EPA that ensures that citizens of West Virginia will not be subjected to excessive levels of lead in the atmosphere. He has asked EPA to include this plan in the West Virginia State Implementation Plan (SIP). EPA is today approving West Virginia's request because EPA has determined that West Virginia has met the lead plan requirements EPA established in the Federal Register of October 5, 1978, 43 FR 46264.

West Virginia states in its plan it has no areas where the lead standard has not been attained. It based this conclusion on the facts that it has had no monitored violations of the lead standard and that it has no major lead sources. In view of the fact that it has no areas where the lead standard has not been attained, West Virginia chose not to adopt any new regulations limiting lead emissions. West Virginia included in the plan mainly a demonstration that it had in fact attained the lead standard, a demonstration that consisted of data on present lead emissions and concentrations, and also on projected emissions and concentrations. West Virginia also included in the plan a procedure for assuring that any new lead sources that may be constructed in the State will not cause the lead standard to be violated.

According to West Virginia, lead emissions in the State in 1979 were 398 tons per year, 381 tons due to gasoline-powered vehicles. West Virginia projects that lead emissions in 1983 will be 229 tons per year, the reduction in emissions occurring as a result of expected decreases in lead emissions from gasoline-powered vehicles.

West Virginia states in the plan that it began monitoring for lead in January, 1979. The State included in the plan all lead data obtained in 1979. The highest lead concentration recorded in 1979 was 0.96 $\mu g/m^3$. The State projects that the highest value in 1983 will be 0.55 $\mu g/m^3$. Both values are well below the 1.5 $\mu g/m^3$ lead standard.

West Virginia has made new lead sources subject to review under Regulation XIII. West Virginia's regulation requiring permits for construction of new sources, by defining lead as a hazardous pollutant. Thus, all new lead sources should be reviewed to assure that they will not cause the lead standards to be exceeded. EPA's approval of Regulation XIII in this rulemaking is based upon the assumption that new lead sources as defined in 40 CFR 51.80(a)(1) in light of 40 CFR 51.1(k)(2) will not be considered sources of minor significance under § 2.11(b)(4) of that Regulation.

The West Virginia plan also includes a brief statement indicating that the State expects the plan to have no energy, economic or social effects, since the plan includes no new regulatory requirements.

Since West Virginia's plan demonstrates that the State has attained the lead standard, and since the plan contains no new regulations for

controlling lead emissions, EPA regards the plan as noncontroversial and routine. Accordingly, EPA has decided to give final approval to the plan effective December 28, 1981. However, EPA will withdraw this final action, and publish a new rulemaking proposing approval of the lead plan and soliciting comment on it, if anyone notifies EPA by November 30, 1981 that they wish to submit adverse or critical comments.

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

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

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

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

(42 U.S.C. 7401–642)

Dated: October 22, 1981.

Anne M. Gorsuch,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart XX—West Virginia

1. Section 52.2520 is amended by adding paragraph (c) (15) as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) * * *

(15) An Implementation Plan for lead submitted by the Governor of West Virginia on June 13, 1980, and supplementary information subsequently submitted to show that lead sources would be subject to new source review.

[FR Doc. 81-31386 Filed 10-28-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

Designation of Areas for Air Quality Planning Purposes; Alabama: Redesignation of Marion, Lamar, and Fayette Counties for Ozone and Lauderdale County for Particulate Matter and Georgia: Redesignation of Fulton County; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rulemaking sets forth a revised ozone attainment status for Marion, Lamar, and Fayette Counties in Alabama, and a revised particulate attainment status for Lauderdale County. Data submitted by the Alabama Air Pollution Control Commission (AAPCC) for one ozone season showed no violations of the National Ambient Air Quality Standard (NAAQS) for ozone. The data submitted are representative of the relatively homogeneous area lying within 50 kilometers of the monitoring site in Guin, Alabama. EPA is today changing the designation of these counties for ozone from unclassifiable to attainment. The AAPCC also submitted to EPA eight quarters of total suspended particulate (TSP) data from the Lauderdale County area around Florence. These data show no violation of the NAAQS for Lauderdale County. EPA is today approving the State's request for redesignation of Lauderdale County from unclassifiable for TSP to attainment. At the State's request, EPA is withdrawing a proposal published in the **Federal Register** on June 26, 1981 (46 FR 33059) that a portion of Etowah County be redesignated from primary to secondary nonattainment for TSP. In a final rule published September 23, 1981 (46 FR 46929), EPA announced that the designation of Atlanta (Fulton County), Georgia for TSP was changed to attainment, but the regulatory text did not show this change; this omission is corrected today.

DATE: These actions are effective November 30, 1981.

ADDRESSES: The Alabama submittals may be examined during normal business hours at the following offices:

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

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

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36130

FOR FURTHER INFORMATION CONTACT: Archie Lee at the EPA Region IV address above or telephone 404/881–3286 (FTS 257–3286).

SUPPLEMENTARY INFORMATION: Pursuant to the Clean Air Act Amendments of 1977, the AAPCC implemented statewide regulations to control sources of volatile organic compounds (VOC). Since the 3M Company's plant in Guin was subject to the statewide VOC regulations, they subsequently submitted an alternative compliance schedule under Part 6.15 of the Commission's Rules and Regulations, which allows sources employing low-solvent technology an extended schedule for compliance. In addition, 3M established an ambient monitoring site for ozone to determine if the area was attainment or nonattainment for ozone.

3M began monitoring for ozone on April 15, 1980, and stopped on October 31, 1980. EPA determined that the data generated between April 15, 1980 and September 27, 1980, was acceptable for use in determining the attainment status of the three counties whose area lies within 50 kilometers of 3M's monitor.

EPA's guidelines for assessing compliance with the ozone standard, EPA 450/4–79–003, state that one oxidant season of ambient data is adequate for the assessment if that is the only available data, if no data have been arbitrarily excluded, and if the data are valid by having been subject to an acceptable quality assurance plan. The data meet these criteria, and show no violation of the NAAQS for ozone. Redesignation to attainment was proposed in the **Federal Register** of May 18, 1981 (46 FR 27131); no comments were received in response. Accordingly, EPA is redesignating Marion, Lamar, and Fayette Counties from unclassifiable for ozone to attainment. This redesignation will not be reflected in 40 CFR Part 81 since section 107 of the Clean Air Act does not provide for a distinction between areas which are unclassifiable for ozone and those which are attainment.

On March 3, 1978 (43 FR 8962), EPA promulgated an unclassifiable status for a portion of Lauderdale County, Alabama. This classification was the result of insufficient TSP data in the area around Florence, Alabama.

Under EPA policy for section 107 redesignations, issued on June 12, 1978, an area can be redesignated attainment for TSP on the basis of no less than eight

consecutive quarters of monitoring data showing no violation of any NAAQS.

TSP data submitted by the AAPCC on December 15, 1980, for the period October 1978 through September 1980 show no violation of the TSP standards in the area. All data has been documented, shown to be representative, and has been subjected to an accepted quality assurance program. No comments were received on the proposal of this redesignation in the **Federal Register** of April 3, 1981 (46 FR 20234). Accordingly, the area is redesignated attainment as the State has requested.

On June 10, 1980 (45 FR 39255), EPA designated a portion of Etowah County, Alabama in Gadsden nonattainment for both the primary and secondary NAAQS for particulate matter. On February 27, 1981, the AAPCC submitted two years (1979 and 1980) of TSP data showing no violation of the annual primary standard and only one exceedance of the 24-hour primary standard, and requested that the designation be changed to attainment for the primary standards. EPA proposed to grant the State's request in the **Federal Register** of June 26, 1981 (46 FR 33059). On September 10, the AAPCC submitted data showing a violation of the primary annual standard during the period July 1980–June 1981, and withdrew its redesignation request. Accordingly, EPA withdraws its proposal to redesignate and the area continues to be designated nonattainment for the primary and secondary TSP standards.

These changes in attainment status designation are effective November 30, 1981.

Under section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of these changes is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before December 28, 1981.

Note.—Pursuant to the provisions of 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. This action imposes no regulatory requirements but only changes area air quality designations.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

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

(Sec. 107, Clean Air Act (42 U.S.C. 7407))

Dated: October 22, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.301 [Amended]

1. In § 81.301, the Alabama TSP table is amended by removing the entry for Lauderdale County.

§ 81.311 [Amended]

2. In § 81.311, the Georgia TSP table is amended by removing the entry for Fulton County.

[FR Doc. 81-31383 Filed 10-28-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-4-FRL 1955-2]

Designation of Areas for Air Quality Planning Purposes; South Carolina: Redefinition of SO_2 and TSP Attainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is changing the description of sulfur dioxide and particulate matter attainment areas in South Carolina so that every county in the State is identified by name. These actions were proposed for public comment on April 3, 1981 (46 FR 20236), but no comments were received.

EFFECTIVE DATES: These actions are effective November 30, 1981.

ADDRESSES: A copy of South Carolina's request of these changes may be examined during normal business hours at the following locations:

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

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

FOR FURTHER INFORMATION CONTACT: W. W. Jones of the EPA Region IV, Air Programs Branch, 404/881-4552 (FTS 257-4552).

SUPPLEMENTARY INFORMATION: On October 16, 1980, South Carolina requested that the Section 107 designation of particulate and sulfur dioxide attainment areas in 40 CFR 81.341 be changed from "Rest of State" and "Statewide" to a listing of individual counties and those portions of Charleston and Georgetown counties covered by those designations. This change, according to the State, will make it easier to track increment consumption under EPA's regulations for the prevention of significant deterioration of air quality. The Agency finds this request to be consistent with the provisions of section 107 of the Clean Air Act, and it is granted herewith. These actions are effective November 30, 1981.

Under section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals of the appropriate circuit within 60 days of today.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it imposes no burden on sources.

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

Note.—Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only redefines attainment areas to facilitate administration of new source review requirements by one State.

(Sec. 107, Clean Air Act (42 U.S.C. 7407))

Dated: October 22, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

In § 81.341, the TSP and SO_2 attainment status tables are revised to read as follows:

§ 81.341 South Carolina.

SOUTH CAROLINA—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Abbeville County				X.
Aiken County				X.
Allendale County				X.
Anderson County				X.
Bamberg County				X.
Barnwell County				X.
Beaufort County				X.
Berkeley County				X.
Calhoun County				X.
That portion of Charleston County within section of North Charleston just south of US Army Depot.		X.		
That portion of Charleston County within section of Charleston just west of south end of US Naval Station.	X.	X.		
Portions of Charleston County not otherwise designated				X.
Cherokee County				X.
Chester County				X.
Chesterfield County				X.
Clarendon County				X.
Colleton County				X.
Darlington County				X.
Dillon County				X.
Dorchester County				X.
Edgefield County				X.
Fairfield County				X.
Florence County				X.
That portion of Georgetown County within southern section of Georgetown.	X.	X.		
Portions of Georgetown County not otherwise designated				X.
Greenville County				X.
Greenwood County				X.
Hampton County				X.
Horry County				X.
Jasper County				X.
Kershaw County				X.
Lancaster County				X.
Laurens County				X.
Lee County				X.
Lexington County				X.
McCormick County				X.
Marion County				X.
Marlboro County				X.
Newberry County				X.
Oconee County				X.
Orangeburg				X.
Pickens County				X.
Richland County				X.
Saluda County				X.
Spartanburg County				X.
Sumter County				X.
Union County				X.
Williamsburg County				X.
York County				X.

SOUTH CAROLINA—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Abbeville County				X.
Aiken County				X.
Allendale County				X.
Anderson County				X.
Bamberg County				X.
Barnwell County				X.
Beaufort County				X.
Berkeley County				X.
Calhoun County				X.
Charleston County				X.
Cherokee County				X.
Chester County				X.
Chesterfield County				X.
Clarendon County				X.
Colleton County				X.
Darlington County				X.
Dillon County				X.
Dorchester County				X.
Edgefield County				X.
Fairfield County				X.
Florence County				X.
Georgetown County				X.
Greenville County				X.
Greenwood County				X.
Hampton County				X.
Horry County				X.
Jasper County				X.
Kershaw County				X.

SOUTH CAROLINA—SO_2—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Lancaster County				X
Laurens County				X
Lee County				X
Lexington County				X
McCormick County				X
Marion County				X
Marlboro County				X
Newberry County				X
Oconee County				X
Orangeburg County				X
Pickens County				X
Richland County				X
Saluda County				X
Spartanburg County				X
Sumter County				X
Union County				X
Williamsburg County				X
York County				X

* * * * * * *

[FR Doc. 81-31394 Filed 10-28-81; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6068

[CA-7378]

California; Revocation of Recreation Withdrawal No. 51

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order which withdrew approximately 16.47 acres of land for protection of recreational values. This action permits restoration of the lands to operation of the mining laws provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Morrison, California State Office, 916-484-4431.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial order dated December 21, 1932, which withdrew the following described lands for recreational purposes, is hereby revoked in its entirety.

Mount Diablo Meridian

T. 16 S., R. 1 W.,

all islands, rocks, and pinnacles situated in the Pacific Ocean south of the mouth of Carmel River in the vicinity of Point Lobos.

The area described contains approximately 16.47 acres in Monterey County.

2. The surface estate of the above described lands has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869,698-4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-31390 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-180; RM-3405]

FM Broadcast Station in Missoula, Mont.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 273 to Missoula, Montana, in response to a petition filed by KGVO Broadcasters, Inc. The assignment could provide Missoula with a fourth local FM service.

DATE: Effective December 21, 1981.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Missoula, Montana), BC Docket No. 80-180, RM-3405.

Report and Order—Proceeding Terminated

Adopted: October 19, 1981.

Released: October 22, 1981.

1. The Commission has under consideration herein the Notice of Proposed Rule Making, 45 FR 29868, published May 6, 1980, which proposed the assignment of Class C FM Channel 271 to Missoula, Montana, as that community's fourth FM assignment, in response to a petition filed by KGVO Broadcasters, Inc. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. Comments supporting the assignment of Channel 271 to Missoula were also filed by the Northern Sun Corporation ("NSC").

2. Missoula (population 33,388),[1] the seat of Missoula County (population 76,016), is located approximately 152 kilometers (95 miles) west of Helena, Montana. It is served locally by FM Stations KDXT (Channel 227), KYSS-FM (Channel 235), and KYLT-FM (Channel 281A), in addition to fulltime AM Stations KGRZ, KGVO, KYLT and daytime-only Station KYSS. Although Channel 271 could be assigned to Missoula in compliance with the minimum distance separation requirements of § 73.207 of the Commission's rules, we have substituted Channel 273 for consideration herein.[2]

[1] Population figures are extracted from the 1980 U.S. Census data, Advance Reports.

[2] The request to assign Channel 271 to Missoula would have required a 10 mile site restriction to avoid short-spacing to a pending request to assign Channel 270 to Coeur D'Alene, Idaho (BC Docket No. 80-50). KGVO informed us that it would not be possible to locate a transmitter at the restricted site. As a result, KGVO requested that the two proceedings be considered jointly. In a recent action in the Coeur D'Alene proceeding we declined joint consideration since we did not assign Channel 270 there avoiding the spacing conflict. However, we

Continued

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

4. NSC, in its comments, states that it supports the assignment to Missoula and further, that it intends to apply for the channel if assigned.

5. The preclusion study submitted by petitioner concerned Channel 271 and indicated that thirty-two communities of over 1,000 population are located within the precluded areas, eighteen[3] of which are presently without an FM assignment. Petitioner listed numerous alternate channels as available in each instance. It appears that numerous channels would also be available in the areas precluded on Channel 273. Thus we do not find preclusion to be a bar to this assignment.

6. The request for a fourth commercial FM assignment to Missoula exceeds the FM population guidelines. It is asserted that the population of Missoula increased dramatically during the past decade, but, in any event, since preclusion here is insignificant, there is a basis for our considering an exception to our population guidelines. See, Poplar Bluff, Missouri, BC Docket No. 78–188, 45 FR 21636, published April 2, 1980; North Platte, Nebraska, BC Docket No. 79–114, 44 FR 67666, published November 27, 1979; and St. Simons Island, Georgia, BC Docket No. 79–149, 45 FR 25806, published April 16, 1980.

7. In view of the expressed interest in the allocation of an additional FM channel to Missoula, the demonstration of need for additional service, and the fact that the preclusion impact does not appear to be significant, we believe that the public interest would be served by the grant of the requested assignment.

8. Canadian concurrence in the assignment has been obtained.

9. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective December 21, 1981, the FM Table of Assignments, § 73.202(b) of the rules, is amended with regard to the following community:

City	Channel No.
Missoula, Montana	227, 235, 261A, 273.

10. It is further ordered, that this proceeding is terminated.

11. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-31477 Filed 10-28-81; 8:45 am]

BILLING CODE 6712-01-M

have now been made aware of a new development in that proceeding which could lead to the assignment of Channel 270 to Coeur D'Alene. Rather than further delay the outcome of this proceeding, we have determined that Channel 273 could be assigned to Missoula without a site restriction.

[3] The affected communities (with their 1980 population) are as follows: *Idaho:* Pierce (pop. 1,060), Kamiah (pop. 1,479), McCall (pop. 2,188); *Montana:* Fort Benton (pop. 1,693), Polson (pop. 2,706), Thompson Falls (pop. 1,476), Choteau (pop. 1,798), Conrad (pop. 3,074), Plains (pop. 1,116), Whitehall (pop. 1,030), Walkerville (pop. 887), Three Forks (pop. 1,247), Boulder (pop. 1,441), Townsend (pop. 1,587), White Sulphur Springs (pop. 1,302), East Helena (pop. 1,647), Deer Lodge (pop. 4,023), and Philipsburg (pop. 1,138).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 391

[BMCS Amendment No. 80–6, Notice No. 81–6]

Physical Qualifications and Examinations; Technical Amendment

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Amendment to final rule.

SUMMARY: The FHWA is issuing this document in order to make it clear that visual tests for drivers of commercial motor vehicles may be conducted by ophthalmologists as well as optometrists. The wording of an FHWA regulation had inadvertently led to some confusion on this point.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald Davis, Bureau of Motor Carrier Safety, (202) 426–9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426–0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 391.43(a) of Title 49, Code of Federal Regulations (CFR), provides that the medical examination required for all drivers of commercial motor vehicles must be performed by a licensed doctor of medicine or osteopathy. Section 391.43(b) of 49 CFR provides that a licensed optometrist may perform so much of the medical examination as pertains to visual acuity field of vision, and the ability to recognize colors. As a doctor of medicine, an ophthalmologist is clearly qualified to perform the visual test, as well as the other portions of the medical examination. However, the previous wording of the note at the end of § 391.43(c) gave the impression that only optometrists could conduct the visual test.

Accordingly, the wording is being amended to correct this administrative oversight and to make it clear that the visual test may be performed by an ophthalmologist.

§ 391.43 [Amended]

In consideration of the foregoing, paragraph (c) of § 391.43 of Title 49, Code of Federal Regulations, is amended by inserting the words "ophthalmologist or" before the word "optometrist" each time it appears.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation (DOT).

Notice and opportunity for comment are not required because this amendment clarifies rather than alters existing requirements and because it is not anticipated that such action would result in the receipt of useful information. Due to the nature of this amendment, the FHWA finds good cause to make it effective in less than 30 days. Accordingly, this amendment is effective upon issuance.

No economic impacts are anticipated as a result of this action since it does not alter current requirements regarding physical examinations in any way. In addition, existing supplies of documents which do not reflect this amendment may be used by motor carriers until those supplies are exhausted. For the foregoing reasons, a full regulatory evaluation is not required and, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

(Sec. 204, 49 Stat. 546, as amended (49 U.S.C. 304); Sec. 6, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48)

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

Issued on: October 22, 1981.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc. 81-30947 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-14; Notice 25]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, to rescind the requirements for installation of automatic restraints in the front seating positions of passenger cars. Those requirements were scheduled to become effective for large and mid-size cars on September 1, 1982, and for small cars on September 1, 1983.

The automatic restraint requirements are being rescinded because of uncertainty about the public acceptability and probable usage rate of the type of automatic restraint which the car manufacturers planned to make available to most new car buyers. This uncertainty and the relatively substantial cost of automatic restraints preclude the agency from determining that the standard is at this time reasonable and practicable. The reasonableness of the automatic restraint requirements is further called into question by the fact that all new car buyers would be required to pay for automatic belt systems that may induce only a few additional people to take advantage of the benefits of occupant restraints.

The agency is also seriously concerned about the possibility that adverse public reaction to the cost and presence of automatic restraints could have a significant adverse effect on present and future public acceptance of highway safety efforts.

Under the amended standard, car manufacturers will continue to have the current option of providing either automatic or manual occupant restraints.

DATES: The rescission of the automatic restraint requirements of Standard No. 208 is effective December 8, 1981. Any petitions for reconsideration must be received by the agency not later than December 3, 1981.

ADDRESS: Any petitions for reconsideration should refer to the docket number and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Finkelstein, Associate Administrator for Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-1810).

SUPPLEMENTARY INFORMATION: On April 9, 1981, the Department of Transportation published a notice of proposed rulemaking (NPRM) setting forth alternative amendments to the automatic restraint requirements of Standard No. 208 (46 FR 21205). The purpose of proposing the alternatives was to ensure that Stanadard No. 208 reflects the changes in circumstances since the automatic restraint requirements were issued (42 FR 34289; July 5, 1977) and to ensure that the standard meets the requirements of the National Traffic and Motor Vehicle Safety Act of 1966 and Executive Order 12291, "Federal Regulations" (February 17, 1981).

Background and NPRM

The automatic restraint requirements were adopted in 1977 in response to the high number of passenger car occupants killed annually in crashes and to the persistent low usage rate of manual belts. The manual belt is the type of belt which is found in most cars today and which the occupant must place around himself or herself and buckle in order to gain its protection. Then, as now, there were two types of automatic restraints, i.e., restraints that require no action by vehicle occupants, such as buckling a belt, in order to be effective. One type is the air cushion restraint (air bag) and the other is the automatic belt (a belt which automatically envelopes an occupant when the occupant enters a vehicle and closes the door).

In view of the greater experience with air bags in large cars and to spread out capital investments, the Department established a large-to-small car compliance schedule. Under that schedule, large cars were required to begin compliance on September 1, 1981, mid-size cars on September 1, 1982, and small cars on September 1, 1983.

On April 6, 1981, after providing notice and opportunity for comment, the Department delayed the compliance date for large cars from September 1, 1981, to September 1, 1982. As explained in the April 6, final rule, that delay was adopted

> . . . because of the effects of implementation in model year 1982 on large car manufacturers, because of the added significance which those effects assume due to the change in economic circumstances since the schedule was adopted in 1977, and because of the undermining by subsequent events of the rationale underlying the original phase-in schedule.

Simultaneous with publishing the one-year delay in the effective date for large cars, the Department also issued a proposal for making further changes in the automatic restraint requirements. This action was taken in response to a variety of factors that raised questions whether the automatic restraint requirements represented the most reasonable and effective approach to the problem of the low usage of safety belts. Among these factors were the uncertainty about public acceptability of automatic restraints in view of the absence of any significant choice between automatic belts and air bags and the nature of the automatic belt designs planned by the car manufacturers, the consequent uncertainties about the rate of usage of automatic restraints, and the substantial costs of air bags even if produced in large volumes.

The three principal proposals were reversal of phase-in sequence, simultaneous compliance, and rescission. The reversal proposal would have changed the large-to-small car order of compliance to a requirement that small cars commence compliance on September 1, 1982, mid-size cars on September 1, 1983, and large cars on September 1, 1984. The proposal for simultaneous compliance would have required all size classes to begin compliance on the same date, March 1, 1983. The rescission proposal would have retained the manufacturers' current option of equipping their cars with either manual or automatic restraints.

In addition, the Department proposed that, under both the first and second alternatives, the automatic restraint requirements be amended so that such restraints would not be required in the front center seating position.

Following the close of the period for written comments on the April NPRM, NHTSA decided, in its discretion, to hold a public meeting on the alternatives. The purpose of the meeting was to permit interested parties to present their views and arguments orally before the Administrator and ensure that all available data were submitted to the agency. The notice announcing the meeting indicated that participants at the hearing would be permitted to supplement their previous comments. The notice also urged participants to consider the issues raised in former Secretary Coleman's June 14, 1976 proposal regarding occupant restraints and in former

Secretary Adams' March 24, 1977 proposal regarding automatic restraints.

Rationale for Agency Decision

The decision to rescind the automatic restraint requirements was difficult for the agency to make. NHTSA has long pursued the goal of achieving substantial increases in the usage of safety belts and other types of occupant restraints. Former Secretary Adams clearly believed that he had ensured the achievement of that goal in July 1977 when he promulgated the automatic restraint requirements. Now that goal appears as elusive as ever. Instead of being equipped with automatic restraints that will protect substantially greater numbers of persons than current manual belts, most new cars would have had a type of automatic belt that might not have been any more acceptable to the public than manual belts. The usage of those automatic belts might, therefore, have been only slightly higher than that of manual belts. While most of the anticipated benefits have virtually disappeared, the costs have not. Vehicle price increases would have amounted to approximately $1 billion per year.

This turn of events may in part reflect the failure of the Department in the years following 1977 to conduct a long term effort to educate the public about the various types of restraints and the need to use them. The need for such an undertaking was seen by former Secretary Coleman in announcing his decision in 1976 to conduct an automatic restraint demonstration project prior to deciding whether to mandate automatic restraints. His instruction that NHTSA undertake significant new steps to promote safety belt usage was never effectively carried out. The result of such an effort could have been that a substantial portion of the public would have been receptive to a variety of automatic restraint designs. As a result of concern over public acceptance, manufacturers have designed their automatic restraints to avoid creating a significant adverse reaction. Unfortunately, the elements of design intended to minimize adverse reaction would also minimize the previously anticipated increases in belt usage and safety benefits of requiring new cars to have automatic restraints instead of manual belts.

The uncertainty regarding the usage of the predominant type of planned automatic restraint has profound implications for the determinations which NHTSA must make regarding a standard under the National Traffic and Motor Vehicle Safety Act. NHTSA has a duty under the Vehicle Safety Act and E.O. 12291 to review the automatic restraint requirements in light of changing events and to ensure that the requirements continue to meet the criteria which each Federal Motor Vehicle Safety Standard must satisfy. If the criteria cannot be satisfied, the agency must make whatever changes in the standard are warranted. The agency must also have the flexibility to modify its standards and programs in its efforts to find effective methods for accomplishing its safety mission.

The agency believes that the post-1977 events have rendered it incapable of finding now, as it was able to do in 1977, that the automatic restraint requirements would meet all of the applicable criteria in the Vehicle Safety Act. Section 103(a) of the Vehicle Safety Act requires that each Federal Motor Vehicle Safety Standard meet the need for safety and be practicable and objective. Each standard must also be reasonable, practicable and appropriate for each type of vehicle or equipment to which it applies (Section 103(f)(3). To meet the need for safety, a standard must be reasonably likely to reduce deaths and injuries. To be found practicable, the agency must conclude that the public will in fact avail themselves of the safety devices installed pursuant to the standard. (*Pacific Legal Foundation v. Department of Transportation*, 593 F. 2d 1338, at 1345–6 (D.C. Cir. 1979). To be reasonable and practicable, a standard must be economically and technologically feasible, and the costs of implementation must be reasonable. (S. Rep. No. 1301, 89th Cong., 2d Sess. 6 (1966).)

In reaching the decision announced by this notice, NHTSA has reviewed the enormous record compiled by this agency over the past decade on automatic restraints. Particular attention was paid to the information and issues relating to the notices which the Agency or Department has issued regarding automatic restraints since 1976. All comments submitted in response to the April 1981 proposal by proponents and opponents of the automatic restraint requirements have been thoroughly considered. A summary of the major comments is included as an appendix to this notice. The agency's analysis of those comments may be found in this notice and the final regulatory impact analysis. A copy of the analysis has been placed in the public docket.

Usage of automatic restraints and safety benefits. As in the case of the comments submitted concerning the one-year delay in automatic restraint requirements for large cars, the commenters on the April 1981 proposal expressed sharply divergent views and arguments and reached widely differing conclusions concerning the likely usage rates and benefits of the automatic restraints planned for installation in response to the automatic restraint requirements. The wide distance between the positions of the proponents and opponents of these requirements stems primarily from the lack of any directly relevant data on the most important issue, i.e., the public reaction to and usage rate of detachable automatic belts. These disagreements once again demonstrate the difficulty in reaching reliable conclusions due to the uncertainty created by the lack of adequate data.

In issuing the automatic restraint requirements in 1977, NHTSA assumed that the implementation of those requirements would produce substantial benefits. According to the analysis which NHTSA performed in that year, automatic restraints were expected to prevent 9,000 deaths and 65,000 serious injuries once all cars on the road were equipped with those devices. That prediction was premised on several critical assumptions. Most important among the assumptions were those concerning the safety benefits of automatic restraints—reductions in death and injury—which in turn are a function of the types of automatic restraints to be placed in each year's production of new cars.

The agency assumed that the combination of air bags and lap belts would be approximately 66 percent effective in preventing fatalities and that automatic belts would have a 50% level of effectiveness. The agency assumed also that air bags would be placed in more than 60 percent of new cars and that automatic belts would be placed in the remaining approximately 40 percent. The agency's analysis predicted that air bags would provide protection in virtually all crashes of sufficient severity to cause deployment of the air bags. It was further assumed that the automatic belts would be used by 60 to 70 percent of the occupants of those cars.

As to public reaction, the agency anticipated that the public would, as a whole, accept automatic restraints because it could choose between the two types of those restraints. Those not wanting automatic belts would select an air bag. Partly as a function of the expected large volume of air bag installation, the agency projected that the cost of air bags would be only slightly more than $100 (in 1977 dollars) more than manual belts.

As part of its efforts to monitor and facilitate implementation of the automatic restraint requirements, the agency continued its gathering of data about the use and effectiveness of air bags and of automatic belts with use-inducing features, the only type of automatic belt available to the public. With respect to automatic belts, this effort was carried out through a contract with Opinion Research Corporation. Under that contract, observations were made of seat belt usage during the two year period beginning November 1977. These observations provided data on usage of manual and automatic belts in model year 1975–79 VW Rabbits and of manual belts in model year 1978–79 GM Chevettes. As a result of voluntary decisions by VW and GM, a number of the Rabbits and Chevettes were equipped with automatic belts. The observation data showed usage rates of about 36 percent for manual belts and about 81 percent for automatic belts in the Rabbits. The observed rate of manual belt usage in Chevettes was 11 percent. There were insufficient numbers of model year 1978–79 Chevettes equipped with automatic belts to develop reliable usage figures.

Several telephone surveys were also made under contract with Opinion Research. The first survey involved owners of model year 1979 VW Rabbits and GM Chevettes equipped with automatic belts and was conducted during 1979. This survey showed that 89 percent of Rabbit owners and 72 percent of Chevette owners said that they used their automatic belts. A second survey was conducted in late 1979 and early 1980. It covered owners of model year 1980 Rabbits and Chevettes. The usage rates found by the second survey were almost identical to those in the first survey.

Now, however, the validity of the benefit predictions in 1977 and the relevancy of the extensive data gathered by NHTSA on air bags and on automatic belts with use-inducing features have been substantially if not wholly undermined by drastic changes in the types of automatic restraints that would have been installed under the automatic restraint requirements. Instead of installing air bags in approximately 60 percent of new cars, the manufacturers apparently planned to install them in less than 1 percent of new cars. Thus, automatic belts would have been the predominant means of compliance, and installed in approximately 99% of new cars. Thus, the assumed life-saving potential of air bags would not have been realized.

Manufacturers have stated that they chose belt systems for compliance because of the competitive disadvantage of offering the relatively expensive, inadequately understood air bag when other manufacturers would have been providing automatic belts. These explanations seem credible.

The other drastic change concerns the type of automatic belt to be installed. Although some aspects of the car manufacturers' automatic belt plans are still tentative, it now appears reasonably certain that if the automatic restraint requirements were implemented, the overwhelming majority of new cars would be equipped with automatic belts that are detachable, unlike the automatic belts in Rabbits and Chevettes. Most planned automatic belts would be like today's manual lap and shoulder belts in that they can be easily detached and left that way permanently.

Again, this design choice would appear to have arisen out of concern that without such features emergency exit could be inhibited, and, in part as a result of a perception of this fact, public refusal to accept new designs would be widespread. The agency shares this concern, and has since 1977 required that all such belts provide for emergency exit. Agency concerns on this point have been validated by recent related attitudinal research, discussed below.

In its final rule delaying the initial effective date of the automatic restraint requirements, the April 1981 proposal and the associated documents analyzing the impacts of those actions, NHTSA expressly confronted the lack of usage data directly relevant to the type of automatic belts now planned to be installed in most new cars. The agency stated that there were several reasons why the available data was of limited utility in attempting to make any reliable predictions about the usage of easily detachable automatic belts. The most important reason, which has already been noted, is that the predominant type of planned automatic belt would not have had features to ensure that these belts are not detached.

Second, all of the available data relate to only two subcompacts, the Rabbit and the Chevette. Due to a combination of owner demographics and a correlation between driver perception of risk and the size of the car being driven, belt usage rates are typically higher in small cars than in larger ones. Therefore, the usage rates for the two subcompacts cannot simply be adopted as the usage rates for automatic belts in all car size classes.

Third, most of the Rabbit and Chevette owners knew that their new car would come with an automatic belt and had it demonstrated for them, even if many state that they did not consciously choose that type of belt. Having voluntarily invested in automatic restraints, they are more likely to use those restraints than someone who is compelled to buy them.

The significance of the fundamental difference between the nondetachable and detachable automatic belt bears further discussion. The Rabbit automatic belts are, as a practical matter, not permanently detachable since they are equipped with an ignition interlock. If the belt is disconnected, the interlock prevents the starting of the car. Each successive use would therefore require re-connection before engine start. The Chevette automatic belts also were initially equipped with an ignition interlock. Beginning in model year 1980, the Chevette belts were made both practically and literally nondetachable. They consist of a continuous, nondetachable shoulder belt. Additional webbing can be played out to produce slack in the belt; however, the belt remains attached at both ends.

By contrast, the automatic belts now planned for most cars do not have any effect on the starting of the cars and are easily detachable. Some belt designs may be detached and permanently stowed as readily as the current manual lap and shoulder belts. Once a detachable automatic belt is detached, it becomes identical to a manual belt. Contrary to assertions of some supporters of the standard, its use thereafter requires the same type of affirmative action that is the stumbling block to obtaining high usage levels of manual belts. If the car owners perceive the belts as simply a different configuration of the current manual belts, this stumbling block is likely to remain. They may treat the belt as a manual one and thus never develop the habit of simply leaving the belt attached so that it can act as an automatic belt.

The agency recognizes the possibility that the exposure of some new car purchasers to attached automatic belts may convert some previously occasional users of manual belts to full time belt users. Present attitudinal survey data clearly establish the existence of a population of such occupants who could be influenced by some external factor to convert to relatively constant users. However, the agency believes that many purchasers of new cars having detachable automatic belts would not experience the potential use-inducing character of attached automatic belts

unless they had taken the initiative themselves to attach the belts.

Thus, the change in car manufacturers' plans has left the agency without any factual basis for reliably predicting the likely usage increases due to detachable automatic belts, or for even predicting the likelihood of any increase at all. The only tentative conclusion that can be drawn from available data is that the installation of *nondetachable* automatic belts in other subcompacts could result in usage rates near those found in Rabbits and Chevettes. Even that use of the Rabbit and Chevette data may be questionable, however, given the element of voluntarism in the purchase of automatic belts by many of the Rabbit and Chevette owners. Thus, the data on automatic belt use in Rabbits and Chevettes may do little more than confirm the lesson of the model year 1974–75 cars equipped with manual belts and ignition interlocks, i.e., that the addition to a belt system of a feature that makes the belt nondetachable or necessitates its attachment before a car can be started can substantially increase the rate of belt usage.

In estimating automatic belt usage rates for the purposes of the April final rule and proposal, the agency recognized the substantial uncertainty regarding the effects of easily detachable automatic belts on belt usage. NHTSA attempted to compensate for the lack of directly relevant data by using two different techniques to predict a potential range of usage.

One technique was to assume a consistent multiplier effect, whereby belt usage in cars of all size classes would be assumed to be more than slightly double as it had in Rabbits. A doubling of the current 10–11 percent manual belt usage rate projected over the general car fleet would mean a 22 percent rate could be achieved with the installation of automatic belts. The other technique was to assume that there would be a consistent additive effect, whereby the same absolute percentage point increase in belt usage would occur as there had been in the case with Rabbits. Use of this method would result in a predicted 50 percentage point increase in belt usage, over the entire fleet, from the current 10–11 percent to approximately 60 percent.

The agency used the results of these two techniques in an attempt to construct a range of possible increases in belt usage. Thus, a range of 15 to 60 percent was used in both the final regulatory impact analysis for the April rulemaking to defer the effective date for one year and the preliminary analysis for the current action. The figure of 15 percent was derived by doubling the observed 7 percent usage levels in the large type cars affected by the deferral. A figure of 22 percent would have been more appropriate as the low end of the range for the current action, since it would represent a doubling of the current usage rate of the car fleet as a whole. This latter figure has been used in addressing this question in the current final regulatory analysis.

Although the agency had no definitive way of resolving the uncertainty about the usage of detachable automatic belts, the agency estimated that belt usage with automatic belts would most likely fall near the lower end of either range. This estimate was based on a variety of factors. Most relate to the previously discussed limitations in the relevancy of the observations and surveys of Rabbit and Chevette owners. In addition, those data were on their face inconsistent with data regarding automatic belt usage in crashes involving Rabbits. Those crash data indicated a usage rate of 55–57 percent instead of the better than 60 percent rate indicated by the observation study and telephone surveys.

Thus, the agency made the preliminary judgment in its impact analyses that the switch from manual belts to detachable automatic belts could approximately double belt usage. However, the April 1981 final rule noted that the actual belt usage might be lower, even substantially so. With respect to cars with current low usage rates, that notice stated that the usage rate of detachable automatic belts might only approach levels similar to those currently achieved with manual belts.

The commenters on the April 1981 NPRM did not present any new factual data that could have reduced the substantial uncertainty confronting the agency. Instead, the commenters relied on the same data examined by the agency in its impact analyses.

The commenters were sharply divided on the question of usage rates. Proponents of the automatic restraint requirements did not in their analyses address the significance of the use-inducing nature of the nondetachable automatic belts in the Rabbits and Chevettes or the demographic factors relating to those car purchasers. Instead, they asserted that the usage rates achieved in Rabbits and Chevettes would, with slight adjustments, also be achieved in other car size classes. In reaching this conclusion, they asserted that the usage rate increases of automatic belts shown by Rabbit and Chevette owners were the same regardless of whether the automatic belts were purchased knowingly or unknowingly. There was an exception to this pattern of comment among the proponents. One public spokesperson for an interest group acknowledged that automatic belts could be designed in a way that they so closely resembled manual belts that their usage rates would be the same.

Opponents of the automatic restraint requirements, relying on the similarity of detachable automatic belts to manual belts, predicted that the automatic belts would not have any substantial effect on belt usage. The opponents of the requirements also dismissed the experience of the Rabbit and Chevette owners on the grounds that the automatic belts in those cars had been voluntarily purchased and were nondetachable.

While the public comments did not provide the agency with any different or more certain basis for estimating belt usage than it already had, they did induce the agency to reexamine its assumption about the possible automatic belt usage rates. Although it is nearly impossible to sort out with precision the individual contributions made by nondetachability, interlocks, car size, demographics and other factors, NHTSA believes that the usage of automatic belts in Rabbits and Chevettes would have been substantially lower if the automatic belts in those cars were not equipped with a use-inducing device inhibiting detachment.

In the agency's judgment, there is a reasonable basis for believing that most of the increase in automatic belt Rabbits and Chevettes is due to the nondetachability feature, whether an interlock or other design feature, of their belt systems. Necessitating the attachment of belts by the addition of interlocks to 1974–75 cars resulted in an increase in manual belt usage by as much as 40 percent in cars subject to that requirement. A similar effect in the case of the Rabbit would account for four-fifths of the increase observed in the automatic belt vehicles. A significant portion of the remaining increase could in fact be attributable to the fact many owners of automatic belt Rabbits and Chevettes knowingly and voluntarily bought the automatic belts. By the principle of self-selection, these people would be more inclined to use their belts than the purchasers of 1974–75 Rabbits who did not have any choice regarding the purchase of a manual belt equipped with an interlock. This factor would not, of course, be present in the fleet subject to the standard.

The most appropriate way of accounting for the detachability problem and other limitations on the validity of that Rabbit and Chevette data would be to recognize that the levels of usage resulting from both the point estimates are based on uncertain conclusion and adjust each appropriately. The agency's estimate in the final regulatory impact analysis for the April 1981 final rule that usage would likely fall near the lower end of the range had the effect of substantially adjusting downward the usage rate (60 percent) produced by the technique relying on the absolute percentage point increase (50 percentage points) in belt usage in automatic belt Rabbits and Chevettes. A similar adjustment could also be made in the usage rate (15 percent) indicated by the multiplier technique.

Throughout these sequential analyses, the agency has examined the extremely sparse factual data, applied those factors which are known to externally affect usage rates, and defined for analytical purposes the magnitude of potential safety effects. Aside from the initial data points, all such analyses in all cases necessarily involve exercises of discretion and informed judgment. Resultant conclusions are indications of probable usage which always have been and always must be relied upon by the agency in the absence of additional objective data.

The agency believes that the results produced by both techniques must be adjusted to account for the effects of detachability and the other factors affecting usage rates. Therefore, as the April 1981 final rule recognized, the incremental usage attributable to the automatic aspect of the subject belts may be substantially less than 11 percent.

The agency's analysis of the public comments and other available information leads it to conclude that it cannot reliably predict even a 5 percentage point increase as the minimum level of expected usage increase. The adoption of a few percentage points increase as the minimum would, in the agency's judgment, be more consistent with the substantial uncertainty about the usage rate of detachable automatic belts. Based on the data available to it, NHTSA is unable to assess the probability that the actual incremental usage would fall nearer a 0 percentage point increase or nearer some higher value like a 5 or 10 percentage point increase.

Thus, the agency concludes that the data on automatic belt usage in Rabbits and Chevettes does not provide a sufficient basis for reliably extrapolating the likely range of usage of detachable automatic belts by the general motoring public in all car size classes. Those data are not even sufficient for demonstrating the likelihood that those belts would be used in perceptibly greater numbers than the current manual belts. If the percentage increase is zero or extremely small due to the substantial similarity of the design and methods of using detachable automatic belts and manual belts, then the data regarding manual belt usage would be as reliable a guide to the effects of detachable automatic belts on belt usage as data regarding usage of nondetachable automatic belts. Indeed, the manual belt data may even be a more reliable guide since the data are based on usage by the general motoring public in cars from all size and demographic classes.

In view of the uncertainty about the incremental safety benefits of detachable automatic belts, it is difficult for the agency to determine that the automatic restraint requirements in their present form meet the need for safety.

In concluding that for this reason detachable automatic belts may contribute little to achieving higher belt usage rates, the question then arises whether the agency should amend the standard to require that automatic belts have a use-inducing feature like that of the Rabbit and Chevette automatic belts. NHTSA believes that such features would increase belt usage. The agency does not, however, believe that such devices should be mandated, for the reasons discussed in detail below.

Costs of automatic restraints. In view of the possibly minimal safety benefits and substantial costs of implementing the automatic restraint requirements, the agency is unable to conclude that the incremental costs of the requirements are reasonable. The requirements are, in that respect, impracticable. While the car manufacturers have already made some of the capital expenditures necessary to comply with the automatic restraint requirements, they still face substantial, recurring variable costs. The average price increase per car is estimated to be $89. The costs of air bags and some designs of automatic belts would be substantially higher. With a total annual production of more than 10 million cars for sale in this country, there would be a price effect of approximately $1 billion.

While the car manufacturers might be able to pass along some or all of their costs to consumers, the necessary price increases would reduce sales. There might not be any net revenue loss since the extra revenue from the higher prices could offset the revenue loss from the lower volume of sales. However, those sale losses would cause net employment losses. Additional sales losses might occur due to consumer uncertainty about or antipathy toward the detachable automatic belts which do not stow so unobtrusively as current manual lap and shoulder belts.

Consumers would probably not be able to recoup their loss of disposable income due to the higher car prices. There does not appear to be any certainty that owners of cars with detachable automatic belts would receive offsetting discounts in insurance costs. Testimony and written comments submitted to the agency indicate premium reductions generally are available only to owners of cars equipped with air bags, not automatic belts. Some large insurance companies do not now offer discounts to any automatic restraint-equipped cars, even those with air bags. If insurance cost discounts were to be given owners of cars having detachable automatic belts, such discounts would be given only after the automatic belts had produced significant increases in belt usage, and in turn significant decreases in deaths and serious injuries. The apparent improbability of any economic effect approaching the magnitude of the consumer cost means that the discounts would not likely materialize on a general basis.

Insurance company statements at the August 1981 public meeting reaffirmed this belief as they state that they could not now assure reductions in insurance premiums but would have to first collect a considerable amount of claim data.

Finally, the weight added to cars by the installation of automatic belts would cause either increased fuel costs for consumers or further new car price increases to cover the incorporation of offsetting fuel economy improvements.

The agency does not believe that it would be reasonable to require car manufacturers or consumers to bear such substantial costs without more adequate assurance that they will produce benefits. Given the plans of the car manufacturers to rely primarily on detachable automatic belts and the absence of relevant data to resolve the usage question, implementation of the automatic restraint requirements amounts to an expensive federal regulatory risk. The result if the detachable automatic belts fail to achieve significant increases in belt usage could be a substantial waste of resources.

The agency believes that the costs are particularly unreasonable in view of the likelihood that other alternatives available to the agency, the states and

the private sector could accomplish the goal of the automatic restraint requirements at greatly reduced cost. Like those requirements, the agency's planned educational campaign is addressed primarily to the substantial portion of the motoring public who are currently occasional users of manual belts.

Effect on public attitude toward safety. Although the issue of public acceptance of automatic restraints has already been discussed as it relates to the usage rate of detachable automatic restraints, there remains the question of the effect of automatic restraints on the public attitude toward safety regulation in general. Whether or not there would be more than minimal safety benefits, implementation of the automatic restraint requirements might cause significant long run harm to the safety program.

No regulatory policy is of lasting value if it ultimately proves unacceptale to the public. Public acceptability is at issue in any vehicle safety rulemaking proceeding in which the required safety equipment would be obtrusive, relatively expensive and beneficial only to the extent that significant portions of the motoring public will cooperate and use it. Automatic belt requirements exhibit all of those characteristics. The agency has given the need for public acceptability of automatic restraints substantial weight since it will clearly determine not only the level of safety benefits but also the general public attitude toward related safety initiatives by the government or the private sector.

As noted above, detachable automatic belts may not be any more acceptable to the public than manual belts at any given point in time. If the detachable automatic belts do not produce more than negligible safety benefits, then regardless of the benefits attributable to the small number of other types of automatic restraints planned to be installed, the public may resent being required to pay substantially more for the automatic systems. Many if not most consumers could well conclude that the automatic belts would in fact provide them with no different freedom of choice about usage or levels of protection than manual belts currently offer. As a result, it is not unreasonable to conclude that the public may regard the automatic restraint requirements as an expensive example of ineffective regulation.

Thus, whether or not the detachable automatic belts might have been successful in achieving higher belt usage rates, mandates requiring such belts could well adversely affect public attitude toward the automatic restraint requirements in particular and safety measures in general. As noted in more detail in the 1976 Decision of Secretary Coleman.

> Rejection by the public would lead to administrative or Congressional reversal of a passive restraint requirement that could result in hundreds of millions of dollars of wasted resources, severe damage to the nation's economy, and, equally important, a poisoning of popular sentiment toward efforts to improve occupant restraint systems in the future.

It can only be concluded that the public attitude described by the Secretary at that time is at least as prevalent today. The public might ultimately have sought the legislative rescission of the requirements. Action-forcing safety measures have twice before been overturned by Congress. In the mid-1970's, Congress rescinded the ignition interlock provision and provided that agency could not require the States to adopt and enfore motorcycle helmet use laws. Some people might also have cut the automatic belts out of their cars, thus depriving subsequent owners of the cars of the protection of any occupant restraint system. These are serious concerns for an agency charged by statute with taking steps appropriate for addressing safety problems that arise not only in the short term but also the long term. The agency must be able to react effectively to the expected increases in vehicle deaths and injuries during the 1980's.

Equity. Another relevant factor affecting the reasonableness of the automatic restraint requirements and of their costs is the equity of the distribution of such costs among the affected consumers. Responsible regulatory policy should generally strive to ensure that the beneficiaries of regulation bear the principal costs of that regulation. The higher the costs of a given regulation, the more serious the potential equity problem. The automatic restraint requirements of the standard would have required the current regular user of manual belts not only to pay himself for a system that affords him no additional safety protection, but in part to subsidize the current nonuser of belts who may or may not be induced by the automatic restraints to commence regular restraint usage.

Option of Adopting Use-Compelling Features. As noted above, some commenters have suggested that the only safety belts which are truly "passive" are those with use-compelling features. Such commenters have recommended that the agency amend the standard so as to require such features. For example, an ignition interlock which prohibits the car from starting unless the belt is secured is a use-compelling feature. Another example is a passive belt design which is simply not detachable, because no buckle and latch release mechanism is provided. While NHTSA agrees that such use-compelling features could significantly increase usage of passive belts, NHTSA cannot agree that use-compelling features could be required consistent with the interests of safety. In the case of the ignition interlock, NHTSA clearly has no authority to require such a use-compelling feature. The history of the Congressional action which removed this authority from NHTSA suggests that Congress would look with some disfavor upon any similar attempt to impose a use-compelling feature on a belt system.

But, even if NHTSA were to require that passive belts contain use-compelling features, the agency believes that the requirement could be counterproductive. Recent attitudinal research conducted by NHTSA confirms a widespread, latent and irrational fear in many members of the public that they could be trapped by the seat belt after a crash. Such apprehensions may well be contributing factors in decisions by many people not to wear a seat belt at all. This apprehension is clearly a question which can be addressed through education, but pending its substantial reduction, it would be highly inappropriate to impose a technology which by its very nature could heighten or trigger that concern.

In addition, the agency believes there are compelling safety reasons why it should not mandate use-compelling features on passive belts. In the event of accident, occupants wearing belts suffer significantly reduced risk of loss of consciousness, and are commonly able to extricate themselves with relative ease. However, the agency would be unable to find the cause of safety served by imposing any requirement which would further complicate the extrication of any occupant from his or her car, as some use-compelling features would. NHTSA's regulations properly recognize the need for all safety belts to have some kind of release mechanism, either a buckle and latch mechanism or a spool-out release which feeds a length of belt long enough to extricate a car occupant.

Alternative methods of increasing restraint usage. Finally, the agency believes that it is possible to induce increased belt usage, and enhance public understanding and awareness of belt mechanisms in general, by means that are at least as effective but much

less costly than the installation of millions of detachable automatic belts.

In the decision noted above, Secretary Coleman noted the obligation of the Department of Transportation to undertake efforts to encourage the public to use occupant restraints, active or passive. Toward this point, Secretary Coleman directed the Administrator of NHTSA to undertake significant new steps to promote seat belt usage during the demonstration program. This instruction of the Secretary was not effectively carried out and, unfortunately, we do not enjoy today the benefits of a prolonged Departmental campaign to encourage seat belt usage. Had such a program been successfully carried out, increased seat belt usage could have saved many lives each year, beginning in 1977.

Rather than allowing the Coleman demonstration program and its accompanying education effort to come to fruition, the Department reconsidered Secretary Coleman's 1976 decision during 1977. At the conclusion of the reconsideration period, the Department reversed that decision, and amended the standard to require the provision of automatic restraints in new passenger cars, in accordance with a phased-in schedule.

The benefits of any such belt use enhancement efforts could have already substantially exceeded those projected for the automatic restraint requirements of this standard. Over the next ten years, the requirements of the standard would have addressed primarily those occasional belt users amenable to change who buy new cars during the mid and late 1980's.

Prior to the initiation of rulemaking in February of this year, the Department had resolved to undertake a major educational effort to enhance voluntary belt usage levels. Such efforts will be closely coordinated with new and preexisting major initiatives at the State level and in the private sector, many of which were discussed at the public meeting on the present rulemaking. These efforts will address not only those users/purchasers amenable to change, but also those currently driving and riding in cars, multipurpose passenger vehicles and trucks on the road today. The potential for immediate impact is thus many times greater. Further, with the much greater number of persons directly impacted, educational efforts would need to raise safety belt usage in the vehicles on the road during the 1980's by only a few percentage points to achieve far greater safety benefits than the automatic restraint requirements could have achieved during the same time period.

This is in no sense to argue or suggest that nonregulatory alternatives are or should be considered in all cases appropriate to limit Federal regulation. However, the existence of such efforts, and their relevance to calculations of benefits in the present case, must be and has been considered to the extent discussed herein.

Summary of Agency Conclusion

As originally conceived, the automatic restraint requirement was a far reaching technology forcing regulation that could have resulted in a substantial reduction in injuries and loss of life on our highways.

As it would be implemented in the mid-1980's, however, the requirement has turned into a billion dollar Federal effort whose main technological advance would be to require seat belts that are anchored to the vehicle door rather than the vehicle body, permitting these belts to be used either as conventional active belts or as automatic belts.

To gain this advantage, under the standard as drafted, consumers would see the end of the six passenger car and an average vehicle price increase on the order of $89 per car. The almost certain benefits that had been anticipated as a result of the use of air bag technology have been replaced by the gravely uncertain benefit estimates associated with belt systems that differ little from existing manual belts.

In fact, with the change in manufacturers' plans that in essence replaced air bags with automatic belts, the central issue in this proceeding has become whether automatic belts would induce higher belt usage rates than are occurring with manual belts.

Many of the comments in the course of this rulemaking were directed specifically at the question of belt use. Most addressed themselves to the information in the docket on the usage witnessed in the VW Rabbit and Chevette equipped with automatic belts.

The Agency's own analysis of the available information concludes that it is virtually impossible to develop an accurate and supportable estimate of future belt use increases based upon the Rabbit and Chevette automatic belt observations. The Agency further believes that it is impossible to disaggregate the roles that demographics, use inducing devices, and automatic aspects of the belt played in the observed increases.

Faced with this level of uncertainty, and the wide margins of possible error, the agency is simply unable to comply with its statutory mandate to consider and conclude that the automatic restraint requirements are at this time practicable or reasonable within the meaning of the Vehicle Safety Act. On the other hand, the agency is not able to agree with assertions that there will be absolutely no increase in belt use as a result of automatic belts. Certainly, while a large portion of the population appears to find safety belts uncomfortable or refuses to wear them for other reasons, there is a sizeable segment of the population that finds belts acceptable but still does not use them. It is plausible to assume that some people in this group who would not otherwise use manual belts would not disconnect automatic belts.

It is this same population that will generate all of the benefits that result directly and solely from this regulation. This is a population that can also be reached in other ways. The Agency, state governments and the private sector are in the process of expanding and initiating major national belt use educational programs of unprecedented scale. While undertaken entirely apart from the pending proceeding, the fact remains that this effort will predominantly affect the same population that the automatic belts would be aimed at.

On the one hand, it could be argued that, the success of any belt use program would only be enhanced by the installation of automatic belts. Individuals who can be convinced of the utility of safety belts would presumably have an easier time accepting an automatic belt. On the other hand, there is little evidence that the standard itself will materially increase usage levels above those otherwise achievable.

However, the agency is not merely faced with uncertainty as to the actual benefits that would result from detachable automatic safety belts. When the uncertain nature of the benefits is considered together with the risk of adverse safety consequences that might result from the maintenance of this regulation, the agency must conclude that such retention would not be reasonable, and would not meet the need for motor vehicle safety.

It is useful to summarize precisely what the agency believes these risks might be. The principal risk is that adverse public reaction could undermine the effectiveness of both the standard itself and future or related efforts.

The agency also concludes, however, that retention would present serious risk of jeopardizing other separate efforts to increase manual belt usage by the Federal government, States and the private sector. A public that believes it is the victim of too much government

regulation by virtue of the standard might well resist such parallel efforts to enhance voluntary belt usage. Further, to the extent that States begin to consider belt use laws as an option, a Federal regulation addressing the same issue could undermine those attempts as well.

While one cannot be certain of the adverse effects on net belt usage increases, it would be irresponisble to fail to consider them. A decision to retain the regulation under any of the schedules now being considered would not get automatic belts on the road until 1983 and would not apply to the entire fleet of new cars until 1984. By the end of the 1984 model year, under most options, there would have been fewer than 20 million vehicles equipped with automatic belts on the road.

By the same time, however, there will be upward of 150 million vehicles equipped with only manual belts, drivers and occupants of which will have been exposed to interim belt usage encouragement efforts.

Agency analysis indicates that external efforts of whatever kind that increase usage by only 5 percent, will save more than 1300 lives per year beginning in 1983. Installation of automatic belts could save an equal number of lives in 1983 only with 95 percent belt usage.

Further, even if one is convinced that automatic belts can double belt usage and alternative efforts would only increase usage by 5 percent, it would not be until 1989 that total life savings attributable to automatic belts installed under the automatic restraint requirements would reach the total life savings achieved through such other efforts.

NHTSA fully recognizes that neither outcome is a certainty. Much closer to the truth is that both outcomes are uncertain. However, neither is significantly more likely than the other. That being the case, to impose the $1 billion cost on the public does not appear to be reasonable.

It is particularly unreasonable in light of the fact that the rescission does not foreclose the option to again reopen rulemaking if enhanced usage levels of both manual and automatic belts do not materialize. Long before there would have been any substantial number of vehicles on the road mandatorily equipped with automatic belts as a result of this standard, NHTSA will conclusively know whether other efforts to increase belt use have succeeded either in achieving acceptable usage levels or in increased public understanding and acceptance of the need for further use-inducing or automatic protection alternatives. If so obviously no further action would be needed. If such is not the case, rulemaking would again be a possibility. Any such rulemaking, following even partially successful efforts to increase belt use, would be much less likely to face public rejection.

It has been said that the Vehicle Safety Act is a "technology-forcing" statute. The agency concurs completely.

However, the issue of automatic restraints now before the agency is not a "technology-forcing" issue. The manual seat belt available in every car sold today offers the same, or more, protection than either the automatic seat belt or the air bag. Instead, the agency today faces a decision to force people to accept protection that they do not choose for themselves. It is difficult to conclude that the Vehicle Safety Act is, or in light of past experience could become, a "people-forcing" statute.

NHTSA cannot find that the automatic restraint requirements meet the need for motor vehicle safety by offering any greater protection than is already available.

After 12 years of rulemaking, NHTSA has not yet succeeded in its original intent, the widespread offering of automatic crash protection that will produce substantial benefits. The agency is still committed to this goal and intends immediately to initiate efforts with automobile manufacturers to ensure that the public will have such types of technology available. If this does not succeed, the agency will consider regulatory action to assure that the last decade's enormous advances in crash protection technology will not be lost.

Impact Analyses

NHTSA has considered the impacts of this final rule and determined that it is a major rulemaking within the meaning of E.O. 12291 and a significant rule within the meaning of the Department of Transportation regulatory policies and procedures. A final regulatory impact analysis is being placed in the public docket simultaneously with the publication of this notice. A copy of the analysis may be obtained by writing to: National Highway Traffic Safety Administration, Docket Section, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590.

The agency's determination that the rule is major and significant is based primarily upon the substantial savings in variable manufacturing costs and in consumer costs that result from the rescission of the automatic restraint requirements. These costs would have amounted to approximately $1 billion once all new cars became subject to the requirements. The costs would have recurred annually as long as the requirements remained in effect. There is also a recurring savings in fuel costs of approximtely $150 million annually. Implementation of the automatic restraint requirements would have increased the weight of cars and reduced their fuel economy. In addition, the car manufacturers will be able to reallocate $400 million in capital investment that they would have had to allocate for the purpose of completing their efforts to comply with the automatic restraint requirements.

The agency finds it difficult to provide a reliable estimate of any adverse safety effects of rescinding the automatic restraint requirements. There might have been significant safety loss if the installation of detachable automatic belts resulted in a doubling of belt usage and if the question were simply one of the implementation or rescission of the automatic restraint requirements. The April 1981 NPRM provided estimates of the additional deaths that might occur as a result of rescission. However, those estimates included carefully drafted caveats. The notice expressly stated that the impacts of rescission would depend upon the usage rate of automatic belts and of the effectiveness of the agency's educational campaign. The agency has now determined that there is no certainty that the detachable automatic belts would produce more than a several percentage point increase in usage. The small number of cars that would have been equipped with automatic belts having use-inducing features or with air bags would not have added more than several more percentage points to that amount. Further, any potential safety losses associated with the rescission must be balanced against the expected results of the agency's planned educational program about safety belts. That campaign will be addressed to the type of person who might be induced by the detachable automatic belts to begin regular safety belt usage, i.e., the occasional user of manual belts. Since that campaign will affect occasional users in all vehicles on the road today instead of only those in new cars, the campaign can yield substantially greater benefits than the detachable automatic belts even with a much lower effectiveness level.

The agency has also considered the impact of this action on automatic restraint suppliers, new car dealers and small organizations and governmental units. Since the agency certifies that the rescission would not have a significant

effect on a substantial number of small entities, a final regulatory flexibility analysis has not been prepared. However, the impacts of the rescission on the suppliers, dealers and other entities are discussed in the final Regulatory Impact Analysis.

The impact on air bag manufacturers is likely to be minimal. Earlier this year, General Motors, Ford and most other manufacturers cancelled their air bag programs for economic reasons. These manufacturers planned instead to rely almost wholly on detachable automatic belts. Therefore, it is not accurate to say, as some commenters did, that rescission of the automatic restraint requirements will "kill" the air bag. Rescission will not affect the air bag manufacturers to any significant degree. Further, the agency plans to undertake new steps to promote the continued development and production of air bags.

The suppliers of automatic belts are generally the same firms that supply manual belts. Thus, the volume of sales of these firms is not expected to be affected by the rescission. However, there will be some loss of economic activity that would have been associated with developing and producing the more sophisticated automatic belts.

The effects of the rescission on new car dealers would be positive. Due to reduced new car purchase prices and more favorable reaction to manual belts than to automatic belts, sales increases of 395,000 cars were estimated by GM and 235,000 cars by Ford. While these figures appear to be overstated, the agency agrees that rescission will increase new car sales.

Small organizations and governmental units would be benefited by the reduced cost of purchasing and operating new cars. Given the indeterminacy of the usage rate that detachable automatic belts would have achieved, it is not possible to estimate the effects, if any, of the rescission on the safety of persons employed by these groups.

In accordance with the National Environmental Policy Act of 1969, NHTSA has considered the environmental impacts of the rescission and the alternatives proposed in the April 1981 NPRM. The option selected is disclosed by the analysis to result in the largest reductions in the consumption of plastics, steel, glass and fuel/energy. A Final Environmental Impact Statement is being placed in the public docket simultaneously with the publication of this notice.

This amendment is being made effective in less than 180 days because the date on which the car manufacturers would have to make expenditure commitments to meet the automatic restraint requirements for model year 1983 falls within that 180-day period.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, Federal Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208), is amended as set forth below.

§ 571.208 [Amended]

1. S4.1.2 is amended by revising it to read:

S4.1.2 *Passenger cars manufactured on or after September 1, 1973.* Each passenger car manufactured on or after September 1, 1973, shall meet the requirements of S4.1.2.1, S4.1.2.2 or S4.1.2.3. A protection system that meets the requirements of S4.1.2.1 or S4.1.2.2 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.1.2.3.

2. The heading of S4.1.2.1 is amended by revising it to read:

S4.1.2.1 *First option—Frontal/Angular Automatic protection system.*

* * * * *

S4.1.3 [Removed]

3. S4.1.3. is removed.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 Stat. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on October 23, 1981.

Raymond A. Peck, Jr.,

Administrator.

Appendix

Editorial

Note.—This appendix will not appear in the Code of Federal Regulations.

Following is a summary of the major comments submitted in response to the April 9, 1981 notice of proposed rulemaking. A more detailed summary of comments has been placed in NHTSA Docket No. 74-14; Notice 22. This summary is organized in broad terms according to the interest groups from which the comments were received.

Insurance Companies

All commenting insurance companies strongly favored retention of the automatic restraint requirements. Many favored maintaining the present implementation schedule (i.e., September 1, 1982, for large and medium-sized cars and September 1, 1983, for small cars), although several companies stated they would support a change to require that small cars are phased in first or a simultaneous implementation date. Several insurance companies stated that air bags offer the best technology for saving lives and reducing injuries. These companies pointed out that repeated surveys have indicated that consumers appear to favor air bags, even if higher costs are likely. Several insurers argued that a retreat from the standard represents a breach of the Secretary's statutory obligation to reduce traffic accidents and deaths and injuries which result from them. One company argued that a delay in the standard (i.e., the delay and reversal alternative) would produce no measurable economic benefit to car makers and might possibly result in an economic loss to them. Nearly all the companies argued that the standard is cost-beneficial and represents the optimum approach to resolving this country's most pressing public health problem. Many companies stated that reduced insurance premiums resulting from the lives saved and injuries prevented by automatic restraints would help offset the cost of those systems to consumers.

A majority of the insurance companies argued that seat belt use campaigns will not be effective in raising the current use rate of manual belts significantly. The companies pointed to the failures of all past campaigns to have any substantial impact on use rates. On the other hand, these companies believe that the use rate of automatic belts will be significant. The companies point to the current use data for automatic belts on VW Rabbits and Chevettes as evidence that automatic belt use will be significant. The companies believe that seat belt use campaigns should only be complimentary to automatic restraints, not a substitute.

Several insurance companies pointed to the huge economic losses resulting from traffic accidents. One company stated that these losses mount to over 1 billion dollars per year and result in recurring costs because of continuing medical problems such as epilepsy and quadriplegia. One company cited Professor William Nordhaus's analysis of the consequences of rescinding the standard as being equivalent to society's loss if the tuberculosis vaccine had not been developed, or if Congress repealed the Clean Air Act. In his submission on behalf of the insurance companies, Professor Nordhaus stated that fatalities will increase by 6,400 each year and injuries by 120,000 if the standard is rescinded. One company argued that the standard is cost-beneficial if automatic belt use rates increase usage only 5 percent. However, this company stated

that use rates as high as 70 percent could be expected, and that the costs of rescinding the standard could reach as much as 2 billion dollars per year. This company also argued that the economic condition of the vehicle industry is no excuse for any delay in the standard and is not a statutorily justified reason for rescinding the standard.

Consumer Groups and Health Organizations

There were many consumer groups and health-related organizations which strongly urged that the automatic restraint requirements be maintained and that there be no further delays in the implementation schedule. Most of these groups argued that the cost of both air bags and automatic belts are greatly exaggerated by vehicle manufacturers. One group stated that the three alternative proposals are "naive and exhibit a callous disregard for human lives that flounts the agency's mandated safety mission." This group argued that a worst alternative is to rescind the standard and rely on education programs to increase the use of manual belts, since seat belt campaigns have failed repeatedly in this country. The group stated that the simultaneous implementation alternative in March 1983 ignores the industry's background of introducing safety changes only at the beginning of a new model year. Regarding a reversed phase-in schedule, the group stated that the requirement that small cars have automatic restraints by September 1, 1982, would not likely provide sufficient lead time for small car manufacturers. Additionally, with approximately 2 to 1 difference in seat belt use in small cars versus larger cars, it is not at all clear that the proposed reversal would make up for the delay in implementation in the larger cars in terms of lives saved. The group argued that the best alternative is to maintain the existing implementation schedule.

Several consumer groups argued that the center seating position should not be eliminated from the requirements for several reasons. First, they argued, this position is likely to be occupied by children. Second, the center seat requirement is one factor that will lead to the installation of air bags in some vehicles since current automatic belt designs cannot be applied to the center seat. Nearly all consumer groups argued that benefits of the automatic restraint standard far outweigh the costs.

One association stated that the air bag supplier industry could be forced out of business if substantial modifications and further delays are made to the standard. This would mean, the association argued, that the life-saving air bag technology could be lost forever. The association would support some modifications to the standard if there were some clear commitment by the Department that some car models would be required to offer the consumer the choice of air bags. The group noted that air bag suppliers have indicated that a sufficient production volume would result in air bag systems priced in the 200 to 300 dollar range.

Various health groups and medical experts argued that the pain and suffering resulting from epilepsy and paraplegia, as well as mental suffering and physical disfigurement, could be greatly reduced by the automatic restraint standard. These persons argued that the standard should be implemented as soon as possible.

One consumer oriented group did not support the automatic restraint standard. That foundation argued that the standard is not justified, particularly if it is complied with by means of air bags. The group stated that air bag effectiveness is overestimated since the agency does not include non-frontal crashes in its statistics. The organization argued that in many situations air bags are actually unsafe. This group also argued that the public acceptability of automatic seat belts is uncertain, and that a well-founded finding of additional safety benefits by the Department is required in order to justify retention of the standard.

Vehicle Manufacturers

The vehicle manufacturers, both foreign and domestic, were unanimously opposed to retention of the automatic restraint standard. Most manufacturers stated the predominate means of complying with the standard would be with automatic belts, and that such belts are not likely to increase usage substantially. This is because most automatic belts will be designed to be easily detachable because of emergency egress considerations and to avoid a potential backlash by consumers that would be counterproductive to the cause of motor vehicle safety. The domestic manufacturers argued that the public would not accept coercive automatic belts (i.e., automatic belts with interlocks or some other use-inducing feature). Eliminating any coercive element produces, in effect, a manual belt, which will be used no more than existing manual systems.

The domestic manufacturers also argued that air bags would not be economically practicable and would, therefore, be unacceptable to the public. One manufacturer noted that current belt users will object strenuously to paying additional money for automatic belts that will not offer any more protection than their existing belts.

One manufacturer argued that the injury criteria specified in the standard is not representative of real injuries and should be replaced with only static test requirements for belt systems. The company argued that there are many problems with test repeatability under the 208 requirements.

All manufacturers of small cars stated that it would be impossible for them to comply with the standard by September 1, 1982, i.e., under the reversal proposal. These manufacturers stated that there is insufficient lead time to install automatic restraints in small cars by that date, and several foreign manufacturers stated they would not be able to sell their vehicles in that model year if the schedule is reversed. Most of the manufacturers, both domestic and foreign, stated that it is also too late to install automatic restraints in their small cars even six months earlier than the existing schedule, i.e., under the March 1983 simultaneous implementation proposal. Many manufacturers supported a simultaneous implementation if the standard is not rescinded, but requested that the effective date be September 1, 1983, or later. The manufacturers argued that an effective date for small cars prior to September 1, 1983, would not allow enough time to develop acceptable, reliable and high quality automatic belts.

Nearly all vehicle manufacturers believe that an intensive seat belt education campaign can be just as effective as automatic restraints and without the attendant high costs of automatic restraints. Additionally, most foreign manufacturers recommended that mandatory seat belt use laws be enacted in lieu of automatic restraints.

One foreign manufacturer requested that any effective date for automatic restraints be "September 1 or the date of production start of the new model year if this date falls between September 1 and December 31". The company stated that this would allow manufacturers to continue production for several months of models that would then be phased out of production. However, a domestic vehicle manufacturer argued that this would give foreign manufacturers an unfair competitive advantage, and that current practice of September 1 effective dates should be retained.

Most manufacturers supported the proposal to exclude the center seating position from the automatic restraint requirements, in order to give manufacturers more design flexibility.

However, the two domestic manufacturers which would be most affected by such an exception stated that it is too late for them to make use of such an exception for 1983 models. The two companies stated that such an exception would have benefits in the long run, however, and would allow them to continue production of six-seat passenger cars in the mid-1980's.

Suppliers and Trade Groups

Suppliers of air bag system components supported continuation of the automatic restraint requirements. One commenter stated that having to buckle-up is an act which requires a series of psychological and physical reactions which are responsible for the low rate of manual seat belts. Also, this company stated that educational campaigns to increase belt use will not work.

One motor vehicle trade group stated that a study by the Canadian government has established the superiority of manual seat belt systems. This group argued that the automatic restraint requirements cannot be justified because any expected benefits are speculative.

One trade group voiced its concern about sodium azide (an air bag propellant) as it pertains to possible hazards posed to the scrap processing industry.

A group representing seat belt manufacturers stated that the most effective way of guaranteeing belt use is through mandatory belt use laws. That group believes that belt usage can be increased through public education, and that simple, easy to use automatic belts such as are currently on the VW Rabbit will also increase belt usage. This group did not support a simultaneous implementation date for automatic restraints, stating that this could put a severe strain on the supplier industry. The group did support elimination of the automatic restraint requirements for center seating positions.

An automobile association recommended equipping small cars with automatic restraints first. The association stated that a reversed phase-in schedule would protect a significanfly large segment of the public at an earlier date, would reduce a foreign competitive advantage (under the existing schedule), and would give needed economic relief to large car manufacturers. This organization also recommended that, as an alternative, automatic restraints be required only at the driver's position. This would achieve three-quarters of the reductions in deaths and serious injuries now projected for full-front seat systems, yet cost only half as much.

Congressional comments

Mr. Timothy E. Wirth, Chairman of the House Subcommittee on Telecommunications, Consumer Protection and Finance, made the following comments:

—The automatic restraint requirements would produce benefits to society far in excess of costs.

—The Committee findings strongly point to the necessity of requiring the installation of automatic crash protection systems, at a minimum, on a substantial portion of the new car fleet at the earliest possible date. Mr. Wirth suggested that the effective date for small cars be September 1, 1982, and for intermediate and large cars September 1, 1983.

—The economic conditions of the automobile industry should not be relevant to the NHTSA's decision on matters of safety. NHTSA's decision must be guided solely by safety-related concerns.

—The agency should not discount its own findings indicating high use of automatic belts (referring to the existing VW and Chevette automatic belt use data).

In a joint letter to the Secretary, eighteen Congressmen urged that the automatic restraint requirements be maintained. This letter noted that over 50,000 people are killed each year on the highways and stated: "While the tragedy of their deaths cannot be measured in economic terms, the tragedy of their serious injuries cost all of us billions of dollars each year in higher insurance costs, increased welfare payments, unemployment and social security payments and rehabilitation costs paid to support the injured and the families of those who have been killed." The letter stressed the Congressmen's belief that the automatic crash protection standard would produce benefits to society far in excess of its cost.

In a letter addressed to Administrator Peck, fifty-nine Congressmen urged that the automatic restraint standard be rescinded. That letter stated: "The 208 standard persists as one of the more controversial federal regulations to be forced on the automobile industry. . . . The industry continues to spend hundreds of thousands of dollars every day in order to meet this standard, despite considerable evidence that any safety benefits realized by enforcing the standard would be minimal."

Private Citizens

In addition to comments from the above groups and organizations, the agency also received general comments from numerous private citizens. These comments were almost equally divided in their support or opposition to the automatic restraint standard.

[FR Doc. 81-31189 Filed 10-23-81; 3:46 pm]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 46, No. 209
Thursday, October 29, 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

Agricultural Marketing Service

7 CFR Part 971

Lettuce Grown in Lower Rio Grande Valley in South Texas; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed continuing regulation would impose container, pack, and inspection requirements on shipments of lettuce grown in the Lower Rio Grande Valley in South Texas. Standardizing trading practices would improve marketing efficiency, promote orderly marketing of such lettuce, and help provide better quality lettuce at reasonable prices to consumers.

DATE: Comments due November 13, 1981.

ADDRESS: Send comments to the Hearing Clerk, Office of the Secretary, Room 1077, United States Department of Agriculture, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615. The Draft Impact Analysis relating to this proposed rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" 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.

Marketing Agreement No. 144 and Marketing Order No. 971 regulate the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The South Texas Lettuce Committee, established under the order, is responsible for its local administration.

This proposal is based upon the recommendations made by the committee at its public meeting in McAllen, Texas, on October 8, 1981.

The proposed container and pack requirements are in accord with the generally accepted commerical practices of the South Texas lettuce industry of packing specified numbers of heads of lettuce in specific sized containers limited to those found acceptable to the trade for safe transportation of the lettuce, and would prevent deceptive practices.

In addition the South Texas lettuce industry is accustomed to operating on a six day shipping week. A six day shipping week has proven adequate for five days distribution in terminal markets, therefore "packaging holidays" on Sundays would promote more efficient and orderly marketing. However, handlers would be permitted, with the approval of the committee, to package lettuce on Sunday and on Christmas day whenever the committee finds that distribution is inadequate, or that crop damage is imminent.

No purpose would be served by regulating the containers or pack or requiring the inspection and assessment of insignificant quantities of lettuce. Therefore, each person would be exempt from such requirements for up to two cartons—or the equivalent—of lettuce per day.

Provisions with respect to special purpose shipments, including export, are designed to meet the different requirements for export and noncommerical domestic trade. Because of the production area's proximity to the Mexican border, Mexican buyers have been accustomed to acquiring small lots of production area lettuce for their home market. These buyers use lettuce which fails to meet the pack and container requirements. Inasmuch as such shipments have a negligible effect on the domestic market, they should be permitted if certain safeguard requirements are met.

It is proposed that requirements contained in this proposed handling regulation, effective December 1, 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 Nov. 13, 1981 with regard to the proposed handling 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 for only 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 or 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 in accordance with § 971.50 of the order, 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 or may file comments with the Hearing Clerk before November 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, comments filed, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of South Texas lettuce would tend to effectuate the declared policy of the act.

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

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

It is proposed that § 971.321 (45 FR 79004, November 28, 1980) be removed and a new § 971.322 be added as follows:

§ 971.321 [Removed].

§ 971.322 Handling regulation.

During the four month period beginning on December 1 and ending on March 31 each season no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b) and (c) of this section, or unless such lettuce is handled in accordance with paragraphs (d) or (e) of this section. Further, no person may package letture during the above period on any Sunday, or on Christmas Day, unless approved in accordance with paragraph (f).

(a) *Containers.* Containers may be only the following depth, width and length respectively:

(1) Cartons with inside dimensions of 10 inches x 14¼ inches x 21⁹⁄₁₆ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container No. 7306), or

(3) Cartons with inside dimensions of 14 inches x 9¾ inches x 21 inches (designated as carrier container No. 7313), or

(4) Cartons with inside dimensions of 10¾ inches x 16⅛ inches x 21½ inches (designated as carrier container No. 7312—flat pack).

(5) Such other types and sizes of containers that may be approved by the committee for testing provided that the handling of lettuce in such containers shall be subject to prior approval and under the supervision of the committee.

(b) *Pack.* (1) Lettuce heads, packed in containers No. 7303, 7306, or 7313; if wrapped may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 7312 may be packed only 24 or 30 heads per container.

(c) *Inspection.* (1) No handler shall lettuce unless such lettuce is inspected by the Texas-Federal Inspection Service and an appropriate inspection certificate has been issued for it, except when relieved of such requirement by paragraphs (d) or (e) of this section.

(2) No handler may transport by motor vehicle, or cause such transportation of, any shipment of lettuce for which inspection is required unless each such shipment is accompanied by a copy of an appropriate insepction certificate or shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the pack and container requirements of this section. A copy of such inspection certificate or shipment release form shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, such inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certficiate or form.

(d) *Minimum quantity.* Any person may handle up to, but not to exceed two cartons or the equivalent of lettuce a day without regard to inspection, assessment, container and pack requirements. This exception shall not be applied to any shipment of over two cartons of lettuce.

(e) *Speical purpose shipments.* The assessment, container, pack, and inspection requirements of this section shall not be applicalbe to shipments as follows:

(1) For relief, charity, experimental purposes, or export to Mexico, if a handler presents a Certificate of Privilege for such lettuce prior to handling it, pursuant to §§ 971.120–971.125; and

(2) For export to Mexico, if the handler of such lettuce loads and transports it in a vehicle bearing Mexican registeration (license).

(f) *Suspension of packing holidays.* Upon approval of the committee, the prohibition against packing lettuce on Christmas or on any Sunday may be modified or suspended to permit the handling of lettuce provided such handling complies with the procedures and safeguards specified by the committee.

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film and then packed in cartons or other containers.

(2) Other terms used in this section have the same meaning as when used in Marketing Agreement No. 144 and this part.

Dated: October 22, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-31153 Filed 10-28-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

Transport Airplane Takeoff Performance Conference; Agenda

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of agenda.

SUMMARY: This notice announces the schedule, location, procedures, and dates of the Transport Airplane Takeoff Performance Requirements Conference.

DATES: The conference will be held November 16–20, 1981.

ADDRESS: The conference will be held at the Seattle Hilton, Sixth and University, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Brenda D. Courtney, Regulatory Review Branch (AVS–22), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 755–8714.

SUPPLEMENTARY INFORMATION:

Background

Information relating to the objectives of this conference is contained in two notices. The first notice was published in the **Federal Register** of August 3, 1981 (46 FR 39558). It contained questions for discussion and requested abstracts by September 28, 1981. The second notice was published in the **Federal Register** of October 5, 1981 (46 FR 49036). That notice announced that the results of an evaluation of the effectiveness of aircraft noise abatement procedures would be presented at the conference as well as discussion of the takeoff performance aspects of the various procedures.

Conference Agenda

Monday, November 16, 1981

9:00 Welcoming address, Charles R. Foster, Director, Northwest Region; J. Lynn Helms, Administrator, Federal Aviation Administration
Conference objectives, Walter S. Luffsey, Associate Administrator for Aviation Standards

10:00 Break

10:30 Conference procedures, Kenneth S. Hunt, Director, Office of Flight Operations

11:00 John Wayne Airport evaluation, James E. Densmore, Office of Environment and Energy

12:00 Lunch
1:30 Takeoff performance, Aerospace Industries Association of America; General Aviation Manufacturers Association; Air Transport Association
3:00 Break
3:15 Takeoff performance, Air Line Pilots Association; Gulfstream America; Other Presentations and Open Discussion

Tuesday, November 17, 1981

9:00 Retroactivity of amendment 25–42, Air Transport Association of America
10:00 Break
10:20 Retroactivity of amendment 25–42, International Air Transport Association; Association Europeenne Des Constructeurs De Material Aerospatial
12:00 Lunch
1:30 Retroactivity of amendment 25–42, Australian Department of Transport; Aerospace Industries Association of America
3:00 Break
3:20 Retroactivity of amendment 25–42, Open Discussion

Wednesday, November 18, 1981

9:00 Retroactivity of amendment 25–42, Open Discussion
10:00 Break
10:20 Retroactivity of amendment 25–42, Open Discussion
12:00 Lunch
1:30 Runway contaminants, International Air Transport Association; Australian Department of Transport; Miles-Phoenix Limited
3:00 Break
3:20 Runway contaminants, Air Line Pilots Association; National Aeronautics and Space Administration

Thursday, November 19, 1981

9:00 Runway contaminants, Aerospace Industries Association of America
10:00 Break
10:20 Runway Contaminants, Swissair; Association Europeenne Des Constructeurs De Material Aerospatial; Air Transport Association of America
12:00 Lunch
1:30 Runway contaminants, Airbus Industrie; Open Discussion
3:00 Break
3:20 Runway contaminants, Open Discussion

Friday, November 20, 1981

9:00 Anti-skid systems requirement, Association Europeenne Des Constructeurs De Material Aerospatial; International Air Transport Association; Australian Department of Transportation; Air Transport Association of America
10:15 Break
10:35 Runway length/line-up distance, Air Transport Association of America; Australian Department of Transport; Association Europeenne Des Constructeurs De Material Aerospatial; International Air Transport Association
12:00 Lunch
1:30 All-engine net takeoff flightpath requirement, Association Europeenne Des Constructeurs De Material Aerospatial; International Air Transport Association; Air Transport Association of America
3:00 Break
3:20 Minimum takeoff obstacle clearance plane requirement, Association Europeenne Des Constructeurs De Material Aerospatial; International Air Transport Association; Air Transport Association of America

Conference Procedures

The purpose of this conference is to provide FAA with information concerning the problems of transport airplane takeoff performance. In this regard, we will review information on the subject of takeoff and accelerate-stop distance and takeoff flightpath requirements for transport category airplanes. The objective is to gather information on minimum acceptable safety levels, alternatives, costs, benefits, and other factors affecting takeoff performance.

Hotel room reservations should be made in advance. Accommodations at the Seattle Hilton would provide maximum convenience. You may contact the hotel by calling (206) 624–0500. Be sure to indicate that you will be attending the Federal Aviation Administration conference.

Persons who plan to attend the conference should be aware of the following procedures which are established to facilitate the workings of the conference:

1. Early registration will begin on Sunday, November 15 between the hours of 4:00 p.m. and 7:00 p.m., or you may register between the hours of 8:00 a.m. and 4:00 p.m. from Monday, November 16 through Thursday, November 19, 1981.

2. Sessions will be open on a space available basis to all persons who register. If necessary to complete the agenda, sessions may be extended to evenings or additional days. If practicable, the conference may be accelerated to enable adjournment in less than the time scheduled.

3. All sessions will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter directly. In addition, the sessions may be tape recorded.

4. The FAA will consider all material presented at the conference by participants. Position papers or other handout material may be accepted at the discretion of the chairperson. However, enough copies should be provided for distribution to all conference participants.

5. Statements made by FAA participants at the conference will be made to facilitate discussion and thus should not be taken as expressing a final FAA position.

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

Issued in Washington, D.C. on October 23, 1981.

Anthony J. Broderick,

Deputy Associate Administrator for Aviation Standards.

[FR Doc. 81-31280 Filed 10-26-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-55]

Proposed Alteration of Control Zones: Abilene, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes alteration of control zones at Abilene, Texas. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing instrument approach procedures to the Dyess AFB and Abilene Municipal Airports and to release unnecessary controlled airspace. This action is necessary because a review of the controlled airspace disclosed that in some instances excessive controlled airspace was being provided and in other instances excessive controlled airspace was inadequate to protect aircraft executing instrument approach procedures to Dyess AFB and Abilene Municipal Airports.

DATES: Comments must be received on or before November 30, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal

Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Sothwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT:

James L. Owens, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F, § 71.171 as republished in the **Federal Register** on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zones at Abilene, Texas, will necessitate an amendment to this subpart. This amendment will be required at Abilene, Texas, since the review of designated controlled airspace revealed it is not properly described.

Comments Invited

Interested persons are invited to participate in this proposed rule making by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-55." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Abilene, Texas

Abilene, Texas (Municipal Airport)

Within a 5-mile radius of Abilene Municipal Airport (latitude 32°24'42"N., longitude 99°40'53"W.); within 2.5 miles each side of the Abilene ILS localizer south course extending from the 5-mile radius area to 7.5 miles south of the airport; within 2 miles each side of the Abilene ILS localizer north course extending from the 5-mile radius area to 7.5 miles north of the airport; within 2.5 miles each side of the Tuscola VOR 030° radial extending from the 5-mile radius area to 6.5 miles northeast of the airport; within 2 miles each side of the Abilene VORTAC 115° radial extending from the 5-mile radius area to the Abilene VORTAC, excluding that airspace within the Dyess AFB control zone.

Abilene, Texas (Dyess AFB)

Within a 5-mile radius of Dyess AFB (latitude 32°25'10"N.; longitude 99°51'15"W.); within 2.5 miles each side of the Abilene VORTAC 171° radial extending from the 5-mile radius area to 10.5 miles south of the VORTAC; within 3.5 miles each side of the Abilene VORTAC 355° radial extending from the 5-mile radius area to 11.5 miles north of the VORTAC.

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

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on October 16, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-30948 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-54]

Proposed Designation of Transition Area: Caddo Mills, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes designation of a transition area at Caddo Mills, Texas. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Caddo Mills Municipal Airport. This action is necessary to provide protection for aircraft executing an instrument approach procedure using the proposed nondirectional radio beacon (NDB) located on the airport.

DATES: Comments must be received on or before November 30, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT:

James L. Owens, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of

aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Caddo Mills, Texas, will necessitate an amendment to this subpart. This amendment will be required at Caddo Mills, since there is a proposed IFR procedure to the Caddo Mills Municipal Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ASW–54." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Caddo Mills, Texas

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Caddo Mills, Texas, Municipal Airport (latitude 33°02'10"N., longitude 96°14'35"W.) and within 3 miles each side of the 172° bearing from the NDB (latitude 33°02'25"N., longitude 96°14'54"W.) extending from the 6.5-mile radius area to 8 miles south of the airport.

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

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on October 19, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-30950 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-48]

Proposed Designation of Transition Area; Seminole, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to designate a transition area at Seminole, Texas. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Gaines County Airport. This action is necessary to provide protection for aircraft executing approaches using the proposed nondirectional radio beacon (NDB) located on the airport.

DATES: Comments must be received on or before November 30, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT:

James L. Owens, Airspace and Procedures Branch, ASW–536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of a transition area at Seminole, Texas, will necessitate an amendment to this subpart. This amendment will be required at Seminole, Texas, since there is a proposed IFR procedure to the Gaines County Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is make: "Comments to Airspace Docket No. 81–ASW–48." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with

FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding:

Seminole, Texas

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gaines County Airport (latitude 32°40'35"N., longitude 102°39'06"W.) and within 3 miles each side of the 189° bearing of the NDB (latitude 32°40'19"N., longitude 102°38'43"W.) extending from the 7-mile radius area to 8.5 miles south of the NDB.

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

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on October 16, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-30948 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ANE-13]

Alteration of VOR Federal Airway; Hartford, Conn., and Lawrence, Mass.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter VOR Federal Airway V–99 between Hartford, CT, and Lawrence, MA. The airway alteration is proposed in order to avoid the proposed Fort Devens, MA, Restricted Area R–4102. This action would increase safety for arrival and departing aircraft in the Boston terminal area.

DATE: Comments must be received on or before November 30, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 81–ANE–13, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submited in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ANE–13." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Federal Airway V–99 between Hartford, CT, and Lawrence, MA. The proposed airway realignment would accommodate the proposed Fort Devens, MA, Restricted Area R–4102 where training for artillery firing will be conducted. This action would increase safety for aircraft maneuvering in the Boston, MA, terminal area, and reduce air traffic control delays. Section 71.123 of Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

V–99 [Amended]

By removing all the words after "INT Hartford 044°" and substituting for them the words "INT Hartford 044°T(057°M) and Putnam, CT, 011°T(025°M) radials; INT Putnam 011°T(025°M) and Lawrence, MA, 229°T(244°M) radials; to Lawrence."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for

which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on October 22, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-31406 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81-ARM-8]

Proposed Alteration and Establishment of Jet Routes; Tuba City, Ariz. and Gunnison, Colo.; Gunnison and Colorado Springs, Colo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposes rulemaking

SUMMARY: This notice proposed to realign Jet Route J-128 between Tuba City, AZ, and Gunnison, CO, and establish new Jet Route J-205 between Gunnison and Colorado Springs, CO. This action would provide additional route separation, thereby permitting air traffic control flexibility necessary for reducing delays and expediting traffic.

DATES: Comments must be received on or before November 30, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Rocky Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 81-ARM-8, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW,, Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factural basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ARM-8." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Route J-128 between Tuba City, AZ, and Gunnison, CO, and establish new Jet Route J-205 between Gunnison and Colorado Springs, CO. Denver Air Route Traffic Control Center (ARTCC) recently completed extensive resectorization that will enhance traffic flow in order to reduce controller workload and coordination. The proposal is necessary to coincide with the resectorization. This action would improve safety, permit air traffic control flexibility required to expedite traffic, and reduce frequency congestion. Section 75.100 of Part 75 was republished on January 2, 1981 (46 FR 834).

The Proposed Amendment

Accordingly, purusant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) as follows:

Jet Route No. 128 [Amended]

By removing the words "Tuba City, AZ; Gunnison, CO;" and substituting for them the words "Tuba City, AZ; Dove Creek, CO; Gunnison, CO;"

Jet Route No. 205 [New]

By adding Jet Route No. 205 From Gunnison, CO; to Colorado Springs, CO.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on October 22, 1981.

John W. Baire,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-31409 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Ch. II

Agenda of Significant Regulations

AGENCY: Civil Aeronautics Board.

ACTION: Publication of agenda of significant rules under development or review.

SUMMARY: As part of its implementation of the Regulatory Flexibility Act, Pub. L. 96-354, and in accordance with the policy announced in Executive Order 12291, *Federal Regulation*, the CAB publishes its semiannual Agenda of Significant Rules under Development or Review.

DATE: Adopted: October 22, 1981.

ADDRESS: Copies of the rulemaking documents listed in this agenda can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428; (202) 673-5432. Each document should be identified by the designation appearing in parentheses after the **Federal Register** citation.

Persons wishing to be placed on a mailing list for future editions of this agenda should send a postcard request to the Distribution Section at the above address.

FOR FURTHER INFORMATION CONTACT: About a specific rulemaking action listed in this agenda—the contact person listed below. About this agenda—Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Board is publishing this Agenda of Significant Rules under Development or Review in accordance with the Regulatory Flexibility Act, Pub. L. 96-345, and the policy announced in Executive Order 12291, *Federal Regulation* issued on February 17, 1981. The next agenda will be published in April 1982, as provided in the Regulatory Flexibility Act. The Board's previous agenda appears at 46 FR 24201, April 29, 1981.

This agenda is divided into two main categories, *Rules Under Development* and *Existing Rules under Review*, and an Appendix. An action to amend an existing part of the Code of Federal Regulations is not necessarily listed as an existing rule under review. If it does not involve a reexamination of the basic policy and purpose of that part, it is listed as a rule under development. Entries in *Rules Under Development* are listed with a letter prefix indicating the subject areas: A—Small Community Air Service Program; B—Fares, Rates, and Tariffs; C—Charters; and D—Miscellaneous. Each rulemaking included in *Existing Rules Under Review* is listed according to the CFR part it would primarily affect, with a numerical suffix to distinguish it from other rulemakings that are listed under the same part. The Appendix lists any rulemaking that appeared in the previous agenda and has since been completed or terminated.

For each rulemaking action listed in this agenda, the following information is set out: title; the name, office abbreviation, and telephone number of a knowledgeable Board official to contact for further information; action schedule; and description. For each proceeding in which a notice of proposed rulemaking has been issued, a scheduled completion date is listed. Addresses for all contact persons are Civil Aeronautics Board, Washington, D.C. 20428. Unless otherwise noted, the legal authority for a rulemaking action is the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978 and the International Air Transportation Competition Act.

The only rules that the Regulatory Flexibility Act requires agencies to include in their agendas are those that are "likely to have a significant economic impact on a substantial number of small entities." This agenda is more inclusive, listing all significant Board rulemaking activity. The following items appear to meet the statutory criterion: A2, A4, B1, B2, B4, B5, C10, D4, D11, D19, 211-1, 221-2, 241-1, 293-1, 296-1, 313-1, 323-1, 380-2, 389-1 and 399-2. We have not made this determination in cases where a notice of proposed rulemaking was issued before January 1, 1981, because the regulatory flexibility analysis requirements do not apply to those proceedings.

None of the rulemaking included in this agenda is "major" within the meaning of E.O. 12291, and the Board does not plan to perform any formal Regulatory Impact Analyses. Each rulemaking, however, undergoes an analysis of benefits, cost, and alternatives, in a degree of detail and formality that is commensurate with the importance of the rule. The Board also retains the discretion to prepare a formal Regulatory Impact Analysis on any rulemaking.

Statements in the action schedule column that a notice or advance notice of proposed rulemaking is in preparation indicate that the staff is preparing a draft for Board action. They do not imply that the proposal will necessarily be issued, that the Board has endorsed the substance of the proposal, or that the petition (if any) prompting the rulemaking activity will necessarily be granted. Scheduled completion dates are estimates only, and so do not bind the Board or indicate that a final rule will necessarily be adopted.

Although this agenda is intended to list all significant Board regulations that are under development or review, it is not a complete guide to all significant rulemaking activity for the 6 months until publication of the next agenda. First, new rulemaking actions may arise and be completed between now and then. Second, we may have inadvertently omitted one or more items. Any such omission shall not preclude the Board from taking action on the item, and shall not be a ground for judicial review of the rule.

Abbreviations Used in This Agenda

"Act" means the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1301 *et seq.*, including amendments made by the Deregulation Act and the International Air Transportation Competition Act, Pub. L. 96-192, 94 Stat. 35.

"Deregulation Act" means the Airline Deregulation Act of 1978, Pub. L. 95-504, 92 Stat. 1705.

"CFR" means Code of Federal Regulations.

"FR" means **Federal Register.**

"ANPRM" means advance notice of proposed rulemaking.

"NPRM" means notice of proposed rulemaking.

Office abbreviations:

BCAA—Bureau of Carrier Accounts and Audits
BCCP—Bureau of Compliance and Consumer Protection
BDA—Bureau of Domestic Aviation
BIA—Bureau of International Aviation
OC—Office of Comptroller
OCR—Office of Civil Rights
OEA—Office of Economic Analysis
OGC—Office of the General Counsel

ER-, EDR-, SPR-, SPDR-, and similar designations appearing in parentheses after a **Federal Register** citation are the Board's internal designations for final rules and proposed rules. Using these designations, interested persons can obtain copies of documents from the Distribution Section at the address listed above. The Distribution Section will also establish and maintain a list of persons wishing to receive copies of future agendas.

Accordingly, the Civil Aeronautics Board publishes the attached Agenda of Significant Regulations under Development or Review.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

Rules Under Development

Contact Person	Action schedule	Description
A. Small community air service program:		
A1. *Essential air service subsidy guidelines* (proposed 14 CFR Part 271): John R. Hokanson, BDA, 202-673-5368, or David Schaffer, OGC, 202-673-5442.	NPRM, 45 FR 83254, December 18, 1980 (EDR-415, Docket 39041). Comment period closed February 17, 1981. Scheduled for completion: March 1982.	The Board provides subsidy to airlines to ensure that small communities receive essential air service at a level determined in accordance with 14 CFR Part 398. This rule would implement section 419(d) of the Act, which directs the Board to establish guidelines for computing the fair and reasonable amount of compensation necessary to guarantee that level of service.
A2. *Essential air service subsidy procedures* (proposed 14 CFR Part 326): David Schaffer, OGC, 202-673-5442.	NPRM in preparation	The Board pays a subsidy to airlines for providing essential air service to small communities. This rule would establish when the rate conference with the airline is held, what happens at the end of the airline's rate term, and other procedural matters involved in setting subsidy rates.
A3. *Obligation of carriers to provide adequate service at eligible points* (14 CFR Part 398): David Schaffer, OGC, 202-673-5442.	NPRM, 45 FR 67357, October 10, 1980 (PSDR-58, Docket 38807). Comment period closed December 9, 1980. Scheduled for completion: August 1982.	The Board has set essential air service levels under section 419 of the Act for eligible points (small communities). Some of these points are being served by air carriers that are not providing the required level of service. This rule would establish a new policy under which the Board would rely on the "adequate service" provision of section 404(a) of the Act as authority to order these carriers to provide adequate (*i.e.*, essential) service at points they now serve.
A4. *Bumping of subsidized carriers at small communities* (14 CFR Part 324): David Schaffer, OGC, 202-673-5442.	NPRM in preparation	Section 419 of the Act permits any carrier, after January 1, 1983, to file an application with the Board seeking to have the subsidy paid to another carrier paid to it instead. This rule would establish procedures to be followed by the applicant, the incumbent carrier, and the Board.
B. Fares, rates, and tariffs:		
B1. *Conditions of Carriage* (14 CFR 221, 250, 296; proposed 14 CFR Part 255): Patricia J. Kennedy, BCCP, 202-673-5934 or Joanne Petrie, OGC, 202-673-5442.	NPRM, 45 FR 25817, April 16, 1980 (EDR-396, Docket 36021). Comment period closed August 15, 1980. Reply comment period closed September 3, 1980. NPRM, 45 FR 42629, June 25, 1980 (EDR-404, Docket 36348). Comment period closed September 3, 1980. Reply comment period closed September 23, 1980. Supplemental NPRM, 46 FR 35936, July 13, 1981 (EDR-404B, Docket 36348). Comment period closed September 9, 1981. Reply comment period closed September 28, 1981. Supplemental NPRM, 46 FR 43057 (EDR-404E, Docket 36348). Comment period closed September 28, 1981.	Contracts between airlines and their passengers are governed by tariffs, which are filed with the Board and available for inspection at airline ticket offices. Although tariffs are complicated and relatively inaccessible documents, passengers are presumed to have read them and consented to their terms and conditions. The proposed rule, which consolidates a number of different rulemakings, presents two alternatives. The first would apply this approach to airline/passenger contracts by prohibiting airlines from enforcing tariff provisions against passengers unless the airlines make available to passengers a "plain English" notice of the terms and conditions of the contract. In addition it would simplify the requirements that airlines disclose certain information to consumers on passengers' tickets and counter signs. The second option would eliminate domestic rules tariffs as well as most Board-prescribed notices. Without the protection of tariffs, carriers would have to give passengers actual notice of the conditions of carriage. In order to give maximum flexibility, and because the conditions of carriage will vary among carriers, the Board under this option would eliminate the requirement that carriers post most Board-prescribed notices.
B2. *Elimination of mandatory joint fares* (14 CFR Part 399): Joanne Petrie, OGC, 202-673-5442 or Julien Schrenk, BDA, 202-673-5298.	NPRM, 46 FR 29719, June 3, 1981 (PSDR-70, Docket 36386). Comment period closed July 31, 1981. Reply comment period closed September 3, 1981.	The mandatory joint fare requirements established in the *Domestic Passenger Fare Investigation* will end by January 1, 1983, with the end of the Board's jurisdiction over domestic passenger fares. The Board issued a proposal on its own initiative and in response to a petition filed by American Airlines to change the joint fare requirements in 1 of 3 ways. The Board is considering eliminating the system in some or all markets, or making interlining mandatory upon request.
B3. *Maximum tariffs* (14 CFR Parts 221, 296, 297): George Baranko, OGC, 202-673-6011 or Barry Molar, OGC, 202-673-5205.	NPRM, 45 FR 64864, September 24, 1980 (EDR-408, Docket 38746). Comment period closed December 1, 1980. Action deferred, 46 FR 934, January 5, 1981 (EDR-408C). Rulemaking terminated with respect to domestic transportation, 45 FR 36656, July 28, 1981 (EDR-408D). NPRM on domestic tariff flexibility, 46 FR 38642, July 28, 1981 (EDR-429, Docket 39836). Final rule on domestic tariff flexibility, 46 FR 46787, September 22, 1981 (ER-1246).	This rule would allow airlines to file tariffs that state prices as maximum amounts instead of exact amounts, so that any price up to the maximum could be charged. The rule would also allow the payment of commissions to air freight forwarders and foreign air freight forwarders. The proposed rule was prompted by exemption requests from several airlines. With respect to international transportation, the Board has deferred action on the proposal and is considering a request from the Department of State that the proceeding be terminated. With respect to domestic transportation, the Board has terminated the maximum tariffs proposal and has begun and completed a separate proceeding on tariff flexibility. The new rule requires airlines to file tariffs stating unrestricted coach fares and, where different, the fares to construct joint fares for interline service. With certain exceptions for joint fares, airlines and travel agents are free, as a regulatory matter, to charge less than the amounts filed in the tariffs. However, airlines may individually continue the existing fixed-price system by requiring their agents, by contract, to charge exactly the amounts filed in tariffs.
B4. *Extension of fare flexibility to Micronesia* (14 CFR Part 399): Joanne Petrie, OGC, 202-673-5442.	NPRM, 46 FR 29727 (PSDR-71, Docket 38975). Comment period closed July 30, 1981.	In response to a petition filed by Air Micronesia and Continental Air Lines, the Board proposed to extend upward flexibility of 30 percent above the standard industry fare level (SIFL), and unlimited downward flexibility for passenger fares in and to Micronesia and American Samoa.
B5. *International cargo rate flexibility* (14 CFR Part 399): Mark Schwimmer, OGC, 202-673-5442.	NPRM, 45 FR 3595, January 19, 1980 (PSDR-65, Docket 37444). Comment period closed April 9, 1980. Oral argument held July 15, 1980. Comment period reopened, 46 FR 34347, July 1, 1981 (PSDR-65C). Comment period closed July 23, 1981. Scheduled for completion: December 1981.	This rule would establish a policy of not reviewing international cargo rate changes for economic justification if the changes were below a prescribed ceiling, except in extraordinary circumstances. The ceiling would be set initially at the October 1, 1979, rate levels for general commodity rates, and would be periodically adjusted for operating cost increases.

RULES UNDER DEVELOPMENT—Continued

Contact Person	Action schedule	Description
B6. *International cargo rate policy—further changes* (14 CFR Part 399): Joanne Petrie, OGC, 202-673-5442.	ANPRM in preparation	This notice would invite comments on the broad question of what the Board's cargo rate policy should be, to advise the Board on future rulemaking or legislative proposals.
B7. *Standard foreign fare level methodology* (14 CFR Part 399): Julien Schrenk, BDA, 202-673-5296.	ANPRM, 46 FR 29285, June 1, 1981 (PSDR-72, Docket 39635). Comment period closed July 10, 1981. Reply comment period closed July 30, 1981. Scheduled for completion: January 1982.	This notice solicits comments on the Board's current methodology employed in adjusting the standard foreign fare level (SFFL) for airlines' cost changes, and, additionally, which SFFL adjustments should be utilized for transborder operations.
C. Charters:		
C1. *Charter flight delays* (14 CFR Parts 207, 208, 212, 214): Mark Schwimmer, OGC, 202-673-5442.	NPRM, 42 FR 64905, December 29, 1977 (EDR-343, Docket 31229). Comment period closed April 14, 1978. Reply comment period closed May 15, 1978. Scheduled for completion: November 1981.	This rule would tighten the existing rules on flight delays by U.S. charter airlines and extend those rules to passenger charter flights of all types of direct air carriers, other than air taxi operators.
C2. *Escrow accounting for Public Charters* (14 CFR Part 380): Joanne Petrie, OGC, 202-673-5442.	NPRM, 44 FR 32399, June 6, 1979 (SPDR-69, Docket 35705). Comment period closed August 6, 1979. Scheduled for completion: December 1981.	This rule would amend the escrow system for the protection of Public Charter passengers' funds, to simplify the accounting procedures and to eliminate a limitation on disbursements by the escrow bank.
C3. *Registration of foreign charter operators* (14 CFR Parts 211, 215, 380, 385): David Schaffer, OGC, 202-673-5442.	NPRM, 45 FR 26084, April 17, 1980 (EDR-398/SPDR-77/ODR-20, Docket 38023). Comment period closed June 16, 1980. Scheduled for completion: November 1981.	This rule would replace the requirement that foreign charter operators obtain a foreign air carrier permit under section 402 of the Federal Aviation Act with a simple registration requirement, to ease market entry and promote competition.
C7. *Direct carrier responsibility for returning stranded charter passengers* (14 CFR Parts 207, 208): David Schaffer, OGC, 202-673-5442.	NPRM, 45 FR 46812, July 11, 1980 (EDR-405, Docket 37169). Comment period closed September 25, 1980. Reply comment period closed October 10, 1980. Scheduled for completion: July 1982.	This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the *force majeure* clause from charter contracts.
C8. *Using insurance policies to protect Public Charter passengers' funds* (14 CFR Parts 207, 208, 212, 380): David Schaffer, OGC, 202-673-5442.	NPRM, 45 FR 63500, September 25, 1980 (EDR-407/SPDR-79, Docket 38958). Comment period closed November 24, 1980. Reply comment period closed December 9, 1980. Scheduled for completion: June 1982.	This rule would authorize insurance plans as an additional alternative to the security arrangements now permitted for Public Charter passengers' funds.
C9. *Removal of prohibition against part charters* (14 CFR Parts 207, 208, 212, 380): Joanne Petrie, OGC, 202-673-5442.	NPRM in preparation	Section 401(n)(1) of the Act states that no carrier certificated under section 401 may commingle, on the same flight, charter passengers and scheduled passengers. That prohibition will cease to be in effect on December 31, 1981. This rule would eliminate the various provisions in the Board's charter rules that would otherwise continue to prohibit commingling of passengers.
C10. *Liberalization of charter rules* (14 CFR Parts 207, 208, 212, 380): Patricia T. Szrom, BDA, 202-673-5088.	NPRM in preparation	The Board is considering substantial liberalizations of its charter rules, with a view toward the agency's sunset. This proposal may supersede several other charter rulemaking proceedings in progress.
D. Miscellaneous:		
D1. *Nondiscrimination on the basis of handicap* (proposed 14 CFR Part 382): David Schaffer, OGC, 202-673-5442.	NPRM, 44 FR 32401, June 6, 1979 (SPDR-70, Docket 34030). Comment period closed September 4, 1979. Reply comment period closed September 24, 1979. Revision of draft final rule in progress, in accordance with Department of Justice review. Schedule for completion: February 1982.	This rule would prohibit unlawful discrimination against handicapped air travelers and implement section 504 of the Rehabilitation Act of 1973.
D. Miscellaneous:		
D2. *Consumer protections for members of scheduled-service tour groups:* Joanne Petrie, OGC, 202-673-5442.	ANPRM, 44 FR 43481, July 25, 1979 (SPDR-71, Docket 34997). Comment period closed October 23, 1979. Reply comment period closed November 22, 1979. NPRM in preparation.	The Board is considering whether consumer protection rules are needed for scheduled-service tours.
D3. *Air carrier fitness (continuing fitness)* (14 CFR Part 204): Carolyn Kramp, BDA, 202-673-5328.	NPRM in preparation	The Board is considering the development of a system to monitor the continuing fitness of air carriers as required by section 401(p) of the Act.
D4. *Fitness determinations for dormant carriers* (14 CFR Part 204): Joseph Brooks, OGC, 202-673-5442 or Terri Smith, BDA, 202-673-5402.	NPRM, 45 FR 73085, November 4, 1980 (EDR-411, Docket 38904). Comment period closed December 15, 1980. Reply comment period closed December 30, 1980. Scheduled for completion: January 1982.	This rule would impose a 2-year limit for starting service or continuing service after a fitness determination. Carriers that did not begin service or operate within that time period would be required to resubmit fitness data and obtain reauthorization before beginning service.

RULES UNDER DEVELOPMENT—Continued

Contact Person	Action schedule	Description
D5. *Zones for mail rates* (proposed 14 CFR Part 233): Barry Molar, OGC, 202-673-5205 or Lawrence Myers, OGC, 202-673-5205.	NPRM, 44 FR 52246, September 7, 1979 (EDR-367/PDR-68, Docket 36497). Supplemental NPRM, 45 FR 83510, December 19, 1980 (EDR-387C/PDR-65C, Docket 36497). Comment period closed February 17, 1981. Scheduled for completion: June 1982.	This rule would end the Board's current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by the Board, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone.
D6. *Amendment of service segment data reporting* (14 CFR Part 241): Clifford M. Rand, OC, 202-673-6042.	Petition filed in Docket 39387. NPRM in preparation	The Board's current rules require larger carriers to file more detailed traffic and capacity statistics than are required from smaller carriers. In response to a petition filed by USAir, the Board is considering whether to reduce reporting by larger carriers.
D7. *Exemption from report on financial interests.* (14 CFR Parts 245, 246): Joanne Petrie, OGC, 202-673-5442.	NPRM in preparation	This rule would exempt officers and directors of air carriers from the shareholder reporting requirement in section 407(c) of the Act.
D8. *Age discrimination* (proposed 14 CFR Part 376): David Schaffer, OGC, 202-673-5442.	NPRM, 44 FR 55363, September 26, 1979 (SPDR-74, Docket 36639). Comment period closed November 26, 1979. A final rule was adopted by the Board on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. Scheduled for completion: September 1982.	This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975.
D9. *Policy statement on preemption* (14 CFR Part 399): Patricia Snyder, OGC, 202-673-5205.	Interim rule, 44 FR 9948, February 15, 1979 (PS-83). Request for comments on interim rule, 44 FR 9953, February 15, 1979 (PSDR-56, Docket 34684). Comment period close April 16, 1979. Scheduled for completion: June 1982.	This rule will set out final Board policies for regulation of the rates, routes and services of airlines that have interstate authority. The Board has concluded that under section 105 of the Act it, not the States, is responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.
D11. *Foreign indirect air carrier operations in domestic markets* (14 CFR Parts 296, 380): Glenn Datnoff, BIA, 202-673-5514.	NPRM, 46 FR 35664, July 10, 1981 (EDR-427, SPDR-82, Docket 39744). Comment period closed September 8, 1981. Reply comment period closed September 23, 1981. Scheduled for completion: December 1981.	This rule would authorize foreign indirect air carriers to organize tours and forward freight in domestic markets.
D14. *Employee protection program* (proposed 14 CFR Part 314): Steven B. Farbman, BDA, 202-673-5340.	NPRM, 45 FR 49291, July 24, 1980 (EDR-406/PSDR-72, Docket 38483). Comment period closed September 8, 1980. Scheduled for completion: December 1981.	Section 43 of the Airline Deregulation Act of 1978 established an employee protection program. Eligible protected employees may receive monthly assistance payments from the Secretary of Labor if the Board determines that a qualifying dislocation of an airline has taken place. This rule would set forth procedures for those Board determinations.
D15. *Elimination of airport notices and approved service plans* (14 CFR Parts 202 and 213): Ira Leibowitz, BIA, 202-673-5203.	NPRM, 46 50551, October 14, 1981 (EDR-432, Docket 40092). Comment period closes December 14, 1981. Scheduled for completion: February 1982.	The Board is reviewing the requirements that airlines file airport notices and changes in approved service plans, with a view toward eliminating them.
D16. *Update of agreement-filing rules* (14 CFR Parts 261, 262, 263, 289, 302): Mark Schwimmer, OGC, 202-673-5442.	NPRM in preparation	This rule would update the agreement-filing rules to conform to statutory changes that make agreement filing voluntary, and would remove the now unnecessary Part 289 agreement-filing exemption.
D18. *Suspension of abandoned foreign air carrier permits* (14 CFR Part 213): Allan F. Brown, BIA, 202-673-5878.	NPRM in preparation	This rule would provide for the automatic suspension of operating authority of a foreign air carrier permit holder if the carrier ceased all operations for an extended period of time.
D19. *Air carrier reporting requirements* (14 CFR Parts 217, 231, 234, 241, 245, 248, 249, 250, 291, 298): Clifford M. Rand, OC, 202-673-6042.	NPRM in preparation	The Board has requested comments from Federal agencies, State commerce, aeronautical and transportation authorities, airport operators and other interested persons as part of a staff examination evaluating air carrier reporting requirements in an early sunset environment.
D20. *Simplified notice requirements for 401 certificate proceedings under Subpart Q* (14 CFR Part 302): Rhonda Starck, BIA, 202-673-5035.	NPRM, 46 FR 29718, June 3, 1981 (PDR-75, Docket 39038). Comment period closed August 3, 1981. Scheduled for completion: December 1981.	This rule would provide that applicants for certificates of public convenience and necessity, or for modifications of such certificates, may serve a simplified notice of the application on specified persons, instead of the present requirement that applicants serve complete copies of their applications.
D21. *Subpart Q refinements* (14 CFR Part 302): Jeffrey Gaynes, BIA, 202-673-5035.	NPRM in preparation	This rule would correct omissions and inconsistencies in the existing procedures for granting certificates and foreign air carrier permits.

RULES UNDER DEVELOPMENT—Continued

Contact Person	Action schedule	Description
D22. *Continuance of expired authorizations by operation of law for foreign air carriers and other non-U.S. citizens (14 CFR Part 377).* Jeffrey Gaynes, BIA, 202-673-5035.	NPRM, 46 FR 46338, September 18, 1981 (SPDR-83, Docket 39989). Comment period closes November 17, 1981. Scheduled for completion: April 1982.	This rule would amend Part 377 to relieve foreign air carriers and other non-U.S. citizens from the 60-day advance filing requirement for renewal of certain foreign air carrier permits and exemptions.
D23. *Implementation of the Equal Access to Justice Act* (14 CFR Part 373): Joanne Petrie, OGC, 202-673-5442.	Interim rule, 46 FR 51375, October 20, 1981 (SPR-177, Docket 40120). NPRM, 46 FR ——, October ——, 1981 (SPDR- ——, Docket 40120). Comment period closes ——. Reply comment period closes ——. Scheduled for completion: ——, 1982.	The Equal Access to Justice Act authorizes the award of attorneys' fees and other expenses to certain private litigants who prevail against the United States in adversary adjudications. The rule implements the Act by providing a procedure for applications and processing of awards.
D25. *Dual authority after domestic route deregulation* (14 CFR Part 298): Mark Schwimmer, OGC, 202-673-5442.	NPRM, 46 FR 51390, October 20, 1981 (EDR-433, Docket 40133). Comment period closes November 19, 1981. Scheduled for completion: December 1981.	The Board's dual authority rule (item D12 in the appendix) gives certificated air carriers exemptions to operate with small aircraft as if they were air taxi operators. For passenger service, they exemptions are limited to service that is outside the carriers' certificated route systems. This limitation will be ambiguous beginning January 1, 1982, when most certificated carriers will have unlimited domestic route authority.
D26. *Insurance for on-demand air taxi operators* (14 CFR Parts 205, 298): J. Kevin Kennedy, BDA, 202-673-5918 or Joseph Brooks, 202-673-5442.	NPRM, 46 FR (EDR-395B, Docket 37531). Comment period closes: ——. Reply comment period closes: ——. Scheduled for completion: April 1982.	This rule would set the minimum per-person aircraft accident liability insurance limits for on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM further includes alternative proposals to set the per-person limit at $75,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions.
Existing Rules Under Review		
202-1. *Format of certificates beginning January 1, 1982* (14 CFR Part 202): Donald Horn, OGC, 202-673-5205 or David Schaffer, 202-673-5442.	Interpretative rule in preparation	The termination of the Board's authority to include terminal and intermediate points in domestic certificates after December 31, 1981, poses questions about the form of section 401 certificates authorizing the carriage of cargo and mail. The Board must determine how it will interpret the Act as to cargo and mail authority after the December 31, 1981, sunset provisions in section 1601.
211-1. *Reduction of evidence requirements for foreign air carrier permit renewals* (14 CFR Part 211): Regis P. Milan, Jr., BIA, 202-673-5878.	NPRM in preparation	Under this rule, foreign air carriers applying for routine renewals or amendments of their permits would, if previous unopposed licensing proceedings had met certain evidentiary standards, be excused from resubmitting certain evidence whose continuing validity could be attested to.
217-1. *Reporting of civil aircraft charters* (14 CFR Parts 217, 241): Clifford M. Rand, OC, 202-673-6042.	NPRM in preparation	This rule would significantly reduce the Board's charter data reporting requirements.
221-1. *Flexibility in charging applicable through or local fare* (14 CFR Part 221): Joanne Petrie, OGC, 202-673-5442.	NPRM, 46 FR 38930, July 30, 1981. (EDR-430, Docket 39810). Comment period closed September 28, 1981. Reply comment period closed October 19, 1981. Scheduled for completion: January 1982.	Carriers are now required to charge the applicable published through fare between a point of origin and a point of destination, even if it is higher or lower than the sum of intermediate fares. The Board proposed a change in its tariff rules to give carriers and their agents more flexibility in charging the lowest possible fare. Alternatively, the Board is considering removing all requirements concerning through fares.
221-2. *Liability for lost, delayed, and damaged baggage* (14 CFR Part 221): Joanne Petrie, OGC, 202-673-5442 or Patricia Kennedy, BCCP, 202-673-5934.	NPRM in preparation	The Board is reviewing the current baggage liability limits and rules in air carriers' tariffs in order to determine which rules, if any, should be placed in the regulations, perhaps to be kept after the sunset of the Board.
223-1. *Modification or withdrawal of exemption to foreign air carriers to carry travel agents or other travel promoters free or at reduced rates* (14 CFR Part 223): Laurie Schaffer, BIA, 202-673-5415.	NPRM, 46 FR 36714, July 15, 1981 (EDR-428, Docket 39794). Supplemental NPRM, 46 FR 40896, August 13, 1981 (EDR-428A). Comment period closed August 21, 1981. Scheduled for completion: December 1981.	This rule would allow the Board to modify or terminate exemptions granted to foreign air carriers to carry travel agents or other travel promoters free or at reduced rates at any time without hearing, as the public interest may require.
234-1. *On-time arrival standards* (14 CFR Part 234): Joanne Petrie, OGC, 202-673-5442.	Petition filed in Docket 27891. NPRM in preparation.	The Aviation Consumer Action Project has petitioned the Board to restate its on-time arrival standards in terms of actual-versus-scheduled *arrival* times, instead of actual-versus-scheduled *elapsed* times.

RULES UNDER DEVELOPMENT—Continued

Contact Person	Action schedule	Description
241-1. *Air carrier financial and statistical reporting* (14 CFR Part 241): Clifford M. Rand, OC, 202-673-6042.	NPRM, 45 FR 85064, December 24, 1980, 46 FR 11827, February 11, 1980, (EDR-417, EDR-417A, Docket 39077). Comment period closed March 25. Reply comment period closed April 9, 1981. Scheduled for completion: December 1981.	As part of a major review of its largest reporting system, the Board expects to eliminate, consolidate, and refine a substantial number of financial and statistical reporting schedules to reduce reporting burdens on all certificated air carriers. Particular emphasis will be placed on reducing the burdens of small air carriers.
241-2. *Amendment of fuel cost and consumption reporting* (14 CFR Part 241): Clifford M. Rand, OC, 202-673-6042.	NPRM, 46 FR 21185, April 9, 1981 (EDR-422). Comment period closed June 8, 1981. Reply comment period closed June 29, 1981. Scheduled for completion: December 1981.	This rule would reduce the amount of fuel information reported by air carriers each month, and delay the release of carrier-specific information until after the end of each quarter.
241-3. *Alignment of Uniform System of Accounts and Reports with generally accepted accounting principles* (14 CFR Part 241): Richard G. Minick, BCAA, 202-673-5259.	NPRM in preparation	As part of the continuing effort to align the Board's accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes would provide relief from the present requirements for most carriers.
250-1. *Denied boarding compensation—extra sections* (14 CFR Part 250): Joanne Petrie, OGC, 202-673-5442.	NPRM, 45 FR 30086, May 7, 1980 (EDR-400, Docket 36294). Comment period closed July 7, 1980. Scheduled for completion: January 1982.	Airlines are required to pay denied boarding compensation to passengers who are bumped from their flights. This rule would clarify the applicability of that requirement to extra sections of flights. The rule would also eliminate a minor exception to the requirement. The Board is considering consolidating this rulemaking with its general review of oversales.
250-4. *General review of denied boarding compensation* (14 CFR Part 250): Joanne Petrie, OGC, 202-673-5442 or Patricia Kennedy, BCCP, 202-673-5934.	NPRM in preparation	The Board is conducting a general review of the need for rules on denied boarding compensation.
293-1. *Alaskan subcontract agreement* (14 CFR Part 293): David Schaffer, OGC, 202-673-5442.	NPRM, 46 FR 46592, September 21, 1981 (EDR-431/PDR-76, Docket 39990). Comment period closes: November 20, 1981. Scheduled for completion: April 1982.	Part 293 applies to subcontract agreements involving the operation of scheduled air services by air taxi operators over Alaskan bush routes of a certificated air carrier. The Board is considering whether to revoke this rule and replace it with different filing requirements.
298-1. *Revision in the definition of commuter air carrier* (14 CFR Part 298): David Schaffer, OGC, 202-673-5442.	NPRM, 46 FR ——, October ——, 1981 (EDR-434, Docket 40135).	This rule would change the definition of commuter air carrier so as to remove small all-cargo and mail carriers from the classification. This would reduce the regulatory burdens on these carriers. Passenger commuters would not be affected.
302-1. *Requests for confidential treatment of materials filed with the Board* (14 CFR Part 302): Mark Schwimmer, OGC, 202-673-5442.	NPRM in preparation	This rule would revise the procedures governing requests for confidential treatment of material filed with the Board, to clarify the relation between those procedures and the Freedom of Information Act.
313-1. *Fuel information in certificate applications* (14 CFR Parts 313, 201): William J. Wagner, BIA, 202-673-5415.	NPRM in preparation	To implement the goals of the Energy Policy and Conservation Act, the Board requires applicants for new operating authority to submit fuel information. This rule would eliminate that requirement in instances where it is unnecessary because the United States and a foreign country have agreed that new service is required by the public interest.
315-1. *Information submitted in merger application* (14 CFR Part 315): David Schaffer, OGC, 202-673-5442.	Interim rule, 45 FR 23646, April 8, 1980 (PR-221, Docket 37970). Request for comments on interim rule, 45 FR 47698, July 16, 1980 (PDR-71, Docket 37970). Comment period closed September 15, 1980. Scheduled for completion: February 1982.	This rule sets forth the information that must be submitted with a section 408 merger application. It is needed to enable the Board to meet the 6-month deadline imposed by the Act for issuing a final order or decision in a merger case.
322-1. *Automatic Market Entry Program* (14 CFR Part 322): David Schaffer, OGC, 202-673-5442.	Final rule in preparation	Part 322 implements section 401(d)(7) of the Act by establishing procedures whereby a carrier may apply and automatically receive one new certificated route per year. This rule will be revoked because its statutory authority terminates and, beginning in 1982, certificated carriers may serve new routes without applying for authority from the Board.
323-1. *Suspension notices after January 1, 1982* (14 CFR Part 323): David Schaffer, OGC, 202-673-5442.	NPRM, 46 FR 29282, June 1, 1981 (PDR-74, Docket 39632). Comment period closed July 13, 1981. Scheduled for completion: December 1981.	After December 31, 1981, the Act requires carriers to file termination notices only when the suspension would affect a community's essential air service. This rule would eliminate most notices now required by Part 323 and may require a few new ones to ensure that the Board retains the capability to monitor essential service levels at eligible points.
323-2. *Elimination of suspension notices for foreign air transportation* (14 CFR Parts 323, 231): David Schaffer, OGC, 202-673-5442.	NPRM, 46 FR 29282, June 1, 1981. Comment period closed July 31, 1981. Scheduled for completion: December 1981.	The Board is reviewing the requirements in 14 CFR Part 323 for suspension notices in foreign air transportation, which does not involve essential air service, with a view to substituting a simple increase in the number of copies of schedule changes filed pursuant to 14 CFR Part 231.

RULES UNDER DEVELOPMENT—Continued

Contact Person	Action schedule	Description
370-1. *Employee responsibilities and conduct* (14 CFR Parts 370, 300): Kenneth G. Caplan, OGC, 202-673-5790.	NPRM in preparation	The Board is preparing revisions of its ethics rules to reflect experience since the last revision and to conform to the Ethics in Government Act, Pub. L. 95-521.
375-1. *Navigation of foreign civil aircraft* (14 CFR Part 375): George Wellington, BIA, 202-673-5878.	NPRM in preparation	The Board is reviewing its regulations governing the navigation of foreign civil aircraft within the United States. The review will focus on simplifying and clarifying the procedures to be followed in obtaining operating authority, and on ensuring that conditions imposed on such operations satisfactorily serve the public interest.
379-1. *Nondiscrimination in Federally-assisted programs of the Board* (14 CFR Part 379): David Schaffer, OGC, 202-673-5442 or Shawn D. Land, OCR, 202-673-5544.	NPRM in preparation	The Board is reviewing its rules that implement Title VI of the Civil Rights Act of 1964, in rsponse to suggestions from the Department of Justice.
380-1. *Protection of charter participants' funds* (14 CFR Parts 372, 380): Mark Schwimmer, OGC, 202-673-5442.	NPRM, 42 FR 61408, December 2, 1977 (SPDR-63, Docket 31735). Comment period closed June 30, 1978. Reply comment period closed July 31, 1978. Supplemental NPRM in preparation.	The Board has been reviewing the patchwork of redundant, and sometimes inconsistent, regulations for the protection of charter participants' funds, with a view towards establishing a simpler, uniform set of requirements. The redundancies and inconsistencies were largely eliminated when five different charter regulations were replaced by the Public Charter rule, 14 CFR Part 380. The Board is now considering whether to issue a new proposal on this subject in light of the planned sunset of the agency.
380-2. *Elimination of prospectus filing for Public Charters* (14 CFR Part 380): Joanne Petrie, OGC, 202-673-5442.	NPRM in preparation	Currently a charter operator cannot begin to market a Public Charterr until at least 10 days after it files a prospectus with the Board. If the Board disapproves the prospectus, the delay can be longer. The prospectus must include a flight schedule and tour itinerary (if any). It must also include certifications that the charter operator has entered into a charter contract with an airline and made certain arrangements for the protection of passengers' funds. This rule would replace the prospectus-filing requirement with new, simplified procedures.
389-1. *Change in license and filing fee schedules* (14 CFR Part 389): Joseph A. Brooks, OGC, 202-673-5442.	Order 77-4-42, dated April 8, 1977. NPRM in preparation.	Because of decisions in the Supreme Court and the U.S. Court of Appeals, the Board suspended its license fees in 1977. Its filing fees have also become outdated in relation to costs. The Board is considering a rulemaking to change its method for calculating filing fees and to bring them into line with current costs. It is also considering deleting the suspended license fees.
399-2. *Domestic passenger fare standards* (14 CFR Part 399): Julien Schrenk, BDA, 202-673-5298.	Final rule, 43 FR 39522, September 5, 1978 (PS-80). Final rule, 45 FR 24115, April 9, 1980 (PS-92, Docket 31290). Interim policy statement, 45 FR 40969, June 17, 1980 (PS-94, Docket 37982). Interim policy statement, 45 FR 48600, July 21, 1980 (PS-96, Dockets 37982, 33836, 35119, 29196). Interim policy statement, 45 FR 70431, October 24, 1980 (PS-98, Docket 37982). Petition filed in Docket 39497. Petition denied in Order 81-9-97. NPRM in preparation.	In Summer, 1978, after a review of the entire body of pricing standards developed in the *Domestic Passenger Fare Investigation*, the Board ended its practice of prescribing normal fares in the continental United States. Airlines were instead allowed the flexibility to set fares within a specific zone without fear of suspension by the Board. The Airline Deregulation Act of 1978 confirmed this policy by establishing a "zone of reasonableness" within which the Board could not find any domestic fare unlawful. In PS-92, the Board amended its general policy statement on fare flexibility to reflect the Deregulation Act. In PS-94, the Board broadened its zone with an interim policy of full downward fare flexibility in all markets and upward flexibility as follows: Unlimited, for markets up to 200 miles; up to 50 percent above the standard industry fare level for markets from 201 to 400 miles; and up to 30 percent above the standard industry fare level for markets above 400 miles. Upon reconsidering PS-94, the Board in PS-98 revised its interim policy to allow upward fare flexibility to the standard industry fare level plus $15, plus another 30 percent in all markets. The Board will suspend fares in this zone only in limited circumstances. In PS-96, the Board adopted broadened flexibility for Puerto Rico, Virgin Islands, Hawaii, and Alaska markets. The Board has denied an Air Transport Association petition asking that the 30 percent figure be increased to 50 percent. The Board is continually monitoring passenger fares and reviewing its flexibility policies.

APPENDIX—RULEMAKING COMPLETED OR TERMINATED SINCE PREVIOUS AGENDA

[Numbers in brackets are entry numbers from previous agenda]

Contact person	Status	Description
[C4.] *Charter price flexibility* (14 CFR Part 380): Patricia T. Szrom, BDA, 202-673-5088.	Petitions denied, Order 81-10-61	The Board's current rules allow charter operators, in their contracts with participants, to reserve the right to increase the charter price up to 10%, as long as the increase occurs 10 or more days before departure. The Board denied petitions filed by the American Institute for Foreign Study and the United States Tour Operators Association to increase flexibility.
[C5.] *Registration procedures for Canadian charter air taxi operators* (14 CFR Part 294): Ira Leibowitz, BIA, 202-673-5035, or Nancy Trowbridge, BIA, 202-673-5134.	Final Rule, 46 FR ——, October ——, 1981 (ER-1257, ER-1258, ER-1259, ER-1260, SPR-178, OR-186, PS-105).	This rule eliminates the requirement that Canadian charter air taxi operators obtain foreign air carrier permits under section 402. Instead of the extensive information normally required by 14 CFR Part 211, these carriers merely have to register with the Board. Registration will be quicker and easier to obtain than a regular permit.
[C6.] *Removal of restrictions on administrative costs for charters* (14 CFR Parts 207, 208, 212): Joanne Petrie, OGC, 202-673-5442.	Final rules, 46 FR 31000, June 12, 1981 (ER-1224, ER-1225, ER-1226).	This rule removes all restrictions on administrative costs that can be charged to pro rata and single entity charters.

APPENDIX—RULEMAKING COMPLETED OR TERMINATED SINCE PREVIOUS AGENDA—Continued

[Numbers in brackets are entry numbers from previous agenda]

Contact person	Status	Description
[D10.] *Insurance for air carriers* (proposed 14 CFR Part 205): J. Kevin Kennedy, BDA, 202-673-5918, or Richard Loughlin, BIA, 202-673-5880, or Joseph A. Brooks, OGC, 202-673-5442.	Final rule, 46 FR ——, October ——, 1981 (ER-1253, ER-1254, ER-1255, ER-1256).	This rule establishes liability insurance requirements for all U.S. and foreign direct air carriers, to protect the public against losses caused by those carriers. The rule implements section 401(q)(1) of the Act, as added by the Deregulation Act.
[D12.] *Dual authority* (14 CFR Part 298): Mark Schwimmer, OGC, 202-673-5442.	Final rule, 46 FR 51371, October 20, 1981 (ER-1251)	Airlines that use only small aircraft are already exempt from many regulatory requirements of the Act. This rule grants similar exemptions to certificated airlines (which usually operate large aircraft) for their small aircraft operations outside their certificated route system, in order to promote competition.
[D13.] *Liberalized regulation of wet lease agreements* (14 CFR Parts 207, 208, 212, 214, 399): Mark Schwimmer, OGC, 202-673-5442.	Final rules, 46 FR 47768, September 30, 1981 (ER-1247, ER-1248, ER-1249, ER-1250).	This rule liberalizes the restrictions on wet leases (leases of aircraft with crew) between airlines, to eliminate unnecessary barriers to competition.
[D17.] *Civil penalty for violation of rules of conduct* (14 CFR Part 300): Joseph A. Brooks, OGC, 202-673-5442.	Final rule, 46 FR ——, October ——, 1981 (PR——)	This rule amends the Board's rules of conduct to include a civil penalty as an alternative sanction for violations.
[221a-L.] *Fare summaries* (14 CFR Part 221a): Joanne Petrie, OGC, 202-673-5442.	Final rule, 46 FR 43957, September 2, 1981 (ER-1240)	Part 221a, which was eliminated by this rulemaking, required certificated scheduled airlines to provide concise information in pamphlet form to the public about the various fares they offered in domestic air transportation. The rule imposed significant burdens on carriers while providing little information to passengers.
[222-L.] *Regulation of intermodal services of foreign air carriers* (14 CFR Part 222): Joseph DiBella, BIA, 202-673-5035.	Final rule, 46 FR 32552, June 24, 1981 (ER-1226)	This rule eliminates all Board restrictions on intermodal services performed by U.S. air carriers, and requires Statements of Authorization for intermodal services by foreign air carriers. This rule coordinates the Board's treatment of intermodal services with the Congressional modification of the Interstate Commerce Commission's jurisdiction over such services in the Motor Carrier Act of 1980.
[241-4.] *Commuter financial and traffic data* (14 CFR Parts 241, 298): Clifford M. Rand, OC, 202-673-5442.	Preparation of NPRM terminated	This rule would have modified statistical reporting requirements and imposed financial reporting requirements on some commuter carriers, to assist in the administration of essential air service programs. This proceeding was terminated because additional reporting requirements did not appear to be cost-justified.
[250-2.] *Denied boarding compensation—low-fare airlines* (14 CFR Part 250): Joanne Petrie, OGC, 202-673-5442.	Petition denied, Order 81-8-81	Transamerica Airlines' petition to eliminate or relax the denied boarding rules, or at a minimum to relax them for low-fare airlines was denied by the Board pending completion of the comprehensive review of oversales.
[250-3.] *Denied boarding compensation—small aircraft* (14 CFR Part 250): Lawrence R. Krevor, BDA, 202-673-5333.	Final rule, 46 FR 42442, August 21, 1981 (ER-1237)	The Board has amended its rules governing oversales and denied boarding compensation exclude operations with 60-seat and smaller aircraft.
[252-1.] *Smoking on airplanes* (14 CFR Part 252): David Schaeffer, OGC, 202-673-5442.	Final rule, 46 FR 45934, September 16, 1981 (EDR-1245).	This rule requires airlines to provide separate seating for smokers and nonsmokers. If there are more nonsmokers than expected, airlines must expand the no-smoking section for all nonsmokers that checked in on time.
[296-1.] *Exemption for air freight forwarders* (14 CFR Part 296): Joseph A. Brooks, OGC, 202-673-5442.	Final rule, 46 FR ——, October ——, 1981 (ER——)	This rule eliminates the registration and reporting requirements applicable to air freight forwarders, and allows such carriers to operate under a blanket exemption without having to register with the Board.
[296-2.] *Cooperative shippers associations to act as agents of direct carriers* (14 CFR Parts 296 and 297): Joseph A. Brooks, OGC, 202-673-5442.	Final rules, 46 FR 38495, July 28, 1981 (ER-1234 and ER-1235).	Cooperative shippers associations are indirect air carriers of property. In response to a petition, the Board will now allow cooperatives to act as agents of the direct carriers, to give these indirect carriers greater flexibility in providing services to their customers.
[305-1.] *Nonpublic investigations by the Bureau of Consumer Protection* (14 CFR Part 305): Elton D. Hill, BCCP, 202-673-5939.	Preparation of NPRM terminated	This rule would have clarified and simplified the procedures for conducting nonpublic investigations. The proceeding was terminated because it did not appear necessary in light of the anticipated sunset of the Board.

[FR Doc. 81-31198 Filed 10-28-81; 8:45 am]

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of Regulatory Flexibility Agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of rules which the Commission expects to propose or promulgate over the next year which may have a significant impact on a substantial number of small entities.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Nancy E. Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–5716).

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601, *et seq.*, ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the Federal Register a regulatory flexibility agenda which shall contain—

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking, and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year.[1] The agenda lists all significant rules which may be considered by the Commission within the next year, irrespective of their potential impact on small entities.[2]

These matters include the following:

1. Minimum Financial and Related Reporting Requirements for Futures Commission Merchants

The Commission has proposed amendments to certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"), as well as the basic financial reporting form for FDMs, Form 1–FR. One proposed amendment would alter the minimum dollar amount of adjusted net capital which must be maintained by FCMs. The Commission has also proposed a further amendment to the minimum financial regulations regarding the treatment of undermargined accounts. In addition, the Commission has proposed one specific capital charge relating to concentration of positions, and has invited further comment to assist it in the development of further appropriate minimum financial regulations concerning concentration of positions. The Commission expects to determine whether to adopt the proposals during the early part of 1982.

Legislative Authority: Sections 4d, 4f and 8a of the Commodity Exchange Act, 7 U.S.C. 6d, 6f and 12a (1976 and Supp. III 1979).

Agency Contact: Daniel A. Driscoll, Chief Accountant, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Minimum Financial and Related Reporting Requirements: Proposed Rule Amendments, 45 FR 42633 (June 25, 1980); 45 FR 79498 (Dec. 1, 1980); Extension of Comment Period, 46 FR 16691 (March 13, 1981).

2. Regulation of Foreign Brokers and Traders

The Commission has proposed rules which would require domestic futures commission merchants who carry accounts for foreign market participants to obtain certain information on behalf of the Commission. If the information were not provided to the Commission on request, the FCM would be required to liquidate its customer's account. Public comments have been received on this proposal and on the question whether information which FCMs must make available should be maintained by the FCMs on a routine basis or obtained by the FCMs only when specifically requested by the Commission. The Commission expects to decide whether to adopt these rules in final form in the fall/winter of 1981.

Legislative Authority: Sections 4g, 4i, 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, 7, 7a and 12a (1976 and Supp. III 1979).

Agency Contact: William Anthony, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–7227).

Outstanding Federal Register Notice: Futures Commission Merchants—Duties Concerning Accounts Carried for Foreign Brokers and Traders; Proposed Rule, 45 FR 31731 (May 14, 1980).

3. Bankruptcy and Related Regulations

The Bankruptcy Reform Act of 1978 ("Bankruptcy Code") permits the Commission to adopt regulations implementing Subchapter IV of Chapter 7 of the Bankruptcy Code which pertains specifically to bankruptcies of commodity firms. In this connection, the Commission expects to propose regulations which will address each of the matters with respect to which it is authorized to promulgate regulations, including the scope of "customer property," the requirements for characterizing property as specifically identifiable, the method of calculating net equity, the criteria for the transfer of customer property free of the avoidance powers of the bankruptcy trustee, and

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[1] The Commission's agenda represents its best estimate at this time of significant rules which will be considered sometime over the next twelve months. In this regard, Section 602(d) of the RFA, 5 U.S.C. 602(d), provides:

> Nothing in [Section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda.

In addition to publishing the regulatory flexibility agenda required by Section 602 of the RFA, the Commission also makes available to the public, on a monthly basis, a calendar listing rules that will be considered by the Commission during that month.

[2] The Commission has published for comment proposed definitions of small entities which the Commission may use in connection with future rulemaking proceedings. See 46 FR 22940 (Apr. 23, 1981). If these definitions are established, many of the items listed in this agenda would not be appropriately considered as regulatory flexibility agenda matters. For examples, if the Commission determines, as proposed, that contract markets should not be considered small entities, proposed rulemaking concerning economic and public interest tests for contract market designation (agenda item 6) and dormant and low volume contracts (agenda item 10) need not be included in these agendas. Moreover, the Commission has previously certified, pursuant to Section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. See Agenda Items 4 and 6. Accordingly, listing of an item in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

guidelines for the operation of a debtor's estate pending its liquidation. The proposed bankruptcy rules will affect certain businesses for which the Commission has not yet developed financial regulations, such as leverage transaction merchants and foreign futures commission merchants, since the commodity broker subchapter of the Bankruptcy Code pertains to such businesses, as well as other commodity firms. Consideration of the bankruptcy regulations has been deferred due to technical amendments to the Bankruptcy Code currently pending in Congress.

The Commission staff's recommendations in the bankruptcy area are expected to be considered in the fall of 1981.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 24 (1976 and Supp. III 1979).

Agency Contact: Andrea M. Corcoran, Chief Counsel, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notice: None.

4. Proficiency Examinations For Applicants for Registration as an Associated Person ("AP")

The Commission has proposed to adopt a rule which, in essence, would require new applicants for registration as an AP to pass a written proficiency examination as a condition of registration. The proposed rule would require each AP applicant to have passed at the minimum competency level a specified written proficiency examination within two years preceding the date of his filing an application to be registered as such. Under the proposals, however, a currently registered AP would not be subject to the examination requirements unless his registration lapsed for a period of two years or more prior to his reapplication.

The examination program would be developed and administered by a person or persons selected by the Commission, subject to Commission supervision. If adopted, however, the program would be one of the functions that a futures association registered under section 17 of the Commodity Exchange Act could assume, under Commission oversight.[3]

The Commission intends that an independent testing organization would be utilized to develop and administer the examination. Such organization would establish and collect a reasonable examination fee, approved by the Commission or, if the Commission so directs, by a registered futures association. In proposing the rule, the Chairman certified, on behalf of the Commission, that the rule, if promulgated, would not have a significant economic impact on a substantial number of small entities, but invited comment from any small firms which believed that the rule would have a significant economic impact on them. The comment period on the proposed rules expired on June 8, 1981. The Commission expects to determine whether to adopt the proposal in the winter of 1982.

Legislative Authority: Sections 4k, 4p, and 8a of the Commodity Exchange Act, 7 U.S.C. 6k, 6p and 12a (1976 and Supp. III 1979).

Agency Contact: David S. Mitchell, Esq., or Robert P. Shiner, Assisant Director for Registration, Division of Trading and Markets, 2033 K. Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Proficiency Examinations for Associated Persons; Delegation of Authority; Proposed Rules, 46 FR 20679 (Apr. 7, 1981).

5. Registration of Non-Clerical Employees and Agents of Commodity Pool Operators ("CPOs") and Commodity Trading Advisors ("CTAs")

The Commission has proposed to adopt rules that would implement and facilitate the registration of non-clerical employees and agents of CPOs and CTAs. The Commission requested interested persons to submit comments to assist the Commission in the formulation of such rules. The Commission expects to determine whether to adopt the proposals or take other appropriate action in the fall of 1981.

Legislative Authority: Sections 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23 (1976 and Supp. III 1979).

Agency Contact: Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Revisions of Commodity Pool Operator and Commodity Trading Advisor Regulations; Proposed Rules, 45 FR 51600 (Aug. 4, 1980); Revisions of Commodity Pool Operators and Commodity Trading Advisor Regulations, Delegation of Authority, 46 FR 26004 (May 8, 1981).

Dealer Options

Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of granting options on a physical commodity and in the business of buying, selling, producing or otherwise using that commodity.

The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission expects to decide whether to adopt these rules during the early part of 1982. In proposing these rules, the Chairman, on behalf of the Commission, has certified that these rules, if promulgated, will not have a significant impact on a substantial number of small entities, but has invited comment from any small firms which believe that promulgation of these rules will have a significant impact on them.

Legislative Authority: Sections 4c(b), 4c(d) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6c(b), 6c(d) and 12a(5) (1976 and Supp. III 1979).

Agency Contact: R. Britt Lenz, Office of the Executive Director, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–7360).

Outstanding Federal Register Notices: Proposed Reissuance and Amendments to Commodity Option Regulations, 43 FR 59396 (Dec. 20, 1978); Proposed Reissuance of and Amendments to Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities, 46 FR 23469 (Apr. 27, 1981).

7. Regulation of Leverage Transactions

The Commission has directed its staff to develop a program for regulating gold and silver leverage transactions. The Commission considered certain staff proposals on various policy issues relating to leverage transactions in April 1981. These policy issues included the registration of leverage transaction merchants, minimum financial requirements, and requirements for the

[3] On September 22, 1981, the Commission registered the National Futures Association under Section 17 of the Act. The rules of the National Futures Association, however, presently do not include provisions for the assumption of the Commission's Associated Person registration function.

segregation of funds, issuance of disclosure statements, and recordkeeping and reporting. The Commission directed the staff to develop proposed rules and a **Federal Register** notice soliciting comment thereon.

A moratorium on the entry of new firms into the gold and silver leverage business which were not in that business on June 1, 1978, has been in effect since January 4, 1979. The Commission has previously announced its intention to regulate gold and silver leverage transactions as contracts for future delivery under the Commodity Exchange Act, but has delayed implementation of this approach until October 1982.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 23 (1976 and Supp. III 1979).

Agency Contact: David Merrill, Office of the General Counsel, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–7602).

Outstanding Federal Register Notices: Regulation of Leverage Transactions as Contracts for Future Delivery, 44 FR 44177 (July 27, 1979); Regulation of Leverage Transactions as Contracts for Future Delivery, Postponement of Effective Date, 44 FR 69304 (Dec. 3, 1979).

8. Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation

The Commodity Exchange Act requires a board of trade seeking to become a contract market for a particular commodity to show that futures trading in the commodity would not be contrary to the public interest. Guideline No. 1 sets forth the general criteria to be met by a contract market in making such a showing. They include an economic purpose test, a demonstration of the commercial viability of the contract and a showing that transactions for future delivery in the commodity will not be contrary to the public interest. The Commission has proposed a rule which would clarify the requirements with which boards of trade must comply for initial and continuing designation as contract markets. Proposed rules in this regard were published for comment in November 1980, and the Commission expects to decide whether to adopt these rules in final form in the fall/winter of 1981.

Legislative Authority: Sections 2(a), 5, 5a, 6 and 8a of the Commodity Exchange Act, 7 U.S.C. 2(a), 7, 7a, 8 and 12a (1976 and Supp. III 1979).

Agency Contact: Blake Imel, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–3203).

Outstanding Federal Register Notices: Economic and Public Interest Requirements for Contract Market Designation, 45 FR 73504 (Nov. 5, 1980); Extension of Comment Period, 46 FR 9958 (Jan. 30, 1981).

9. Restrictions of Trading By Certain Contract Market and Clearing Organization Employees

The Commission has proposed to adopt a rule which, with certain exceptions, would make it unlawful for contract market or clearing organization employees or staff members to participate in commodity futures transactions, options transactions, and investment transactions in actual commodities. The proposed rule would also require each contract market to adopt rules prohibiting such trading and prohibiting such employees or staff members from misusing sensitive, non-public information. The Commission expects to determine whether to adopt the proposal in the winter of 1982.

Legislative Authority: Sections 3, 4b, 5, 5a, 6, 6b, 8, 8a and 9 of the Commodity Exchange Act, 7 U.S.C. 5, 6b, 7, 7a, 8, 13a, 12, 12a and 13 (1976 and Supp. III 1979).

Agency Contact: Lawrence B. Patent, Special Counsel, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Trading Restrictions Applicable to Certain Contract Market and Clearing Organization Employees, 45 FR 84084 (Dec. 22, 1980).

10. Dormant and Low Volume Contracts

The Commission has proposed two rules concerning dormant and low volume contracts. Rule 5.2 provides that additional delivery months may be listed for dormant contracts only pursuant to passage by a contract market of an implementing bylaw, rule, regulation or resolution and approval by the Commission under section 5a(12) of the Act and Rule 1.41(b). Rule 5.3 establishes contract reporting requirements for low volume contracts. This includes data concerning the contract's daily trading volume and number of open contracts during the low volume trading period, summary data concerning the nature of trading by floor brokers or traders during that period, indications that the contract is being used by commercial participants and surveillance procedures instituted by the contract market to monitor trade practices in the low volume contract. The Commission expects to determine whether to adopt the proposal in the fall/winter of 1981.

Legislative Authority: Sections 5, 5a, 6 and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 7, 7a, 8 and 12a(5) (1976 and Supp. III 1979).

Agency Contact: Blake Imel, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–3203).

Outstanding Federal Register Notices: Dormant and Low Volume Contracts; Proposed Rule, 45 FR 73499 (Nov. 5, 1980); Extension of Comment Period, 46 FR 9958 (Jan. 30, 1981).

11. Regulations to Govern Trading in Options on Physical Commodities

The Commission adopted regulations in September 1981, subject to Congressional review, to govern a pilot program for trading of commodity options on domestic commodity exchanges. Those regulations permit the trading of options on futures contracts under specified conditions. The Commission has directed its staff to prepare a separate **Federal Register** release requesting comment as to the manner in which the regulations establishing the pilot program should be amended or supplemented to permit exchange trading on options on physical commodities. The Commission expects to issue such a **Federal Register** release during the fall of 1981.

Legislative Authority: Sections 4c(c) and 8a of the Commodity Exchange Act, 7 U.S.C. 6c(c) and 12a (1976 and Supp. III 1979).

Agency Contacts: Lawrence B. Patent, Special Counsel, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955); Lamont L. Reese, Associate Director, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–3310).

Outstanding Federal Register Notices: Regulation of Domestic Exchange-Traded Commodity Options, 46 FR 33293 (June 29, 1981).

12. Gross Margining of Omnibus Accounts

The Commission discussed the issue of gross margining of omnibus accounts at its open policy meeting on September 17, 1981. The Commission expressed the view that a rule requiring gross margining of omnibus accounts may serve as an important additional protection for customer funds, especially those funds which are entrusted to futures commission merchants which

are not members of any contract market. The Commission directed the staff to develop a proposed rule concerning gross margining of omnibus accounts, and a Federal Register release announcing such a proposal and soliciting comment thereon. The Commission expects to issue such a Federal Register release during the latter part of 1981 or the early part of 1982.

Legislative Authority: Sections 4d, 4f and 8a of the Commodity Exchange Act, 7 U.S.C. 6d, 6f and 12a (1976 and Supp. III 1979).

Agency Contact: Daniel A. Driscoll, Chief Accountant, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: None.

13. Definition of "Rule" of Contract Markets

The Commission has proposed to amend the definition of the term "rule" of a contract market in Commission regulation 1.41(a)(1), 17 CFR 1.41(a)(1) (1980), to state explicitly that the definition includes actions by a contract market, its governing board, or any of its committees or officials which are adopted or taken pursuant to enabling authority set forth in any existing rule of the contract market. The Commission expects to review its procedures for reviewing rule submissions under section 5a(12) of the Act in late 1981 or early 1982 and, within the context of that review, determine whether to adopt the proposed rule amendment.

Legislative Authority: Sections 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. 7, 7a and 12(a) (1976 and Supp. III 1979).

Agency Contact: Linda Kurjan, Assistant Director, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Contract Market Rules, 45 FR 84082 (December 22, 1980).

14. Budgetary Review

The Commission will examine within the next six months various alternatives, including a review of existing and potential regulations, to assure a proper balance betgween expenditures and resources.

Legislative Authority: Sections 8a(5) and 12 of the Commodity Exchange Act, 7 U.S.C. 12(a)(5) and 16; Section 26 of the Futures Trading Act of 1978, Pub. L. 95-405, 92 Stat. 777, 7 U.S.C. § 16a; Section 483 of the Independent Offices Appropriations Act of 1952, 31 U.S.C. 483a.

Agency Contact: Susan W. Wagner, Executive Director, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-3350).

Outstanding Federal Register Notices: None.

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Issued in Washington, D.C., on October 23, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-31440 Filed 10-28-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Proposed Change in Field Organization; Springfield, Mo.

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend the Customs Regulations to change the field organization of the Customs Service by establishing, on a 2-year experimental basis, a new Customs port of entry at Springfield, Missouri, in the St. Louis, Missouri, Customs district. The proposed change is being made as part of Customs continuing program to obtain more efficient use of its resources and to provide better service to carriers, importers, and the public.

DATE: Comments must be received on or before November 30, 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: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

Springfield, Missouri, is a community of 165,000 in the southern section of the state. Even though it is served by rail, air, and highway transportation, all imported merchandise destined for Springfield must be entered through distant ports of entry in St. Louis and Kansas City, Missouri, and Peoria, Illinois. The nearest of these, Peoria, is 170 miles away.

On May 7, 1980, the Springfield Chamber of Commerce submitted an application to Customs requesting the establishment of a Customs port of entry in that city. Although data submitted in support of the Chamber's request indicated that Customs-related activity in the area exceeded Customs minimum requirements for establishing ports of entry, it did not include sufficient documentation to permit a fair evaluation of community and business support for the proposal. Accordingly, Customs was reluctant to commit resources to the project until the need for, and potential use of, the port could be shown.

Additional data subsequently forwarded to Customs indicates that strong business support does exist for the establishment of the port of entry and that parties in Springfield are considering the possibility of establishing a foreign trade zone there. In addition, a major national corporation has stated that it is considering radically increasing the production capacity of its Springfield plant.

On the basis of this information, Customs believes that there is potential use for a port of entry at Springfield and proposes to establish a port of entry there on a 2-year experimental basis. To verify that the projected workload does materialize, Customs will evaluate the activity at Springfield at the end of the 2-year period before making a final determination about the establishment of a permanent port of entry at this location.

The geographical limits of the Springfield, Missouri, Customs port of entry would encompass all of the territory within Greene and Christian Counties, Missouri.

Amendment to the Regulations

If the proposed change is adopted, the list of Customs regions, districts, and ports of entry in § 101.3, Customs Regulations (19 CFR 101.3), will be amended accordingly.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on normal business days between the hours of 9:00 a.m. and 4:30

p.m. at the Regulations Control Branch, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

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

Regulatory Flexibility Act

Pursuant to the provisions of sections 605(b) of Title 5, United States Code (as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act"), the Secretary of the Treasury has determined that, if promulgated, this proposal it is not likely to have a significant economic impact upon a substantial number of small entities. Accordingly, this proposal is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

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

Authority

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

Drafting Information

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

Dated: October 2, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 81-31462 Filed 10-28-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Reg. No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Eligibility; Amount of Benefits; Reports Required; Income; Resources; and State Supplementation Provisions, Agreements; Payments

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: We propose to revise our regulations to reflect the provisions of Pub. L. 97-35 as they amend the Social Security Act. Pub. L. 97-35 establishes a new period for determining eligibility for Supplemental Security Income (SSI) benefits and the amount of benefit payments as well as a new method for computing the amount of benefits. These regulations provide that eligibility will be based on an individual's income, resources, and other relevant circumstances in a month rather than in a calendar quarter. The amount of a benefit will, with certain exceptions, be based on an individual's income and other relevant circumstances in the second month prior to the month for which the benefit is to be paid. The statute provides that these changes are to be effective with months beginning April 1982.

DATE: Your comments will be considered if we receive them no later than December 28, 1981.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Rita Hauth, Legal Assistant, 3-B-3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7112.

SUPPLEMENTARY INFORMATION: We plan to revise our rules under the Supplemental Security Income (SSI) program to implement the provisions of section 2341 of Pub. L. 97-35 which amend sections 1611(c) and 1612(b)(3) of the Social Security Act. Section 2341 establishes a new period for determining eligibility for SSI benefits and the amount of benefit payments as well as a new accounting system to be used to determine the amount of a benefit payment.

Since the SSI program began, the Social Security Act has provided for both eligibility for benefits and the benefit amount to be determined on a calendar-quarter basis. Under this provision income received in the third month of a quarter could negate an individual's eligibility for that quarter or reduce benefits for all months of the quarter. As a result, overpayments could occur. Pub. L. 97-35 provides that eligibility and the benefit amount will be determined for each month rather than on a quarterly basis. An individual's eligibility for SSI benefits is always to be determined on the basis of income, resources, and other relevant factors in the current month. If eligibility is found for a current month, the benefit amount is determined by the income received and other relevant factors that existed in a prior month. The statue provides that the benefit amount can be based on income in either the first or second month prior to the current month. These regulations provide in most cases for use of the second prior month. This is advantageous to both SSI beneficiaries and the administration of the program, because it provides more time to report events that affect benefits and to make the necessary adjustments.

The statute provides certain exceptions to the use of a prior month as the basis for determining benefit amounts. In the case of a month of initial eligibility or in a month after a month of ineligibility, the amount of benefits to be paid will be based on the income and other factors in that month. While the statute permits the use of the current month to determine benefits for the following month also, these regulations propose to use the first prior month as the basis of determining the benefit amont in the month following the first month of initial eligibility or re-eligibility.

Section 2341 of Pub. L. 97-35 provides that the Secretary may determine the conditions for transitional payments—payments for April and May, 1982, the first two months the provisions of the statute are effective. The Secretary has decided to treat all SSI beneficiaries as though they are newly eligible in April. Thus, both eligibility and the benefit amount will be determined on the basis of the income, resources, and other

relevant factors that exist in April. In May, eligibility will be determined on the basis of the factors that exist in May, but the benefit amount will be determined on the basis of the income received in April. This transitional rule is not included in the regulations because it has only one-time effect.

Section 2341 of Pub. L. 97–35 also provides that the Secretary may waive the limitations on eligibility and payment amount that apply to benefits for individuals in certain institutions (according to sections 1611(e)(1)(A) and 1611(e)(1)(B)) of the Act. The Secretary is not acting on this provision at this time but is considering the matter for future actions.

Proposed Revisions

Subpart B, Eligibility

We plan to revise § 416.220 to change the period for determining eligibility for benefits from a calendar quarter to a month. This section will explain that eligibility for benefits is always based on a current month's income and resources. It will cross refer to Subpart D so that readers will understand that the amount of benefits may be based on a different (prior) month. The provision that applies to eligibility in other than the first month of a quarter will be deleted as this will no longer be pertinent when the new rules go into effect in April 1982. Section 416.221 will be deleted as it further clarifies eligibility under the quarterly concept. Section 416.222 will be revised so that the rules on redeterminations of eligibility will refer to a monthly period instead of a quarterly period. Section 416.269 will be revised to delete "calendar quarter" and insert "month".

Subpart D, Amount of Benefit

We are revising § 416.420 which sets out how we determine the amount of benefits payable for a current month to make it clear that the amount of benefits may be based on income in a prior month. Sections 416.410 and 416.412 will be revised to reflect current benefit amounts that apply to a month. We have also deleted a qualification which appeared in the first two of these sections in regard to beneficiaries living in the household of another. This qualification is inconsistent with the present policy of regarding support and maintenance supplied in the household of another as income rather than as a change in benefit rate. Title XVI has always provided that support and maintenance is income. Under the retrospective accounting rules it must be made clear that we count in-kind support and maintenance as income rather than a reduction in the benefit rate since it could make a difference in payment amounts. Section 416.422 will be revoked as it applies only to a quarterly period for computing benefits.

Sections 416.424, 416.426, 416.432, and 416.435 describe the effect of changes in status involving individuals and couples. Each section will be revised to show the monthly period instead of the quarterly period that has been used to compute benefit amounts. In addition, material will be deleted from each section because it explains how to compute benefits when a change in status occurs during a calendar quarter. This will not be pertinent when the provisions of the statute become effective in April 1982.

Subpart G—Reports Required

Sections 416.714, 416.726, 416.728, and 416.730 are being revised to show that reports of events which affect SSI eligibility and benefit amounts are considered to be late if they are not submitted within 10 days after the close of the month in which an event occurs. The existing regulations allow 30 days after a calendar quarter before a report is considered to be late. The time must be shortened since calculations will be on a monthly basis and SSA must know of the change early in order to pay benefits correctly.

Subpart K, Income

The proposed regulations provide that income will be counted on a monthly rather than a quarterly basis and the income from a prior month will usually determine the amount of benefits payable for a given month. However, the basic rules on what income is and how we count it remain the same. Some clarification will be necessary to insure that it is clear that we count income as of different periods to determine eligibility for benefits and to determine benefit amounts. This is particularly true of the rules on deeming the income of others to an SSI beneficiary.

Section 416.1100 will be revised to include a general statement concerning the use of income as well as to reflect the change to monthly determinations. Sections 416.1101, 416.1111, 416.1123 and 416.1182 are to be revised to reflect the change from quarterly calculations of income to monthly calculations.

Sections 416.1112 and 416.1124 list the kinds of earned and unearned income we do not count to determine eligibility or the amount of benefit. Some of these exclusions are in specific dollar amounts which will be changed from quarterly to monthly figures. The statutory change from quarterly to monthly amounts does not affect an irregular, or unexpected, receipt, but it does affect an infrequent receipt (currently defined as no more often than once in a calendar quarter). It is not consistent with the intent of the statute to exclude all income received once a month. This would exclude recurring payments such as regular wages and social security benefits. Therefore, § 416.1112 (c)(1) states that $10 of earned income in a month may be excluded if it is received no more often than once in a calendar quarter from a single source. Section 416.1124 (c)(6) states that $20 of unearned income may be excluded in a month provided that a particular type of unearned income from a single source is received no more often than once in a calendar quarter.

We propose to delete § 416.1146, which explains how we value income in the form of support and maintenance for part of a quarter because this will not apply under the new rules. Changes in language have been made in §§ 416.1131 and 416.1147 to clearly reflect the policy that in-kind income received as support and maintenance in the household of another is income with a value of one-third of the benefit rate. In §§ 416.1148 and 416.1149, age 21 is changed to age 18 in accordance with a prior statutory change.

The rules on deeming income from an ineligible spouse or ineligible parent to an eligible individual and from an essential person to a qualified individual are specific and complex and they will require amendment for implementation. Section 416.1160 explains what deeming is and gives the basic steps in the deeming process. We plan to add a general explanation of the deemed income, which we use to determine eligibility and that which we use to determine the amount of a benefit. A minor change is also proposed in § 416.1161 to change the quarterly amount of a child's income exclusion to a monthly amount.

Section 416.1163 explains the specific rules and the process for deeming the income of an ineligible spouse to an eligible individual. Paragraphs (b), (c), and (f) are revised by rearranging the material and making necessary changes for monthly accounting. A new paragraph, to be designated (d), is being added to require an additional step to figure the amount of a benefit. The process of determining the amount of income must be repeated using the ineligible spouse's income in the second month prior to the month of payment. This determines the amount of income to be deemed, which is added to the individual's own income to determine the total amount of countable income. We also explain that there are special provisions that apply to an individual's

first month of eligibility and to a month after at least a month of ineligibility. The same income is used to determine both eligibility and benefit amount in the month in which an individual becomes eligible or re-eligible. For the following month, eligibility will be determined under the regular rule (as of the current month), but the same income that was used the first month to determine the benefit amount will be used again to determine the following month's benefit amount.

A paragraph (e) has also been added to this section to explain what happens when a change of status occurs—an ineligible spouse becomes eligible, a couple marries, separates, or divorces, or an ineligible spouse dies. In all situations, eligibility is based on income, including deemed income, in the current month, which may be either the month the event occurs or the first full month thereafter, depending on the kind of event. There are variations in determining income to figure a benefit amount. In some instances the income from months prior to the event will be used. In others, the event will be considered to constitute new eligibility, and the rule applicable to the first month of eligibility will apply.

Section 416.1165 explains the specific process for deeming the income of ineligible parents to eligible individuals who are children. Additions similar to those that apply to spouse-to-spouse deeming (§ 416.1163) are proposed for this section. This includes the special rules for dealing with a change of status, such as parents becoming eligible or ineligible; parents leaving or joining the household; the death of a parent; or the child reaching age 18. These situations affect the amount of countable income in the same general manner as the changes which affect spouse-to-spouse deeming. This section is also to be revised to reflect monthly figures for excluding amounts from parental income to cover their own needs.

Less comprehensive changes have been made in § 416.1166 which discusses the process of deeming income from an ineligible spouse who is also an ineligible parent to both an eligible spouse and an eligible individual who is a child. The rules have already been explained in the sections which describe spouse-to-spouse and parent-to-child deeming rules. There are also less comprehensive revisions proposed in §§ 416.1168 and 416.1169 which describe deeming as it applies to essential persons and qualified individuals.

Section 416.1167 of the existing regulations discusses the effects of changes of status and temporary absences as they affect deeming rules. We are retitling this section to cover only temporary absences because the change-of-status situations are more complex under the new rules and will be located with the deeming rules to which they apply.

Subpart L, Resources

The only necessary change in this subpart is in § 416.1232. It will show that the amount of an individual's resources will determine eligibility for a current month rather than for a quarter.

Subpart T, State Supplementation Provisions; Agreements; Payments

Existing regulations in Subpart T will require some changes to conform to the provisions of section 2341 of Pub. L. 97–35. In general, monthly periods will be used to determine eligibility and retrospective accounting will be used to determine the amount of State supplements administered by us. However, because there will be some variations, this will be accomplished for the most part in the individual agreements that provide for Federal administration of State supplementary payments. This is why we are qualifying the statement in § 416.1100 to state that the rules in that subpart apply to optional State supplementation unless otherwise noted in Subpart T or in the Federal-State agreements. We propose to amend §§ 416.2020 and 416.2066(b) by deleting references to quarters as they now relate to federally administered State supplementary payments. We are adding a new paragraph (c) to § 416.2030 to explain how State payment levels relate to the new accounting system.

Other Subparts

Subpart E (Payment of Benefits, Overpayments and Underpayments) and Subpart M (Suspensions and Terminations) will also require revisions to reflect the provisions of Section 2341 of Pub. L. 97–35. Each includes references to quarterly calculations for eligibility for SSI benefits or benefit amounts which must be revised and may require other clarifications or policy changes. We are deferring these revisions in the interest of expediting the publication of the revisions that are proposed in this notice.

Executive Order 12291

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities because they affect individual beneficiaries and, to a lesser degree, States.

Paperwork Reduction Act

These regulations impose no reporting/recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: September 10, 1981.

Paul B. Simmons,

Acting Commissioner of Social Security.

Approved: October 5, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

Subpart B—Eligibility

1. The authority citation for Subpart B of Part 416 is revised to read as follows:

Authority: Sec. 1102, 1602, 1611, 1614, and 1631 of the Social Security Act as amended; secs. 211 and 212 of Pub. L. 93–66; 49 Stat. 647 as amended, 86 Stat. 1465, 86 Stat. 1466, 86 Stat. 1471, and 86 Stat. 1475; (42 U.S.C. 1302, 1361a, 1382, 1382c, and 1383).

2. Section 416.220 is revised to read as follows:

§ 416.220 Determination of eligibility; general.

An individual or spouse must furnish such information concerning income (as defined in Subpart K of this part) and resources (as defined in Subpart L of this part) as is necessary to establish eligibility or continuing eligibility for supplemental security income benefits. Eligibility is determined for each month based on income, resources, and other relevant characteristics (factors of eligibility) in such month. Payment amounts are also determined for each month but may, however, be based on income and other relevant characteristics from a prior month. (See Subpart D for further explanation of this rule.)

§ 416.221 [Removed]

3. Section 416.221 is removed.

§ 416.222 [Amended]

4. Section 416.222 is amended by removing the word "quarter" and adding the word "month" in lieu thereof in

paragraphs (c)(1)(i), (c)(2)(i) and (c)(3) and by removing the word "quarters" and adding the word "months" in lieu thereof in sections (c)(1)(ii), (c)(1)(iii), (c)(2)(ii) and (c)(2)(iii).

§ 416.269 [Amended]

5. Section 416.269 is amended by removing the words "calendar quarter" and adding the word "month" in lieu thereof in the second sentence of the introductory paragraph.

Subpart D—Amount of Benefits

6. The authority citation for Subpart D of Part 416 is revised to read as follows:

Authority: Secs. 1611 and 1612 of the Social Security Act as amended; secs. 210 and 211 of Pub. L. 93-66; 49 Stat. 647 as amended, 86 Stat. 1466, and 86 Stat. 1468; 42 U.S.C. 1382 and 1382(a).

7. Section 416.410 is revised to read as follows:

§ 416.410 Amount of benefits; eligible individual.

The benefit under this part for an eligible individual who does not have an eligible spouse, who is not in an institution (see § 416.231), and who is not a qualified individual (as defined in § 416.242), shall be payable at the rate of $264.70 per month beginning July 1, 1981 (however, see § 416.405 with respect to cost-of-living increases), reduced by the amount of such individual's income not excluded under the rules in Subpart K of this part.

8. Section 416.412 is revised to read as follows:

§ 416.412 Amount of benefits; eligible couple.

The benefit under this part for an eligible couple neither of whom is in an institution (see § 416.231) or is a qualified individual (as defined in § 416.242), shall be payable at the rate of $397 per month beginning July 1, 1981 (however, see § 416.405 with respect to cost-of-living increases), reduced by the amount of income of such individual and spouse that is not excluded under the rules in Subpart K of this part. (See § 416.502.)

9. Section 416.420 is revised to read as follows:

§ 416.420 Determination of benefits; general.

Benefits shall be determined for each month. The amount of the monthly payment will be computed by reducing the benefit rate (see §§ 416.231(a)(2), 416.410, and 416.412) by the amount of income not excluded under the rules in Subpart K of this part. The amount of income we use to reduce your benefit rate to determine how much your benefit payment will be for the current month (the month for which a benefit is payable) will be determined as follows:

(a) *General rule.* We use the amount of income you received in the second month prior to the current month to determine how much your benefit payment will be for the current month.

Example: Mrs. X's benefit amount is being determined for September (the current month). Mrs. X's income in July is used to determine the amount of the benefit payment for September.

(b) *Exceptions to the General Rule—*(1) *First month of eligibility or eligibility after a month of ineligibility.* We count your income in the current month to determine your benefit amount for the first month you are eligible for SSI benefits or for the first month you become eligible for SSI benefits after at least a month of ineligibility.

Example: Mrs. Y applies for SSI benefits in September. We use Mrs. Y's income in September to determine the amount of her benefit for September. The same would be true if Mrs. Y had been ineligible for SSI benefits in August and again became eligible for such benefits in September.

(2) *Second month of initial eligibility or eligibility after a month of ineligibility.* We count your income in the first month prior to the current month to determine how much your benefit payment will be for the current month when the current month is the second month of initial eligibility or the second month following at least a month of ineligibility.

Example: Mrs. Y was initially eligible for SSI benefits in September. Her benefit amount for October will be based on her income in September (first prior month).

(3) *Third month of initial eligibility or eligibility after a month of ineligibility.* We count your income according to the rule set out in paragraph (a) of this section to determine how much your benefit payment will be in the third month of initial eligibility or the third month after at least a month of ineligibility.

Example: Mrs. Y was initially eligible for SSI benefits in September. Her benefit amount for November will be based on her income in September (second prior month).

§ 416.422 [Removed]

10. Section 416.422 is removed.

11. Section 416.424 is revised to read as follows:

§ 416.424 Change in status involving an individual; eligibility continues.

A redetermination of payment amount shall be made in any case where there is a basic change in status (which includes but is not limited to entering or leaving an institution) without loss of eligibility. The monthly rate of payment shall be set to reflect the status of the beneficiary for each month. In setting the rate of payment for each month, amounts consistent with §§ 416.231(a)(2) and 416.410, as applicable, will be used.

12. Section 416.426 is revised to read as follows:

§ 416.426 Change in status involving an individual; ineligibility occurs.

When ineligibility occurs (see Subpart M of this part) in a month, no payment is made for that month.

13. Section 416.432 is revised to read as follows:

§ 416.432 Change in status involving a couple; eligibility continues.

When there is a change in status involving only the living arrangements (e.g., institutionalization or a different household arrangement) of one or both members of an eligible couple, payments will be redetermined as in § 416.424, with payment rates and payment amounts consistent with §§ 416.231(a)(2), 416.410, and 416.412, as applicable. Where the change of status involved the formation or dissolution of an eligible couple (e.g., marriage, divorce, living apart more than 6 months), a redetermination of payment amount shall be made for the months subsequent to the month of such formation or dissolution of the couple in accordance with the following rules:

(a) When one member of a couple lives in the household of another and receives support and maintenance in-kind from that person, and the other member of the couple is neither in the household of another receiving support and maintenance, nor in an institution and subject to payment reduction for Medicaid support (§ 416.231), the rate of payment for the couple shall be consistent with § 416.412. The payment amount to the member of the couple living in the household of another shall be one-third of the amount of the monthly payment due the couple minus the value of in-kind support and maintenance received (see § 416.1131). The payment amount to the other member of the couple shall be two-thirds of the amount of the monthly payment due the couple.

(b) When one member of a couple is in an institution and subject to payment limitation because of being a resident of a Medicaid institution (§ 416.231), the rate of payment for the couple shall be consistent with §§ 416.410 and 416.231(a)(2)(i). No more than $25 per

month shall be paid to such member of the couple so institutionalized.

(c) When there is a dissolution of an eligible couple and each member of the couple becomes an eligible individual the payment amount for each person shall be computed individually for each month beginning with the first full month after the dissolution. This shall be done by determining the applicable rate of payment for an eligible individual with no eligible spouse (see §§ 416.410 and 416.231).

(d) When two eligible individuals become an eligible couple the payment for the months subsequent to the change in status shall be computed under this new eligibility status in the same manner as described in § 416.412. To compute the payment amount we count their income under the general rule in § 416.420(a).

14. Section 416.435 is revised to read as follows:

§ 416.435 Change in status involving a couple; ineligibility occurs.

When ineligibility occurs in a month for both members of an eligible couple, no payment is made for that month. Where one member of an eligible couple becomes ineligible for a month, the remaining member of the couple assumes the eligibility status of an eligible individual without an eligible spouse for such month and the payment amount will be computed individually for the month: *Provided,* That such individual meets the requirements of section 1611(a)(1) of the Act with respect to income and resources; and that individual's payments for those months shall be redetermined in accordance with either § 416.430 or § 416.432, whichever is applicable.

Subpart G—Reports Required

15. The authority citation for Subpart G of Part 416 reads as follows:

Authority: Secs. 1102, 1611, 1612, 1613, 1614, and 1631 of the Social Security Act as amended; sec. 211 of Pub. L. 93–66; 49 Stat. 647, as amended; 86 Stat. 1466, 1468, 1470, 1471, and 1475; 87 Stat. 154; (42 U.S.C. 1302, 1382, 1382a 1382b, 1382c and 1383).

§ 416.714 [Amended]

16. Section 416.714 is amended by removing the words "30 days after the calendar quarter" and adding the words "10 days after the close of the month" in lieu there of in the second sentence.

§ 416.726 [Amended]

17. In § 416.726, paragraphs (a) and (b) are amended by removing the words "30 days after the calendar quarter" and adding the words "10 days after the close of the month" in lieu thereof in the first sentence of each and by removing the examples in each paragraph.

§ 416.728 [Amended]

18. In § 416.728, paragraphs (a) and (b) are amended by removing the words "30 days after the calendar quarter" and adding the words "10 days after the close of the month" in lieu thereof in the first sentence of each and by removing the examples in each paragraph.

§ 416.730 [Amended]

19. In § 416.730, paragraph (a) is amended by removing the words "30 days after the calendar quarter" and adding the words "10 days after the close of the month" in lieu thereof in the second sentence and by removing the example.

20. In § 416.730, paragraph (b) is amended by removing the words "30 days after the calendar quarter" and adding the words "10 days after the close of the month" in lieu thereof in the first sentence and by removing the example.

Subpart K—Income

21. The authority citation for Subpart K of Part 416 reads as follows:

Authority: Secs. 1102, 1611, 1612, 1613, 1614, and 1631 of the Social Security Act as amended; Sec. 211 of Pub. L. 93–66; 49 Stat. 647 as amended, 86 Stat. 1466, 86 Stat. 1468, 86 Stat. 1470, 86 Stat. 1471, 86 Stat 1475, 87 Stat. 154; (42 U.S.C. 1302, 1382, 1382a, 1382b, 1382c, and 1383).

22. Section 416.1100 is revised to read as follows:

§ 416.1100 Income and SSI eligibility.

You are eligible for supplemental security income (SSI) benefits if you are an aged, blind, or disabled person who meets the requirements described in Subpart B and who has limited income and resources. Thus, the amount of income you have is a major factor in deciding whether you are eligible for SSI benefits and the amount of your benefit. Income is counted on a monthly basis. Generally, the more income you have the less your benefit will be. If you have too much income, you are not eligible for a benefit. However, we do not count all of your income to determine your eligibility and benefit amount. We explain in the following sections how we treat your income for the SSI program. These rules apply to the Federal benefit and to any optional State supplement paid by us on behalf of a State (§ 416.2025) except as noted in Subpart T and in the Federal—State agreements with individual States. While this subpart explains how we count income, Subpart D of these regulations explains how we compute your benefits including the provision that we generally use income from a prior month to determine how much your benefit payment will be for the current month (See § 416.420).

§ 416.1101 [Amended]

23. Section 416.1101 is amended by removing the word "quarterly" and adding the word "monthly," in lieu thereof in the definition of "Federal benefit rate."

24. In § 416.1111 the second sentence in paragraph (a) is amended by removing the words "calendar quarter" and adding the word "month" in lieu thereof and paragraph (b) is revised to read as follows:

§ 416.1111 How we count earned income.

* * * * *

(b) *Net earnings from self-employment.* We count net earnings from self-employment on a taxable year basis. However, we divide the total of these earnings equally among the months in the taxable year to get your earnings for each month. For example, if your net earnings for a taxable year are $2,400, we consider that you received $200 in each month. If you have net losses from self-employment, we divide them over the taxable year in the same way, and we deduct them only from your other earned income.

* * * * *

25. In § 416.1112 the third sentence in paragraph (a) is amended by removing the words "calendar quarter" and adding the word "month" in lieu thereof and paragraph (c) (1), (2), (3) and (4) are revised to read as follows:

§ 416.1112 Earned income we do not count.

* * * * *

(c) *Other earned income we do not count.* We do not count as earned income—

(1) Up to $10 of earned income in a month if you receive it infrequently or irregularly; that is, if you receive it only once in a calendar quarter from a single source or if you cannot reasonably expect to receive it. If the total amount of infrequent or irregular earned income you receive in a month exceeds $10, we cannot use this exclusion;

(2) Up to $400 per month but not more than $1,620 in a calendar year, if you are a blind or disabled child who is a student regularly attending school as described in § 416.1861.

(3) Any portion of the $20 monthly exclusion in § 416.1124(c)(10) which has not been excluded from your unearned income in that same month;

(4) $65 plus one-half of your remaining earned income in a month.

* * * * *

§ 416.1123 [Amended]

26. In § 416.1123 the second sentence is amended by removing the words "calendar quarter" and adding the word "month" in lieu thereof.

27. In § 416.1124 paragraph (a) is amended by removing the word "you" in the first sentence and adding the word "your" in lieu thereof and by removing the words "calendar quarter" and adding the word "month" in lieu thereof in the third sentence and by removing the amount "$60" and adding "$20" in the last sentence in lieu thereof and paragraphs (c)(6) and (c)(10) are revised to read as follows:

§ 416.1124 Unearned income we do not count.

* * * * *

(c) *Other unearned income we do not count.* We do not count as unearned income—

* * * * *

(6) Up to $20 of unearned income in a month if you receive it infrequently or irregularly; that is, if you receive a type of income listed in § 416.1121 only once during a calendar quarter from a single source or if you cannot reasonably expect to receive it. If the total amount of infrequent or irregular unearned income you receive in a month exceeds $20, we cannot use this exclusions

* * * * *

(10) The first $20 of any unearned income in a month other than income based on need. Income based on need is a benefit that uses the amount of your income as a factor to determine your eligibility. The $20 exclusion does not apply to a benefit based on need that is totally or partially funded by the Federal government or by a nongovernmental agency. (However, assistance which is based on need and funded wholly by a State or one of its political subdivisions is excluded totally from income as described in § 416.1124(c)(2).) If you receive less than $20 of unearned income in a month and you have earned income in that month, we will use the rest of the $20 exclusion to reduce the amount of your countable earned income; and

* * * * *

§ 416.1131 [Amended]

28. In § 416.1131, paragraph (a) is amended by removing the words "reduce the Federal benefit rate by one-third" and adding the words "count one-third of the Federal benefit rate as additional income," in lieu thereof and paragraph (b) is amended by removing the words "is a flat reduction of the Federal benefit rate. It."

§ 416.1146 [Removed]

29. Section 416.1146 is hereby removed.

§ 416.1147 [Amended]

30. In § 416.1147, paragraph (c), the next to the last sentence is amended by removing the words "reduced by one-third" and adding the words "and one-third of that rate is counted as income" in lieu thereof.

§ 416.1148 [Amended]

31. In § 416.1148 the first sentence of paragraph (b)(2) is amended by removing "21" and adding "18".

§ 416.1149 [Amended]

32. In § 416.1149, paragraph (c)(2)(ii) is amended by removing "21" and adding "18".

33. In § 416.1160, paragraph (a) is amended by adding subparagraph (3) to read as follows:

Deeming of Income

§ 416.1160 What is deeming.

(a) *General.* * * *

(3) We deem income to determine whether you are eligible for a benefit and to determine the amount of your benefit. However, we consider this income in different periods for each purpose.

(i) *Eligibility.* We consider how much income your ineligible spouse, ineligible parent, or essential person has in the current month that is deemed to you to determine whether you are eligible for SSI benefits.

(ii) *Amount of benefit.* We consider how much income your ineligible spouse, ineligible parents or essential person received in the second month prior to the current month that was deemed to you to determine your benefit amount. *Exception:* In the first month you are eligible or in a month after you have been ineligible for at least a month, we consider the same income to compute your benefit amount that we use to determine your elibibility. In the following month (the second month) we consider the same income to compute your benefit amount that we use in the preceding month.

* * * * *

34. In § 416.1161, we are revising paragraph (c) to read as follows. The introductory paragraph is shown for reader convenience.

§ 416.1161 Income of an ineligible spouse, ineligible parent, and essential person for deeming purposes.

The first step in deeming is determining how much income your ineligible spouse, ineligible parent, or essential person has. We do not always include all of their income when we determine how much income to deem. In this section we explain the rules for determining how much of their income is subject to deeming. As part of the process of deeming income from your ineligible spouse or parent we must determine the amount of income of any ineligible children in the household.

* * * * *

(c) *For an ineligible child.* Although we do not deem any income to you from an ineligible child, we reduce his or her allocation if the ineligible child has income (see § 416.1163(b)(2)). For this purpose, we do not include any of the child's income listed in paragraph (a) of this section. In addition, if the ineligible child is a student (see § 416.1861), we exclude any of the child's earned income up to $400 a month but not more than $1,620 per year.

35. In § 416.1163, paragraphs (b)(1), (c), (d), (e), and (f) are revised to read as follows. The introductory paragraph is shown for reader convenience.

§ 416.1163 How we deem income to you from your ineligible spouse.

If you have an ineligible spouse who lives in the same household, we apply the deeming rules to your ineligible spouse's income in the following order:

* * * * *

(b) *Allocations for ineligible children.* We then deduct an allocation for ineligible children in the household to help meet their needs. *Exception:* We do not allocate for children who are receiving public income-maintenance payments (see § 416.1142(a)).

(1) The allocation for each ineligible child is one-half of the Federal benefit rate for an eligible individual. The amount of the allocation automatically increases whenever the Federal benefit rate increases.

* * * * *

(c) *Determining your eligibility for SSI.* (1) If the amount of your ineligible spouse's income that remains after appropriate allocations is not more than one-half of the Federal benefit rate for an eligible individual there is no income to deem to you in the current month. In this situation, only your own countable income is deducted from the Federal benefit rate for an individual to determine whether you are eligible for SSI benefits.

(2) If the amount of your ineligible spouse's income that remains after appropriate allocations is more than one-half of the Federal benefit rate for an eligible individual, we treat you and your ineligible spouse as an eligible couple. We do this by:

(i) Combining the remainder of your spouse's unearned income with your own unearned income and the remainder of your spouse's earned income with your earned income;

(ii) Applying all appropriate income exclusions in §§ 416.1112 and 416.1124; and

(iii) Subtracting the total countable income from the Federal benefit rate for an eligible couple.

(d) *Determining your SSI benefit.* (1) We determine your SSI benefit in the same way that we determine your eligibility. However, in following the procedure in paragraphs (a) through (c) of this section, we use your ineligible spouse's income in the second month prior to the current month. We vary this rule if this is the first month you are eligible for an SSI benefit or if you are again eligible after at least a month of being ineligible. In the first month of your eligibility (or re-eligibility), we deem your inteligible spouse's income in the current month both to determine whether you are eligible for a benefit and the amount of your benefit. In the second month, we count your ineligible spouse's income in that month to determine whether you are eligible for a benefit but we count your ineligible spouse's income that was deemed to you in the first month to determine the amount of your benefit.

(2) Your SSI benefit under the deeming rules cannot be higher than it would be if deeming did not apply. Therefore, your benefit is the amount computed under the rules in paragraph (c)(2) of this section or the amount remaining after we subtract only your own countable income from an individual's Federal benefit rate, whichever is lower.

(e) *Special rules for couples when a change in status occurs.* We have special rules to determine how to deem your spouse's income to you when there is a change in your situation.

(1) *Ineligible spouse becomes eligible.* If your ineligible spouse becomes eligible for SSI benefits, we will consider both of you to be new applicants. Therefore, your eligibility and benefit amounts in the first month you are an eligible couple will be based on your income in that month. In the second month, your benefit amounts will be based on your income from the first month.

(2) *Spouses separate or divorce, or ineligible spouse dies.* If you separate from your ineligible spouse or your marriage to an ineligible spouse ends by death or divorce, we do not deem your ineligible spouse's income to you to determine your eligibility for benefits beginning with the first full month following the event. However, to determine your benefit amount, we follow the regular rule of counting your income, which will include any of your ineligible spouse's income that was deemed to you, from the second month prior to the current month. Thus, to figure your benefit amount, we continue to deem your spouse's income to you for two full months following the event.

(3) *Eligible individual marries an ineligible individual.* If you marry an ineligible individual, we deem your ineligible spouse's income to you in the first full month of your marriage to determine whether you continue to be eligible for SSI benefits. However, we continue to follow the regular rule to determine your benefit amount. Thus, to figure your benefit amount, we do not deem your spouse's income to you for two full months following the month of your marriage.

(f) *Examples.* These examples describe how we deem income from an ineligible spouse to an eligible individual in cases which do not involve initial eligibility or re-eligibility. The Federal benefit rates used are those effective July 1, 1981.

Example 1. Ted, an aged individual, lives with his ineligible spouse, Alice, and their ineligible son, Mike. Ted has a Federal benefit rate of $264.70 per month. Alice receives $232.35 unearned income per month. She has no earned income and Mike has no income at all. Before we deem any income, we allocate to Mike $132.35 (half of the Federal benefit rate for an eligible individual). We subtract the allocation ($132.35) from Alice's unearned income ($232.35) leaving $100. Since Alice's remaining income ($100) is not more than one-half of the Federal benefit rate for an individual ($132.35) we do not deem any income to Ted. Instead, we compare only Ted's own countable income with the Federal benefit rate for an eligible individual to determine whether he is eligible. If Ted's own countable income is less than his Federal benefit rate, he is eligible. To determine the amount of his benefit, we determine his countable income, including any deemed from Alice, from two months ago and subtract this income from the appropriate current Federal benefit rate.

Example 2. George, a disabled individual, lives with his ineligible spouse, Ellen, and ineligible child, Christine. George and Christine have no income. Ellen has earned income of $400 a month and unearned income of $232.35 a month. Before we deem any income we allocate $132.35 to Christine. We take the allocation ($132.35) from Ellen's unearned income ($232.35) leaving $100 in unearned income. Since Ellen's remaining income is more than one-half the Federal benefit rate for an individual we deem the remaining unearned income ($100) and the earned income ($400) to be available to George and Ellen and treat them as a couple. We apply the $20 general income exclusion to the unearned income reducing it further to $80. We then apply the earned income exclusion ($65 plus one-half the remainder) to Ellen's earned income of $400 leaving $167.50. We combine the countable unearned income ($80) and countable earnned income ($167.50) and compare it ($247.50) with the Federal benefit rate for a couple ($397) and determine that George is eligible. Since George is eligible, we determine the amount of his benefit by subtracting the income he received two months ago (including any to be deemed from Ellen) from the Federal benefit rate for a couple.

Example 3. Joe, a disabled individual, lives with his ineligible spouse, Mary. She earns $200 per month. Joe receives a pension (unearned income) of $100 a month. Since Mary's income is greater than one-half of the Federal benefit rate for an individual ($132.35), we deem all of her income to be available to both Joe and Mary and treat them as a couple. We apply the $20 general income exclusion to Joe's $100 unearned income, leaving $80. Then we apply the earned income exclusion ($65 plus one-half of the remainder) to Mary's $200, leaving $67.50. This gives the couple total countable income of $147.50. This is less than the $397 Federal benefit rate for a couple, so Joe would be eligible based on deeming. However, if Joe were not subject to deeming rules, his countable income would be $80. This is because Joe's own unearned income of $100 minus the $20 general income exclusion leaves $80 countable income. This $80 is less than the $264.70 Federal benefit rate for an individual so Joe is still eligible based on his own income ($264.70 minus $80 equals $184.70). Since he is eligible, we determine the amount of his benefit based on his income (including any deemed from Mary) from two months ago.

36. Section 416.1165 is revised to read as follows:

§ 416.1165 How we deem income to you from your ineligible parent.

If you are a child under age 18 living with one or both of your parents, we apply the deeming rules to their income in the following order:

(a) *Determining your ineligible parents income.* We first determine how much current monthly earned and unearned income your ineligible parents have, using the appropriate exclusions in § 416.1161(a).

(b) *Allocations for ineligible children.* We next deduct an allocation for each ineligible child in the household as described in § 416.1163(b).

(c) *Allocations for your ineligible parents.* We next deduct allocations for your parents. These vary depending on

the type of income they have. We do not allocate for a parent who is receiving public income-maintenance payments (see § 416.1142(a)).

(1) *All parental income is earned.* If your parents have only earned income, we allocate $85 (the sum of the $20 general income exclusion and the $65 earned income exclusion) plus—

(i) Double the Federal benefit rate for a couple if both parents live with you; or

(ii) Double the Federal benefit rate for an individual if only one parent lives with you.

(2) *All parental income is unearned.* If your parents have only unearned income, we allocate $20 (the amount of the general income exclusion) plus—

(i) The Federal benefit rate for a couple if both parents live with you; or

(ii) the Federal benefit rate for an individual if only one parent lives with you.

(3) *Parental income is both earned and unearned.* If your parents have both earned and unearned income, we allocate for them as follows. We first deduct $20 from their combined unearned income. If they have less than $20 in unearned income we subtract the balance of the $20 from their combined earned income. Next, we subtract $65 plus one-half the remainder of their earned income. We total the remaining earned and unearned income, and subtract—

(i) The Federal benefit rate for a couple if both parents live with you; or

(ii) The Federal benefit rate for an individual if only one parent lives with you.

(d) *Determining your eligibility for SSI benefits.* We deem any of your parents' current monthly income that remains to be your unearned income. We combine it with your own unearned income and apply the exclusions in § 416.1124 to determine your countable unearned income. We add this to any countable earned income you may have and subtract the total from the Federal benefit rate for an individual to determine whether you are eligible for benefits.

(e) *When you are not the only eligible child.* If your parents have more than one eligible child in the household, we divide the parental income to be deemed equally among the eligible children. However, we do not deem more income to an eligible child than the amount which, when combined with the child's own income, reduces his or her SSI benefit to zero. (For purposes of this paragraph, an SSI benefit includes any federally administered State supplement.) If the share of parental income that would be deemed to a child makes that child ineligible because that child has other countable income, we deem any remaining parental income to other eligible children in the household in the manner described in this paragraph.

(f) *Determining your SSI benefit.* We determine your SSI benefit in the same way that we determine your eligibility. However, in following the procedure in paragraphs (a) through (d) of this section, we use your ineligible parent's income in the second month prior to the current month. We vary this rule if this is the first month you are eligible for an SSI benefit or if you are again eligible after at least a month of being ineligible. In the first month of your eligibility (or re-eligibility) we deem your ineligible parents' income in the current month both to determine whether you are eligible for a benefit and the amount of your benefit. In the second month, we count your ineligible parents' income in that month to determine whether you are eligible for a benefit but we count your ineligible parent's income that was deemed to you in the first month to determine the amount of your benefit.

(g) *Special rules for a change in status.* We have special rules to determine how to deem your ineligible parents' income to you when a change in your family situation occurs.

(1) *Ineligible parent becomes eligible.* If your ineligible parent becomes eligible for SSI benefits, there will be no income from that parent to deem to you to determine your eligibility for SSI benefits beginning with the month your parent becomes eligible. However, to determine your benefit amount, we follow the regular rule of counting your income as of two months prior to the current month. Thus, to determine your benefit amount, we continue to deem your parent's income to you in the month the parent became eligible for benefits and in the following month.

(2) *Eligible parent becomes ineligible.* If your eligible parent becomes ineligible, we deem your parent's income to you in the first month of the parent's ineligibility to determine whether you continue to be eligible for SSI benefits. However, to determine your benefit amount, we follow the regular rule of counting your income as of the second month prior to the current month. Thus, to figure your benefit amount, we start to deem your ineligible parent's income to you in the second month following the month the parent became ineligible.

(3) *Ineligible parent leaves the household.* If your ineligible parent leaves your household, we do not deem that parent's income to you to determine your eligibility for SSI benefits beginning with the first full month following the parent's departure. However, to determine your benefit amount we follow the regular rule of counting your income in the second month prior to the current month. Thus, to figure your benefit amount, your parent's income is deemed to you for two months following the month the parent left.

(4) *Ineligible parent joins the household.* If your ineligible parent moves into your household, we determine that parent's income in the first full month of his or her presence in your household to determine whether you continue to be eligible for SSI benefits. However, to determine your benefit amount, we follow the regular rule of counting your income in the second month prior to the current month. Thus, to figure your benefit amount, we do not deem this ineligible parent's income to you until the second month following the first full month he or she has been in the household.

(5) *Ineligible parents dies.* If your ineligible parent dies, there will be no income from that parent to deem to you to determine your eligibility for SSI benefits beginning with the month after the month of death. However, we follow the regular rule to determine the amount of your benefit—we count your income in the second month prior to the current month. Thus, this parent's income is deemed to you for two months following the month of death.

(6) *You attain age 18.* To determine your continuing eligibility in the month you reach 18 and thereafter, no parental income is deemed to you. However, we follow the regular rule to determine your benefit amount—we count you income in the second month prior to the current month. Thus, your ineligible parents' income is deemed to you in the month you reach age 18 and in the following month.

(h) *Examples.* These examples describe how we deem an ineligible parent's income to an eligible child. The Federal benefit rates are those effective July 1, 1981.

Example 1. Henry, a disabled child, lives with his mother and father and a 12-year-old ineligible brother. His mother receives a pension (unearned income) of $235 per month and his father earns $910 per month. Henry and his brother have no income. First, we allocate $132.35 for Henry's brother from the unearned income of $235. This leaves $102.65 in unearned income. Since the remaining parental income is both earned and unearned, we reduce the unearned income further by $20, leaving $82.65. We then reduce the $910 of earned income by $65 plus one-half of the remainder, leaving $422.50. From the total remaining income of $505.15 we subtract $397 (the Federal benefit rate for a

couple), leaving $108.15 to be deemed as Henry's unearned income. We then apply Henry's $20 general income exclusion which reduces his countable income to $88.15. Since that amount is less than the $264.70 Federal benefit rate for an individual, Henry is eligible. We determine his benefit amount by subtracting his income (including deemed income) of two months ago from the Federal benefit rate for an individual.

Example 2. James and Tony are disabled children who live with their mother. The children have no income but their mother receives $370 a month in unearned income. Since all the mother's income is unearned, the amount we allocate for her needs is $284.70 (the Federal benefit rate for an individual, $264.70, plus the $20 general income exclusion). After subtracting this allocation from her $370 we divide the remaining $85.30 equally between the two children ($42.65 each) as unearned income. We then apply the $20 general income exclusion leaving each child with $22.65 countable income. The $22.65 countable income is less than the $264.70 Federal benefit rate for an individual, so the children are eligible. We determine their benefits by subtracting their income (including deemed income) of two months ago from the Federal benefit rate.

37. Section 416.1166 is amended by revising paragraphs (c) and (d), redesignating the existing paragraph (e) as paragraph (f), adding a new paragraph (e), and amending the examples in the redesignated paragraph (f) to read as follows:

§ 416.1166 How we deem income to you and your eligible child from your ineligible spouse.

If you and your eligible child live in the same household with your ineligible spouse, we deem your ineligible spouse's income first to you, and then we deem any remainder to your eligible child.

* * * * *

(c) *Determining your eligibility for SSI benefits.* We then follow the rules in § 416.1163 to find out how much of your ineligible spouse's current monthly income is deemed to you in order to determine whether you are eligible for benefits.

(d) *Determining your SSI benefits.* We determine your SSI benefit in the same way that we determine your eligibility. However, in following the procedure in (a) through (c) of this section we use your ineligible spouse's income that was deemed to you in the second month prior to the current month. We vary this rule if this is the first month you are eligible for and SSI benefit or if you are again eligible after at least a month of ineligibility. This is described in § 416.1163(d) and 416.1165(f).

(e) *Determining your child's eligibility and amount of benefits.* * * *

(2) If your are not eligible for an SSI benefit after your ineligible spouse's income has been deemed to you, we deem to your eligible child any of your spouse's income which was not used to reduce your benefit to zero. (For purposes of this section your SSI benefit includes any federally administered State supplement.) We then follow the rules in § 416.1165 (d) and (e) to determine the child's eligibility for an SSI benefit.

(f) *Examples.* These examples describe how we deem income to an eligible individual and an eligible child in the same household. The Federal benefit rates used are those effective July 1, 1981.

Example 1. Mary, a blind individual, lives with her husband, John, and their disabled child, Peter. Mary and Peter have no income, but John is employed and earns $600 per month. We determine Mary's eligibility first. Since John's income is more than one-half the Federal benefit rate for an eligible individual, we treat the entire $600 as earned income available to John and Mary as a couple. Because they have no unearned income, we reduce the $600 by the $20 general income exclusion and then by the earned income exclusion of $65 plus one-half the remainder. This leaves John and Mary with $257.50 in countable income. The $257.50 countable income is less than the $397 benefit rate for a couple so Mary is eligible; therefore, there is no income to be deemed to Peter.

Example 2. Al, a disabled individual, resides with his ineligible spouse, Dora, and their disabled son, Jeff. Al and Jeff have no income, but Dora is employed and earns $1,000 a month. Since Dora's income is more than one-half the Federal benefit rate for an eligible indivudual, we treat the entire $1,000 as earned income available to Al and Dora as a couple. We reduce this income by the $20 general income exclusion and then by $65 plus one-half the remainder (earned income exclusion), leaving $457.50 in countable income. Al is ineligible because the countable income ($457.50) exceeds the Federal benefit rate for a couple ($397). Since Al is ineligible, we deem to Jeff $60.50, the amount of income over and above the amount which causes Al to be ineligible (the difference between the countable income and the Federal benefit rate for a couple). We treat the income deemed to Jeff ($60.50) as unearned income and we apply the $20 general income exclusion reducing Jeff's countable income to $40.50. Comparing the countable income ($40.50) with the Federal benefit rate for an indivudual ($264.70), we find that Jeff is eligible.

38. Section 416.1167 is revised to read as follows:

§ 416.1167 Temporary absences and deeming rules.

A temporary absence, for purposes of deeming, occurs when you or your ineligible spouse or parent leave the household but intend to, and do, return in the same month or the month immediately following. If the absence is temporary, we continue to deem. If you are an eligible child who is away at school but comes home on some weekends or lengthy holidays and if you are subject to the control of your parents, we consider you temporarily absent from your parents' household. However, if you are not subject to parental control, we do not consider your absence temporary and we do not deem parental income to you. Being subject to parental control affects whether income is deemed to you only if you are away at school.

39. Section 416.1168 is amended by revising paragraph (b) to read as follows:

§ 416.1168 How we deem income to you from your essential person.

* * * * *

(b) *Determining your eligibility for an SSI benefit.* We apply the exclusions to which you are entitled under §§ 416.1112 and 416.1124 to your earned income and to your unearned income which includes any current month's income to be deemed from your essential person. After combining the remaining amounts of countable income, we compare the total with the Federal benefit rate for a qualified individual (see § 416.413) to determine whether you are eligible for an SSI benefit.

(c) *Determining your SSI benefit.* We determine your SSI benefit in the same way that we determine your eligibility. However, in following the procedure in paragraphs (a) and (b) of this section we use your essential person's income that we deemed to you in the second month prior to the current month.

40. Section 416.1169 is amended by revising the introductory paragraph to read as follows:

§ 416.1169 When we stop deeming income from an essential person.

If your countable income, including the income deemed to you from your essential person, causes you to be ineligibile for an SSI payment, you are no longer considered to have the essential person whose income makes you ineligible and only your own countable income is deducted from your Federal benefit rate, both to determine your eligibility and, in the third month thereafter, to determine the amount of your SSI benefit. However, other deeming rules may then apply as follows:

* * * * *

§ 416.1182 [Amended]

41. In § 416.1182, the introductory paragraph is amended by removing the

word "quarter" and adding the word "month" in lieu thereof.

Subpart L—Resources and Exclusions

42. The authority citation for Subpart L of Part 416 reads as follows:

Authority: Secs. 1102, 1601, 1602, 1611, 1612, 1613, 1614(f), and 1631(d); 49 Stat. 647 as amended, 86 Stat. 1465, 1466, 1468, 1470, 1473; (42 U.S.C. 1302, 1381, 1381a, 1382, 1382a, 1382b, 1382c(f), and 1383(c)).

§ 416.1232 [Amended]

43. In § 416.1232, the last sentence in paragraph (a) is amended by removing the word "quarter" and adding the word "month" in lieu thereof, and the last sentence of paragraph (b) is amended by removing the word "quarter" and adding the word "month" in lieu thereof.

Subpart T—State Supplementation Provision; Agreements; Payments

44. The authority citation for Subpart T reads as follows:

Authority: Secs. 1102, 1601, 1616, 1631, and 1634 of the Social Security Act as amended; sec. 401 of Pub. L. 92–603; sec. 212 of Pub. L. 93–66; sec. 8 of Pub. L. 93–335; 49 Stat. 647 as amended, 86 Stat. 1465, 87 Stat. 155, 87 Stat. 956, and 88 Stat. 291; (42 U.S.C. 1302, 1381, 1382e, 1383, 1383c, 1383e nts, 1382 nt (7 U.S.C. 2012 nts) unless otherwise noted).

§ 416.2020 [Amended]

45. In § 416.2020, paragraph (c) is amended by adding a period after the word "month" and removing the following words "i.e., $3 per quarter".

46. In § 416.2030, a new paragraph (c) is added to read as follows:

§ 416.2030 Optional supplementation: variations in payments.

* * * * *

(c) *Effective month of State supplementary payment category.* The State supplementary payment category which applies to the beneficiary in the current month will be used to determine the State payment level for that month. This rule applies even if the income of the beneficiary for a prior month is used to determine the amount of State supplementary payment.

§ 416.2086 [Amended]

47. In § 416.2086, paragraph (b), the explanation of "Payment adjustment lag" is amended by adding the words "or in" prior to the words "the month of payment." and by removing the balance of the sentence that follows that phrase.

[FR Doc. 81–31384 Filed 10–28–81; 8:45 am]

BILLING CODE 4110–07–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 19, 211, 213 and 251

[Notice No. 389]

Distribution and Use of Denatured Alcohol and Rum and Distribution and Use of Tax-Free Alcohol

Correction

In FR Doc. 81–30376 appearing at page 51929 in the issue for Friday, October 23, 1981, make the following correction:

On page 51929, in the third column, in the date paragraph, in the second line, "January 21, 1981" should have read "January 21, 1982."

BILLING CODE 1505–01–M

POSTAL SERVICE

39 CFR Part 111

Changes in Handling of Undeliverable-as-Addressed Mail

AGENCY: Postal Service.

ACTION: Solicitation of comments in advance of proposed rulemaking.

SUMMARY: The Postal Service is considering a comprehensive revision of the way undeliverable-as-addressed mail is handled. The purpose of this notice is to explain the changes under consideration and to solicit suggestions and recommendations.

The principal changes under consideration are as follows: as to First-Class Mail, there would be free address correction for a six-month period following the existing one year of free forwarding; free address correction during the one-year period if the mailer requests it; and an extended forwarding option for recipients for all First-Class Mail (including priority mail). As to second-class mail, there would be free forwarding for both local and nonlocal mail for a period of 60 days. There would be five mailer options for the handling of bulk third-class mail. The same extended forwarding option offered to First-Class mail would, if purchased, be applicable to forth-class mail. If adopted, these changes would help reduce complaints about illegible Forms 3547, which the Postal Service uses to notify mailers about customers' address changes, and reduce unnecessary handlings in the processing of underliverable-as-addressed mail.

A detailed explanation of all changes, by class of mail, is contained in the "Supplementary Information" section of this notice. Following the receipt of mailer comments, and consideration of the comments, the Postal Service intends to implement changes to the system of handling undeliverable-as-addressed mail in phases, since both timing and procedures (Federal Register notice, Postal Rate Commission filing, etc.) will vary with the individual changes.

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

ADDRESS: Written comments should be addressed to the Director, Office of Post Office Services Delivery Services Department, U.S. Postal Service, Washington, D.C. 20260–7230. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday, in room 7347, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260–7230.

FOR FURTHER INFORMATION CONTACT: John Amtmann, Office of Post Office Services (202) 245–5791.

SUPPLEMENTARY INFORMATION: Mail which is undeliverable-as-addressed may be forwarded, returned to the sender, or treated as dead mail, depending on the treatment authorized for that particular class of mail. The revisions being considered by the Postal Service will substantially alter the forwarding, return, and address correction system currently in use. We believe that the suggested changes will provide greater flexibility for both sender and recipient, and better service for undeliverable-as-addressed mail. The following is a description of the changes being considered by the Postal Service for each class of mail.

First-Class Mail

Currently, First-Class letters and cards are forwarded to the new address for a period of one year at no charge. Priority mail is forwarded for a one-year period with postage charged to the recipient. Address correction notices are sent if requested on the mail piece, with the address correction fee charged to the mailer. First-Class letters and priority mail pieces, if unable to be forwarded, are returned to the sender at no charge. First-Class cards are returned only if postage is guaranteed by the sender.

Under the suggested plan, all First-Class Mail, including priority mail, would be forwarded free for a period of one year. Address information would be retained in the forwarding system for an additional six months. After the initial twelve-month forwarding period, the mail piece would be returned to the sender with the new address attached, through the eighteenth month. There

would be no charge for this address correction service. Postal and post cards that do not have a return address would be treated as waste after the initial twelve-month forwarding period. A mailer could obtain the new address within the first twelve months by endorsing the mail "Address Correction Requested." First-Class Mail bearing that endorsement would not be forwarded; it would be returned to the mailer at no charge, with the correct forwarding address attached. This service would continue through the eighteenth month. The mailer would have to pay First-Class postage if the piece is remailed to the new address.

The Postal Service is also considering offering the recipient of First-Class Mail an extended forwarding option beyond the twelve-month forwarding period. Under this plan, recipients would be able to purchase extended forwarding for renewable successive six-month periods. A fee would be established for this service, which would provide extended forwarding only for all First-Class Mail and fourth-class mail. The only First-Class Mail that would not be forwarded to the addressee during the extended forwarding period is mail that bears the "Address Correction Requested" endorsement. First-Class Mail bearing that endorsement will be returned to the sender at no charge with the address correction information attached. The address retention period for purposes of address correction, described in the preceding paragraph, would run for six months after the expiration of the extended forwarding option.

The Postal Service feels that the expansion of address availability will reduce the likelihood that the mailer will lose touch with the recipient. Recipients would be assured that their correspondents would automatically receive their new address for six months after the conclusion of the initial twelve-month forwarding period. In addition, the change to providing address correction information on the piece should reduce customer complaints of illegible or unreadable address correction notices, while reducing Postal Service time necessary to provide address correction service.

Second-Class Mail

The changes contemplated for second-class mail would simplify the system considerably. Under the current system, second-class publications are forwarded free for ninety days when the addressee moves locally (within the delivery area of the post office of address). When the move is nonlocal, second-class publications are forwarded for ninety days only when the addressee guarantees payment of forwarding postage. An address correction notice is sent to the mailer for the first issue that is not forwarded. The address correction fee is charged to the mailer for this notice. All further copies bearing the old address are disposed of as waste. The sender may guarantee the return of undeliverable copies of the publication by use of the "Return Postage Guaranteed" endorsement. The return charge is in addition to the fee for address correction.

Under the changes contemplated for second-class mail, all second-class publications (local and nonlocal moves) would be automatically forwarded without charge for a period of sixty days. An address correction notice would be sent, and the address correction fee charged, for the first issue after the sixty-day forwarding period. Any further copies received bearing the old address would be disposed of as waste, unless they carried a "Return Postage Guaranteed" endorsement. Pieces bearing that endorsement after the sixty-day forwarding period has expired would be returned, with the transient second-class rate and the address correction fee charged to the mailer. The extended forwarding option under consideration for First-Class Mail and fourth-class mail would not be available for second-class mail.

Third-Class Mail

The current system for handling undeliverable-as-addressed third-class mail authorizes forwarding of bulk third-class mail with a "Forwarding and Return Postage Guaranteed" endorsement, with the forwarding postage paid by the recipient. If the addressee refuses to pay the forwarding postage, the piece is returned to the sender, who is charged both forwarding and return postage due. Address correction notification is sent when specifically requested, and the address correction fee is charged.

The bulk third-class system would be substantially changed under the new system. Five special service options with separate fees would be offered to bulk rate third-class mailers. By allowing the mailer to purchase one of these options at the time of mailing, the recipient would no longer have to pay "postage due" for forwarded third-class mail. It is anticipated that the fees for these options would be prepaid by the mailer at the time of mailing, on a per-piece basis and that they would vary with each option. Undeliverable-as-addressed third-class bulk mail pieces not endorsed with one of the five options would be disposed of as waste.

The five proposed special service options are outlined below:

(1) *Forwarding only:* For the first twelve months, the piece would be forwarded if the forwarding address was known. If unable to be forwarded, the piece would be disposed of as waste.

(2) *Address correction only:* For the entire eighteen months, the piece would be returned with the correct address attached.

(3) *Return of piece only:* The piece would be returned without the corrected address. There is no time limit for this option.

(4) *Forwarding and return only:* For the first twelve months, the piece would be forwarded if the forwarding address was known. During months thirteen through eighteen, the piece would be returned without the correct address. If the piece is unable to be forwarded, the piece would be returned without the correct address.

(5) *Forwarding, return and address correction:* For the first twelve months, the piece would be forwarded if the forwarding address was known. During the thirteen- through eighteen-month period, the piece would be returned with the correct address. If the mail piece is unable to be forwarded, the piece would be returned.

After the expiration of the prescribed time period for each option, mail bearing the old address will be disposed of as waste.

The five options presented for bulk third-class mail should provide greater flexibility and enable mailers to purchase only those services necessary to their operation. For example, for those mailers for whom the correct address is important (house lists of advertisers, lists of old customers, lists of very selective prospects), the mailer would be able to purchase address correction service for eighteen months. This should assist mailers in maintaining contact with those on the lists for a longer period of time. For those mailers for whom the piece has intrinsic value, and who desire the return of the piece if it cannot be delivered and/or forwarded, return service would be available.

Many bulk third-class mailers purchase "name lists" from commercial sources to prepare their mailings. For these mailers, the particular name has no unique or significant value to justify purchasing address correction services. These mailers would most likely choose none of the special options under consideration for bulk third-class mail.

In addition to the new procedures described above, the Postal Service

intends to revise postal regulations (section 122.422 of the Domestic Mail Manual) to allow bulk rate third-class mail using the exceptional address format (John Doe or Current Resident) to be sealed. This change in the exceptional addressing regulations should allow mailers to make more efficient use of third-class mail. Under current regulations, mailers are discouraged from using the exceptional address format because the requirement that the pieces be unsealed disrupts the standard mechanized inserting/sealing operation. Mailers are thus left with the choice of using impersonal "resident" lists or experiencing a large number of undeliverable-as-addressed pieces, which are disposed of as waste. The exceptional address format permits the mailing piece to be personalized, while at the same time achieving delivery to the current resident if the addressee has moved. The Postal Service feels that this change in the regulations regarding the use of the exceptional address should increase the advertising effectiveness of bulk third-class mail.

Under the proposed system, single piece rate third-class mail would be forwarded for the first twelve months, with postage due charged to the recipient. If the recipient refused to accept the mail piece, it would be returned to the mailer, who would be charged both forwarding and return postage. All single piece rate third-class mail with the "Address Correction" endorsement would be returned to the mailer at the single piece rate for the entire eighteen-month period, with the correct address attached. The mailer would be charged an address correction fee in addition to the return postage.

The extended forwarding option under consideration for First-Class Mail and fourth-class mail would not be available for third-class mail.

Fourth-Class Mail

Under the current system, fourth-class mail receives forwarding (for one year), return, and address correction service when the mailing piece bears the appropriate endorsement. Forwarding postage is charged to the addressee.

The system under consideration for fourth-class mail does not differ substantially from current practices. Fourth-class mail bearing the "Forwarding and Return Postage Guaranteed" endorsement would continue to be forwarded for the first twelve months, with postage due charged to the recipient. If the recipient refuses to pay the forwarding postage, the piece would be returned to the mailer with the correct address attached, and the mailer would be charged the forwarding and return postage as well as the address correction fee. However, refusal of the recipient to pay forwarding postage on a piece of fourth-class mail will result in all fourth-class mail addressed to that recipient (except those for which the sender has guaranteed forwarding postage) being returned to the sender "postage due." During months thirteen through eighteen, the mail piece would be returned to the sender postage due with the corrected address attached. The sender will be charged the address correction fee in addition to the return postage.

If the "Address Correction Requested" endorsement is shown on a fourth-class piece, the piece would be forwarded during the first twelve months (with forwarding postage charged to the recipient) and the address correction information sent separately to the mailer, who would be charged the address correction fee. During months thirteen through eighteen, all fourth-class mail bearing the "Address Correction Requested" endorsement would be returned to the sender with the corrected address attached. Both the return postage and the address correction fee would be charged to the mailer.

Undeliverable-as-addressed fourth-class mail bearing no endorsement would be returned to the sender without the correct address. Return postage at the single-piece fourth-class rate would be charged to the sender.

The extended forwarding option which recipients would be able to purchase to extend the forwarding period for six-month periods, would apply to fourth-class mail. That is, when the recipient purchases the extended forwarding period for First-Class Mail, fourth-class mail would automatically be extended for the same period. Postage for forwarded fourth-class pieces will be collected from the recipient.

The Postal Service welcomes comments from the public on the suggested changes outlined in this notice. After the comments have been received and analyzed, the Postal Service will initiate specific changes, which will be proposed, published, and implemented in phases.

(39 U.S.C. 401, 403, 404)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-31418 Filed 10-28-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1939-5]

Proposed Revision of Delaware State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Delaware has submitted regulations pertaining to Prevention of Significant Deterioration (PSD). These regulations are generally equivalent to the Federal requirements contained in 40 CFR 51.24. EPA proposes approval of the State regulations, but also proposes to retain certain provisions contained in 40 CFR 52.21 and 52.432 as part of the applicable SIP.

DATE: Public comments must be submitted by November 30, 1981.

ADDRESSES: All comments must be submitted to: Henry J. Sokolowski, P.E., Chief, MD-DE-DC Metro Section (3AH12), Air & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Curtis Building, Philadelphia, PA 19106, ATTN: AH012DE.

Copies of the PSD regulations submitted by Delaware are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch, 6th & Walnut Streets, Curtis Building, Philadelphia, PA 19106, ATTN: Harold A. Frankford (3AH12)

Delaware Department of Natural Resources & Environmental Control, Air Resources Section, Tatnall Building, Capitol Complex, Dover, Delaware 19901, ATTN: Robert R. French

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

The Office of the Federal Register, 1109 L Street, N.W., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford (3AH12), MD-DE-DC Metro Section, Air Media & Energy Branch, U.S. Environmental Protection Agency, 6th & Walnut Streets, Philadelphia, PA 19106, Phone: 215/597-8392.

SUPPLEMENTARY INFORMATION: On December 29, 1980, the State of Delaware submitted to the

Environmental Protection Agency amendments to Regulations I (Definitions) and XXV (Requirements for Preconstruction Review) of the State's Regulations Governing the Control of Air Pollution and requested that they be reviewed and processed as a revision of the Delaware State Implementation Plan (SIP). The amendments consist of changes to Regulations XXV pertaining to the Prevention of Significant Deterioration (PSD) program and Regulation I pertaining to the definition of the term "CAA."

In addition, the State has requested that the definition of the terms "allowable emissions," "best available control technology," and "potential to emit" be deleted in Regulation I and replaced by the definition of these terms that would now be listed in Regulation XXV.

The State conducted public hearings pertaining to these regulations, as required by 40 CFR 51.4, in Wilmington on October 31, 1980.

Although Delaware's PSD regulations generally conform to the requirements set forth in 40 CFR 51.24, the language of State regulations varies from the Federal provisions to a limited extent. The most significant distinctions are:

(1) The term "Federal Land Manager" (FLM) is not defined, and there are no procedures for notifying the FLM under the public participation element of the State's PSD regulations (section 3.13B(4)), or a mechanism to involve EPA when a Class I Area may be impacted (the Federal requirements are found in 40 CFR 51.24(p)). The State of Delaware, by letter of February 27, 1981, has agreed to a procedure whereby EPA would be notified of any PSD application for sources locating within 100 kilometers (km) of the Brigantine National Wildlife Refuge (a Class I PSD area). EPA would then ensure, under the provisions of 40 CFR 52.21(p) and 52.432(b), currently part of the applicable Delaware SIP, that the FLM is advised of the pending application and that Class I area considerations are satisfied.

(2) The phrase "Quality Assurance Requirements for PSD Air Monitoring as pre-approved by the Department" (Section 3.10C) does not specify the use of the criteria contained in 40 CFR Part 58, Appendix B. The State has agreed in its February 27, 1981 letter that, as a minimum, it will ensure that the requirements of 40 CFR Part 58, Appendix B are specified.

(3) The State PSD regulations contain references only to Delaware Regulations XX (NSPS) and XXI (NESHAPS). Delaware has been delegated Full NESHAPS authority and its NESHAPS regulations are considered equivalent to 40 CFR Part 61. However, while Delaware's NSPS regulation (Regulation XX) is considered equivalent for those NSPS categories which are contained in 40 CFR Part 60, Delaware has only requested and been delegated NSPS authority for a limited number of source types. However, since any source not covered by Regulation XX but covered under 40 CFR Part 60 must still meet all applicable Federal requirements, no applicable source will be unregulated.

(4) The provisions of section 3.9B allow the State Department of Natural Resources and Environmental Control to approve alternative and substitute modeling procedures in certain instances. However, 40 CFR 51.24(l)(1)(iv) requires the written approval of the Administrator when any modification or substitution of a modeling procedure is proposed.

In view of the preceding discussion and information provided by the State, EPA proposes to approve the PSD regulations found in Delaware Regulation XXV, except for the provisions relating to alternative modeling procedures and the lack of provisions regarding interaction with the Federal Land Manager. EPA also proposes to approve the additional definition of "CAA" in Regulation I and the deletion of "allowable emissions," "best available control technology," and "potential to emit" from Regulation I, to be replaced by the definitions of these terms in Regulation XXV. In addition, EPA proposes to include as part of the SIP, the February 27, 1981 letter from the State of Delaware to EPA. This letter constitutes an interpretation of Regulation XXV, Section 3.10C so that it incorporates the criteria found in 40 CFR Part 58 and also provides a commitment that the State will notify EPA of any applicable facility that is planning to locate within 100 km of a Class I area. EPA also proposes to revise 40 CFR 52.432(b) to state that the provisions of 40 CFR 52.21(p), referring to procedures for notifying the Federal Land Manager and 40 CFR 52.21(l)(2), referring to written approval by the Administrator to modify or substitute a modeling procedure, will remain a part of the applicable Delaware SIP.

The public is invited to comment on whether EPA should approve Delaware's PSD regulations as a revision of the Delaware SIP and retain the provisions set forth in 40 CFR 52.21(p) as part of the SIP. All comments submitted on or before November 30, 1981, will be considered.

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

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

Pursuant to the provisions of 5 U.S.C 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110b and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Dated: July 31, 1981.

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 81-31391 Filed 10-28-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL-1949-3]

Ohio; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency

ACTION: Proposed Rulemaking.

SUMMARY: On March 12, 1981 the State of Ohio submitted a revision to the total suspended particulates portion of the Ohio State Implementation Plan concerning a plan for alternate emissions reductions ("bubble") for the General Motors Central Foundry located in Defiance County, Ohio. EPA is proposing to approve this revision.

DATE: Comments must be received by November 30, 1981.

ADDRESSES: Copies of this SIP revision are available for review at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604;

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, Southwest, Washington, D.C. 20460;

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43215.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Regulatory Analysis Section, Air Programs Branch EPA, Region V 230 South Dearborn Street, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: On March 27, 1981 the State of Ohio submitted a revision to its state implementation plan (SIP) for total suspended particulates (TSP). The revision consisted of an alternative emissions reduction plan, or "bubble" for eighteen sources located at the General Motors (GM) Central Foundry in Defiance County, Ohio.

On August 14, 1981, EPA announced the availability of this revision and took final action to approve it. (46 FR 41502). In that notice EPA advised the public that it was deferring the effective date of its approval for 60 days (until October 13, 1981) to provide an opportunity to submit comments on the revision. EPA announced that, if, within 30 days of the publication of the approval notice, it received notice that someone wished to submit adverse or critical comment, it would withdraw the approval and begin a new rulemaking by proposing the action and establishing a 30-day comment period.

EPA also published a general notice announcing this special procedure on September 4, 1981 (46 FR 44476).

EPA has received notice that someone wishes to submit an adverse or critical comment. Therefore, in accordance with the procedure discribed above, EPA is today taking final action elsewhere in today's **Federal Register** to withdraw its August 14, 1981 approval of this revision to the Ohio SIP for TSP, and in this notice, is proposing to approve the revision. A detailed description of the revision and EPA's rationale for proposing approval are found at 46 FR 41052 (August 14, 1981). Interested persons are invited to submit comments on this proposed approval. EPA will consider all comments received within thirty days of the publication of this notice.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action, if approved, will constitute a SIP approval within the meaning of the January 27 certification. It only approves state action. It imposes no new regulatory requirements. Also, this action will only affect one source and will provide that source with an economic savings.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement for a Regulatory Impact Analysis. Today's action does not constitute a major rule since it merely proposes to approve a State action for one source. Furthermore, GM has stated that implementation of the provisions approved today will provide it with significant economic savings.

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

(Section 110 of the Act as amended (42 U.S.C. 7410))

Dated: October 22, 1981.

Anne M. Gorsuch,

Administrotor.

[FR Doc. 81-31400 Filed 10-28-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

46 CFR Ch. II

[OST Docket No. 59; Notice 81-10]

Department Regulations Agenda and Review List

AGENCY: Department of Transportation.

ACTION: Delay in Publication of Maritime Administration Portion of Regulations Agenda and Review List.

SUMMARY: The Maritime Administration was made an operating administration of the Department of Transportation on August 6, 1981. At that time, the development of the Department's Agenda was already underway and it was too late to include the Maritime Administration regulatory actions in that Agenda. The Department of Transportation's Agenda was published on October 1, 1981, and it was noted that the Maritime Administration would publish a separate Agenda on October 29, 1981. The publication of the Maritime Agenda will be delayed, and will be published early in November.

FOR FURTHER INFORMATION CONTACT: Harry Hall, Department of Transportation, 400 Seventh Street, SW., Room 10421, Washington, D.C. 20590, 202/426-4723.

Issued in Washington, D.C. on October 23, 1981.

Rosalind A. Knapp,

Deputy General Counsel, Department of Transportation.

[FR Doc. 81-31461 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-62-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 81-461; RM-3797]

Request of General Electric Co. To Exempt Medical Diagnostic Equipment From a Certain Part of the Commission's Rules; Second Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; second extension of comment/reply comment period.

SUMMARY: In response to a request from the Hewlett-Packard Co., this Second Order extends the dates for filing comments and reply comments in the Notice of Proposed Rule Making in Docket 81-461 concerning General Electric request to exempt medical diagnostic equipment from a part of the Commission's rules. The proposed rules, if adopted, will exempt medical diagnostic equipment from complying with the recently adopted rules for controlling radio frequency emissions from computers and related equipment.

DATES: Comments due November 2, 1981. Reply Comments due November 17, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Art Wall, Office of Science and Technology, Washington, DC 20554 (202) 653-8247, Room 8302.

In the matter of request of General Electric Co. to exempt medical diagnostic equipment from Subpart J of Part 15 of the rules of the Federal Communications Commission, Gen. Docket 81-461, RM-3797; See also (46 FR 44790; September 8, 1981); Second order extending time for filing comments and reply comments.

Adopted: October 19, 1981.
Released: October 21, 1981.

1. The Hewlett-Packard Co. has filed a request for a further extension of time to file comments and reply comments. The original Notice in this proceeding called for comments and reply comments to be filed on October 5, 1981 and October 20,

1981, respectively. In response to a request from the Health Industry Manufacturers Association (HIMA), these dates were extended to October 19, 1981 and November 3, 1981.

2. Hewlett-Packard states that it is actively participating in the HIMA deliberations and states that the resulting findings would be useful to HIMA, to Hewlett-Packard and particularly to the Commission. However, Hewlett-Packard's principal representative on the HIMA Task Force will remain out of the country for several days, which will not permit the conclusion of the said deliberations in time to submit comments by October 19, 1981.

3. Because of the importance of this proceeding to both manufacturers and consumers, and to facilitate receiving the most definitive responses possible, an extension of time to November 2, 1981 for filing Comments and to November 17, 1981 for filing Reply Comments is hereby ordered pursuant to the authority granted by § 0.241(d) of the Commission's rules.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 81-31475 Filed 10-28-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 31, 33, 42, and 43

[CC Docket No. 78-196; FCC 81-480]

Revision of Uniform System of Accounts and Financial Reporting Requirements for Telephone Companies.

AGENCY: Federal Communications Commission

ACTION: Second Supplemental Notice of Proposed Rulemaking.

SUMMARY: The Commission has adopted a financial accounting approach (rather than the previously proposed cost accounting approach) to revising its Uniform System of Accounts for Class A and B Telephone Companies and has established a Telecommunications Industry Advisory Group to assist in the design and implementation of the new system. The Commission observed that this would permit the most expeditious and efficient development of a revised accounting system, while satisfying its objectives to obtain more meaningful and informative financial data from subject telephone common carriers.

FOR FURTHER INFORMATION CONTACT: Stephen Duffy, Common Carrier Bureau, (202) 634-1861.

SUPPLEMENTARY INFORMATION:

Adopted: October 7, 1981.

Released: October 20, 1981.

I. Background

1. In July 1978 the Commission issued a *Notice of Proposed Rulemaking (Notice)*, 70 FCC 2d 719 (1978), (43 FR 33560; July 31, 1978), in the above captioned proceeding. We stated at that time that our vision of a revised USOA was as a regulatory information system that will meet all the ordinary needs of the Commission for the regulation of telephone common carriers. We recognized the necessity of revising the USOA because the system adopted in 1935 is inappropriate to a massively more complex and competitive, technological and economic environment. To keep pace with these changes, and at the same time to maintain our responsibility to regulate carrier rates in the public interest, it became essental that we develop and implement a revised system of accounts.

2. The *Notice* envisioned an accounting system that would constitute a single data base which would serve several functions. These were stated to be:

(1) It will form the basis for financial reports, including both balance sheet and income statement reporting.

(2) It will serve as a data base and a foundation for managerial decision-making and internal management reports by the carriers.

(3) It will provide sufficiently detailed disaggregated cost and revenue information for derivation of costs and revenues of individual services and rate elements, for pricing decisions and other managerial decision-making by the carriers.

(4) It similarly will provide detailed disaggregated cost and revenue information for derivation of costs and revenues of individual services and rate elements, for rate review and continuing surveillance purposes of this Commission (and other regulatory bodies which adopt the revisions) and provide a basis for rate prescription, where appropriate.

(5) It will facilitate the breakdown of costs between interstate and intrastate jurisdictions ("Jurisdictional Separation").

(6) It will permit analysis of facility and plant utilization, including studies of the causes for each category of expenditure and review of service quality and service efficiency. And

(7) It will be structured so as to allow for regulatory and independent auditing and tracing of questioned entries.

Id. at 725.

3. On August 9, 1979, the Commission released a *First Supplemental Notice of Proposed Rulemaking (Supplemental Notice)*, FCC 79-479 August 13, 1979; 44FR 47359). In this *Notice*, the Commission expanded on its concept of a regulatory information system and sought further comment on the single data base approach, as well as on several new issues raised by the comments to the original *Notice*.

4. The rapidly evolving technological change in the industry has enhanced the competitive nature of telecommunciations. In response, the Commission's regulatory policies have evolved to deal with this more dynamic, competitive environment. Nonetheless, the actual and potential competition to the dominant carriers by other carriers remains limited, and the market power possessed by the dominant carriers, particularly in the provision of basic services, requires continued regulatory scrutiny. Even so, it is clear that this limited competition has been an important incentive in the dominant carriers' development of new services and rate alternatives.

5. The Commission is in the process of implementing a coordinated regulatory and deregulatory response to these changed conditions, of which a new USOA is a central part. The revised USOA will be a financial accounting system. It will be designed so that it will interrelate with both a cost allocation manual and with the jurisdictional Separations Manual. This interrelation will be accomplished through parallel subsystems. While the revised USOA will not be segregated by service categories, we are in no sense abandoning our commitment to cost of service ratemaking. Before setting forth a revised system structure for a new USOA, we shall identify five proceedings with which the revised USOA must interrelate in a coordinated fashion.

6. In the *Cost Manual Proceeding, In the Matter of AT&T Manual and Procedures for the Allocation of Costs*, 84 F.C.C. 2d 384 (1980), *recon. in part*, 86 F.C.C. 2d 667 (1981), we are developing the basic rules and procedures which will govern the determination of cost of service from the financial data recorded in the financial accounting system being develop in this *Docket*. It is our intent that the resolution of cost of service policy issues employ information from the *Cost Manual* in conjunction with the USOA. In this manner, we will have the benefits of ascertainment capability through the *Cost Manual*. The purpose of this requirement is to deter subsidization of competitive services by monopoly ratepayers. The approach is designed to insure that AT&T will earn the same rate of return for all service categories.

7. In the *Second Computer Inquiry, Final Decision*, 77 FCC 2d 384, *recon.* 84 FCC 2d 50 (1980), we examined our

appropriate role in the area of terminal equipment and enhanced services as well as the means by which telephone companies should be permitted to offer equipment and services which were determined as not coming within the Commission's Title II jurisdiction. We concluded that terminal equipment and enhanced services did not come within our jurisdiction under Title II. As a result, terminal equipment and enhanced services would have to be offered on a non-tariffed basis. If AT&T sought to provide these services, they would have to do so through a separate subsidiary to assist in identification of any subsidy to non-regulated services by regulated services. In other telephone companies, cross subsidies were to be detected by accounting mechanisms.

8. In the *Private Line Rate Structure Notice of Proposed Rulemaking*, 74 FCC 2d 226 (1979), we are recognizing the apparent fungibility of tariff service elements and examining whether these elements should be unbundled in order that users, rather than the carrier, may determine the available mix of service components. A further goal of this proceeding is to ensure that rate elements, although part of different services, remain uniformly priced unless differentials are cost supported.

9. Two other proceedings, in addition to this *Docket*, are also critical to the overall implementation of costing procedures in which we are engaged. A Federal-State Joint Board was created in June 1980 pursuant to section 410(c) of the Communications Act to develop new procedures for allocating telephone exchange plant between the interstate and intrastate jurisdictions. *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board*, 78 FCC 2d 837 (1980). The presently operative separations plan, adopted in 1971, was put into place in a monopoly environment which did not include the specialized carriers. A major task of the Joint Board is to revisit the jurisdictional allocation of exchange plant in light of the increasingly competitive environment, and the participation of a number of new carriers in the interexchange market. A further task will be to resolve the implications of the removal of terminal equipment from the separations process.

10. We have also proposed consideration of a revised means for compensating local exchange carriers for use of their facilities by interexchange carriers. *MTS/WATS Inquiry (Second Supplemental Notice)* 77 FCC 2d 224 (1980). We are particularly concerned that present compensation mechanisms may favor dominant carriers over new carriers because dominant carriers do not pay a separate identifiable charge at present for exchange access, but rather provide interexchange services through joint rates. A uniform access charge will be pro-competitive because it will require all users of local facilities to pay equivalent amounts for equivalent facilities use. Although the means of implementing revised exchange access compensation have yet to be finalized, an access type charge, we believe, is central to the new competitive regulatory telecommunications era.

11. The new USOA must exist in the new competitive environment, balancing our continuing needs for regulatory information against our desire not to impose unreasonable or unnecessary reporting requirements on telephone companies. In the *Supplemental Notice* we expressed concern that the existing USOA was unable to provide us with the detailed rate and cost information which we reasonably need to independently evaluate carrier performance. We were forced continually to rely on special studies for use in ordinary, routine regulatory tasks such as rate cases. One of our objectives in determining to adopt a new USOA, then, was to develop an accounting system which could provide the regularized and normal accounting input to our regulatory process. While recognizing that special studies are often required, it is our hope that the USOA will significantly reduce the number and complexity of these studies.

12. A second important objective in development of a new USOA is the ascertainment of appropriate accounting categories. As we recognized in the *Supplemental Notice*, it is a simpler matter to aggregate smaller categories than to disaggreated larger ones. It is critical that the new USOA carefully balance the desire for smaller disaggregated categories against the ability to collect useful information for regulatory purposes. In this context, we are mindful that accounts which are overly detailed may impose burdens upon carriers out of proportion to their usefulness.

13. A third objective is that a revised USOA not be "tied to any *particular* cost of service methodology, as such metholologies may well change with time, with changing technology, or with relevant economic or legal considerations." *Notice*, 70 FCC 2d at 726. This is an indispensible principle if the financial accounting system is to support separations, costing, and managerial subsystems in an efficient manner. Unless there is a stable base from which to build, it will not be possible to produce consistent and reliable outputs. Furthermore, if the accounting system were tied to a cost of service metholology, it would be necessary to change the accounting system each time a costing methodolgy was revised. This would be extremely burdensome on this Commission as well as on the carriers.

14. The final major objective is to make certain that the new accounting system is consistent with the regulatory requirements of the new telecommunications environment. With some companies offering regulated and unregulated services through different corporate entities, and with other companies offering both regulated and unregulated services through the same corporate entity, it is important that an effective accounting system be in place. While structural separation facilitates the identification of revenues and expenditures associated with jurisdictional activities from those associated with unregulated, nonjurisdictional activities, it does not eliminate the need for an accounting system. Where structural separation is not present, strict accounting procedures are even more important. Thus, it is our intent to develop a revised USOA which will provide the financial accounting base for the Commission's regulatory policies in the new competitive environment.

15. With the preceding providing the context of our actions, we are now prepared to detail the procedures which we will employ toward development of the revised USOA. We believe that the plan set forth below is the most efficient and responsible means of developing a revised accounting system at the earliest possible date. Early resolution of the account structure will allow the Commission to focus many of its costing proceedings more sharply and will ultimately lead to a more expeditious resolution of the many interrelated regulatory policy questions before the Commission. It is further our view that this scheme is fully consistent with the Congressional mandate as expressed in Section 1253 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35.[1]

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[1] Section 1253 provides:

(a)(1) The Federal Communications Commission (hereinafter in this section referred to as the "Commission") shall complete the rulemaking proceeding relating to the revision of the uniform system of accounts used by telephone companies (Common Carrier Docket 78-196; notice of proposed rulemaking adopted June 28, 1978, 43 Federal Register 33580) as soon as practicable after the date of the enactment of this Act.

Continued

II. Revised System Concept

16. In an organization of any size, the accounting system is the major quantitative information system. By definition, an accounting system is only concerned with financial events and is, therefore, only a subset of the total information system required to provide information about business activities and the environment in which they occur.

17. To be effective, an accounting system must provide information for both management and outside parties. Management's information needs are met through internal reporting to management for use in planning and controlling routine operations and through internal reporting to management for use in special decision-making and the formulation of overall policies and long-range plans. Outside parties' information needs are met through the traditional general purpose financial statements and through regulatory accounting systems specified by statute or by rule.

18. The accounting system, therefore, must be structured so that the financial data it collects is informative to these different users. Insofar as telephone common carriers are concerned, the specific needs of each class of users may be, and most often are, quite diverse. Management requires a quite differently organized body of data to assist in decision-making, planning and control than do owners and other existing or potential investors who are primarily concerned with the degree of success of management's stewardship. These interests, in turn, may be quite different from government's, whose statutory responsibilities range from rate-regulation to taxation and securities regulation.

19. Users, therefore, have both coinciding and conflicting needs for financial data of various types. To meet these needs, and to satisfy the fiduciary reporting responsibility of management, most enterprises prepare a single set of general-purpose financial statements which are expected to present fairly, clearly, and completely the economic facts of the existence and operation of the enterprise. Underlying these statements, the enterprise maintains a single set of books of account in accordance with the common set of accounting concepts, standards, and procedures called generally accepted accounting principles (GAAP), which are recognized by the accounting profession as a whole, and which, on the average, directly satisfy the user needs of owners/investors, lenders, and certain governmental entities as well. For an enterprise to function in the public sector, i.e., to secure necessary debt and equity financing and satisfy its primary fiduciary reporting responsibilities, it is, therefore, essential that this basic financial accounting concept underpin its general accounting system.

20. To satisfy its other user needs, the enterprise will adopt supplemental methodologies which can be applied to the body of financial data contained in the accounting system. Depending on the design and purpose of these methodologies, different sets of results can be produced to assist in planning, control and decision-making; tax return preparation; or rate-making activities. This is possible because the basic accounting system accumulates all the fundamental financial data for the enterprise, which data can be classified and reclassified in countless ways, provided the integrity of the data remains intact. Thus, the entity's financial accounting system provides the basic core data to satisfy the majority of user needs.

21. The above discussion provides the basis for our underlying concept of how the revised Uniform System of Accounts should be fashioned. We perceive the new USOA as a financial accounting system which will meet the financial and primary fiduciary reporting needs of the telephone industry and will provide the body of financial data to which appropriate methodologies can be applied to develop the requisite information to safisfy both our regulatory and management's data needs. Our concern with management's data needs is not designed to infringe on management's responsibility to operate and manage the business; rather, it is recognition of the fact that it is more cost effective to have one accounting system serving multiple users than to have separate systems. Similarly, the cause of efficient regulation would be served by this Commission's relying upon the same data base utilized by management, rather than relying upon data generated solely for submission to the agency.

22. We therefore intend to design a USOA which is essentially a financial accounting system and not the multi-faceted cost accounting and data management system as originally proposed. As part of our unified and integrated data collection concept, this new USOA will be designed to support and complement fully, through separate, parallel subsystems,[2] the evolving regulatory policies of this Commission and any independently developed internal management systems considered necessary by individual common carriers for corporate decision-making, planning and control. By so doing, we will be able to satisfy both our regulatory concerns for specific costing and separations data—through the interaction of compatible yet discrete financial and methodological mechanisms—and the carriers' concerns for a financially-based accounting system to drive other external and internal reporting and decision-making models.

23. Under this concept, the revised USOA will be financial in nature, with categorization linked to technological and generic commonalities rather than to service-related (as previously proposed) or compositely aggregated (as currently in place) designations. Plant classification, for example, would thus be determined on the basis of the type or degree of technology evidenced by a given asset or group of assets and/or on the basis of the characteristics common to a specific group or class of assets, rather than on the basis of what specific telecommunications service the asset directly or indirectly supported during the reporting period, at the reporting date, or where the asset was physically located within a company's network without regard to the need to support cost and management subsystems.

24. As an example, we refer to Account 221 "Central Office Equipment." As currently prescribed, Account 221 is a composite aggregation of a wide range of essentially dissimilar types of equipment investment (the most prominent of which is switching equipment). As a general rule, the only relationship which currently unifies these various equipment types for accounting purposes is their installation or placement in a telephone central office. The *Notice* proposed that this

(2) Such uniform system shall require that each common carrier shall maintain a system of accounting methods, procedures, and techniques (including accounts and supporting records and memoranda) which shall ensure a proper allocation of all costs to and among telecommunications services, facilities, and products (and to and among classes of such services, facilities, and products) which are developed, manufactured, or offered by such common carrier.

(b) The Commission shall submit a reort to each House of the Congress not later than one year after the date of the enactment of this Act. Such report shall include a summary of actions taken by the Commission in connection with the rulemaking proceeding specified in subsection (a), together with such other information as the Commission considers appropriate.

[2] The principle subsystem for regulatory purposes will be for implementation of the jurisdictional separations procedures and the cost allocation procedures being developed in *CC Docket 80-286* and *CC Docket 79-245*, respectively.

investment be allocated to new plant categories based on functional or service-related distinctions. What we now intend, however, is to capture this investment along technological and generic lines. For purposes of this example, under the new USOA switching equipment would be broken out and disaggregated into its component parts—step-by-step, crossbar and electronic—which, to the extent feasible, could be further disaggregated on the basis of technology. In so doing, the financial accounting integrity of the basic investment will be maintained, while at the same time a more informative, useful, and meaningful detail of that investment than is now prescribed will be provided.

25. In keeping with the financial nature of this system and in response to the extensive comments supporting their use, GAAP will be incorporated to the maximum extent practicable. As mentioned earlier, GAAP refers to the broad body of principles and guidelines that direct the recording of financial events and transactions and relate to how assets, liabilities, revenues and expenses are to be identified, measured, and reported. In very broad terms, these principles can be summarized as requiring that assets and liabilities be recorded at historical cost; that revenue be realized when the earning process is complete and an exchange transaction has occurred; that costs be matched with the revenues they helped to generate; that disclosure be full and adequate; that accounting principles be applied consistently between accounting periods; and that accounting data be objectively determined and verifiable.

26. The only limitation to the application of GAAP as the basic accounting rules will be the requirements of the regulatory process, particularly with respect to rate-making. Addendum to Accounting Principles Board Opinion No. 2 specifically recognizes this possibility and accepts it for purposes of defining GAAP. This will ensure that the basic integrity of all recorded data will remain intact and that the system will be auditable and will provide stable, reliable and consistent information, commensurate with our objectives in this proceeding.

27. Of prime concern to us in designing this system is the incorporation of sufficient flexibility to permit the system to respond readily to and accommodate technological and competitive advances in the industry. The approach adopted herein will permit easy revision of the USOA to reflect these changes, with minimal need to reallocate account balances. This objective will constitute the basic determinant in establishing account classifications and groupings and will be limited only to the extent that materiality and relevance—the relative importance of an item and the impact it may have on the decision-making process—become overriding considerations.

28. The revised USOA will be significantly more disaggregated than the present USOA. In determining the degree of disaggregation to be established, several factors shall be considered. As noted earlier, one major factor will be the technological and generic commonalities existing in the telecommunications industry. This disaggregation will ease future revisions to meet industry changes.

29. A second factor to be considred is the materiality and/or the relevance associated with various levels of the amounts being recorded in the disaggregated accounts as well as the nature of the transactions being recorded. As used here, materiality and relevance relate to evaluating the potential importance or weight of certain account categories in influencing the decision-making process. We will determine the appropriate degree of disaggregation of carrier accounts based primarily upon an evaluation of materiality and relevance and rely less upon traditional financial system output and related disclosure requirements. Among the considerations in evaluating the materiality and relevance of various levels of disaggregation are the degree of cost-averaging implicit in the aggregation, the relationships of the amount being accounted for to certain critical costing locations within the network, the relationship to Commission regulatory policy, the likely equipment usage and its impact on the subsidiary systems, and the difficulty of later account revision—particularly with respect to the plant accounts.

30. A third consideration in determining the level of disaggregation within the account structure is to ensure that the interrelationships between plant, expenses, revenues and other balance sheet accounts are recognized and coordinated to allow the maximum degree of usefulness in the application of the separate costing and managerial subsystems. This consideration is important because the value of some account information will, for some purposes, be dependent on the appropriate level of disaggregation in a related account. Improper interrelational coordination will decrease the workability of the system with consequent cost increases in data management.

31. Also of significance in establishing system flexibility is the extent to which such concepts as clearing accounts and associated allocative procedures are employed to dispose of indirect costs on a rational and consistent basis. We recognize that, in any accounting environment of substantial size, there exist expenses that possess no readily measurable relationship to a specific final objective. For example, general overhead costs are, by definition, incurred for the benefit of all final objectives and cannot be directly related to any one objective. Nominal accounts such as clearing accounts provide a collection point for these indirect costs for subsequent assignment to activities which benefited from their incurrence. This assignment is accomplished through allocation based on factors which bear a reasonable relationship both to the costs incurred and the activity to which they are ultimately assigned. Our efforts in revising the USOA, therefore, will include the identification and accumulation in a reasonably disaggregated manner of indirect costs incurred in the provision of telecommunications services, the development of related allocative procedures to be employed in clearing these costs to appropriate activities, and the development of provisions to ensure the consistent application of these procedures between accounting periods. Consistency of application is imperative to ensure that results are comparable between accounting periods and to an understanding of the various components of those results.

32. The revised USOA must be capable of determining the portion of indirect expenses which must be capitalized in conjunction with a capital project. Allocative mechanisms will be developed to ensure adequate loadings where clearing accounts are not utilized. Here, too, we are concerned with the appropriateness of the procedures employed and the sustained consistency of their application.

33. Our interest in developing a useful and verifiable accounting system in this proceeding will also lead us to a review of the supporting records underlying the actual system of accounts. In particular we are concerned with the revision of the continuing property records and the requirements to reflect corresponding changes in the plant accounts as they occur. The continuing property records are essential to the structure and analyses of plant classifications and are indispensible to the effective and

efficient implementation of many costing or managerial subsystems.

34. The deregulation of certain aspects of the telephone industry has created a need on our part for increased assurance that regulated services do not ultimately subsidize nonregulated services. Accounting provisions will therefore be designed to accommodate the recording of nonregulated activities for carriers offering regulated and unregulated services through the same corporate entity to ensure the allocation of appropriate common costs to these activities.

35. In both earlier *Notices* in this proceeding, the Commission has discussed the classification of carriers for purposes of determining the level of accounting requirements to be applicable to carriers of different sizes. The comments in response to these *Notices* have uniformly supported the adoption of carrier classifications. The revised USOA will acknowledge this factor, and applicability of its provisions will be scaled accordingly. However, because this proceeding has as its goal one unified system for the industry, these distinctions will be internal and not relegated—as they are at present—to separate systems for different size telephone companies.

36. In the *Supplemental Notice*, the Commission asked several questions concerning inflation adjusted financial reporting for telephone companies. The comments in response to this question overwhelmingly indicated that price-level adjusted reporting would serve no useful regulatory purpose and should not be considered by the Commission. Since we see no movement to change regulation from that based on original cost, we agree with the commenting parties that further pursuit of this issue would be nonproductive at this time.

37. Another issue raised in the *First Supplemental Notice* concerns the development of a data base management system (DBMS). The commenting parties overwhelmingly opposed the development of a fixed DBMS that would be applied to all companies. As the commenting parties indicated, the larger companies subject to the accounting and reporting requirements of the revised USOA will have different organizational structures, different internal transactional and reporting formats, and different data processing capacities. With such divergencies, it appears to be infeasible to develop a single DBMS which can be efficiently implemented by every carrier subject to the most detailed classification of accounts. Accordingly, because we envision a financial accounting system supporting several parallel subsystems, we believe it desirable to let the carriers develop the appropriate internal data processing procedures and controls, subject to the Commission's ultimate regulatory oversight. We believe this to be cost effective and to draw an appropriate line between the role of management and that of a regulatory agency.

38. The Commission currently has outstanding a *Public Notice* inviting parties to comment on a study of AT&T's Functional Accounting System, conducted by Mathtech, Inc., which is entitled "An Evaluation of the Bell System's Functional Accounting System." Comments on this *Notice* are due November 16, 1981. The working group established below may consider this study and the comments thereon to the extent relevant to any issue under consideration.

39. Some parties to this proceeding might be inclined to conclude that the decision to develop a financial accounting system with separate parallel subsystems de-emphasizes the cost of service and separations aspects of this proceeding as set forth in the original *Notice*. We emphasize here that this is not a perception that should be drawn from this decision. The decision to develop a financial accounting system supporting separate parallel subsystems for costing, separations, and managerial purposes only recognizes the evolution in the costing and pricing approach of this Commission; the generally negative comments of the accounting profession in response to our earlier proposal; the criticisms of the state commissions regarding the impact on their data and reporting needs; as well as the belief obtained from a review of the comments filed to date that the system as proposed is overly complex, not cost effective, and would in many respects be impractical to implement.

40. In the *Notice* and the *Supplemental Notice*, and as reiterated in paragraphs 11–14 above, we delineated certain specific general principles and objectives to be accomplished in the USOA revision. While our underlying concept of the USOA has evolved from a cost to a financial approach, it is still our express intention that those principles and objectives be fully and completely adhered to and satisfied as a result of this proceeding. One of these principles was that the Commission's data needs for regulating a dynamic, competitive, telecommunications industry be met. To achieve this, it is necessary that the Commission be able to obtain cost of service data. While service categories will not be incorporated in the financial accounting system, cost of service information will be developed by applying the separations and costing rules and procedures being developed in other dockets to the financial data contained in the revised USOA. In this way we will not jeopardize the integrity or auditability of the basic financial data, while ensuring that our regulatory needs are met. In our opinion, this approach will provide the greatest benefit to both the Commission and the industry, with the least cost in terms of data requirement satisfaction and the attendant burdens of system implementation and maintenance over the long run.

41. As we have discussed earlier, the Commission is currently considering issues relating to the development of a cost allocage a29oc2.117tion manual, for AT&T, revision of that portion of the jurisdictional separations manual relating to the exchange portion of telephone plant and expenses, the restructuring of private line offerings, the development of an access charge for assessing the local exchange, and the deregulation of certain activities. Each of these proceedings deals with a specific aspect of the costing and pricing approaches being pursued by the Commission. While we no longer intend to incorporate the costing and pricing methodologies underlying these Commission approaches within the financial accounting system *per se*, we do intend to develop a financial accounting system that will provide stable accounts, that will be consistent and comparable between periods, and that will provide a basis for application of the various costing and pricing theories. In fact, the working group discussed below should have as one of their guidelines the requirement that any account develop must support these separate parallel subsystems for costing and pricing. Moreover, we anticipate that the working group will strive to ensure that the account structure developed will support the costing and pricing data information needs that the Commission may be presented with over a foreseeable future period. The carriers are uniquely aware of the technological and strategic planning occuring with respect to future service offerings. We are not requiring disclosure of these plans, rather we are insisting that the carriers who have this information not concur in a system which will preclude the Commission from obtaining data it will need in the future to perform its regulatory responsibilities relating to oversight of costing and pricing questions. The staff is directed to ensure that the financial accounting system

developed will contain sufficient detail to support these various subsystems.

III. Task Force

42. The development of a new or revised accounting system by any objective standard is a substantial undertaking. All of the parties to this proceeding have recognized both the magnitude and necessity of the task at hand. The complete revision and implementation of the new financial accounting system will require the expenditure of considerable resources by this Commission, state commissions, and the affected carriers. Many parties in their comments have suggested that the Commission establish an informal task force to develop a revised accounting system for the telephone industry. See, e.g., the comments of AT&T, GTE, the National Association of Regulatory Utility Commissioners, and the New York Public Service Commission. Generally speaking, the parties favoring this approach see this as the most expeditious method of completing the project and ensuring that the system developed will meet the diverse needs of management, the state commissions, the FCC, and other users of financial information.

43. After careful consideration of the comments filed in this proceeding, and the congressional direction that the Commission complete the revision of the Uniform System of Accounts for telephone companies as expeditiously as possible, we conclude herein that a working group approach to the development of a revised accounting system provides the most practical and realistic approach to the expeditious resolution of this Docket. This approach commends itself because it is the carriers who must implement, maintain, and interact on a daily basis with the system ultimately designed. Several carriers will be required to keep their books and records in conformance with the system adopted. These carriers' operations are not structured identically, nor are their accounting, record-keeping, or data processing systems necessarily similar. The system adopted must be capable of being implemented by every carrier in a given classification and must be capable of supporting costing and managerial subsystems in an efficient and economical fashion.

44. The carriers possess the experience gained from years of hands-on operation of the existing USOA, including a familiarity with equipment and technological configurations, an understanding of the paper flow within the business and an awareness of computer application in conjunction with accounting systems. The industry participants will bring this systems experience and expertise to the group. This input will be an invaluable supplement to the expertise of the Commission's limited staff.

45. In addition to meeting our regulatory needs and, insofar as possible, the management needs of the carriers, we expect the system design to be susceptible to outside audit and to meet the needs of state commissions. Accordingly, we believe that input from outside auditors and NARUC would be invaluable in designing an accounting system for the telephone industry. Such participation would bring to a working group considerable expertise in regulatory accounting procedures and acknowledged expertise in GAAP and in sound auditing procedures and requirements. Because we anticipate that we may, at some future point, require carriers to submit audited statements by independent certified public accountants for accounting and tariff information which is filed with this Commission, we would hope that the accounting profession generally and professional bodies within the accounting profession will take the opportunity to participate fully throughout this proceeding.

46. We hereby establish a Telecommunications Industry Advisory Group (Group) whose assignment will be the development, preparation, and submission of a proposal for a basic framework and content of a revised USOA. It shall develop the necessary accounts with adequate disaggregation to support the anticipated subsystems discussed above, develop the necessary account definitions and item lists, and draft the necessary accounting rules to support the revised system.

47. In setting up this Group and directing it to develop a revised USOA, the Commission is not delegating its responsibilities under Section 220(a) of the Act. It is only establishing a joint cooperative effort to assist in expediting the development of the ultimate prescription of the revised USOA. The ultimate responsibility for the revised USOA remains with the Commission.

48. Conceptually, we see four distinct segments to the Group's efforts. These segments are the development of the following: plant accounts; expense accounts; revenue accounts and remaining balance sheet accounts. We anticipate that the Group will address these four segments in the order listed. While we suggest this approach, we recognize that there are aspects of each of these segments that interrelate with aspects of other segments listed. These interrelationships must be taken into account. In some cases, it may be necessary to develop a subsection of another segment in order to write account definitions and accounting rules that are complete. We in no way intend to limit the Group's flexibility in this regard.

49. The plant accounts are to be completed first because of their central importance to the provision of telephone service. The plant accounts are the most complex of the accounts to be included in the accounting system. This complexity arises from the existence of several generations of equipment performing similar functions and the numerous arrangements of service offerings that are provided by the telephone carriers through the use of common plant facilities. A further complexity results from the fact that the embedded plant is presently accounted for at a substantially aggregated level while the new accounts will contain significant disaggregation. This disparity creates numerous transition problems which must be considered in designing the revised USOA.

50. The plant accounts are the basis for much regulatory data flow for this Commission's and the state commissions regulatory efforts. They also provide a basis for many of the expense accounts, such as depreciation and maintenance, which are two of the largest expense categories. Therefore, the expense accounts are the logical second segment to address because of their close interrelationship with the plant accounts. Furthermore, the level of disaggregation adopted for these two segments determines in many respects the level of detail to be included in the remaining accounts necessary to complete the system.

51. Following the adoption of a revised USOA, the Commission will adopt necessary financial reports. While the development of the reports is the last step in system design, the Group would as a matter of practicality maintain an awareness of the interrelationship of system design and attendant reporting requirements throughout the development of all phases of the project. The Commission intends to develop not only an overall financial report of operating company activities, but also intends to develop for each operating company a financial report on interstate operations. These reports may be in addition to reports that may result from decisions dealing with the broad array of costing issues under consideration by the Commission.

52. As the Group finishes its work on each of the segments, it shall submit the accounts, the account definitions, the

item lists, and the relevant accounting rules to the Commission. Accompanying this report shall be a brief narrative statement of the approach taken in designing the account structure, including a discussion of the level of disaggregation chosen. It shall also specify any divergences from GAAP for nonregulated entities, indicating the approach that GAAP would take as well as an estimate of the revenue requirement impact if the Commission were to follow GAAP rather than present rate-making practices. The report should also identify any areas for which special comment from the public may be appropriate.

53. Upon receipt of each segment of the Group's report, the Commission will release the report for comment by interested parties. Since each segment will be complete when it is released for comment, interested persons will be better able to comment on the strengths and weaknesses of the system, as well as the ability of the system to support the separate costing and managerial subsystems. The Commission's evaluation of these comments will also be enhanced because parties will be able to comment with specificity rather than in generalizations. This procedure will ensure that any party not included as a member of the Group will have ample opportunity to present its views to the Commission.

54. The Commission will analyze the Group's report and the comments of interested parties on each of the four segments. This analysis will ensure the completeness of the accounting system, the existence of sufficient disaggregation to permit proper support for the separate subsystems, and the compatibility with regulatory policy. The Commission will then issue a further notice of proposed rulemaking setting forth a complete revised USOA for further comment.

55. As we discussed earlier, we intend to classify carriers for purposes of determining their accounting and record-keeping requirements. The majority of separations, costing, and other problems faced by the Commission deal with those larger carriers that would be subject to the most rigorous accounting system. In order to ensure expeditious revision of the USOA, we hereby direct the Group to focus initially on the revised USOA for the largest class of carriers. In designing the system for the largest class of carriers, the Group should consider the fact that a compatible accounting system must be scaled for smaller carriers (see paragraph 35, *supra*). The Group will address the development of a scaled accounting system for smaller carriers when the system for the largest carriers is completed. The Group shall recommend criteria for defining new carrier classes for applicability of various levels of accounting detail.

56. The Telecommunications Industry Advisory Group will be organized [3] and conducted in accordance with the provisions of the Federal Advisory Committee Act, 5 USC App. I. No existing FCC advisory committee is constituted to provide the advice needed on the foregoing matters, nor is there any existing interagency committee which could provide the required advice. The Group will work to ensure adequate presentation of diverse views. The membership of the Group will be announced in a subsequent Commission order.

57. Accordingly, it is ordered, pursuant to sections 4(i), 4(j), 5(d), and 220 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 155(d), and 220, That the Telecommunications Industry Advisory Group is hereby constituted in accordance with the provisions of the Federal Advisory Committee Act, 5 USC App. I.

58. It is further ordered, That the Secretary shall serve a copy of this Notice on each state commission.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-31425 Filed 10-28-81; 8:45 am]

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47 CFR Part 73

[BC Docket No. 80-565; RM-3589, RM-3808]

FM Broadcast Stations in Belleville, Kansas, Hastings and Holdrege, Nebraska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Further Notice of Proposed Rule Making and Orders to Show Cause.

SUMMARY: In response to a petition filed by Central Radio, Inc., this action proposes the assignment of Channels 248 and 268 to Hastings, Nebraska, the deletion of Channel 228A at Hastings and modification of the license of Station KEZH, Hastings, to specify operation on Channel 248. The action also proposes to substitute Channel 272A for Channel 249A at Holdrege, Nebraska, and modify the license of Station KUVR, Holdrege, to specify operation on Channel 272A. Finally, this action proposes to assign Channel 221A to Belleville, Kansas, as that community's first FM assignment at the request of Apollo Broadcasting Corporation.

DATES: Comments must be filed on or before December 21, 1981, and reply comments must be filed on or before January 11, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Belleville, Kansas, [1] Hastings and Holdrege [1], Nebraska), BC Docket No. 80-565, RM-3589, and RM-3808); Further Notice of proposed rulemaking and orders to show cause.

Adopted: October 19, 1981.

Released: October 23, 1981.

1. Before the Commission is a Notice of Proposing Rule Making and Order to Show Cause, 45 FR 64988, published October 10, 1980, proposing the assignment of Class C FM Channels 251 and 268 to Hastings, Nebraska, the deletion of Channel 228A at Hastings, and the modification of the license of Station KEZH, Hastings, to specify operation on Channel 251. Comments in response to the *Notice* were submitted by the petitioner, Central Radio, Inc. ("Central"), Highwood Broadcasting Corporation ("Highwood"), licensee of Station KEZH at Hastings, and Cornhusker Television Corporation ("Cornhusker"), licensee of television Stations KGIN-TV, Grand Island, Nebraska, and KOLN-TV, Lincoln, Nebraska. Reply comments were submitted by Central and by Highwood. Additionally, a petition for rule making was filed by Apollo Broadcasting Corporation ("Apollo"), requesting the assignment of Channel 249A to Belleville, Kansas. [2] Because the assignment of Channel 249A to Belleville conflicts with the assignment of Channel 251 to Hastings, we are treating the proposal of Apollo as a counterproposal in this proceeding.

2. In its comments, Central states that if Channel 268 is assigned to Hastings, it will promptly apply for authority to build and operate a station there. Central also indicates its willingness to reimburse Highwood for the costs

[3] The Charter for the Group will be published in the **Federal Register** after the required executive agency approval has been obtained.

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

[2] *Public Notice* was given of the petition on December 17, 1980, Report No. 1263.

associated with its proposed operating frequency switch.[3] Highwood contends in its comments that because Hastings receives more than adequate aural service from local and surrounding stations, the assignment of additional channels is unnecessary. Highwood further asserts that forty-four communities in Kansas and Nebraska with populations over 1,000 and currently without local aural service would suffer preclusion from the proposed assignments. According to Highwood, the population of Hastings is declining, which is further evidence that the proposal to assign two Class C stations to the city is undesirable. Finally, Highwood states that if the Commission should decide to assign the two channels to Hastings, that it should be allowed to operate on Channel 268 rather than Channel 251. Highwood makes this request because, due to site restrictions attached to the assignment of Channel 251, it would not be able to operate on that channel from its present transmitter site. Highwood states that forcing it to move its transmitter would be prohibitively expense. New applicants, which have no vested interests in any existing transmitter site, should not be inconvenienced by the site restrictions on use of Channel 251, reasons Highwood.

3. Cornhusker opposes the assignments because it alleges that the use of Channels 251 and 268 will result in second harmonic interference to the reception of its television stations in Grand Island and Lincoln. Cornhusker doubts that the use of filters or traps would ease any significant interference problems which might be caused by the assignments. Cornhusker does, however, state that by utilizing certain transmitter locations, the likelihood of interference will diminish.

4. In its reply comments, Central states that it is willing to take whatever action is necessary to correct any interference caused to Cornhusker. In this regard, Central asserts that it will actively consider utilizing a transmitter location which would minimize interference. In response to the comments of Highwood, Central states that Commission precedent supports the assignment of Class C channels to cities the size of Hastings. Regarding Highwood's preference for Channel 268, Central notes that use of Channel 268 at KEZH's present transmitter site would only exacerbate the second harmonic interference problem cited by Cornhusker. Central opines that if Highwood continues to object to the proposal, the Commission should consider assigning only one Class C channel to Hastings in spite of the resultant intermixture.

5. Highwood, in its reply, summarizes why the proposal should not be adopted—first, the large preclusive effect; second, the decline in population at Hastings; and third, the possible interference to television reception. Additionally, Highwood notes that Central did not consent to its suggestion to leave Channel 251 for competing applications and modify KEZH's license to specify Channel 268. Highwood concludes that no party is interested in Channel 251, and, therefore, in deference to the Commission's policy against intermixture, no new channels should be assigned.

6. As indicated in the *Notice*, a Class C station at Hastings would provide a first FM service to a population of approximately 5,410 persons and a second FM service to approximately 13,687 persons. A second Class C channel would provide second FM service to the first service area. For this reason, we believe the assignment of two Class C channels to Hastings would be extremely valuable. Although many communities would suffer some preclusion because of the assignments, our study of the area indicates that there are numerous alternative channels available for assignment to those communities which may, in the future, express an interest.

7. While we support the concept of assigning two Class C channels to Hastings, our specific proposal as set out in the *Notice* causes some concern. First, we are most hesitant to modify Highwood's license to specify operation on a channel which would necessitate a transmitter site relocation. Also, although we do not generally consider potential interference in assignment cases, we have recognized the problem of second harmonic interference to the reception of TV stations in other proceedings[4] and if there is a reasonable alternative available to us, it behooves us to consider it. In this case, we have such a reasonable alternative. A Commission staff study indicates that Channel 248 can be assigned to Hastings and can be utilized at the present Station KEZH transmitter site. However, assigning Channel 248 to Hastings would require a substitution for Channel 249A at Holdrege. Also, the assignment of Channel 248 at Hastings conflicts with Apollo's petition to assign Channel 249A to Belleville, Kansas, but alternative channels are likewise available at Belleville.

8. In view of our findings, we are proposing to assign Channels 248 and 268 to Hastings, substitute Channel 272A for Channel 249A at Holdrege and assign Channel 221A to Belleville. The licenses for Stations KEZH, Hastings, and KUVR, Holdrege, would be modified to specify operation on Channels 248 and 272A, respectively. This assignment plan allows Highwood to utilize a Class C channel at its present operating site, permits new applications for Channel 268 at sites which may minimize interference with Cornhusker's television stations, and removes one of the FM channels (Channel 251) which could have caused additional interference to Cornhusker's stations. If the proposals advanced in this *Futhrer Notice* are adopted, both Highwood and the licensee of Station KUVR at Holdrege would be entitled to reimbursement for the required frequency changes from the eventual licensee of Channel 268 at Hastings.

9. Accordingly, the Commission seeks comment on the following proposed amendments to the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to the communities listed below:

City	Channel No.	
	Present	Proposed
Belleville, Kans		221A
Hastings, Nebr	226A	248, 268
Holdrege, Nebr	249A	272A

10. It is ordered, that pursuant to § 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing its channel, the licensee of Station KUVR, Holdrege, Nebraska, shall show cause why its license should not be modified to specify operation on Channel 272A as proposed herein instead of the present Channel 249A.

11. It is further ordered, that pursuant to section 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing its channel, the licensee of Station KEZH, Hastings, Nebraska, shall show cause why its license should not be modified to

[3] In order to avoid intermixture of Class A and Class C stations at Hastings, the Commission proposed to assign Channel 251 and modify Highwood's license. In such a situation, the proponent of the new Class C assignment, in this case Central, is expected to state its intent to reimburse the party which must change operating frequencies. See, Mitchell, South Dakota, 62 F.C.C. 2d 70 (1976).

[4] *Policy to Govern Change of FM Channels to Avoid Interference to TV Reception*, 6 RR 2d 672 (1966); *Muncie, Indiana*, 59 FCC 2d 778 (1976).

specify operation on Channel 248 as proposed herein instead of the present Channel 228A.

12. Pursuant to § 1.87 of the Commission's rules, the licensees of Stations KUVR, Holdrege, Nebraska, and KEZH, Hastings, Nebraska, may, not later than December 21, 1981, request that a hearing be held on the proposed modifications. Pursuant to § 1.87(f), if the right to request a hearing is waived, Stations KUVR and KEZH may, not later than December 21, 1981, file a written statement showing with particularity why their licenses should not be modified as proposed in these *Orders to Show Cause*. In this case, the Commission may call on KUVR and KEZH to furnish additional information, designate the matters for hearing, or issue, without further proceedings, an *Order* modifying the licenses as provided in the *Orders to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, KUVR and KEZH will be deemed to have consented to the modifications as proposed in the *Orders to Show Cause* and a final *Order* will be issued by the Commission, if the above-mentioned channel modifications are ultimately found to be in the public interest.

13. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

14. Interested parties may file comments on or before December 21, 1981, and reply comments on or before January 11, 1982.

15. It is further ordered, that the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Notice* to Highwood Broadcasting Company, 500 J Street, Hastings, Nebraska 68901; and to W.W. Broadcasting Company, Inc., 613 Fourth Ave., Holdrege, Nebraska 68949.

16. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

17. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(1), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-31479 Filed 10-28-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-737; RM-3882]

FM Broadcast Stations in Montevideo, Olivia, and Ortonville, Minn.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes several alternative assignment plans looking toward the assignment of a Class C FM channel to Ortonville, Minnesota, at the request of C.G.N. Corporation. Depending on which alternative is chosen, the assignment to Ortonville may require a channel substitution at Olivia or at Montevideo, Minnesota. A Class C FM station at Ortonville may provide previously unserved rural areas with FM service.

DATES: Comments must be filed on or before December 21, 1981, and reply comments must be filed on or before January 11, 1982.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Montevideo, Olivia, and Ortonville, Minnesota), BC Docket No. 81–737, RM–3882.

Adopted: October 19, 1981.

Released: October 23, 1981.

1. A petition for rule making[1] has been filed by C.G.N. Corporation ("petitioner") seeking the assignment of Class C FM Channel 268 to Ortonville, Minnesota, as that community's second FM assignment. This assignment would require the substitution of Channel 244A for Channel 269A at Olivia, Minnesota. An opposition to the petition has been submitted by Olivia Broadcasting Company ("OBC"), and petitioner has responded to OBC's opposition.

2. Ortonville, Minnesota (population 2,665),[2] seat of Big Stone County (population 7,941), is located on the Minnesota—South Dakota border approximately 248 kilometers (155 miles) west of Minneapolis, Minnesota. Part of Ortonville is also located in Lac qui Parle County (population 11,164). Ortonville is presently served by daytime-only AM Station KDIO. Unused FM Channel 292A is assigned to Ortonville.

3. In support of the assignment of a wide coverage area Class C channel to Ortonville, petitioner states that the Class A channel has been assigned to the city since the introduction of the Table of Assignments but has never been activated. Petitioner states that a Class C channel at Ortonville would serve the largely rural population of Big Stone, Traverse, and Lac qui Parle Counties in western Minnesota. Petitioner admits that Ortonville has experienced a decline in population during the past decade, but states nonetheless that "* * * the future looks promising." According to petitioner, Ortonville is a trade and cultural center for much of the surrounding area. Petitioner also asserts that Ortonville is situated on Big Stone Lake and draws a large sporting population year-round. Petitioner further notes that the area in which Channel 268 can be utilized is very small and contains only six communities. Of the six communities to which Channel 268 could be assigned, petitioner submits that only two are larger than Ortonville and those two communities have additional channels available. Petitioner realizes that assigning Channel 268 to Ortonville as a "drop-in" necessitates a site restriction of approximately 25 miles due to the assignment of Channel 269A to Olivia, Minnesota.[3] In order to minimize this Channel 244A be substituted for Channel 269A at Olivia.

4. In opposition to the petition, OBC states that Channel 244A is unsuitable for assignment to Olivia due to spacing restrictions. According to OBC, spacing limitations for Channel 244A would require a site no less than eight miles from Olivia, which is not suitable for a Class A assignment. OBC argues, therefore, that the Channel substitution at Olivia should not be made.

5. In response to OBC's opposition, petitioner notes that OBC has not objected to the assignment of Channel 268 to Ortonville, but has objected to the channel substitution at Olivia. Petitioner states that while the Olivia substitution is desirable in order to reduce the Ortonville site restriction, it is not essential to the assignment of Channel 268 to Ortonville. Petitioner contradicts OBC's assertions that a site restriction of eight miles would be necessary; according to petitioner, the only short-spacing with regard to Olivia would result from a proposal to assign Channel 244A to North Mankato, Minnesota. Petitioner states that the site restriction caused by the North Mankato assignment would be no more than 1.03 miles. Petitioner concludes that the channel substitution at Olivia will allow both the Ortonville and the Olivia FM stations to be constructed near their communities of license, while proceeding without the Olivia substitution would impose "an absolutely unnecessary and highly undesirable site limit on use of Channel 268."

6. *Preclusion Study*—The assignment of Channel 268 to Ortonville will cause preclusion on Channels 266, 267, 268, and 269A. According to the petitioner, except for Wheaton, Minnesota, all communities with a population over 1,000 located in this precluded area either have existing assignments or other channels are available for assignment. Petitioner states that Wheaton will be served by Channel 268 at Ortonville.

7. Initially we note that the Commission does not normally assign high power Class C channels to communities the size of Ortonville absent some showing that substantial unserved or underserved population will receive service from the proposed operation. In this case, aside from conclusory observations that large rural areas will receive service, petitioner has submitted no engineering data to indicate that substantial populations, currently underserved, will in fact receive additional service from the proposed assignment. Rather than deny the assignment at this time, however, we believe that petitioner should be given an opportunity to make such a showing. Therefore, petitioner will be expected to include in its comments a proper *Roanoke Rapids*[4] study demonstrating the areas and populations which will receive first and second FM service from the Ortonville assignment.

8. In the event that sufficient data is submitted by petitioner to justify the Class C assignment to Ortonville, questions then arise with respect to the spacing considerations discussed by petitioner and OBC. A Commission staff study indicates that there are three potential channel assignment plans which would permit the assignment of a Class C channel to Ortonville. The first plan is simply to assign Channel 268 to Ortonville as a drop-in. As noted previously, such an assignment would require a site restrition of 24.6 miles northwest to protect the Channel 269A assignment at Olivia. The second alternative involves a channel substitution at Olivia, Minnesota. According to the staff analysis, Channel 221A can be substituted for unused Channel 269A at Olivia.[5] A site restriction of four miles east is required for Channel 221A at Olivia, however. Removing Channel 269A at Olivia would permit the assignment of Channel 268 at Ortonville. The third plan requires a channel substitution at Montevideo, Minnesota. Channel 224A could be substituted for Channel 288A at Montevideo; this would permit the assignment of Channel 287 to Ortonville with a site restriction of approximately 11.3 miles west. Currently, two applications are on file for Channel 288A at Montevideo; if the channel assignment at Montevideo is changed, the two applicants will be permitted to amend their applications to specify the newly assigned channels. We realize that each of these alternatives has its individual drawbacks. Therefore, we seek comment on all three plans in order to determine which plan, if any, best serves the public interest.[6]

9. Because the affected communities are located within 402 kilometers (250 miles) of the U.S.—Canada border, the proposed asignments require

[1] Public Notice of the petition was given April 17, 1981, Report No. 1281.

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

[3] According to the Commission's minimum separation requirements, first adjacent Class A and Class C channels must be at least 105 miles apart. Olivia and Ortonville are approximately 80 miles apart.

[4] 9 FCC 2d 672 (1967).

[5] The channel suggested by petitioner for substitution at Olivia, Channel 244A, would require a site restriction of approximately 7.4 miles. At that distance, there is some question as to whether a station could provide a 70 dBu signal over the entire community as reqired by the Commission's rules.

[6] Should we ultimately decide to assign a Class C channel to Ortonville, we propose to delete the current Class A assignment since it appears that there is no interest in that channel.

coordination with the Canadian government.

10. Accordingly, the Commission proposes to amend the FM Table of Assignments, §73.202(b) of the Commission's rules, according to one of the alternative assignment plans listed below, as follows:

City	Channel No.	
	Present	Proposed
Plan I:		
Ortonville, Minnesota	292A	268
Plan II:		
Olivia, Minnesota	269A	221A
Ortonville, Minnesota	292A	268
Plan III:		
Montevideo, Minnesota	288A	224A
Ortonville, Minnesota	292A	267

11. It is ordered, that the Secretary of the Commission shall send, by certified mail, return receipt requested, a copy of this *Notice* to Western Minnesota Stereo, Inc., P.O. Box 550, Webster City, Iowa, 05595, and O & I Broadcasting, P.O. Box 218, Thief River Falls, Minnesota, 56701, the applicants for Channel 288A at Montevideo.

12. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

13. Interested parties may file comments on or before December 21, 1981, and reply comments on or before, January 11, 1982.

14. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

15. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was a requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-31478 Filed 10-28-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 95 and 97

[SS Docket No. 78-352; RM-2857; FCC 81-435]

Procedures To Minimize Potential Interference to Radio Astronomy Operations

AGENCY: Federal Communications Commission.

ACTION: Denial of petition for reconsideration and termination of proceeding.

SUMMARY: Petitioner, The American Radio Relay League, Inc. requested that voluntary agreements between amateur operators and certain Government Agencies be substituted for regulations designed to protect the Agencies' operations in the National Radio Quiet Zone. The Commission held that rules were necessary and those adopted were not invalid for indefiniteness even though they did not provide, in advance, for all contingencies. The Commission also said that the size of the Quiet Zone was beyond the scope of the proceeding.

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

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Rules Division, Washington, D.C. 20554, (202) 632-4964, Room 5218.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of the General Mobile Radio Service (Part 95) and Amateur Radio Service (Part 97) Rules to establish procedures to minimize potential interference to Radio Astronomy Operations; memorandum opinion and order.

Adopted: September 30, 1981.

Released: October 8, 1981.

1. The Commission has before it a Petition for Reconsideration of the action it took on March 26, 1981, in its Report and Order in Docket No. 78-352, FCC 81-122, 46 FR 21169 (April 9, 1981). The petition was filed on May 4, 1981,

by the American Radio Relay League, Inc. (ARRL). On May 29, 1981, the National Radio Astronomy Observatory (NRAO), Green Bank, West Virginia, and the Naval Research Laboratory (NRL), Sugar Grove, West Virginia, filed an opposition to the ARRL's petition for reconsideration. Both the petition and the opposition were timely filed.

Background

2. On October 19, 1978, the Commission adopted a Notice of Proposed Rulemaking (43 FR 51048, November 2, 1978) seeking to apply the protection procedures of the National Radio Quiet Zone to amateur radio stations in repeater operation and to base, fixed and mobile relay stations in the General Mobile Radio Service. The aim of the coordination procedures is to protect the observational and research activities of NRAO and NRL from harmful radio interference. After considering the comments that were filed, final rules were adopted amending the rules substantially as proposed. The petitioner, ARRL, has requested reconsideration of the amateur rule amendment only. No party has come forth to request reconsideration of the General Mobile Radio Service rule amendment.

The Petition

3. Petitioner seeks reconsideration on the following grounds:

(a) That the Commission erred by stating that the issue was a choice between the public good and the individual aspirations of a group of radio users;

(b) That the action to be taken by the Commission, upon receipt of objection to an amateur repeater by NRAO or NRL, lacks specificity and constitutes an *ultra vires* expansion of the Commission's authority;

(c) That the Quiet Zone is overly large and arbitrarily established; and

(d) That the regulatory approach the Commission took should be supplanted by voluntary cooperation between amateur radio operators and the Agencies involved.

The Opposition

4. In support of its opposition NRAO and NRL urged that:

(a) The petition was technically defective since it introduced matters not newly discovered or occurring since the proceeding was closed;

(b) The Commission merely weighed the conflicting interests herein and decided that the merits lay with the Agencies;

(c) The Agencies would not object to modifications of an amateur repeater station during emergencies;

(d) The coordination procedures for amateur repeaters are similar to procedures for other radio services and, hence, the Commission is not exceeding or expanding its regulatory authority;

(e) The petitioner's argument as to the boundaries of the Quiet Zone was not previously raised, and it is too late to raise it now; and

(f) The idea of a voluntary, cooperative working arrangement between the amateur radio operators and the Agencies was already considered by the Commission and rejected.

Discussion

5. In our Report and Order in this proceeding, we stated the issue in its simplest terms: that there was a choice between the public good and the individual aspirations of a group of amateur radio licensees. The ARRL labels this statement as "an outrageous characterization of the situation." Nothing pejorative was intended. We are well aware of the humanitarian and service orientation of many amateur radio operators. We are also keenly aware, however, of our responsibility to be the arbiter of conflicting interests insofar as the radio spectrum is concerned.

6. It is difficult to see how the rule we adopted could lead to expansions of our power or go beyond the scope of our legitimate authority, as ARRL alleges. Our empowering Act, the Communications Act of 1934, as amended, confers the necessary authority upon us. In connection with the application of protection procedures to radio astronomy observations and Naval research functions, we cite the following sections of the Act:

§ 4(i): The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions.

§ 303(b): The Commission shall prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class.

§ 303(f): The Commission shall make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act * * *.

§ 303(h): The Commission shall have authority to establish areas or zones to be served by any station.

§ 303(r): The Commission shall make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act * * *.

7. What particularly concerns the ARRL is that the new rule provides that we will consider the entire matter in all its aspects and take appropriate action, if we receive an objection from the Agencies to establishment or modification of an amateur repeater in the Quiet Zone (47 CFR 97.85(f)(3). There is no way that the specific action to be taken with respect to a particular case of harmful interference can be spelled out in the rule until the facts of the matter are made known to us. It is only then that we can determine the course of action to take. It may be, in one case, that an antenna adjustment must be made; in another, it may require power reduction, etc. The law is clear that a statute will not be held invalid for indefiniteness merely because it is flexible and adjustable to conditions thereafter arising. *People* v. *Goldfogle*, 151 N.E. 452. And, in *State* v. *Hoebel*, 41 N.W. 2d 865, 867, the court said: "It is not required that a statute be so elaborate in its detailed specifications as to meet every possible state of circumstances that may arise under it."

8. The next argument advanced by the ARRL is that the Quiet Zone is too capacious and that its bounds should be confined by delineating them as two overlapping circles, with NRAO and NRL as the centers of the circles. This configuration would be in lieu of the square that the Quiet Zone now is. We agree with, and adopt, the view of the Agencies that this request to change the boundaries of the Quiet Zone comes too late. The Quiet Zone came into being in 1958. A redefinition of its boundaries is beyond the scope of this proceeding.

9. The ARRL reiterates its position that mandatory coordination procedures are not necessary and recommends again that only voluntary, cooperative agreements between NRAO/NRL and amateur operators are needed. We affirm our view that voluntary guidelines, without the force of rules, would not assure the protection from harmful interference that the Agencies require.

10. The ARRL states in its petition that: "The amateurs have no idea whether, after the expense of a significant amount of time, energy and money in establishing a repeater station, that station will be allowed to remain." The rule is clear that before placing a station in repeater operation, or before modifying an existing repeater, in the Quiet Zone, notification to the Agencies must be given. Before an investment in time, energy and money is made, an amateur operator should wait until it is known whether the Agencies object to the repeater.

11. The affidavit of Lieutenant William L. Schultz, USN, Sugar Grove, West Virginia, leaves no doubt that harmful interference from amateur repeaters is now occurring in the Quiet Zone. Lt. Schultz says that in February of 1979 he supervised the making of measurement tests to determine the level of amateur radio activity at Sugar Grove. The tests showed that in the amateur frequency band 144–148 MHz, the signal strengths recorded were in excess of the 0.1 microvolt per meter which could be tolerated at Sugar Grove.

12. Finally, we address the question of whether amateur repeaters could be modified in an emergency. The Agencies have said that they would offer no objection to modifying repeaters for more efficient communications in times of emergency. The ARRL position is that unless there are repeaters in place and operational, there can be no reliable emergency communications by amateur operators. We are confident that amateur radio operators will be able to change the configuration of an antenna, increase transmitter power by remote control and make other changes to provide necessary coverage in emergency situations.

Conclusion

13. For all of the reasons set forth above, the instant Petition for Reconsideration should be denied. Accordingly, it is ordered that the Petition for Reconsideration of the American Radio Relay League, Inc. is denied. This proceeding is hereby teminated and the docket is closed.

14. For information on this Memorandum Opinion and Order, call Maurice J. DePont, (202) 632–4964.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-31483 Filed 10-28-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611 and 675

Foreign Fishing Regulations, Groundfish of the Bering Sea

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

ACTION: Proposed rule; notice of approval and availability of plan amendments.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, has initially approved two amendments to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The amendments: (1) Increase the domestic annual harvest and decrease total allowable level of foreign fishing for yellowfin sole and "other flatfish"; (2) recalculate the maximum sustainable yield for that portion of Pacific cod under U.S. management, and (3) institute procedures to close during the fall and winter certain areas in the eastern Bering Sea to groundfish trawling by vessels of a foreign nation which have caught a specified number of chinook salmon, a prohibited species for foreign trawling.

The intended effect of this action is to make the FMP consistent with amendments to the current preliminary management plan for this fishery, and to propose rules to implement the amendments to the FMP. These proposed rules modify the proposed rules published at 44 FR 66356 on November 19, 1979.

DATE: Comments on the amendments and the proposed rule must be submitted on or before December 14, 1981.

ADDRESSES: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Mark "Comments on BSA Groundfish FMP amendments 1a and 2" on the outside of the envelope. An environmental impact analysis for this action is under review by NOAA. Individual copies of the amendments may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510, 907–274–4563.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907–586–7221.

SUPPLEMENTARY INFORMATION: The foreign groundfish fisheries in the fishery conservation zone (FCZ) of the eastern Bering Sea and the Aleutian Islands west of 170° W. longitude are currently managed under authority of the Preliminary Fishery Management Plan for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific (FMP). The FMP was published in the **Federal Register** (42 FR 9298) on February 15, 1977, and implemented on March 1, 1977, under provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The North Pacific Fishery Management Council (Council) developed the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) and submitted it in 1979 to the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) for approval and implementation under the Magnuson Act. The FMP governs both foreign and U.S. groundfish fisheries in the FCZ off Alaska. NOAA published the FMP for public comment in the **Federal Register**, together with proposed implementing regulations, on November 19, 1979, at 44 FR 66356. These regulations will be made final shortly. However, since the time the regulations were proposed, the Council has approved adjustments to the yellowfin sole, "other flatfish", and Pacific cod quotas. The adjustments have already been implemented under a FMP amendment (46 FR 2081). This notice proposes to modify the FMP regulations proposed in 1979 in order to reflect the adjustments approved by the Council in 1980.

Species Quota Adjustments

An amendment (Amendment 2) to the FMP was approved by the Council on September 24, 1980. Amendment 2 increases the estimated domestic annual harvest (DAH) for yellowfin sole and for "other flatfishes." The DAH for yellowfin sole is increased from 2,050 metric tons (mt) to 26,200 mt, and the DAH for "other flatfishes" is increased from 1,300 mt to 4,200 mt. The increases in DAH for yellowfin sole and for "other flatfishes" result in an equivalent reduction in the total allowable level of foreign fishing (TALFF) for this species and species group. This action reflects a judgment that U.S. fishermen, particularly those delivering fish to foreign vessels under "joint venture" arrangements, will catch more of these species in the near future than they have in the past.

Amendment 2 also increases the optimum yield (OY) for Pacific cod from 58,700 mt to 78,700 mt. The increase in OY responds to a short-term increase in the abundance of Pacific cod due to a strong year class entering the fishery, along with the rapid expansion of the domestic fishery for this species. The original estimate of maximum sustainable yield (MSY) for Pacific cod (58,700 mt) was based on the average annual catch during a period when catches stabilized (1968–76). This estimate of MSY included catches from areas west of 180° W. longitude which lie outside the United States PCZ. This MSY was recalculated and the current figure of 55,000 mt is based only on catches from the Bering Sea east of 180°

W. longitude and from the Aleutian Islands area within the PCZ.

Analyses of National Marine Fisheries Service (NMFS) resource assessment data indicate that the relative abundance of Pacific cod more than doubled between 1977 and 1978. Data from NMFS surveys in 1978–80 indicate good survival of the 1977 year class. The projected exploitable biomass (age groups 2–5) of Pacific cod for 1981 ranged from 803,000 mt to 1,248,000 mt and the estimated exploitable biomass figures for 1982 are not expected to deviate significantly from those for 1981. An equilibrium yield (EY), or harvest rate at which the biomass will remain stable, is based conservatively at 160,600 mt, which is 20 percent of the lower end of the 1981 projected exploitable biomass range.

The acceptable biological catch (ABC) for Pacific cod will exceed the estimated MSY in 1981 and 1982 due to the recruitment of the strong 1977 year class. Based on the 1980 NMFS resource assessment and the estimated biomass range for Pacific cod for 1981, the ABC for this species will equal the EY, or 160,600 mt.

The large 1977 year class will be available to the fishery in 1982 as 5-year-old fish. Natural mortality will rapidly reduce the abundance of this year class during 1982 and thereafter. It is desirable to increase the harvest of Pacific cod during the short period that the abundant year-class remains in the fishery. Therefore, a 20,000 mt increase in OY from the previous level of 58,700 mt is justified. Due to possible inaccuracies in the 1979 through 1981 biomass estimates, and in the projection of the 1982 biomass estimate, OY is set conservatively at 78,700 mt rather than at a level closer to ABC.

Surveys by NMFS of the U.S. fishing industry indicated that U.S. fish processors intend to expand Pacific cod production. The DAH for Pacific cod is increased from 24,265 mt to 43,265 mt, of which 26,000 mt is specified as domestic annual processing (DAP). Those portions of DAH specified as Joint Venture Processing (JVP) (17,065 mt), and domestic nonprocessed fish (DNP) (200 mt), are unchanged. The TALFF of 31,500 mt also is unchanged. If, after reassessment during the year, it is determined that not all of the DAH will be used by U.S. processors and harvesters, the balance of DAH may be released to TALFF. Moreover, to prevent the Pacific cod OY from being exceeded without preventing unexpected domestic fishery development, five percent of the OY will continue to be held in reserve for possible allocation later in the year to DAH on the basis of domestic need. Because of the increase in OY, 3,935 mt will now be held in reserve, or 1,000 mt more than the amount formerly reserved.

Prohibited Species Catch

Another FMP amendment (Amendment 1a) was approved by the Council on March 27, 1981. This amendment limits the prohibited species catch (PSC) of chinook salmon in the eastern Bering Sea foreign trawl fishery to 55,250 fish during the 1982 fishing year. This amount is a 15 percent reduction from the chinook salmon PSC of 65,000 fish established during the 1981 fishing year under a PMP proposed rulemaking published in the Federal Register (46 FR 45968) on September 16, 1981. A detailed description of the chinook salmon PSC amendment, the need for the amendment, and classification determinations were presented at that time. Amendment 1a to the FMP evolved from a concern by western Alaska Native groups over the apparent increase in the incidental catch of western Alaska chinook salmon in the foreign trawl fisheries, and from the subsequent agreement between western Alaska Native groups and the Japanese trawling interests to limit the number of chinook salmon caught incidentally in foreign trawl operations to 55,250 fish in 1982. There is a difference between the formula used to distribute the salmon under the PMP, and the formula proposed under the FMP. The PMP formula distributes the salmon on the basis of the TALFF. Thus, if Country A has 37% of the current TALFF, it is allowed to catch 37% of the total salmon PSC before the central Bering Sea is closed to it. Whenever reserves are reapportioned to TALFF and allocated by the State Department, Country A has a risk of getting to PSC reduced if its percentage of the TALFF is lowered.

The formula proposed under Amendment 1a eliminates this risk. Not all of the salmon PSC will be allocated at the start of the year. As reserves are released to TALFF, salmon PSC will be released with it. This, if a new country receives the entire reserve release midway through the year, salmon will not be "taken away" from the original countries; instead, the new country will receive some of the reserved PSC.

A nation's share of the Chinook Salmon PSC is, at any time during the year, in the same proportion to the total salmon PSC as its groundfish allocation is to the total groundfish TALFF plus reserves, and is automatically established by the following formula:

Nation's Chinook Salmon PSC divided by Total Chinook Salmon PSC equals Nation's Groundfish Allocation divided by Total Groundfish TALFF plus Reserves

Classification

The Assistant Administrator has determined that these amendments to the FMP are necessary and appropriate for the conservation and management of fishery resources in the Bering Sea and Aleutian Islands area, and that the action is consistent with the national standards of the Magnuson Act, and with other applicable law. He has, therefore, under sections 304 and 305 of the Magnuson Act, approved these FMP amendments and proposed these regulations to implement them. A final Environmental Impact Analysis on the orginal FMP and amendments 1a and 2 is under review by NOAA.

The Assistant Administrator has also determined that approval and implementation of these amendments will be carried out in a manner that is consistent, to the maximum extent practicable, with the Alaska Coastal Management Program, as required by section 307(c) of the Coastal Zone Management Act of 1972 and its implementing regulations, 15 CFR Part 930, Subpart C. This determination has been submitted to the State of Alaska for review.

The Administrator, NOAA, has determined that this proposed rulemaking is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, and that the sector of the United States fishing industry dealing in groundfish from the Bering Sea and Aleutian Islands is too small for the proposed actions to have a significant effect on the economy. This action will not effectively change the amount of Pacific cod available to the U.S. fishing industry, because the cod are already available to domestic fishermen under the PMP. The Administrator also certifies that approval and implementation of Amendments 1a and 2 will not have a significant economic impact on a substantial number of small entities, and thus do not require the preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604. The Administrator has also determined that this proposed rulemaking does not contain a collection of information requirement or involve any agency in collecting or sponsoring the collection of information within the meaning of the Paperwork Reduction Act of 1980.

Dated: October 22, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons set out in the preamble, the proposed regulations for 50 CFR Parts 611 and 675, as published at 44 FR 66356, are proposed to be amended as follows (only the amendatory language is reproduced below):

PART 611—FOREIGN FISHING

1. The authority citation for Part 611.93 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. In § 611.93, revise Table 1 and add paragraph (c)(2)(vi) to read as follows:

§ 611.93 Bering Sea and Aleutian Islands Groundfish fishery.

* * * * *

TABLE 1.—BERING SEA AND ALEUTIAN ISLANDS FISHERY OPTIMUM YIELDS, TALFF'S, AND RESERVES

[In metric tons]

Reference—Species group and subarea [1]	ABC=OY [2]	Reserve	Initial DAH	Initial TALFF
Pollock:				
Bering Sea	1,000,000	50,000	19,550	930,450
Aleutian	100,000			100,000
Yellowfin Sole	117,000	5,850	26,200	84,950
Turbots	90,000	4,500	1,075	84,425
Other Flatfishes [3]	61,000	3,050	4,200	53,750
Pacific Cod	78,700	3,935	43,265	31,500
Pacific Ocean Perch:				
Bering Sea	3,250	162	1,380	1,708
Aleutian	7,500	375	1,380	5,745
Other Rockfish	7,727	500	1,550	5,677
Sablefish:				
Bering Sea	3,500	350	700	2,450
Aleutian	1,500	150	700	650
Atka Mackerel	24,800	1,240	100	23,460
Squid	10,000	500	50	9,450
Others	74,249	3,712	2,000	68,537
Total	1,579,226	74,324	102,150	1,402,752

[1] BS=Bering Sea (Statistical Areas I, II, and III combined). AL=Aleutian Island Areas (Statistical Area IV). Includes territorial waters.
[2] Except for Pacific cod where ABC=160,600 mt.
[3] Excluding Pacific halibut.

(c) * * *

(2) * * *

(vi) During any fishing year, fishing area II and that portion of fishing area I lying between 55° N and 57° N. latitude and 165° W. and 170° W. longitude shall be closed for the remainder of the periods January 1 through March 31, and October 1 through December 31, to trawling by vessels of any nation whose vessels have intercepted that nation's portion of the prohibited species catch (PSC) of chinook salmon. A nation's portion of the chinook salmon PSC, at any time during the fishing year, is determined by multiplying 55,250 (the total PSC for chinook salmon) by the ratio of that nation's groundfish allocation to the total TALFF plus reserves for groundfish:

Nation's salmon PSC equals 55,250 multiplied by nation's groundfish allocation divided by total groundfish TALFF and reserve

Fishing areas I and II are shown § 611.9, Appendix II, figure 2.

* * * * *

PART 675—GROUNDFISH OF THE BERING SEA

3. The authority citation for Part 675 reads as follows:

Authority: 16 U.S.C. 1855.

4. In Part 675, Table 1 of § 675.20 is revised to read as follows:

§ 675.20 General limitations.

* * * * *

TABLE 1.—BERING SEA AND ALEUTIAN ISLANDS FISHERY OPTIMUM YIELDS, TALFF'S, AND RESERVES

[In metric tons]

Reference—Species group and subarea [1]	ABC=OY [2]	Reserve	Initial DAH	Initial TALFF
Pollock:				
Bering Sea	1,000,000	50,000	19,550	930,450
Aleutian	100,000			100,000
Yellowfin Sole	117,000	5,850	26,200	84,950
Turbots	90,000	4,500	1,075	84,425
Other Flatfishes [3]	61,000	3,050	4,200	53,750
Pacific Cod	78,700	3,935	43,265	31,500
Pacific Ocean Perch:				
Bering Sea	3,250	162	1,380	1,708
Aleutian	7,500	375	1,380	5,745
Other Rockfish	7,727	500	1,550	5,677
Sablefish:				
Bering Sea	3,500	350	700	2,450
Aleutian	1,500	150	700	650
Atka Mackerel	24,800	1,240	100	23,460
Squid	10,000	500	50	9,450
Others	74,249	3,712	2,000	68,537

TABLE 1.—BERING SEA AND ALEUTIAN ISLANDS FISHERY OPTIMUM YIELDS, TALFF'S, AND RESERVES—Continued

[In metric tons]

Reference—Species group and subarea [1]	ABC=OY [2]	Reserve	Initial DAH	Initial TALFF
Total	1,579,226	74,324	102,150	1,402,752

[1] BS=Bering Sea (Statistical Areas I, II, and III combined). AL=Aleutian Island Areas (Statistical Area IV). Includes territorial waters.
[2] Except for Pacific cod where ABC=160,600 mt.
[3] Excluding Pacific halibut.

* * * * *

[FR Doc. 81-31424 Filed 10-28-81; 8:45 am]
BILLING CODE 3510-02-M

Notices

Federal Register
Vol. 46, No. 209
Thursday, October 29, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Freedom of Information Act; 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 discuss and vote on proposed recommendations related to the administration of exemption (b)(4) of the Freedom of Information Act. The need to complete Committee action on these proposals, which have been discussed at several previous publicly noticed meetings, dictates the limited notice period.

DATE; TIME; PLACE: November 3, 1981; 1 p.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 statement 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 will be voting on proposed recommendations on the following subjects: (1) Definition of "confidential business information"; (2) whether to make (b)(4) a mandatory—rather than permissive—exemption; (3) appropriate notice to the submitter of arguably confidential business information prior to its release; (4) form of agency determination of contested claims of confidentiality, and (5) judicial review of agency denials of confidential treatment.

Richard K. Berg,
General Counsel.
October 26, 1981.

[FR Doc. 81-31468 Filed 10-28-81; 8:45 am]
BILLING CODE 6110-01-M

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

[Pay Order 82-1]

Rates of Pay for Certain Officers and Employees of the Judicial Branch

Pursuant to the authority which the laws of the United States of America vest in me as Director of the Administrative Office of the United States Courts, I hereby ascertain, adjust, fix, or provide notice of pay rates for certain offices and positions in the Judicial Branch as follows:

1–1. Rates of Pay.

1–101. *Pay Rates Adjusted by Operation of Law.*

(a) The annual pay rates for offices having rates which the Executive Salary Cost-of-Living Adjustment Act (Pub. L. No. 94–82, § 205, 89 Stat. 419 (28 U.S.C. 461)) adjusts are set forth in Table 1.

(b) The annual pay rates for offices having rates linked to rates which the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 2.

1–102. *Pay Rates Fixed by Administrative Action.*

(a) The maximum annual pay rates for offices having maximum rates which the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 3.

(b) The maximum annual pay rates for offices and positions having maximum rates linked to rates which the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 4.

(c) The maximum pay rates for positions having maximum rates which may be adjusted pursuant to section 5307 of title 5, United States Code, are set forth in Table 5.

(d) The maximum annual pay rates for offices having maximum rates linked to rates which may be adjusted pursuant to section 5307 of title 5, United States Code, are set forth in Table 6.

(e) The maximum pay rates for positions having maximum rates linked to rates which are adjusted pursuant to section 5305 of title 5, United States Code, are set forth in Table 7.

(f) The annual pay rates for positions having rates which the Judicial Conference of the United States fixes are set forth in Table 8.

(g) The annual pay rates for positions having rates fixed in accordance with the Judicial Salary Plan (established pursuant to 28 U.S.C. 604(a)(5)) are set forth in Table 9.

(h) The hourly pay rates for certain employees whose rates the Director of the Administrative Office of the United States Courts fixes in accordance with section 5349 of title 5, United States Code, are set forth in Table 10.

1–2. General Provisions.

1–201. *Incorporation of Tables.*

Each of the tables described above is incorporated herein.

1–202. *Effective Dates.*

(a) Except as otherwise provided, all adjustments of pay rates in the attached tables are effective as of the beginning of the first applicable pay period commencing on or after October 1, 1981. Implementing adjustments as a consequence of adjustments to maximum rates in the attached tables shall become effective in accordance with the determination of the administrative authority possessing pay-fixing responsibility.

(b) The adjustments of pay rates in Table 10 are effective as of October 19, 1981.

1–203. *Determination of Adjustments.*

Certain adjustments in sections 1–101 and 1–102 depend upon the overall average percentage of the adjustment in the rates of pay under the General Schedule. According to the President's August 31, 1981 report to the Congress of the United States, this average is 4.8 percent. 17 Weekly Comp. of Pres. Doc. 917, 918 (Sept. 7, 1981).

1–204. *"Formula Rates."*

The difference between a rate of pay (or maximum rate) and a "formula rate," whenever a "formula rate" appears in the attached tables, is attributable to H.R.J. Res. 610, Pub. L. No. 96–369, section 101(c), 94 Stat. 1351, 1352 (Oct. 1, 1980); H.R.J. Res. 644, Pub. L. No. 96–536, section 101(c), 94 Stat. 3166, 3167 (Dec. 15, 1980); the Act of June 5, 1981, Pub. L. No. 97–12, section 401, 95 Stat. 14, 23; and H.R.J. Res. 325, Pub. L. No. 97–51, section 101(c), 95 Stat. (Oct. 1, 1981).

1–205. *Superseded Orders.*

This pay order supersedes Pay Order 81–3 of June 15, 1981.

Done at Washington, D.C., this 16th day of October 1981.

William E. Foley,

Director, Administrative Office of the United States Courts.

TABLE 1.—ANNUAL PAY RATES FOR OFFICES HAVING RATES WHICH THE EXECUTIVE SALARY COST-OF-LIVING ADJUSTMENT ACT ADJUSTS

Office	Rate	Formula[1]	Basic authority	Adjustment authority
Chief Justice of the United States	$96,800		28 U.S.C. 5	28 U.S.C. 461.
Associate Justices of the Supreme Court of the United States	93,000		28 U.S.C. 5	Do.
Circuit Judges, United States Courts of Appeals	74,300		28 U.S.C. 44(d)	Do.
Judges, United States Court of Claims	74,300		28 U.S.C. 173	Do.
Judges, United States Court of Customs and Patent Appeals	74,300		28 U.S.C. 213	Do.
Judges, United States District Courts	70,300		28 U.S.C. 135	Do.
Judges, United States Court of International Trade	70,300		28 U.S.C. 252	Do.
Bankruptcy Judges (formerly Referees in Bankruptcy) (Full-time)	53,500	$61,200	Act of Nov. 6, 1978, Pub. L. No. 95-598, title IV, §§ 404(d), 411, 92 Stat. 2549, 2684, 2688.	Do.
Commissioners (Trail Judges), United States Court of Claims	51,167.50	62,700	28 U.S.C. § 792(b)	Do.

[1] The "formula rates" in this column are furnished for convenience of reference only. They provide a basis for future cost-of-living adjustment calculations and the determination of legal pay rates in the absence of legislation to the contrary. Whenever this column is blank for a particular position, the "formula rate" is currently the same as the pay rate for that position.

TABLE 2.—ANNUAL PAY RATES FOR OFFICES HAVING RATES LINKED TO RATES WHICH THE EXECUTIVE SALARY COST-OF-LIVING ADJUSTMENT ACT ADJUSTS

Office	Rate	Formula[1]	Authority
District Judge, United States District Court for the District of the Canal Zone	$70,300		3 P.C.C. 5(b).
Judges, District Court of the Virgin Islands	70,300		48 U.S.C. 1614(a).
Judge, District Court of Guam	70,300		48 U.S.C. 1424b(a).
Judge, District Court for the Northern Mariana Islands	70,300		48 U.S.C. 1694(b)(1).
Director, Administrative Office of the United States Courts	70,300		28 U.S.C. 603.
Director, Federal Judicial Center	70,300		28 U.S.C. 626.
Deputy Director, Administrative Office of the United States Courts	50,112.50	$61,300	28 U.S.C. 603.

[1] See n. 1 on Table 1.

TABLE 3.—PAY FIXED BY ADMINISTRATIVE ACTION; MAXIMUM ANNUAL PAY RATES FOR OFFICES HAVING MAXIMUM RATES WHICH THE EXECUTIVE SALARY COST-OF-LIVING ADJUSTMENT ACT ADJUSTS

[Rate Which the Judicial Conference of The United States Fixes [1]]

Office	Maximum rate	Formula [2]	Authority	Adjustment authority
Bankruptcy Judges (formerly Referees in Bankruptcy) (Part-time)	$30,600		Act of Nov. 6, 1978, Pub. L. No. 95-598, title IV, 404(d), 411, 92 Stat. 2549, 2684, 2688.	28 U.S.C. 461.

[1] In accordance with the September 1974 resolution of the Judicial Conference of the United States concerning cost-of-living adjustments for part-time bankruptcy judges and 5 U.S.C. 5307, the annual pay rate for each part-time bankruptcy judge is adjusted as follows: Level 1—$30,600; Level 2—27,700; Level 3—25,200; Level 4—4,500. These adjustments are effective October 1, 1981.

[2] The "formula rates" in this column are furnished for convenience of reference only. They provide a basis for future cost-of-living adjustment calculations and the determination of maximum pay rates in the absence of legislation to the contrary. Whenever this column is blank for a particular position, the "formula rate" is currently the same as the maximum pay rate for that position.

TABLE 4.—PAY FIXED BY ADMINISTRATIVE ACTION [1]

[Maximum Annual Pay Rates for Offices and Positions Having Maximum Rates Linked to Rates Which the Executive Salary Cost-of-Living Adjustment Act Adjusts]

	Maximum rate	Formula [2]	Authority
Office:	**Rate Which the Chief Justice of the United States Fixes**		
Administrative Assistant to the Chief Justice of the United States	$70,300		28 U.S.C. 677(a).
	Rates Which the Judicial Conference of the United States Fixes		
Office:			
United States Magistrates (Ful-Time)	[3] 53,500	$61,200	28 U.S.C. 634(a)[4].
United States Magistrates (Part-Time)	[3] 26,750	30,600	28 U.S.C. 634(a)[4].
Circuit Executives	[5] 50,112.50	61,300	28 U.S.C. 332(f).
	Rate Which the Judicial Council of the Circuit Fixes		
Office:			
Federal Public Defender (for the Central District of California)	[6] 52,750	64,600	18 U.S.C. 3006A(h)(2)(A); 5 U.S.C. 5315.

TABLE 4.—PAY FIXED BY ADMINISTRATIVE ACTION [1]—Continued

[Maximum Annual Pay Rates for Offices and Positions Having Maximum Rates Linked to Rates Which the Executive Salary Cost-of-Living Adjustment Act Adjusts]

	Maximum rate	Formula [2]	Authority
Rates Which the Director of the Federal Judicial Center Fixes			
Positions:			
Professional Personnel, Federal Judicial Center	$50,112.50	61,300	28 U.S.C. 625(b).

[1] The actual pay rates of officials included in this table are not subject to automatic adjustment. The authority possessing pay-fixing responsibility must act to administratively adjust actual pay rates. these adjustments, when made pursuant to 5 U.S.C. 5307, may be retroactive to the beginning of the first pay period commencing on or after October 1, 1981.

[2] See n. 2 on Table 3.

[3] In accordance with the March, 1980 and March, 1981 resolutions of the Judicial Conference concerning cost-of-living adjustments to United States magistrates, the annual pay rates for magistrates, effective as of September 24, 1981, are as follows: Full-time magistrates (this rate shall not necessarily apply to full-time magistrates in special situations such as national parks), $53,500. Part-time magistrates: Level 15, $26,750; level 14, $23,100; level 13, $20,300; level 12, $17,900; level 11, $15,500; level 10, $13,600; level 9, $11,800; level 8, $10,000; level 7, $8,200; level 6, $6,400; level 5, $4,500; level 4, $3,600; level 3, $2,700; level 2, $1,800; level 1, $900.

[4] Section 232 of the Act of Nov. 6, 1978, Pub. L. No. 95-598, title II, 92 Stat. 2549, 2665, which amends 28 U.S.C. 634(a), will not become effective until April 1, 1984, in accordance with section 402(b) of the Act.

[5] The Judicial Conference at its March, 1977 session adopted a resolution administratively establishing the salary for level V of the Executive Schedule as the upper limit upon the pay of circuit executives and delegating the determination of actual compensation for each circuit executive position to the respective circuit judicial councils.

[6] The compensation of each federal public defender is fixed by the judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the judicial district. The salary of the United States attorney for the Central District of California is established by 5 U.S.C. 5315 at level IV of the Executive Schedule. The salaries of the United States attorneys in all other judicial districts where federal public defender organizations have been established are fixed by the Attorney General pursuant to 28 U.S.C. 548 not to exceed the rate of pay for GS-18 of the General Schedule (see Table 6).

TABLE 5.—PAY FIXED BY ADMINISTRATIVE ACTION [1]

[Maximum Pay Rate for Position Having Maximum Rate Which May Be Adjusted Pursuant to 5 U.S.C. § 5307—Rates Which the United States District Courts Fix]

Position	Maximum rate	Basic authority	Adjustment authority
Jury Commissioner	$76.08 per day	28 U.S.C. 1863(b)(1)	5 U.S.C. 5307.

[1] See n. 1 on Table 4.

TABLE 6.—PAY FIXED BY ADMINISTRATIVE ACTION [1]

[Maximum Annual Pay Rates for Offices Having Maximum Rates Lined to Rates Which May Be Adjusted Pursuant to 5 U.S.C. 5307—Rates Which the Judicial Councils of the Circuits Fix]

Office	Maximum rate	Authority
Federal Public Defenders (except as provided in Table 4)	". . . [C]ompensation received by the United States attorney for the district where representation is furnished. . . .".	18 U.S.C. 3006A(h)(2)(A); 28 U.S.C. 548.

[1] See n. 1 on Table 4.

TABLE 7.—PAY FIXED BY ADMINISTRATIVE ACTION; MAXIMUM PAY RATE FOR POSITION HAVING MAXIMUM RATE LINKED TO RATE WHICH IS ADJUSTED PURSUANT TO 5 U.S.C. 5305

[Rates Which The Director of the Administrative Office of the United States Courts Fixes [1]]

Position	Maximum rate (per day)	Authority
Land Commissioner	$192.72	5 U.S.C. 3109; 28 U.S.C. 604(a)(5); H. J. Res. 325, Pub. L. No. 97-51, 101(a)(1), 95 Stat. — (Oct. 1, 1981); H.R. 4169, title IV, "Fees of Jurors and Commissioners," 40 (July 16, 1981).

[1] The Director has delegated authority to the United States district courts to fix the pay rates of officials included in this table, subject to the limitations that: (a) The hourly rate cannot exceed $40.00, and (b) notwithstanding the hourly rate, pay for any calendar day cannot exceed the maximum rate above. The district court must act to adjust actual pay rates.

TABLE 8.—PAY FIXED BY ADMINISTRATIVE ACTION; ANNUAL PAY RATES WHICH THE JUDICIAL CONFERENCE OF THE UNITED STATES FIXES [1]

Position	Rate	Authority
Court Reporters, United States District Courts		28 U.S.C. 753(e).
Level I	$33,133	
Level II	31,627	
Level III	30,121	

[1] In accordance with the March, 1971 resolution of the Judicial Conference concerning the General Plan of Qualification and Compensation for Court Reporters, the Director of the Administrative Office of the United States Courts makes the adjustments reflected in this table.

TABLE 9.—THE JUDICIAL SALARY PLAN [1]

[Annual Rates]

Steps	JSP Grade									
	1	2	3	4	5	6	7	8	9	10
1	$8,342	$8,620	$8,898	$9,175	$9,453	$9,615	$9,890	$10,165	$10,178	$10,439
2	9,381	9,603	9,913	10,178	10,292	10,595	10,898	11,201	11,504	11,807
3	10,235	10,576	10,917	11,258	11,599	11,940	12,281	12,622	12,963	13,304
4	11,490	11,873	12,256	12,639	13,022	13,405	13,788	14,171	14,554	14,937
5	12,854	13,282	13,710	14,138	14,566	14,994	15,422	15,850	16,278	16,706
6	14,328	14,806	15,284	15,762	16,240	16,718	17,196	17,674	18,152	18,630
7	15,922	16,453	16,984	17,515	18,046	18,577	19,108	19,639	20,170	20,701
8	17,634	18,222	18,810	19,398	19,986	20,574	21,162	21,750	22,338	22,926
9	19,477	20,126	20,775	21,424	22,073	22,722	23,371	24,020	24,669	25,318

TABLE 9.—THE JUDICIAL SALARY PLAN [1]—Continued

[Annual Rates]

Steps	JSP Grade									
	1	2	3	4	5	6	7	8	9	10
10	21,449	22,164	22,879	23,594	24,309	25,024	25,739	26,454	27,169	27,884
11	23,566	24,352	25,138	25,924	26,710	27,496	28,282	29,068	29,854	30,640
12	28,245	29,187	30,129	31,071	32,013	32,955	33,897	34,839	35,781	36,723
13	33,586	34,706	35,826	36,946	38,066	39,186	40,306	41,426	42,546	43,666
14	39,689	41,012	42,335	43,658	44,981	46,304	47,627	48,950	[2] 50,273	[2] 51,596
15	46,685	48,241	49,797	[2] 51,353	[2] 52,909	[2] 54,465	[2] 56,021	[2] 57,577	[2] 59,133	[2] 60,689
16	[2] 54,755	[2] 56,580	[2] 58,405	[2] 60,230	[2] 62,055	[2] 63,880	[2] 65,705	[2] 67,530	[2] 69,355	
17	[2] 64,142	[2] 66,260	[2] 68,418	[2] 70,556	[2] 72,694					
18	[2] 75,177									

[1] The Judicial Salary Plan has been administratively implemented by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States pursuant to 28 U.S.C. 604(a)(5). It applies to various offices and positions in the courts of the United States for which the compensation is not otherwise fixed by law. The authority for its adjustment to reflect annual pay adjustment in the General Schedule is 5 U.S.C. 5307.

[2] These rates are "formula rates," which provide the basis for future cost-of-living adjustment calculations and the determination of legal pay rates in the absence of legislation to the contrary. Currently, the payable rate for each of these designated step levels is $50,112.50, the payable rate for level V of the Executive Schedule. See 5 U.S.C. 5308.

TABLE 10.—PAY FIXED BY ADMINISTRATIVE ACTION; HOURLY PAY RATES FOR CERTAIN EMPLOYEES HAVING RATES WHICH THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS FIXES PURSUANT TO 5 U.S.C. 5349

[Administrative Office Wage System]

	Hourly Rates—Steps				
	1	2	3	4	5
Part A. Graded Tradesmen and Craftsmen (excluding lithographers and printers)					
JG:					
1	$5.20	$5.42	$5.64	$5.85	$6.07
2	5.65	5.88	6.12	6.36	6.59
3	6.09	6.35	6.60	6.85	7.11
4	6.64	6.91	7.18	7.47	7.74
5	7.16	7.47	7.77	8.06	8.37
6	7.71	8.03	8.36	8.67	9.00
7	8.24	8.59	8.93	9.28	9.62
8	8.75	9.11	9.48	9.85	10.20
9	9.22	9.61	9.99	10.37	10.76
10	9.70	10.11	10.52	10.92	11.32
11	10.18	10.61	11.04	11.46	11.89
12	10.67	11.11	11.55	12.01	12.45
13	11.14	11.60	12.06	12.53	12.99
14	11.62	12.10	12.58	13.06	13.56
15	12.10	12.60	13.11	13.61	14.11
Part B. Supervisors of Tradesmen and Craftsmen					
JT:					
1	$8.17	$8.50	$8.84	$9.19	$9.52
2	8.61	8.97	9.32	9.68	10.05
3	9.05	9.43	9.80	10.18	10.56
4	9.59	9.99	10.39	10.79	11.19
5	10.13	10.55	10.97	11.40	11.82
6	10.67	11.11	11.55	12.01	12.45
7	11.19	11.65	12.11	12.58	13.04
8	11.67	12.15	12.63	13.13	13.61
9	12.14	12.64	13.15	13.66	14.16
10	12.61	13.14	13.66	14.18	14.71
11	12.90	13.43	13.96	14.51	15.04
12	13.26	13.82	14.37	14.93	15.47
13	13.72	14.30	14.88	15.44	16.02
14	14.26	14.86	15.45	16.04	16.64
15	14.91	15.53	16.14	16.77	17.39
Part C. Leaders of Tradesmen and Craftsmen					
JL:					
1	$5.73	$5.97	$6.21	$6.45	$6.68
2	6.21	6.47	6.73	6.99	7.25
3	6.70	6.99	7.27	7.54	7.82
4	7.30	7.60	7.91	8.21	8.52
5	7.89	8.21	8.54	8.87	9.20
6	8.49	8.84	9.20	9.55	9.90
7	9.07	9.45	9.83	10.20	10.58
8	9.64	10.03	10.43	10.84	11.24
9	10.14	10.56	10.98	11.41	11.83
10	10.67	11.11	11.55	12.01	12.45
11	11.20	11.67	12.14	12.60	13.07
12	11.72	12.21	12.71	13.19	13.68
13	12.25	12.76	13.27	13.78	14.29
14	12.78	13.32	13.85	14.38	14.92
15	13.33	13.86	14.44	14.99	15.55

[FR Doc. 81-31273 Filed 10-28-81; 8:45 am]

BILLING CODE 2210-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Lake Tahoe Basin Management Unit; Land Resource Management Plan; Intent To Prepare Environmental Impact Statement

In the matter of portions of the Eldorado, Tahoe, Toiyabe National Forests administered by the Lake Tahoe Basin Management Unit; El Dorado, Alpine and Placer Counties, California; Washoe, Douglas and Carson City Counties, Nevada; intent to prepare an environmental impact statement.

The USDA-Forest Service will prepare an environmental impact statement for the Forest Plan for the Lake Tahoe Basin Management Unit. This Forest Plan is one of 18 currently being developed in the Pacific Southwest Region. It will provide policy and program direction for all National Forest System lands under the administration of the Forest Supervisor.

The Forest Plan will: (a) Briefly describe the major public issues and management concerns; (b) briefly describe the lands and resources of the Lake Tahoe Basin Management Unit; (c) identify the goals and objectives of management; (d) describe the expected types and amounts of goods, services, or uses—by decades; (e) identify the proposed vicinity, timing, standards, and guidelines for proposed and probable management activities; (f) identify monitoring and evaluation criteria; (g) refer to information used in plan development; and (h) identify the persons who participated in the development of the plan, including a summary of their qualifications.

A land management plan for the National Forest land of the Lake Tahoe Basin was completed by the Forest Service under "Unit" planning principles in December, 1980. That plan is currently guiding management.

Most of the elements described above as components of the Forest Plan were included in the Land Management Plan of December 1980. Information and analysis leading to decisions forming that plan will be used to the fullest extent in developing the new Forest Plan.

New issues expected to be discussed in the development of the Forest Plan will be primarily those associated with planning for the Lake Tahoe Basin as a whole. Included will be that of establishing the kinds and amounts of goods and services that will be permitted on the National Forest System lands and the practices that will be used to produce the goods and services while achieving and maintaining the environmental thresholds and carrying capacities established for the entire Lake Tahoe Basin.

Preparation of the Forest Plan will therefore be coordinated with and parallel the establishment of environmental thresholds by the Tahoe Regional Planning Agency (TRPA) and the preparation of a General Plan for the Lake Tahoe Region by that agency. Public participation for the TRPA planning process will also be used in the Forest planning process in order to avoid unnecessary demands upon the time of Federal, State and local agencies, organizations, and individuals who may be interested in, or affected by, the adopted plan.

Public meetings are scheduled for the month of November. Dates and locations of the meetings will be announced through media in the Lake Tahoe area. Otherwise, this information may be obtained through the contact listed below.

In addition to information obtained through the public participation opportunities described above, written comments and suggestions about the planning process are encouraged. They should be received by the Forest Supervisor before January 4, 1982.

Additional public participation will occur when the potential range of environmental thresholds are presented by the TRPA about may 1982.

The estimated date for distribution of the draft environmental impact statement is June 1983 in which a range of alternatives will be presented from which the Forest Plan will be selected.

The range of alternatives will include at least: (a) A "no action" alternative which represents continuation of the direction in the present Land Management Plan; (b) an alternative that represents modification of the present land management plan in response to the environmental thresholds established for the Lake Tahoe Basin by the TRPA; (c) an alternative that responds to the Forest's allocation of goods and services that are in the RPA program selected by the President and Congress.

The Regional Forester for the Pacific Southwest Region of the Forest Service is the responsible official for this plan. However, for further information about the planning project, contact: Jon Hoefer, Lake Tahoe Basin Management Unit, P.O. Box 8465, South Lake Tahoe, California 95731. Phone (916) 544-6420.

Dated: October 22, 1981.

Robert W. Cermak,

Deputy Regional Forester.

[FR Doc. 81-31287 Filed 10-28-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Sam Houston RC&D Area; Upper Colorado Critical Area Treatment Measure, Texas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, P.O. Box 648, Temple, Texas 76501, telephone 817-774-1214.

SUPPLEMENTARY INFORMATION:

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Colorado Critical Area Treatment RC&D Measure, Colorado County, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or nationalimpacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for treatment of critical erosion at 16 identified sites and includes 141 acres of shaping, 200 acres of vegetation, 5 grade stabilization structures, 1,200 feet of diversion terraces, and 32,200 feet of fencing.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are

available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until November 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: October 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-31427 Filed 10-28-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Fasteners From Japan; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On March 31, 1981, the Department of Commerce published in the Federal Register a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" with respect to certain fasteners from Japan. The review is based upon information for the period January 1, 1978 through January 31, 1979. The notice stated that the Department had preliminarily determined the amount of net subsidy to be 0.27 percent of the f.o.b. invoice price of the merchandise. Interested parties were invited to comment. Upon review and analysis of all comments received, the Department determines that countervailing duties in the amount of 0.37 percent *ad valorem* shall be assessed on entries of certain fasteners, classifiable under item numbers 646.54 and 654.56 of the TSUS, during the period from June 4, 1979 through December 31, 1979. However, for entries on or after January 1, 1980, the Department has adjusted the rate and will direct the Customs Service not to collect estimated countervailing duty deposits on shipments of this merchandise entered on or after the date of publication of these final results.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, International Trade Administration, Room 2802, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 6, 1977, a notice of "Imposition of Countervailing Duties," T.D. 77-128, was published in the **Federal Register** (42 FR 23147). The notice stated that the Treasury Department had determined that certain fasteners from Japan were provided bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of certain fasteners were subject to countervailing duties. On June 4, 1979, a second notice, "Final Countervailing Duty Determination and Suspension of Liquidation," T.D. 79-158, was published in the **Federal Register** (44 FR 31972), expanding the scope of the previous order to include other types of fasteners. Despite its title this notice did not suspend liquidation.

On March 31, 1981, the Department published in the **Federal Register** a notice of the preliminary results of its administrative review of the countervailing duty order regarding this merchandise (46 FR 19511). The Department has now completed that administrative review.

Scope of Review

Imports covered by this review are all fasteners currently classifiable under item numbers 646.54 and 646.56, and non-metric fasteners currently classifiable under item numbers 646.17, 646.40, 646.41, 646.49, 646.51, 646.53, 646.58, 646.60, 646.63, 646.65, 646.72, 646.74, 646.75, 646.76, and 646.78, Tariff Schedules of the United States (TSUS). The review is based upon information for the period January 1, 1978 through January 31, 1979. The programs investigated were: (1) The deferral of income taxes on export earnings under the Overseas Market Development Reserve ("OMDR"), (2) export promotional assistance provided by the Japanese External Trade Organization ("JETRO") and (3) benefits received under the "Temporary Measures Act for Small and Midsized Businesses with Regard to the High Yen Exchange Market" ("High Yen Law").

Analysis of Comments Received

The petitioner claims that we should have reinvestigated certain programs that were originally investigated by the Department of the Treasury and found not to constitute a bounty or grant. The petitioner's position is based on a decision of the Court of Customs and Patent Appeals in *ASG Industries, Inc. v. United States*, 610 F. 2d 770 (CCPA 1979) ("ASG"), which held incorrect Treasury's practice of not finding a domestic subsidy program countervailable when exports did not exceed 20 percent of total production (the "trade distortion" test).

While the petitioner maintains that there were many programs that should have been investigated, we conclude that there are only four lending programs which Treasury did not find to constitute a bounty or grant because of the trade distortion test. Those programs are loans by the People's Finance Corporation, the Bank of Commerce and Industrial Cooperatives, the Small Business Finance Corporation, and the Japan Development Bank. Treasury dismissed the balance of the programs cited by the petitioner because "* * * they do not on their face describe a bounty or grant or because the allegations are too vague or remote from the fasteners industry to warrant further investigation." (T.D. 77-128).

In opposition to petitioner's position, we received two sets of comments from importers of the merchandise. They expressed the view that to add programs to the outstanding countervailing duty order would be to question the validity of the final determination (as it applies to entries prior to January 1, 1980).

The substantive law and the applicable Treasury Decision(s) in effect before January 1, 1980 govern liquidation of entries made prior to that date. The ASG case changed the interpretation of the law in regard to domestic subsidies and requires us to consider them in this case. T.D. 79-158 allows us to make an adjustment in the rate of subsidy owing to the countervailable programs cited in that order. This is because, as stated in T.D. 79-158, the rates established in that order were "estimates * * * made in the absence of information regarding benefits specifically conferred on manufacturers * * *"and they would be"* * * reviewed upon receipt of information of the precise benefit received by individual Japanese fastener manufacturers/exporters."

We are adjusting the rate Treasury promulagted in T.D. 79-158 for entries made in 1979 based on the programs that were the subject of that decision. We are also adding the subsidy component due to the domestic lending programs. We have asked for and received from the Japanese government additional information concerning the four lending programs listed above. The additional subsidy from these four programs is 0.1 percent.

We stated in our preliminary notice that we were reviewing our positions with regard to the countervailability under the Tariff Act of the assistance

provided by JETRO and with regard to Treasury's determination in this case that an *ad valorem* met subsidy in the range of 0.2 percent was more than *de minimis*.

The Japanese government presented comments that JETRO is an organization which promotes both export and import activity by Japanese firms. It conducts research and public relations activities to meet those ends. The comments included a list of such activities.

One importer commented that the proposed 0.27 percent rate was *de minimis* by the application of three tests. Those tests are: (1) Comparison with the effective rate of duty; (2) by a comparison of the value of the merchandise; and (3) by comparison with the potential revenue collection and cost of administration. While Treasury came to the opposite conclusion using the first test, the importer pointed out that in 1978, under the authority of section 201 of the Trade Act of 1974 (19 U.S.C. 2251), the President imposed a temporary 15 percent rate on fasteners. Therefore, the current temporary rate of duty is 15.7 percent and 15.2 percent for tariff item numbers 646.54 and 646.56, respectively.

The petitioner did not submit comments regarding these two issues. We conclude that the import and export promotion activities of JETRO are proper functions of a government and not activities which would constitutute a bounty or grant under our law. Therefore, we find that the activities of JETRO are not subsidies within the meaning of the Tariff Act. (As was stated in the preliminary notice, the benefit from JETRO was 0.05 percent.)

With regard to the remaining programs, the benefit under the OMDR program was 0.1 percent. The benefit under the High Yen Law totaled 0.12 percent. Therefore, the benefit conferred by these two programs, plus the 0.1 percent benefit from the four additional lending programs, results in a total net benefit of 0.32 percent. After consideration of the comments, the Department now considers this rate to be *de minimis*. The decisions regarding JETRO and the *de minimis* issue apply to shipments entered on or after January 1, 1980.

Final Results of the Review

As a result of our review we determine that fasteners from Japan have benefitted from a total net subsidy of 0.32 percent of the f.o.b. invoice price during the period of review. However, the provisions of T.D. 79–158 and of section 303(a)(5) of the Tariff Act apply to all entries prior to January 1, 1980.

The rate of subsidy based on the three programs held countervailable by T.D. 79–158 plus the four additional lending programs during the period of review was 0.37 percent *ad valorem*. Accordingly, the Department will instruct the Customs Service to assess countervailing duties of 0.37 percent of the f.o.b. invoice price on all unliquidated shipments entered, or withdrawn from warehouse, for consumption from June 4, 1979 through December 31, 1979, and currently classifiable under TSUS item numbers 646.54 and 646.56. With regard to nonmetric fasteners currently classifiable under TSUS item numbers 646.17, 646.40, 646.41, 646.49, 646.51, 646.53, 646.58, 646.60, 646.63, 646.65, 646.72, 646.74, 646.75, 646.76, and 646.78, the Department, in conformity with T.D. 77–128, considers the rate of net subsidy to be *de minimis*. Therefore, we will instruct the Customs Service to liquidate unliquidated shipments of such merchandise entered, or withdrawn from warehouse, for consumption from June 4, 1979 through December 31, 1979 without regard to countervailing duties.

Normally we declare the rate determined during our review to be the estimated countervailing duty deposit rate for entries made on or after the date of publication of the final results. However, as stated above we determine that the 0.32 percent rate is *de minimis* for all fasteners subject to the order. Therefore, cash deposits of estimated countervailing duties will not be required on shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This waiver of deposit shall remain in effect until completion of the next administrative review.

The Department intends to complete the next administrative review by the end of May 1982. The amount of countervailing duties to be imposed on entries made during 1980 will be determined during that review. Consequently, the suspension of liquidation previously ordered will continue on all shipments entered, or withdrawn from warehouse, for consumption on or after January 1, 1980.

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 § 355.41 of the Commerce Regulations (19 CFR 355.41).

October 23, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81–31385 Filed 10–28–81; 8:45 am]

BILLING CODE 3510–25–M

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

Corrections

In FR Doc. 81–30721 appearing at page 51946 in the issue for Friday, October 23, 1981, make the following corrections:

1. On page 51947, in the first column, before the paragraph beginning with Docket No. 80–00081, insert the following material:

Docket No. 79–00353. Applicant: St. Paul Hospital, Daughters of Charity, 5909 Harry Hines Blvd., Dallas, Texas 75235. Article: Teletherapy Treatment Simulator. Date of denial without prejudice to resubmission: February 26, 1981.

Docket No. 79–00374. Applicant: Presbyterian Hospital of Dallas, 8200 Walnut Hill Lane, Dallas, Texas 75231. Article: Therasim 750 Teletherapy Treatment Planning Simulator and Accessories. Date of denial without prejudice to resubmission: February 26, 1981.

Docket No. 79–00377. Applicant: Presbyterian Hospital of Dallas, 8200 Walnut Hill Lane, Dallas, Texas 75231. Article: TP–11 Radiotherapy Planning System and Accessories. Date of denial without prejudice to resubmission: February 26, 1981.

Docket No. 79–00400. Applicant: Methodist Hospital of Indiana, Inc., P.O. Box 1367, 1604 North Capitol Avenue, Indianapolis, Indiana 46206. Article: Radiotherapy Planning System, Model TP–11 and Accessories. Date of denial without prejudice to resubmission: February 26, 1981.

Docket No. 79–00404. Applicant: North Shore University Hospital, 300 Community Drive, Manhasset, New York 11030. Article: Simulator, Radiation Oncology Treatment System, and Tumor Registry System. Date of denial without prejudice to resubmission: February 26, 1981.

Docket No. 79–00435. Applicant: Lahey Clinic Foundation, Inc., 605 Commonwealth Avenue, Boston, MA 02215. Article: TP–11 Treatment Planning System. Date of denial without prejudice to resubmission: February 26, 1981.

2. On page 51947, in the second column, in Docket No. 80–88228, application of Memorial Mission Hospital of Western North Carolina, Inc., in the first line, "Docket No. 80–88228" should have read "Docket No. 80–00228."

BILLING CODE 1505-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Imports charged to the Levels of Restraint for Certain Cotton Apparel Products From the Republic of the Philippines

October 28, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Reducing by 10,375 dozen imports charged to the level of restraint established for infants' cotton coats in Category 335 pt. (Traditional), produced or manufactured in the Philippines and exported during the 1981 agreement year; and

(2) Charging 10,375 dozen in imports to the level established for women's and girls' cotton coats in Category 335 pt. (Non-Traditional) during the same twelve-month period.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), and October 5, 1981 (46 FR 48963)).

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines and specifically in regard to data discrepancies in Category 335 imports, and investigation of the problem was undertaken. As a result of that investigation, it has been determined that 10,375 dozen would be more appropriately charged to the level of restraint established for women's and girls' cotton coats in Category 335 pt. (Non-Traditional).

EFFECTIVE DATE: November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85498) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commisssioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Category 335, produced or manufactured in the Philippines which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner to adjust the imports charged to the levels of restraint established for cotton textile products in Category 335 (Traditional and Non-Traditional), produced or manufactured in the Philippines.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

October 28, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement with the Republic of the Philippines, it would be appreciated if you would deduct 10,375 dozen from charges made to the level of restraint established for cotton textile products in Category 335 pt. (T)[1] during the agreement period which began on January 1, 1981. Charges to the level of restraint for cotton textile products in Category 335 pt. (NT)[2] should be increased by 10,375 dozen for the same agreement period.

This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-31807 Filed 10-28-81; 9:50 am]

BILLING CODE 3510-25-M

Adjusting the Import Restraint Levels for Certain Cotton Apparel Products From the People's Repulic of China

October 28, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Applying swing and carryforward to the level of restraint established for women's, girls' and infants' cotton coats in Category 335, increasing that level from 208,333 dozen to 237,499 dozen during the ten-month period which began on March 1, 1981. The amount of swing is being deducted from the level for cotton blouses in Category 341, reducing that level from 455,100 dozen to 413,564 dozen during the twelve-month period which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), and October 5, 1981 (46 FR 48963)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China, provides, among other things, for percentage increases in certain specific category ceilings during an agreement year (swing) and for the borrowing of yardage from the following year (carryforward) with the amount used deducted from that level in the following year. Pursuant to the terms of the bilateral agreement, and at the request of the Government of the People's Republic of China, the import restraint levels for cotton textile products in Categories 335 and 341 are being adjusted for the designated agreement period.

EFFECTIVE DATE: October 30, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 4, 1980, there was published in the **Federal Register** (45 FR 80324) a letter dated November 28, 1980 to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton and man-made fiber textile products, including Category 341, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1981. On September 25, 1981, there was published in the **Federal Register** (46 FR 47247) a further letter dated September 23, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established a level of

[1] In Category 335, all T.S.U.S.A. numbers except 382.1202, 382.1204, 382.1206, 382.1217, and 382.1223.

[2] In Category 335, only the T.S.U.S.A. numbers listed in footnote 1.

restraint for cotton textile products in Category 335 during the ten-month period which began on March 1, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to amend the levels of restraint previously established for cotton textile products in Categories 335 and 341 to the designated amounts.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

October 28, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On November 28, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the People's Republic of China, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on October 30, 1981, the levels of restraint previously established for cotton textile products in Categories 335 and 341 to the following:

Category	Amended level of restraint [1]
335	237,499 dozen.
341	413,564 dozen.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China which provide, in part, that (1) Specific levels of restraint may be exceeded by designated percentages in any agreement year; (2) specific limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-31606 Filed 10-28-81; 9:56 am]

BILLING CODE 3510-25-M

DEPARTMENT OF EDUCATION

National Advisory Council on Continuing Education; Meeting

AGENCY: National Advisory Council on Continuing Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Continuing Education. It also describes the functions of the Council. Notice of meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: November 18, 19 and 20, 1981.

ADDRESS: Holiday Inn, 550 C Street, S.W., Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: William G. Shannon, Executive Director, National Advisory Council on Continuing Education, 425 Thirteenth Street, N.W., Suite 529, Washington, D.C. 20004, Telephone: (202) 376-8888.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Continuing Education is established under Section 117 of the Higher Education Act (20 U.S.C. 1009), as amended. The Council is established to advise the President, the Congress, and the Secretary of the Department of Education on the following subjects:

(a) An examination of all federally supported continuing education and training programs, and recommendations to eliminate duplication and encourage coordination among these programs;

(b) the preparation of general regulations and the development of policies and procedures related to the administration of Title I of the Higher Education Act; and,

(c) activities that will lead to changes in the legislative provisions of this title and other federal laws affecting federal continuing education and training programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending are asked to call the Council's office beforehand.

A meeting of each of the Council's three sub-committees will be held from 2:00 p.m. until 5:00 p.m. on November 18. The full Council will begin its meeting on November 19 from 9:00 a.m. until 5:00 p.m. The meeting will continue on November 20 from 9:00 a.m. until 12:00 noon.

The proposed agenda includes:

Installation of new Chairman.
Chairman's Report.
Executive Director's Report.
Legislative Update.
Review of Federal continuing education policies.
Meetings of Committees: Federal-State-Institutional Relationships, Minority Involvement in Continuing Education, Use of Educational Technology in Continuing Education.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Continuing Education, 425 Thirteenth Street, Room 529, Washington, D.C.

Signed at Washington, D.C. on October 26, 1981.

William G. Shannon,

Executive Director.

[FR Doc. 81-31460 Filed 10-28-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP81-538-000]

Algonquin Gas Transmission Co.; Application

October 26, 1981.

Take notice that on September 30, 1981, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP81-538-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing continued service to one customer, Providence Gas Company (Providence), in lieu of service to Providence and to Providence's wholly owned subsidiary, Tiverton Gas Company (Tiverton), all as more fully

set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on February 15, 1979, Providence acquired Tiverton and in fact provides all of the distribution services of Tiverton. It is further stated that on November 1, 1981, Providence would merge with Tiverton. Applicant, therefore, proposes combining the existing service agreements of Tiverton and Providence to reflect the merger.

It is stated that there would be no change in authorized sales quantities, delivery obligations, rates or charges and no new facilities are proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31300 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-35-000]

Appalachian Power Co.; Filing

October 26, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on October 19, 1981, tendered for filing on behalf of its affiliate Appalachian Power Company (Appalachian) Modification No. 10 dated June 1, 1981 to the Interconnection Agreement dated February 28, 1949 between Duke Power Company and Appalachian, Appalachian's Rate Schedule FERC No. 18.

Sections 1 and 2 of Modification No. 10 provide for an increase in the demand charge for Short Term and Limited Term Power from $0.85 to $1.05 per kilowatt per week and $4.50 to $5.50 per kilowatt per month respectively. These rate increases apply to Appalachian only. Both schedules are proposed to become effective June 1, 1981, and waiver of the Commission's notice requirements is requested.

Copies of the filing were served upon the Virginia State Corporation Commission and the Public Service Commission of West Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31301 Filed 10-28-81; 8:45 am]

BILLLING CODE 6717-02-M

[Docket Nos. ER-130-000 and ER81-139-000]

Appalachian Power Co.; Compliance Filing

October 26, 1981.

The filing Company submits the following:

Take notice that on October 14, 1981, Appalachian Power Company submitted for filing a compliance report pursuant to the Commission's letter order issued September 15, 1981, which approved the settlement in Docket Nos. ER-130-000 and ER81-139-000.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 13, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31302 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-508-000]

Arkansas Louisiana Gas Co.; Application

October 23, 1981.

Take notice that on September 11, 1981,[1] Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP81-508-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 1.21 miles of 14-inch pipeline loop and 1.49 miles of 20-inch pipeline in the Texarkana Area of Arkansas and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it supplies gas to its distribution system in Texarkana, Texas-Arkansas, and to its distribution systems in the towns of Wake Village, Hooks, New Boston, Malta and DeKalb in the adjacent East Texas area from one of its oldest pipeline systems which must be operated at relatively low pressure. It is stated that the distribution systems have experienced moderate residential and commercial growth over the years and recently the demand during cold weather has approached the capacity of the pipeline system to deliver.

Applicant proposes to overcome the supply deficiency and increase the pressure into the area by looping 1.21 miles of the 10-inch unlooped portion of Line AM-45 with 14-inch pipeline and

[1] The application was initially tendered for filing on September 11, 1981, however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until October 16, 1981; thus, filing was not completed until the latter date.

by replacing the 1.49 miles remaining 10-inch line with 20-inch pipe. The total project would cost an estimated $785,290 which would be financed out of funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31364 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5308-000]

City of Beaverton, Mich.; Application for Exemption for Small Hydroelectric Power Project Under 5MW Capacity

October 23, 1981.

Take notice that on August 21, 1981, City of Beaverton, Michigan, (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5308) would be located on the Tabacco River in Gladwin County, Beaverton, Michigan. Correspondence with the Applicant should be directed to: Mr. H. James Wesley, City Manager, City of Beaverton, 124 West Brown Street, P.O. Box 477, Beaverton, Michigan 48612.

Project Description—The proposed Beaverton Hydroelectric Project would consist of: (1) an existing concrete dam approximately 40 feet long and 25 feet high, an adjacent concrete spillway approximately 113 feet long and 25 feet high with seven bays; (2) an existing reservoir with a maximum storage capacity of 2390 acre-feet at elevation 712.7 feet m.s.l.; (3) two separate existing powerhouses located adjacent to the spillway in which the east powerhouse would have a capacity of 650 kW and the west powerhouse would have a capacity of 308 kW for a combined proposed total capacity of 958 kW; and (4) appurtenant facilities. The project would be operated on a run-of-river basis. The average annual energy generation is estimated to be 3,300,000 kWh

Purpose of Project—Energy produced at the proposed project would be either sold to the Michigan Public Power Association and Consumers Power Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Michigan Department of Natural Resources are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before December 3, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 3, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31378 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-37-000]

Boston Edison Co.; Filing

October 26, 1981.

The filing Company submits the following:

Take notice that on October 20, 1981, Boston Edison Company (Edison) tendered for filing three supplemental Exhibit A's to a Service Agreement for the Town of Braintree, Massachusetts, under its FERC Electric Tariff, Original Volume No. III, Non-Firm Transmission Service (the Tariff). The Exhibit A's specify the amount and duration of transmission service required by Hingham under the Tariff.

Edison requested waiver of the Commission's notice requirements to permit the Exhibit A's to become effective as of the commencement date of the respective transactions to which they relate; March 25, 1981, July 1, 1981, and July 18, 1981.

Edison states that it has served the filing on the Town of Braintree and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31303 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-30-000]

Carolina Power & Light Co.; Filing

October 26, 1981.

The filing Company submits the following:

Take notice that Carolina Power & Light Company (Carolina) on October 19, 1981, tendered for filing changes outlined below in its agreement with the Town of Wake Forest, the City of Camden, the Town of Benson, Carteret-Carven EMC, and Four County EMC.

1. *Town of Wake Forest*—The establishment of a new point of delivery to be known as Town of Wake Forest 23 kV.

2. *City of Camden*—An amendment to incorporate in the Service Agreement the delivery of metering pulse information under Company's additional facilities plan.

3. *Town of Benson*—The establishment of a new point of delivery at 12 kV to be known as Town of Benson 12 kV.

4. *Carteret-Craven EMC*—Installation of two 1600 amp. airbreak switches in the transmission line supplying the Newport point of delivery.

5. *Four County EMC*—The establishment of a new point of delivery to be known as Powell 230 kV.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31304 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. QF81-64-000]

Caterpillar Tractor Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 22, 1981.

On September 4, 1981, Caterpillar Tractor Company of San Leandro, California filed with the Federal Energy Regulatory Commission's (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. On October 6, 1981, Caterpillar filed an addendum to complete the application.

The facility, located at 1933 Davis Street, San Leandro, California, will be a topping-cycle cogeneration facility consisting of a high efficiency gas turbine generator set and a waste heat recovery heat exchanger connected to the turbine exhaust. The primary energy source of the facility will be natural gas. Electrical capacity will be 2.070 kilowatts and 6.607 million Btu per hour will be used in process on an annual average basis. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31349 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER80-71]

Central Illinois Public Service Co.; Compliance Filing

October 22, 1981.

The filing Company submits the following:

Take notice that on October 15, 1981, Central Illinois Public Service Company filed a compliance report pursuant to the Commission's order issued June 19, 1980.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 13, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31321 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-14-000]

Central Illinois Public Service Co.; Filing

October 22, 1981.

The filing Company submits the following:

Take notice that on October 8, 1981, Central Illinois Public Service Company (CIPS) tendered for filing an Interconnection Agreement dated September 23, 1981, between CIPS and the City of Springfield, Illinois (City).

The agreement being filed expands the parties' respective coordinated interconnection operations allowing the parties to share in the benefits of interconnected system operation.

CIPS requests an effective date of September 23, 1981.

CIPS states that a copy of the filing was sent to the City of Springfield, Illinois and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31322 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-17-000]

Central Louisiana Electric Company, Inc.; Filing

October 22, 1981.

The filing Company submits the following:

Take notice that on October 8, 1981, Central Louisiana Electric Company, (CLECO) tendered for filing a letter agreement dated May 26, 1981 and amendment letter dated September 1, 1981, which provides for the sale of 10 MW of unit capacity to the City of Natchitoches, Louisiana for the four-month period commencing June 1, 1981 with an additional sale of 5 MW for the month of September, 1981.

CLECO requests waiver of the Commission's notice requirements to allow for an effective date of June 1, 1981.

Copies of the filing were sent to the Louisiana Public Service Commission and the City of Natchitoches.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31323 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-32-000]

Central Telephone & Utilities Corp.; Filing

October 26, 1981.

The filing Company submits the following:

Take notice that Central Telephone & Utilities Corporation (Central Telephone) on October 19, 1981, tendered for filing an addendum to its Rate Schedule FPC No. 75, with CMS Electric Cooperative, Inc., providing for changes in the contract demand at three points of delivery.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31305 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP72-15-004]

Cities Service Gas Co.; Petition To Amend

October 23, 1981.

Take notice that on October 5, 1981, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP72-15-004 a petition to amend the order issued November 1, 1971,[1] as amended, in the instant docket pursuant to Section 7 of the Natural Gas Act so as to authorize the deletion of the McClain County exchange point from the exchange agreement, the abandonment of the measuring, regulating and appurtenant facilities from this exchange point and the construction and operation of replacement facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued November 1, 1971, in the instant docket it was authorized to exchange up to 10,000 Mcf of natural gas per day with Arkansas Louisiana Gas Company (Arkla) until such time as Arkla constructed the necessary facilities to connect gas production in Hemphill County, Texas, to its pipeline system or for a period of two years whichever was lesser. It is asserted that subsequent amendments added delivery points and extended the term of the exchange agreement to March 31, 1983, and from year to year thereafter.

Petitioner proposes pursuant to an amendment to the exchange agreement dated July 7, 1981, to delete the McClain County, Oklahoma, exchange point as a delivery point from Petitioner to Arkla because of differences in pressure at the McClain point which causes operating problems. It is explained that the Jane, Missouri, delivery point is now being utilized making the McClain point unnecessary.

Petitioner further proposes abandonment of the McClain delivery point facilities by reclaim and the

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

construction and operation of approximately 40 feet of 20-inch pipeline to replace the facilities being reclaimed. Petitioner estimates the cost of the proposed facilities to be $4,290 which would be financed from treasury cash.

Petitioner also requests authority to make an annual filing of tariff revisions by January 31 of each year which would reflect any changes, additions or deletions in delivery points between the parties.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31365 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-5-000]

Cleveland Electric Illuminating Co.; Filing

October 21, 1981.

The filing Company submits the following:

Take notice that on October 2, 1981, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 25 MW of power from the 345 kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on October 1, 1981.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31324 Filed 10-28-81; 8:45 am]

BILLLING CODE 6717-02-M

[Docket No. ER82-27-000]

Cliffs Electric Service Co.; Filing

October 23, 1981.

The filing Company submits the following:

Take notice that on October 16, 1981, Cliffs Electric Service Company ("Service Co.") filed a change in the Incidental Energy Service Schedule in its Interconnection and Energy Agreement with Wisconsin Electric Power Company. The effect of the change will be to increase the rate from 31.4 to 33.8 mills/kwh.

Service Co. requests an effective date of January 1, 1982.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31366 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP82-3-000]

Colorado Interstate Gas Co., Application

October 26, 1981.

Take notice that on October 1, 1981, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP82-3-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas with Mountain Fuel Supply Company (Mountain Fuel) and for permission and approval to abandon service under certain existing agreements between Applicant and Mountain Fuel, all as more fully set forth in the application which is on file with the Commission and open to the public inspection.

Pursuant to an agreement dated December 8, 1980, Applicant proposes to transport and exchange for a period of ten years up to 300,000 Mcf of natural gas per day with Mountain Fuel from the Canyon Creek, North Hiawatha/Shell Creek, Allemand/Bear Creek, Natural Buttes, Overthrust, Bonanza, Chapita, Southman Canyon, Anschutz Ranch East, Whitney Canyon, Painter Reservoir, Ryckman Creek, Glasscock Hollow, Anschutz Ranch, Nitchie Gulch, and Duck Creek areas, as well as Rio Blanco and Garfield Counties, Colorado. Thermally equivalent volumes of such gas, it is stated, would be redelivered to Mountain Fuel at existing and future mutually agreeable points on Applicant's and Mountain Fuel's pipeline systems.

Applicant requests authority to add and delete exchange points within the specified areas in the agreement. Applicant asserts that it would file tariff revisions on January 31 of each year listing any receipt points added or deleted during the prior calendar year pursuant to Applicant's agreement with Mountain Fuel.

It is submitted that transportation charges would be based on the volumes of gas actually delivered each month to thermally balance the transaction and that gas delivered by Mountain Fuel to Applicant's system would offset for transportation charge purposes gas delivered by Applicant to Mountain Fuel's system.

Applicant states that the proposed exchange of natural gas would enable Applicant and Mountain Fuel to receive into their respective systems natural gas supplies which are remote from the owner's system.

Applicant further proposes contingent upon receipt of the certificate authority

requested herein to abandon service under seven certificated gas purchase and exchange agreements between Applicant and Mountain Fuel as follows:

Source of gas supply	Current FERC rate schedule of applicant
Spearhead Ranch	X-3.
Antelope Ridge	X-4.
Canyon Creek	X-6.
North Hiawatha/Shell Creek	X-8.
Allemand/Bear Creek	X-9.
Natural Buttes	X-12.
Wamsutter	X-30.

It is asserted that under the agreement unaccounted-for gas would be based upon the transporting party's actual systemwide experience but would not exceed 0.5 percent. It is further asserted that any out-of-balance condition occurring during any month would be adjusted insofar as practicable during the following month with Mountain Fuel balancing deliveries to Applicant at the Kanda delivery point and Applicant making balancing deliveries to Mountain Fuel at the Green River delivery point. It is submitted that transportation charges would be based on the volumes of gas actually redlivered each month to one party by the other to thermally balance the transaction.

It is stated that deliveries from the Spearhead Ranch area of Wyoming by Mountain Fuel to Applicant through the facilities of MIGC, Inc. would not be subject to Applicant's transportation charge as Mountain Fuel would reimburse Applicant for the transportation charge payable by Applicant to MIGC, Inc. for transportation of this gas. It is explained that the transportation rates were at the time of the agreement 28.73 cents per Mcf for Applicant's system and 17.44 cents per Mcf for Mountain Fuel's system. Mountain Fuel, it is stated, would also charge 5.0 cent per Mcf for use of compression facilities for all gas that Mountain Fuel redelivers to Applicant under the agreement through the Kanda Compressor Station.

Under the new agreement, it is further explained that the 25 percent purchase option of both Applicant and Mountain Fuel would be eliminated.

Consolidating service presently provided under seven existing agreements so that it is provided under one agreement would minimize administrative costs, avoid duplications of tariff schedules and provide for the efficient and orderly transportation and exchange of gas between the parties, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31206 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP82-5-000]

Columbia Gas Transmission Corp., Application

October 22, 1981.

Take notice that on October 2, 1981, Columbia Gas Transmission Corporation [Applicant], P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP82-5-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing service to a new wholesale customer and for the construction and operation of facilities necessary to provide such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Kentucky Ohio Gas Company (Kentucky Ohio), an independent producer, operates a gathering system in Boyd and Greenup Counties, Kentucky. Pursuant to Kentucky Revised Statute 278.485 (KRS), Kentucky Ohio presently has 422 KRS customers of which 414 are residential customers and 8 are commercial customers, it is asserted. It is stated that as a result of a decrease in production volumes Kentucky Ohio no longer has sufficient gas supplies to serve the above-described KRS consumers on the coldest days during the winter months and has requested Applicant to furnish gas service under Applicant's Rate Schedule SGS. It is asserted that pursuant to such request Applicant and Kentucky Ohio have entered into a precedent agreement whereby Applicant would provide service under Rate Schedule SGS with a maximum daily obligation of 200 dekatherms (dt) equivalent of gas per day effective November 1, 1981, or as soon thereafter as the necessary facilities can be completed.

Applicant further requests authorization to construct and operate one interconnecting mainline tap and appurtenant measuring and regulating facilities necessary to provide for a point of delivery to Kentucky Ohio. The proposed facilities would have a total estimated cost of $18,600 which would be financed from internally generated funds, it is explained.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Fedral Energy Regulatory Commission by

Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31335 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project Nos. 3377-001 and 3825-001]

Continental Hydro Corp.; Surrenders of Preliminary Permits

October 23, 1981.

Take notice that Continental Hydro Corporation (Continental), Permittee for the U.S. Army Corps of Engineers' Orwell Dam Project No. 3377 and the Bureau of Reclamation's Belle Fourche Dam Project No. 3825, has requested that its preliminary permits be terminated. The preliminary permit for Project No. 3377 was issued on March 11, 1981, and would have expired on September 1, 1982. The project would have been located on the Otter Tail River near Fergus Falls in Otter Tail County, Minnesota. The preliminary permit for Project No. 3825 was issued May 29, 1981, and would have expired on November 1, 1982. The project would have been located in the Belle Fourche River in Butte County, Fruitdale, South Dakota.

Continental cited that after extensive investigation at both the above-mentioned locations that the development of each would not be feasible because of minimal flow restrictions.

Continental filed both requests for Projects Nos. 3377 and 3825 on August 31, 1981, and the surrender of Projects Nos. 3377 and 3825 have been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31350 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-22-000]

Delmarva Power & Light Co.; Cancellation

October 26, 1981.

The filing Company submits the following:

Take notice that Delmarva Power & Light Company (Delmarva) on October 15, 1981, tendered for filing a Notice of Intent to Cancel on October 15, 1981, the Service Agreement between Delmarva and the Town of St. Michael's Maryland (St. Michaels) Michaels at wholesale at rates set forth in Delmarva's FERC Electric Tariff, Volume No. 10.

Delmarva states that this Service Agreement is to be cancelled because Delmarva and St. Michaels have concluded the terms of a 25-year lease of St. Michael's electric system to Delmarva. The cancellations will be effective on the date on which this lease is closed, which is scheduled for October 15, 1981. Immediately upon such closing, Delmarva will begin to operate St. Michael's electric system as part of Delmarva's own integrated system and to serve St. Michael's electric service customers at retail under the jurisdiction of the Maryland Public Service Commission. This transaction was approved by an Order of the Maryland Public Service Commission dated September 4, 1981.

Copies of the Notice of Intent to Cancel were served upon Delmarva's jurisdictional customers, the Delaware Public Service Commission, the Maryland Public Service Commission and the Virginia State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31307 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-36-000]

Duke Power Co.; Filing

October 26, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on October 19, 1981 a supplement to the Company's Electric Power Contract with Rutherford Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 139.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following changes in designated demand:

Delivery Point No. 1 from 8,000 KW to 5,400 KW,
Delivery Point No. 4 from 6,000 KW to 5,500 KW,
Delivery Point No. 5 from 19,000 KW to 23,500 KW,
Delivery Point No. 6 from 14,000 KW to 16,200 KW,
Delivery Point No. 7 from 10,500 KW to 12,500 KW,
Delivery Point No. 8 from 3,500 KW to 4,700 KW,
Delivery Point No. 9 from 3,000 KW to 3,400 KW,
Delivery Point No. 10 from 19,500 KW to 23,500 KW,
Delivery Point No. 11 from 9,500 KW to 13,500 KW,
Delivery Point No. 12 from 9,600 KW to 10,000 KW,
Delivery Point No. 13 from 2,600 KW to 5,300 KW, and
Delivery Point No. 14 from 2,600 KW to 4,200 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of December 18, 1981.

According to Duke Power copies of this filing were mailed to Rutherford Electric Membership Corporation and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 16, 1981. Protests will be considered by

the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31308 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP74-122, *et al.*]

Energy Terminal Services Corp., et al.; Technical Conference

October 22, 1981.

Take notice that at 9:30 a.m., Thursday, November 12, 1981, the staff will hold a technical conference with representatives of Energy Terminal Services Corporation, *et al.*, to discuss the cryogenic design and safety aspects of the LNG peak-shaving plant proposed in the cases cited above. Topics such as vapor cloud generation and plume dispersion, and probability risk analysis are *not* the subject matter of this technical conference. In addition, there will be no discussions of the *merits* of any environmental, engineering, or other issues during the conference.

The conference will be held at the Federal Building, 26 Federal Plaza, Room 1400, New York, New York, and all interested parties may attend. It should be noted, however, that space in the room is limited to approximately 30 people. Mere attendance will not serve to make any person formally a party to this proceeding.

Further information on the project, conference, or other matters is available from Mr. Robert Arvedlund, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-9043.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31352 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-25-000]

Florida Power & Light Co.; Filing

October 23, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on October 16, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FPL states that under the Exhibit I FPL will transmit power and energy for the City of Gainesville (Gainesville) as is required by Gainesville in the implementation of its interchange agreement with the Fort Pierce Utilities Authority.

FPL requests that waiver of §35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the Administrator, Strategic Utility Planning for Gainesville Regional Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31367 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER80-536]

Gulf Power Co.; Compliance Filing

October 22, 1981.

Take notice that on October 9, 1981, Gulf Power Company (Gulf) filed a compliance report with the Commission. Gulf states that this report is in accordance with the settlement agreement in Docket No. ER80-536.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before November 10, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31325 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. QF81-63-000]

Harris Landfill; Application for Commission Certification of Qualify Status of Small Power Production Facility

October 22, 1981.

On September 1, 1981, Harris Landfill of Mullica Hill, New Jersey, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 10 megawatt biomass unit located at the above address. The primary fuel will be methane gas obtained from a sanitary landfill. There are no other such facilities located at the same site and the generating system will make no usage of natural gas, oil or coal. No electric utility, electric utility holding company, or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31353 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-29-000]

Illinois Power Co.; Filing

October 23, 1981.

The filing Company submits the following:

Take notice that on October 16, 1981, Illinois Power Company (Illinois) tendered for filing proposed Amendment No. 8, dated September 15, 1981, to the Interchange Agreement, dated March 15, 1973, between Iowa-Illinois Gas and Electric Company (IIGE) and Illinois.

Illinois indicates that this filing is made for an increase in Short Term Firm Power and Short Term Non-Firm Power reservation charges.

Illinois Power requests an effective date of January 1, 1982.

Illinois Power states that a copy of the filing was served upon IIGE, the Illinois Commerce Commission, and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31368 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5396-000]

Jackson Water Development Co.; Application for Preliminary Permit

October 22, 1981.

Take notice that Jackson Water Development Company (Applicant) filed on September 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for Project No. 5396 to be known as the Fairwell Bend Hydroelectric Project located on Rogue River in Jackson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Marilyn Tebor Shaw, Suite 1100, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036.

Project Description—The proposed project would consist of: (1) a 150-foot long, 6-foot high diversion structure on Rogue River; (2) a 1.3-mile diversion channel; (3) a 400-foot long, 72-inch diameter penstock; (4) a powerhouse with a total rated capacity of 3,100 kW; and (5) a 0.5-mile long, 24-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy output would be 17.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies; and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980) or a notice of intent [See 18 CFR 4.33(b) and (c) [(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to interevene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31337 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-33-000]

Kansas Gas and Electric Co.; Proposed Tariff Change

October 26, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company (KG&E) on October 19, 1981, tendered for filing a proposed change in its FERC Electric Service Tariff No. 147. The proposed Letter of Intent changes the amount of power delivered to the City of Girard, Kansas (City) under Service Schedule A, Firm Power Service.

The Letter of Intent his necessary because the City has requested a change in firm power service.

KG&E requests an effective date of September 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the City of Girard, Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31310 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. EL81-11-000]

Kansas Municipal and Cooperative Electric System; Compliance

October 26, 1981.

The filing company submits the following:

Take notice that on October 19, 1981, Kansas City Power and Light Company submitted for filing a compliance report pursuant to the Commission's order issued September 24, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 13, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31311 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket Nos. ER81-341-000 and ER81-341-001]

Kentucky Utilities Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Requests for Waiver, Denying Motion to Require Modification of Rates, Granting Intervention, Consolidating Dockets, and Establishing Procedures

October 20, 1981.

On April 21, 1981, in Docket No. ER81-341-000, Kentucky Utilities Company (KU) tendered for filing increased rates for service to all of its wholesale customers, including the City of Paris, Kentucky (Paris). By order issued on May 29, 1981, the Commission suspended the proposed rates for five months to become effective, subject to refund, on November 21, 1981. In addition, the Commission summarily rejected KU's demand allocation methodology used to allocate transmission costs to Paris, without prejudice to KU's ability to file "additional cost support to justify its filed rate [to Paris] by use of an appropriate alternative allocation methodology, or by use of incremental energy costs."

Subsequently, KU sumbitted to the presiding administrative law judge an alternative method of cost allocation as justification for the rate applicable to Paris in Docket No. ER81-341-000. On August 21, 1981, KU also tendered this alternative method of cost allocation for filing with the Commission in support of a further increase in rates for Paris. [1] The current filing, which has been assigned Docket No. ER81-341-001, would result to an increase of $190,833 (29%) above the currently effective rate [2] to Paris for the test period ending July 31, 1982. [3] KU requests waiver of any outstanding filing requirements inasmuch as the requisite information has been submitted in Docket No. ER81-341-000. KU also seeks Commission authorization under section 35.17(b) of the regulations to file revised rates during the suspension period in effect in Docket No. ER81-341-000.

Notice of the filing was issued on September 14, 1981, with responses due on or before September 25, 1981. On September 28, 1981, Paris filed a protest, opposing KU's request under section 35.17(b) for permission to file its rate change during the previously imposed suspension period. Paris requests that the submittal be suspended for five months. In support of its request to file the pleading out of time, Paris states that as a result of this filing, it will be necesssary for Paris to proceed separately from the other Kentucky cities affected by KU's rates. The city secured new counsel on September 22, 1981, but has not yet retained new rate consultants. As a result, Paris has also requested additional time in which to file more detailed comments. By notice dated October 2, 1981, the comment date was extended to October 5, 1981.

On September 28, 1981, the municipal intervenors in Docket No. ER81-341-000 filed a motion requesting that KU be required to lower its proposed rates to these customers as a result of the modified allocation methodology proposed for Paris. The customers suggest that the same allocation procedure should be utilized for all of KU's firm, long-term power customers and that adoption of the method proposed by KU, without a corresponding decrease in the rates for the full requirements customers, will result in an overrecovery of costs by the company.

Discussion

The Commission finds that participation in this proceeding by Paris is in the public interest and that good cause exists to permit that customer to intervene out of time. Therefore, the petition to intervene will be granted.

Having reviewed the materials submitted thus far by KU, we find that good cause exists to waive the remaining filing requirements as requested. Furthermore, KU's request pursuant to section 35.17 of the regulations will be granted. Summary disposition of the Paris allocation issue has been ordered on the basis of Opinion No. 116, Docket No. ER78-417 (April 2, 1981). We note, however, that KU's submittal in Docket No. ER81-341-000 was originally tendered on March 17, 1981, two weeks before that opinion issued. The original submittal was deficient and the filing was completed on April 21, 1981, shortly after the issuance of Opinion No. 116. The company's application for rehearing of the opinion was not denied until June 1, 1981, in Opinion No. 116-A. While the timing of the Commission's opinions in relation to KU's submittal dates does not impugn the validity of the summary disposition, it does bear on KU's ability to have anticipated the Commission's resolution of the allocation issue for purposes of conforming its filing to Commission precedent and developing the rate for service to Paris. In view of the recency of the Commission's determination as to the allocation of costs to Paris and the fact that the rates filed in Docket No. ER81-341-001 will be collected subject to refund, we find that good cause exists under § 35.17(b) to permit KU to file its revised rate for Paris.

The specific allocation method proposed by KU represents a departure from Opinion No. 116 which should be pursued at hearing. It also appears that the effect of this change in allocation procedure, if any, on KU's remaining customers is a matter which should be resolved on the basis of an evidentiary record. Of course, KU will be expected to demonstrate that its allocation procedures are appropriate for all of its affected customers and that no overrecovery of costs will occur. Thus, the municipal customers' motion for summary action will be denied.

Our analysis indicates that KU's revised rate has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

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[1] This filing increases the rate to Paris from 24.7 mills/kwh in Docket No. ER81-341-000 to 29.2 mills/kwh.

[2] The currently effective rate is the rate which will be superseded on November 21, 1981, by the filing in Docket No. ER81-341-000.

[3] Designated as: *Kentucky Utilities Company*, Supplement No. 5 to Rate Schedule FPC No. 83 (Supersedes Supplement No. 4).

Accordingly, we shall suspend the rate as ordered below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it might run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the revised rate for Paris for five months to become effective, subject to refund, on March 21, 1982.

We find that common questions of law and fact may be presented in Docket Nos. ER81-341-000 and ER81-341-001. Consequently, we shall consolidate those dockets for purposes of hearing and decision.

The Commission Orders

(A) KU's request for permission to file revised rates pursuant to section 35.17(b) of the Commission's regulations during a previously imposed suspension period is hereby granted. KU's request for waiver of the Commission's filing requirements is hereby granted.

(B) The municipal customers' motion to require a reduction in KU's proposed rates for this customer class is hereby denied.

(C) KU's revised rates are hereby accepted for filing and suspended for five months to become effective, subject to refund, on March 21, 1982.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of KU's rates for Paris.

(E) The petition to intervene in this proceeding is hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenor shall be limited to the matters set forth in its petition to intervene; and *provided, further,* that the admission of such intervenor shall not be construed as recognition that it might be aggrieved by any order of the Commission in this proceeding.

(F) Docket No. ER81-341-001 is hereby consolidated with Docket No. ER81-341-000 for purposes of hearing and decision.

(G) The administrative law judge designated to preside in Docket No. ER81-341-000 shall determine the procedures appropriate to accommodate consolidation of this docket with the pending proceeding.

(H) The Commission staff shall serve top sheets in this proceeding on or before October 31, 1981.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Commissioner Hughes dissented.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31338 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. QF81-61-000]

Kramer Landfill; Application for Commission Certification of Qualifying Status of Small Power Production Facility

October 22, 1981.

On September 2, 1981, Kramer Landfill of Mantua, New Jersey, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 10 megawatt biomass unit located at the above address. The primary fuel will be methane gas obtained from a sanitary landfill. There are no other such facilities located at the same site and the generating system will make no usage of natural gas, oil or coal. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31354 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 2979-001]

Light and Power Board—City of Traverse City; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

October 23, 1981.

Take notice that on September 21, 1981, the Light & Power Board—City of Traverse City (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 2979) would be located on the Boardman River near Traverse City in Grand Traverse County, Michigan. Correspondence with the Applicant should be directed to: William P. Strom, Executive Director, Light & Power Department of the City of Traverse City, P.O. Box 592, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan 49684.

Project Description—The proposed project would consist of: (1) an existing impoundment with a surface area of approximately 80 acres and a gross storage capacity of 1,100 acre-feet; (2) an existing 900-foot long and 54-foot high dam consisting of a 700-foot long earthen dike and a 200-foot long concrete bridge-dam; (3) an existing powerhouse with the proposed installation of one 1,558 HP turbine and one 1,150 kW generator; (4) two existing 74-foot long penstocks; (5) relocation of an existing roadway over the dam; (6) construction of an 0.3 mile-long tie line to an existing transmission line; and (7) appurtenant facilities. The average annual energy production is estimated to be 6.8 GWh. This application is filed pursuant to a preliminary permit held by the Light & Power Board—City of

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[4] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-500, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

Traverse City for Boardman Dam Hydropower Project.

Purpose of Project—All project energy produced will be sold to the customers of the Light & Power Department of Traverse City.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State of Michigan, Department of Natural Resources, Wildlife Division are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before December 1, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than March 31, 1982. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 1, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31358 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 2980-001]

Light & Power Board-City of Traverse City; Application For Exemption for Small Hydroelelectric Power Project Under 5 MW Capacity

October 23, 1981.

Take notice that on September 17, 1981, the Light & Power Board-City of Traverse City (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended)*, for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No 2890) would be located on the Boardman River near Traverse City in Grand Traverse County, Michigan. Correspondence with the Applicant should be directed to: William P. Strom, Executive Director, Light & Power Department of the City of Traverse City, P.O. Box 592, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan 49684.

Project Description—The proposed project would consist of: (1) an existing impoundment with a surface area of approximately 37 acres and a gross storage capacity of 260 acre-feet; (2) an existing 870-foot long and 32-foot high dam consisting of a 700-foot long earthen embankment, a 110-foot long concrete dam, and a 60–foot long concrete integrated powerhouse and dam; (3) proposed installation of one 753 HP turbine and one 600 kW generator; (4) existing transmission lines; and (5) appurtenant facilities. The average annual energy production is estimated to be 3.6 GWh. This application is filed pursuant to a preliminary permit held by the Light & Power Board-City of Traverse City for Sabin Dam Hydropower Project.

Purpose of Project—All project energy produced will be sold to the customers of the Light & Power Department of Traverse City.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State of Michigan, Department of Natural Resources, Wildlife Division are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before December 1, 1981, either the competing

license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than March 31, 1982. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 1, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, of petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31355 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-560-000]

Lockhart Power Co.; Order Accepting for Filing and Suspending Interim and Full Increased Rates, Granting Summary Disposition, Waiving Notice Requirements, Granting Intervention, and Establishing Procedures

October 22, 1981.

On July 29, 1981, Lockhart Power Company (Lockhart) completed its filing of a proposed two phase increase in rates (interim rates and full rates) for firm power service to the City of Union, South Carolina (Union), its only wholesale customer.[1] The interim and full rates would have resulted in a total revenue increase of approximately $627,400 (24.56 percent) for the twelve month period ending December 31, 1980. Because Lockhart purchases approximately 72 percent of its power and energy requirements from Duke Power Company (Duke), Lockhart sought to pass through to Union Lockhart's increased purchased power costs emanating from Duke's revised rates filed in Docket No. ER81-550-000.[2] Lockhart requested effective dates for its interim and full rates to coincide with those established for Duke's corresponding rates in Docket No. ER81-550-000.

On September 15, 1981, Lockhart submitted for filing revised interim rates.[3] The revised interim rates are designed to reflect lower purchased power costs resulting from revised interim rates filed by Duke on September 11, 1981. Lockhart's revised interim rates would result in interim revenues approximately $148,238 lower than those originally proposed.

Public notice of Lockhart's original filing was issued on June 26, 1981, with responses due on or before July 16, 1981.[4] On July 30, 1981, Union filed a motion for leave to file a late protest, a petition to interene, and a request for a five month suspension, stating that it originally believed that Lockhart's filing was intended solely to "track the increase in purchased power costs paid by Lockhart." However, upon further examination, Union states that it has discovered unsupported cost increases other than those related to purchased power. Union also states that the instant proceeding will not be delayed by its untimely pleading. In support of its request for a maximum suspension, Union protests several aspects of Lockhart's cost of service, including (1) failure to reduce power agreement between Lockhart and Pacolet Hydro, (2) use of a hyothetical capital structure with an excessive rate of return on common equity, (3) use of an excessive regulatory rate case expense, (4) use of a zero working cash allowance, and (5) inclusion of annual hydroelectric license charges dating from November, 1963.

On August 11, 1981, Lockhart filed a reply to Union's pleading, challenging Union's contentions and asserting that the issues raised are appropriate matters for an evidentiary hearing.

Discussion

Based on the circumstances cited by Union, we find that participation in this proceeding by Union is in the public interest and that good cause exists to grant the untimely petition to intervene. As a result, we shall permit Union to intervene. The matters raised by the intervenor may be addressed at hearing.

Our preliminary review indicates that Lockhart's proposed rates have not been shown to be just and reasonable and that they may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing, as modified by this order, and we shall suspend them as directed below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be

[1] Lockhart's filing was designed to flow through increased costs resulting from Duke Power Company's June 10, 1981 submittal in Docket No. ER81-550-000. Lockhart originally submitted its filing on June 18, 1981. By letter dated July 21, 1981, Lockhart was advised that Duke's submittal was deficient and that pending receipt of additional information from Duke to satisfy the filing requirements, Lockhart's filing was also deficient. Duke submitted the additional information on July 29, 1981, thereby establishing filing dates for both rate increases.

[2] In that docket, Duke originally submitted for filing (1) proposed interim rates (with a requested effective date of the later of August 16, 1981, or the date on which Duke's McGuire Unit No. 1 commences operation), and (2) proposed full rates (with a requested effective date of October 18, 1981). On September 11, 1981, Duke submitted for filing revised interim rates which are substantially lower than those originally filed. In addition, Duke requested (1) that the revised interim rates become effective on October 18, 1981, subject to refund, and (2) that the full rates become effective coincident with the date on which the North Carolina Utilities commission approves the inclusion of McGuire Unit No. 1 in rate base.

[3] *See* Attachment A for rate schedule designations.

[4] Notice of the revised interim rates was issued on September 17, 1981, with responses due on September 30, 1981. No comments were filed in response to this notice.

[5] *E.G., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-468, (August 22, 1980) (one-day suspension).

suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances are presented here. We note that approximately 85% of Lockhart's requested rates are intended to track Duke's corresponding rates in the ER81-550-000 proceeding. To that extent, whether Lockhart's interim and full rate increases will result in excess revenues will depend, in large part, on whether Duke's rates in Docket No. ER81-550-000 are found to be excessive. For these reasons, we believe that it is appropriate to waive the notice requirements, suspend Lockhart's interim and full rates so that they may be collected, subject to refund, coincident with the respective effective dates for Duke's rates, and make the flow-through portion of Lockhart's rates subject to the outcome of Docket No. ER81-550-000.

By order issued concurrently in Docket No. ER81-550-000, the Commission is suspending Duke's interim rates to become effective, subject to refund, on October 18, 1981, with Duke's full rate increase to become effective, subject to refund, on the date that Duke receives approval from the North Carolina Utilities Commission to include McGuire Unit No. 1 in rate base. Lockhart's proposed interim and full increase rates in the instant docket will be suspended to become effective, subject to refund, coincident with Duke's respective rate changes.

In Docket No. ER81-550-000, we are also summarily rejecting Duke's inclusion in rate base of amounts reflecting nuclear fuel in process (Account No. 120.1). Since the revised rates to be filed by Duke will reduce Lockhart's purchased power costs, we shall similarly direct Lockhart to file a revised cost of service and full increase rates following Commission acceptance of Duke's compliance filing.

The Commission Orders

(A) Waiver of the notice requirements is hereby granted.

(B) Lockhart's revised rates, as reflected in its September 15, 1981 submittal and as modified below, are hereby accepted for filing and suspended, to become effective, subject to refund, coincident with the effective dates of Duke Power Company's interim and full increase rates in Docket No. ER81-550-000. Lockhart shall notify the Commission within seven (7) days after it begins collecting its revised rates.

(C) Summary disposition is hereby ordered with respect to the inclusion in rate base of nuclear fuel in process (Account No. 120.1). Lockhart is directed to file revised full increase rates, and cost support, within thirty (30) days of the Commission's acceptance of Duke's compliance rates reflecting summary disposition of this issue in Docket No. ER81-550-000.

(D) That portion of Lockhart's rates which reflects a flow-through of purchased power costs attributable to Duke's submittal in Docket No. ER81-550-000 shall be subject to the outcome of Docket No. ER81-550-000.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Act and by the Federal Power Act, particualrly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR Chapter I], a public hearing shall be held concerning the justness and reasonableness of Lockhart's rates.

(F) Union is hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *provided, however,* that participation of such intervenor shall be limited to the matters set forth in the petition to intervene; and *provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(G) The Commission staff shall serve top sheets in this proceeding within thirty (30) days of the date of acceptance of Lockhart's compliance filing.

(H) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Lockhart Power Company

[Docket No. ER81-550-000]

Rate Schedule Designations

Designation and Description

(1) Supplement No. 10 to Rate Schedule FPC No. 2 (Supersedes Supplement No. 9)—Interim Rate/North Station

(2) Supplement No. 10 to Rate Schedule FPC No. 3 (Supersedes Supplement No. 9)—Interim Rate/South Station

(3) Supplement No. 11 to Rate Schedule FPC No. 2 (Supersedes Supplement No. 10)—Full Rate/South Station

(4) Supplement No. 11 to Rate Schedule FPC No. 3 (Supersedes Supplement No. 10)—Full Rate/South Station

[FR Doc. 81-31339 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP82-8-000]

Lone Star Gas Co.; Application

October 22, 1981.

Take notice that on October 5, 1981, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP82-8-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in the State of Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to construct and operate a tap, regulating and measuring facility along with 3.2 miles of pipeline for the delivery of natural gas to Pennsylvania Glass Sand Company, a main line customer, in Johnston, Oklahoma.

Applicant estimates the cost of the tap, regulating and measuring facility to be approximately $16,000 which would be financed from Applicant's working capital. Applicant further estimates the cost of the pipeline to be approximately $155,500 for which cost Applicant would be reimbursed.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1981, file with the Federal

Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31340 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project Nos. 5226-000 and 5233-000]

County of Los Alamos, New Mexico and City of Albuquerque, New Mexico; Application for Preliminary Permit

October 23, 1981.

Take notice that the County of Los Alamos, New Mexico, (ALM) and the City of Albuquerque, New Mexico, (ABQ), (Applicants) filed on August 14, 1981, applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Projects Nos. 5226 and 5233, respectively, to be known as the El Vado Hydro Project [1] located on the Rio Chama in Rio Arriba County, New Mexico. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Roger W. Taylor, Chairman, Council of the Incorporated County of Los Alamos, P.O. Box 30, Los Alamos, New Mexico 87544 (ALM), and Mayor David Rusk, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103 (ABQ).

Project Description—The proposed project would consist of: (1) an existing randomfill dam with a height above streambed of 173 feet and a crest length of 1,326 feet; (2) a reservoir having a storage capacity of 219,580 acre-feet at maximum pool elevation of 6,908.6 feet m.s.l. and a surface area of 3,707 acres; (3) existing outlet works to be modified as intake facilities and penstock leading to (4) a new powerhouse containing generating units having a total rated capacity of between 1,400 kW and 3,400 kW (ALM) or 1,500 kW and 3,500 kW (ABQ); (5) a tailrace; (6) a new transmission line; and (7) appurtenant facilities. The Applicants estimate that the average annual energy output would be between 8,600,000 kWh and 12,500,000 kWh (ALM) or 5,000,000 kWh and 15,000,000 kWh (ABQ). Project energy would be sold to the Public Service Company of New Mexico by ALM. ABQ, on the other hand, does not intend to sell or transmit energy to Albuquerque but would negotiate replacement energy usage or would utilize energy for pumping and delivering domestic and industrial water from El Vado to the City of Albuquerque.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicants seek issuance of a preliminary permit for a period of two years (ALM) or three years (ABQ), during which time each would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, the successful Applicant would prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be $65,000 (ALM) or $150,000 (ABQ).

Competing Applications—These applications were filed as competing applications to Gregory Wilcox's application for Project No. 3639 filed on November 3, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing appications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the appication may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 20, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Numbers of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Appications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31351 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER77-533 (Phase I)]

Louisiana Power & Light Co.; Revised Compliance Filing

October 22, 1981

The filing Company submits the following:

Take notice that on October 13, 1981, Louisiana Power & Light Company (LP&L) filed a revised compliance report pursuant to the Commission's letter dated September 11, 1981. LP&L's initial compliance report was filed on April 13,

[1] El Vado Dam and Reservoir are operated and maintained by the Bureau of Reclamation but are owned by the Middle Rio Grande Conservancy District, Albuquerque, New Mexico.

1981 pursuant to Opinion No. 110 issued January 28, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 13, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31357 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-15-000]

Maine Yankee Atomic Power Co.; Filing

October 21, 1981.

The filing Company submits the following:

Take notice that on October 9, 1981, Maine Yankee Atomic Power Company (Maine Yankee) tendered for filing proposed accounting and billing of charges under its Power Contract, FPC Rate Schedule No. 1, to reflect the costs of decommissioning Maine Yankee's nuclear generating plant at Wiscasset, Maine. Maine Yankee states that utilities purchasing wholesale electric service from it are: The Connecticut Light and Power Company, New England Power Company, Central Maine Power Company, The Hartford Electric Light Company, Cambridge Electric Light Company, Western Massachusetts Electric Company, Public Service Company of New Hampshire, Montaup Electric Company, Central Vermont Public Service Corporation, Maine Public Service Company, Bangor Hydro-Electric Company, Eastern Maine Electric Co-operative, Inc., New Hampshire Electric Cooperative, and the following Massachusetts municipal utilities: Ashburnham Municipal Light Plant, Boylston Municipal Light Department, Braintree Electric Light Department, Chicopee Electric Light Department, Town of Danvers Electric Division, Georgetown Municipal Electric Department, Hingham Municipal Lighting Plant, Holyoke Municipal Gas & Electric Department, Hudson Light & Power Department, Hull Municipal Light Department, Ipswich Municipal Light Department, Littleton Light and Water Department, Marblehead Municipal Light Department, Middleborough Municipal Gas & Elecric Department, Middleton Municipal Light Department, North Attleborough Electric Department, Paxton Electric Light Department, Peabody Municipal Light Plant, Shrewsbury Electric Light Plant, Sterling Municipal Light Plant, Taunton Municipal Light Plant, Templeton Municipal Light Department, Wakefield Municipal Light Department, West Boylston Municipal Lighting Department, and Westfield Gas & Electric Department.

Maine Yankee states that the proposed charges for decommissioning costs would result in a revenue increase of $1.826 million for the 12-month period ending June 30, 1981.

Maine Yankee proposes to make the charges effective for service rendered and after November 1, 1981. Maine Yankee has requested that the Commission waive the full 60 day notice requirement of Section 35.3 of the Commission's regulations for reasons set forth in its filing.

Maine Yankee states that copies of the filing have been served upon each of the purchaser utilities and upon the electric utility regulatory authorities in the States of Connecticut, Maine, New Hampshire, Vermont, Massachusetts and Rhode Island.

Any persons desiring to be heard or to make any protest with reference to said filing should, on or before November 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file petitions to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31358 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. GP81-43-000]

MCOR Oil and Gas Corp.; Application for Recovery of Production Related Costs Under Section 110 of the NGPA

October 21, 1981.

Take notice that on August 24, 1981, MCOR Oil and Gas Corporation (MCOR) filed with the Federal Energy Regulatory Commission (Commission), under § 271.1105 of the Commission's regulations, an application for recovery of production-related costs under section 110 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. II 1978).

MCOR seeks authorization (under 18 CFR 271.1105) to collect reimbursement for certain production-related costs to be incurred in transporting gas by truck from the wellhead to the processing plant of the purchaser (El Paso Natural Gas Company). MCOR is to retain title to the gas until the gas is received by El Paso. Any such allowance granted by the Commission under § 271.1105 of the Commission's regulations would be in addition to the otherwise applicable maximum lawful price.

Any person desiring to be heard or to protest this request should, within 30 days after publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, a protest or petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered but will not make the protestant parties to the proceeding. Any person wishing to become a party to proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31329 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-194-000]

Mississippi Power Co.; Compliance

October 26, 1981.

The filing company submits the following:

Take notice that on October 13, 1981, Mississippi Power Company submitted for filing a compliance report pursuant to the Commission's letter order of September 15, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 16, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31312 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-531-000]

Mountain Fuel Supply Co.; Application

October 22, 1981.

Take notice that on September 25, 1981, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP81-531-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas with Colorado Interstate Gas Company (CIG) and for permission and approval to abandon service under certain agreements between Applicant and CIG, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation and exchange agreement dated December 8, 1980, Applicant proposes to (1) transport up to 300,000 Mcf of natural gas per day which CIG may control in areas including but not limited to all existing areas covered by presently effective gas purchase, transportation and exchange agreements, the Overthrust Belt area of Lincoln and Uintah Counties, Wyoming, and Summit, Morgan and Rich Counties, Utah, Rio Blanco and Garfield Counties, Colorado, the Nitchie Gulch area of Sweetwater County, Wyoming, and the Chapita and Bonanza areas of Uintah County, Utah, (2) receive natural gas from CIG at existing CIG delivery points or at future delivery points required to connect sources of supply within the areas listed above and (3) redeliver thermally equivalent volumes of natural gas to CIG at existing and future mutually agreeable points along CIG's transmission system.

It is asserted that gas would be transported by CIG for Applicant from areas including but not limited to all existing areas covered by gas transportation and exchange agreements presently authorized, the Powder River Basin and Wind River Basin in Converse, Campbell, Fremont and Natrona Counties, Wyoming, and the Creston area of Carbon County, Wyoming. Applicant states that it would balance deliveries at Kanda and that CIG would balance deliveries at Green River.

Applicant states that it would charge CIG initially a 17.44 cents per Mcf cost-of-service based systemwide transportation rate and 5.0 cents per Mcf compression rate when Applicant transports volumes of natural gas for CIG in excess of volumes of natural gas transported by CIG for Applicant. Such charges, it is submitted, would be collected subject to refund with interest to the extent lower applicable rates are established by a final Commission order in Docket No. CP80-274 or other appropriate FERC proceeding whichever is earlier.

Applicant further proposes, contingent upon receipt of the certificate authority requested herein, to abandon service and natural gas sales under certain certificated gas purchase and exchange agreements between Applicant and CIG as follows:

Source of Gas Supply and Service Provided to CIG

Spearhead Ranch, Converse County, Wyoming—25 percent sale, transportation and exchange
Antelope, Sweetwater County, Wyoming—25 percent sale, gathering and exchange
Natural Buttes, Uintah County, Utah—Exchange
Canyon Creek, Sweetwater County, Wyoming—Exchange
North Hiawatha, Sweetwater County, Wyoming and Shell Creek, Moffat County, Colorado—Exchange
Allemand/Bear Creek, Converse County, Wyoming—Transportation and exchange
Wamsutter, Sweetwater County Wyoming—25 percent sale and exchange

It is asserted that Applicant would file tariff revisions on January 31 of each year listing any receipt points added or deleted during the prior calendar year pursuant to Applicant's agreement with CIG.

The proposed exchange of natural gas would, it is stated, enable Applicant and CIG to receive into their respective systems natural gas supplies which are remote from the owner's system.

It is asserted that the proposed service under one transportation agreement would reduce administrative costs stemming from the complex accounting and operating procedures under the seven existing rate schedules and would eliminate the insignificant 25 percent sale-for-resale provisions.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31341 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-537-000]

Natural Gas Pipeline Company of America; Application

October 21, 1981.

Take notice that on September 30, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-537-000 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for the calendar year 1982 and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on

file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant requests waiver of the total cost and single project limitations of $3,000,000 and $500,000, respectively, prescribed by Section 157.7(g). Applicant proposes a total cost limitation of $6,000,000 with no single project to exceed $1,000,000. Applicant states that ongong inflation requires the higher cost limitations. Applicant states it would finance such costs from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessay for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31327 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. QF81-68-000]

New England Alternate Fuels, Inc.; Application for Commission Certification of Qualifying Status of Small Power Production Facility

October 22, 1981.

On September 23, 1981, New England Alternate Fuels, Inc. of Brattleboro, Vermont filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 300 kilowatt biomass unit located at the Brattleboro Sanitary Landfill. The primary fuel will be methane gas obtained from a sanitary landfill. There are no other such facilities located at the same site and the generating system will make no usage of natural gas, oil or coal. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31359 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5309-000]

City of New York; Application for Preliminary Permit

October 23, 1981.

Take notice that the City of New York (Applicant) filed on September 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5309 to be known as the Delaware Water Supply System Water Power Project located on West Branch Delaware River, Trout Creek, East Branch Delaware River, Tremper Kill, East Branch Neversink River, West Branch Neversink River, Rondout Creek, Chestnut Brook, and West Branch Croton River in Deposit and Colchester Townships, Delaware County, Neversink Township, Sullivan County, and Kent and Carmel Townships, Putnam County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Francis X. McArdle, Department of Environmental Protection, City of New York, 2358 Municipal Building, New York, New York 10007.

Project Description—The proposed project would redevelop the existing Applicant-owned facilities and would consist of eight separate but hydraulically related developments:

A. The Project A Development comprising: (1) The 2800-foot long and 175-foot high earth-fill Cannonsville Dam having an 800-foot long side-discharge spillway; (2) the Cannonsville Reservoir having a surface area of 4,800 acres at spillway crest elevation 1,150 feet msl; (3) a modified release chamber containing a new generating unit having a rated capacity of 5,000-kW; (4) the tailrace to the West Branch Delaware River; (5) a new 6-mile long transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 35,000 MWh.

B. The Project B Development comprising: (1) The 2,450-foot long and 204-foot high earth-fill Downsville Dam having an 800-foot long side-discharge spillway; (2) the Pepacton Reservoir having a surface area of 5,700 acres at spillway crest elevation 1,280 feet msl; (3) a modified release chamber containing a new generating unit having a rated capacity of 650-kW; (4) the release conduit and outlet channel to the East Branch Delaware River; (5) a new 6-mile long transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 4,800 MWh.

C. The Project C Development comprising: (1) The 2,820-foot long and 175-foot high earth-fill Neversink Dam having a 600-foot long side-discharge spillway; (2) the Neversink Reservoir having a surface area of 1,440 acres at spillway crest elevation 1,440 feet msl; (3) a modified intake chamber containing a new generating unit having a rated capacity of 300-kW; (4) the release conduit and outlet channel to the Neversink River; and (5) appurtenant facilities. Applicant estimates that the average annual energy output would be 2,000 MWh.

D. The Project D–1 Development comprising: (1) The 51-mile long West Delaware Tunnel from Connonsville Reservoir (2) a new powerhouse containing a new generating unit having a rated capacity of 5,000-kW (3) a new tailrace to by-pass the outlet chamber; (4) the discharge conduit, discharge chamber, and discharge channel to Rondout Reservior; and (5) appurtenant facilities. Applicant estimates that the average annual energy output would be 18,000 MWh.

E. The Project D–2 Development comprising: (1) The 2,400-foot long and 195-foot high earth-fill Merriman Dam having a 600-foot long side-discharge spillway; (2) the Rondout Reservoir having a surface area of 2,080-acres at spillway crest elevation 840 feet msl; (3) a modified effluent chamber containing a new generating unit having a rated capacity of 150-kW; (4) the discharge conduit and waste channel to Rondout Creek; and (5) appurtenant facilities. Applicant estimates that the average annual energy output would be 1,000 MWh.

F. The Project D–3 Development comprising: (1) An effluent chamber receiving water from Rondout Reservior and modified to contain a new generating unit having a rate capacity of 1,300-kW; (2) the 47-mile long Delaware Tunnel to the West Branch Reservoir; (3) an upgraded Central Hudson Gas and Electric Corporation transmission line; and (4) appurtenant facilities. Applicant estimates that the average annual energy output would be 8,200 MWh.

G. The Project E Development comprising: (1) The 670-foot long and 57-foot high masonry Boyds Corners Dam and separate 135-foot long spillway; (2) the Boyds Corners Reservoir having a surface area of 297-acres at spillway crest elevation 580 feet msl; (3) the upper and lower intake structures and related conduits through the dam; (4) a modified release chamber containing a new generating unit having a rated capacity of 50-kW; (5) a new tailrace to the West Branch Croton River; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 200 MWh.

H. The Project F Development comprising: (1) The 1,794-foot long and 62-foot high earth-fill and masonry West Branch Dam having a 260-foot long spillway; (2) the West Branch Reservoir having a surface area of 1,083-acres at spillway crest elevation 503 feet msl; (3) the intake structure and related conduits through the dam; (4) a modified control chamber containing a new generating unit having a rated capacity of 95-kW; (5) the tailrace to the West Branch Croton River; (6) a new 1.5-mile long transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 800 MWh.

The total installed capacity of the proposed project would be 12,545-kW. The system would continue to be operated essentially to provide water supply to the City of New York. Project energy would be used by Applicant for Municipal purposes or would be sold.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $250,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 24, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–31380 Filed 10–28–81; 8:45 am]

BILLING CODE 6717–02–M

[Docket No. ER82–19–000]

Niagara Mohawk Power Corp.; Proposed Tariff Change

October 22, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on October 13, 1981, tendered for filing as a supplement to an existing rate schedule, an agreement between Niagara, the Connecticut Light and Power Company (CP&L) and Western Massachusetts Electric Company (WMECO) dated July 28, 1981.

Niagara presently has on file an agreement with CL&P and WMECO dated January 19, 1981. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 115. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate as provided for in the terms of the original agreement.

Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1981.

Copies of the filing were served upon the Connecticut Light and Power Company, the Western Massachusetts Electric Company and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31328 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-21-000]

Niagara Mohawk Power Corp.; Tariff Change

October 23, 1981.

Take notice that Niagara Mohawk Power Corporation (Niagara), on October 13, 1981, tendered for filing as a supplement to an existing rate schedule, an agreement between Niagara and Long Island Lighting Company (LILCO) dated July 28, 1981.

Niagara presently has on file an agreement with LILCO dated February 14, 1975 amended April 12, 1977 and May 22, 1981. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 91 with Supplement 2. The new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for transmitting FitzPatrick power and energy from the Power Authority of the State of New York to Long Island as provided for in the terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1981.

Copies of the filing were served upon the following:

Long Island Lighting Company, 250 Old Country Road, Mineola, NY 11501

Public Service Commission, State of New York, Three Rockefeller State Plaza, Albany, NY 12223.

Any person desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31369 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP82-7-000]

Northern Natural Gas Co.; Petition for Declaratory Order

October 22, 1981.

Take notice that on October 5, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-7-000 a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for an order declaring that abandonment authorization is not necessary to effect the transfer of certain of its developed and producing properties which have received final well category determinations under Sections 102 and 103 of the Natural Gas Policy Act of 1978 (NGPA) or for which filings for such well determinations have been made; or in the alternative, pursuant to Section 7(b) of the Natural Gas Act application is made for permission and approval to abandon certain service from the aforementioned properties by transfer of such properties to Nortex Gas & Oil Company (Nortex), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that effective November 1, 1980, it conveyed interests in six federal oil and gas leases in the Fuller Reservoir, Fremont County, Wyoming, to Nortex, a wholly-owned subsidiary of InterNorth, Inc. It is further stated that gas from such acreage would continue to be committed to Petitioner and that there would be no termination of service, reduction of deliveries, or any new or additional rate impact upon Petitioner's customers as a result of this transaction.

It is asserted that none of the wells located on the leases in question produced natural gas until after enactment of the NGPA and that all production from the subject leases is from wells spudded on or after February 19, 1977, and for which either applications for well category determinations have been made or final determinations have been received that such wells qualify for the Section 102 or 103 of the NGPA. Accordingly, Petitioner requests that the Commission issue an order declaring that Petitioner does not need abandonment authorization for the transfer of the subject properties to Nortex.

In the alternative, Petitioner requests permission and approval under Section 7(b) of the Natural Gas Act to abandon service by transfer of such properties to Nortex effective November 1, 1980.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31342 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket Nos. ER77-5, E-8152 and E-7278]

Otter Tail Power Co.; Filing of Supplemental and Amended Compliance Filing and Refund Report and Supplemental and Amended Petition for Approval of Offset

October 21, 1981.

The filing Company submits the following:

Take notice that on October 13, 1981, Otter Tail Power Company (Otter Tail) filed a supplemental and amended refund compliance report and a supplemental and amended petition for approval of offset. On September 4, 1981, Otter Tail filed a refund compliance report, pursuant to Opinion No. 93, issued August 15, 1980, which reflected refunds made in Docket Nos. ER77-5 and E-8152. Otter Tail offset the refund due to the City of Elbow Lake, Minnesota (Elbow Lake) against Elbow Lake's indebtedness to Otter Tail in Docket No. E-7278. Otter Tail petitioned the Commission to approve the offset and payment to Elbow Lake.

The present filing presents a revised calculation of the refund and interest due to Elbow Lake, and a revision of the proposed offset for which Otter Tail seeks Commission approval.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 2, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31332 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5357-000]

Irrigation Districts Comprising the Owyhee Project North Board of Control; Application for Preliminary Permit

October 22, 1981.

Take notice that The Irrigation Districts Comprising the Owyhee Project North Board of Control (Applicant) filed on September 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for Project No. 5357 to be known as the Mitchell Butte Lateral Hydroelectric Project located on Mitchell Butte Lateral near Adrian in Malheur County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen B. Fonda, Owyhee Project North Board of Control, P.O. Box 1565, Nyssa, Oregon 97913.

Project Description—The proposed project would consist of: (1) a 10-foot long, 8-foot deep and 6-foot wide inlet structure on the Mitchell Butte Lateral next to the upper end of the existing chute drop structure; (2) a 525-foot long, 48-inch diameter steel penstock; (3) a powerhouse with total installed capacity of 1,600 kW; and (4) a 350-foot long, 11-kV transmission line from the power plant to the existing Idaho Power Company transmission line. The Applicant estimates that the average annual energy production would be 5.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 24, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petitions to intervene must be received on or before December 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31336 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5398-000]

Sam Robin; Application for Preliminary Permit

October 22, 1981.

Take notice that Sam Robin (Applicant) filed on September 22, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a), 825(r)] for Project No. 5398 to be known as the Coon Creek Power Project located on Coon Creek in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the applicant should be directed to: Sam Robin—P. O. Box 615, New Castle, California 95658.

Project Description—The proposed project would consist of: (1) a 20-foot long, 5-foot high diversion structure; (2) a 10,000-foot long, 48-inch diameter diversion conduit; (3) a 1200-foot long, 24-inch diameter penstock; (4) a powerhouse with a total rated capacity of 950 kW; and (5) a 0.5-mile long, 12.5-kV transmission line from the powerhouse to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy production will be 8.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of

undertaking these studies will be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 24, 1981 either the competing application itself [see 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31344 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. RP81-139-001]

Raton Natural Gas Co.; Errata Notice and Notice of Amendment to Proposed Change in Rates

October 20, 1981.

Notice of rate change filed by Raton Natural Gas Company (Raton) on September 23, 1981, in the above-captioned docket was issued on October 5, 1981. That notice contained an error which is corrected below:

In the second paragraph of the notice, change the level of increase from $11,054 to $15,256.

Take notice that on October 9, 1981, Raton filed an amendment to its September 23, 1981 filing. The results of this revised filing is to reduce Raton's proposed Rate of Return on its net investment rate base to 11.75 percent and to reduce the proposed increase in revenues from $15,256 to $12,044 annually.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31343 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 1025-002]

Safe Harbor Water Power Corp.; Application for Amendment of License

October 23, 1981.

Take notice that on September 14, 1981, the Safe Harbor Water Power Corporation (Licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for amendment of its license for its Safe Harbor Project No. 1025, located on the Susquehanna River in Lancaster and York Counties, Pennsylvania. Correspondence with the Licensee should be directed to: Mr. Donald B. Chubb, President, R.D. #2, P.O. Box 97, Conestoga, Pennsylvania 17516 and to Mr. William J. Madden, Jr., Debevoise & Liberman, 1200 17th Street, N.W., Washington, D.C. 20036.

The Licensee requests that Article 39 of its license be deleted and that it be authorized to install a fifth 37.5-MW unit in addition to the four new 37.5-MW units which were authorized in the new license issued for the project on August 14, 1980. Article 39 requires the Licensee to delay installing the fifth unit until it determines whether a different unit size may be appropriate to meet minimum flow conditions which might be found necessary after on-going water quality studies are completed.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 29, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31329 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5330-000]

City of Santa Clara; Application for Preliminary Permit

October 22, 1981.

Take notice that the City of Santa Clara (Applicant) filed on September 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5330 to be known as the East Fork

Trinity Project located on the East Fork Trinity River, near Redding, in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Barry R. Flynn, Director of Electric Unility, City fo Santa Clara, 1500 Warburton Avenue, Santa Clara, California 95050.

Project Description—The proposed project would consist of: (1) a 12-foot high reconstructed concrete dam; (2) a short tunnel; (3) a 1.5-mile long steel pipeline; (4) a powerhouse containing one generating unit rated at 3,000 kW; and (5) a transmission line.

The average annual energy generation is estimated to be 10 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare a FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $90,000.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before December 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before December 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31334 Filed 10-28-81; 8:45 am]
BILLING CODE 6717-02-M

[Project No. 5140-000]

Sauter Fertig Electric; Application for Preliminary Permit

October 23, 1981.

Take notice that Sauter Fertig Electric (Applicant) filed on July 15, 1981, and revised on October 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5140 known as the Diamond Island Water Power Project located on the Black River in the City of Watertown, Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Lewis Fertig, Rt. 1, Colton, New York 13625.

Project Description—The proposed project would utilize existing facilities consisting of: (1) a 225-foot long and 40-foot wide breached concrete gravity-type dam across the left (south) channel; (2) a reservoir having a surface area of 16 acres and a gross storage capacity of 48 acre-feet; (3) trash racks, a sluiceway, and a spillway having crest elevation 473.0 msl across the right channel; (4) a powerhouse containing three generating units having a total rated capacity of 1,200-kW; (5) a tailrace; (6) a 300-foot long, 23-kV transmission line; and (7) appurtenant facilities. Applicant proposes to repair, replace and upgrade the structures and equipment. Applicant estimates that the average annual energy output would be 9,170,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would determine the condition of the existing structures and equipment, the economic feasibility of rebuilding, repairing or replacing facilities, the availability of capital, and environmental impacts. Applicant estimates the cost of the work under the permit to be $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 22, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 22, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31371 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 1389]

Southern California Edison Co.; Expiration of License

October 23, 1981.

Take notice that the license for the Rush Creek Project, FERC Project No. 1389, will expire on November 30, 1986. The Rush Creek Project is located on Rush Creek in Mono County, California, about 50 miles northwest of the Town of Bishop, California. The project is licensed to Southern California Edison Company.

The Rush Creek Project consists of Rush Meadows, Gem and Agnew Dams and Reservoirs, two pressure conduits; two penstocks; and the Rush Creek Powerhouse, containing two units for a total generating capacity of 8.4 megawatts.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1981). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31330 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-20-000]

Southern California Edison Co.; Filing

October 23, 1981.

The filing Company submits the following:

Take notice that Southern California Edison Company (Edison) on October 13, 1981, tendered for filing three separate Integrated Operations Agreements which have been executed by Edison and the California cities of (1) Azusa, (2) Banning, and (3) Colton (Cities). Under the terms of the Agreements, Cities will be able to reduce purchases of capacity and energy from Edison and obtain their own capacity and energy resources.

Copies of this filing were served upon the Cities of Azusa, Banning and Colton and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31370 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER80-58]

Southern Company Services, Inc.; Compliance Filing

October 26, 1981.

The filing company submits the following:

Take notice that on October 19, 1981, Florida Power & Light Company submitted for filing a compliance report in accordance with the Commission's letter order of September 14, 1981. Such report resulted from a settlement in Docket No. ER80-58.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 13, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31314 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-18-000]

Southern Indiana Gas & Electric Co.; Filing

October 22, 1981.

The filing Company submits the following:

Take notice that Southern Indiana Gas and Electric Company (Southern Indiana) on October 13, 1981, tendered for filing, proposed changes in its FPC Electric Service Tariff.

Southern Indiana indicates that the purpose of this filing is to revise Service Schedule A-Contract Power. The Capacity Charge for Contract Power is proposed to be increased from $3.00 to $3.65 per Kw per month of Scheduled and Unscheduled Demand, and the Capacity Charge for Emergency Service and Maintenance Power in Service Schedules B and C is proposed to be increased from $0.70 to $0.85 per Kw per week.

The proposed revision reflects a desire on the part of both parties to provide for present and anticipated future increases in costs and to attain the maximum benefit from the interconnection of their systems.

Southern Indiana requests waiver of the notice requirements of § 35.3 of the Commission's regulations to permit an effective date immediately upon filing with the Commission.

Southern Indiana states that copies of the filing were served upon City of Jasper, Indiana which has filed its Certificate of Concurrence.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 9,

1981. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31300 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP70-7-021 (Phase II)]

Southern Natural Gas Co.; Petition To Amend

October 23, 1981.

Take notice that on October 9, 1981, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7-021 (Phase II) a petition pursuant to Section 7 of the Natural Gas Act to amend the order issued October 29, 1969,[1] in the instant docket, as amended, so as to decrease by 110 Mcf of natural gas per day the contract demand volume of Alabama Gas Corporation (Alagasco) with Petitioner at the Birmingham area delivery point and to increase by 110 Mcf of natural gas per day the contract demand volume of Alagasco with Petitioner at the Oak Grove delivery point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that by order issued October 29, 1969, in the instant docket Petitioner was authorized to sell and deliver to Alagasco a contract demand volume of 408,725 Mcf of natural gas per day and that as a result of subsequent amendments to said order Petitioner currently sells and delivers to Alagasco a contract demand volume of 418,877 Mcf of natural gas per day.

Petitioner states that Alagasco presently sells and delivers a maximum delivery obligation volume of 169,421 Mcf per day to the Birmingham area and a maximum delivery obligation volume of 184 Mcf per day to its Oak Grove delivery point.

Petitioner further states that Alagasco has requested the transfer of 110 Mcf per day from the Birmingham delivery point in order to serve a state facility which is to be constructed at or near the Oak Grove delivery point in Jefferson County, Alabama.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31301 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. ER82-16-000]

Southwestern Electric Power Co.; Filing

October 22, 1981.

The filing Company submits the following:

Take notice that on October 8, 1981, Southwestern Electric Power Company (SWEPCO) tendered for filing a Letter Agreement with Central Louisiana Electric Company (CLECO) dated May 18, 1981, and an amendatory letter dated August 24, 1981, which provides for SWEPCO to offer and CLECO to purchase 10 MW of capacity without reserves from Knox Lee Unit Number 5 for the four-month period commencing June 1, 1981, with an additional offer of 5 MW for the month of September 1981.

SWEPCO requests waiver of the Commission's notice requirements to allow for an effective date of June 1, 1981.

Copies of the filing were sent to the Louisiana Public Service Commission and CLECO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31331 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5377-000]

Synergics, Inc.; Application for Preliminary Permit

October 22, 1981.

Take notice that Synergics, Incorporated (Applicant) filed on September 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5377 to be known as the Columbia Project located on the Paulins Kill River in the town of Columbia, Warren County, New Jersey. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Wayne L. Rogers, Vice-President, Synergics, Inc., 1444 Foxwood Court, Annapolis, Maryland 21401.

Project Description—The proposed project would consist of: (1) an existing 18-foot high, 330-foot long Ambursen type concrete dam; (2) a reservoir with a storage capacity of 600 acre-feet at 291 feet m.s.l.; (3) an existing powerhouse containing three turbines to be reconditioned and connected to a new generator with a total rated capacity of 300 kW; (4) a short transmission line; and (5) appurtenant facilities. The facility is owned by the New Jersey Division of Forests, Parks, Labor and Industry. The project would generate up to 2,500,000 kWh annually. Energy produced at the project would be sold to New Jersey Power and Light Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be $50,000.

Competing Applications—Anyone

desiring to file a competing application must submit to the Commission, on or before December 24, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c)

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31345 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5373-000]

Tehama County Flood Control & Water Conservation District; Application for Preliminary Permit

October 22, 1981.

Take notice that Tehama County Flood Control & Water Conservation District (Applicant) filed on September 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5373 to be known as the Thomes Creek Site #2 Power Project located on Thomes Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence A. Coleman, Director of Water Resources, Route 1, Box 4, Gerber, California 96035.

Project Description—The proposed project would consist of: (1) a 50-foot long, 14-foot high diversion structure on Thomes Creek; (2) a 2,400-foot long, 8-foot bottom width and 5-foot deep diversion channel; (3) a 1,300-foot long, 72-inch diameter penstock; (4) a powerhouse with a total installed capacity of 10,200 kW; and (5) a 3-mile long, 12–kV transmission from the powerhouse to an existing 12.5–kV Pacific & Gas Electric Company transmission line. The Applicant estimates that the average annual energy production would be 35.8 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $140,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be ent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31346 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP82-1-000]

Texas Eastern Transmission Corp.; Application

October 22, 1981

Take notice that on October 1, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP–82–1–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities extending from South Pass Block 89, "B" Platform, South Addition, offshore Louisiana, to Applicant's 36-inch Venice-New Roads

pipeline located in Plaquemines Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 47 miles of 20-inch pipeline together with related facilities extending from South Pass Block 89, "B" Platform to Applicant's 36-inch Venice-New Roads pipeline at a point downstream of Gulf Oil Company's existing Venice plant. Applicant asserts the subject facilities would cost $45,182,000 which would be financed initially through revolving credit arrangements or from funds on hand with permanent financing undertaken as part of Applicant's overall long-term financing program at a later date.

Applicant states that the proposed facilities would have a maximum capacity of approximately 182,000 Mcf of natural gas per day and would permit the attachment of gas produced from South Pass Block 89. It is stated that Applicant has entered into a gas purchase contract with Louisiana Land and Exploration Company and with Marathon Oil Company for purchase of their respective interests in gas supplies in South Pass Block 89 and would enter into contracts with Amerada Hess Corporation and Aminoil USA, Inc. for their respective interests in gas supplies in South Pass Block 89 which would provide Applicant with 100 percent of the gas supplies form South Pass Block 89. It is submitted that the estimated proven reserves associated with South Pass Block 89 are 144,000,000 Mcf with estimated possible reserves of 32,000,000 Mcf.

It is explained that the proposed pipeline would also provide access not only to the committed reserves in South Pass Block 89 but also to large areas adjacent to the pipeline which have good potential for development.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without futher notice before the Commission or its designee on this applicaiton, if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31347 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-535-000]

Texas Eastern Transmission Corp.; Application

October 23, 1981.

Take notice that on September 29, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in the Docket No. CP81-535-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Public Service Electric and Gas Company (Public Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement dated September 22, 1981, Applicant proposes to transport up to 75,000 dekatherms (dt) equivalent of natural gas per day which Public Service has purchased from its subsidiary, Energy Development Corporation (EDC). It is asserted that EDC would deliver the subject gas to Transcontinental Gas Pipe Line Corporation (Transco) which would deliver the stated quantities to Applicant at the existing point of interconnection between Applicant and Transco located at Transco's meter station 503 in West Feliciana Parish, Louisiana, or at other mutually agreeable existing points of delivery. Applicant states that it would deliver the gas to Public Service at the existing point of interconnection located at Applicant's meter station 128 in Union County, New Jersey, or at other mutually agreeable existing points of delivery. Applicant proposes to provide the service for a limited term commencing upon the initial date of delivery or sixty days after receipt of certificate authorization and terminating one year from such date.

Applicant states it would charge Public Service the presently applicable Rate Schedule TS-1 basic rate of 32.28 cents per dt equivalent, provided, however, for quantities transported and delivered by Applicant which when added to the quantities delivered to Public Service under Applicant's Rate Schedules TS-1 and SS-II and other transportation agreements exceed the combined total curtailment of natural gas sales to Public Service under all of Applicant's firm sales rate schedules at which point Applicant would charge Public Service the presently applicable effective TS-1 excess rate of 42.14 cents per dt equivalent. It is further stated that Applicant would retain 3.0 percent of all gas received for transportation from April 16 through November 15 of each year and 6.0 percent of all gas received for transportation from November 16 through April 15 of each year for shrinkage. Applicant further proposes to retain all revenues resulting from the transportation service for Public Service.

It is asserted that the proposed service would enable Public Service to implement its agreement to purchase gas from EDC and to help fulfill its need for a greater natural gas supply. It is explained that this service is subject to interruption and is conditioned upon the availability of sufficient capacity on Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31362 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP82-9-000]

Transcontinental Gas Pipe Line Corp. and Mid Louisiana Gas Co.; Application

October 23, 1981.

Take notice that on October 6, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, and Mid Louisiana Gas Company (Mid Louisiana), 21st Floor, Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP82-9-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the deferred exchange of gas between Transco and Mid Louisiana as well as the temporary storage of such gas by Transco for Mid Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that pursuant to an agreement dated September 25, 1981, Transco would make available to Mid Louisiana on November 1, 1981, or as soon thereafter as the Commission authorizes but in no event after March 31, 1982, 525,263 dekatherms (dt) equivalent of natural gas at Transco's Hester Storage Field, St. James Parish, Louisiana, (Hester Field) and that Mid Louisiana would redeliver to Transco up to 525,263 dt equivalent of gas at the Hester Field during the period April 1, 1982, through October 31, 1982. Applicants assert that there would be no charge by either party for such exchange service.

Transco further proposes pursuant to the agreement of September 25, 1981, to provide storage service for Mid Louisiana at the Hester Field for up to 517,500 dt equivalent of the gas which Transco would make available to Mid Louisiana retaining as compressor fuel 7,763 dt equivalent of the 525,263 dt equivalent of gas made available to Mid Louisiana. Applicants state that upon request by Mid Louisiana during the period November 1, 1981, through March 31, 1982, Transco would withdraw up to 25,875 dt equivalent of gas per day and redeliver such gas to Mid Louisiana at Ethel, East Feliciana Parish, Louisiana.

For such temporary storage service, it is submitted, Mid Louisiana would pay Transco a storage demand charge of $306,000, a storage capacity charge of $90,000, a withdrawal charge of 1.9 cents per dt equivalent withdrawn for Mid Louisiana's account, and a transportation charge of $106,750 for related transportation of subject gas.

Such service, it is asserted, would enable Mid Louisiana to meet the peak and winter season requirements of its high-priority customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31363 Filed 10-28-81; 8:46 am]

BILLING CODE 6717-02-M

[Docket No. ER82-24-000]

Tucson Electric Power Co.; Filing

October 23, 1981.

The filing Company submits the following:

Take notice that Tucson Electric Power Company ("Tucson") on October 16, 1981, tendered for filing "Amendment No. 1" dated October 2, 1981 to "Contract for Economy Energy Brokerage Transactions and Transmission Service" dated March 11, 1981, between Tucson and the United States of America, Department of Energy, Western Area Power Administration ("the United States"). The primary purpose of this Amendment No. 1 is to extend the period of time relative to the brokering of economy energy and transmission service associated therewith between the electric systems of the parties from September 30, 1981 to March 31, 1982.

Any person desiring to be heard or to make any application with reference to said Amendment No. 1 should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this Amendment No. 1 are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31372 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER 82-26-000]

Upper Peninsula Power Co.; Rate Schedule Filing

October 23, 1981.

The filing Company submits the following:

Take notice that on October 16, 1981 Upper Peninsula Power Company filed a change in the Interchange Energy rate of the 1978 Basic Agreement. The other parties to that agreement, Upper Peninsula Generating Company and Cliffs Electric Service Company filed certificates of concurrence. The effect of the change will be to increase the rate from 29.8 to 32.2 mills/kwh.

An effective date of January 1, 1982 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31373 File 10-28-81; 8:45 am]

BILLING CODE 6717-02-

[Docket No. CP81-540-000]

Western Gas Interstate Co.; Application

October 21, 1981.

Take notice that on September 30, 1981, Western Gas Interstate Company (Applicant), 1800 First International Building, Dallas, Texas 75270, filed in Docket No. CP81-540-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, construction and operation of certain natural gas facilities and new and continued natural gas sales and/or transportation services to Gas Company of New Mexico (GASCO), Southern Union Gas Company (SUGCO), Western Gas Pipeline Company (WGP), Southern Union Gathering Company (Gathering Company), a wholly-owned subsidiary of Southern Union Company (Southern Union), and El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to acquire all jurisdictional transmission pipelines and appurtenant facilities associated with Southern Union's New Mexico gas service area and all transmission pipelines and appurtenant facilities associated with Southern Union's Pecos-Monahans gas service area. These facilities include two gas transmission systems in New Mexico and a smaller transmission system in the Pecos-Monahans area of West Texas, it is averred. Applicant asserts that one of the systems to be acquired from Southern Union is located in northwest and north central New Mexico and currently serves such cities as Albuquerque and Santa Fe. Applicant alleges that a second transmission system is located in southeast New Mexico and currently serves such cities as Rosewell and Carlsbad. Applicant maintains that in addition to acquiring these transmission facilities in New Mexico it would acquire all of Southern Union's gathering facilities connected to these transmission systems and the purchase rights under numerous gas purchase contracts which are not subject to the price ceilings set by the New Mexico Natural Gas Pricing Act. Applicant submits that the portion of Southern Union's facilities to be acquired by Applicant in the state of Texas consists of a small transmission system located in the Pecos-Monahans area of West Texas. Applicant states that the transfer of the properties and facilities to be acquired by Applicant would be treated as a contribution of capital by Southern Union to Applicant and would be reflected by an increase on Applicant's books equal to the depreciated net book value of the assets transferred. As of December 31, 1979, the depreciated net book value of these facilities was $71,755,000 of which $48,713,077 constitutes jurisdictional facilities for which a certificate is sought in the instant application, it is asserted.

Applicant also proposes to construct and operate 55 miles of 12-inch O.D. transmission pipeline between existing transmission facilities in southeast New Mexico and existing transmission facilities in West Texas at a point just east of Pyote, Texas. Applicant asserts that this would connect the transmission systems. Applicant submits that upon completion of this proposed pipeline extension the Southeast transmission system and the Pecos-Monahans transmission system would form a single transmission system serving distribution markets in West Texas and throughout southeast New Mexico. Applicant estimates the cost of the pipeline extension to be $5,763,000 which would be financed through internally generated funds and funds supplied by Southern Union.

Applicant further proposes to maintain and operate the existing transmission line between Bloomfield, New Mexico, and Los Alamos, New Mexico, which is owned by the United States Department of Energy and leased to GASCO which lease would be assigned to Applicant.

Applicant further proposes to render the following services:

(1) Provide a sale-for-resale service to Southern Union for both GASCO and SUGCO under Rate Schedules GS-1 and P-R;

(2) Provide gas transportation services for Southern Union for both WGP and SUGCO under Rate Schedules X-7 and T-1, respectively;

(3) Continue pursuant to a new Rate Schedule X-6 the exchange and sale service currently provided El Paso under Gathering Company's Rate Schedule No. 2;

(4) Make a jurisdictional excess gas sale to El Paso under Rate Schedule X-5 which would be submitted at a later date.

It is stated that Applicant is a corporate subsidiary of Southern Union. Applicant asserts that Southern Union's natural gas acquisition, gathering, transmission and utility operations are conducted through three operating divisions and two corporate subsidiaries. Applicant submits that GASCO is the operating division responsible for Southern Union's natural gas distribution operations in New Mexico. GASCO acquires its gas supplies from Gathering Company, El Paso, and from wellhead purchases in the San Juan and Permian Basins of New Mexico. Applicant avers that Southern Union was issued in Docket No. CP80-331 a "Hinshaw" certificate which authorized GASCO to engage in certain jurisdictional activities as if it were an intrastate pipeline. Applicant maintains that SUGCO is the operating division responsible for Southern Union's natural gas distribution operations in Texas, Arizona, and Oklahoma. It is explained that SUGCO acquires its gas supplies from Applicant, El Paso, and other non-affiliated intrastate pipelines. Applicant alleges that Western Gas Pipeline Company (WGP) is the operating division of Southern Union and is responsible for the management of all Southern Union's intrastate transmission and gathering

properties in Texas and New Mexico. Furthermore, Applicant states that the two corporate subsidiaries of Southern Union are Gathering Company and Applicant. Applicant avers that Gathering Company is a natural gas company subject to the provisions of the Natural Gas Act and has the status of an independent producer under the Commission's Regulations. It is explained that since Gathering Company is not engaged in the transportation of natural gas other than gathering by pipeline in interstate commerce, its facilities are exempt from FERC jurisdiction pursuant to Section 1(b) of the Natural Gas Act. Applicant submits that Gathering Company purchases and gathers gas in New Mexico for sale to GASCO and El Paso for resale in New Mexico and in interstate commerce, respectively. Applicant maintains that it operates Southern Union's jurisdictional pipeline systems. It is alleged that Applicant owns and operates natural gas transmission facilities and related properties through and by which it transports and sells natural gas for resale in interstate commerce in New Mexico, Oklahoma, and Texas. Applicant asserts that it currently provides jurisdictional sale-for-resale and transportation services to Southern Union and a transportation service to Southern Union Exploration Company, formerly Southern Union Supply Company. Applicant states that it currently makes sales to SUGCO and GASCO. Applicant further explains that it obtains gas supplies from Colorado Interstate Gas Company, Cities Service Gas Company, El Paso, and direct producer purchases.

Applicant states that approval of the instant application would enable a realignment of Southern Union's natural gas operations. It is asserted that Applicant would expand its role by undertaking the traditional responsibilities of an interstate pipeline in purchasing gas from independent producers, gathering such purchased gas and transporting it in interstate commerce and making sales-for-resale primarily to Southern Union's various distribution markets. Applicant avers that its merger with Gathering Company and acquisition of facilities from Southern Union would establish one common gas supply and transmission system serving Southern Union's distribution systems which are operated by GASCO and SUGCO in New Mexico and West Texas. It is asserted that Applicant's current operations in the Texas and Oklahoma panhandle would continue essentially unchanged.

Applicant explains that in addition to its own facilities it would use El Paso's pipeline system to provide an off-system natural gas sale-for-resale service to Southern Union for SUGCO's Arizona and West Texas districts and GASCO's New Mexico service territories served off El Paso. Applicant also submits that the proposed excess gas sale to El Paso and off-system deliveries to Southern Union for SUGCO and GASCO would involve the delivery of gas from both Applicant's northwest and southeast transmission systems. As a result of these various operations, Applicant maintains that its pipeline operations subject to Commission jurisdiction would be greatly expanded.

Applicant submits that the proposals in the instant application are necessry for it to meet the competitive realities of gas acquisition, the need for enhanced market flexibility, and the need to expand out of Southern Union's historic supply areas in New Mexico to acquire new gas supply. Furthermore, Applicant maintains that significant increases in peak day delivery capability are required to serve adequately Southern Union's distribution market requirements in the years ahead.

Applicant states that an application has been filed with the New Mexico Public Service Commission (NMPSC) in NMPSC Case No. 1689 on August 7, 1981, regarding the realignment of operations described in the instant application. It is alleged that the NMPSC and other officials of the State of New Mexico requested that they be allowed a reasonable period of time, that is to say, approximately nine months to reach a decision on this matter prior to any formal action by the Commission which might act to foreclose the State's decision-making process. Applicant asserts that it concurs in this approach and requests a delay in the expeditious processing of this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-31375 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5339-000]

Western Power Inc.; Application for Preliminary Permit

October 22, 1981.

Take notice that Western Power Incorporated (Applicant filed on September 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5339 to be known as the Goblin Mountain Water Project located on Quartz Creek in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Thomas R. Childs, Western Power, Inc., 2136 James Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) a 5-foot high diversion structure on Quartz Creek; (2) a 10,500-foot long, 42-inch diameter diversion conduit; (3) a 1500-foot long, 36-inch diameter penstock; (4) a powerhouse with an installed capacity of 3200 kW; and (5) a 1.9-mile long, 69-kV transmission line from the powerhouse to the Storm Ridge Power Project transmission line. The Applicant estimates that the average annual energy production would be 17.38 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued,

does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $225,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be file by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31348 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5442-000]

Western Power Inc.; Application for Preliminary Permit

October 23, 1981.

Take notice that Western Power Incorporated (Applicant) filed on October 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5442 known as the Backbone Ridge Power Project located on the Ohanapecosh River in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas R. Childs, Western Power, Inc., 2136 James Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) a 5-foot high diversion structure on Ohanapecosh River; (2) a 11,600-foot long, 96-inch diameter diversion conduit; (3) a 1,000-foot long, 84-inch diameter penstock; (4) a powerhouse with a rated capacity of 16,300 kW; and (5) a 27,000-foot long, 69-kV transmission line from the powerhouse to an existing 69-kV Lewis County Public Utility District transmission line. The Applicant estimates that the average annual energy production would be 69.97 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $275,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 28, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comment, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this Notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31377 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5443-000]

Western Power Inc.; Application for Preliminary Permit

October 23, 1981.

Take notice that Western Power Incorporated (Applicant) filed on October 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–

825(r)] for Project No. 5443 to be known as the Tatoosh Range Power Project located on the Muddy Fork Cowlitz Stream in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas R. Childs, Western Power, Inc., 2136 James Street, Bellingham, Washington 98225.

Project Description—The Proposed project would consist of: (1) a 5-foot high diversion structure on Muddy Fork; (2) a 14,800-foot long, 84-inch diameter diversion conduit; (3) a 3,100-foot long, 72-inch diameter penstock; (4) a powerhouse with a rated capacity of 15,200 kW; and (5) a 3,200-foot long, 69-kV transmission line from the powerhouse to an existing 69-kV Lewis County Public Utility District transmission line. The Applicant estimates that the average annual energy production would be 65.24 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $275,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 28, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31378 Filed 10-28-81; 8:45 am]
BILLING CODE 6717-02-M

[Project No. 5444-000]

Western Power Inc.; Application for Preliminary Permit

October 23, 1981.

Take notice that Western Power Incorporated (Applicant) filed on October 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5444 to be known as the Palisades Point Power Project located on the Clear Fork Cowlitz River and Cortright Creek in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas R. Childs, Western Power Inc., 2136 James Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) a 5-foot high diversion structure on Clear Fork; (2) a 5-foot high diversion structure on Cortright Creek; (3) a 13,500-foot long, 72-inch diversion conduit; (4) a 5,000-foot long, 36-inch diameter diversion conduit; (5) a 3,100-foot long, 66-inch diameter penstock; (6) a powerhouse with a total installed capacity of 23,300 KW; and (7) and 8-mile long transmission line from the powerhouse to an existing 69-kV Lewis County Public Utility District transmission line. The Applicant estimates that the average annual energy production would be 100 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare and FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $275,000.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before December 28, 1981, either the competing application itself [See 18 CFR 433 (a) and (d) (1980)] or a notice of intent [See 18 CFR 433 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those

copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31376 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-23-000]

West Texas Utilities Co.; Filing

October 23, 1981.

The filing Company submits the following:

Take notice that West Texas Utilities Company (WTU) on October 16, 1981, tendered for filing proposed changes in its FERC Electric Service Tariff, Original Volume No. 1 and unexecuted letter amendments to its electric service agreement with Texas-New Mexico Power Company (formerly Community Public Service Company). The proposed changes would increase revenues from jurisdictional sales by $5,758,193 (inclusive of construction work in progress) and based upon the calendar year 1982).

WTU states that it seeks to increase its rates for jurisdictional service in order to earn a fair return on its investment in utility property and thereby attract the capital it needs in order to complete construction of new generating capability. The proposed rates are based upon an overall rate of return of 13.68 percent.

WTU proposes an effective date of December 15, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on the customers of WTU affected by the filing and upon the Public Utility Commission of Texas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31374 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-34-000]

Wisconsin Electric Power Co.; Filing

October 28, 1981.

The Filing Company submits the following:

Take notice that Wisconsin Electric Power Company ("Wisconsin Electric") on October 19, 1981 tendered for filing assignment agreements supplementing the Company's existing electric service agreements with eight of its wholesale customers—the City of Cedarburg, the Village of Deerfield, the Town of Florence, the City of Hartford, the City of Jefferson, the City of New London, the City of Oconomowoc and the City of Waterloo ("Customers"). Under the assignment agreements, each of the Customers assigns its rights and duties under existing individual service agreements with Wisconsin Electric to Wisconsin Public Power Incorporated ("WPPI"), a bulk power supply municipal electric company created under Wisconsin law. The assignment agreements are due to become effective on November 1, 1981.

Wisconsin Electric requests waiver of the Commission's 60-day notice requirement in order to allow an effective date of November 1, 1981.

Copies of this filing have been served on the Customers and the Public Service Commission of Wisconsin.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31315 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket Nos. CI74-392-002, et al.]

Natural Gas Companies; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

October 23, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per manufacturer 1,000 ft.³	Pressure base
CI74-392-002, C, Oct. 14, 1981	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001	Columbia Gas Transmission Corporation, Eugene Island Block 314, Offshore Louisiana.	[1],	15.025
CI80-206-002, C, Oct. 13, 1981	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001	El Paso Natural Gas Company, Section 1, Township 13 North, Range 26 West, Roger Mills County, Oklahoma.	[2]	14.73
CI82-10-000 (G-19155), B, Oct. 13, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	United Gas Pipe Line Company, St. Gabriel Field, Ascension and Iberville Parishes, Louisiana.	[3]	
CI82-11-000, A, Oct. 8, 1981	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Texas Eastern Transmission Corporation, High Island Blocks 110 and 111, Offshore Texas.	[4]	14.73
CI82-12-000, A, Oct. 13, 1981	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001	Texas Gas Transmission Corporation, Ferguson Lease, Sligo Field, Bossier Parish, Louisiana.	[5]	15.025
CI82-13-000 (CI69-545), B, Oct. 13, 1981	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102	United Gas Pipe Line Company, SW/4, State Tract 773-L, Mustang Island Area, Offshore Nueces County, Texas.	[6]	
CI82-14-000, A, Oct. 13, 1981	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001	Texas Gas Transmission Corporation, S. J. Harrell Lease, Sligo Field, Bossier Parish, Louisiana.	[7]	15.025
CI82-15-000, A, Oct. 15, 1981	Mobil Oil Exploration & Production Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Tennessee Gas Pipeline Company and Columbia Gas Transmission Corporation, Mississippi Canyon 148 Field, Federal Offshore Louisiana.	[8]	14.73
CI73-142-001, E, Oct. 13, 1981 [9]	Sun Oil Company (Delaware), (Succ. in Interest to Texas Pacific Oil Company (U.K.), Inc., P.O. Box 20, Dallas, Texas 75221	Tennessee Gas Pipeline Company, Waveland Field, Hancock County, Mississippi.	[10]	15.025

[1] Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.
[2] Applicant is filing under Gas Sales Contract dated December 1, 1979, amended by Supplemental Gas Purchase Agreement dated June 1, 1981.
[3] Effective 7:00 A.M. June 1, 1981, Shell Oil Company has sold all of its rights, title and interest in the St. Gabriel Field, Ascension and Iberville Parishes, Louisiana by assignments dated July 31, 1981 in favor of Liberty Oil and Gas Corporation.
[4] Applicant is filing under Gas Purchase and Sales Agreement dated October 1, 1981.
[5] Applicant is filing under Gas Purchase Contract dated August 28, 1978.
[6] Two wells were completed on the dedicated acreage, one which is currently producing and the other is temporarily abandoned. Production from the wells has declined to the point where it is no longer economical to operate this lease. A geological review of the lease indicates that no other zones remain to be tested. It is proposed to plug and abandon both wells which will result in the expiration of the lease. Cumulative production to August, 1981 was 13.46 BCF leaving an estimated remaining reserves of .45 BCF.
[7] Applicant is filing under Gas Purchase Contract dated August 25, 1978.
[8] Applicant agrees to accept initial rates determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102(d) and Subpart D, Section 104 Post-1974 gas.
[9] Applicant request that the Commission issue Sun Certificate of Public Convenience and Necessity authorizing Sun to render, effective as of August 29, 1980 (effective date of Conveyance and Agreement), the service previously authorized by the Commission under the Certificate issued to Texas Pacific (U.K.) in the Docket No. CI73-142.
[10] Applicant is filing under Gas Purchase Contract dated November 22, 1966.
Filing Code. A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 81-31309 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket Nos. CS72-0203-001, et al.]

Natural Gas Policy Act of 1978; Applications for "Small Producer" Certificates [1]

October 23, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it is determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS72-0203-001, CS73-0158-000	[1] 3/23/81	Petro Lewis Funds, Inc., Partnership Properties Co. (successor to Barber Oil Exploration, Inc.), P.O. Box 2250, Denver, Colo. 80201.
CS73-0158	[2] 8/10/81	Partnership Properties Co. (successor to Doric Petroleum, Inc.), P.O. Box 2250, Denver, Colo. 80201.
CS73-0158-002	[2] 8/24/81	Partnership Properties Co. (successor to Trans-Delta Oil and Gas Company, Inc.), P.O. Box 2250, Denver, Colo. 80201.
CS81-123-000	9/24/81	Skinnergy, Box 743, Spearman, Tex. 79081.
CS81-124-000	9/25/81	Wesigrowth Petroleums, Inc., 9400 N. Central Expressway, Suite 905, Dallas, Tex. 75231.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS81-125-000	9/28/81	Vincent and Barham, P.O. Box 4453, Odessa, Tex. 79760.
CS82-1-000	10/5/81	OMNI Drilling Partnership No. 1981-2, P.O. Drawer 430, Wayne, Pa. 19087.

[1] On December 30, 1980, Petro Lewis Funds, and Partnership Properties Co. acquired all working interest of Barber Oil Exploration, Inc., Docket No. CS76-0233.
[2] Effective October 1, 1980, Partnership Properties Co. acquired all of the working interests of Doric Petroleums, Inc., Docket No. CS71-0696.
[3] Effective November 1, 1980, Partnership Properties Co. acquired 100 percent of the working interests of Trans-Delta Oil and Gas Company, Inc.

[FR Doc. 81-31313 Filed 10-28-81; 8:45 am]

BILLING CODE 6717-02-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51339; TSH-FRL-1970-8]

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 six PMNs and provides a summary of each.

DATES: Written comments by: PMN 81-534, 81-535, 81-536, 81-537, 81-538, and 81-539, December 20, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51339]" 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, (202-755-5887).

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 81-534

Close of Review Period. January 19, 1982.

Manufacturer's Identity. Whittaker Corporation, Heico Division, Route 611, Delaware Water Gap, PA 18327.

Specific Chemical Identity. 2,3-epoxycyclohexanone.

Use. The manufacturer states that the PMN substance will be used as a pharmaceutical intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	0	1,000
2d year	0	1,200
3d year	0	1,500

Physical/Chemical Properties

Appearance—Clear, liquid.
Specific gravity—1.129.
Boiling point—198°C.
Flash point—195°F.
Solubility: water—Slight.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal exposure up to 0.5 hr/day, up to 10 days/yr during product transfer.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air 6 hrs/day, 10 days/yr. Disposal is to an approved independent waste disposal service company.

PMN 81-535

Close of Review Period. January 19, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Heteromonocycle modified fumarated rosin ester.

Use. The manufacturer states that the PMN substance will be used in offset and letterpress printing inks.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity, 25°C/25°C—1.10.
Melting point, ring & ball, °C—128.
Viscosity, Gardner-Holdt, 60% solids in toluene—D.
Acid number, mg KOH/g—16.
Color, Gardner, 60% solids in toluene—12.

Toxicity Data. No data were submitted on the PMN substance.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal exposure up to 1 hr/day, up to 150 days/yr during filter changing and sample taking.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and 10-100 kg/yr to land. Disposal is by a water treatment system.

PMN 81-536

Close of Review Period. January 19, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Manufacturing site—Middle Atlantic.
Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer from a carbomonocyclic anhydride, alkanedioic acid and substituted alkane diols.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	0	30,000
2d year	0	60,000
3d year	0	100,000

Physical/Chemical Properties

Flash point—80°F.
Viscosity—P-Z3.
Acid value—8.0 mg KOH/gm.
Total weight solids—60±1%.
Color—4.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing up to 105 workers may experience dermal and occular exposure up to 20 hrs/day, up to 58 days/yr during extraction, filling and cleaning operations.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and 10-10,000 kg/yr to land. Disposal is by distillation and incineration.

PMN 81-537

Close of Review Period. January 19, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—Over $500,000,000.
Manufacturing site—Northeast region.

Specific Chemical Identity. 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-[(2'-methoxyethyl)oxo] anthracene.

Use. The manufacturer states that the PMN substance will be used as an intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	100	300
2d year	100	300
3d year	100	300

Physical/Chemical Properties

Melting point—>100°C

Solubility: Water @ 20°C—>10g/l

Toxicity Data. No data were submitted on the PMN substance.

Exposure. The manufacturer states that during manufacture and processing 156 workers may experience dermal and inhalation exposure up to 24 hrs/day, up to 322 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air, land and water. Disposal is by incineration, landfill, and publicly owned treatment works (POTW).

PMN 81-538

Close of Review Period. January 19, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region.

Specific Chemical Identity. Sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-anthracene.

Use. Claimed confidential business information.

PRODUCTION ESTIMATES

(Kg per year)

	Minimum	Maximum
First year	100	300
Second year	100	300
Third year	100	300

Physical/Chemical Properties

Melting point—>100°C

Solubility: Water @ 20°C—>10 g/l

Toxicity Data. No data were submitted on the PMN substance.

Exposure. The manufacturer states that during manufacture, processing and disposal a total of 340 workers may experience dermal and inhalation exposure up to 24 hrs/day, up to 335 days/yr. Exposure levels averaging and peaking 0-1 mg/m³.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and land and 10-100 kg/yr to water. Disposal is by POTW, approved landfill, treatment or recovery, or drummed.

PMN 81-539

Close of Review Period. January 19, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region.

Specific Chemical Identity. Sodium salt of the sulfonated reaction products of 1-amino-4-(phenyl-amino)-9,10-dihydro-9,10-dioxo-2-[(2'-methoxyethyl)oxo] anthracene.

Use. Claimed confidential business information.

PRODUCTION ESTIMATES

(Kg per year)

	Minimum	Maximum
First year	100	300
Second year	100	300
Third year	100	300

Physical/Chemical Properties

Melting point—>100°C

Solubility: Water @ 20°C—>10 g/l

Toxicity Data. No data were submitted on the PMN substance.

Exposure. The manufacturer states that during manufacture, processing and disposal a total of 340 workers may experience dermal and inhalation exposure up to 24 hrs/day, up to 335 days/yr. Exposure levels averaging and peaking 0-1 mg/m³.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and land and 10-100 kg/yr to water. Disposal is by POTW, approved landfill, treatment or recovery, or drummed.

Dated: October 23, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-31430 Filed 10-28-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL MARITIME COMMISSION

[Amdt. No. 15 to Commission Order No. 1 (Revised)]

Organization and Functions of the Federal Maritime Commission

Commission Order No. 1 (Revised) was amended by amendment 15 on October 7, 1981, by the revision of section 7.08 to read as follows:

7.08 Authority to determine whether agreements for the use or operation of terminal property or facilities, or the furnishing of terminal services, are within the purview of section 15.

Dated: October 23, 1981.

By order of the Federal Maritime Commission.

Alan Green, Jr.,

Chairman.

[FR Doc. 81-31465 Filed 10-28-81; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A-79 General]

Classification Revisions for Automatic Data Processing Equipment and Equipment Designed To Perform Word Processing Functions (Replacement for GSA Bulletin FPMR A-75, February 14, 1980)

October 23, 1981.

1. *Purpose.* This bulletin notifies agencies of the management, acquisition, and use implications of a recent agreement between the General Services Administration and the Department of Defense. The agreement covers Federal supply classification revisions for automatic data processing equipment (ADPE) and equipment designed to perform word processing (WP) functions. The terms of this agreement will appear at a later date in changes to regulations and the Federal Cataloging Handbook.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled or superseded.

3. *Background.* a. Policies and procedures relating to the management, acquisition, and use of ADPE are stated in Parts 101-35 and 101-36 (including ADPE used for WP applications). Policies and procedures relating to the management of the WP function are stated in Subpart 101-11.9. In April 1979, GSA reclassified equipment performing WP functions under Federal Supply Classification (FSC) Group 74 as ADPE under FSC Group 70 in order to apply a single resource acquisition and management procedure to this area.

b. The reclassification was recognized by FPR Temporary Regulation 46, Supplement 2, effective September 7, 1979.

c. Effective with FY 80 requirements, the Automated Data and Telecommunications Service (ADTS) contracted on nonmandatory schedules for certain products formerly in FSC Groups 58, 66, 67, and 74 that were reclassified as ADPE. The Federal Supply Service (FSS) mandatory schedules were discontinued for the reclassified equipment.

d. An interim clarification of FPMR provisions governing ADPE and equipment performing WP functions was issued in GSA Bulletin FPMR A-75, dated February 14, 1980.

e. Meanwhile, a joint GSA/DOD classification review working group concluded that equipment designed to

process a variety of applications, including WP applications, is ADPE. Such equipment is excluded from the new FSC Class 7435 which contains equipment designed specifically to perform WP functions. Based on the recommendations of the working group, two new FSC classes will be added to the Cataloging Handbook H2–1 as follows:

(1) "FSC 7435 Office Information System Equipment

"Includes:

"(a) Minicomputer and microcomputer controlled systems specifically designed for user-programmable processing of the office information application.

"(b) Connected peripheral equipment.

"(c) Automatic repetitive typewriters.

"(d) Text editing typewriters and video display text editing typewriters.

"Excludes general purpose ADPE which is designed primarily to be applied through the internal execution of a series of instructions, not limited to specific key-stroke functions, but controlled by a general purpose data processing language, to process a variety of applications, such as financial management, logistics, scientific, communications, and the like."

(2) "FSC 7042: Mini and Micro Computer Control Devices

"Includes mini or micro computers used as control mechanisms where computer technology is essential in controlling, monitoring, measuring, and directing processes, devices, instruments or other equipment. Excludes mini and micro computer control devices which are designed specifically for use in and/or integral to higher order systems; e.g., aircraft fire control systems, numerically controlled machine tools, sequence controlled printing equipment, motion measuring instruments, office information system equipment, and the like."

f. This bulletin addresses equipment in both the new FSC Group 74, Class 7435 (Office Information System Equipment) and FSC Group 70 (General Purpose Automatic Data Processing Equipment * * *) that is used in WP applications. GSA ADPE resource acquisition and management provisions (FPMR Subchapter F and Federal Procurement Regulations (FPR) Subpart 1–4.11) treat this entire equipment spectrum identically, regardless of classification. This will not change. Likewise, GSA WP management provisions Subpart 101–11.9 treat all equipment identically, regardless of supply classification. Therefore, this bulletin does not change existing regulatory intent; it is intended to merely reflect supply classification changes.

4. *Guidance to agencies.* Pending regulatory amendments and changes to nonmandatory ADTS Schedule contracts that reflect the classification revisions, the following guidance is furnished.

a. *Determination and documentation of need.* Section 101–11.903(a) requires that a Federal agency conduct a feasibility review to document its determination of need for equipment performing WP functions. Federal agencies should conduct the review required by § 101–11.903(a), instead of the requirements analysis required by FPMR § 101–35.207, when documenting the determination of need for requirements in FSC Class 7435. However, where FSC Group 70 ADPE is to be used for WP applications, the agency must support its determination of need in accordance with FPMR § 101–35.207.

b. *Collocation or consolidation studies.* If a Federal agency contemplates the acquisition of equipment performing WP functions (or currently has this type of equipment) that would be located in an "ADP facility" as defined in § 101–36.902–4, the agency should comply with Subpart 101–36.9 and should perform a collocation or consolidation study, if appropriate.

c. *Equipment reutilization and sharing.* (1) Federal agencies must report to GSA any excess ADPE in accordance with §§ 101–36.303–3 and 101–36.4702. Federal agencies should not report to GSA any excess FSC Class 7435 equipment as ADPE.

(2) Before acquiring ADPE for use in WP applications, Federal agencies should comply with § 101–36.303–2 with respect to interagency and intra-agency reuse and sharing (i.e., ADPE or services must not be obtained from a commercial source if the requirement can be met by using Government-owned or -leased equipment).

(3) Before acquiring FSC Class 7435 equipment, Federal agencies should comply with § 101–11.903(a)(2)(ii) with respect to intra-agency reassignment of underused equipment.

d. *Data communications studies.* When data communications services or source data automation (SDA) equipment is required for use in WP applications, the determination of need documentation (required by § 101–11.903(a)) must address the need for data communications services or SDA equipment. Information concerning data communications studies is provided in Subpart 101–36.11. Data submission requirements for major changes in and new installations of telecommunications facilities are set forth in § 101–37.203(c).

e. *The Privacy Act of 1974.* If a proposed WP system involves a "system of records" as defined by the Privacy Act of 1974 (5 U.S.C. 552a (Act)), agencies must comply with the safeguards required by the Act and the procedures set forth in Subpart 101–35.17.

f. *Acquisition of equipment.* (1) FPR Subpart 1–4.11 continues to apply to FSC Group 70 and governs the initial acquisition of ADPE, the continued rental or lease of installed equipment, and the conversion from lease to purchase.

(2) A specific delegation of procurement authority (DPA) from GSA for FSC Class 7435 equipment is not required since it is not subject to Brooks Act (40 U.S.C. 759) procurement authority. FSC class 7435 equipment obtained under nonmandatory ADTS Schedule contracts continues to be subject to the provisions of FPR § 1–4.1109–6; however, a delegation of procurement authority (DPA) from GSA is not required.

(3) FSC Class 7435 equipment will remain under nonmandatory ADTS Schedule contracts. Schedule contracts are currently being negotiated for both FSC Group 70 and Class 7435 equipment without regard to the classification changes discussed herein. However, during the fiscal year, contract modifications will be issued to reflect individual equipment classification decisions.

(4) Attachment A provides a representative listing of items that have been classified as FSC Class 7435—Office Information System Equipment.

g. *Equipment inventory.* Federal agencies should develop and maintain inventories on equipment performing WP functions (except ADPE used for WP applications) under § 101–11.903(a)(5). ADPE, even where used in a WP application, will continue to be reported to GSA's ADP Management Information System (ADP/MIS) in accordance with Subpart 101–36.5 and the ADP/MIS Reporting Procedures dated February 1, 1971 (including all changes and updated appendixes). Currently FSC Class 7435 equipment will not be reported under the ADP/MIS. (Note.—OMB and GSA have under consideration the adoption of a consolidated information technology resources MIS, involving technologies of ADP, telecommunications, and office automation, as addressed in Pub. L. 96–511, the Paperwork Reduction Act of 1980.)

5. *Future regulations.* GSA will issue amendments to both the FPMR and the FPR that will fully reflect the classification revisions. Consideration will be given to a blanket DPA for FSC Class 7042 equipment acquired under

nonmandatory ADTS Schedule contracts.

6. *Information and assistance.* For further information or assistance, please contact Mr. I. H. McKinney, Deputy Assistant Commissioner, Office of Policy and Planning, ADTS (202–566–0202).

7. *Cancellation.* This bulletin cancels GSA Bulletin FPMR A–75, February 14, 1980.

Frank J. Carr,

Commissioner, Automated Data and Telecommunications Service.

Attachment A

October 23, 1981.

REPRESENTATIVE FSC CLASS 7435 OFFICE INFORMATION SYSTEM EQUIPMENT

Company	Brand/model
Adler-Royal (see also "Royal").	SE 2000B
	SE 2000D
	SE 6000B
	SE 6000D
AES Data	AES-plus
AM Jacquard	J 225
	J 425
Burroughs (Redactron)	R–II/240
	R–II/250
	R–III/315
	R–III/320
	R–III/325
	R–III/330
	R–III/335
	R–III/340
	R–III/345
Complek	Accutext/Barrister 100, 200, 300, 400, 500
CPT	4200
	6000
	Wordpak System I
	Workpak System II
Dictaphone	Display 2000
	Dual Display
A.B. Dick	Magna I
	Magna II
	Magna III
	Magna SL
Hazeltine	OPUS 80
IBM	MT/ST–II
	MT/ST–IV
	MC/ST (6610)
	MC/ST–II (6616)
	MC/ET
	MC/A (6620)
	6240
	OS–6/420
	OS–6/430
	OS–6/440
	OS–6/442
	OS–6/450
	OS–6/452
	Displaywriter
	5520/020
	5520/030
	5520/040
Lanier (See also "Wordplex")	LTE–1
	LTE–2S/2D
	LTE–3D
	SS
Lexitron	911/912/913
	921/922
	942
	1101/1102
	1200 & 1300 Series
	Typewriter II
NBI	System I
	3000
	OASys System 8
	OASys System 64
Nixdorf Computer	Multi-Text 8840
Olivetti	TES–401
	TES–501
	TES–701

REPRESENTATIVE FSC CLASS 7435 OFFICE INFORMATION SYSTEM EQUIPMENT—Continued

Company	Brand/model
Olympia	6020 Textsystem
	OYX
	Level 2
	Level 3
	Level 4
	Level 5
Royal (see also "Adler Royal").	7000 Shared System
Savin	900 Wordmaster
	950 Vertitext
Sony	Series 35
VR Data	Word-PAC
Vydec	1146
	1200
	1400
	1800
	2000
	4200
	4400
Wang	WPS–5
	WPS–20
	WPS–25
	WPS–30
	Wangwriter
Willow Associates (Previously Sperry-Univac).	MT–100
	MT–200
	MC–100
	MC–200
Wordplex ("Lanier" distributes).	Wordplex 1
	Wordplex 2
	Wordplex 4
	Wordplex 7
Xerox	800 ETS, Sys 124
	800 ETS, Sys 126
	800 ETS, Sys 122
	800 CETS, Sys 152
	800 CETS, Sys 151
	800 ETS, Sys 128
	850 Display
	850 Page Display
	Visual Type 3

[FR Doc. 81–31398 Filed 10–28–81; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Federal Employee Alcoholism Programs Work Group; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of December 1981.

The Federal Employee Alcoholism Programs Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

December 1; 9:00–11:00 a.m.—Open

Conference Room 525–A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201

Contact: Ms. Lisa Teems, Room 509–F, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (202) 245–7153

Purpose: The Federal Employee Alcoholism Programs (FEAP) Work Group: (1) evaluates the adequacy and technical soundness of all internal programs dealing with employee alcoholism within all Federal military and civilian organizations of 1,000 employees or more; (2) provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities; (3) seeks to coordinate efforts among Federal agencies for internal employee alcoholism programs; and (4) submits reports and recommendations to the Interagency Committee as necessary in order to perform the above functions.

Agenda: The meeting will consist of a discussion on the development of standards for consortia, a discussion on alcoholism insurance coverage, a report on regional FEAP activities, and reports by Federal agencies.

Mental Health Small Grant Review Committee

December 3–5; 1:30 p.m.

Shoreham Americana Hotel, Rooms E–730 and E–830, 2500 Calvert Street, N.W., Washington, D.C. 20008

Open—December 3; 1:30–2:30 p.m.

Closed—Otherwise

Contact: Ms. LaVerl P. Klein, Room 9–104, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4843

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of activities for research in all disciplines pertaining to alcohol, drug abuse, and mental health, including psychology, sociology, anthropology, psychiatry, and the biological sciences, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda: From 1:30–2:30 p.m., December 3, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determintion by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Summaries of the meetings and rosters of Committee members may be

obtained as follows: NIAAA: Mr. Leland H. Towle, Room 15C-03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-2593 NIMH: Mrs. Helen Garrett, Committee Management Officer, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 433-4333.

Dated: October 22, 1981.

Elizabeth A. Connolly,

Committe Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-31288 Filed 10-28-81; 8:45 am]

BILLING CODE 4110-88-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-81]

Riverside in Belcamp, Harford County, Md.; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: The Bata Land Company, Inc., proposes to develop a development called Riverside in Belcamp, Harford County, Maryland. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., October 23, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on Riverside in Belcamp, Harford County, Maryland

The Department of Housing and Urban Development (HUD) Area Office in Baltimore, Maryland, intends to have prepared an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description: Riverside is a proposed development under Sections 221(d)4 and 203(b) of the Housing and Community Development Act. The developer proposes to build 4,200 dwelling units in a mixture of housing densities and types. The phased development including streets, sewage facilities, and recreational facilities is expected to be completed by 1996. The proposed development is located on a 1,485 acre site near Route 40 and the John F. Kennedy Memorial Highway.

Need: An EIS is proposed due to HUD threshold requirements in accordance with housing program environmental regulations and probable impact on: topography, soils, water resources, vegetation, archeological sites, public services and utilities, and traffic volumes.

Alternatives: At this time, the HUD alternatives are: accept the proposed development as submitted, accept the proposed development with modifications, or reject the proposed development.

Scoping: A scoping meeting to determine significant issues to be addressed is proposed to be held. All interested citizens, and representatives of federal, state, and local government agencies are invited to attend this meeting and any other such future meetings. For further information, please contact Robert Herbert, Environmental Clearance Officer of the HUD Baltimore Area Office. His telephone number is (301) 922-3139.

Comments: Comments and questions regarding this proposal should be sent within 21 days of the publication of this Notice in the **Federal Register** to: Thomas R. Hobbs, Area Manager, Attn: Robert Herbert, Environmental Clearance Officer, Department of Housing and Urban Development, Baltimore Area Office, The Equitable Building, Third Floor, 10 North Calvert Street, Baltimore, Maryland 21202. The Area Office phone number is (301) 962-2121.

[FR Doc. 81-31282 Filed 10-28-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Advisory Committee For Exceptional Children; Meeting To Review Unmet Needs of Handicapped Indian Children

October 22, 1981.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary of Indian Affairs by 209 DM 8.

In accordance with section 612(7) of Pub. L. 91-230 as amended by section 5(a) of Pub. L. 94-142, Education of the Handicapped Act, the Bureau of Indian Affairs Advisory Committee will meet November 5-7, 1981, at the Westward Hotel, in Anchorage Alaska from 8:00 A.M. to 4:00 P.M. on November 5-6, and 8:00 A.M. to 12:00 noon on November 7.

The purpose of the meeting will be to review the unmet needs of handicapped Indian children, compile information on the status of implementing Special Education programs, and to discuss miscellaneous related items concerning the program.

The meeting is open to the public. Any member of the public can file a written statement concerning the matters discussed.

Additional information about the meeting may be obtained from Ms. Dixie Owen, Bureau of Indian Affairs, Main Interior, room 4655, phone (202) 343-4071.

Roy H. Sampsel,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-31388 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Nev-049715, Nev-049742, Nev-049743, Nev-049757, Nev-049775, Nev-049778, Nev-049779, Nev-049793, Nev-049794]

Nevada; Classifications Vacated

October 23, 1981.

Pursuant to the authority designated by Bureau Order 701 and amendments thereto, small tract classifications Nev-049715, Nev-049742, Nev-049743, Nev-049757, Nev-049775, Nev-049778, Nev-049779, Nev-049793, and Nev-049794 are hereby vacated in their entireties. The following townships are affected:

Mount Diablo Meridian

T. 19 S., R. 60 E.
T. 20 S., R. 60 E.
T. 21 S., R. 60 E.
T. 22 S., R. 60 E.
T. 21 S., R. 61 E.

T. 22 S., R. 61 E.
T. 23 S., R. 61 E.
T. 21 S., R. 62 E.

The land affected comprises approximately 27,737.45 acres in Clark County, Nevada.

The Small Tract Act has been repealed by Section 702 of the Federal Land Policy and Management Act of 1976. Accordingly the classification is no longer applicable and is terminated and the segregative effect of the classification order removed upon publication of this notice in the **Federal Register.**

The land affected is either patented, subject to sale under Pub. L. 96-586, under application for public purposes, or subject to other classification.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 81-31363 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-84-M

[M 18434]

Montana; Termination of Proposed Withdrawal and Reservation of Lands

October 22, 1981.

Notice of Application, Serial No. M 18434, for withdrawal and reservation of lands was published in the **Federal Register** Document No. 71-8061 on page 11226 of the issue for June 10, 1971. The Forest Service, U.S. Department of Agriculture, has cancelled its application covering the following described lands:

Principal Meridian

T. 34 N., R. 26, W.,
Sec. 3, E½NW¼NE¼ and W½NE¼ SE¼NE¼.

The area described contains 10 acres.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), at 8 a.m. on December 9, 1981, such land will be relieved of the segregative effect of the above-mentioned application.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-31286 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho; Wilderness Decision

A notice published in 46 FR 49950 (October 8, 1981), contained incorrect information on the Bureau of Land Management's final decision on the wilderness inventory of the Sand Dunes area in Idaho.

The correct final decision is as follows:

SAND DUNES INTENSIVE INVENTORY FINAL DECISION

Unit		Acres		
Name	Number	Identified as WSA	Not identified as WSA	Total
Sand Mountain	35-3	21,100	5,732	26,832
Black Knoll	35-4		7,095	7,095
Big Sandy	36-5		10,735	10,735
Total		21,100	23,562	44,662

Due to this error the dates of the 30-day period to protest this decision have been changed to October 30, 1981 through November 30, 1981.

Persons wishing to protest any of these decisions must file a written protest with BLM Idaho State Director, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724, on or before 4:15 PM, November 30, 1981. Only those protests received by the Idaho State Director by the time and date specified will be accepted.

The protest must specify the inventory unit(s) to which it is directed. It must include a clear and concise statement of the reasons for the protest as well as data to support the reasons stated.

For further information contact the following office: Idaho State Office, Bureau of Land Management, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Dated: October 23, 1981.

Guy E. Baier,

Chief, Division of Resources, Bureau of Land Management, Idaho.

[FR Doc. 81-31404 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-84-M

Bates Wilson Public Sale No. U-48488; Realty Action; Cancelled

October 23, 1981.

Notice is hereby given that the Notice of Realty Action published in the **Federal Register** 4/9/81, and identified as (FR Doc. 81-10663 Filed April 8, 1981: 8:45 a.m.) and also known as the Bates Wilson Public Sale #U-48488 is now cancelled.

The original Notice of Realty Action described land that had been identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. The lands were to be sold to an adjacent land owner named Bates Wilson. The lands can be described as follows:

Salt Lake Base Meridian, Grand County, Utah

Legal description, acreage, and value

T. 24 S., R. 23 E. Sec. 27, SW¼NE¼—37.5, $37,500.00

The Moab District BLM intends to review and evalute the sale in light of adverse public comments received and objections from USGS regarding this action.

Gene Nodine,

District Manager.

[FR Doc. 81-31403 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Filing of Plants of Survey and Order Providing for Opening of Lands

1. The Plats of Survey of land described below will be officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on December 4, 1981.

Mount Diablo Meridian, Nevada

T. 38½ N., R. 64 E.
T. 38½ N., R. 65 E.

2. The land within above townships ranges from about 6,250 to 6,700 feet above sea level and is mostly rolling. Soil is sandy clay loam and rocky. Vegetation is sagebrush and bunch grass. Is drained by numerous dry washes.

No mineral formations of consequence were noted. Principal users of the land are cattlemen.

3. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10:00 a.m. on December 4, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Date signed: October 22, 1981.

Virginia A. McCold,

Acting Chief, Branch of Records & Data Management.

[FR Doc. 81-31420 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Filing of Plats of Survey and Order Providing for Opening of Lands

1. The Plats of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on December 8, 1981.

Mount Diablo Meridian, Nevada

T. 10 N., R. 44 E.

2. The land surveyed and resurveyed within this township varies from gently rolling in the north portion to mountainous in the east portion. The elevation ranges from about 6,000 to 6,800 feet above sea level. Soil varies from sandy gravel in the lower elevations to shale rock in the mountains. The vegetation consists of sagebrush, greasewood and shadscale. The township drains in a northwest direction.

The town of Round Mountain is located in Section 20. Other users of the township are cattlemen.

Access into the township is provided by Nevada State Highway No. 92, and supplemented by other improved and unimproved trail roads.

3. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10:00 a.m. on December 8, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Date signed: October 22, 1981.

Virginia A. McCold,

Acting Chief, Branch of Records & Data Management.

[FR Doc. 81-31421 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico and Colorado; San Juan River Regional Coal Team; Meeting

October 22, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the responsibilities outlined in the Federal coal management regulations (43 CFR Part 3400), the Regional Coal Team for the San Juan River Federal Coal Production Region will hold a meeting to review expressions of interest, to provide guidance to the Tract Delineation Team, to make feasible leasing recommendations for preliminary regional leasing targets, and to discuss other items as necessary. The public is invited to attend the meeting and time will be provided to hear public comments on the agenda items.

DATE: The meeting will be held on December 2, 1981, at 9 a.m.

ADDRESS: The meeting will be held in the International Room—North, Hilton Inn, 1901 University Blvd., N.E., Albuquerque, New Mexico. Phone: (505) 884-2500.

FOR FURTHER INFORMATION CONTACT: S. Gene Day, San Juan River Project Manager, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Telephone (505) 988-6228, (FTS) 476-6228.

Robert E. Wilber,

Acting State Director.

[FR Doc. 81-31422 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Scoping Meetings for Wilderness Environmental Impact Statement in San Juan River Coal Region

Notice is hereby given that the Albuquerque District, Bureau of Land Management, will solicit public input in meetings November 9, 12 and 13, 1981, in Farmington, New Mexico, Taos, New Mexico, and Albuquerque, New Mexico respectively, to initiate planning for the issues, scope, depth and alternatives to be addressed in the Bisti, De-na-zin, Ah-shi-sle-pah Wilderness Environmental Impact Statement.

These three Wilderness Study Areas are within the San Juan River Coal Region where competitive federal coal leasing is scheduled for September 1983. Substantial amounts of high to moderate coal underlie these WSAs, with mostly strip minable coal in the De-na-zin area.

The proposed action in the EIS is the Bisti and De-na-zin be added to the National Wilderness Preservation System, and that Ah-shi-sle-pah not be designated as Wilderness. Congress will make the decisions, based on the EIS and recommendations from the Secretary of the Interior.

The EIS Scoping meetings are scheduled for the Farmington Civic Center, Exhibit Hall No. 1, on November 9 beginning at 7 p.m., the Taos Harwood Library, upstairs, on November 12, 7 p.m.; and the Albuquerque Convention Center, Picuris-Sandia Room on November 13, 7 p.m. Members of the public wishing to participate are encouraged to be prompt.

For further information contact Jeff Radford, Albuquerque District Information Officer, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107, or call (505) 766-2890.

L. Paul Applegate,

Albuquerque District Manager.

[FR Doc. 81-31419 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Bristol Bay Cooperative Management Plan; Intent To Prepare an Environmental Impact Statement; Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Fish and Wildlife Service, in conjunction with cooperating agencies, intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) on a cooperative management plan for the Bristol Bay Cooperative Region required by Section 1203 of the Alaska National Interest Lands Conservation Act. That region includes all refuge lands of the Togiak, Becharof, Alaska Peninsula and Izembek National Wildlife Refuges and portions of the Yukon Delta and Alaska Maritime National Wildlife Refuges.

A draft of the Bristol Bay Cooperative Management Plan will be completed in December 1982. The EIS will examine the proposed plan and any alternatives to the plan.

For four of the refuges (Togiak, Becharof, Alaska Peninsula and Izembek) comprehensive conservation plans will be completed in draft form in mid-1983.

The EIS on the Bristol Bay cooperative Management Plan may serve as a generic EIS for Federal plans in the Bristol Bay Cooperative Region. More Detailed EISs for refuge comprehensive conservation plans will be prepared only if significant, site-specific environmental impacts, not covered by the generic EIS, are identified.

This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping are solicited.

A series of public meetings will be held to explain the planning process and to obtain initial suggestions about the scope of issues to be addressed in the plans and the EIS. The initial meetings will be held in Unalaska, Cold Bay, Sand Point, Chignik Lake, Port Heiden, Egegik, Naknek, Igiugig, Iliamna-Newhalen, Dillingham, Togiak and Quinhagak, Alaska, during the week of November 16-20, 1981, weather permitting; in Anchorage on December 2, 1981, at the Anchorage Historical & Fine Arts Museum; and in Fairbanks, on

December 3, 1981, in the Federal Building.

Also part of the initial scoping process will be correspondence with Federal, State, and local agencies and organizations that are interested in or affected by the Bristol Bay Cooperative Management Plan.

DATES: In order for written comments to be considered in this initial phase of scoping, they should be received by January 15, 1982.

ADDRESSES: Comments should be addressed to: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Nancy Stromsem, Technical Director for Public Involvement, Bristol Bay Cooperative Management Plan, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

SUPPLEMENTARY INFORMATION: The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality Regulations, and FWS procedures for compliance with those regulations.

We estimate the DEIS will be made available to the public by December 1982.

Dated: October 22, 1981.

Keith M. Schreiner,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-31426 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Texasgulf Inc.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf: Developement and Production Plans

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Texasgulf Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3940, Block A-47, Brazos Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region

[FR Doc. 81-31423 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

U.S. 101 Bypass; Humboldt and Del Norte Counties, Calif.; Correction to Notice of Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, the Federal Highway Administration, U.S. Department of Transportation and the California Department of Transportation have prepared a draft environmental impact statement for the proposed U.S. 101 Bypass. Public notice of the availability of the document for comment was published in the **Federal Register** on September 23, 1981 (46 FR 47018). That notice incorrectly omitted two of the co-preparers of the document, the Federal Highway Administration and the California Department of Transportation.

The deadline for comments on the document is to be December 1, 1981. Comments should be sent to John Sacklin, Redwood National Park, P.O. Box 55, Arcata, California 95521, or to John Vastrez, District Director, Caltrans District 01, P.O. Box 3700, Eureka, California 95501.

Dated: October 20, 1981.

John H. Davis,

Deputy Regional Director, Western Region, National Park Service.

[FR Doc. 81-31417 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Commission on Fiscal Accountability of the Nation's Energy Resources; Meetings

Notice is given that meetings of the Commission on Fiscal Accountability of the Nation's Energy Resources will be held on November 19, 20, and 21, 1981, in Denver, Colorado and on December 10 and 11, 1981, in Washington, D.C. The specific location of each of these meetings is yet to be determined.

Purpose of the Commission

The mission of this Commission includes the review of waste and loss of revenue due to the theft of oil and royalty management problems. The Commission will examine the problems of waste and loss of revenues from energy resources from Federal and Indian tribal lands. Concern has been expressed by Congress, the Department of the Interior, the General Accounting Office, the Indian community, State governments, and the taxpayers over the fiscal accountability of mineral royalty revenues. A final report of the Commission will be presented to the Secretary evaluating the Royalty Management System, internal controls and actions relating to the allegations of oil theft.

Purpose of the Meeting

The purpose of these meetings is to hear testimony relating to the problems of oil theft and royalty management and hear recommendations from operational level parties on how to prevent future irregularities and thefts. The hearings will be devoted to oral testimony to assist the Commission in understanding the nature and extent of the problems. It is expected that a portion of the meetings will be devoted to a business meeting. All proceedings will be open to the public. Any member of the public may file a written statement and/or present testimony concerning matters to be discussed by the Commission. Witnesses will be invited by the Commission to testify. Additional persons who wish to present testimony to the Commission should contact the Commission staff at the Commission on Fiscal Accountability of the Nation's Energy Resources, Suite 403, 1111 18th Street, N.W., Washington, D.C. 20036.

telephone (202) 653–9051. For additional information on the meetings contact the same office.

Minutes of the meetings will be available for public inspection within 30 days in Suite 403, 1111 18th Street, N.W., Washington, D.C. 20036.

Dated: October 26, 1981.

William L. Carpenter,

Deputy Director, Office of Financial Management.

[FR Doc. 81-31381 Filed 10-28-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Volume No. OPY-2-203]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: October 20, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–203

Decided: October 20, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 158702, filed October 9, 1981. Applicant: JAYDEE TRUCKING, INC., P.O. Box 187, West Middleton, IN 46995. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *general commodities*, between Hamburg, Mist, and Snyder, AR, Astoria, Clare, Easton, Esmond, Five Points and Lindenwood, IL, Clemons, Minerva, St. Anthony, and Zearing, IA, Cedarville, Dexter, Fleming-Neon, Kona, Millstone, Sedan, and Tyro, KY, Brashear, Durham, Edina, Ewing, Hurdland, Knox City, La Belle, Lewistown, Maywood, and Taylor, MO, Butler, Cheyenne, and Reydon, OK, and Allison, Briscoe, and Mobectie, TX, on the one hand, and, on the other, points in the U.S. NOTE: The purpose of this application is to substitute motor-carrier for abandoned rail-carrier service.

MC 158723, filed October 9, 1981. Applicant: GERALD WASTELL, d.b.a. WASTELL TRUCKING, RR 2, Box 57, Alcester, SD 57001. Representative: A.J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101–1103, 605–335–1777. Transporting *food and other edible products and byproducts, intended for human comsumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158752, filed October 13, 1981. Applicant: L. W. McCURDY, P.O. Box 694, Route 30 East, Latrobe, PA 15650. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 158753, filed October 14, 1981. Applicant: YANKEE TRANSPORT, INC., 200 Central Ave., Teterboro NJ 07608. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW, Suite 1200 Washington, DC 20036, 202–785–0024. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158763, filed October 13, 1981. Applicant: INTERNATIONAL CONTRACT CARRIERS LTD., 3 Melvin St., Wakefield, MA 01880. Representative: Albert W. Romani, 72 Elm St., N. Reading, MA 01864, 617–664–2466. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–413

Decided: October 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 158677, filed October 8, 1981. Applicant: INDEPENDENT CARGO SERVICE, INC., 20 Lafayette St., Carteret, NJ 07008. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–5–181

Decided: October 15, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 138609 (Sub-13), filed October 5, 1981. Applicant: ROBERT L. ARNOLD, d.b.a. PLANTATION TRANSPORT CO., P.O. Box 2044, Albany, GA 31702. Representative: Robert L. Arnold (same address as applicant), 912-883-4019. Transporting *general commodities*, between points in Webster and Terrell Counties, GA, on the one hand, and, on the other, points in the U.S.

Note.—This application is to substitute motor carrier service for abandoned railroad service.

MC 146888 (Sub-9), filed October 1, 1981. Applicant: GLASS CONTAINER TRANSPORT, INC., Route 1, Box 271, Ridgeway, SC 29130. Representative: Archie B. Culbreth and John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321-1765. Transporting, for or on behalf of the United States Government, *general commodities* (except household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 158678, filed October 2, 1981. Applicant: RICHARD L. FLEISHNER, d.b.a. DISTRIBUTION SERVICES CO., 814 Randallwood Dr., Mansfield, OH 44906. Representative: Richard L. Fleishner (same address as applicant), (419) 747-2500. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158698, filed October 9, 1981. Applicant: LOAN ASSOCIATES, INC., P.O. Box 51, Old Stage Rd., Hinsdale, NH 03451. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 158669, filed October 6, 1981. Applicant: TODD LOISEAU, d.b.a. RAPID EXPRESS, 115 Suffield Village, Suffield, CT 06078. Representative: David M. Marshall, 101 State St.—Suite 304, Springfield, MA 01103, (413) 732-1136. Operating as a *broker* of *general commodities* (except household goods), and transporting (a) for or on behalf of the United States Goverament, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (b) *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, and (c) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158278, filed October 9, 1981, Applicant: LOUGHLIN TRUCKING COMPANY, INC., Box 742, Cushing, WI 54006. Representative: Marie K. Loughlin (same address as applicant), (715) 648-5235. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-31317 Filed 10-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisifed before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-204

Decided: October 20, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 107012 (Sub-748), filed October 14, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *horticultural products*, between points in the U.S. (except AK and HI).

MC 59292 (Sub-48), filed October 13, 1981. Applicant: THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfurst Ave., P.O. Box 3480, Baltimore, MD 21225. Representative: C. J. Braun, Jr. (same as applicant), (301) 355-5800. Transporting *general commodities* (except commodities in bulk, classes A and B explosives and household goods as defined by the Commission), between those points in the U.S. in and east of WI, IL, KY, TN, MS and LA.

MC 129863 (Sub-10), filed October 13, 1981. Applicant: FREDERICK L. BULTMAN, INC., 11144 West Silver Spring Drive, Milwaukee, WI 53225. Representative: William P. Dineen, 710

North Plankinton Ave., Milwaukee, WI 53203, 414–273–7410. Transporting *floor coverings*, between points in IA, IL, MI, MN, and WI.

MC 133703 (Sub-11), filed October 14, 1981. Applicant: WCS, INC., 770 North Springdale Road, P.O. Box 337, Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, Wisconsin 53705–0086, (608) 238–3119. Transportating *printed matter* between points in the U.S. under continuing contract(s) with Columbian Art Works, Inc., of Milwaukee, WI.

MC 142693 (Sub-5), filed October 13, 1981. Applicant: CUSTOM DELIVERIES, INC., 30800 Telegraph Rd., Suite 4900, Birmingham, MI 48010. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Acme Fast Freight, Inc., of Los Angeles, CA.

MC 144023 (Sub-8), filed October 13, 1981. Applicant: KMT, INC., d.b.a. TAYLOR TRANSPORT, INC., 6335 Old Pineville Rd., Charlotte, NC 28210. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, 901–767–5600. Transporting *electrical machinery, furniture and fixtures, metal products, rubber and plastic products, foodstuffs, and automotive supplies*, between points in MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146423 (Sub-16), filed October 13, 1981. Applicant: STEPHEN HROBUCHAK, d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18503. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, 717–344–8030. Transporting (1) *metal products*, between points in Luzerne County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *rope and related products*, between points in Wayne County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (3) *chemicals and related products*, between points in Knox County, NY, Madison County, TN, and NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146553 (Sub-24), filed October 13, 1981. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting (1) *tractor seats and parts*, between points in Scott County, IA, on the one hand, and, on the other, points in the U.S.; and (2) *glass products*, between points in Blair County, PA, and on the one hand, and, on the other, points in Rock Island County, IL.

MC 146723 (Sub-7), filed October 8, 1981. Applicant: J. C. BANGERTER & SONS, INC., 1265 North Main St., Bountiful, UT 84010. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108, (801) 581–0322. Transporting *insulation materials, and lost circulation materials* used in drilling of oil, between points in ID, MT, NV, UT, CA, WY, and CO.

MC 147402 (Sub-9), filed October 14, 1981. Applicant: WACO DRIVERS SERVICE, INC., 138 Atando Ave., Charlotte, NC 28206. Representative: John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with the General Electric Company of Bridgeport, CT.

MC 147482 (Sub-2), filed October 14, 1981. Applicant: CANNELLA SALES, INC., 820 South Pennsylvania Ave., Mason City, IA 50401. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *food and related products*, between points in Cerro Gordo County, IA, on the one hand, and, on the other, Memphis, TN, St. Louis, MO, and Detroit, MI.

MC 150783 (Sub-20), filed October 13, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: James H. Berry, P.O. Box 32, Wesley, AR 72773, (501) 456–2453. Transporting *clay, concrete, glass or stone products*, between points in Grady County, GA and Tippah County, MS, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK and TX.

MC 151463 (Sub-3), filed October 13, 1981. Applicant: BIGBEE TRANSPORTATION, INC., P.O. Box 32, Columbus, MS 39701. Representative: Norman J. Philion, 1920 N St., NW, Suite 700, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives and household goods) between points in Johnson and Sebastian Counties, AR, Denver County, CO, Henry County, IA, Wyandotte County, KS, Fayette County, KY, Canadian, Cleveland, McClain, Oklahoma and Pottawattomie Counties, OK, Darlington and Spartanburg Counties, SC, Gibson County, TN, Dallas County, TX, and AL, GA, MS and NC, on the one hand, and, on the other, points in the U.S. (except Alaska and Hawaii).

MC 152153 (Sub-3), filed October 13, 1981. Applicant: MOREAUX BROTHERS TRUCKING, INC., P.O. Box 362, China, TX 77613. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001, (202) 628–9243. Transporting *chemicals and related products and rubber and plastic products*, between Houston, TX, and points in Orange, Jefferson, Victoria, and Nueces Counties, TX, on the one hand, and, on the other, points in TX and LA.

MC 154232 (Sub-1), filed October 13, 1981. Applicant: S L X TRANSPORT, INC., 1703 Highway Two, Duluth, MN 55810. Representative: E. L. Newville (same as applicant), (218) 624–4801. Transporting *general commodities* (except household goods) between points in the U.S. (except Alaska and Hawaii). Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 155432, filed September 21, 1981. Applicant: ALLISON INCORPORATED, 9917 Portland Ave., Tacoma, WA 98445. Representative: Gerald Meyer (same address as applicant), 206–531–2443. Transporting *hazardous waste material*, between points in WA, on the one hand, and, on the other, points in OR and CA.

MC 158553, filed September 30, 1981. Applicant: CONTAINER SERVICE, INC., 322 Olmstead, St. Paul, MN 55101. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *hazardous waste materials*, between points in the U.S. Condition: to the extent this certificate authorizes the transportation of hazardous materials, it shall be limited to a period expiring 5 years from its date of issuance.

MC 158722, filed October 9, 1981. Applicant: T.M. DELIVERY SYSTEMS, INC., 24 Sleepy Hollow Rd., Denville, NJ 07834. Representative: Joseph Michael Roberts, Suite 501, 1730 M St. NW., Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S., under continuing contract(s) with Publisher's Shipping Cooperative Association, Inc., of Elmwood Park, NJ.

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Decided: October 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 2934 (Sub-112), filed October 16, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 N. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875-1142. Transporting *engineered exhaust systems*, between Ft. Atkinson, WI, on the one hand, and, on the other, points in the U.S.

MC 133194 (Sub-25), filed October 9, 1981. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Rd., P.O. Box 1047, Russellville, AR 72801. Representative: Richard H. Streeter, 1729 H St., N.W., Washington, DC 20006, (202) 337-6500. Over regular routes, transporting *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), (1) Between Graham, TX and Dallas, TX, from Graham over U.S. Hwy 59 to junction U.S. Hwy 281, then over U.S. Hwy 281 to junction U.S. Hwy 180, then over U.S. Hwy 180 to Dallas, and return over the same route, (2) Between Houston, TX and Tulsa, OK, from Houston over Interstate Hwy 45 to Dallas, TX, then over Interstate Hwy 35 to Oklahoma City, OK, then over Interstate Hwy 44 to Tulsa, and return over the same route, (3) Between Little Rock, AR and New Orleans, LA, from Little Rock, over Interstate Hwy 40 to Memphis, TN, then over Interstate Hwy 55 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, (4) Between Mansfield, AR and Baton Rouge, LA, from Mansfield, over U.S. Hwy 71 to Shreveport, LA, then over U.S. Hwy 71 to junction U.S. Hwy 190, then over U.S. Hwy 190 to Baton Rouge, and return over the same route, (5) Between Little Rock, AR and Vicksburg, MS, from Little Rock, over U.S. Hwy 65 to Tallulah, LA, then over Interstate Hwy 20 to Vicksburg, and return over the same route, (6) Between Monroe, LA and Little Rock, AR, from Monroe over Interstate Hwy 20 to Ruston, LA, then over U.S. Hwy 167 to junction U.S. Hwy 65, then over U.S. Hwy 65 to Little Rock, and return over the same route, (7) Between Memphis, TN and Mountain Home, AR, from Memphis, over Interstate Hwy 40 to junction U.S. Hwy 63, then over U.S. Hwys 62/63 to Hardy, AR, then over U.S. Hwys 62/63 to junction U.S. Hwy 167 to Ash Flat, AR, then over U.S. Hwy 62 to Mountain Home, and return over the same route, (8) Between Little Rock, AR and Walnut Ridge, AR over U.S. Hwy 67, (9) Between Star City, AR and Magnolia, AR, from Star City over AR Hwy 81 to junction AR Hwy 4, then over AR Hwy 4 to Camden, AR, then over AR Hwy 4 to junction U.S. Hwy 79, then over U.S. Hwy 79 to Magnolia, and return over the same route, (10) Between Magnolia, AR and Greenville, MS, from Magnolia over U.S. Hwy 82, (11) Between Houston, TX and New Orleans, LA, from Houston over Interstate Hwy 10, (12) Between Dallas, TX and Jackson, MS, from Dallas over Interstate Hwy 20, and (13) In routes (1) through (12) serving all intermediate points.

Note: Applicant intends to tack this authority with its existing regular route authority.

MC 134134 (Sub-102), filed October 14, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Suite #210B, Omaha, NE 68114, (402) 397-9900. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of home and garden supplies, between points in IA and NE, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO and NM.

MC 135185 (Sub-67), filed October 13, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman, St., #665, Denver, CO 80203, (303) 839-5856. Transporting (1) *machinery*, (2) *metal products*, and (3) *clay, concrete, glass, or stone products*, between points in the U.S., under continuing contract(s) with Metalux Corporation of Americus, GA and Dixie-Narco, Inc. of Ranson, WV.

MC 135725 (Sub-23), filed October 13, 1981. Applicant: FRY TRUCKING, INC., 507 West 5th St., Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682-8154. Transporting *food and related products, and chemicals and related products*, between Chicago, IL and Milwaukee, WI, and points in Wilberforce County, OH, on the one hand, and, on the other, points in AL, AR, FL, GA, IN, IA, KY, LA, MI, MN, MS, MO, NC, OH, OK, PA, SC, TN, TX, and WI.

MC 148664 (Sub-2), filed October 14, 1981. Applicant: LILAC CITY EXPRESS, INC., P.O. Box 13133, Spokane, WA 99213. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201, (509) 455-9200. Transporting (1) *food and related products*, (2) *such commodities* as are dealt in or used by grocery, drug and hardware stores, and (3) *pulp, paper and related products*, between points in the U.S.

MC 149114 (Sub-10), filed October 15, 1981. Applicant: NATIONAL TRANSPORT SERVICES CO., INC., 100 Industrial Avenue, Edison, NJ 08837. Representative: Brian H. Siegel, 1101 Connecticut Avenue, N.W., Washington, DC 20036. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in AL, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, VT, WV, WI, and DC.

MC 149235 (Sub-8), filed October 9, 1981. Applicant: C. MAXWELL TRUCKING CO., INC., 9108 Reeds Dr., Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105, (806) 221-1464. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 150174 (Sub-4), filed October 13, 1981. Applicant: HIVELY TRANSPORTATION, INC., 1100A Lafayette St., York, PA 17405. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101-1295, (717) 236-9318. Transporting *construction materials*, between the facilities of CertainTeed Corporation, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, OK, and TX.

MC 152935 (Sub-5), filed October 14, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same address as applicant), (812) 934-7169. Transporting (1) *furniture and fixtures*, and (2) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Monitor, Division of Comerco, Inc., of Tacoma, WA.

MC 153134 (Sub-4), filed October 16, 1981. Applicant: HI COUNTRY CARRIERS, INC., 4061 S. Broadway, Englewood, CO 80110. Representative: Jack B. Wolfe, 1600 Sherman #665, Denver, CO 80203, (303) 839-5856. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of floor coverings, between points in Orange, Los Angeles, Ventura, San Bernardino, and Riverside Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 153814, filed October 16, 1981. Applicant: AMERICA CHATERS, LTD., Highway 321, North, P.O. Box 535, Dallas, NC 28034. Representative: William P. Farthing, Jr., 1100 Cameron-

Brown Bldg., Charlotte, NC 28204, (704) 372–6730. Transporting *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in Rutherford, Caldwell, Catawba, Lincoln, Cleveland, Gaston, Mecklenberg and Mitchell Counties, NC, and York, Cherokee, Union, Spartanburg, Florence and Chester Counties, SC, and extending to points in the U.S.

MC 156375, filed October 16, 1981. Applicant: THOMAS LOPATOFSKY, R.D. 1, Uniondale, PA 18470. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 562–1202. Transporting *liquified petroleum gas* (in bulk, in tank vehicles), between points in PA, NY and NJ.

MC 156615, filed October 13, 1981. Applicant: LAWSON LINES, INC., 170 Hillsdale Dr., Fayetteville, GA 30214. Representative: Gerald G. Lawson, (same address as applicant), (404) 461–6359. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Borden Chemical Company, Division of Borden, Inc., of North Andover, MA.

MC 158304, filed October 7, 1981. Applicant: SPRINT TRANSPORTATION COMPANY, P.O. Box 19529, Houston, TX 77024. Representative: Nelton M. "Mike" Davidson, Jr., P.O. Box 1148, Austin, TX 78767, (512) 472–6800. Transporting *solidified sludge*, between points in the U.S., under continuing contract(s) with Rollins Environmental Services, Inc., of Deer Park, TX.

MC 158854, filed October 13, 1981. Applicant: DUPLAINVILLE TRANSPORT, INC., W224 N 322 Duplainville Rd., Pewaukee, WI 53072. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *printed matter, pulp, paper and related products*, and *such commodities* as are dealt in or used by grocery and food business houses, between points in Stanislaus County, CA and Waukesha County, WI, on the one hand, and, on the other, points in the U.S.

MC 158734, filed Octobr 13, 1981. Applicant: DPM TRANSPORTATION, INC., P.O. Box 200, Booneville, AR 72927. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265–2634. Transporting *foodstuffs*, and *such commodities* as are dealt in or used by retail and chain stores, between points in the U.S.

MC 158745, filed October 13, 1981. Applicant: GUILFORD MILLS, INC., P.O. Box U–4, Greensboro, NC 27402. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288, (919) 627–0555. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Mayer Textile Machine Corporation, of Clifton, NJ.

MC 158754, filed October 13, 1981. Applicant: LLOYD C. PIERCE, d.b.a. ASSOCIATED EXPRESS, 1539 Mines Avenue, Montebello, CA 90640. Representative: Lloyd C. Pierce (same address as applicant), (213) 685–7390. Transporting (1) *chemicals and related products*, between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in CA, AZ, CO, ID, MT, NV, NM, OR, UT, TX, WA, and WY; (2) *contractors equipment and building materials*, between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, TX, WA, and WY; and (3) *metal products*, between Los Angeles, CA, on the one hand, and, on the other, Memphis, TN, and those points in the U.S., on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada.

MC 158764, filed October 14, 1981. Applicant: EUGENE AND JUNE CORNELIUS d/b/a CORNELIUS TRUCKING, 861 Saint Benedict Dr., Cahokia, IL 62206. Representative: Eugene Cornelius (same address as applicant), (618) 332–1422. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 158774, filed October 14, 1981. Applicant: SEAPORT CARTAGE SERVICES, INC., 3601 N.W. 62nd St., Miami, FL 33147. Representative: Bernard C. Pestcoe, 201 Alhambra Circle, Suite 511, Coral Gables, FL 33134, (305) 445–9668. Transporting *general commodities* (except classes A and B explosives), between points in Dade, Broward, and Palm Beach Counties, FL, restricted to traffic having a prior or subsequent movement by water.

MC 158815, filed October 15, 1981. Applicant: MASSACHUSETTS ADVENTURA TRAVEL, INC. d/b/a ADVENTURA TRAVEL, 233 N. Pleasant St., Amherst, MA 01002. Representative: John Andersen Wurster (same address as applicant), (413) 549–1256. As a *broker*, at Amherst, MA, in arranging for the transportation by motor vehicle, of *passengers*, in special and charter operations, beginning and ending at points in MA, CT, RI, and NY, and extending to points in FL.

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Decided: October 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 69397 (Sub-66), filed October 2, 1981. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: WILMER B. HILL, 805 Mclachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001–4594, (202) 628–9243. Transporting *metal products*, between points in DE, MD, NJ, NY, NC, PA, and VA.

MC 112547 (Sub-6), filed October 8, 1981. Applicant: J. T. GERKEN TRUCKING, INC., P.O. Box 1468, Lima, OH 45802. Representative: Boyd B. Ferris, Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives), between Columbus, OH, on the one hand, and, on the other, points in the U.S., (2) *such commodities* as are dealt in or used by manufacturers and distributors of rubber and plastic products, between Memphis, TN and Lancaster, PA, on the one hand, and, on the other, points in the U.S., and (3) *such commodities* as are dealt in or used by manufacturers and distributors of paper and paper products, between Evansville, IN and Green Bay, WI, on the one hand, and, on the other, points in the U.S.

MC 151607 (Sub-4), filed October 5, 1981. Applicant: TRANS-OVERLAND XPRESS, INC., 297 County Line Rd., Midlothian, TX 76065. Representative: Doris Hughes, P.O. Box 47861, Dallas, TX 75247, (214) 721–0360. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with DuBois Chemicals, Div. of Chemed Corp., of Cincinnati, OH, Bristol Myers, of Dallas, TX, and Burnina, Inc., of Grand Prairie, TX. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 2410.

MC 157937, filed August 31, 1981, previously noticed in the FR issue of September 18, 1981, and republished this issue. Applicant: RICHARD CAIL d.b.a. DICK'S TOWING, 104 Winn St., Woburn, MA 01801. Representative: Richard Cail (same address as applicant), (617) 933–1460. Transporting

(1) *containers*, unmounted without wheels or bogeys, between points in MA, on the one hand, and, on the other, points in CT, ME, NH, NJ, NY, RI, and VT, and (2) *used or disabled motor vehicles*, between points in MA, on the one hand, and, on the other, points in CT, ME, NH, NJ, NY, PA, RI, and VA.

Note.—The purpose of this republication is to correct applicant's commodity description and insert the state of PA in (2) above.

MC 155937 (Sub-1), filed October 8, 1981. Applicant: INTERNATIONAL BUS SERVICES, INC., 262 Monitor St., Brooklyn, NY 11222. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021, (516) 482-0881. (A) Over regular routes, transporting *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) between New York, NY and Poughkeepsie, NY, serving all intermediate points, from New York City over the George Washington Bridge to Fort Lee, NY, then over U.S. Hwy 9W via Coytesville, Englewood Cliffs, Tenafly and Alpine, NJ, and Palisades, NY, to Sparkill, NY, then over NY Hwy 340 to Orangeburg, NY, then over NY Hwy 303 via Congers, NY, to junction U.S. Hwy 9W, then over U.S. Hwy 9W, via the Village of Haverstraw, West Haverstraw, Stoney Point, Tomkins Cove, Bear Mountain, and Fort Montgomery, NY, to junction NY 218 in the Town of Highland, NY, (also from junction U.S. Hwy 9W and New Main Street in the Village of Haverstraw, over New Main Street to Junction Broadway, then over Broadway to junction Samondale Ave., then over Samondale Ave., to junction Railroad Ave., then over Railroad Ave. to junction U.S. Hwy 9W, in Haverstraw), then over NY Hwy 218 to junction Main Street, in Highland Falls, NY, then over Main Street to the West Point Military Reservation, then over local streets and NY Hwy 218 through the West Point Military Reservation (also from junction NY Hwy 218 and Main Street, in Highland Falls, over NY Hwy 218, through Highland Falls, Town of Highland, and West Point Military Reservation, to junction local streets at the North Gate in West Point Military Reservation), then over NY Hwy 218, through the Town of Highland, the Town of Cornwall and the Village of Cornwall, NY, to junction U.S. Hwy 9W, in the Town of Cornwall (also from junction NY Hwy 218 and U.S. Hwy 9W in the Town of Highland, over U.S. Hwy 9W, through the Town of Highland, West Point Military Reservation, the Village of Cornwall, and Town of Cornwall, to junction NY Hwy 218, in the Town of Cornwall), then over U.S. Hwy 9W to junction Coffey Ave., in the Town of New Windsor, NY, then over local streets, through the Town of New Windsor, to the City of Newburg, NY, then across the Hudson River to Beacon, NY, then over city streets through Beacon to the Town of Fishkill, NY, then over U.S. Hwy 9D, through the Town of Fishkill, the Town of Wappinger, and the Village of Wappinger Falls, NY, to junction U.S. Hwy 9, in the Town of Poughkeepsie, NY, and then over U.S. Hwy 9, to the City of Poughkeepsie, restricted against passengers whose origin and destination is both located south of the intersection of U.S. Hwy 9W and Wayne in the Village of Tomkins Cove, Rockland Couty, NY, (2) between Town of Highland, NY and Beacon, NY, serving all intermediate points, from Town of Highland over U.S. Hwy 6 through Bear Mountain Bridge to junction NY Hwy 9D then over NY Hwy 9D to Beacon, (3) between Poughkeepsie, NY and Hyde Park, NY, serving all intermediate points, over U.S. Hwy 9, (4) between the junction of U.S. Hwy 9W and NJ Hwy 6, in Fort Lee, NY and New York, NY, serving no intermediate points, from the junction of U.S. Hwy 9W and NJ Hwy 6, over NJ Hwy 6 to junction NJ Hwy S-1 (Bergen Blvd.), then over NJ Hwy S-1 (Bergen Blvd.) through Palisades Park, Cliffside Park, and Fairview, NJ, to junction Hudson Blvd., in North Bergen Township, NJ, then over Hudson Blvd. to junction Hudson Blvd. East, then over Hudson Blvd. East through Guttenberg and West New York, NJ, to the Lincoln Tunnel Plaza, in Weehawken, NJ, and then through the Lincoln Tunnel to New York, (5) between the Town of New Windsor, NY, and the City of Newburgh, NY, serving all intermediate points, from the Town of New Windsor over Union Ave. (near the New York State Thruway) to junction NY Hwy 17-K, then over NY Hwy 17-K to the City of Newburgh, (6) between Fort Lee, NJ and Weehawken, NJ, serving no intermediate points, from the junction of U.S. Hwy 9W and access roads to Interstate Hwy 95 in Fort Lee, then over access road and Interstate Hwy 95 to the junction of the New Jersey Turnpike to the junction New Jersey Turnpike Interchange Road 17, then over New Jersey Turnpike Interchange Road 17 to the junction of NJ Hwy 3 in Secaucus, NJ, then over NJ Hwy 3 to the Lincoln Tunnel Plaza in Weehawken, (7) between Newburgh, NY and New York, NY, (a) from Newburgh over NY Hwy 17K to junction access roads to and from New York State Thruway (Interstate Hwy 87), then over said access roadways to New York State Thruway, then over New York State Thruway to access roadways to and from NJ Hwy 17 at or near Suffern, NY, then over said access roadways to NJ Hwy 17, then over NJ Hwy 17 to junction access roadways to and from Interstate Hwy 80 at or near Lodi, NJ, then over said access roadways to Interstate Hwy 80, then over Interstate Hwy 80 to junction access roadways to and from New Jersey Turnpike, then over said access roadways to New Jersey Turnpike, then over New Jersey Turnpike to junction access roadways to and from NJ Hwy 3 in Secaucus, NJ, then over said access roadways to NJ Hwy 3, then over NJ Hwy 3 to the Lincoln Tunnel Plaza and then through the Lincoln Tunnel to New York, and (b) from Newburg over NY Hwy 32 to junction access roadways to and from New York State Thruway at or near Central Valley, NY, then over said access roadways to the New York State Thruway, (8) between Fort Montgomery, NY and Central Valley, NY, from junction U.S. Hwy 9W and Palisades Parkway at or near Fort Montgomery, NY, over Palisades Parkway to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction NY Hwy 17, then over NY Hwy 17 to junction NY Hwy 32 at or near Central Valley, (9) between Fort Montgomery, NY and Fort Lee, NJ, serving all intermediate points north of the junction of Palisades Parkway and NY Hwy 210, (a) from junction U.S. Hwy 9W and Palisades Parkway at or near Fort Montgomery, NY over Palisades Parkway to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction U.S. Hwy 9W in Fort Lee, and (10) between junction U.S. Hwy 92 and NY Hwy 210 at or near Stony Point, NY and junction NY Hwy 210 and Palisades Parkway, over NY Hwy 210, for the purpose of joinder only; and (B) transporting *passengers and their baggage*, in charter operations, between points in Dutchess, Orange and Rockland Counties, NY, and Bergen County, NJ, on the one hand, and, on the other, points in the U.S.

MC 158707, filed October 9, 1981. Applicant: AIRCO AIR FREIGHT DELIVERY, INC., Jacksonville International Airport, Jacksonville, FL 32229. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477-1525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in FL and GA.

MC 148737 (Sub-11), filed October 7, 1981. Applicant: SUNSET EXPRESS CORPORATION, P.O. Box 27043, Salt Lake City, UT 84125. Representative: Micheal A. Clark, P.O. Box 27043, Salt

Lake City, (801) 484–4307. Transporting *general commodities* (except classes A and B explosives), between points in the, under continuing contract(s) with Wasatch Shippers Association, Inc., of Salt Lake City, UT.

MC 156067, filed October 7, 1981. Applicant: CHOCOLATE EXPRESS, INC., 193 Windsong Lane, Lilburn, GA 30247. Representative: John C. Fudesco, Suite 960, New Hampshire Ave N.W., (202) 659–5157. Transporting *food and related products* between Atlanta, GA, on the one hand, and, on the other, points in AL and SC.

MC 139207 (Sub-20), filed October 8, 1981. Applicant: MCNABB-WADSWORTH TRUCKING CO., INC., 305 S. Wilcox Dr., Kingsport, TN 37665. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 347–8862. Transporting (1) *such commodities* as are dealt in or used by grocery houses, between points in Benton, Crawford, and Washington Counties, AR, on the one hand, and, on the other, points in AL, TN, GA, SC, NC, WV, KY, VA PA, MS, FL, and MD, and (2) *clay, concrete, glass or stone products*, between points in Navarr County on the one hand, and, on the other, points in MO, AR, LA, MS, AL, GA, NC, SC, TN, KY, VA, FL, WV, OH, and PA.

MC 128007 (Sub-170), filed October 7, 1981. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Teller Metal Company, of St. Louis, MO.

MC 128007 (Sub-171), filed October 7, 1981. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565.Transporting *metal products and machinery*, between points in Cherokee Country, KS, on the one hand, and, on the other, points in the U.S.

MC 158717, filed October 9, 1981. Applicant: BUCCANEER FREIGHT LINES, INC., 15115 Nebraska Ave., Tampa, FL 33612. Representative: Danny F. Todd (same address as applicant), (813) 977–7205. Transporting *metal products*, between points in FL, AL, AR, GA, IL, IN, KY, LA, MO, MS, NC, OH, SC, TN, TX, VA, and WV.

Volume No. OPY–5–179

Decided: October 15, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 4428 (Sub-22), filed September 28, 1981. Applicant: HARCHELROAD TRUCKING CO., 243 Tilford Road, Pittsburgh, PA 15235. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212) 263–2078. Transporting (1) *iron and steel articles*, between points in York County, SC and points in OH and PA, on the one hand, and on the other, points in Pulaski County, AR, and points in AL, CT, DE, FL, GA, IL, KY, LA, MA, ME, MD, MI, MO, MN, NC, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WV, WI, and DC, (2) *lumber*, between points in Louisa County, VA, on the one hand, and, on the other, points in MD, PA, NJ, OH, NY, and MA, and (3) *lumber and building materials*, between points in Hanover County, VA, on the one hand, and, on the other, points in MD, PA, OH, and MI.

MC 41098 (Sub-66), filed October 2, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006, (202) 833–8884. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Continental Group, Inc., of Stamford, CT.

MC 41098 (Sub-67), filed October 5, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006, (202) 833–8884. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Control Data Corporation, of Minneapolis, MN.

MC 56538 (Sub-1), filed October 8, 1981. Applicant: UNITED CHARTER SERVICE, INC., 119 Graham Lane, Lodi, NJ 07644. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting *passengers and their baggage* in same vehicle with passengers, in special and charter operations, beginning and ending at points in Alachua, Baker, Bradford, Clay, Columbia, Duval, Nassau, Putnam, St. Johns, and Union Counties, FL, and Brantley, Camden, Clinch, Charlton, Glynn, and Ware Counties, GA, and extending to points in the U.S.

MC 118038 (Sub-18), filed September 4, 1981. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 10, Yakima, WA 98907. Representative: Charles Flower, 303 East "D" St., Suite 2, Yakima, WA 98901, (509) 248–9084. Transporting (1) *paper and paper products*, between points in ID, MT, OR, WA, CO, and UT, and (2) *plastic and polystyrene bags, forms, and shapes*, between points in Chelan County, WA, on the one hand, and, on the other, points in ID, MT, OR, WA, UT, and CO.

MC 120898 (Sub-2), filed October 2, 1981. Applicant: BORDEN TRUCKING, INC., Space Center Bldg. 911–D, Mira Loma, CA 91752. Representative: Donald R. Woods, (same address as applicant), 714–685–1548. In foreign commerce, transporting *general commodities* (except classes A and B explosives), between points in CA.

MC 139998 (Sub-2), filed October 5, 1981. Applicant: JOHN S. SHAFER, JR., P.O. Box 160, Baldwin Park, CA 91706. Representative: David J. Marchant, One Maritime Plaza, Suite 300, San Francisco, CA 94111, (415) 954–0200. Transporting *ores and minerals*, between points in the U.S., under continuing contract(s) with Kennecott Minerals Company, a division of Kennecott Corporation, of Salt Lake City, UT.

MC 142059 (Sub-180), filed October 6, 1981. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Illinois Dr., Channahon, IL 60410. Representative: Jack Riley, (same address as applicant), 815–729–3808. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in Morgan and Lawerence Counties, AL; Pinal County, AZ; Larimer County, CO; Marion, Orange and Hillsboro Counties, FL; Fulton, DeKalb, Clayton and Fayette Counties, GA; Ada and Twin Falls Counties, ID; McPherson County, KS; Carroll County, KY; Frederick County, MD; Middlesex County, MA; Berrien and Oakland Counties, MI; Chippewa County, MN; De Soto County, MS; St. Louis and Clay Counties, KS; Bergen and Union Counties, NJ; Chautauqua County, NY and New York, NY; Catawba and Rockingham Counties, NC; Cuyahoga, Allen and Lake Counties, OH; McIntosh and Tulsa Counties, OK; Lane and Marion Counties, OR; Columbia and Delaware Counties, PA; Berkeley County, SC; Yankton County, SD; Grayson, Dallas and Tarrant Counties, TX; Rockingham County, VA; Whatcom, King and Spokane Counties, WA; Buffalo and Marathon Counties, WI; and points in CA, IL, and IN on the one hand, and, on the other, points in the U.S.

MC 143179 (Sub-26), filed October 2, 1981. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent

(same address as applicant), 712–323–9124. Transporting *new furniture and furniture parts*, between points in the U.S. under continuing contract(s) with Townhouse-Penthouse Furniture, Ltd. of Springfield, MO and Middleman Furniture Company of Kansas City, MO.

MC 144628 (Sub-1), filed October 5, 1981. Applicant: ELKHORN BUS SERVICE, INC., 511 S. Lincoln, St., Elkorn, WI 53121. Representative: Patrick H. Smyth, 105 West Madison St., Suite 1006, Chicago, IL 60603, (312) 263–2397. Transporting *passengers and their baggage* in the same vehicle with passengers in charter operations, beginning and ending at points in McHenry County, IL, and Jefferson, Kenosha, Racine, Walworth, and Waukesha Counties, and extending to points in the U.S. (except HI).

MC 146448 (Sub-33), filed September 29 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *general commodities* (except classes A and B explosives), between points in AR, CT, DE, GA, IL, IN, IA, KY, MD, MA, MI, MO, NJ, NY, NC, OH, OK, PA, RI, TN, TX, VA, WI, and DC, on the one hand, and, on the other, points in the U.S.

MC 147179 (Sub-3), filed October 8, 1981. Applicant: JET SERVICES, INC., 1946 South First St., Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, 414–273–7410. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), in containers on trailers, between Chicago, IL, and Milwaukee, WI, on the one hand, and, on the other, points in the WI.

MC 147259 (Sub-18), filed October 5, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. Van Winkle, 16901 Van Dam Rd., South Holland, IL 60473. Transporting *metal products*, between points in the U.S.

MC 148158 (Sub-15), filed October 6, 1981. Applicant: CONTROLLED DELIVERY SERVICE, INC., 17295 Railroad Ave., City of Industry, CA 91749. Representative: Robert L. Cope, Suite 501, 1730 M Street NW., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with American Hospital Supply Corporation, of Evanston, IL; its division American Convertors, of El Paso, TX, and subsidiaries American Hospital Supply Division of Scientific Products Division, of McGaw Park, IL, American Farm Pharmseal, of Glendale, CA, American McGaw Laboratories, of Irvine, CA, Dietary Products Division of Evanston, IL, Dade Division, of Miami, FL, Hamilton Industries, of Two Rivers, WI, and V. Mueller Division, of Miles, IL.

MC 148558 (Sub-5), filed September 28, 1981. Applicant: VICTOR SHIMONIS, 11 Reynolds St., Pittston, PA 18640. Representative: Joseph A. Keating, Jr., 121 South Main St., Taylor, PA 18517, (717) 344–8030. Transporting (1) *novelties and party supplies* and (2) *printed matter*, between points in Luzerne County, PA, on the one hand, and, on the other, points in the U.S., and (3) *such commodities* as are dealt in or used by retail department stores between points in PA and NJ, on the one hand, and, on the other, points in the U.S.

MC 149388 (Sub-8), filed October 6, 1981. Applicant: FEPCO TRUCKING, INC., 3458 Moreland Ave., Conley, GA 30027. Representative: Archie B. Culbreth, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting *chemicals and related products*, between the facilities used by MacDermid Incorporated at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150589 (Sub-5), filed October 6, 1981. Applicant: J & K TRANSPORTATION, INC., 1600 Industrial St., Dearborn, MI 48120. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036, 202–457–1124. Transporting *plastic containers*, between points in the U.S. under continuing contract(s) with Sewell Plastics, Inc., of New Stanton, PA.

MC 157812, filed October 12, 1981. Applicant: TRUK–TRAK TRANSPORTATION, INC., P.O. Box 28655, Dallas, TX 75288. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. (214) 255–6279. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dallas C.F.S. Terminal, Inc., of Dallas, TX.

MC 158328, filed September 18, 1981. Applicant: BEVERLEIGH RAINE, JAMES RAINE, and KATHLEEN HANNA, d/b/a CHAMPAGNE TOURS, 30 West 39th St. at El Camino Real, San Mateo, CA 94403. Representative: Irwin J. Borof, 2133 San Pablo Ave., Oakland, CA 94612, (415) 763–2800. As a *broker*, at San Mateo, CA, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in San Francisco and San Mateo Counties, CA, and extending to points in CA, OR, WA, NV, UT, and AZ.

Volume No. OPY–5–180

Decided: October 15, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 119 (Sub-1), filed September 23, 1981. Applicant: NIPPON EXPRESS U.S.A. (ILLINOIS), INC., 2050 Lively Blvd., Elk Grove Village, IL 60007. Representative: Abraham A. Diamond, 29 So. La Salle St., Chicago, IL 60603, (312) 236–0548. In foreign commerce, transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in the U.S., on the one hand, and, on the other, ports in the U.S.

MC 59909 (Sub-18), filed October 8, 1981. Applicant: JACOBS TRANSFER, INC., 2300 Beaver Rd., Landover, MD 20785. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW., Washington, DC 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in VA, MD, WV, DE, PA, NC, NJ, and DC.

MC 87689 (Sub-20), filed October 7, 1981. Applicant: INTER-CITY TRUCK LINES (CANADA) INC., P.O. Box 900, Station "U", Toronto, Ontario, Canada M8Z 5R3. Representative: Robert D. Gunderman, Can-Am Blg., 101 Niagara St., Buffalo, NY 14202, (716) 874–5870. In foreign commerce only, transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission, and classes A and B explosives), between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, New York, NY, and points in Albany, Jefferson, Monroe, and Onondaga Counties, NY.

MC 99439 (Sub-21), filed September 28, 1981. Applicant: SUWANNEE TRANSFER, INC., 9800 Normandy Blvd., P.O. Box 40764, Jacksonville, FL 32203. Representative: Norman J. Bolinger, Suite 225, 3100 University Blvd. S., Jacksonville, FL 32216. Transporting *machinery*, and *those commodities which because of their size or weight require the use of special handling or equipment*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 109818 (Sub-98), filed October 9, 1981. Applicant: WENGER TRUCK LINE, INC., 3909 West Rusholme, P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of aluminum, between points in the U.S., under continuing contract(s) with Aluminum Company of America, of Pittsburgh, PA.

MC 115078 (Sub-11), filed September 24, 1981. Applicant: SINDALL TRANSPORT, INC., P.O. Box 165, New Holland, PA 17557. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW, Washington, DC 20005, (202) 783–3525. Transporting (1) *lumber and wood products*, between points in PA, MD, NY, WV, DE, VA, NJ, OH, NC, VT, ME, MA, MI, GA, IN, SC, NH, RI, CT, IL, AL, MS, TN, and KY; (2) *dairy products*, between points in Lancaster County, PA, on the one hand, and, on the other, points in VA, MD, NJ, NY, CT, MA, and DC; (3) *metal products* (a) between points in Dekalb and Woodford Counties, IL, on the one hand, and, on the other, points in NJ and PA, and (b) between ports of entry on the international boundary line between the U.S. and Canada located in NY, on the one hand, and, on the other, points in NY, NJ, and PA; (4) *such commodities* as are dealt in or used by dealers of agricultural machinery and implements, bewteen points in Lancaster County, PA and Rockbridge County, VA, on the one hand, and, on the other, Atlanta, GA, Lansing, MI, Indianapolis, IN, Louisville, KY, Cleveland, OH, ports of entry on the international boundary line between the U.S. and Canada located in MI, points in Calhoun County, MI, Franklin and Wood Counties, OH, Allen and Cass Counties, IN, Champaign, McLean, Fayette, Woodford and Lee Counties, IL, Bibb County, GA, and points in PA, NJ, NY, DE, VA, WV, MD, and NC; (5) *furniture and fixtures*, between points in Lancaster County, PA, on the one hand, and, on the other, points in FL, CT, GA, ME, DE, IN, MD, MA, NH, NJ, NY, NC, OH, RI, SC, VA, WV, AL, and KY; and (6) *such commodies* as are dealt in or used by foundry supply companies, between point in Lancaster County, PA, on the one hand, and, on the other, points in IL, MD, MO, NJ, NY, OH, and WI.

MC 116068 (Sub-6), filed August 27, 1981. Initially published in the **Federal Register** on September 23, 1981. Applicant: D & F TRANSIT, INC., 4747 Genesee St., Cheektowaga, NY 14225. Representative: Gary E. Thompson, 4304 East-West Hwy., Bethesda, MD 20814, (301) 654–2240. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Niagara, Erie, and Chautauqua Counties, NY, and extending to points in DE, FL, KY, MA, PA, VA, VT, and DC. This application is republished to include the State of VT.

MC 126139 (Sub-13), filed October 7, 1981. Applicant: AARON SMITH TRUCKING COMPANY, INC., P.O. Box 153, Dudley, NC 28333. Representative: John N. Fountain, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *building materials* between points in AL, FL, GA, KY, NC, SC, VA, and WV, on the one hand, and, on the other, points 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.

MC 129028 (Sub-2), filed October 7, 1981. Applicant: BAUCOM'S TRANSFER & STORAGE COMPANY, INC., 511 Johnson Road, Charlotte, NC 28213. Representative: Archie B. Culbreth, 2200 Century Parkway, Atlanta, GA 30345, (404) 321-1765. Transporting (1) *household goods* and (2) *computer components*, between points in AL, FL, GA, KY, MD, NC, SC, TN, and VA.

MC 142888 (Sub-19), filed October 7, 1981. Applicant: COX TRANSFER, INC., Box 168, Eureka, IL 61530. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *paper and paper products*, between points in the U.S., under continuing contract(s) with Weston Paper Company, of Terre Haute, IN.

MC 145018 (Sub-30), filed October 8, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Daniel W. Krane, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011, (717) 761–0520. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between Syracuse, NY, and Philadelphia, PA: from Syracuse over U.S. Hwy 11 to junction PA Hwy 309, then over PA Hwy 309 to Philadelphia, and return over the same route; (2) between Binghamton, NY, and New York, NY: from Binghamton over NY Hwy 17 to junction NJ Hwy 17, then over NJ Hwy 17 to New York, and return over the same route; (3) between Binghamton, NY, and New York, NY: from Binghamton over Interstate Hwy 81 to junction Interstate Hwy 380, then over Interstate Hwy 380 to junction Interstate Hwy 80, then over Interstate Hwy 80 to New York, and return over the same route; (4) between Binghamton, NY, and Albany, NY over NY Hwy 7; (5) between Philadelphia, PA, and New York, NY: over U.S. Hwy 1; and (6) between Philadelphia, PA, and Atlantic City, NJ: over NJ Hwy 42, serving all intermediate points on routes (1) through (6), and serving all points in PA, NJ, and NY as off-route points.

MC 155388, filed October 5, 1981. Applicant: WAYNE YOUNGLOVE TRUCKING CORP., Sterling Station Rd., Red Creek, NY 13143. Representative: Donald G. Hichman, R.D. #1, Box 7, Union Springs, NY 13160, (315) 889–7252. Transporting *food and related products* between points in NY, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 158499, filed September 28, 1981. Applicant: GENEVA TURNPIKE EXPRESS, INC., 4031 Geneva Turnpike, Rt. 5 & 20, Canandaigua, NY 14424. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580, (716) 671–8200. Transporting *malt beverages*, between those points in NY on and west of Interstate Hwy 81, on the one hand, and, on the other, Baltimore, MD, Philadelphia, PA, New York, NY, and points in Forsyth County, NC.

MC 158609, filed October 5, 1981. Applicant: OLD SOUTH TRANSPORTATION CO., INC., P.O. Box 461, Prattville, AL 36067. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201, (205) 254–3880. Transporting *foodstuffs*, between points in Kenosha County, WI, Lake County, IL, Montgomery County, AL, Clare County, MI, and Hopkins County, TX, on the one hand, and, on the other, points in the U.S., (except AK and HI).

MC 158659, filed October 6, 1981. Applicant: JENSEN TRUCKING, 9420 Peck Road, Greenville, MI 48838. Representative: Timothy Jensen (same address as applicant), (616) 754–4925. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of polystyrene foam products, between points in the U.S., under continuing contract(s) with Tuscarora Plastics, Inc., of New Brighton, PA.

Volume No. OPY–5–182

Decided: October 15, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 30378 (Sub-68), filed October 13, 1981. Applicant: ASSOCIATED TRANSPORTS, INC., 9050 Pershall

Road, Hazelwood, MO 63042. Representative: Arnold L. Burke, 180 North LaSalle St. Chicago, IL 60601, (312) 332–5106. Transporting *automobiles, trucks,* and *chassis,* between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

MC 65398 (Sub-4), filed October 7, 1981. Applicant: MT. EPHRAIM STORAGE COMPANY, 101 Washington Ave., Gloucester City, NJ 08030. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia PA 19110, (215) 561–1030. Transporting (1) *household goods* between points in the U.S. in and east of WI, IL, KY, TN, and AL, and (2) *computers* between points in Montgomery County, PA, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, and AL.

MC 97658 (Sub-5), filed October 8, 1981. Applicant: N & B EXPRESS, INC., Deerfield Industrial Park, South Deerfield, MA 01373. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413–781–8205. Transporting *general commodities,* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), (1) between points in Bennington and Windham Counties, VT, Cheshire County, NH, Providence County, RI, MA and CT, on the one hand, and, on the other, points in Addison, Caladonia, Chittenden, Essex, Franklin, Grand Island, Lamoille, Orange, Orleans, Rutland, Washington and Windsor Counties, VT; Belknap, Carroll, Coos, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan Counties, NH; Bristol, Kent, Newport and Washington Counties, RI and ME, and (2) between points in Addison, Caladonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, Washington and Windsor Counties, VT; Belknap, Carrol, Coos, Grafton, Hillsboro, Merrimack, Rockingham, Strafford and Sullivan Counties, NH; Bristol, Kent, Newport, and Washington Counties, RI and ME.

MC 114939 (Sub-61), filed October 8, 1981. Applicant: NORCROSS INDUSTRIES, LIMITED, d.b.a. THE BULK CARRIERS COMPANY, Box 10—Cooksville Post Office, Mississauga, Ontario, Canada L5A 2W7. Representative: Robert D. Schuler, 100 West Long Lake Road—Suite 102, Bloomfield Hills, MI 48013, (313) 645–9600. Transporting *emergency response trailers,* between points in the U.S., under continuing contract(s) with Dow Chemical of Canada, Limited of Sarnia, Ontario.

MC 129189 (Sub-11), filed October 5, 1981. Applicant: WING CARTAGE COMPANY, 4141 George Place, Schiller Park, IL 60176. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *fly ash,* between points in Portage County, WI, on the one hand, and, on the other, points in Cook, Will, DuPage, Kane, McHenry and Winnebago Counties, IL.

MC 135598 (Sub-60), filed October 7, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting (1) *steel,* between points in Peoria County, IL, on the one hand, and, on the other, points in Milwaukee County, WI, and (2) *wire,* between points in Peoria County, IL, on the one hand, and, on the other, points in Pettis County, MO.

MC 143118 (Sub-4), filed October 5, 1981. Applicant: ALFRED SWINFORD, d.b.a. SWINFORD TRUCKING, Route 8, Hendron Rd., Paducah, KY 42001. Representative: Gary B. Houston, 300 Broadway, P.O. Box 995, Paducah, KY 42001, (502) 443–4516. Transporting *steel,* between points in McCracken County, KY, and Williamson County, IL.

MC 147018 (Sub-2), filed October 7, 1981. Applicant: DOUGLAS K. NAKAMURA, d.b.a. D K TRUCKING, 3121 E. La Palma Unit T, Anaheim, CA 92806. Representative: Douglas K. Nakamura (same address as applicant), (714) 632–0077. Transporting *mobile homes and modular units,* between points in the U.S., under continuing contract(s) with Silvercrest Industries, Inc., of Corona, CA, and Western Riviera Sales, Inc., of Bullhead City, AZ.

MC 150589 (Sub-4), filed October 6, 1981. Applicant: J & K TRANSPORTATION CO., INC., 1600 Industrial St., Dearborn, MI 48120. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of aluminum and vinyl siding, between points in the U.S., under continuing contract(s) with Modern Materials Corp., of Detroit, MI.

MC 151788 (Sub-12), filed October 9, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting (1) *ore and minerals,* and (2) *Chemicals and related products,* between points in Lea and Eddy Counties, NM, on the one hand, and, on the other, points in CO, KS, MO, NE, OK and TX.

MC 151899 (Sub-5), filed October 9, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main St., Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting (1) *Machinery,* (2) *Metal products,* (3) *furniture and fixtures,* (4) *plastic products,* (5) *textile mill products,* between points in the U.S. under continuing contract(s) (1) with Hartel Corporation of Fort Atkinson, WI, (1) and (2) with Air Master Systems, Inc., of fort Atkinson, WI, (3) with Federal Industries, Ltd., of Belleville, WI, (4) with Teel Plastic Company, Inc., of Baraboo, WI, (4) and (5) with Pervel Industries, Inc., of Plainfield, CT.

MC 152238 (Sub-19), filed October 9, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box E, Yreka, CA 96097. Representative: John R. Harleman (same address as applicant), (916) 842–1271. Transporting *such commodities* as are dealt in by manufactures, wholesalers, and retailers of building and contruction materials, between points in the U.S., under continuing contract(s) with Chandler Corporation, of Boise, ID.

MC 153899 (Sub-1), filed October 8, 1981. Applicant: ST FREIGHT SYSTEMS, INC., 45 Mission Rock, P.O. Box 77545, San Francisco, CA 94107. Representative: Charles A. Webb, Suite 1111, 1828 L St., N.W., Washington, DC 20036, 202–822–8200. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and Classes A and B explosives), between points in CA and AZ.

MC 154108 (Sub-1), filed September 14, 1981, previously noticed in **Federal Register** issue of September 30, 1981. Applicant: CALHOUN TRANSPORTATION SERVICE, INC., Old Route 11, P.O. Box 10, Calhoun, TN 37309. Representative: M. C. Ellis, Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37492, (615) 756–3620. Transporting *paper and paper products,* between Naheloa and Montgomery, AL, Ft. Smith, AR, Dallas, TX, St. Marys, GA, between points in Coweta County, GA, Lauderdale County, MS, and Darlington County, SC, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA, and WV.

Note.–This republication includes Montgomery, AL, which was inadvertently omitted from the base part of the territorial description and to show Lauderdale County, MS, in lieu of Lauderdale County, NC.

MC 155109, filed October 8, 1981. Applicant: ATLAS TRUCKING, INC., Hwy. 101 W., Port Angeles, WA 98362. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, 206–228–3807. Transporting *machinery, lumber and wood products, pulp paper and related products,* between points in OR, WA, CA, ID, NV, AZ, UT, MT, CO, NE, KS and WY.

MC 156218 (Sub-2), filed October 9, 1981. Applicant: LAIZZE-FARE TRUCKING COMPANY, 700 Carroll Street, Akron, OH 4304. Representative: James E. Davis, 611 West Market St., Akron, OH 44303, (216) 376–8111. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ohio Fast Freight Corporation, of Elizabeth, N.J.

MC 156908, filed October 8, 1981. Applicant: AMTRANS, INC., P.O. Box 04704, Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 No. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Cedarburg Dairy, Inc., of Cedarburg, WI.

MC 157458, filed October 6, 1981. Applicant: CLARENCE KRESSIN d.b.a. KRESSIN TRUCKING, Route 1, Box 226, Jim Falls, WI 54748. Representative: Nancy J. Johnson, 103 East Washington St., Box 218, Crandon, WI 54520, (715) 478–3341. Transporting *detergent,* between Chicago, IL, and points in Chippewa County, WI.

MC 157939 (Sub-1), filed October 7, 1981. Applicant: FAN TRAVEL SERVICE LTD., 407 Strawberry St., Richmond, VA 23220. Representative: John Wong (same address as applicant), 804–355–2133. To operate as a *broker* at Richmond, VA, in arranging the transportation of passengers and their baggage in special and charter operations, beginning and ending in Richmond, VA, and points in Henrico and Chesterfield, Counties, VA, and D.C. and extending to points in the U.S. (except HI).

MC 158599, filed October 5, 1981. Applicant: VIKING TOURS, INC., 118 South Vine, P.O. Box 806, Fergus Falls, MN 56537. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. To engage in operations, as a *broker,* at Fergus Falls and Moorhead, MN, in arranging for the transportation of *passengers and their baggage* in special and charter operations, beginning and ending at those points in MN on and north of MN Hwy 27 and on and west of U.S. Hwy 71, and those points in ND and SD on and east of U.S. Hwy 281, and extending to points in the U.S.

MC 158729, filed October 9, 1981. Applicant: SHIPPERS EXPRESS TRUCK LINES, INC., 2901 South Lamar, Dallas, TX 75215. Representative: Sam Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741–6263. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Shippers Warehouse, Inc., of Dallas, TX.

Volume No. OPY–5–183

Decided: October 22, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 58828 (Sub-12), filed October 14, 1981. Applicant: SOUTHEASTERN MOTOR FREIGHT, INC., 4320 Hessmer Ave., P.O. Box 7788, Metairie, LA 70010. Representative: Elmo J. Guillot (same address as applicant), 504–888–4150. Transporting *general commodities,* (except classes A and B explosives, household goods as defined by the Commission), between points in Ascension, East Baton Rouge, Iberville, Jefferson, Livingston, Orleans, St. Charles, St. Helena, St. James, St. John The Baptist, St. Tammany, Tangipahoa, Washington and West Baton Rouge Parishes, LA, on the one hand, and, on the other, points in Hancock, Harrison and Pearl River Counties, MS.

MC 99648 (Sub-2), filed October 14, 1981. Applicant: TERMINAL TRUCKING CO., INC., P. O. Box 562 Terminal Court, Concord, NC 28025. Representative: Charles Eugene Isenhour, Jr., (same address as applicant), 704–788–0180. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in NC and SC.

MC 121589 (Sub-10), filed October 14, 1981. Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawka, NE 68413. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, 402–397–9900. Transporting *such commodities* as are dealt in or used in the construction, operation or maintenance of railroads, between points in OH, MI, IN, IL, WI, IA, NE, MO, KS, CO, UT, and WY.

MC 123169 (Sub-13), filed October 13, 1981. Applicant: McKEVITT TRUCKING, LIMITED, P.O. Box 2567, Thunder Bay, Ontario, Canada, P7B 5G1. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting *lumber and wood products,* between points in MN, MI, and WI on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located in MN and MI, under continuing contract(s) with Abitibi-Price Lumber, Ltd., of Thunder Bay, Ontario, Canada.

MC 123978 (Sub-2), filed October 14, 1981. Applicant: RICHEY & STEWART, INC., P.O. Box 235, Scottsburg, IN 47170. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6555. Transporting *malt beverages,* between points in Washington, Scott, and Jefferson Counties, IN on the one hand, and, on the other, points in Wayne County, MI, Milwaukee County, WI, Hennepin County, MN, Franklin County, OH, Peoria County, IL, and Campbell and Carroll Counties, KY.

MC 133189 (Sub-42), filed October 13, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215. Transporting *metal products,* between Pierce County, WI, on the one hand, and, on the other, points in the U.S.

MC 136268 (Sub-31), filed October 9, 1981. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Ave., Monroe, WI 53566. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of writing materials, glassware, and gift boxes, between Dallas, TX, and points in Rock County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143768 (Sub-1), filed October 13, 1981. Applicant: F. R. ANDERSON, INC., 2744 S.E. Market Street, Des Moines, IA 50309. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting (1) *paper products,* between points in Polk County, IA, on the one hand, and, on the other, points in IL, and (2) *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between Moline, IL, points in Douglas County, NE, Polk County, IA, on the one hand, and, on the other, points in IA.

MC 148158 (Sub-16), filed October 9, 1981. Applicant: CONTROLLED DELIVERY SERVICE, INC., 17295 East Railroad Ave., City of Industry, CA 91749. Representative: Robert L. Cope, 1730 M St., NW, Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in the

U.S., under continuing contract(s) with Wasatch Shippers Association, Inc., of Salt Lake City, UT.

MC 148879 (Sub-3), filed October 13, 1981. Applicant: SPRINGFIELD BEVERAGE, INC., 80 Baldarelli Court, Springfield, MA 01104. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128, (413) 783-0442. Transporting *plastic and plastic products,* between points in MA, on the one hand, and, on the other, points in ME, NH, CT, RI, NY, and NJ.

MC 149389 (Sub-4), filed October 13, 1981. Applicant: DELIVERY SERVICE CORPORATION, P.O. Box 4448, Dearborn, MI 48126. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, 616-941-5313. Transporting *furniture and fixtures, such commodities* as are dealt in by distributors and retailers of office furniture and fixtures and carpeting, between ports of entry on the International Boundary Line between the United States and Canada located in MI and NY on the one hand, and, on the other, points in the U.S. and (2) between Detroit, MI, points in St. Clair County, MI; Erie County, NY; and Orange County, CA on the one hand, and, on the other, points in the U.S.

MC 150538 (Sub-3), filed October 13, 1981. Applicant: T. C. TRANSPORTATION, INC., 4710 Squaw Creek Road, Crystal Lake, IL 60014. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601, (312) 332-5106. Transporting *chemicals and salt,* between points in Cook County, IL, and Kosciusko County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156508, filed October 13, 1981. Applicant: MICHAEL L. McKONLY, d.b.a. McKONLY TRUCKING, 506 S. 16th St., Columbia, PA 17512. Representative: John W. Metzger, 49 N. Duke St., Lancaster, PA 17602, (717) 299-1181. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of clothing, under continuing contract(s) with Kahn Lucas Lancaster, Inc., of Columbia, PA, (2) *rough iron castings,* under continuing contract(s) with U.S. Lock and Hardware Co., of Columbia, PA, (3) *aircraft parts,* under continuing contract(s) with William P. Strube, Inc., of Marietta, PA, and (4) *food and related products,* under continuing contract(s) with P. K. Food Company, of Baltimore, MD, between points in the U.S.

MC 158758, filed October 13, 1981. Applicant: PARRISH CARRIAGE, INC., 3801 Maumee Avenue, Fort Wayne, IN 46803. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638-1301. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with County Line Cheese Company, Inc., of Auburn, IN.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-31319 Filed 10-28-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 188]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: October 22, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 71079 (Sub-5)X, filed October 9, 1981. Applicant: R. S. J. LEASING, INC., 127-36 Northern Boulevard, Flushing, NY 11368. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Sub-No. 2: broaden (1) fireproof building materials, technical paints, water-proofing materials, and steel cable, to "building materials, chemicals and related products, petroleum or coal products, and metal products"; (2) points in NY and NJ within 150 miles of Columbus Circle, New York, NY with "points in NY in and south of Tioga, Chenango, Otsego, Fulton, Saratoga and Rensselaer Counties, NY, all points in NJ" and (3) points in CT within 85 miles of Columbus Circle, New York, NY, with "points in CT in and west of Middlesex and Hartford Counties, CT".

MC 85934 (Sub-133)X, filed October 15, 1981. Applicant: MICHIGAN TRANSPORTATION COMPANY, P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. Sub-No. 112: broaden (1) chemicals, in bulk, in tank vehicles, to "chemicals and related products"; (2) authorize radial authority; (3) remove facilities limitations and change Chicago, IL to Cook County.

MC 108024 (Sub-2)X, filed October 16, 1981. Applicant: J & J DINA TRUCKING, INC., 21 Barnstable Road, East Rockaway, NY 11518. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Sub 1 permit, broaden: tin cans and scrap tin to "metal products and waste or scrap materials not identified by industry producing," and to between points in the U.S. under continuing contract(s) with unnamed shippers.

MC 117322 (Sub-12)X, filed October 6, 1981. Applicant: LESTER NOVOTNY d.b.a. CHATFIELD TRUCKING, RFD No. 2, Chatfield, MN 55923. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Subs 3, 4, 6, and 7: Broaden butter, dry dessert preparations, whey powder, powdered milk, and frozen foods to "food and related products"; (Sub 3) expand Chicago, IL to Lake, Cook, DuPage and Will Counties, IL and Lake and Porter Counties, IN; (Sub 4) expand Deerfield, IL to Lake and Cook Counties, IL; (Sub 6) remove facilities at New Hampton, IA and expand New Hampton to Chickasaw County, IA; (Sub 7) remove facilities at Fairbault, MN, and expand Fairbault to Rice County, MN; (Subs 6 and 7) eliminate "originating at and/or destined to" restrictions; (all Subs) replace one-way authority with radial authority.

MC 117878 (Sub-20)X, filed October 13, 1981. Applicant: DWIGHT CHEEK, d.b.a. DWIGHT CHEEK TRUCKING, P.O. Box 31538, Amarillo, TX, 79120. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Subs 6, 7 and 16F, broaden: Sub 6, facility at Cactus to Moore County, TX; Sub 7, facility at Amarillo to Amarillo, TX; Sub 16, facilities at Vernon, Cerritos and Irvine to Los Angeles, CA; all authorities

to radial; Subs 6 and 7, remove prohibiting hides/commodities in bulk restriction, and originating at/destined to named point(s) restriction.

MC 135236 (Sub-25)X, filed October 16, 1981. Applicant: LOGAN TRUCKING, INC., 3325 Highway 24 East, Logansport, IN 46947. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Subs 6, 9, and 14: (1) Broaden malt beverages (Subs 6 and 9) and shortening, lard, tallow, cooking oil and margarine, except commodities in bulk (Sub 14) to "food and related products"; (2) change one-way to radial authority (Subs 6, 9, 14); (3) replace cities with county-wide authority: Fogelsville, PA (Lehigh County), Sub 6, and Bradley, IL (Kankakee County), Sub 14; (4) eliminate plantsite limitations (Subs 6 and 14); and (5) remove the originating and destined to restriction (Subs 9 and 14).

MC 135381 (Sub-13)X, filed October 7, 1981. Applicant: DRUM TRANSPORTATION COMPANY, R.D. No. 1, Montgomery, PA 17752. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Lead and Subs 2, 5, and 8F permits: broaden to "lumber and wood products" from wooden poles, posts, pilings, timbers, ties, cross arms, laminated wood beams, and electric transmission, telephone, and telegraph poles (lead and Sub 8F); to "printed matter and furniture and fixtures" from books and library furniture (Sub 2); to "chemicals and related products, rubber and plastic products, and machinery," from traffic paints, thermoplastic and cold applied plastic for street and highway marking, and street and highway marking machines, (Sub 5); change territory to between points in the United States under continuing contract(s) with named shippers, and remove except commodities in bulk (Sub 5).

MC 136267 (Sub-10)X, filed October 16, 1981. Applicant: BEL'S PRODUCE CO., INC., P.O. Box 348, Montrose, MI 48457. Representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. Sub-No. 1 permit: (1) broaden unfrozen foodstuffs, in containers, to "food and related products"; (2) expand to nation-wide service under continuing contract(s) with a named shipper.

MC 140243 (Sub-16)X, filed October 19, 1981. Applicant: APPLE HOUSE, INC., 3726 Birney Avenue, Scranton, PA 18505. Representative: Peter Wolff, 722 Pittston Avenue, Scranton, PA 18505. Sub-No. 7: broaden (1) flooring covering to "textile mill products, rubber and plastic products, and lumber and wood products"; (2) authorize radial service: (3) broaden Vails Gate, NY, to Orange County, NY; Fullerton, PA, to Lehigh County, PA.

MC 143857 (Sub-3)X, filed October 16, 1981. Applicant: VAN DE HOGEN CARTAGE LIMITED, 2590 Dougall Avenue, Windsor, Ontario, Canada N8X 1T7. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Lead and Subs 2, 6, and 11F Permits: (1) Broaden stone, tile, structural facing tile, building brick (lead) and lime, building brick, tile and wallboard (Sub 6) to "building materials"; firebrick (lead), brick and manufactured stone (Sub 3) and brick (Sub 6) to "clay, concrete, glass or stone products"; limestone, in bags (lead), silica sand, in bags, and emery (Sub 6), to "ores and minerals"; and lumber and waferboard (Sub 11F) to "lumber and wood products"; (2) broaden territorial to between points in the U.S., under continuing contract(s) with named shippers.

MC 145559 (Sub-14)X, filed October 6, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, VA 22210. Sub-No. 7F: broaden LaSalle, Hanska, Amiret, Ghent, Marshall, Minneota, Taunton, Porter, Canby, and Burr, MN, to Brown, Lincoln, Lyon, Watonwan, and Yellow Medicine Counties, MN; Shelby, AL, to Shelby County, AL; and Gary, SD, to Deuel County, SD.

MC 146573 (Sub-19)X, filed October 16, 1981. Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 81354. Representative: E. Stephen Heisler, 805 McLachlen Bank Building, 666–11th Street, NW., Washington, D.C. 20001. Sub-No. 5F: broaden (1) fertilizer, fertilizer solutions, and fertilizer ingredients, in bulk, to "chemicals and related products"; (2) facilities at Ottawa, IL, to La Salle County, IL; and (3) delete originating at or destined to restriction.

MC 147286 (Sub-6)X, filed October 14, 1981. Applicant: A & L TRUCKING, INC., P.O. Box 103, Rocky Face, GA 30740. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, D.C. 20005. Sub 3 certificate: (1) Broaden carpets and materials and supplies used in the sale thereof to "textile mill products"; (2) change one-way to radial authority; (3) remove facilities limitations and broaden Chatsworth, GA, to Murray County and North Chelmsford, MA, to Middlesex County.

MC 147554 (Sub-4)X, filed October 16, 1981. Applicant: ARAB CARTAGE AND EXPRESS CO., INC., P.O. Box 217, Arab, AL 35016. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Sub 3F, broaden from general commodities with exceptions, to "general commodities (except classes A and B explosives)," and Arab to Marshall, Morgan, Cullman and Blount Counties, AL.

[FR Doc. 81-31318 Filed 10-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29451 (Sub-1)]

Royal-Manson Shippers' Association—Purchase (Portion)—Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) Between Royal and Manson, IA

AGENCY: Interstate Commerce Commission.

ACTION: Proceedings, rescheduled.

SUMMARY: The Commission is revising the procedural schedule for supplementing this application and filing comments and evidence.

1. By November 10, 1981, applicant shall file information supplementing its application.

2. By November 20, 1981, verified statements supporting or opposing this proposal must be filed.

3. By November 25, 1981, verified statements in reply must be filed.

4. By December 2, 1981 (*sooner if it is available*), applicant shall file information concerning the action taken by the Federal Railroad Administration on the funding application for this line.

ADDRESSES: The original and 10 copies of each submission should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, 12th & Constitution Ave., N.W., Washington, D.C. 20423, Attn: RITEA Acquisitions.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275–7245 or Elaine Sehrt, (202) 275–7899.

SUPPLEMENTARY INFORMATION: For supplementary information, see the decision of the Commission.

Copies of the complete decision may be obtained from Room 2227 at the Commission's Headquarters at 12th and Constitution Avenue, NW., Washington, DC 20423, or by calling the Commission's toll-free number for copies at 800–424–5403. This decision is being served and published concurrently.

By the Commission, Reese H. Taylor, Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-31316 Filed 10-28-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 10, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that five paintings imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. The paintings are "The Riding School" by Wouwerman, "Italian Harbor" by Lingelbach, "Portrait of a Man" by Verspronck, "The Town Hall of Amsterdam" by Berckheyde, and "The Supper at Emmaus" by Steen. These paintings are imported pursuant to an agreement between the National Gallery of Art and the Rijksmuseum, Amsterdam, The Netherlands. I also determine that the temporary exhibition or display of the five paintings at the National Gallery of Art, Washington, D.C., beginning on or about November 1, 1981, to on or about December 31, 1983, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: October 26, 1981.

Charles Z. Wick,

Director.

[FR Doc. 81-31480 Filed 10-28-81; 8:45 am]

BILLING CODE 8230-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-108]

Certain Vacuum Bottles and Components Thereof; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 16, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Union Manufacturing Co., Inc., 290 Pratt Street, Meriden, Connecticut 06450. The complaint alleges unfair methods of competition and unfair acts in the importation of certain vacuum bottles and components thereof into the United States, or in their sale, by reason of the alleged (1) infringement of complainant's common law trademark, (2) passing off, and (3) false designation of origin. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, after a full investigation, the Commission issue either an order excluding said articles from entry into the United States or an order directing respondents to cease and desist from engaging in said unfair acts.

SUPPLEMENTARY INFORMATION:

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure.

Scope of the Investigation

Having considered the complaint, the U.S. International Trade Commission, on October 15, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain vacuum bottles and components thereof into the United States, or in their sale, by reason of the alleged (1) infringement of complainant's common law trademark, (2) passing off, or (3) false designation of origin, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Union Manufacturing Co., Inc., 290 Pratt Street, Meriden, Ct. 06450

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Hanbaek Trading Co., C.P.O. Box 7590, Cho Yang Building, 50-10 2KA, Chungmu-ro Chung-ku, Seoul, Korea

Daymu-Hagemeyer (Taiwan) Co. Ltd., 519 Chung Shan N. Road, Section 5 Shih-Lin District, Taipei, Taiwan

Tay Yuan Industrial Co., Box 282 Tao Yan, No. 4 Lane 56, Pao Lo Street, Tao Yuan, Taiwan, R.O.C.

Western Universal Mercantile Ltd., 15 East 26th Street, New York, N.Y. 10010

Direct Import, Inc., 1420 Landmeier Road, Elk Grove Village, Ill. 60007

Janco Industries, Inc., 190 South King Street, Honolulu, Ha. 96813

Progressive International Corp., 413 Fairview North, Seattle, Wash. 98109

Kenco Incentives, Inc., 7390 Ohms Lane, Edina, Minn. 55435

Wanco International, 1485 Bayshore Boulevard, San Francisco, Calif. 94124

T, G & Y Stores Co., 3815 North Santa Fe, Oklahoma City, OK. 73118

Wholesale Merchandisers, Meijer Division, 2901 South Creyts Road, Grand Rapids, Mich. 49501

World Wide, Inc., 4567 West 78th Street, Minneapolis, Minn. 55431

(c) M. Brooke Murdock and John Milo Bryant, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorneys, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: M. Brooke Murdock and John Milo Bryant, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0115 or 202–523–0419, respectively.

Issued: October 23, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-31405 Filed 10-28-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701–TA–81 (Preliminary)]

Hard-Smoked Herring Filets From Canada; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On October 22, 1981, the McCurdy Fish Co., Lubec, Maine, notified the U.S. Department of Commerce and the U.S. International Trade Commission that it was withdrawing its countervailing-duty petition concerning hard-smoked herring filets in accordance with Commerce's recommendation (Commerce found that the data provided by the petitioner in support of the alleged Canadian subsidies was inadequate). Accordingly, the Commission terminates investigation No. 701–TA–81 (Preliminary) pursuant to its authority under § 207.13 of the Commission's Rules of Practice and Procedure.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Reavis, Office of Investigations, U.S. International Trade Commission; telephone 202–523–0296.

Issued: October 26, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-31406 Filed 10-28-81; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81–74]

NASA Advisory Council (NAC) Life Sciences Advisory Committee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Life Sciences Advisory Committee.

DATE AND TIME: December 4–5, 1981, 8:30 a.m. to 4:30 p.m. each day.

ADDRESS: National Aeronautics and Space Administration, Room 5026, 400 Maryland Avenue SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Donald L. DeVincenzi, Code SBT–3, National Aeronautics and Space Administration, Washington, DC 20546 (202/755–3732).

SUPPLEMENTARY INFORMATION: The Life Sciences Advisory Committee consults with and advises the Council and NASA on the accomplishments and plans of NASA's Life Sciences Programs. The Committee, chaired by Peter Dews, is comprised of 13 members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including Committee members and participants).

TYPE OF MEETING: Open.

Agenda

December 4, 1981

8:30 a.m.—Introductory Remarks.
9 a.m.—Status Report on Space Transportation System—2 Operational Medicine.
10:30 a.m.—Dedicated Life Sciences Spacelab Experiment Selection.
1 p.m.—New Planetary Protection Policy.
2:30 p.m.—Life Sciences Supporting Research and Technology (SRT) Review.

December 5, 1981

8:30 a.m.—Life Sciences SRT Review.
1 p.m.—Life Sciences SRT Review.
3 p.m.—Discussion.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

October 23, 1981.

[FR Doc. 81-31298 Filed 10-28-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Privacy Act of 1974; Annual Publication of Systems of Records

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The National Transportation Safety Board (NTSB) last published the full text of its systems of records at 42 FR 47441, September 20, 1977. The NTSB also published annual notices at 43 FR 39941, September 7, 1978; at 44 FR 39941, September 7, 1978; at 44 FR 58819, October 11, 1979; and at 45 FR 73832, November 6, 1980. No further changes have occurred. Therefore, the systems of records remain in effect as published.

The full text of the NTSB systems of records also appears in *Privacy Act Issuances*, 1980 Compilation, Volume V, page 231. *Privacy Act Issuances* may be viewed at Depository Libraries and Federal Information Centers throughout the United States.

John M. Stuhldreher,

General Counsel.

October 23, 1981.

[FR Doc. 81 31237 Filed 10-28-81; 8:45 am]

BILLLING CODE 4910-58-M

[N-AR 81–44]

Reports, Recommendations, Responses; Availability

• **Railroad Accident Report:** *Rear End Collision of Union Pacific Railroad Company Freight Trains Extra 3119 West and Extra 8044 West, Near Kelso, Calif., Nov. 17, 1980 (NTSB–RAR–81–7).*—As a result of its investigation, the Board on Sept. 15 issued these recommendations to—

Union Pacific Railroad Company (UP): Provide traincrews with accurate tonnage figures for their trains at Las Vegas and other locations where operating methods are predicated on tonnage per operative brake **(R–81–88).** Require that The Dalles, Oreg., timber treating plant and other UP facilities where material is loaded on cars provide actual weights on waybills where track scales are available. Where scales are not available, require that weights be accurately estimated. **(R–81–89)** Amend its timetable instruction pertaining to the operation of westbound trains between Cima and Kelso without functioning dynamic braking to provide for: (1) A maximum tonnage per operative brake that is consistent with the braking force required to balance grade force; (2) The requirement that a running air brake test be performed in advance of Cima; (3) Establish the maximum brakepipe reduction that may be made in the effort to balance the grade; and (4) Caution traincrews that in case there is any doubt of ability to control speed, the train must be stopped immediately, sufficient hand brakes set to hold the grade, and brakepipe fully restored before the train is allowed to proceed **(R–81–90).** Issue instructions to the California Division chief train dispatcher that require First Subdivision dispatchers to: (1) Ascertain that crews of westbound trains without functioning dynamic brakes understand the special timetable provisions applying to their trains between Cima and Kelso; (2) Determine that engineers of westbound trains at Cima fully understand the proper method of braking on the grade; (3) Hold westbound trains without functioning dynamic brakes at Cima until the main track is clear to Kelso and not permit the occupancy of the main track east of Kelso by other trains while a train without functioning dynamic brakes is descending the grade **(R–81–91).** Require that the dynamic

braking feature of the lead locomotive unit on all westbound trains originating at Las Vegas and which are to be operated west of Cima be tested and determined to be functional (R-81-92). Amend its airbrake and train handling rules to: (1) Require crewmembers to notify the engineer whenever the caboose brake valve is used; (2) Expand Rule 1043 to include references to the necessity of retaining sufficient brakepipe pressure to stop anywhere on the grade; and (3) Modify Rules 1053 and 1053(A) to eliminate the possibility of an inadvertent release of the brakes after an open brakepipe occurs and this fails to result in an emergency brake application on the locomotive (R-81-93).

Federal Railroad Administration (FRA): Conduct a safety review of the Union Pacific Railroad Company to determine that compliance with Federal Power Brake Regulations (49 CFR Part 232) is enforced effectively at Las Vegas, Nev., Yermo, Calif., and other initial terminal points, and provide the Safety Board with a report of the findings (R-81-94). Retain the minimal requirements of Part 232 for the inspection and testing of trains at the points where they are originated. (R-81-95).

In addition to the above, the Board has reiterated and reemphasized recommendations issued as the result of other UP accidents: R-79-78, R-79-81, and R-81-42 to UP, and R-79-82, R-79-84, and R-79-85 to FRA, all of which are still in "open" status.

• **Special Study:** Railroad/Highway Grade Crossing Accidents Involving Trucks Transporting Bulk Hazardous Materials (NTSB-HZM-81-2).—Related recommendations were forwarded on Oct. 6 to—

Federal Highway Administration: Encourage States to identify crossings with passive warning devices used by trucks transporting bulk hazardous materials and to designate specific routes, which have grade separations or crossings with active warning devices, for trucks carrying bulk hazardous materials to use near hazardous materials terminals and depots (H-81-72). Establish a method which, through a cooperative effort of hazardous materials carriers and the railroads, will identify to the States crossings that are frequently used by bulk hazardous materials trucks and that need improved warning devices (H-81-73). Issue an "On Guard" Bulletin to shippers and carriers of bulk hazardous materials alerting drivers of trucks carrying bulk hazardous materials to the dangers of crossings. The bulletin should encourage drivers to use routes with grade separations or crossings with active warning devices and to report to their supervisors the locations of crossings with passive warning devices that must be used (H-81-74). Modify the informational document "Criteria to Designate Routes for Transporting Hazardous Materials" to specifically address the hazards of crossings (H-81-75). Study the feasibility of requiring drivers to have an additional national or State license or endorsement to drive trucks used to transport bulk hazardous materials. The study should establish criteria for prior driving record and training in handling hazardous materials and in emergency procedures (H-81-76). Amend 49 CFR 392.10 to require trucks carrying bulk hazardous materials to stop at crossings with active warning devices only when the devices are activated to warn drivers of an approaching train, so that it will be consistent with the Uniform Vehicle Code (H-81-77).

Secretary of Transportation: Include the National Highway Traffic Safety Administration as a member of the task force for the Hazardous Materials Information System which will determine hazardous materials data needs for accident reports (I-81-8). Consider the development of uniform short supplemental accident data forms to supplement existing Federal Highway Administration, Federal Railroad Administration, and National Highway Traffic Safety Administraton accident report forms (I-81-9). Put into effect methodology to cross-reference accidents compiled by Department of Transportation administration to periodically assess the validity of the data and the completeness of the data files, and to prepare detailed case analyses (I-81-10).

Research and Special Programs Administration: Include in the hazardous materials enforcement courses offered through the Transportation Safety Institute instructions concerning driver responsibilities at crossings when transporting bulk hazardous materials (H-81-78).

National Safety Council: Expand the existing Operation Lifesaver program to include a specific program which addresses the problems with trucks carrying bulk hazardous materials, especially petroleum products, over crossings (H-81-79).

International Association of Chiefs of Police; American Trucking Associations, Inc., National Tank Truck Carriers Association; the American Petroleum Institute; Brotherhood of Locomotive Engineers; United Transportation Union; Association of American Railroads; and Governors of all States: Assist the National Safety Council in its program to reduce accidents involving trucks carrying bulk hazardous materials across crossings (H-81-80).

Association of American Railroads: Encourage railroads to develop programs for train crewmembers to report: (1) truck carriers identified as transporters of bulk hazardous materials, (2) crossings with passive warning devices which are used frequently by bulk hazardous materials trucks, and (3) bulk hazardous materials trucks which are involved in near-collisions (R-81-96).

Governors of all States: Review State laws and regulations regarding the transportation of bulk hazardous materials by trucks across crossings and modify them to conform with the Uniform Vehicle Code (H-81-81).

• **Responses to NTSB Recommendations**

A-81-83 and -84, from *Federal Aviation Administration* (Oct. 8).—FAA will continue to monitor service difficulty reports re lateral control accidents but, asbent documented failure, plans no further action. FAA will not require mandatory installation of access doors on Beechcraft Models B19, 23, 24, and 24R series aircraft manufactured before 1977 to provide access to aileron push-pull rods, bellcrank, and cable attachments for inspection or servicing; an airworthiness alert is appropriate. (46 FR 40954, 8-13-81)

H-81-47, from *All-Industry Research Advisory Council* (Oct. 12).—AIRAC will cooperate with NHTSA and FHWA in a consultative arrangement for planning and executing highway and motor vehicle safety research projects, using insurance industry data. (46 FR 50867, 10-15-81)

M-74-26, M-75-25 and -26, from *U.S. Coast Guard* (Oct. 7).—Publication of final rule for CGD78-128, updating 46 CFR Part 153, is expected by Jan. 1982. Funding reductions make further risk/hazard analysis R&D unlikely in foreseeable future. (46 FR 18823, 3-26-81)

M-80-56 through -61, from *U.S. Coast Guard* (Oct. 7).—Regulations (44 FR 66501, 11-19-79) require U.S. and foreign crude carriers to have inert gas systems by May 31, 1981, for tankers of 70,000 dwt and over and by May 31, 1983, for existing tankers between 20,000 and 70,000 dwt; the systems must be operated to maintain an inert atmosphere except when tanks are gas free. USCG proposes to revise 46 CFR 35.35-30, inert gas system operation, by June 1982. It is not necessary to suspend tank vessel transfer operations when the inert gas system malfunctions until resumption is approved by the Captain of the Port. (The Board closed out M-80-56, -60, and -61 last June 25.) (46 FR 22297, 4-16-81)

M-81-52 through -54, from *National Oceanic and Atmospheric Administration* (Oct. 14).—The National Weather Service's Office of Meteorology and Oceanography is advocating the Shipboard Environmental Data Acquisition System to transmit information from ships at sea and supply vessel location data which would be available automatically through a satellite communication system and would provide real time ship position several times daily. (46 FR 42373, 8-20-81)

P-81-35 and -36, from *Gas Research Institute* (Oct. 13).—GRI will soon begin a 10-month research project, "Development of Reliable Excess Flow Valves in Gas Distribution Mains and Services." (46 FR 51826, 10-22-81)

NOTE: Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594

(49 U.S.C. 1903(a)(2), 1906)

Dated: October 23, 1981.

Margaret L. Fisher,

Federal Register Liaison Officer.

[FR Doc. 81-31200 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published September 23, 1981 (46 FR 47034). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the November 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Three Mile Island Unit 2 Action Plans*, October 29, 1981, Washington, DC. This Subcommittee combined with the Reactor Operations Subcommittee will review the proposed rule on "Licensing Requirements for Pending Operating License Applications." Notice of this meeting was published October 9.

**Reactor Operations*, October 29, 1981, Washington, DC. This Subcommittee combined with the TMI-2 Action Plans Subcommittee will be briefed on the current status of the NRC's Systematic Evaluation Program (SEP). Notice of this meeting was published October 9.

**AC/DC Power Systems*, October 30, 1981, Washington, DC. The Subcommittee will review the status of the activities associated with NUREG-0666, and the ongoing work on the availability of AC Power. Notice of this meeting was published October 9.

**St. Lucie Plant Unit No. 2*, October 30 and 31, 1981, West Palm Beach, FL. The Subcommittee will discuss the application by the Florida Power and Light Company for an Operating License. Notice of this meeting was published October 9.

**Human Factors*, November 2, 1981, Washington, DC. The Subcommittee will be briefed by the Division of Human Factors Safety, Office of Nuclear Reactor Regulation on the developments and programs that have been initiated within the Division over the past year. Items for discussion will include the final version of the control room design evaluation guidelines, emergency procedures guidelines, and utility management structure and technical resources. A session with the Division of Facility Operations and Safeguards is planned to discuss research programs in the Human Factors Branch in preparation for the ACRS Annual Report to Congress on the NRC Safety Research Program for FY 1983. Notice of this meeting was published October 19.

**Callaway Plant Unit 1*, November 4 and 5, Columbia, MO. The Subcommittee will review the application by the Union Electric Company for an Operating License. Notice of this meeting was published October 19.

**Regulatory Activities*, November 11, 1981, Washington, DC. The Subcommittee will review Regulatory Guide 1.23, Revision 1, "Meteorological Programs in Support of Nuclear Power Plants."

**Comanche Peak Units 1 and 2*, November 11, 1981, Washington, DC. The Subcommittee will continue the review of the application of the Texas Utilities Generating Company for a license to operate the Comanche Peak Units 1 and 2. Notice of this meeting was published October 22.

**Procedures and Administration*, November 11, 1981, Washington, DC. The Subcommittee will consider revised format/scope of ACRS reports, improved SAR formats, interface with Commissioners, role of ACRS, and resolution of generic items. Notice of this meeting was published September 23.

**Reactor Fuel*, November 18, 1981, Washington, DC. The Subcommittee will discuss with the NRC Staff the fuels research program. Discussion will focus on the NRC Safety Research Program and Budget for 1983 in preparation for the Annual ACRS Report to Congress.

**CESSAR/Palo Verde Nuclear Generating Station*, November 23 and 24, 1981, Phoenix, AZ. The Subcommittee will review the application by the Arizona Public Service Company for an Operating License and the application by Combustion Engineering for Final Design Approval (CESSAR 80). Notice of this meeting was published September 23.

**Emergency Core Cooling Systems*, December 2 and 3, 1981, Los Alamos, NM. The Subcommittee will review selected portions of the NRC Safety Research Program for the ACRS Report to Congress. The Subcommittee will also discuss the status of Unresolved Safety Issues, "Water Hammer (A-1)" and "Containment Emergency Sump Performance (A-43)".

**Advanced Reactors*, December 3 and 4, 1981, San Francisco, CA (TENTATIVE). The Subcommittee will continue discussion regarding possible design considerations, issues, and criteria for future commercial advanced reactors and plans to prepare a report to submit to the ACRS.

**Metal Components*, December 8, 1981, Washington, DC. The Subcommittee will discuss with the NRC Staff and Industry matters relating to reactor pressure vessel repressurization thermal shock. Also discussed will be the evaluation of conservatisms in the thermal shock analysis and steps that could be taken to avoid repressurization.

**Regulatory Activities*, December 8, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

**CESSAR/Palo Verde Nuclear Generating Station*, December 8, 1981, Washington, DC. The Subcommittee will continue to review the application by the Arizona Public Service Company and Combustion Engineering Inc. for an Operating License.

**Meeting with Canadian Reactor Safety Advisory Committee*, December 9, 1981, Washington, DC. The Subcommittee will discuss quantitative risk and probabilistic risk assessment (PRA), source term, human factors, and design criteria for waste management facilities.

**Nuclear Safety Research Program*, December 9, 1981, Washington, DC. The Subcommittee will discuss the Draft ACRS Report to Congress on the NRC FY 1983 Safety Research Program.

**Shippingport*, December 9, 1981, Washington, DC. The Subcommittee will review the extension of Light Water Breeder Reactor (LWBR) operation beyond 26,000 effective full power hours.

Combined Electrical Systems and Emergency Core Cooling Systems Subcommittees, date to be determined, Washington, D.C. The Subcommittee will continue review of the NRC and Industry sponsored research on core water level indicator instruments and the NRC and Industry implementation of core water level indicator installation requirements.

Metal Components and Waste Management, December 14, 1981, Washington, DC. The Subcommittee will review contractor technical capability and objectives of request for proposal on long-term performance of materials used for high-level waste packaging.

Advanced Reactors/Clinch River Breeder Reactor, December 15 and 16, 1981, Washington, DC. The Subcommittee will review the Clinch River Breeder Reactor program status and research program

Class 9 Accidents, December 16 and 17, 1981, Denver, CO. The Subcommittee will continue its review of core melt mitigation systems, degraded core rulemaking, and hydrogen rulemaking.

Waste Management and Reactor Radiological Effects, December 18 and 19, 1981, Washington, DC. The Subcommittee will review the Research Program/Budget for these two items.

Watts Bar Nuclear Plant, December 18 and 19, 1981, Sweetwater, TN. The Subcommittee will review the application by the Tennessee Valley Authority for an Operating License.

Safety Philosophy Technology and Criteria, January 5, 1982, Washington, DC. The Subcommittee will review the proposed Systems Interaction Study for the Indian Point Nuclear Power Plant.

Reliability and Probabilistic Assessment, January 5, 1982, Washington, DC The Subcommittee will review portions of the NRC FY 1983 Safety Research Program related to Reliability and Probabilistic Assessment.

Nuclear Safety Research Program, January 6, 1982, Washington, DC. The Subcommittee will discuss the Draft ACRS Report to Congress on the NRC FY 1983 Safety Research Program.

Extreme External Phenomena, January 28 and 29, 1982, Washington, DC. The Subcommittee will review the status of NRC's research program on geology and seismology and the status of research being performed other than the NRC programs.

Joint Clinch River Breeder Reactor and Site Suitability, Date to be determined, Washington, DC. The Subcommittee will begin site suitability review for Clinch River Breeder Reactor.

ACRS Full Committee Meetings

November 12–14, 1981: Items are *tentatively* scheduled.

*A. *Callaway Plant Units 1 and 2*—ACRS report re Operating License.

*B. *St. Lucie Plant Unit No. 2*—ACRS report re Operating License.

*C. *Comanche Peak Steam Electric Station Units 1 and 2*—ACRS report re Operating License.

*D. *NRC Systematic Evaluation Program*—Review and comment on proposed program scope and schedule.

*E. *NRC Task Action Plan A–45*—Review and comment on proposed plan for evaluation of alternate decay heat removal systems.

*F. *Proposed NRC Rule (10 CFR 50) on Application of Three Mile Island Unit 2 Lessons Learned to Pending Operating License Applications*—ACRS review and comment.

*G. *Reports of ACRS Subcommittees*—Re current activities including reliability of electrical power supplies at nuclear plants, human factors including the qualifications, training, and certification of management, operators, and supporting personnel; regulatory activities; and preparation of the ACRS Annual Report to Congress on the NRC Safety Research Program.

December 10–12, 1981: Agenda to be announced.

January 7–9, 1982: Agenda to be announced.

Dated: October 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-31449 Filed 10-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–325 and 50–324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 41 and 64 to Facility Operating License Nos. DPR–71 and DPR–62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Units Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

The amendments consist of administrative changes to the Technical Specifications to properly reflect facility instrumentation nomenclature.

The application for 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 the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the 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 the amendments.

For further details with respect to this action, see (1) the application for amendments dated September 24, 1981, (2) Amendment Nos. 41 and 64 to License Nos. DPR–71 and DPR–62, and (3) the Commission's letter to the licensee dated October 20, 1981. 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 Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. 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 20th day of October 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-31450 Filed 10-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR–61, issued to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility) located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to incorporate revisions to the limit curves for hydrostatic and leak testing.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 28, 1981, (2) Amendment No. 43 to License No. DPR-61, 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 Russell Library, 119 Broad Street, Middletown, Connecticut 16457. 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 23rd day of October, 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-31451 Filed 10-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-366, License No. NPF-5, EA 81-57]

Georgia Power Co.; Order Imposing Civil Monetary Penalty

I

Georgia Power Company, 270 Peachtree Street, Atlanta, GA 30303 (the "licensee") is the holder of License No. NPF-5 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes operation of the Edwin I. Hatch Nuclear Plant, Unit 2 in Appling County, Georgia, under certain specified conditions and is due to expire on December 27, 2012.

II

An inspection of the licensee's activities under the license was conducted on March 23-27, 1981 at the Edwin I. Hatch Nuclear Plant, Unit 2 in Appling County, Georgia. As a result of this inspection, it appears that the licensee has not conducted its activities in full compliance with the conditions of its license and with the requirements of NRC regulations. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated July 28, 1981. The Notice stated the nature of the violations, the provisions of the Nuclear Regulatory Commission regulations and license conditions which the licensee had violated, and the amount of civil penalty proposed for each violation. An answer dated August 26, 1981 to the Notice of Violation and Proposed Imposition of Civil Penalty was received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for rescission of the proposed civil penalty, the Director of the Office of Inspection and Enforcement determined that the penalty proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.[1]

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Forty Thousand Dollars ($40,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, DC 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, DC 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC regulations and license conditions as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty; and

(b) Whether, on the basis of such violation, this Order should be sustained.

Dated at Bethesda, Maryland this 19th day of October 1981.

For the Nuclear Regulatory Commission.

R. C. DeYoung,

Deputy Director, Office of Inspection and Enforcement.

[FR Doc. 81-31452 Filed 10-28-81; 8:45 am]

BILLING CODE 7590-01-M

[1] Copies of relevant documents are available in the NRC's Public Document Room.

[License No. 12-13568-01, EA 81-32]

Isotope Measurements Laboratories, Inc.; Order Imposing Civil Penalty

I

Isotope Measurements Laboratories, Incorporated, 3304 Commercial Ave., Northbrook, Illinois, 60062 (the "licensee") is a holder of Byproduct Material License No. 12-13568-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to receive, store and deliver packaged radiopharmaceuticals to specifically licensed recipients, in accordance with the conditions specified therein. The license was initially issued on February 13, 1970, and will expire on February 28, 1985.

II

An investigation was conducted from June 1980 through January 1981 of licensed activities under the license. As a result of this investigation it appears that the licensee has not conducted its activities in full compliance with the conditions of the license and with the requirements of the Nuclear Regulatory Commission's "Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material," Part 32, Title 10, Code of Federal Regulations.

A written Notice of Violation was served upon the licensee by letter dated May 28, 1981, specifying the item of

noncompliance in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of a Civil Penalty was served concurrently upon the licensee in accordance with section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282), and 10 CFR 2.205 which incorporated by reference the Notice of Violation. The licensee responded to the Notice of Violation and Proposed Imposition of a Civil Penalty by letter dated June 24, 1981.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for deferral, compromise, mitigation, or cancellation contained therein the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the item of noncompliance designated in the Notice of Violation should be imposed.*

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Five Thousand Seven Hundred Dollars (5,700) within thirty days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee was in noncompliance with the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Sections II and III above; and,

(b) Whether, on the basis of such violation, this Order should be sustained.

Dated at Bethesda, Maryland this 22 day of October 1981.

For the Nuclear Regulatory Commission.

R. C. DeYoung,

Deputy Director, Office of Inspection and Enforcement.

[FR Doc. 81-31453 Filed 10-29-81; 8:45 am]

BILLING CODE 7590-01-M

*Copies of relevant documents are available in the NRC's Public Document Room.

[License No. 42-17552-01, EA 81-64]

Mustang Services Co.; Order Imposing Civil Penalties

I

Mustang Services Company, 5301 Hollister Road, Suite 120, Houston, Texas, 77040 (the "licensee") is the holder of License No. 42-17552-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). License No. 42-17552-01 authorizes use of sealed sources of byproduct material.

II

An investigation of the licensee's activities under the license was conducted on June 29, 1981, at the licensee's facility located in Oklahoma City, Oklahoma. As a result of this investigation, it appears that the licensee had not conducted its activities in full compliance with the conditions of its license and with the requirements of NRC regulations. A written Notice of Violation and Proposed Imposition of Civil Penalties were served upon the licensee by letter dated August 21, 1981. This Notice stated the nature of the violations, the provisions of the Nuclear Regulatory Commission regulations and license conditions which the licensee had violated, and the amount of civil penalties proposed for each violation. An answer dated September 18, 1981, to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for mitigation or cancellation contained therein, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be mitigated from Six Thousand Dollars to Four Thousand Dollars.*

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295) and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the total amount of Four Thousand Dollars within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States, and mailed to the Director of the Office of Inspection and Enforcement.

The licensee may, within thirty days of the date of this Order, request a hearing. A request for hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC regulations and license conditions as set forth in Items IA and IB of the Notice of Violation and Proposed Impostion of Civil Penalties; and,

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 20th day of October 1981.

For the Nuclear Regulatory Commission.

R. C. DeYoung,

Deputy Director, Office of Inspection and Enforcement.

[FR Doc. 81-31454 Filed 10-29-81; 8:45 am]

BILLING CODE 7590-01-M

*Copies of relevant documents are available in the NRC's Public Document Room.

[Docket No. 50-298]

Nebraska Public Power District (Cooper Nuclear Station); Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 75 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District (the licensee), which revised the Technical Specifications for operation of the Cooper Nuclear Station located in Nemaha County, Nebraska. The amendment is effective as of the date of its issuance.

This amendment modifies Appendix A of the Technical Specifications to (1) delete the reporting requirements concerning secondary leak rate testing and the reporting of design fatigue usage in the Annual Operating Report, (2) include additional instrumentation and valves in the Technical Specifications installed to satisfy the requirements of NUREG-0737 for items II.E.4.1 and II.K.3.15 and (3) make a number of administrative 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 the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 26, 1981, (2) Amendment No. 75 to License No. DPR-46 and (3) the Commission's letter to the licensee dated October 20, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska 68304. 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 20th Day of October 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-31455 Filed 10-28-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals

Correction

In FR Doc. 81-30958, appearing on page 52290, in the issue of Monday, October 26, 1981, as "Part IV" the signature was inadvertently omitted.

On page 52290, third column, the signature should have read:

Ronald Reagan,

White House.

BILLING CODE 1505-01-M

Agency Forms Under Review

Background

October 26, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available).

The office of the agency issuing this form.

The title of the form,

The agency form number, if applicable,

How often the form must be filled out,

Who will be required or asked to report,

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected,

Whether small businesses or organizations are affected,

A description of the Federal budget functional category that covers the information collection,

An estimate of the number of responses,

An estimate of the total number of hours needed to fill out the form,

An estimate of the cost to the Federal Government,

An estimate of the cost to the public,

The number of forms in the request for approval,

An indication of whether section 3504(h) of Pub. L. 96-511 applies,

The name and telephone number of the person or office responsible for OMB review and,

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this

process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201.

New

• Agricultural Marketing Service
Walnuts Grown in California—Marketing Order No. 984
On occasion, monthly, annually, other—see SF83
Businesses or other institutions
Affects 32 walnut handlers in California
SIC: 514 515 203
Agricultural research and services: 2,717 responses; 303 hours; $593 Federal cost; 9 forms; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The 9 board forms used by walnut handlers enable the walnut marketing board to determine acquisitions, production and inventory information, along with disposition of merchantable, substandard, and reserve walnuts.

• Agricultural Marketing Service
Florida Limes—Marketing Order No. 911
Annually
Businesses or other institutions
Florida lime producers & handlers under marketing order 911
SIC: 017 515 203
Small businesses or organizations
Agricultural research and services: 98 responses; 2 hours; $500 Federal cost; 4 forms; $20 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The Florida Lime Administrative Committee forms are used to obtain information from producers relating to their lime growing business and from handlers relating to their lime business as packers and shippers and their intent to apply for a prorate base and allotment under the marketing order.

• Agricultural Marketing Service
Oregon-Washington Bartlett Pears—Marketing Order No. 931
Weekly, other—see SF83
Businesses or other institutions
Washington-Or. fresh Bartlett pear handlers under M.O. 931
SIC: 515 017
Small businesses or organizations
Agricultural research and services: 3,505 responses; 261 hours; $500 Federal cost; 2 forms; $1,607 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The Fresh Bartlett Pear Marketing Committee forms are used to obtain information from handlers relating to their fresh Bartlett pear shipments semi-monthly by date of shipment, quantity (by type of container), and destination, and weekly packout, including number of containers sold and unsold by variety.

Revisions

• Food and Nutrition Service
Household Composition, Income Standards, Initial Month Benefits, Adjustments, Deductions, and Outreach (Model Food Stamp Forms)
FNS 385 386 387
On occasion
Individuals or households/State or local governments
State & local welfare agencies, applicant & part. hhlds.
SIC: 943 881
Food and nutrition assistance: 105,877,760 responses; 29,386,083 hours; $67,163,301 Federal cost; 3 forms; not applicable under 3504(h)
Nell Minow, 202–395–7340

Form revisions are necessitated by regulations which implement those provisions of the 1981 Omnibus Reconciliation Act aimed at reducing the growth of Federal food stamp program expenditures for fiscal year 1982, by restricting eligibility for the program and reducing benefits to certain households which remain eligible.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627.

Extensions (Burden Change)

• Bureau of the Census
Tractors (Production and Shipments)
M–35S
Monthly
Businesses or other institutions
Mfgrs of wheel & tracklaying tractors & trklyg trac. shovel
SIC: 352 353
Other advancement and regulation of commerce: 240 responses; 40 hours; $8,008 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

This survey was begun in 1951 to provide of the production and shipments wheel and tracklaying tractors and tracklaying tractor shovel loaders. Government agencies use the data as one of the key indicators in the United States economy. Business firms use the data for market analysis and long-term planning.

• Bureau of the Census
Construction Progress Report State and Local Governments
C–700 (SL)
Monthly
State or local governments
State and local government agency officials
SIC: multiple
Other advancement and regulation of commerce: 34,800 responses; 8,700 hours; $603,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

These statistics are used in economic research and analysis to assess the effect of construction activity on the economy and for direct input to the national income and products accounts. They are also used in marketing research and private business.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195.

Revisions

• Departmental and Others
Professional Evaluation
DS5011
On occasion
Individuals or households
Supvs. of edu. or indiv. in the capacity to eval. applicants
Department of Defense—Military: 9,000 responses; 3,500 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The information provides an evaluation to the applicants abilities and personal traits which promise success in an overseas teaching assignment with DOD.

• Departmental and Others
Supplemental Application for Employment with DOD Overseas Dependents Schools
DS5010
On occasion
Individuals or households
Professional educators
Department of Defense-Military: 4,500 responses; 2,250 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

To provide, in brief, personal, professional, and academic data for use in screening applications for employment with DODDS.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030.

New

• Office of Postsecondary Education

Application for Grants Under the Strengthening Program
ED 851
Annually
State or local governments/businesses or other institutions
Institutions of higher education
SIC: 822
Higher education: 550 responses; 95,100 hours; $657,366 Federal cost; 1 form; $951,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The attached application form must be completed by all institutions applying for grants under the strengthening institutions program, title III of the Higher Education Act of 1965 as amended by Pub. L. 96–374. The application will enable the Secretary to evaluate the needs of the applicants to determine which applications should be funded and the total amount of any grant that may be awarded.

• Office of Postsecondary Education
Application for Grants Under the Special Needs Program
ED 852
Annually
State or local governments/businesses or other institutions
Institutions of higher education
SIC: 822
Higher education: 350 responses; 63,098 hours; $657,366 Federal cost; 1 form; $630,980 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The attached application form must be completed by all institutions applying for grants under the special needs program, title III of the Higher Education Act of 1965, as amended by Pub. L. 96–374. The application will enable the Secretary to evaluate the needs of the applicants to determine which applications should be funded and the total amount of any grant that may be awarded.

Revisions

• Office of Elementary and Secondary Education
Application for Grant Under the College Assistance Migrant program (CAMP)
ED 819–1
Annually
State or local governments
Institutions of higher education
SIC: 822
Elementary, secondary, and vocational education: 50 responses; 1,000 hours; $17,000 Federal cost; 1 form; $10,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Title IV of the Higher Education Act of 1965 as amended, authorizes the Secretary to maintain and expand secondary and postsecondary high school equivalency programs and college assistance migrant programs projects. In order to meet the responsibility of determining those grantees who will most effectively provide services to the target population, the Secretary must gather data regarding proposed services. Data will be used to select program grantees.

• Office of Elementary and Secondary Education
Application for Grant Under the High School Equivalency Program (HEP)
ED 819
Annually
State or local governments/businesses or other institutions
Institutions of higher education
SIC: 822
Elementary, secondary, and vocational education: 50 responses; 1,000 hours; $17,000 Federal cost; 1 form; $10,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Title IV of the Higher Education Act of 1965 as amended, authorizes the Secretary to maintain and expand secondary and postsecondary high school equivalency programs and college assistance migrant program projects. In order to meet the responsibility of determining those grantees who will most effectively provide services to the target population, the Secretary must gather data regarding proposed activities. Data will be used to select program grantees.

• Office of Educational Research and Improvement
Institutional Characteristics of Colleges and Universities: 1982–83 (HEGIS XVII)
ED (NCES) 2300–1 & 2300–1A
Annually
Businesses or other institutions
Colleges and universities and their systems/central offices
SIC: 822
Research and general education aids: 3,450 responses; 1,400 hours; $213,400 Federal cost; 2 forms; $8,400 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Survey contains characteristics of institutions of higher education eligible for listing in education directory, colleges and universities. Includes name of institution, location, identification codes, telephone number, year established, enrollment, undergraduate tuition, and other basic information. Lists specific accreditations. Provides list of administrative officers and their titles.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

Revisions

• Economic Regulatory Administration
Report of Oil Imports into the United States and Puerto Rico
ERA–60
Monthly
Businesses or other institutions
Importers of crude and unfinished oil and petroleum products to U.S. and P.R.
SIC: 291 299 517
Small businesses or organizations
Energy information, policy, and regulation: 8,400 responses; 16,800 hours; $93,826 Federal cost; 1 form; not applicable under 3504 (h)
Jefferson B. Hill, 202–395–7340

The information is used for determining the monthly amounts of crude oil, unfinished oils and petroleum products imported into the U.S. and Puerto Rico. The information is published in various DOE/EIA reports and is also used for monitoring petroleum products.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• National Institutes of Health
Telephone Survey of Physicians To Determine Awareness of NIH Consensus Development Program
Nonrecurring
Businesses or other institutions
Physicians in continental U.S.
SIC: 801
Small businesses or organizations
Health: 700 responses; 35 hours; $20,700 Federal cost; 1 form; $350 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The telephone survey of 700 medical specialists will be conducted to determine the effectiveness of agency efforts to disseminate information about the NIH consensus development program and the upcoming meeting on computed tomographic scanning of the brain. The results of the survey will enable the agency to better inform the relevant community, resulting in greater

professional and public input into the consensus program.

Extensions (Burden Change)

• Health Care Financing Administration
Inpatient Hospital and Skilled Nursing Facility Admission and Billing
HCFA-1453
On occasion
State or local governments/businesses or other institutions/hospitals and skilled nursing facilities, private and State
SIC: 805 806
Small businesses or organizations
Health: 15,304,000 responses; 3,826,000 hours; $95,028,800 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

Used by providers to claim reimbursement for inpatient services to medicare beneficiaries. Intermediaries used data to determine interim payments to providers and to update beneficiaries master utilization record.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

Extensions (Burden Change)

• Office of Justice Assistance, Research and Statistics
Certification for Central State Repository
BJS 6600/8, 9, 10
Annually
State or local governments
State/local criminal justice agencies
SIC: 922
Criminal justice assistance: 52 responses; 52 hours; $7,000 Federal cost; 3 forms; $520 public cost; not applicable under 3504(h)
Andy Uscher, 202-395-4814

The proposed form is to be used in order to assess the needs and problems of States attempting to develop procedures consistent with section 818(b) of the Justice System Improvement Act and 28 CFR 20. These statutory and regulatory provisions are intended to ensure that criminal history information collected, stored, or disseminated with the assistance of fund provided under title I of the Omnibus Crime Control Act of JSIA be consistent with prudent information policy stand.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

New

• Employment Standards Administration
Representative Fee Request
ESA-CA-38
On occasion
Businesses or other institutions
Lawyers and other representatives of claimant seeking fees
SIC: 811
Small businesses or organizations
Income security: 15,000 responses; 22,500 hours; $324,300 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202-399-6880

Attorneys and other representatives requesting a fee for services for representing a claimant in FECA cases before the Office of Workers' Compensation programs are required to submit certain supporting information before a fee can be authorized

• Employment Standards Administration
Claims for Compensation by Non-Federal Law Enforcement Officers or Dependents Information Reports
ESA CA-721, CA-722
Nonrecurring
Individuals or households
Non-Federal law enforcement officers, or their dependents
Income security: 75 responses; 103 hours; $440 Federal cost; 2 forms; not applicable under 3504(h)
Laverne V. Collins, 202-395-6880

The forms are used to report and claim benefits for injuries or deaths by non-Federal law enforcement officers or their dependents

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

New

• Coast Guard
Production Test Reports for Life Saving Devices (Flotation Devices)—46 CFR Subchapter Q
Annually
Businesses or other institutions
Manufacturers of life saving devices (flotation devices)
SIC: 259
Small businesses or organizations
Water transportation: 55 responses; 5,500 hours; $135,000 Federal cost; 1 form; $137,500 public cost; not applicable under 3504(h)
Wayne Leiss, 202-395-7340

The applicable specifications require retaining annual reports of production testing of life saving appliances (flotation devices) conducted by the manufacturer of the equipment for review by Coast Guard or independent laboratory personnel

• Coast Guard
Reporting and Recordkeeping for Vessel Documentation (Old)
On oaccasion
Individuals or households/State or local governments/businesses or other institutions
Owners of Yachts and Commercial Vessels
SIC: 441 442 443 444 445
Small businesses or organizations
Water transportation: 470,000 responses; 314,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202-395-7340

Enclosure (1) fully states Coast Guard's position with respect to interim clearances. Enclosure (2) forwarded Coast Guard request to OMB.

• Coast Guard
Fleeting Facility Records
On occasion
Businesses or other institutions
Barge fleeting fac. between miles 88 & 127, Miss. River
SIC: 446
Small businesses or organizations
Water transportation: 98,550 responses; 4,928 hours $0 Federal cost; $73,920 public cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202-395-7340

33 USC 1225, 1231—The person in charge of a barge fleeting facility must keep records of barge mooring activities and hazardous cargo movements. This record helps assure regulatory compliance and may be used for enforcement purposes.

• Coast Guard
Safety Approval of Cargo Containers
On occasion Biennially
Businesses or other institutions
Intermodal container owners/manufacturers/operators
SIC: 373 441 442
Small businesses or organizations
Water transportation: 438,126 responses; 16,764 hours; $1,710 Federal cost, 1 form; not applicable under 3504(h)
Wayne Leiss, 202-395-7340

46 USC 1503—Reporting and recordkeeping requirements are addressed by this submission. These are enforcement requirements and operational safety requirements for the construction of intermodal containers. They are used by container owners/manufacturers/operators and Coast Guard personnel to ensure that containers meet the requirements of the International Convention for Safe Containers.

• Coast Guard
Plan Approval and Records for Small Passenger Vessels
Subchapter T (46 CFR)
On occasion
Businesses or other institutions

Ship builders, designers, owners and operators
SIC: 373 441 442 443 444 445
Small businesses or organizations
Water transportation: 2,380 responses; 595 hours; $172,800 Federal cost; $119,000 public cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 USC 391A—Plan submission is required to show compliance with the regulations for small passenger vessels. This requirement enables the Coast Guard to determine compliance before construction begins.

• Coast Guard
Oil Pollution Prevention Records
On occasion
Businesses or other institutions
Bulk oil facilities and vessels
SIC: 441 442 446
Small businesses or organizations
Water transportation: 25,000 responses; 6,250 hours; $0 Federal cost; $93,750 public cost; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

33 USC 1321 (J) (1) (C)—This recordkeeping requirement directs bulk oil facility operators and vessel operators to have available certain records. These records must be made available to the Coast Guard Captain of the Port upon request. These records assure regulatory compliance and are an enforcement tool.

• Coast Guard
Oil Pollution Alternatives
On occasion
Businesses or other institutions
Bulk oil facilities and vessels
SIC: 441 442 446
Small businesses or organizations
Water transportation: 400 responses; 400 hours; $28,480 Federal cost; $9,000 public cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

33 USC 1321 (J) (1) (C)—The Oil Pollution Prevent Regulations apply to approximately 25,000 vessels and facilities. When it is impractical to comply with the regulations, the operator of the facility or vessel may request an alternative procedure or equipment from the Captain of the Port. An equivalent level of safety and protection of environment must be maintained.

• Coast Guard
Plan Approval and Records for U.S. Vessels Carrying Oil in Bulk—33 CFR Part 157
On occasion
Businesses or other institutions
U.S. tank vessel builder, owners and operators
SIC: 442 443
Water transportation: 334 responses; 83 hours; $25,920 Federal cost; $16,730 public cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 USC 391A—Construction plans and/or flag state documentation of compliance with international standards is required in order to determine compliance with legislative minimum standards and regulatory standards.

• Coast Guard
Shipment of hazardous bulk solids
On occasion
Businesses or other institutions
Solid bulk cargo vessel owners/ operators
Sic: 441, 442, 443, 444
Water Transportation; 2,491 responses; 1,246 hours; $10,476 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

The reporting and recordkeeping requirements addressed by this submission are enforcement and operational safety requirements for a solid bulk cargo vessel. They are used by industry vessel personnel and coast guard boarding parties to ensure the vessel meets safety standards.

• Coast Guard
New design for marine portable tank
On occasion
Businesses or other institutions
Marine portable tank manufacturerers and owners
Sic: 373
Water Transportation; 110 responses; 880 hours; $17,600 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

The reporting and recordkeeping requirements addressed by this submission are basic design and operational safety requirements for marine portable tanks.

• Coast Guard
Transportation or storage of military explosives on board vessels
On occasion
Businesses or other institutions
Owners, agents, charterer's masters and others
Sic: 441, 442, 443, 444, 445
Water Transportation; 200 responses; 266 hours; $3,080 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

The reporting and recordkeeping requirements addressed by this submission are enforcement and operational safety requirements which are designed to assure the safety movement of military explosives on vessels. They require action prior to and during the transportation of the cargo. These requirements provide information and evidence of compliance to coast guard personnel.

• Coast Guard
Cargo pump system test
Annually
Businesses or other institutions
Waterfront fac. hand. bulk hazardous liq. or liquified gases
Sic: 446
Small businesses or organizations
Water Transportation; 200 responses; 50 hours; $750 public cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

33 U.S.C. 1225—Waterfront facilities that handle bulk hazardous liquids or liquefied gases must test their pumping systems yearly. Results of the tests must be kept and made available to the captain of the port upon requests.

• Coast Guard
Course, approvals, radar observer schools
Other—See SF83
Businesses or other institutions
Training schools for merchant mariners in the use of radar
Sic: 824
Water Transportation; 5 responses; 10 hours; $1,179 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 U.S.C 224—This requirement ensures that certain training schools apply to the coast guard for approval of the curricula and faculty. This requirement is to ensure a minimum level of training nationwide.

• Coast Guard
Evidence of competency, person-in-charge
On occasion
Businesses or other institutions
Waterfront facilities
Sic: 446
Water Transportation; 20 responses; 10 hours; $95 Federal cost; 1 form; $300 public costs; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

33 U.S.C. 1225—Waterfront facilities that handle hazardous liquids in bulk, other than oils must designate a person to be in charge of transfer operation. The facility operator must supply documentary evidence to the COTP of the competency of the designated person.

• Coast Guard
Plan approval and records for foreign vessels carrying oil in bulk—33 CFR Part 157
On occasion

Businesses or other institutions
Foreign tank vessel owners and operators
Sic: 441
Small businesses or organizations
Water transportation; 161 responses; 45 hours; $3,600 Federal cost; $9,760 public cost; 1 form; not applicable under 3504 (h)
Wayne Leiss, 202-395-7340

46 U.S.C. 391A, 33 U.S.C. 1903—Construction plans and/or flag state Documentation of compliance with international standards is required in order to determine compliance with legislated minimum standards and regulatory standards.

• Coast Guard
Recordkeeping requirements for ships carrying bulk hazardous liquids
On occasion—Biennially
Businesses or other institutions
Ship owners/operators
Sic: 441
Water transportation; 9,938 responses; 11,900 hours; $28,734 Federal cost; 1 form; not applicable under 3504 (h)
Wayne Leiss, 202-395-7340

46 U.S.C. 391A, 46 CFR 153—Foreign ship operators are required to keep a letter of compliance on board, which coast guard uses to determine vessels meet 46 CFR 153 requirements, what cargoes vessel can carry, etc. All vessels must have manuals to show crew how to operate refrigeration, piping systems certificate of inhabition to give crew and coast guard information on inhibited cargoes.

• Coast Guard
Plan approvals and records for access openings (watertight doors)
On occasion
Businesses or other institutions
Ship owners/operators
Sic: 441, 442
Water transportation; 21 responses; 21 hours; $5,930 Federal cost; $7,350 public cost; 1 form; not applicable under 3504 (h)
Wayne Leiss, 202-395-7340

Plan approval, records and test data are required to ensure the watertight integrity of watertight doors.

• Coast Guard
Operator original license examinations (operator, motorboat operator, ocean operator)
CG 4814
On occasion
Individuals or households
Applicants for original operator license
Water transportation; 6,050 responses; 48,400 hours; $71,287 Federal cost; 1 form; not applicable under 3504 (h)
Wayne Leiss, 202-395-7340

These examinations are used by the coast guard to assure that operators possess a minimum level of qualifications when applying for an original license.

Reinstatements

• Maritime Administration
U.S. Merchant Marine Academy application for admission and pre candidate questionnaire
KP2-65 KP3-4
Annually
Individuals or households
17-25 Yr. old applicants to the academy and school officials
Water transportation; 2,000 responses; 10,000 hours; $142,400 Federal cost; $48,340 public cost; 2 form; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202-426-5030

The application form is used to apply for admission to the U.S. Merchant Marine Academy. The pre-candidate questionnaire is used to establish initital eligibility and to place the candidate into the Department of Defense Medical System.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-5634.5394

New

• Bureau of government Financial Operations
Depositors application to withdraw postal savings
POD 315
Other—See SF83
Individuals or households
Postal savings depositors
Central fiscal operations; 2,550 responses; 1,275 hours; $8,488 Federal cost; $6,375 public cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202-395-6880

This form is used as an application for payment by depositors of other legal representatives. This form serves to identify the depositor and insures payment is made to the proper person.

• Internal Revenue Service
Employee Retirement Income Security Act (ERISA) Noncompliance Enforcement Program—ENCEP
Nonrecurring
State or local governments/businesses or other institutions
Employers requesting initial or continued IRS approval
SIC: All
Small businesses or organizations
Central fiscal operations; 12,000 responses; 4,000 hours; $7,962 Federal cost; 8 forms; not applicable under 3504(h)
Irene Montie, 202-395-6880

Forms 6525-6532 explain deficiencies found in employee benefit plans and prescribe the appropriate action to be taken by employers to avoid disqualification of their plans. The information is requested to ensure that plans conform to the employee retirement Income Security Act of 1974 (ERISA).

• Internal Revenue Service
Sale verses lease information request
AF 70
Nonrecurring
Individuals or households/businesses or other institutions
Corps., partnerships, individuals, small business corps.,
SIC: All
Small businesses or organizations
Central fiscal operations; 120 responses; 600 hours; $874 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

This information is needed to ascertain if taxpayer is to be allowed to change its method of accounting for treatment of leases. The data is evaluated to determine if the new method clearly reflects income and if the new method reflects a consistent application of generally accepted accounting principles.

• Internal Revenue Service
Statement for receipients of interest on all-savers certificates
1099-ASC, 1087-ASC
Annually
Individuals or households/businesses or other institutions
Financial institutions (including credit unions)
SIC: 602, 603, 605, 612, 614, 672
Small businesses or organizations
Central fiscal operations; 5,017,367 responses; 427,251 hours; $72,414 Federal cost; 2 forms; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 1099-ASC is to be filed by financial institutions paying interest on all-savers certificates. Form 1087-ASC will be filed by persons receiving form 1099-ASC when some or all of the income belongs to another person. The data is used to verify that the correct amount of interest income was reported on tax returns.

• Internal Revenue Service
Royalty owners exemption certificate
Form 6783
On occasion
Individuals or households/farms/businesses or other institutions

Indiv., estates, and family farm Corp. who are qual. roy. ow
SIC: Multiple
Small businesses or organizations
Central fiscal operations; 700,000 responses; 261,800 hours; $16,100 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Internal Revenue Code Section 4994(f) allows qualified royalty owners to be exempt from windfall profit tax for up to 2 barrels a day production. Form 6783 is used for qualified royalty owners to certify their status. The data is used by the withholding agent to determine the correct amount of tax to be withheld.

• Bureau of Government Financial Operations
Assignment form
Other—See SF83
Individuals or households/businesses or other institutions
Individuals/businesses wishing to assign/receive assignments
SIC: Multiple
Central fiscal operations; 75 responses; 38 hours; $563 Federal cost; 1 form; $190 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is used when award holders wish to assign or transfer all or portion of their award to another person. In doing so, awardholder forfeits all future rights to the portion assigned.

• Bureau of Government Financial Operations
Supplement to application for payment on account of an award
TFS 6140
On occasion
Individuals or households/businesses or other institutions
Individuals or corps. who are awardholders
SIC: Multiple
Central fiscal operations; 10 responses; 10 hours; $108 Federal cost; 1 form; $50 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is used as a supplement to apply for payment on account of an award under the Mixed Claims Commission Program. This program has been completed except for a few unsettled cases.

Revisions

• Internal Revenue Service
U.S. nonresident alien income tax return
1040 NR
Annually
Businesses or other institutions/ individuals or households
Nonresident individuals, estates and trusts
SIC: 601, 602, 603, 604, 605, 673, 811
Central fiscal operations; 90,000 responses; 551,155 hours; $195,094 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is used by nonresident individuals, foreign estates and trusts to report their income subject to tax and compute their correct tax liability. The information on the return is used to determine whether income, deductions, credit, payments, etc., are correctly figured.

• Internal Revenue Service
Underpayment of estimated tax by corporations
2220
On occasion
Farms/businesses or other institutions
Corporations
SIC: All
Small businesses or organizations
Central fiscal operations; 13,000 responses; 11,060 hours; $94,763 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 2220 is used by corporations to determine whether they paid enough estimated tax, whether they are subject to the penalty for underpayment of estimated tax, and, if so, the amount of penalty. The information is used to determine whether the penalty should be assessed.

Extensions (Burden Change)

• Internal Revenue Service
Computation of business energy investment credit
SCH B 3468
Annually
Farms/businesses or other institutions
Businesses taking the business energy investment credit
SIC: All
Small businesses or organizations
Central fiscal operations; 50,000 responses; 29,700 hours; $800,085 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Businesses use Schedule B (Form 3468) to figure the business energy investment credit allowed by IRC Section 38. They enter the credit on Form 3468. IRS uses the information to determine the validity of the credit.

• Internal Revenue Service
Recapture of investment credit
4255
On occasion
Individuals or households/farms/ businesses or other institutions
All taxpayers who prematurely dispose of invest. cred. prop.
SSIC: All
Small businesses or organizations
Central fiscal operations; 735,000 responses; 796,721 hours; $35,051 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Section 47 of the IRC and Section 1.47–1 of the regulations require a statement (Form 4255) be attached to the tax return to show the computation of the Section 47 recapture tax. The taxpayer's income tax must be increased by the investment credit recapture when investment credit property is disposed of before the end of the useful life or recovery period used in the original computation of the credit.

• Bureau of Alcohol, Tobacco and Firearms
Transfer off concentrate produced from beer
ATF F3020 (5130.20)
On occasion
Businesses or other institutions
Breweries
SIC: 208
Small businesses or organizations
Federal law enforcement activities; 150 responses; 50 hours; $185 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form is necessary to document a shipment on beer concentrate in bond between brewers. Describes the shipping and receiving brewers, amount of beer concentrate involved and shipping containers sent and received and certification by the brewers of the shipment. Form used to accoaunt for beer concentrate in bond by the brewers and ATF.

• Internal Revenue Service
Claim for deficiency dividends deduction by a pers. holding co., reg. inv. co., or reit
976
On occasion
Businesses or other institutions
Corporations claiming a deduction for deficiency dividends
SIC: 651, 653, 671, 672, 673, 679
Small businesses or organizations
Central fiscal operations; 500 responses; 500 hours; $5,237 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 976 is used by a personal holding company, regulated investment company, or reit to claim a deduction for deficiency dividends. This information is used to help determine that the deficiency dividend deduction claimed is correct.

Extensions (No change)

• Internal Revenue Service
Application for change in accounting method
3115
Nonrecurring
Individuals or households/farms/businesses or other institutions
Individuals, partnerships, fiduciaries, and corporations
SIC: All
Small businesses or organizations
Central fiscal operations; 3,000 responses; 3,000 hours; $17,649 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 3115 is used by a taxpayer (individual, partnerships, fiduciary, or corporation) to request a change in the accounting period, including the accounting treatment of any item. This information is used to determine whether permission to change should be granted.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

Extensions (Burden Change)

• Part 250—Oversales
On occasion
Businesses or other institutions
U.S. certificated and foreign route air carriers
SIC: 451
Small businesses or organizations
Air transportation; 324 responses; 62 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Makes public airline company policy for determining the order passengers are boarded on the event of an oversold flight.

Reinstatements

• Registration or amendments under part 297 of the economic regulations of the Civil Aeronautics Board
297A
Nonrecurring
Businesses or other institutions
Foreign indirect air carriers
SIC: 471
Small businesses or organizations
Air transportation; 15 responses; 45 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Implements Section 402 of the Federal Aviation Act which requires submission of data by foreign indirect air carriers in order to receive a permit under this section.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Office—Panos Konstas—202–389–4481

Extensions (No Change)

• Certificate of adoption of resolution
FDIC 6200/19
Nonrecurring
Businesses or other institutions
Newly chartered banks seeking FDIC insurance
SIC: 602, 603
Small businesses or organizations
Mortgage credit and thrift insurance; 102 responses; 34 hours; $1,530 Federal cost; $340 public cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Information is used as evidence that the board of a new bank has ratified the actions of its incorporators.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5326

New

• Letter requesting confirmation of insurance or data missing from application or remittance of fees
FMC–11 (OCS)
On occasion
Businesses or other institutions
Ves. owners and oper. carrying oil from offshore fac., etc.
SIC: 441, 442
Water transportation; 16 responses; 4 hours; $120 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

When an insurance form has not been submitted or an incomplete application form has been received this letter is mailed to the applicant. Also, when an incomplete application form has been submitted the letter requests the missing data from the vessel operator.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202–452–2983

Extensions (Burden Change)

• Annual Report of trust assets
FFIEC 001
Annually
Businesses or other institutions'
State member commercial banks and trust companies
SIC: 602, 671
Small businesses or organizations
General government; 45 responses; 7,200 hours; $2,360 Federal cost; $144,000 public cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This interagency report is the basic report on fiduciary asset totals and activities. It is used to monitor changes in scope of discretionary trust activity and resource needs for supervisory purposes. The data is also used for statistical and analytical purposes.

• Report of condition and income
FFIEC 010, 011, 011J 012, 013 013J, 013S, 014, 015
Quarterly—semiannually—annually
Businesses or other institutions
State chartered member commercial banks
SIC: 602
Small businesses or organizations
General government; 6,625 responses; 116,195 hours; $292,453 Federal cost; $2,323,900 public cost; 9 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

These reports provide for all state member banks a quarterly summary statement and detail schedules of assets, liabilities, and capital accounts in the form of a condition report, and summary statement and detail schedules of operating income and expenses, sources and disposition of income and changes in equity capital in the form of a income statement. Banks with foreign offices also provide income attributable to international business and additional detail of foreign

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

New

• Monthly report of employees service hours and compensation wage A B
Monthly
Businesses or other institutions
Class I Railroads
SIC: 401
Ground transportation; 533 responses; 64,493 hours; $14,000 Federal cost; 1 form; not applicable under 3504 (h)
Donald Arbuckle, 202–395–7340

Monthly employment service hours and compensation for job classification are essential to proper administration of the IC Act. The data are used by the Commission to assess growth, sudden changes in carrier employment and compensation and to identify changes and trends that may affect the transportation system.

• Monthly preliminary report of number of employees Class I railroads
Preliminary wage
Monthly
Businesses or other institutions
Class I railroads
SIC: 401

Ground transportation; 492 responses; 6,888 hours; $3,800 Federal cost; 1 form; not applicable under 3504 (h)
Donald Arbuckle, 202–395–7340

Monthly employment by group for class I railroads are essential for proper administration of the IC Act. Reports are used by the Commission to identify sudden changes in employment and changes and trends that may affect the transportation system.

Extensions (Burden change)

• Service life study
ACV–159
Annually
Businesses or other institutions
Class I line—Haul railroads
SIC: 401
Ground transportation; 41 responses; 1,640 hours; $8,500 Federal cost; 1 form; not applicable under 3504 (h)
Donald Arbuckle, 202–395–7340

Form ACV–159 is a general recordkeeping procedure by which the Commission maintains service life data for use in determining service life of property for computation of depreciation rates by the straight line method. Data are used by the Commission and the railroads.

NATIONAL CREDIT UNION ADMINISTRATION

Agency Clearance Officer—Mr. Troy Robinson—202–357–1202

Extensions (Burden Change)

• 12 U.S.C. 1784 continued insurability status report
NCUA 9653
Annually
State or local governments
State regulatory authorities
SIC: 614
Mortgage credit and thrift insurance; 4,500 responses; 4,500 hours; $45,000 public cost 1 form; not applicable under 3504 (h)
Phillip T. Balazs, 202–395–4814

Statute permits NCUA to examine insured state credit unions. NCUA utilizes state examination reports to the maximum extent possible in determining the continued insurability of federally insured state chartered credit unions to minimize the regulatory burden and cost to the public. State examines complete this form for every such examination to aid in determination of continued insurability.

• 12 CFR 710 voluntary liquidation of federal credit unions
12 CFR 710 NCUA 8040
On occasion
Businesses or other institutions
Credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance; 110 responses; 2,244 hours; 15 forms; not applicable under 3504 (h)
Phillip T. Balazs, 202–395–4814

Provide progress reports on voluntary liquidations to NCUA.

• Forms and instructions for CLF loans: Request for funds: Statement of Cash receipts and disbursements: Cash flow protection: Seasonal flow computation
7001, 7002, 7003, 7004
On occasion
Businesses or other institutions
Credit unions
Sic: 614
Small businesses or organizations
Mortgage credit and thrift insurance; 800 responses; 2,295 hours; 5 forms; not applicable under 3504 (h)
Phillip T. Balazs, 202–395–4814

Forms required to be filled out in applying for CLF and CLF-qualified loans.

• Data processing guidelines for Federal credit unions
NCUA 8009
Other—See SF83
Businesses or other institutions
Federal credit unions
SIC: 614
Small Business or organizations
Mortgage credit and thrift insurance; 54,000 responses; 540,000 hours; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This manual describes the principles, standards and procedures for use by Federal credit unions in maintaining records from day-to-day operations on computer.

• Special accounting and operating procedures for Federal credit unions maintaining offices overseas
NCUA 8039
Other—See SF83
Businesses or other institutions
Federal credit unions
SIC: 614
Mortgage credit and thrift insurance; 120 responses; 4,800 hours; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This manual describes accounting principles, standards, and procedures to be used by Federal credit unions which have branch offices overseas.

• 12 U.S.C. 1786 terminations of insured status
12 U.S.C. 1786
Nonrecurring
Businesses or other institutions
Credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance; 30 responses; 1,238 hours; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

The statutory provision permits an insured FCU to terminate its insured status upon not less than 90 days written notice to the NCUA Board. Such notice must also be sent to all affected members.

• 12 CFR 741.6 Notice of involuntary termination of insured status
12 CFR 741.6
Nonrecurring
Businesses or other institutions
Credit unions
SIC: 614
Small Businesses or organizations
Mortgage credit and thrift insurance; 30 responses; 300 hours; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

When insurance is voluntarily discountinued, a notice must be mailed to each credit union member in a form delineated in the regulation.

• 12 CFR 701.272 Credit union service corporation
12 CFR 701.272
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance; 240 responses; 1,200 hours; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This regulation requires that FCU's wishing to form a credit union service corporation submit an application for approval to NCUA, including the corporation articles of incorporation, bylaws and information relating to the use of services by stockholders and non-stockholders, fees, statements as to official or employees of FCU involvement and any other information requested.

• 702.3 full and pair disclosure required
12 CFR 702.3
On occasion
Business or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance; 12,578 responses; 301,872 hours; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

The regulations, which generally requires full and fair disclosure by an FCU of its financial condition to its members, requires FCU financial

statements to disclose all assets, liabilities, members equity, all income and expenses. This is the statement of financial condition.

Extensions (No change)

- Supervisory committee manual for Federal credit unions

NCUA 8023 12 CFR 2701.12 bylaw III IRPS 80-12
12 U.S.C. 1761D
Annually
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance; 12,800 responses; 2,048,000 hours; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202-395-4814

This manual describes the standards, procedures and recordkeeping requirements for audits of Federal credit unions.

- Membership applications for CLF: Regular membership, agent

12 CFR 725.3, 12 CFR 725.4
Nonrecurring
Businesses or other institutions
Credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance; 85 responses; 85 hours; 2 forms; not applicable under 3504(h)
Phillip T. Balazs, 202-395-4814

Applications for regular and agent membership in the CLF.

- 12 CFR 701.27-1 purchase and sale of accounting services

12 CFR 701.271
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance; 6,289 responses; 18,867 hours; 3 forms; not applicable under 3504(h)
Phillip T. Balazs, 202-395-4814

This regulation requires an FCU that purchase or sells accounting services to keep in its files any contracts concerning purchase or sale. Such contract must delineate the terms and conditions in its entirety.

- 704.3 Management of a corporate central Federal credit union

12 CFR 704.3
On occasion
Businesses or other institutions
Credit unions
SIC: 614
Mortgage credit and thrift insurance; 18 responses; 1,440 hours; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202-395-4814

This regulation requires the board of directors to establish detailed written management policies that must be reviewed at least annually.

- 704.4 annual audit of a corporate central Federal credit union

12 CFR 704.4
Annually
Businesses or other institutions
Corporate central Federal credit union
SIC: 614
Mortgage credit and thrift insurance; 18 responses; 2,160 hours; 1 form; not applicable under 3504(h)
Phillip T. Balaza, 202-395-4814

This regulation requires Federal corporate central to have an annual audit performed. A copy of the audit must be presented to the membership at the annual meeting and to the appropriate NCUA regional office.

- 12 U.S.C. 81761B and Article II Section 2 of the FCU bylaws

Board of directors
12 U.S.C. 1761B
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance; 163,514 responses; 40,878 hours; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202-395-4814

This statutory provision requires minutes of all board meetings to be kept by the FCU. It also requires a written explanation to any person denied membership, upon written request.

- 12 U.S.C. 1761 management, board of directors, committees

12 U.S.C. 1761
Annually
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance; 12,578 responses; 6,289 hours; $62,890 public cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202-395-4814

This statutory provision requires that a list of all board and committee members and all officers, including addresses, be submitted to the NCUA board within ten days from the election.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

- Family of reports on Section 12(i) activities 17 CFR 250.71(a), (b) Forms U-12-I-A, U-12-I-B (1381-A) 979 (U-12-I-B)

On occasion
Businesses or other institutions
Registered hldg cos., elec., gas and combin. util. companies
SIC: 491, 492, 493
Other advancement and regulation of commerce; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 71, 17 CFR 250.71 and Forms U-12-I-A and U-12-I-B implement Subsection 12(i), 15 U.S.C. 791(i) of the Public Utility Holding Company Act of 1935 which makes it unlawful for any person employed or retained by a regulated company to present, advocate, or oppose any matter affecting a regulated company before Congress, the Commission, and the Federal Power Commission unless such person filed a statement with the Comm. The data is used to monitor the ext and costs of such activities.

- 17 CFR 250.7, Form U7D-certificate pursuant to Rule 7(d) of Public Utility Holding Company Act of 1935

1771
On occasion
Businesses or other institutions
Banks, insur. cos. and finance cos. or spec. purposes, etc.
SIC: Multiple
Other advancement and regulation of commerce; 34 responses; 102 hours; $747 Federal cost; $10,200 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

This filing is required by Rule 7(d) to establish the filing company's right to the exemption authorized by Sections 2(a)(3) or 2(a)(4) of the Act. It is used by financing entities holding title to utility assets leased to a utility company.

- Form N-8B-3, registration statement for unincorporated management investment companies issuing periodic plan certificates

Sec. 1838
Nonrecurring
Businesses or other institutions
Unincorp. mgtmt invest. cos. currently issu. periodic, etc.
SIC: 999
Small businesses or organizations
Other advancement and regulation of commerce; 2 responses; 340 hours; $920 Federal cost; $25,500 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form N-8B-3 is the registration statement used by unincorporation management investment companies currently issuing periodic payment plan certificates to register as investment

companies under the Investment Company Act of 1940.

- Certification pursuant to Rule 12G–4 under the 1934 Act or notice pursuant to Rule 15D–6 (Form 12G–4/15D–6) under the

Sec. 1593
On occasion
Businesses or other institutions
Sec. issu. qual. uner the se act of 1934 and rules thereunder
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce; 421 responses; 1,053 hours; $20,702 Federal cost; $78,275 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 12G–4/15D–6 is needed by the Commission in order to fulfill its statutory responsibility of determining whether to accelerate the effective date of the termination of registration and to apprise investors that periodic reports concerning the affected issuer will not longer be filed with the Commission, and why.

- Specification of conditions and arrangements for Canadian management investment companies requesting order permitting (Rule 7D–) (b)(8) (i) (iii) and (viii)

Other—See SF83
Businesses or other institutions
Canadian mangement investment companies
SIC: 999
Small businesses or organizations
Other advancement and regulation of commerce; 504 responses; 50 hours; $1,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Requires Canadian management investment companies registered under the Act to include in their charters and by-laws provisions stating that the company and its investment adviser will maintain in the United States books and records which comply with the provisions of the Act. Assures that the Commission will have the jurisdiction and authority to inspect those records.

- Form N–5, registration statement of small business investment companies under the Securities Act and Investment Company Act

Sec. 993
On occasion
Businesses or other institutions
Sml. bus. inves. cos. lic. as such und. the BSI Act of 1958
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce; 2 responses; 700 hours; $920 Federal cost; $26,250 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form N–5 is the registration statement used by small business investment companies to register as investment companies under the Investment Company Act of 1940 and to register their securities for sale to the public under the Securities Act of 1933.

- Family of registration filings 17 CFR 250.1(a) and 17 CFR 250.1(b)

1834, 1844
Nonrecurring
Businesses or other institutions
Registered hldg. cos., elec., gas and combinat. until. cos.
SIC: 491, 492, 493
Other advancement and regulation of commerce; 1 response; 1 hour; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 1(a), 17 CFR 250.1(a) and Form U5A prescribed thereby implement the requirement of Section 5(a), of the Public Utility Holding Company Act ("Act") 15 U.S.C. 79E(a), which requires the filing of a notification of registration. Failure to register renders the activities of a holding company unlawful under Section 4 of the Act. Rule 1(b), 17 CFR 250.1(b) and Form U5B prescribed thereby implement the requirement of Section 5(b) of the Act that a regis. statemt be filed subseq. to the notifica.

- Acquisition, retirement and redemption of securities by issuer 17 CFR 250.42

On occasion
Businesses or other institutions
Registered holding companies and their subsidiaries
SIC: 491, 492, 493
Other advancement and regulation of commerce; 1 response; 1 hour; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Prohibits registered holding companies or subsidiaries thereof from acquiring, retiring or redeeming securities of which it is the issuer unless authorized by Commission order. Rule 42 implements Sections 12(c) and 9 of the Public Utility Holding Company Act of 1935.

- Dividend declarations and payments on certain indebtedness 17 CFR 250.46

On occasion
Businesses or other institutions
Registered holding companies and their utility subsidiaries
SIC: 491, 492, 193
Other advancement and regulation of commerce; 1 response; 1 hour; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 46, 17 CFR 250.46, provides a mechanism whereby the Commission can police dividends paid out of capital or unearned surplus or payments on indebtedness based upon such dividends and ensure compliance with the Act and the rules thereunder.

- Disclosures detrimental to national defense or foreign policy 17 CFR 250.105

On occasion
Businesses or other institutions
Reg. hldg cos. and their util. and serv. subsid., fed. agencies
SIC: 491, 492, 193
Other advancement and regulation of commerce; 1 response; 1 hour; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 105 protects the interests of national defense or foreign policy. It prohibits the filing of any classified information. If any document is submitted pursuant to Section (a) of the rule, a statement is required from the appropriate agency indicating that the information has been classified.

- Notification of registration filed pursuant to Section 8(a) of the Investment Company Act of 1940 (Form N–8A)

Sec. 1102
Nonrecurring
Businesses or other institutions
Investment companies
SIC: All
Other advancement and regulation of commerce; 122 responses; 610 hours; $879 Federal cost; $15,250 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form N–8A is the form used by investment companies which are engaged in business to notify the Commission of their registration under the Investment Company Act of 1940.

- Family of rules under Section 8(b) of the Investment Company Act of 1940 (17 CFR 270.8b–1 to 270.8b–32)

On occasion
Businesses or other institutions
Registered investment companies
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce; 1 response; 1 hour; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The rules under Section 8 of the Investment Company Act provide standard instructions to guide persons when filing registration statements under that Act.

• Rule 270.6e-2(b)(9) exemptions for certain variable life insurance separate accounts
Other—See SF83
Businesses or other institutions
Life insurance companies
SIC: Multiple
Other advancement and regulation of commerce; 3 responses; 333 hours; $100 Federal cost; $9,990 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Life insurance companies offering variable life insurance contracts are granted exemptions from provisions of the Investment Company Act of 1940. One exemption relaxes requirements regarding the safekeeping of securities. However, records must be maintained and filed so that the Commission may monitor the care being taken to safeguard the securities.

• Rule 270.31a-1—Records to be maintained by registered investment companies, certain majority-owned subsidiaries and other persons
other—See SF83
Businesses or other institutions
Regist. invest. cos. and certain majority-owned subsidiaries
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce; 393,120 responses; 2,200,000 hours; $31,500,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 31a-1 requires investment company registrants to keep certain books and records which form the basis for their financial statements and a record of their operations activities so that these activities can be examined by Commission personnel for compliance with the law.

• Rule 270.31a-2—Records to be preserved by registered investment companies and certain majority-owned subsidiaries thereof
Other—See SF83
Businesses or other institutions
Registered invest. cos. and certain maj.-owned subsid. thereof
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce; 393,120 responses; 40,000 hours; $4,000,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 31a-2 requires registered investment companies and certain majority-owned subsidiaries thereof to preserve books, records and other documents relating to the operations of the entity so that the information therein is available to the Commission in the exercise of its regulatory functions.

• Rule 31a-3—Records prepared or maintained by other than
Nonrecurring
Businesses or other institutions
Banks and transfer agents that maintain and pres. rec., etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce; 3,120 responses; 6,240 hours; $624,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 31a-3 identifies the duties of persons that maintain and preserve books, records and other documents on behalf of registered investment companies.

• 17 CFR 250.83 exemption in the case of transactions with foreign associates
Nonrecurring
Businesses or other institutions
Registered public utility holding cos. with foreign subsid.
SIC: 491, 492
Other advancement and regulation of commerce; 1 response; 1 hour; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

To enable regulated subsidiaries, when dealing with foreign affiliates, to seek exemption from certain provisions of the Public Utility Holding Company Act.

• Form U-13-1 17 CFR 250.88—Approval of mutual service companies, organization and conduct of business of subsidiary service companies. 17 CFR 250.87 subsidiaries
1925
Nonrecurring
Businesses or other institutions
Mutual or subsid. serv. cos. of elec. and gas util., etc.
SIC: 491, 492
Other advancement and regulation of commerce; 1 response $60 Federal cost; $200 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4824

17 CFR 250.88 requires the filing of a form U-13-1 for a mutual or subsidiary service company performing services for affiliate companies of a holding company system pursuant to Section 13(b) of the Public Utility Holding Company Act. The form requires the capital structure, services rendered, method of allocation and organizational structure of each service company to be described and conform to the requirements of Section 13(b) of the Holding Company Act.

• 17 CFR 250.26 financial statement and recordkeeping requirements for registered holding companies and subsidiaries
Other—See SF83
Businesses or other institutions
Hldg. cos. and elec. and gas util. subsid. subj. to the Act
SIC: 491, 492, 493
Other advancement and regulation of commerce; 1 response; 1 hour; $168 Federal cost; $840 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 26, adopted May 21, 1975, provides that registered holding companies and their subsidiaries shall conform to the requirements of regulation S-X (17 CFR Part 210), shall make and keep various books, accts. and record, and that every registered system shall identify in its Form U5S (17 CFR 259.5S) the chart of accounts used by it and each subsid. The chart of accounts is needed to review financial statements of the registered holding company systems.

• Form S-6, for registration under the Securities Act of 1933 of unit investment trusts registered on Form N-8B-2
649
On occasion
Businesses or other institutions
Unit inves. Trusts reg. under the Inves. Co. Act of 1940
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce; 628 responses; 125,600 hours; $323,175 Federal cost; $618,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form S-6 is the registration statement form used by unit investment trusts to register their securities for sale to the public. Form S-6 contains the prospectus, the principal selling document for the trust's securities.

• Form N-8B-2, registration statement of unit investment trusts which are currently issuing securities
Nonrecurring
Businesses or other institutions
Unit investment trusts currently issuing securities
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce; 22 responses; 44,000 hours; $39,000 Federal cost; $1,320,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form N-8B-2 is the registration statement form used by unit investment trusts which are currently issuing

securities to register under the Investment Company Act of 1940.

SELECTIVE SERVICE SYSTEM

Agency Clearance Office—Clarence E. Boston—202–724–0683

New

• Request for survey of SSS registrants
Other—See SF83
Individuals or households
Random sample of draft age persons in form SMSA's
Defense-related activities; 140 responses; 350 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Compliance rates for the continuous registration process have been declined during the past six months. The proposed research will enable us to identify the causes of non-compliance and structure programs to correct the problem.

Barbara F. Young,

Acting Chief, Reports Management.

[FR Doc. 81–31648 Filed 10–28–81; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–18200; File No. SR–CBOE–81–22]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Proposed Rule Change Relating to Options on Stock Groups

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 30, 1981, the Chicago Board Options Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Chance

Item 1. Text of Proposed Rule Change

Chapter XXII

Options on Stock Groups

Introduction

The rules in this Chapter are applicable only to options on stock groups (as defined below). In addition, the rules in Chapter I through XIX are also applicable to options on stock groups, in some cases supplmented by one or more rules in this Chapter, except for rules that have been replaced in respect of options on stock groups by one or more rules in this Chapter and except where the context otherwise requires.

Rule 22.1 Definitions

(a) The term "stock group" means those securities which have been designated by the Exchange as collectively underlying an options contract.

(b) The term "class" means an option contract of the same type on the same group of underlying securities.

(c) The term "aggregate exercise price" means the price at which all of the underlying securities in the stock group may be purchased or sold upon exercise of the option contract.

(d) The term "exercise price" means the aggregate exercise price of an option on a stock group divided by the product of 100 times the number of underlying securities in the group.

(e) The term "stock group market price" means the current market value of each security in the stock groups multiplied by the number of shares of each underlying security subject to the contract divided by the product of 100 times the number of underlying securities in the group.

(f) The term "underlying securities" in respect of an option on a stock group means those securities which the Clearing Corporation shall be obligated to sell (in the case of a call option contract) or purchase (in the case of a put option contract) upon the valid exercise of the option contract, and the term "underlying security" means any of the underlying securities in the stock group.

(g) The term "covered" has the meaning set forth in Rule 1.1(y); the writer of a call option on a stock group may be covered with respect to a short position in the stock group if he is covered within the meaning of Rule 1.1(y) on a share-for-share basis with respect to each underlying security in the group.

(h) The term "limited exercise option" means an option contract which may not be exercised until the fifth business day prior to the expiration date.

(i) The term "normal exercise options" means an option contract which may be exercised at any time until the expiration date.

Rule 22.2 Designation of Stock Groups

(a) The Board may constitute for options trading stock groups consisting generally of five or more approved underlying securities. Stock groups shall be comprised of stocks of issuers primarily in the same industry or shall reflect diverse cross-industry composites.

(b) The Board may list for trading on any stock group limited exercise options, normal exercise options or both.

(c) If pursuant to Rule 5.4 the Securities Committee determines to withdraw approval as an underlying security from any security which is a component of a stock group, no option contract with a new expiration month shall be opened for trading on that group.

Rule 22.3 Terms of Options on Stock Groups

Terms of options contracts on stock groups shall be established as provided in Rule 5.6(a) except that the exercise price of each series of options shall be fixed at a price which is reasonably close to the stock group market price.

Rule 22.4 Adjustments

Options on a stock group shall be subject to adjustment in accordance with the Rules of the Clearing Corporation as applied to each underlying security comprising the group.

Rule 22.5 Meaning of Premium Bids and Offers

Bids and offers shall be expressed in terms of hundreds of dollars multiplied by the number of underlying securities in the stock group. [*E.g.*, a bid of "8" for an option on a five-stock group shall represent a bid of $4,000—8 × $100 × 5.]

Rule 22.6 Trading Rotations

Options on a stock group shall not be opened for trading until an opening transaction in each of its component underlying securities has been reported on the principal exchange of such security.

Rule 22.7 Position and Exercise Limits

In determining compliance with position and exercise limits under Rules 4.11 and 4.12, option contracts on a stock group shall not be aggregated with options contracts on an underlying security included in the group.

Rule 22.8 Reports Related to Postions Limits

In computing reportable option positions under Rule 4.13, option contracts on a stock group shall not be aggregated with option contracts on an underlying security included in the group.

Rule 22.9 Other Restrictions on Options Transactions

Restrictions pursuant to Rule 4.16.01 on the writing of uncovered calls at a discount on an underlying security subject to a stabilizing bid by underwriters shall normally not be imposed on options on a stock group.

Rule 22.10 Reporting Duties

The seller of an option on a stock group shall be required to report as required in Rule 6.51 except that he shall report the transactions by stock group rather than by underlying security or securities.

Rule 22.11 Delivery and Payment

The term "underlying security" in Rule 11.3 shall be taken to mean all underlying securities in the stock group.

Rule 22.12 Margin

(a) The term "underlying security" in Rule 12.3 shall be taken to mean all underlying securities in the stock group.

(b) The minimum margin required pursuant to Rule 12.3(a) (5) for each short option contract on a stock group shall be not less than $125 multiplied by the number of underlying securities in the group.

II. (A) Item 3. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The rules proposed in this filing are designed to permit trading on CBOE of option on stock groups consisting of approved underlying securities already listed and traded on CBOE. CBOE intends to list options on at least ten groups of five or more stocks of issuers engaged primarily in the same industry (hereinafter, "industry groups"). CBOE also intends to list options on one or more groups of approximately ten stocks representing different industries (hereinafter, "composite market group").

CBOE believes that the proposed industry and composite market options are a natural extension of the current options market on individual securities and that their introduction will be a valuable addition to the benefits currently provided to investors by listed options trading.

Listed options in general expand the set of risk/reward patterns available to investors and allow then to transfer the risk of short-term securities price fluctuations by hedging their individual securities positions in the options market. Availability of options on industry groups and on a composite market group will enable investors to separate the total risk associated with an investment in individual securities into its three components: market risk, industry risk and firm-specific risk. By using options on individual securities alone these three components of risk cannot be separated. On the other hand, CBOE's proposed options will provide investors with a mechanism for hedging the particular component of risk which concerns them most. For example, an investor may believe that a particuar stock will outperform its industry but is concerned that the price of that stock could decline as a result of factors affecting the industry as a whole. The investor could hedge against the industry component of risk by buying a put option on that industry group. An investor who holds a diversified portfolio but who fears a market decline could write a composite market call option to get protection against a portfolio decline.

In short, the proposed composite market and industry options will allow investors to manage separately the three components of risk. Thus, they will be an important addition to the current options market. Also, they will allow investors to design investment strategies which more closely mirror their desired combination of risk and reward than any strategies currently available. In addition, it will give investors the opportunity to profit from their expectations respecting price movements of industry groups, or of the stock market as a whole.

The purposes of the specific rules proposed to permit the listing and trading of options on industry and composite market groups are set forth below.

Rule 22.1 This rule sets forth the definitions which are essential to the establishment, pricing, trading and settlement of options on stock groups. "Class" is defined in 22.1(b) as options of the same type on the same group of underlying securities. Therefore, deletion or addition of a single underlying security from a stock group will result in a new group and a new class of option contracts. Further, options on a stock group will not be of the same class as options on any one of the underlying securities comprising the group.

The "stock group market price" defined in 22.1(e) for each stock group designated for trading would be computed and disseminated on a current basis. This price will be essential for determining the exercise prices defined in paragraph 22.1(d) for each option contract on a stock group as well as for the pricing and trading of the option contracts.

In determining whether the writer of an option is covered within the meaning of Rules 1.1(y) and 22.1(g), the definition of "class" in relation to options on stock groups is critical. Only a long position in all of the underlying securities or a long position in an option on the stock group, can provide cover for a short position in an option on that group.

The "limited exercise option" defined in 22.1(h), in conjunction with Rule 22.2(b), gives the Exchange the ability to list an option contract which will only be exercisable during the week of its expiration. The terms of such an option contract would preclude the assignment of exercise notices to writers during most of the life of the option and thereby spare uncovered writers the substantial transaction costs which would be involved in purchasing for delivery each of the underlying securities. The rules proposal provides, however, that the Exchange may also list conventional options on the same stock group.

Rule 22.2 The Exchange believes that at least five underlying securities must be included within each industry group to reduce significantly firm-specific risk within each industry group. In order to achieve a market composite group which minimizes industry risk, the Exchange believes that approximately ten underlying securities must be included in such a group. Only securities approved as underlying securities under the listing and maintenance standards set forth in Rules 5.3 and 5.4 would be eligible for inclusion in a stock group.

Rule 22.3 It is anticipated that exercise prices for options on industry groups and options on one or more composite market groups would be established at 5 point intervals in relation to the stock group market price.

Rule 22.4 As stock-splits, dividends, rights offerings, etc. result in adjustments of options contracts on any of the underlying securities in a stock group, a parallel adjustment will be made in the number of shares of that underlying security which are subject to options on a stock group.

Rule 22.5 This rule establishes that the bid and ask premiums, like the stock group market price, must be multiplied by 100 times the number of securities in the stock group in order to obtain the total premium payable for each option on the group.

Rule 22.6 Since the stock group market price will be based on current market prices for all stocks in the group, trading in options on a group cannot proceed until an opening price is available for each underlying security in the group.

Rule 22.7 and 22.8 These rules preclude aggregation of positions or exercises involving options on a stock

group with those involving options on component securities or on any other group. Because stock groups will be comprised at a minimum of five underlying securities, positions or exercises involving options on a stock group would not appear susceptible to mainpulative activity. The impact of any manipulative activity in the underlying security would be diluted by the number of stocks in the group. Further, premiums for the stock group options and transactions costs in the underlying security would be proportionately higher. The same rationale has been applied in determining not to aggregate such options positions for purposes of determining reportable positions.

Rule 22.9 and 22.11 Clarify the application of Rules 4.16.01 and 11.3, respectively, to options on stock groups in light of their multiple underlying securities. Rule 22.10 provides a similar technical clarification in relation to transaction reporting.

Rule 22.12 Clarifies the application of the margin provisions to a contract involving multiple underlying securities. 22.12(b) halves the minimum margin applicable to an uncovered short position in an option on a stock group since the price volatility of a five-stock group can be expected to be significantly lower than that of a single component stock. It should be noted that there is no provision in these rules for margin credit on partially covered short positions in options on stock groups, *i.e.*, positions where the writer of a call on a stock group is long one or more but not all of the underlying securities or the writer of a call or a put on a stock group and to bring such transactions within the regulatory framework of the Act and of CBOE's own rules.

The basis under the Act for the proposed rules change is Section 6(b)(5) in that the proposed changes are designed to facilitate transactions in options on stock groups and to bring such transactions within the regulatory framework of the Act and of CBOE's own rules.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Item 4. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Item 5. 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

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, 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 provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by November 19, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons

Secretary.

October 22, 1981.

[FR Doc. 81-31291 Filed 10-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18204; SR-MSRB-79-5]

Municipal Securities Rulemaking Board; Order Approving Amended Proposed Rule Change

October 23, 1981.

On May 24, 1979, the Municipal Securities Rulemaking Board (the "MSRB") Suite 507, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), and Rule 19b–4 thereunder, copies of a proposed rule change to amend its uniform practice rule, MSRB rule G–12. On August 26, 1981, the MSRB filed an amendment to the proposed rule change. The proposed rule change, as amended, would establish at eight days the time period by which a municipal securities broker or municipal securities dealer which has sent a confirmation with respect to an interdealer transaction, but has not received a contra-confirmation, must initiate procedures to verify the transaction. Currently, MSRB rule G–12 requires that such a procedure be initiated promptly.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 15901 (June 6, 1979)), and by publication in the **Federal Register** (44 FR 33993 (1979)). Notice of the amendment to the proposed rule change was given in Securities Exchange Act Release No. 18081 (September 4, 1981) and by publication in the **Federal Register** (44 FR 45458 (1981)).[1] No comments were received with respect to the proposed rule change.

The text of the proposed rule change as amended is as follows:

Rule G–12. Uniform Practice.

(a) through (c) no change.

[1] The MSRB also filed a technical amendment to the proposed rule change on October 22, 1979, to clarify that the proposed rule change established the beginning of the time period for verification procedures and did not impose a deadline for receipt of the contra-confirmation.

(d) Comparison and Verification of Confirmations; Unrecognized Transactions.

(i) and (ii) no change.

(iii) In the event a party has sent a confirmation of a transaction, but fails to receive a confirmation from the contra party or a notice indicating nonrecognition of the transaction, the confirming party shall, not earlier than the fourth business day following the trade date (the sixth business day following the trade date, in the case of an initial confirmation of a transaction effected on a "when, as, and if issued" basis) nor later than the eighth business day following the trade date, seek to ascertain whether a trade occurred. If, after such verification, suh party believes that a trade occurred, it shall immediately notify the non-confirming party by telephone to such effect and send within one business day thereafter, a written notice, return receipt requested, to the non-confirming party, indicating failure to confirm. Promptly following receipt of telephone notice from the confirming party, the non-confirming party shall seek to ascertain whether a trade occurred and the terms of the trade. In the event the non-confirming party determines that a trade occurred, it shall immediately notify the confirming party by telephone to such effect and, within one business day thereafter, send a written confirmation of the transaction to the confirming party. In the event a party cannot confirm the trade, such party shall promptly send a written notice, return receipt requested, to the confirming party, indicating nonrecognition of the transaction.

(iv) through (viii) no change.

(e) through (l) no change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

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. 81-31295 Filed 10-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18203; SR-NSCC-81-9]

National Securities Clearing Corp.; ("NSCC") Order Approving Proposed Rule Change

October 23, 1981.

On June 11, 1981, NSCC filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), (the "Act") and Rule 19b–4 thereunder, a proposed rule change authorizing NSCC to institute a Demand Withhold Service that would enable a NSCC member to cancel an OTC trade previously compared in error at NSCC, absent timely objection from the *contra* party.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17980, July 27, 1981) and by publication in the **Federal Register** (46 FR 39525, August 3, 1981). One letter of comment was received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the 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. 81-31296 Filed 10-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18205; SR-NYSE-81-18]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

October 23, 1981.

On September 21, 1981, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C 78s(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change to modify its margin rules relating to the extension of credit on shelf-registered, control and restricted securities, exchange-traded options on GNMA and U.S. Government securities and over-the-counter options on U.S. Government securities.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 18153, October 6, 1981) and by publication in the **Federal Register** (46 FR 50647, October 14, 1981). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 were made available to the public at the Commission's Public Reference Room.

In accordance with the request of the NYSE, the Commission is considering on an accelerated basis that portion of the proposed rule change relating to exchange-traded options on GNMA securities. [1] The Commission finds that the proposed rule change, insofar as it relates to exchange-traded GNMA options, 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 6 and the rules and regulations thereunder.

The Commission finds cause for approving that portion of the proposed rule change relating to exchange-traded GNMA options prior to the thirtieth day after the date of publication of the notice of filing thereof since the NYSE's proposed margin requirements for exchange-traded GNMA options conform to the margin rules of the Chicago Board Options Exchange, Incorporated ("CBOE") which were previously approved by the Commission following publication of notice thereof and opportunity for public comment. [2] Moreover, approval of the proposed rule change on an accelerated basis will facilitate the scheduled commencement of GNMA options trading by the CBOE on October 30, 1981.

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.

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[1] *See* letter to Gene E. Carasick, Assistant Director, SEC, from James F. Swartz, Jr., Vice President, NYSE (October 7, 1981). The remaining portions of the proposed rule change will be considered in accordance with normal Rule 19b–4 procedures.

[2] Securities Exchange Act Release No. 17577 (February 26, 1981), 46 FR 15242 (March 4, 1981) and Securities Exchange Act Release No. 18109 (September 21, 1981), 46 FR 47335 (September 25, 1981).

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-31292 Filed 10-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22241; 70-6521]

Columbia Gas System, Inc. et al.; Proposed Merger of Two Wholly-Owned Subsidiaries

October 23, 1981.

In the Matter of The Columbia Gas System, Inc., Columbia Gas Development Corporation, 20 Montchanin Road, Wilmington, Delaware 19807 and Commonwealth Energy Company 200 South Third Street Richmond, Virginia 23219

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, Columbia Gas Development Corporation, ("Development") a wholly-owned exploration and development subsidiary of Columbia, and Commonwealth Energy Company, also a wholly-owned subsidiary of Columbia, have filed a post-effective amendment in this proceeding pursuant to Sections 6(a), 7, 9, 10, 12(f) and 12(g) of the Public Utility Holding Company Act of 1935 ("Act").

On August 20, 1981, the Commission issued a memorandum opinion and order (HCAR No. 22166) which, among other things, approved the acquisition by merger of Commonwealth Natural Resources, Inc. ("Commonwealth"), an exempt holding company, by Columbia. That order stated that following the merger of Columbia and Commonwealth, Commonwealth Energy Company (CEC) would be consolidated with Columbia's exploration and development subsidiary.

A post-effective amendment has now been filed seeking to add Development and CEC as parties to this proceeding and requesting authorization for the issuance of stock by Development and the acquisition of stock by Columbia pursuant to a Merger Agreement dated as of September 1, 1981 between CEC and Development ("Merger Agreement"). Pursuant to that Merger Agreement, CEC will merge into Development. Two shares of Development's common stock will be issued to Columbia for each three shares of CEC stock held by Columbia. Development will assume liability for an advance originally made by Commonwealth to CEC which amounted to $791,443.91 as of August 31, 1981. Since the merger of Columbia and Commonwealth, Columbia has treated this as an emergency advance by Columbia. Development expects to repay this advance with internally generated funds. The companies state that in view of the limited extent of CEC's assets, it is desirable to eliminate the administrative burden of accounting for a separate company.

The application-declaration, as now amended, and any further 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 November 16, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by cetificate) 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 now 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 delegted authority.

George A. Fitzsimmons

Secretary.

[FR Doc. 81-31294 Filed 10-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22242; 70-6660]

Southern Co.; Proposal of Parent To Act As Surety For Subsidiary's Supersedeas Bond

October 23, 1981.

The Southern Company ("Company"), Perimeter Center East P.O. Box 720071 Atlanta, Georgia 30346 a registered holding company, has filed a declaration with this Commission pursuant to Sections 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder. The Company proposes to act as one of two sureties on a bond of its subsidiary, Alabama Power Company ("Alabama"), in connection with Alabama's appeal in a rate proceeding.

The Alabama Public Service Commission ("APSC") on October 16, 1981, entered an order denying any portion of a requested $324.9 million annual retail electric rate increase for Alabama. Alabama plans to file a notice of appeal to the Supreme Court of Alabama and plans to petition that court for authority to place into effect, subject to refund under supersedeas bond, the requested increase denied by the APSC order.

The State of Alabama statutes which permit the court to grant supersedeas require, as a condition precedent to placing the contested rate increase in effect subject to refund, that a bond be furnished in double the estimated approximate amount by which revenues would be increased in six months by reason of the increased rates sought. Two or more sureties are required on the bond. Additional bonds on like conditions must be provided each six months as long as the appeal is pending and the supersedeas is in effect.

Alabama estimates that the amount of the supersedeas bond, if the maximum requested supersedeas relief is granted by the court, would be approximately $276,322,000, which is twice the estimated increased revenue from the refundable rates for the first six months of the supersedeas period. Alabama has been advised that such a bond can be obtained from a commercial surety company only with difficulty and with a required premium of over $185,000 for the first six months' premium. The premium for additional bonds for subsequent six-month periods may be expected to increase so as to reflect increased usage and added revenue attributable to the increased rates.

In order for Alabama to avoid the premium costs attendant upon use of a commercial surety, the Company proposes to act as surety on Alabama's bond for no premium, fee or other compensation. Approval of this bond by the court would be expected.

The Company proposes to act as surety on the supersedeas bond for the revenues during the initial period of six months from the date of delivery thereof and to execute as surety such further bonds or renewals or extensions as may be required to permit Alabama to keep the proposed rates in effect until the questions raised in the appeal have been finally determined without the necessity of having to pay the substantial premiums required by the use of a commercial surety. The second surety on the bonds will be Joseph M. Farley, who is President of Alabama.

Should the court grant authority to place the rates in effect and a supersedeas bond is called by prior to the entry of a Commission order in this proceeding, the Company proposes to proceed under the emergency requirements procedure of Rule 45(b)(3)

in view of the substantial daily revenues which would be lost otherwise.

The 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 November 16, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant 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 or order issued in this matter. After said date, the 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. 81-31293 Filed 10-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12002; 812-4475]

Chase Manhattan Bank, N.A.; Application for Exemption

October 23, 1981.

Notice is hereby given that The Chase Manhattan Bank, N.A. ("Applicant"), 1 Chase Manhattan Plaza, New York, New York 10081, filed an application on May 16, 1979, and amendments thereto on July 13 and August 25, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant, any subcustodian of Applicant, any custodian for which Applicant acts as subcustodian and any investment company registered under the Act other than an investment company registered under Section 7(d) of the Act from the provisions of Section 17(f) of the Act and Rule 17f-4 thereunder to the extent necessary to permit Chase, as the custodian of the securities and other assets of such investment company or as the subcustodian of such securities and assets as to which any other entity is acting as custodian, and such other entity for which Chase so acts, to deposit, or to cause or permit the deposit of, such securities and assets in certain foreign banks and foreign securities depositories in accordance with the arrangements described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant states that it is organized as a national banking organization under the laws of the United States and is a subsidiary of The Chase Manhattan Corporation, a bank holding company. According to the application, Applicant provides the whole range of banking and trust services and, as of December 31, 1980, had 100 branch banking offices overseas. Applicant states that in recent years it has developed a system for establishing and maintaining custody accounts abroad for customers owning securities traded primarily in markets outside the United States. Applicant desires to offer registered investment companies investing in the securities of foreign issuers the custody services presently available to its other clients.

According to the application, under the proposed arrangement, an investment company would determine the country in which its assets may be located abroad and Applicant would assume no responsibility for that decision.[1] Following the determination by the investment company of a foreign location, Applicant will select the foreign bank which may have custody of the securities, which shall not include securities issued by the Government of the United States or by a State or any political subdivision thereof or by any agency thereof or any securities issued by any entity organized under the laws of the United States or any State thereof (other than certificates of deposit, evidences of indebtedness and other securities, issued or guaranteed by an entity so organized which have been issued and sold outside the United States). Applicant states that where it maintains a branch providing custodial services in any foreign location, it anticipates that it will select its own foreign branch as custodian. In locations where it does not have a branch providing custodial services, Applicant states that it will select as its agent a foreign bank, which may be an affiliate or subsidiary of Applicant. To facilitate the clearance and settlement of securities transactions, Applicant indicates that it may deposit the securities in a foreign securities depository in which it is a participant. The application states that in situations in which Applicant is not a participant in a depository, it may authorize a foreign bank acting as its subcustodian to deposit the securities in a securities depository in which the foreign bank is a participant. Applicant states that any foreign branch or foreign bank or securities depository selected by Applicant or a foreign bank will be subject to the instructions of Applicant or the foreign bank and not to those of the investment company. Any foreign bank or securities depository will act solely as agent of Applicant or of such foreign bank.

Section 17(f) of the Act provides, as here relevant, that every registered management investment company shall place and maintain its securities and similar investments in the custody of a bank having a certain minimum amount of aggregate capital, surplus and undivided profits as set forth in Section 26(a)(1) of the Act for trustees of unit investment trusts. The term "bank" is defined by Section 2(a)(5) of the Act to include (1) a banking institution organized under the laws of the United States, (2) a member bank of the Federal Reserve System, and (3) any other banking institution or trust company doing business under the laws of any State or of the United States, a substantial portion of whose business consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under the authority of the Comptroller of the Currency and which is supervised and examined by State or Federal authority having supervision over banks. The application states that the foreign banks and securities depositories which Applicant intends to use in the proposed arrangement do not appear to fall within this definition. Consequently, Section 17(f) would prohibit registered management investment companies from depositing their securities in such foreign banks and foreign securities depositories unless the Commission issued an exemptive order to permit it.

Additionally, Rule 17f-4 under the Act specifies five conditions that must be satisfied in order for a custodian to deposit investment company portfolio securities with a registered clearing agency which acts as a securities depository. Applicant, however, cannot rely on Rule 17f-4 as authority for depositing such securities with foreign securities depositories because those depositories are not clearing agencies registered with the Commission under

[1] In this connection, the Commission is of the view that, in determining the country in which the investment company's assets will be located abroad, the investment company, its officers and directors, and its investment adviser, would have a responsibility under Applicant's program to review applicable foreign law to determine whether or not such laws would offer the investment company and its investors adequate protection of their assets maintained in the custody of banks and securities depositories located in that country.

Section 17A of the Securities Exchange Act of 1934 as required by the rule. Accordingly, the application has been filed, pursuant to Section 6(c) of the Act, for an order exempting any registered investment company other than an investment company registered under Section 7(d) of the Act, Applicant, any custodian for which Applicant acts as subcustodian and any subcustodian of Applicant from the provisions of Section 17(f) of the Act and Rule 17f–4 thereunder so that Applicant may offer its custodial services abroad to such registered investment companies.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act, or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the approval of its application is both necessary and appropriate in the public interest. Applicant submits that its proposed custodial arrangement addresses unique problems facing international investors with respect to the custody and movement of securities purchased and sold for their account in foreign securities markets. Applicant maintains that its custody service would result in reduced costs and operational efficiencies to investment companies by allowing them to arrange through a single servicing agent for the custody and movement of foreign securities and yet clear and settle securities transactions efficiently in local trading markets. The application states that in the absence of a centralized custody service, it would be difficult and costly to operate in foreign securities markets since a custodian would have to be located in each local market in which a company effected securities transactions and a means would have to be provided for uniform reporting of transactions and the coordination of the activities of various agents. The application further contends that the service Applicant offers could not be made available by others in respect of the various major foreign securities markets in the world in the absence of an exemptive order granted by the Commission. If a custodian eligible under Section 17(f) cannot be located in a particular country, an investment company would have to require securities purchased in that country to be physically transferred outside the country to a qualified custodian or else not effect transactions in that country. The application states that such a movement away from the primary securities market may be disadvantageous because additional expense is incurred in transferring the securities and insuring against any loss during the period of transit, and timely delivery of any securities to be returned to the primary market for settlement after any future transaction may be jeopardized.

Applicant also represents that numerous securities traded in foreign securities market are bearer instruments. The application states that because these securities are not registered in the name of the holder, the issuer does not know the identity of the owner and cannot provide individual notice of any corporate action affecting interests in these securities. Applicant maintains that a significant benefit of using local custodians is their capability to collect and disseminate information to their depositors concerning corporate action affecting interests in the deposited securities which appears in local publications.

Applicant further submits that an exemption from the provisions of Section 17(f) and Rule 17f–4 would be consistent with the protection of investors because, according to the application, Applicant's plan affords investment company participants the same degree of contractual responsibility which such companies would have if their securities were continuously retained in the direct custody of Applicant. In this regard, Applicant has undertaken that, irrespective of the entity under the proposed arrangement which may have actual physical possession of part or all of an investment company's securities, Applicant would agree to be held to the same legal standard of care with respect to the safekeeping of such securities as would be applicable if Applicant were itself holding such securities in New York. The standard of care Applicant intends for such deposits is that Applicant will use reasonable care with respect to the safekeeping of the securities. Applicant will also use reasonable care in the selection of foreign banks which may have custody of the securities. In selecting subcustodians and authorizing deposits of securities in securities depositories, Applicant has agreed to take into consideration the financial strength of the subcustodian, its general reputation and standing in the country in which it is located, its ability to provide efficiently the custodial services required and the relative costs for the services to be rendered by it.

The application states that the Bankers Blanket Bond which Applicant currently maintains provides "standard fidelity and non-negligent loss coverage" with respect to securties which may be held in Applicant's offices or in the offices of Applicant's affiliated and subsidiary banks and securities which may be held in offices of non-affiliated foreign banks and foreign securities depositories which may be utilized in connection with Applicant's plan.[2] The application further states that Applicant intends to maintain such coverage so long as it is available at reasonable cost. If at any time Applicant for any reason discontinues such coverage, it is represented that Applicant will so inform management of each investment company for which it is providing services under the Applicant's plan. The application also states that Applicant has been informed by the staff of the Commission that it is the staff's position that it is the responsibility of management of each investment company to determine the advisability of continuing utilization of Applicant's services without such coverage.[3]

As a further element of investor protection, Applicant has agreed to warrant to each investment company using its services that the established procedures to be followed by each foreign branch of Applicant and by each foreign bank (including securities depositories holding an investment company's securities on behalf of such foreign branches or banks) holding an investment company's securities, in the opinion of Applicant after due inquiry, afford protection for such securities at least equal to that afforded by Applicant's established procedures with

[2] The Commission understands that counsel for Applicant has advised the staff that only the named insured on its Bankers Blanket Bond, which includes the Applicant and its affiliates but not any of Applicant's customers, is directly protected against loss. Counsel has further advised that, while Applicant might resist a claim of one of its customers to recover for a loss not covered by Applicant's Bankers Blanket Bond, as a practical matter, where a claim is brought and a loss is possibly covered by its Bankers Blanket Bond, the Applicant would give notice of the claim to its insurer, and the insurer would normally determine whether to defend the claim against Applicant or to pay the claim on behalf of Applicant.

[3] The Commission concurs that, if the application is granted, investment companies, their officers, directors and investment advisers, would have a responsibility to consider the advisability of continuing participation in Applicant's program in the event such coverage is discontinued.

respect to similar securities held by Applicant (including its securities depositories) in New York.

The custody agreement between Applicant and the investment company, or the subcustodial agreement between Applicant and the entity which acts as the custodian for the assets of the company, would be subject to the approval of the company and would contain any provisions required under the conditions of the order being sought by the application, and any other provisions deemed appropriate or necessary by the parties thereto and not inconsistent with the provisions of the Act. Under Rule 17f–4(d)(5) the custody agreement would be required to be approved by the board of directors of the company, and reviewed at least annually. In any event, the custody agreement would include provisions to the following effect:

1. Where securities are deposited by Applicant with a foreign bank or securities depository, Applicant shall identify on its books as belonging to the investment company the securities shown on Applicant's account on the books of the foreign bank or securities depository.

2. Where securities are deposited by a foreign bank with a securities depository, Applicant shall cause the foreign bank to identify on its books as belonging to Applicant, as agent, the securities shown on the foreign bank's account on the books of the securities depository.

3. All securities of the investment company maintained abroad through Applicant will be subject only to the instructions of Applicant or its agents.

4. Applicant will deposit securities in an account with a foreign bank which includes only assets held by Applicant for its customers.

5. Applicant will supply periodically, as mututally agreed with the investment company, statements in respect of the securities, which would include identifications of the foreign entities having custody of the securities and descriptions thereof. In addition, Applicant will send the company advices or notifications of any transfers of securities to or from the investment company's account with Applicant indicating the then location of the securities.

6. Applicant will authorize the holding of securities by a foreign bank or securities depository only (a) to the extent that the securities are not subject to any right, charge, security interest, lien or claim of any kind in favor of the foreign entity except for their safe custody or administration and (b) to the extent that beneficial ownership of such securities is freely transferable without the payment of money or value other than for safe custody or administration; *provided, however,* that the foregoing shall not apply to the extent that any of the above-mentioned rights, charges, etc. result from any arrangements made by the investment company with any such foreign bank or securities depository.

7. Applicant intends that the standard forms of custody agreements will provide that Applicant, in the performance of its duties thereunder, including the selection of foreign banks which may have custody of securities, shall exercise reasonable care, but that Applicant will not be required to maintain any insurance for the benefit of the company whose securities may be so held.

8. Applicant also intends that such standard forms of custody agreements will designate the law of New York as governing law and will provide that Applicant will indemnify and hold the company whose securities are held pursuant thereto harmless from and against any loss which shall occur as the result of the failure of a foreign bank or securities depository holding such securities to exercise reasonable care with respect to the safekeeping of such securities to the same extent that Applicant would be required to indemnify and hold such company harmless if Applicant itself were holding such securities in New York.

9. Access shall be afforded to the independent public accountants of the investment company to such of the records of Applicant and, subject to restrictions under applicable laws, of any foreign bank or securities depository in respect of securities of the company as shall be required by such accountants in connection with their examination of the books and records pertaining to the affairs of the company. As the investment company may reasonably request from time to time, Applicant will furnish its auditor's reports on Applicant's system of internal accounting controls as they relate to the service, and Applicant will use its best efforts to obtain and furnish similar reports of each foreign bank and foreign securities depository holding securities of such company.

The application states that Applicant does not intend to obtain any insurance for the benefit of any investment company which protects against the imposition of exchange control restrictions on the transfer from any foreign jurisdiction of the proceeds of sale of any securities or against confiscation, expropriation or nationalization of any securities or the assets of the issuer of such securities by a government of any foreign country in which the issuer of such securities is organized or in which such securities are held for safekeeping. The application further states, however, that Applicant understands that insurance coverage in respect of confiscation, expropriation or nationalization of securities may be available to a company desiring to purchase such coverage at its own expense and in marketing its service Applicant will discuss the availability of such insurance with each company. The application also acknowledges that Applicant has been informed by the staff of the Commission of the staff's position that any company investing in securities of foreign issuers has the responsibility of reviewing the possibility of the imposition of exchange control restrictions which would affect the liquidity of the company's portfolio and the possibility of exposure to political risk, including the appropriateness of insuring against such risk.[4]

Finally, Applicant contends that granting the application would be consistent with the purposes of the Act because, among other things, the Commission has previously granted exemptive orders permitting registered investment companies to maintain their securities in the custody of foreign custodians. The application states that the plans described in those applications resemble the custody services which Applicant wishes to offer.[5]

Notice is further given that any interested person may, not later than November 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by

[4] The Commission concurs that, if the application is granted, investment companies, and their officers, directors and investment advisers, would have a responsibility under Applicant's program to review the possibility of such risks and what, if any, action should be taken.

[5] The staff is considering the recommendation of a rule proposal which would permit the use by registered investment companies of foreign bank and foreign securities depository custodians without the necessity of individual exemptive applications.

affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–31437 Filed 10–28–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12003; 812–4972]

Standby Reserve Fund, Inc.; Filing of Application for Exemption Order

October 23, 1981.

Notice is hereby given that Standby Reserve Fund, Inc. ("Applicant"), One Battery Park Plaza, New York, New York 10004, a no-load, open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on September 17, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its assets at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant (formerly named East River Cash Reserves, Inc.) states that it is a "money market" fund designed to provide investors with preservation of capital, liquidity and, consistent with the foregoing objectives, a high income return by investing in a broad range of short-term money market instruments. Applicant represents that it will invest in short-term securities issued or guaranteed by the United States Government or its agencies or instrumentalities; certificates of deposit, including those issued by domestic banks, London branches of domestic banks, domestic branches of foreign banks, and savings and loan and similar associations; bankers' acceptances; repurchase agreements; and high grade commercial paper. Applicant states further that it may from time to time lend securities from its portfolio to brokers, dealers and financial institutions and receive collateral consisting of securities issued or guaranteed by the United States Government that will be maintained at all times in an amount equal to at least 100% of the current market value of the loaned securities. Applicant states in its preliminary prospectus, a copy of which is attached to the application, that any loans of portfolio securities will be made according to guidelines established by the Commission and Applicant's Board of Directors. Additionally, in determining whether to lend securities to a particular broker, dealer or financial institution, Applicant's investment adviser will consider all relevant facts and circumstances, including the credit-worthiness of the broker, dealer or institution; Applicant will not enter into any securities lending agreement having a duration of greater than one year; and any securities with maturities in excess of one year that the Applicant may receive as collateral for a particular loan will not become part of the Applicant's portfolio either at the time of the loan or in the event the borrower defaults on its obligation to return the loaned securities.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 states further that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of this application, the Commission expressed its view that, among other things: (1) Rule 2a–4 requires portfolio instruments of "money market" funds to be valued with reference to market factors and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with other sixty-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests an exemption from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio using the amortized cost method of valuation.

In support of the relief requested Applicant expresses its view that stability of principal and steady flow of predictable income at a currently competitive rate attract a wide range of investors to "money market" funds. Applicant believes that for it to be in a position to meet the needs and expectations of potential investors and to offer its shareholders relative stability of principal and a steady flow of predictable income at currently competitive rates, it must be able to price its portfolio at amortized cost. Applicant asserts that, if it is not permitted to price its portfolio using amortized cost, it will have difficulty maintaining a constant net asset value per share. Applicant asserts further that denial of the use of the amortized cost method could result in artificial yield differentials caused by insignificant changes in the "market" price of securities in its portfolio. Applicant maintains that an unstable net asset value per share and artificial yield differentials would be contrary to the best interests of Applicant's shareholders.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In order to enhance investor protection, the Applicant consents to issuance of an order of exemption subject to the following conditions:

1. In supervising Applicant's operations and in delegating special responsibilities involving portfolio management to Applicant's investment manager, Applicant's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by Applicant's Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Board in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources;

(b) In the event such deviation from the Applicant's $1.00 amortized cost price per share exceeds one-half of one percent, a requirement that the Board will promptly consider what action, if any, should be initiated; and

(c) Where the Board believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or reduce to the extent reasonably practicable such dilution or unfair results which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity that exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permnently in an easily accessible place a written copy of the procedures (an any modifications thereto) described in condition 1 above; and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its Board of Directors considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments that the Board of Directors determines present minimal credit risks, and that are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board.

6. Applicant will include as an attachment to each Form N–1Q it files, a statement indicating whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 17, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–31436 Filed 10–28–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18206; File No. SR–NYSE–81–20]

New York Stock Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on October 20, 1981, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would remove the provision in Rule 409 (Rule 409.10(7)) that permits a member organization to address confirmations, statements and other communications to a husband having power of attorney over his wife's account, without receiving specific written instructions from the wife to such effect and without sending the wife duplicate copies.

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

Rule 409 requires member organizations to send statements of account directly to each customer showing security and money positions and entries, at least quarterly, unless such customer has specifically directed otherwise. Certain exemptions to this requirement are provided generally for the accounts of persons/entities directly connected to the member organization or persons associated therewith. One such exemption (Rule 409.10(7)) permits a member organization to address confirmations, statements and other communications to a husband having power of attorney over his wife's account without the necessity for explicit written instructions from the wife, to such effect and without sending her duplicate copies. The Exchange is proposing to remove the exemption provided in Rule 409.10(7) because it is inconsistent with Exchange requirements that the owner of an account receive account statements unless (s)he specifically requests otherwise. the proposed amendment would insure that a wife whose husband has power of attorney over her account would have the ability to monitor the activity in and handling of her account.

Statutory basis for the proposed rule change. The statutory basis for the proposed rule change is Rules 10b–10 and 15c3–2 of the Securities Exchange Act of 1934 (the "Act"). Rule 10b–10 provides that brokers and dealers give or send to customers within five business days after the end of each quarterly period a written statement disclosing such information as each purchase or sale, effected for or with and each dividend or distribution credited to or reinvested for, the account of such customer (pursuant to a predetermined plan) during the period; the date of each such transaction; the identity, number and price of any such securities purchased or sold by such customer in each such transaction; the total number of shares of such securities in such customer's account, etc. This Rule also provides that the quarterly statement may be delivered to some other person designated by the customer for distribution to the customer.

Rule 15c3–2 under the Act provides that no broker or dealer shall use the funds arising out of any free credit balance carried for the account of any customer (defined in this rule as any person other than a broker or dealer) in connection with the operation of such broker or dealer unless such broker or dealer has established adequate procedures pursuant to which each customer for whom a free credit balance is carried will be given or sent together with the customers' quarterly statement, a written statement informing the customer of the amount due to the customer by such broker or dealer on the date of such statement and other written notices regarding the disposition of free credit balances.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before December 3, 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 19, 1981.

Dated: October 23, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-31435 Filed 10-28-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2013]

Indiana; Declaration of Disaster Loan Area

Tippecanoe County and adjacent counties within the State of Indiana constitute a disaster area as a result of damage caused by heavy rain and flooding which occurred on August 25–31, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 24, 1981, and for economic injury until the close of business on July 23, 1982, at: Small Business Administration, District Office, New Federal Building, 5th Floor, 575 North Pennsylvania Street, Indianapolis, Indiana 46204; or other locally announced locations.

Information on recent regulatory changes (Pub. L. 97–35, approved August 13, 1981) is available at the above mentioned office.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 23, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-31447 Filed 10-28-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-083]

Coast Guard Academy Advisory Committee; Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Coast Guard Academy Advisory Committee to be held in Hamilton Hall at the U.S. Coast Guard Academy, New London, CT, on Tuesday and Wednesday November 17-18, 1981. The session on Tuesday will be held from 1 to 2:45 p.m. An open session will also be held on Wednesday from 8:45 to 10 a.m.

The agenda for this meeting is as follows: (a) faculty, (b) curricula.

The Coast Guard Academy Advisory Committee was established in 1937 by Pub. L. 75-38 to advise on the course of instruction at the Academy, and to make recommendations as necessary.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend or present oral statements at the meeting should notify, not later than the day before the meeting: CAPT Roderick M. White, USCG, Dean of Academics/Executive Secretary of the Academy Advisory Committee, U.S. Coast Guard Academy, New London, CT 06320, phone (203) 444-8275.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on October 19, 1981.

[FR Doc. 81-31463 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

DOT Task Force on FAA Employer-Employee Relations; Invitation for Public Comment

AGENCY: Federal Aviation Administration, DOT.

ACTION: Invitation for public comment.

SUMMARY: The Department of Transportation has established a task force to study and evaluate the employment environment that has existed and presently exists in the Federal Aviation Administration en route and terminal air traffic control (ATC) system. The purpose of this effort is to provide the Federal Aviation Administrator with an objective assessment of those employment conditions and of the management/employee relationship pertinent thereto. The three-member task force group is comprised of: Dr. Larry Jones, Dr. Stephen Fuller, and Dr. David Bowers. The members request comments from interested parties pertaining to the conditions as previously mentioned.

DATE: Comments must be received on or before December 10, 1981.

INVITATION OF PUBLIC COMMENTS: Interested persons are invited to submit written comments on this matter. Communications should be submitted in duplicate to: L. M. Jones, Task Force Chairman, P.O. Box 1762, Wichita, Kansas 67021.

Communications received prior to December 10, 1981, will be considered along with the findings of the task force and its consultants. The written comments received and the final report will be available for inspection through the Federal Aviation Administration following the publication of the final report.

FOR FURTHER INFORMATION CONTACT: L. M. Jones, Task Force Chairman, P.O. Box 1762, Wichita, Kansas 67021, Telephone: 316-261-3211.

Dated: October 21, 1981.

James Bispo,

Associate Administrator for Air Traffic and Airway Facilities, Federal Aviation Administration.

[FR Doc. 81-31200 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

Wytwornia Sprzetu Komunikacyjnego (WSK) AI-14RA and AI-14RC Engine Certification and Availability of Documents

Based on a review of the entire certification process, the Director of FAA New England Region approved issuance of the Type Certificate E11NE, as recommended by New England Region staff, under the terms of the Bilateral Airworthiness Agreement between the United States and the Polish People's Republic (Poland).

A copy of the "Decision Basis for Type Certification of the Wytwornia Sprzetu Komunikacyjnego 'PZL-Kalisz' AI-14RA and AI-14RC Model Piston Engines" is on file in the FAA Rules Docket. The bulk of the "Decision Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein WSK demonstrated compliance with the requirement for the issue of a U.S. Type Certificate for an imported product.

The test and appendices of the "Decision Basis" include delineation of the specific legal compliance required by each rule and a summary of the method by which compliance was established for each requirement.

Detailed appendices and attachments include: (1) The applicable Federal Aviation Regulations, (2) The Type Certificate and Type Certification Data Sheet issued by the Central Administration of Civil Aviation (CACA) of Poland, (3) The Bilateral Airworthiness Agreement between the U.S.A. and Poland, and (4) FAA Type Certificate E11NE and the Type Certificate Data Sheet. The report is available for examination and copying at the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Copies of the report may be obtained from the Office of the Director, FAA New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts, on October 14, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-31413 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Mercer, Middlesex and Somerset Counties, New Jersey

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Mercer, Middlesex and Somerset Counties, New Jersey.

FOR FURTHER INFORMATION CONTACT: Lloyd J. Jacobs, Staff Specialist for the Environment, Federal Highway Administration, 25 Scotch Road, Second Floor, Trenton, New Jersey 08628, Telephone: (609) 989-2291.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the New Jersey Department of Transportation (NJDOT), intends to prepare an Environmental Impact Statement on a proposed action to construct a new facility approximately 14 miles in length from Route 33 east of Hightstown extending northwest to Route 206 southwest of Rocky Hill and north of Princeton Borough (Federal Project No. F-28(101)). The corridor traverses northeastern Mercer, southwestern Middlesex, and southern Somerset Counties. The purpose of the proposed

project is to divert traffic around Hightstown and Princeton Boroughs, relieving congestion in these areas. It will also help alleviate the growing traffic problems in Plainsboro, resulting from rapid and continuous development in the area. The freeway facility, as proposed, will be a graded, limited access facility on new alignment. Provisions are planned for grade-separated interchanges at major intersections.

Alternatives under consideration include (1) freeway between Route 33 and Route 206, (2) bypasses for both Princeton and Hightstown with and without local road improvements between Routes 1 and 130, (3) mass transit and paratransit improvements and TSM strategies with or without roadway improvements, (4) the no-action alternative. Additional alternatives are being investigated. The FHWA and NJDOT will be consulting with federal, state, and local agencies on their areas of responsibility. A scoping meeting is planned in the future and the federal and state agencies with permit or commenting responsibilities will be invited. Public information meetings will be held and a public hearing will be held after the Draft EIS is circulated.

John J. Kessler, Jr.,

Division Administrator, Trenton, New Jersey.

[FR Doc. 81-31267 Filed 10-29-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Jasper County, South Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Jasper County, South Carolina.

FOR FURTHER INFORMATION CONTACT: Bill Rice, District Engineer, Federal Highway Administration, 1835 Assembly Street, Suite 758, Columbia, South Carolina, 29201, Telephone: (803) 765-5411.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the South Carolina Department of Highways and Public Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct an interchange between I-95 and U.S. Route 278 just east of the Town of Ridgeland in Jasper County. The proposal would entail the addition of access and exit ramps at the existing overpass to form a "diamond-type" interchange. The proposed interchange would provide direct access between the Town of Ridgeland and I-95 as well as provide a more direct connection from I-95 eastward to Hilton Head Island and other coastal resort areas for southbound traffic on I-95.

Traffic projections reflect that the proposed interchange would be used by approximately 3000 vehicles per day by the year 2000.

Probable environmental effects of the proposed project includes induced growth, the displacement of four residences and one business and the physical and psychological separation of a small minority neighborhood.

The only alternatives presently considered is the proposed "diamond" configuration and the "do nothing".

Through A-95 and SCDHPT's "Letter of Intent," written comments and suggestions from appropriate Federal, State, and local agencies and private organizations and citizens have been invited. A public hearing was conducted April 22, 1981 at Ridgeland, South Carolina. From the comments received, the environmental document to be processed on this proposal has been upgraded from an Environmental Assessment to an Environmental Impact Statement. The significant issues identified through this process are: physical and psychological separation of a minority neighborhood and increased potential of land development.

Although a combination location and design public hearing has been held, the Department anticipates some form of additional public information meeting later this year. The draft EIS will be available for public and agency review and comment. No formal scoping meetings are planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: October 16, 1981.

B. G. Cloyd,

Division Administrator, Columbia, South Carolina.

[FR Doc. 81-31083 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: City of Sunbury and Shamokin Dam Borough, Northumberland and Snyder Counties, Pennsylvania

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed bridge project in the city of Sunbury and Shamokin Dam Borough, Northumberland and Snyder Counties, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: John R. Krause, Division Environmental Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108, Telephone: (717) 782-2276, or Kenneth C. Larson, Jr., District Engineer, Pennsylvania Department of Transportation, District 3-0, 715 Jordan Avenue, Montoursville, Pennsylvania 17754-0218, Telephone: (717) 368-8685.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation, will be preparing an Environmental Impact Statement (EIS) on a proposed bridge and approaches to replace the existing Bainbridge Street Bridge in the city of Sunbury and Shamokin Dam Borough, Northumberland and Snyder Counties, Pennsylvania. The proposed project would significantly improve bridge and highway facilities to accommodate existing and projected traffic demands and to promote economic growth and development in the Sunbury-Shamokin Dam urban area. Alternatives to be considered include (1) constructing a new bridge and approaches upstream of an existing dam, (2) constructing a new bridge and approaches downstream of an existing dam, (3) modifying the existing bridge and approaches, (4) using the existing bridge and an upstream railroad bridge as a one-way pair, and (5) taking no action.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have expressed interest in this proposal. A series of public meetings will be held in the Sunbury-Shamokin Dam area between January 1982, and May 1983. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft environmental document will be available for public and agency review and comment. Formal scoping meetings are planned for January-February 1982. To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified,. comments and suggestions are invited from all interested parties. Comments or questions concerning this

proposed action and the environmental document should be directed to the FHWA at the address provided above.

George L. Hannon,

Acting Division Administrator, Harrisburg, Pennsylvania.

[FR Doc. 81-30873 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-22-M

Providence County, R.I., and Killingly County, CT; Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Providence County, RI and Killingly County, CT.

FOR FURTHER INFORMATION CONTACT: James Bush, Area Engineer, Federal Highway Administration, Suite 250, Federal Building and USPO, Exchange Terrace, Providence, Rhode Island 02902, Telephone: (401) 528-4541; or David Billings, Environmental Engineer, Federal Highway Administration, One Hartford Sq. West, South Building, Hartford, Connecticut 06106-1989, Telephone: (203) 244-2437; or Joseph Arruda, Chief, Division of Planning, Rhode Island Department of Transportation, Room 370, State Office Building, Providence, Rhode Island 02903, Telephone: (401) 277-2694; or James Sullivan, Director of Environmental Planning, Connecticut Department of Transportation, 24 Wolcott Hill Road, Wethersfield, Connecticut 06109, Telephone: (203) 566-5704.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Rhode Island and Connecticut Department of Transportations will prepare an environmental impact statement (EIS) on a proposal to improve U.S. Route 6 from Interstate Route 295 in Johnston, Rhode Island westerly about 22 miles to Connecticut State Route 52 in Danielson, Connecticut.

The proposed project is intended to improve the existing two and four lane roadway to a modern safe highway with most of the upgrading accomplished essentially within the existing highway right-of-way. Special attention will be given to the section of U.S. Route 6 through the Scituate Reservoir system and watershed by studying the feasibility of upgrading the highway with improved physical restraints and methods of capture for road run-off fluids to protect the watershed.

Existing U.S. Route 6 within the section to be improved is a two and four lane, partial access controlled facility with poor horizontal and vertical alignment in specific locations. There is a capacity problem due to the volume of traffic, particularly trucks using the facility in conjunction with the substandard sight distances. Several possible alternative actions will be studied including major upgrading of the existing roadway, minor upgrading of the existing roadway, doing nothing and alternative modes of transportation. A freeway alternative will not be considered.

To ensure that the full range of alternatives related to this proposed action are addressed and that all significant environmental issues are identified for study, those agencies, groups, or citizens affected by or interested in the proposed action are invited to participate in the scoping process for this proposed action by sending their written comments or questions to any of the contact individuals noted above on or before November 19, 1981.

No formal scoping meeting is planned at this time, but contacts with those agencies, groups, or individuals responding to this Notice may be made to clarify indicated environmental issues.

Continued citizen input will also be maintained through a Project Area Committee (PAC), a series of workshops, and a public hearing. Workshops and the public hearing will be conducted in the project area during the course of the study which is expected to be completed by September, 1983.

(Catalog of Federal Domestic Assistance Program No. 20.205 (Highway Research Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally-assisted programs and projects apply to this program.)

Issued on: October 22, 1981.

Mario H. Tocci,

Assistant Division Administrator, Providence, Rhode Island.

[FR Doc. 81-31432 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: City of Erie, Erie County, PA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in the city of Erie, Erie County, Pennsylvania

FOR FURTHER INFORMATION CONTACT: John R. Krause, Division Environmental Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108, Telephone: (717) 782-2276, or Wasinder S. Mokha, City Engineer, Room 400 Municipal Building, Erie, Pennsylvania 16501, Telephone: (814) 456-8561.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the city of Erie will prepare an Environmental Impact Statement (EIS) for a proposed Bayfront/Port Access Road in the city of Erie, Erie County, Pennsylvania. The proposed two lane highway extends from the proposed terminus of Interstate 79 at West 12th Street northeasterly to the Bayfront, along the Bayfront proceeding to East Bay Access Road in the vicinity of Wayne Street. The proposed highway will provide access to the Bayfront, port and downtown area of the city of Erie. Alternatives to be considered include (1) taking no action, and (2) alignment along the Bayfront below the bluff, with a few subalternates for the eastern terminus of the project.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have expressed interest in the proposal. Scoping meetings are planned with the agencies between November 1981, and February 1982. A series of public meetings will be held in the city of Erie, between November 1981, and April 1982. In addition, a public hearing will be held. Public notice will be given of the time and place of these meetings and the hearing. The draft EIS will be available for public and agency review and comment. To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on October 22, 1981.

George L. Hannon,

Assistant Division Administrator.

[FR Doc. 81-31366 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP81-20; Notice 1]

Dunlop Tire Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

This notice corrects a misstatement in the notice of receipt of petition published on September 21, 1981 (46 FR 46737).

In that notice the statement appeared that "Because of an erroneous mold, Dunlop produced 1485 G78-15 and L78-15 REMINGTON CUSHION AIRE BELTED tires, one sidewall of which contains the words '4 ply polyester' in addition to the correct marking for bias-belted tires." The words "in addition to" are erroneous and should read "instead of".

(Sec. 102, Pub. L. 93-492, 49 Stat. 1470 (15 U.S.C. 1417); delegations of authority of 49 CFR 1.50 and 49 CFR 501.8)

Issued on October 22, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-31472 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP81-18; Notice 1]

General Motors Corp.; Receipt of Petitions for Determination of Inconsequentiality

General Motors Corporation of Warren, Michigan has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for two apparent noncompliances with 49 CFR 571.110, *Tire Selection and Rims for Passenger Cars*, on the basis that they are inconsequential as they relate to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C 1417) and does not represent any agency decisions or other exercise of judgment concerning the merits of the petitions.

The two petitions by General Motors involve the failure of the tire inflation placard required by Standard No. 110 to state correctly the seating capacity, and the consequent misstatement of the overall vehicle capacity weight. Both of the petitions involve 1981 Cadillacs. The first covers 73 Sedan de Villes equipped with front consoles and placards specifying front seat occupany as three when it is in fact two, and overstating vehicle capacity weight by 150 pounds. This noncompliance is said to be inconsequential because the presence of the console between the individual front seats precludes the addition of a third person; should an additional passenger be added, the total load carrying capacity of the vehicle would not be exceeded because that capacity is identical to Sedan de Villes with a six-passenger capacity. The second petition covers 6,250 Eldorados and presents the obverse situation, understating vehicle capacity and capacity weight. Placards show rear seating capacity as two, when it is in fact three, and the capacity weight is understated by a corresponding 150 pounds. General Motors argues that this is inconsequential because the vehicle capacity weight would not be exceeded if an owner loaded the car to the capacity for which it is designed, even if that is one person more than that specified on the placard. Seat belts for the full complement of five passengers are also provided.

Interested persons are invited to submit written data, views, and arguments on the petitions of General Motors Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials will be filed, and all comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and lawyer primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: November 30, 1981.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: October 22, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-31471 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP81-19; Notice 1]

General Motors Corp.; Receipt of Petitions for Inconsequential Noncompliance

General Motors Corporation of Warren, Michigan has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for two noncompliances with 49 CFR 571.101-80, Motor Vehicle Safety Standard No. 101-80, *Controls and Displays*. The basis of the petition is that the noncompliances are inconsequential as they relate to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.2.1 and Table I of Standard No. 101-80 require that a rear defroster control, on any passenger car manufactured on or after September 1, 1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide the identifying words "Rear Def." Use of an identifying word was mandatory before September 1, 1980, and no symbols were allowed.

General Motors has produced over 4,600 of its Oldsmobile 88 and 98 models since September 1, 1980, in which the rear defroster control is identified only by the words "Rear Def", compliant with Standard No. 101, but noncompliant with Standard No. 101-80. General Motors argues that use of the previously acceptable wording creates no safety hazard as it is readily understandable by the public, and more likely to be understood at this point than by use of the symbol alone.

In over 115,000 1981 Chevrolets, the symbol has been provided but the word identification of the rear defogging control, instead of "Rear Defog" or "Rear Def" has appeared as "R/Defog" or "R. Defog." General Motors believes that the identification is readily understandable.

Interested persons are invited to submit written data, views and arguments on the petitions of General Motors Corporation described above. Comments should refer to the docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, D.C.

20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

Comment closing date: November 30, 1981

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: October 22, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-31473 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-59-M

"Improved Commercial Vehicle Conspicuity and Signalling Systems"; Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on November 18, 1981, to present a progress report on a contracted research study entitled "Improved Commercial Vehicle Conspicuity and Signalling Systems." The objectives of the study are to perform a detailed investigation of the car-into-truck accident problem, to determine the adequacy of Federal Motor Vehicle Standard 108 (Lamps, Reflective Devices, and Associated Equipment), and to develop and test improved lighting and marking systems for heavy duty commercial vehicles. One major objective of the study is to determine whether improved conspicuity could reduce the number of side and rear collisions of other vehicles into heavy duty trucks on a favorable cost-benefit ratio.

The meeting will be held in Room 2230 at the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C., beginning at 1 p.m. and will be presented by the contractor, Vector Enterprises, Inc. The agenda will consist of a brief overview of the study purpose, a description of the contractor's recommendations for enhanced conspicuity systems for test and evaluation, and a discussion of the contractor's field test plan for evaluating the proposed alternative lighting and marking systems. Time will be allotted for audience questions and suggestions concerning the conduct of the study.

Additional information may be obtained from Dr. Charles M. Overbey, Office of Driver and Pedestrian Research, Room 6240, Nassif Building, 400 Seventh Street, Southwest, Washington, D.C. 20590. Telephone: (202) 755-8753.

Issued in Washington, D.C., on October 23, 1981.

Dr. Kennerly H. Digges,

Acting Associate Administrator for Research and Development.

[FR Doc. 81-31466 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-59-M

National Highway Traffic Safety Administration

1979 Toyota Hi-Lux Public Proceeding Cancelled

The National Highway Traffic Safety Administration has cancelled the public proceeding announced in the **Federal Register** of October 15, 1981 (46 FR 50883) regarding its initial determination of safety-related defects in 1979 Toyota Hi-Lux pickup trucks. The meeting was to be held on October 26, 1981, at 10:00 a.m. in Room 8236 of the Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 152 Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 47 CFR 501.8)

Issued on October 23, 1981.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 81-31191 Filed 10-23-81; 3:46 pm]

BILLING CODE 4910-59-M

Urban Mass Transportation Administration

Los Angeles, Calif.; Rail Rapid Transit Project; Intent To Prepare an Environmental Impact Statement; Meetings

Pursuant to the National Environmental Policy Act (42 U.S.C. 4321) and implementing regulations, the Urban Mass Transportation Administration gives notice that an environmental impact statement (EIS) is being prepared for a proposed rail rapid transit project in Los Angeles, California. This EIS will also satisfy all requirements under the California Environmental Quality Act and implementing guidelines. This environmental impact statement is a second-tier EIS which will explore the site-specific environmental impacts of the proposed project. It follows after a broader study of transportation mode and general alignment alternatives contained in the Apirl 1980, Final Alternatives Analysis/Environmental Impact Statement.

The proposed project is a rail rapid transit line up to 18 miles in length. Segments shorter than 18 miles will also be studied for their environmental effects and costs. The proposed 18-mile alignment starts at Union Station and passes through the central business district, then west along Wilshire Boulevard, turning north on Fairfax Avenue, passing through Hollywood and Universal City, and terminating at Lankershim and Chandler Boulevards in North Hollywood. Sixteen stations are planned over the full 18-mile length which would tie together the most densely populated residential and commercial areas in the Los Angeles Metropolitan Region.

The proposed project could have significant environmental effects—both beneficial and adverse—on air quality, energy use, neighborhood quality, traffic circulation, economic activity, historic and cultural resources, and other areas of concern. Alternative construction techniques and increments shorter than 18 miles will be evaluated in the EIS for their comparative environmental effects and costs.

Scoping meetings will be held in Los Angeles on November 2 and 3, 1981, for the purpose of identifying the significant impacts and alternatives to be addressed in the EIS. The meetings will be held in three sessions: On November 2nd, an afternoon session will be held primarily for interested agencies and organizations from 2:30 to 4:30 p.m. at the Sheraton Town House, 2961 Wilshire Boulevard (at Commonwealth), Los Angeles. On this date, an evening session for the general public will be held from 6:30 to 8:30 p.m. at the same location. On November 3rd, another evening session for the general public will be held from 6:30 to 8:30 p.m. at the Hollywood Holiday Inn, 1755 N. Highland Avenue (at Franklin), Los Angeles.

A current work program for this EIS, including a location map of the proposed alignment and stations, is available for public and agency review. Comments and questions regarding this EIS and related matters should be referred to:

Mr. Abbe Marner, Environmental Protection Specialist, Office of Transit Assistance, Urban Mass Transportation Administration, Washington 20590; telephone (202) 472–7100. In Los Angeles, comments and questions may be referred to: Mr. Nadeem Tahar, Principal Planner, Metro Rail Project, 425 South Main Street, Los Angeles, California 90013; telephone (213) 972–6439.

Dated: October 15, 1981.

Franz K. Gimmler,

Associate Administrator for Transit Assistance.

[FR Doc. 81-31481 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-57-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 209
Thursday, October 29, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, November 6, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1646-81 Filed 10-27-81; 2:22 pm]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

October 26, 1981.

Special Open Meeting for October 29th Rescheduled: The Federal Communications Commission announced on October 22, 1981 its intention to hold a Special Open Meeting on Thursday, October 29, 1981. This Special Open Meeting has been rescheduled for Thursday, November 5, 1981.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: October 26, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-1640-81 Filed 10-27-81; 11:53 am]

BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:35 p.m. on Friday, October 23, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in High Lakes Community Bank, La Pine, Oregon, which was closed on October 23, 1981 by the Oregon Superintendent of Banks; (2) accept the bid for the transaction submitted by the Prineville Bank, Prineville, Oregon, a State member bank; (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and (4) appoint a liquidator for such of the assets of the closed bank as were not purchased by The Prineville Bank.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: October 26, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1641-81 Filed 10-27-81; 1:48 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 10:00 a.m. on Monday, October 26, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidatr, or liquidating agent of those assets:

Case No. 44,972-L (Amended)—Franklin National Bank, New York, New York

Case No. 44,974-SR—American Bank & Trust Company, New York, New York

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(9)(B), and (c)(10)).

Dated: October 26, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1642-81 Filed 10-27-81; 1:49 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 9:30 a.m. on Monday, October 26, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less

than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 44,960-L—The Hamilton Bank and Trust Company, Atlanta, Georgia
Case No. 44,964-L—Franklin National Bank, New York, New York
Memorandum and Resolution re: Fidelity Bank, Utica, Mississippi

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: October 26, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1643-81 Filed 10-27-81; 1:49 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, November 2, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Republic Bank & Trust Company, Louisville, Kentucky, an inactive noninsured bank.
Helotes State Bank, a proposed new bank, to be located at 12590 Bandera Road, Helotes, Texas.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,906-L—The Hamilton Bank and Trust Company, Atlanta, Georgia

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: October 26, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1644-81 Filed 10-27-81; 1:49 pm]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, November 2, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance:
Summit Bank, a proposed new bank, to be located at 2969 Broadway, Oakland, California.
Application for Federal deposit insurance (United States branch of a foreign bank):
Banco de Bilbao, S.A., Bilbao, Spain, for Federal deposit insurance of deposits received at and recorded for the account of its branch located at 767 Fifth Avenue, New York, New York.
Application for consent to merge and establish branches:
The Boston Five Cents Savings Bank, Boston, Massachusetts, for consent to merge, under its charter and title, with Atlantic Savings Bank, Chelsea, Massachusetts, and to establish the five offices of Atlantic Savings Bank as branches of the resultant bank.
Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:
Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: October 26, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1645-81 Filed 10-27-81; 1:49 pm]

BILLING CODE 6714-01-M

8

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., November 4, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of the Managing Director of Actions Pursuant to Delegated Authority.

2. Reevaluation of factors to be applied to the criteria for obtaining an exemption from self-policing requirements.

3. Agreements Nos. 10045–6 and 10105–4: Extensions of terms of approval of the U.S. South Atlantic and Gulf/Panama and Costa Rica Rate Agreement and the U.S. South Atlantic and Gulf/Guatemala, Honduras and El Salvador Rate Agreement.

Portions closed to the public:

1. Docket No. 80–13: Licensing of Independent Ocean Freight Forwarders—Reconsideration of rule prohibiting waiver or reduction of fees for relief agencies and charitable organizations.

2. Docket No. 80–50: Certified Corporation and Seaway Distribution Corp., Possible Violations of Section 16, Initial Paragraph—Consideration of request for oral argument and possible consideration of the record.

3. Docket No. 81–11—"50 Mile Container Rules" Implementation by Common Carriers by Water Serving the Atlantic and Gulf Coast Ports of the United States—Possible Violations of the Shipping Act, 1916, and of the Intercoastal Shipping Act, 1933—Motions to Dismiss; Request for Oral Argument; Request For Procedural Schedule; Possible Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–1649–81 Filed 10–27–81; 3:53 pm]

BILLING CODE 6730–01–M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Wednesday, October 28, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will also consider and act upon the following:

3. Brown Brothers Sand Company, SE 81–24–M. Petition for Discretionary Review (Issues include whether 30 CFR 56.12–23 was violated.)

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–1639–81 Filed 10–27–81; 10:04 am]

BILLING CODE 6820–12–M

10

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m., Wednesday, November 4, 1981.

PLACE: Board hearing room, eighth floor, 1425 K. Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Staff will report on the current status of draft amendments to the NMB Representation Manual.

2. Ratification of Board actions taken by notation voting during the month of October, 1981.

3. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel: (202) 523–5920.

Dated: October 27, 1981.

[S–1648–81 Filed 10–27–81; 2:28 pm]

BILLING CODE 7550–01–M

11

NUCLEAR REGULATORY COMMISSION

DATE: Week of October 26, 1981 (revised) and week of November 2, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Monday, October 26

2:00 p.m.: Discussion with EPRI Representatives on Fission Product Behavior (public meeting) (as announced)

Tuesday, October 27

9:00 a.m.: Discussion of Congressional Testimony (closed meeting) (delayed from October 26)

2:00 p.m.: Briefing on Proposed Enforcement Matters (closed meeting) as announced)

Wednesday, October 28

10:00 a.m.: Discussion of NRC Enforcement Policy (public meeting) (as announced)

Thursday, October 29

10:00 a.m.: Briefing on Equipment Qualification Program Plan (public meeting) (delayed from October 28)

2:30 p.m.: Affirmation/Discussion Session (public meeting) (as announced) (items revised)

Items to be affirmed and/or discussed:

a. Interim Amendments to 10 CFR Part 50 Related to Hydrogen Control (portion only)

b. Commission Review of Full Power Contentions in Diablo Canyon (tentative)

c. Order in West Valley (tentative)

Friday, October 30

1:30 p.m.: Briefing on Amendments to Part 50—Emergency Preparedness Regulations (public meeting) (as announced)

Monday, November 2

2:00 p.m.: Discussion of Part 170—New Fee Scheduled Based on Reexamination of Manpower Estimates (Tent.) (public meeting)

Tuesday, November 3

9:30 a.m.: Discussion of San Onofre Proceeding (Tent.) (closed meeting)

Wednesday, November 4

2:00 p.m.: Briefing on Recent Seismic Design Errors at Diablo Canyon Unit 1 (public meeting)

Thursday, November 5

10:00 a.m.: Discussion and Possible Vote on Revised Licensing Procedures—Proposed Rule Change to Part 2 (open/closed status to be determined)

3:00 p.m.: Affirmation/Discussion Session (public meeting)

Items to be affirmed and/or discussed:

a. Final Amendment to 10 CFR Part 50, Clarifications to Emergency Preparedness Regulations

b. Proposed Amendment to 10 CFR Part 50 and to Appendix E: Modification to Emergency Preparedness Regulations

c. Waste Confidence Order

Friday, November 6

10:00 a.m.: Discussion of TMI–1 Restart (closed meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S–1638–81 Filed 10–26–81; 4:22 pm]

BILLING CODE 7590–01–M

federal register

Thursday
October 29, 1981

Part II

Nuclear Regulatory Commission

Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agency

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission is publishing its first Regulatory Agenda. The agenda is a compilation of all rules on which the NRC has proposed, or is considering, action. This agenda consolidates into one document the semi-annual Regulatory Flexibility Agenda, first published in the **Federal Register** on April 29, 1981 (46 FR 24092), and the quarterly report entitled "Status of Proposed Rules." Notice of this latter report, first compiled in January, 1980, has prevously been published in the **Federal Register** and has been available to the public upon request.

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand-delivered to Room 1131, 1717 H Street, NW., Washington, D.C. between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

Copies of the agenda and any comments received on any rule listed on the agenda are available for public inspection and copying at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

General

For further information concerning NRC rulemaking procedures or the status of any rule listed in this ageda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492–7086. After November 16, 1981, persons outside the Washington, D.C. metropolitan area may call toll-free: 800–368–5602.

Specific

For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "contact" for that rule.

SUPPLEMENTARY INFORMATION: The NRC is publishing its first semi-annual Regulatory Agenda, which is a compilation of all rules on which the NRC has proposed, or is considering, action. The agenda consolidates into one document the Regulatory Flexibility Agenda, first published in the **Federal Register** on April 29, 1981 (46 FR 24092), and the quarterly report entitled "Status of Proposed Rules." Notice of this latter report, last compiled on July 31, 1981, was published in the **Federal Register** on September 9, 1981 (46 FR 44992), and has been available to the public upon request.

Future editions of the Regulatory Agenda will be published in the **Federal Register** each April and October. It will also be updated in January and July of each year and, like the quarterly report on the "Status of Proposed Rules" which it replaces, notice of its availability will be published in the **Federal Register**. Persons who desire to be placed on the mailing list to receive a single copy of the quarterly Regulatory Agenda may contact the Rules and Procedures Branch, at the above address and telephone number. Those persons whose names are currently on the NRC's mailing list for the "Status Report on Proposed Rules" will automatically be placed on the mailing list for this and future editions of the Regulatory Agenda.

The agenda consists of four parts, which group by status each rule. Section I includes any rule on which final action has been taken since July 31, 1981, the date of the last quarterly report on the "Status of Proposed Rules." Section II includes any rule which has been published previously as a proposed rule and on which the Commission has not taken final action. Section III includes any rule which has been published previously as an advance notice of proposed rulemaking and for which neither a proposed nor final rule has been issued. Section IV includes unpublished rules on which the NRC expects to take action.

Within each of these sections, the entries are ordered from lowest to highest 10 CFR part, and, when more than one entry appears under the same part, the rules are arranged within the part by date of most recent publication. If any entry contains changes to more than one part, the rule is listed under the lowest affected part.

The status and information included in each entry of the agenda have been updated through October 15, 1981. The dates, included under the heading "timetable," for scheduled action by the Commission or the Executive Director for Operations (EDO) on particular rules are considered tentative and are not binding on the Commission or its staff and are included for planning purposes only. This regulatory agenda is intended to provide increased notice and public participation in the rulemaking proceedings included on the agenda. The NRC may, however, consider or act on any rulemaking proceeding even if it is not included in this regulatory agenda.

Those rulemaking entries on the agenda which may have a significant economic impact upon a substantial number of small entities, pursuant to the Regulatory Flexibility Act (Pub. L. 96–354), are indicated by an asterisk (*) by the title of the rule. The Regulatory Flexibility Act was enacted to encourage Federal agencies to consider, consistent with their enabling legislation, regulatory and informational requirements appropriate to the sizes of the businesses, organizations, and governmental jurisdictions subject to regulations. In the case of the NRC, for example, the Act requires the NRC to consider modifying or tiering those rules which have a significant economic impact upon a substantial number of small entities in a way which considers the particular needs of small businesses or other small entities, while at the same time assuring that the public health and safety and the common defense and security are adequately protected. The Act requires an agency to prepare a regulatory flexibility analysis for any proposed rule issued after January 1, 1981 (or final rule for which a proposed rule was issued after January 1, 1981) if the rule will have a significant economic impact upon a substantial number of small entities. If the rule will not have this impact, the head of the agency must certify in the rule that the analysis need not be prepared.

Those rulemaking entries on the agenda which may be considered "major" rules as defined in Section 1(b) of Executive Order 12291, "Federal Regulation," are identified by a double asterisk (**) next to the title of the rule. A major rule, as used in the Executive Order, means a rule which results in (a) an annual effect on the economy of $100 million or more, (b) major cost or price increases for consumers, individual industries, governmental units, geographical regions, or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. In this agenda, only rule

number 46, entitled "Decommissioning Criteria for Nuclear Facilities" (Parts 30, 40, 50, 70, and 72), has been identified as being "major".

In keeping with past agency practice, and pursuant to section 602(d) of the Regulatory Flexibility Act, this agenda will be distributed directly to affected licensees and other interested persons.

The agenda does not include petitions for rulemaking which are still under consideration by the Commission and for which a proposed rule has not been issued. The NRC will, however, continue to compile the quarterly report entitled "Status of NRC Petitions for Rulemaking," which lists all pending petitions for rulemaking which have been received by the Commission. Persons who desire to receive a single copy of this report may contact the Rules and Procedures Branch at the above address or telephone number.

It should be noted that a reorganization of Nuclear Regulatory Commission staff activities to improve control over requirements imposed on NRC licensees was announced October 16, 1981, by Chairman Nunzio J. Palladino. The aim is to allow the agency to focus its priorities and those of the nuclear industry on requirements having the greatest safety significance. The mechanism established to accomplish this is a Generic Requirements Review Committee, which will be chaired by a new Deputy Executive Director for Regional Operations and Generic Requirements, and will be responsible for review of generic requirements and recommending approval or disapproval of these requirements to the Executive Director for Operations. This Regulatory Agenda has not, because of timing, been processed by the new organization. Future Regulatory Agendas will be subject to review by the new organization.

Dated at Bethesda, Maryland, this 23d day of October 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

I—FINAL RULES

1. Amendment to immediate effectiveness rule for operating licenses (Parts 2, 50).
2. Ionizing radiation measuring instruments; americium-241 (Part 30).
3. Jurisdiction over byproduct, source, and special nuclear material in certain offshore waters (Parts 31, 150).
4. Licensing requirements for pending construction permit and manufacturing license applications (Part 50).
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II—PROPOSED RULES

6. Delegation of authority; antitrust determination (Parts 1, 2).
7. *Ex Parte* communications, and separation of adjudicatory and non-adjudicatory functions (Part 2).
8. Environmental protection regulations for domestic licensing and related regulatory functions (Parts 2, 30, 40, 50, 51, 70, 72, 110).
9. Licensing and regulatory policy and procedures for environmental protection; alternative site reviews (Parts 2, 50, 51).
10. Possible amendments to the "Immediate Effectiveness" rule in construction permit proceedings (Parts 2, 50).
11. Modifications to the NRS hearing process (Part 2).
12. Debt collection procedures (Part 15).
13. Lower radiation exposure levels for fertile women (Parts 19, 20).
14. Changes in radiation dose-limiting standards (Parts 19, 20).
15. Protection of employees who provide information (Parts 19, 30, 40, 50, 70, 72, 150).
16. Informal conference during inspection (Part 19).
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18. Irretrievable well-logging sources (Parts 30, 70).
19. Exemption of technetium-99 and low-enriched uranium as residual contamination in smelted alloys (Parts 30, 32, 70, 150).
20. Institutional radiation safety committee (Part 35).
21. Patient dosage measurement (Part 35).
22. General design criteria for fuel reprocessing plants (Part 50).
23. Interim requirements related to hydrogen control and certain degraded core considerations (Part 50).
24. Plan to require licensees and applicants to document differences from the Standard Review Plan (Part 50).
25. Fracture toughness requirements for nuclear power reactors (Part 50).
26. TMI-related licensing requirements for pending operating license applications (Part 50).
27. Reporting of changes to the quality assurance program (Part 50).
28. Codes and standards for nuclear power plants (Part 50).
29. Financial qualifications; domestic licensing of production and utilization facilities (Part 50).
30. Safeguards requirements for nonpower reactor facilities authorized to possess formula quantities of strategic special nuclear material (Parts 50, 70, 73).
31. Emergency preparedness; prompt public notification systems (Part 50).
32. Explanation to Table S–3 uranium fuel cycle environmental data (Part 51).
33. Need for power and alternative energy issues in operating license proceedings (Part 51).
34. Disposal of high-level radioactive wastes in geologic repositories (Part 60).
35. Licensing requirements for land disposal of radioactive waste (Part 61).*
36. Transportation of radioactive material—compatibility with IAEA regulations (Part 71).
37. Advance notification to states of transportation of certain types of nuclear wastes (Part 71).
38. Access controls to nuclear power plant vital areas (Part 73).
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42. Financial protection requirements and indemnity agreements; miscellaneous amendments (Part 140).
43. Financial protection requirements and indemnity agreements; miscellaneous agreements (Part 140).

III—ADVANCE NOTICE OF PROPOSED RULEMAKING

44. Standards for protection against radiation (Part 20).*
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46. Decommissioning criteria for nuclear facilities (Parts 30, 40, 50, 70, 72).**
47. Upgraded emergency preparedness procedures for certain fuel cycle and materials licensees (Parts 30, 40, 70).*
48. Design of radiographic exposure devices (Part 34).
49. Acceptance criteria for emergency core cooling systems for light-water-cooled nuclear power plants (Part 50).
50. Storage and disposal of nuclear waste (Parts 50, 51).
51. Technical specifications for nuclear power reactors (Part 50).
52. Modification of the policy and regulatory practice governing the siting of nuclear power reactors (Parts 50, 51, 100).
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54. Design and other changes in nuclear power plant facilities after issuance of construction permit (Part 50).
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57. Seismic and geologic siting criteria for nuclear power plants (Part 100).

IV—UNPUBLISHED RULES

58. Procedures involving the Equal Access to Justice Act: implementation (Parts 1, 2).
59. Rules of practice—appeals from intervention rulings (2.714a) and objections to special prehearing conference orders (2.751a(d)) (Part 2).
60. Standards for determining whether license amendments involve no significant hazards consideration (Parts 2, 50).
61. Criteria for notice and public comment and procedures for state consultation on license amendments involving no significant hazards consideration (Parts 2, 50).
62. Interim operating licenses (Parts 2, 50).
63. Protection of unclassified safeguards information (Parts 2, 50, 70, 73).

64. Criteria and procedures for determining eligibility for access to restricted data or national security information (Part 10).
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67. Clarification of inspection procedures (Parts 19, 21, 30, 40, 50, 70, 71, 73, 110).
68. Elimination of incorporation by reference of a Regulatory Guide 8.15 (Part 20).
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74. Reporting of defects and noncompliance (Part 21).*
75. Access authorizations for licensee personnel (Part 25).
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80. Submitting installation information under the US/IAEA safeguards agreement (Parts 40, 70, 150).
81. Primary reactor containment leakage testing for water-cooled power reactors (Part 50).
82. Laboratory accreditation program (Part 50).*
83. Emergency planning for research and test reactors (Part 50).
84. List of required emergency response facilities and associated implementation dates (Part 50).
85. Emergency preparedness exercises (Part 50).
86. Reporting of significant design and construction deficiencies (Part 50).
87. Immediate notification requirement for operating nuclear reactor licensees (Part 50).
88. Environmental qualification of electric equipment (Part 50).
89. Applicability of Appendix B to Appendix A (Part 50).
90. Anticipated transients without scram (ATWS) (Part 50).
91. Emergency planning and preparedness for production and utilization facilities (Part 50).
92. Operator qualification and licensing (Parts 50, 55).
93. Personnel access authorization requirements for nuclear power plants (Parts 50, 73).
94. Qualification of mechanical equipment (Parts 50, 100).
95. Use of alcohol and drugs by licensed operators (Part 55).
96. Safeguards requirements for licensees authorized to possess SNM of moderate or low strategic significance (Part 70).
97. Material control and accounting requirements for low enriched uranium fuel cycle facilities (Part 70).
98. Medical standards for employment of security personnel (Part 73).
99. Advance notification of SNM shipments (Parts 73, 95).
100. Patent licenses (Part 81).
101. Security facility approval and safeguarding of national security information and restricted data; procedural revisions (Part 95).
102. Export/import of nuclear equipment and material (Part 110).
103. Revision of licensee fee schedules (Part 170).*

I—FINAL RULES

Rules that have been published as final rules since July 31, 1981, the date of the last NRC report entitled "Status of Proposed Rules."

1. Amendment to Immediate Effectiveness Rule for Operating Licenses (Parts 2, 50)

Federal Register Citation: September 30, 1981 (46 FR 47764).

Description. This final rule amends the Commission's recently adopted final rule on review procedures for Licensing Board decisions granting power reactor operator license applications May 21, 1981 (46 FR 28627). By this final rule, the Commission retains to itself the decision as to whether or not a plant will be allowed to go into commercial operation, i.e. receive a full power license. The earlier version of the immediate effectiveness rule is being modified to delete the requirement that the Commission conduct an effectiveness review prior to fuel loading and low-power testing, and to make other clarifying changes. These changes apply prospectively and do not apply to the Diablo Canyon or the TMI-1 restart cases.

Objective. To implement and clarify Commission policy that although it must retain authorization over the grant of full power licenses, it need not exercise this for fuel loading and low power testing licenses. These activities involve minimal risk to the public health and safety, in view if the limited power level and correspondingly limited amounts of fission products and decay heat, and greater time available to take any necessary corrective action in the event of an accident.

Background. In the aftermath of the accident at TMI, the NRC had suspended in part its so called immediate effectiveness rule which permitted favorable Licensing Board decisions to go into effect despite the filing of administrative appeals October 10, 1979 (44 FR 58559), November 9, 1979 (44 FR 65049). On May 28, 1981, the Commission modified its position in an amendment that reestablished the immediate effectiveness rule with new procedures designed to reduce unnecessary delay in the licensing procedure May 28, 1981 (46 FR 28627). The present rule rescinds that portion of the immediate effectiveness rule that applies to full power licenses for nuclear power reactors, while retaining that portion of the rule dealing with fuel loading and low power test licenses.

Legal Basis. 42 U.S.C. 2201(p), 2231, 2241, 5841, 2236, and 5846.

Timetable: Action completed.

Contact: Martin G. Malsch, Office of the General Counsel, (202) 634–1465.

2. Ionizing Radiation Measuring Instruments; Americium-241 (Part 30)

Federal Register Citation: September 23, 1981 (46 FR 46875).

Description. This final rule exempts from licensing requirements the receipt, transfer, or use of ionizing radiation measuring instruments commonly used in environmental monitoring of low level radiation that contain less than 0.05 microcuries of Americium-241.

Objective. To reduce administrative burdens on users and dealers in certain measuring instruments and on the NRC by permitting the use of 0.05 microcurie of Americium-241 calibrating sources in ionizing radiation measuring instruments without requiring the user to obtain a specific license or use an existing general license.

Background. The proposed rule was published on July 9, 1981. The comment period closed August 24, 1981. No adverse comments were received; however, some comments suggested that the proposed exemption be broadened to cover larger sources and calibration sources other than those contained in instruments. The quantity limit per source was increased in the final rule to reflect comments received.

Legal Basis. 42 U.S.C. 2111, 2201.

Timetable: Action completed.

Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, (301) 443–5825.

3. Jurisdiction Over Byproduct, Source, and Special Nuclear Material in Certain Offshore Waters (Parts 31, 150)

Federal Register Citation: September 3, 1981 (46 FR 44149).

Description. The final rule clarifies NRC jurisdiction vis-a-vis Agreement States over offshore radiographic, well-logging, and other actions using byproduct, source, or special nuclear materials. Specific licensees, operating under an Agreement State or NRC license in offshore waters beyond a

States' boundary, are now covered under a general license under Commission jurisdiction.

Objective. (1) To clarify that NRC has jurisdiction vis-a-vis Agreement States over persons using byproduct, source, and special nuclear materials in offshore waters beyond Agreement States' territorial waters and within the area of the Outer Continental shelf and (2) to recognize Agreement States' specific licenses covering activities in these waters.

Background. The proposed rule was published October 30, 1980 (45 FR 71807). The comment period closed December 29, 1980. Three comments were received. The comments supported the concept of NRC jurisdiction in offshore waters and suggested minor changes in the wording of the proposed rule.

Legal Basis. 42 U.S.C. 2201.

Timetable: Action completed.

Contact: Thomas F. Dorian, Office of the Executive Legal Director, (301) 492–8690.

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4. Licensing Requirements for Pending Construction Permit and Manufacturing License Applications (Part 50)

Federal Register Citation: March 23, 1981 (46 FR 18045).

Description. The final rule imposes new safety requirements on pending construction permit and manufacturing license applications. The requirements stem from the Commission's ongoing effort to apply the lessons learned from the accident at Three Mile Island Unit #2 to nuclear power plant licensing. Each applicant covered by the rule must meet the new requirements.

Objective. To require additional studies and specify criteria for pending applications for construction permits or manufacturing licenses which together with existing requirements, can be measured by the NRC staff and presiding officers in adjudicatory proceedings. Conformance with this set of regulations permits an applicant to meet the requirements of the Commission for issuance of a construction permit or manufacturing license.

Background. The comment period for the proposed rule closed April 13, 1981. Thirty-four comments were received. A majority of the comments generally supported the rule with numerous revisions suggested. The Commission approved the final rule on August 27, 1981 subject to certain changes being made by the staff. The **Federal Register** notice is being prepared for publication.

Legal Basis. 42 U.S.C. 2201.

Timetable: The final rule becomes effective 30 days after publication in the **Federal Register.**

Contact: Elinor Edensam, Office of Nuclear Reactor Regulation, (301) 492–8960.

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5. Fees for Review of Applications (Part 170)

Federal Register Citation: October 7, 1981 (46 FR 49573).

Description. This final interpretive rule clarifies that the NRC will charge fees for the cost the NRC incurs in reviewing an application for a power reactor or major fuel cycle license when the review is completed. The review is considered complete when a permit, license, or other approval is issued or when an application is denied, withdrawn, or when active review by the NRC is brought to an end by any other event.

Objective. To clarify that the NRC intends to assess fees for the review of a license application when an application is withdrawn, denied, or, in appropriate cases, suspended or postponed.

Background. The final rule was published in the **Federal Register** on October 7, 1981 (46 FR 49573).

Legal Basis. 31 U.S.C. 483a; 42 U.S.C. 2201w, 5841.

Timetable: Action completed.

Contact: William O. Miller, Office of Administration, (301) 492–7225.

II—PROPOSED RULES

Rules that have been published previously as proposed rules and on which the NRC has not taken final action.

6. Delegation of Authority; Antitrust Determination (Parts 1, 2)

Federal Register Citation: March 26, 1981 (46 FR 18747).

Description. The proposed rule would implement the Commission's delegation of authority to the Directors of the Offices of Nuclear Reactor Regulation and Nuclear Material Safety and Safeguards to make "significant changes" determinations. A "significant changes" determination is a decision as to whether or not there have been changes of antitrust significance in an operating license applicant's activities or activities proposed under its license that have occurred after the antitrust review conducted in connection with the construction permit under Section 105(c)(2) of the Atomic Energy Act of 1954, as amended. The proposed rule would implement internal procedural changes within the NRC and would have no sustantive effect on licensees of any class.

Objective. To codify the provision that certain NRC office directors have been delegated the authority to make the required determination (as noted above).

Background. The comment period closed April 27, 1981. Three comments were received. The comments opposed certain implementation provisions of the proposed rule. On September 12, 1979, the Nuclear Regulatory Commission delegated its authority to make a "significant changes" determination under Section 105(c)(2) of the Atomic Energy Act of 1954, as amended, to the Director of the Office of Nuclear Reactor Regulation or the Director of the Office of Nuclear Material Safety and Safeguards, as appropriate. In connection with that delegation, the Commission approved procedures to be used until such time as effective regulations implementing those procedures were adopted.

Legal Basis. 42 U.S.C. 2201.

Timetable: Commission action on the final rule is scheduled for December, 1981.

Contact: Argil L. Toalston, Office of State Programs, (301) 492–4891.

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7. Ex Parte Communications, and Separation of Adjudicatory and Non-Adjudicatory Functions (Part 2)

Federal Register Citation: March 7, 1979 (44 FR 12428).

Description. The proposed rule would (1) codify the practices regarding *ex parte* communcations the Commission now employs in its adjudicatory proceedings and (2) adapt the Commission's rules to the terminology of the Government in the Sunshine Act (Pub. L. 94–409). An *ex parte* communication is one in which one party to a contested hearing communicates with the presiding officer(s) regarding the issue under contention and this communication is made in the absence of, and without notice to, the other party and the communication is not made part of the proceeding's record. The proposed rule applies to all "Commission adjudicatory employees," which is a new term introduced in this rule. The designation of certain employees as "adjudicatory employees" represents a principle embodied in currently effective regulations. The term includes all of those employees who participate in the making of the Commission's (or the subordinate adjudicatory panel's) decisions in adjudicatory proceedings. The term does not include those persons

whose participation in the decision-making process is limited to appearance as witnesses or counsel. The proposed rule is designed to prevent Commission adjudicatory employees from being subordinate to non-adjudicatory employees so that no situations can arise in which the independence of the Commission's adjudications may be suspect. The proposed rule would prevent Commission staff personnel who have appeared as parties in adjudications from participation in making decisions in those or factually-related adjudications. The proposed rule also includes operative provisions of the *ex parte* rule, and an explanation of how proceedings to impose sanctions for violation of the *ex parte* rule should be commenced. The proposed rule also defines the term "interested person" as that term is defined in the legislative history of the Sunshine Act, H.R. Rep. 94-880, Part I, 94th Cong., 2nd Sess, at 19-20, 1976.

Objective. To codify current *ex parte* communication practices that the Commission now employs in its adjudicatory proceedings.

Background. The comment period closed April 23, 1979. One comment was received. A draft final rule was sent to the Commission in October, 1979, but Commission action has been suspended pending a broad review of the Commission's *ex parte* and separation of function rules.

Legal Basis. 5 U.S.C. 554, 42 U.S.C. 2201.

Timetable: Commission action is unscheduled.

Contact: Harvey J. Shulman, Office of the General Counsel, (202) 634-1493.

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8. Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions (Parts 2, 30, 40, 50, 51, 70, 72, 110)

Federal Register Citation: March 3, 1980 (45 FR 13739).

Description. The proposed rule would revise the Commission's environmental protection regulations in a manner consistent with NRC's domestic licensing and regulatory authority. The proposed rule would reflect Commission policy to take account of the Environmental Quality Council's (CEQ) Regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) subject to certain conditions. The current regulation contains procedures implementing NEPA requirements relating to the preparation and use of environmental impact statements. The proposed rule would implement each section 102(2) NEPA provisions, thereby making all Commission actions that are not totally excluded from environmental review or do not fall under a categorical exclusion contained in the regulation subject to the NRC-NEPA review process.

Objective. To conform NRC's environmental review requirements to the CEQ procedural regulations to the extent possible; to ensure that environmental aspects are considered as part of the NRC decision making process and to make environmental information available to the public.

Background. The comment period closed May 2, 1980. A majority of the 21 comments support the rule while suggesting numerous minor revisions. Executive Order 11991 (42 FR 26957) directed CEQ to issue regulations implementing all the procedural provisions of NEPA and directed Federal agencies to comply with these regulations unless compliance would be inconsistent with statutory authority. CEQ's procedural regulations were published November 28, 1978 (43 FR 55978). In a letter to the Chairman of the Council on Environmental Quality dated May 31, 1979, the Chairman of the Commission expressed the view, "that a sound accommodation could be reached between NRC's independent regulatory responsibility and CEQ's objective of establishing uniform NEPA procedures."

Legal Basis. 42 U.S.C. 2077, 2021, 2201, 4332, 4334, 4335, 5841, and 5842.

Timetable: Commission action on the final rule is unscheduled.

Contact: Jane Mapes, Office of the Executive Legal Director, (301) 492-8695.

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9. Licensing and Regulatory Policy and Procedures for Environmental Protection; Alternative Site Reviews (Parts 2, 50, 51)

Federal Register Citation: April 9, 1980 (45 FR 24168).

Description. The proposed rule would provide procedures and performance criteria for reviewing alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA). The proposal is intended to stablize alternative site reviews of a license application by codification of the lessons learned in past and recent reviews of nuclear power plant sites into an environmentally sensitive rule. The proposed rule would focus on six major issues associated with alternative site selection: (1) information requirements; (2) timing; (3) region of interest; (4) selection of candidate sites; (5) comparison of the proposed site with alternate sites; (6) reopening of the alternative site decision. The proposal is intended to be a comprehensive rule that will promote public understanding of and participation in the alternative site review process.

Objective. To develop written, understandable NRC review and decision-making criteria that provide necessary protection of important environmental qualities while reasonably restricting the consideration of alternatives to permit a rational, timely decision concerning the sufficiency of the alternative site analysis.

Background. The comment period closed June 9, 1980. The majority of the 27 comment letters supported the rulemaking but suggested improvements in the form of clarification or minor substantive changes. On May 28, 1981 (46 FR 28631) the Commission published a final rule on the issue of reopening the alternative site question after a favorable decision at construction permit or early site review stages. The staff is developing the remainder of the rule. Comments and suggestions received in response to Supplement No. 1 to NUREG-0499 and a Commission Workshop on alternative siting were considered in developing the proposed rule. NEPA requires the study and development of alternatives to any major Federal action that would significantly affect the quality of the human environment. Until recently the NRC did not initiate an extensive review of the applicant's site selection process unless substantial inadequacies were identified at the proposed site. The proposed rule reflects NRC's expanded review of the applicant's site selection process and the detailed investigation of alternative sites.

Legal Basis. 42 U.S.C. 2201, 4332, and 5841.

Timetable: Commission action of the final rule is scheduled for April, 1982.

Contact: William Ott, Office of Nuclear Regulatory Research, (301) 427-4578.

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10. Possible Amendments to the "Immediate Effectiveness" Rule in Construction Permit Proceedings (Parts 2, 50)

Federal Register Citation: May 22, 1980 (45 FR 34279).

Description. The proposed rule indicates that the Commission is considering alternative amendments to the "immediate effectiveness" rule for construction permit proceedings and is also considering retaining this rule unchanged. Under the "immediate effectiveness" rule, construction of a nuclear power plant can begin on the basis of an initial decision by the

Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review by the Commission. The Commission is concerned that the present rule often prevents it from reviewing a case until construction is well underway and that this might adversely affect either the quality of the decision-making process or the public perception of it.

Objective. To determine, through rulemaking, if NRC should continue to permit construction on a nuclear power plant to begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review within the Commission.

Background. The comment period closed July 7, 1980. A majority of the 15 comments received favor retaining the rule with little or no change. NUREG-0646 presented construction during adjudication. The staff is developing a final rule.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the final rule is scheduled for October, 1981.

Contact: Richard Parrish, Office of the General Counsel, (202) 634-3224.

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11. Modifications to the NRC Hearing Process (Part 2)

Federal Register Citation: June 8, 1981 (46 FR 30349).

Description. The proposed rule would facilitate expedited conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts, limit the number of interrogatories that a party may file in an NRC proceeding, and permit the boards to require oral answers to motions to compel, and service of documents by express mail.

Objective: To expedite the hearing process by among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early motion for dismissal where there is no factual dispute.

Background. The comment period closed June 29, 1981. Sixty comments were received. In recent weeks the Commission has been examining its hearing process to determine ways to expedite this process and thereby expedite the licensing process. The staff has proposed a service of procedural modifications to achieve this goal.

Legal Basis: 42 U.S.C. 2239a.

Timetable: Commission action on the final rule is unscheduled.

Contact: Martin G. Malsch, Office of the General Counsel, (202) 634-1465.

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12. Debt Collection Procedures (Part 15)

Federal Register Citation: September 23, 1981 (46 FR 46960).

Description. The proposed rule would add to NRC regulations a new part 15 which establishes the procedures which the NRC will follow to collect debts which are owed to it. The procedures are based upon the Federal Claims Collection Standards issued by the General Accounting Office (GAO) and the Department of Justice (DOJ), as amended on July 31, 1981. The Federal Claims Collection Act provides that these procedures be issued as regulations.

Objective. To improve NRC debt collection.

Background. The comment period closes November 9, 1981. Recent studies by the Executive Branch Debt Collection Project and the GAO reveal that more than $25 billion of the $175 billion in debts owed to the United States are either delinquent or in default. The President directed in the 1982 Budget Revisions that the collection of amounts owed to the Government be improved. The Supplemental Appropriations and Rescission Act of 1980 (Pub. L. 96-304) requires agencies covered by the Act, including the NRC, to improve the collection of overdue debts owed to the United States and to bill interest on delinquent debts.

Legal Basis. 31 U.S.C. 952, 42 U.S.C. 2201, 5841.

Timetable: EDO [1] action on the final rule is scheduled for March, 1982.

Contact: Graham D. Johnson, Office of the Controller, (301) 492-7535.

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13. Lower Radiation Exposure Levels for Fertile Women (Parts 19, 20)

Federal Register Citation: January 3, 1975 (40 FR 799).

Description. The proposed rule would incorporate the intent of the recommendation of the National Council on Radiation Protection and Measurements in Report No. 39 that the radiation exposure to an embryo or fetus be minimized.

Objective. The proposed rule would help provide assurance that radiation exposures of fertile women and fetuses will be kept well within the numerical dose limits recommended by the NCRP without undue restriction on activities involving radiation and radioactive material. NRC regulations would be amended to require licensees to instruct workers regarding health protection problems associated with exposure to radiation and radioactive materials by providing information about biological risks to embryos and fetuses. The proposed rule would also contain a Commission statement that licensees should make particular efforts to keep the radiation exposure of an embryo or fetus to the very lowest practicable level during the entire gestation period as recommended by the NCRP.

Background. The comment period closed March 5, 1975. Twenty-nine comments were received. A majority of the comments supported the proposed rule. The subject of this proposed rule, employee radiation exposure, will be addressed further, in the context of planned EPA/NRC/OSHA hearings on radiation exposure levels and also will be included in the comprehensive revision of 10 CFR Part 20.

Legal Basis. 42 U.S.C. 2111, 2201.

Timetable: Commission action on final rule is scheduled for June, 1982.

Contact: Walter Cool, Office of Nuclear Regulatory Research, (301) 427-4579.

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14. Changes in Radiation Dose-Limiting Standards (Parts 19, 20)

Federal Register Citation: February 20, 1979 (44 FR 10388).

Description. The proposed rule would eliminate the accumulated dose averaging formula and the associated Form NRC-4, Exposure History, and impose annual dose-limiting standards while retaining quarterly standards. The proposed rule was published because of the desire of the Commission to reduce the risks of occupational radiation doses in Commission-licensed activities, the Commission's continuing systematic assessment of exposure patterns, and new recommendations of the International Commission on Radiological Protection for controlling radiation dose. In preparing the proposed rule, the Commission has also taken into account recently published interpretations of epidemiological data and associated recommendations for lower dose standards as well as petitions for rulemaking to lower dose standards (PRMs-20-6 and 20-6A).

Objective. The Commission believes that the changes contained in the proposed rule would benefit workers by increasing radiation protection for them. These changes should also encourage some NRC licensees to take further

[1] EDO refers to Executive Director for Operations. The Executive Director's delegated rulemaking authority is set forth at 10 CFR 1.40(d).

action to reduce occupational radiation doses. In addition to the imposition of annual dose-limiting standards, the proposed rule contains provisions which would express, in terms of new annual standards, the standard for dose to minors, the requirement for provision of personnel monitoring equipment, and the requirement for control of total dose to all workers including transient and moonlighting workers.

Background. The comment period closes April 23, 1979. Eighty-three comments were received. Forty-seven of the comments opposed the rule on the grounds that the Commission should permit doses greater than 5 rem/yr under unusual circumstances. A final rule will be developed after joint EPA/OSHA/NRC hearings on Federal guidance for occupational radiation protection, and as part of the comprehensive revision of 10 CFR Part 20.

Legal Basis. 42 U.S.C. 2111, 2201.

Timetable: Commission action on an advance notice of proposed rulemaking for the comprehensive revision to 10 CFR Part 20 is scheduled for June, 1982.

Contact: Walter S. Cool, Office of Nuclear Regulatory Research, (301) 427–4579.

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15. Protection of Employees Who Provide Information (Parts 19, 30, 40, 50, 70, 72, 150)

Federal Register Citation: March 10, 1980 (45 FR 15184).

Description. The proposed rule would clarify the protection given to employees of licensees permittees, applicants, and their contractors and subcontractors who provide information to the NRC. This proposed rule is in response to section 10 of Public Law 95–601, which amended the Energy Reorganization Act of 1974 by adding a new § 210, "Employee Protection." This new section identifies specific acts of employees as protected activities and prohibits employers from discriminating against employees who engage in these activities, provides the Department of Labor with new authority to investigate an alledged act of discrimination, and provides a remedy to the discrimination by means of an administrative proceeding in the Department of Labor. The proposed rule would (1) change the types of information to include not only information on radiological working conditions but also information on antitrust, safety, and security matters, (2) make the employee protection provisions applicable not only to licensees but also to permittees, applicants, and their contractors and subcontractors, (3) make employers aware that discrimination against employees who provide this information to the NRC is prohibited, (4) make employees aware that if this discrimination is believed to have occurred, a recourse for remedy is available through the Department of Labor, and (5) require posting on premises of licensees, permittees, and applicants of explanatory material relating to the prohibition and remedy. The new authority of the Department of Labor does not in any way abridge the Commission's pre-existing authority under section 161 of the Atomic Energy Act to investigate an alleged discrimination and take appropriate action, for example withholding of a license, suspension of a license, or imposing a civil penalty.

Objective. To provide greater protection for employees of licensees, contractors, etc., who provide information to the NRC.

Background. The comment period closed on May 9, 1980. Twenty-nine comments were received, and they are evenly divided in their support of the rule.

Legal Basis. 42 U.S.C. 2101, 2236, 2282, 5851.

Timetable: Commission action on the final rule is scheduled for November, 1981.

Contact: William E. Campbell, Jr., Office of Nuclear Regulatory Research, (301) 443–5981.

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16. Informal Conference During Inspection (Part 19)

Federal Register Citation: March 26, 1980 (45 FR 19564).

Description. The proposed rule would establish a procedure for holding informal conferences at any time during or after an inspection to which both the NRC inspector and licensee could invite, as either determines appropriate, individuals with legitimate interests in matters pertaining to the inspection. Currently, licensees have the prerogative of choosing representatives, including their own employees and consultants, to attend inspection meetings with NRC inspectors. The NRC, on the otherhand, has essentially no option under current regulations concerning who should attend these meetings. The proposed rule would give the NRC the prerogative of having present individuals that have a specific and legitimate interest in attending the meeting.

Objective. To facilitate the exchange of information during and after an inspection of licensed facilities and to expedite the resolution of inspection findings.

Background. The comment period closed May 12, 1980. Fifty-six comments were received, 48 of which generally supported the proposed rule, with modifications, and eight of which opposed the rule. The final rule was disapproved by the Commission on June 30, 1981. The Commission determined that the rule was no longer necessary since the objective is now being met voluntarily by licensees. The Commission recommended that appropriate rule changes be made in other parts of 10 CFR to include provisions similar to those included in this proposed rule (i.e., the right to accompany inspectors, request inspections) to cover other safety, safeguards, and environmental impacts. The Commission further stated that these rule changes be incorporated in the Periodic and Systematic Review of Regulations.

Legal Basis. 42 U.S.C. 2111, 2201, 5841.

Timetable: A notice of withdrawal of proposed rulemaking is scheduled to be published in October, 1981.

Contact: Allan K. Roecklein, Office of Nuclear Regulatory Research, (301) 443–5970.

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17. Transuranic Waste Disposal (Parts 20, 150)

Federal Register Citation: September 12, 1974 (39 FR 32921).

Description. The proposed rule would prohibit the disposal burial in soil of transuranic elements above a certain concentration. A companion amendment to Part 150 would reassert exclusive Commission authority over disposal of transuranic contaminated wastes (TRU) exceeding this concentration in Agreement States.

Objective. To establish a limit on the disposal of TRU by shallow-land burial.

Background. Comment period ended November 11, 1974; fifteen comments were received. The proposed rule has been incorporated into a new proposed rule, that would establish a new 10 CFR Part 61. A notice withdrawing the earlier proposed rule on TRU and the accompanying proposed amendment to the Commission's Part 150 Agreement states rules will be issued.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2273, 5842, 5846.

Timetable: Action on the notice withdrawing this proposed rule is scheduled for late 1981.

Contact: Paul H. Lohaus, Office of Nuclear Material Safety and Safeguards, (301) 427–4500.

18. Irretrievable Well-Logging Sources (Parts 30, 70)

Federal Register Citation: September 28, 1978 (43 FR 44547).

Description. The proposed rule would establish requirements a licensee must follow in the event a well-logging source (a measurement/detection device which contains sealed radioactive source material) becomes disconnected from the wireline which suspends the source in the well and for which all reasonable efforts at recovery, as determined by the Commission, have been expended. The proposed rule would codify the requirements that were previously imposed on individual licensees as a license condition.

Objective. To ensure that there is no damage to the source through drilling operations which might result in dispersal of the radioactive material to the biosphere.

Background. The comment period closed November 27, 1978. Ten comments generally supported the proposed regulation. Additional study was required to complete the value/impact analysis.

Legal Basis. 42 U.S.C. 2703, 2111, 2201 (b), (i), and (o), 5841.

Timetable: Commission action on the final rule is scheduled for November 1981.

Contact: Michael E. Wangler, Office of Nuclear Regulatory Research, (301) 443–5825.

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19. Exemption of Technetium-99 and Low-Enriched Uranium as Residual Contamination in Smelted Alloys (Parts 30, 32, 70, 150)

Federal Register Citation: October 27, 1980 (45 FR 70874).

Description. The proposed rule would exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy. The proposed rule would remove the Commission's present specific licensing requirement that has the effect of inhibiting trade in and recycling of metal scrap contaminated with small amounts of these radioactive materials.

Objective. To remove a requirement that inhibits trade in scrap metal contaminated with small amounts of technetium-99 and low-enriched uranium and prevents recycling by the secondary metals industry of smelted alloys containing these two radioactive materials.

Background. The NRC presented the proposed rule in response to a Department of Energy request. The comment period closed December 11, 1980. The NRC received 3,604 comments, almost all opposing the proposed regulation. Public comments are being resolved. Alternatives to unrestricted release are being considered.

Legal Basis. 42 U.S.C. 2073, 2077, 2111, 2201(b), 2021, 5841, 2273, 2201(o).

Timetable: Commission action on the final rule is scheduled for February 1982.

Contact: Michael E. Wangler, Office of Nuclear Regulatory Research, (301) 443–5825.

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20. Institutional Radiation Safety Committee (Part 35)

Federal Register Citation: April 9, 1979 (44 FR 21023).

Description. The proposed rule would replace the existing requirement for medical institutional licenses to appoint a Medical Isotopes Committee with a new requirement that medical institutional licensees appoint a Radiation Safety Committee. The proposed rule would simplify committee membership requirements and focus committee activity on coordinating the use of byproduct material throughout the institution and monitoring the institution's radiation safety program.

Objective. To emphasize radiation safety within medical institutions and to ease recruiting of qualified committee members for smaller institutions.

Background. The comment period closed June 8, 1979. Sixty comments were received. Approximately one-third favored the rule, one-third opposed, and one-third commented without indicating preference.

Legal Basis. 42 U.S.C. 2111, 2201, 5841.

Timetable: Commission action on the final rule is scheduled for December, 1981.

Contact: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, (301) 427–4580.

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21. Patient Dosage Measurement (Part 35)

Federal Register Citation: September 1, 1981 (46 FR 43840).

Description. The proposed rule would require specific medical licensees to (1) measure the total activity of each radiopharmaceutical dosage, except those containing a pure beta-emitting radionuclide, before it is administered to a patient; (2) measure doses with activity less than ten microcuries to verify that activity did not exceed ten microcuries; and (3) keep a record of each measurement. Currently each of NRC's approximately 2000 specific medical licensees are individually required by a license condition to measure the activity of radiopharmaceutical dosages before administering them to patients. The proposed rule would replace the individual licensing conditions with a single regulatory requirement.

Objective. (1) To simplify licensing by replacing a condition that appears in all specific medical licenses with one regulation and (2) to enhance patient radiation safety by minimizing potential misadministrations caused by not measuring the patient dosage.

Background. The comment period will close on November 30, 1981.

Legal Basis. 42 U.S.C. 2111, 2201, 5841.

Timetable: EDO action on the final rule is scheduled for February, 1982.

Contact: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, (301) 427–4580.

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22. General Design Criteria for Fuel Reprocessing Plants (Part 50)

Federal Register Citation: July 18, 1974 (39 FR 26293).

Description. The proposed rule would establish general criteria for designing fuel reprocessing plants. The general criteria contains the minimum requirements that an applicant must use in the selection of a principal design criteria for a fuel reprocessing plant. The principal criteria would establish design fabrication, construction, testing, and performance requirements for structures, systems and components important to the safety of the facility.

Objective. To provide reasonable assurance that fuel reprocessing plants can be operated without undue risk to the health and safety of the public.

Background. This proposed rule was indefinitely deferred based on the Carter Administration's policy that commercial reactor fuel will not be reprocessed.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, and 2233.

Timetable: Commission action on this proposed rule is unscheduled.

Contact: Charles W. Nilsen, Office of Nuclear Regulatory Research, (301) 443–5910.

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23. Interim Requirements Related to Hydrogen Control and Certain Degraded Core Considerations (Part 50)

Federal Register Citation: October 2, 1980 (45 FR 65466).

Description. The proposed rule would improve hydrogen control capability during and following an accident in light-water reactor facilities and provide specific design and other requirements to mitigate the consequences of accidents resulting in a degraded reactor

core. The interim requirements are initiated in response to the Three Mile Island accident that resulted in a severely damaged or degraded reactor core, a release of radioactive material to the primary coolant system, and a fuel cladding-water reaction which generated a large amount of hydrogen. The NRC is also initiating a long-term rulemaking to consider to what extent, if any, nuclear power plants should be designed to deal effectively with degraded-core and core-melt accidents.

Objective. To improve hydrogen management in light-water reactor facilities and correct design and operational limitation revealed by the TMI accident.

Background. The comment period closed on November 3, 1980. Thirty-five comments were received. The comments were equally divided between those in favor of and those opposed to the proposed rule.

Legal Basis. 42 U.S.C. 2201(o).

Timetable: Commission action on the proposed rule is scheduled for October, 1981.

Contact: Morton R. Fleishman, Office of Nuclear Regulatory Commission, (301) 443–5981.

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24. Plan To Require Licensees and Applicants to Document Differences From the Standard Review Plan (Part 50)

Federal Register Citation: October 9, 1980 (45 FR 67099).

Description. The proposed rule would require all nuclear power plant licensees and all applicants for construction permits and manufacturing licenses to identify and justify deviations from the acceptance criteria of the applicable revision of the Standard Review Plan, NUREG–75–087 (SRP). The SRP ensures quality and uniformity in staff licensing reviews and presents a well-defined base from which proposed changes in the scope of these reviews may be evaluated. Because of the experience NRC has acquired in methods of review and techniques for the safety evaluation of nuclear power facilities, the SRP is periodically reviewed and revised to reflect the state of the art, resulting in a varying scope of review. Lack of uniform documentation makes it difficult to determine the extent to which plants reviewed in the past deviate from current acceptance criteria and if so the safety significance of the deviation.

Objective. To provide uniform documentation to the NRC of any deviation by the licensee from the current licensing acceptance criteria set out in the SRP. This would improve the quality of staff license applications review.

Background. The comment period closed November 24, 1980. Of the 39 comments submitted, 31 were submitted by industry organizations uniformly opposed to the rule. A final rule was sent to the Commission on January 8, 1981. On February 17, 1981, the staff sent to the Commission an outline of a revised plan to implement the proposed requirement only for operating reactors. The Commission, by memorandum dated June 22, 1981, asked for a final rule relating only to operating license applicants. This final rule is being prepared by the staff. A Commission decision on future actions for operating reactors is pending.

Legal Basis. 42 U.S.C. 2132, 2133, 2201.

Timetable: Commission action of the final rule is scheduled for October, 1981.

Contact: Robert L. Tedesco, Office of Nuclear Regulatory Research, (301) 492–7425.

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25. Fracture Toughness Requirements for Nuclear Power Reactors (Part 50)

Federal Register Citation: November 14, 1980 (45 FR 75536).

Description. The proposed rule would update existing fracture toughness requirements for the reactor coolant pressure boundary of light-water nuclear power reactors. The proposed rule is needed to clarify the applicability of the fracture toughness requirements to old and new plants, modify certain requirements of Appendices G and H to Part 50, and simplify these regulations by replacing technical detail with references to appropriate ASME Boiler and Pressure Vessel Code provisions.

Objective. To update existing requirements to be more consistent with current technology and pertinent national standards (ASME Code).

Background. Comment period ended January 13, 1981. Thirteen comments were received. Several comments received from utilities sought more clarification or relief from the proposed requirements.

Legal Basis. 42 U.S.C. 2133, 2134, 2201(i), and 5841.

Timetable: Commission action scheduled for January, 1982.

Contact: Neil Randall, Office of Nuclear Regulatory Research, (301) 443–5904.

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26. TMI-Related Licensing Requirements for Pending Operating License Applications (Part 50)

Federal Register Citation: May 13, 1981 (46 FR 26491).

Description. The proposed rule would add new requirements to power reactor safety regulations applicable only to operating license applications. The proposed rule, as part of NRC's efforts to apply the lessons learned from the accident at Three Mile Island to power plant licensing, would add the basic requirements contained in NUREG–0737 which addresses the problems of design deficiencies, equipment failure, and human error.

Objective. To codify the requirements of NUREG–0737 "Clarification of TMI-Action Plan Requirements" into the Commission's regulations applicable to operating license applications.

Background. The comment period closed August 12, 1981. Most of the 50 comments received opposed the proposed rule. This proposed rule advised the public that the Commission was considering the issuance of a similar rule that would incorporate NUREG–0737 requirements into its regulations applicable to operating reactors. However, at a meeting held August 12, 1981, the Commission determined that a proposed rule for operating reactors should not be issued, and requested instead an approach with a substantially reduced scope that would increase flexibility and permit more detailed consideration.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 5842, 5846.

Timetable: EDO action on the final rule is scheduled for December, 1981.

Contact: David M. Verrelli, Office of Nuclear Reactor Regulation, (301) 492–8434.

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27. Reporting of Changes to the Quality Assurance Program (Part 50)

Federal Register Citation: July 2, 1981 (46 FR 34595).

Description. The proposed rule would require holders of nuclear power plant construction permits and operating licenses to implement the approved quality assurance program. The proposal would also require the permit holders and licensees to inform the Commission in writing within 30 days of certain program changes which affect the description of the quality assurance program included in their Safety Analysis Report and accepted by the Commission. Because existing regulations do not require that change to the accepted quality assurance program be reported to the Commission, some licensees have changed the quality assurance program without informing the Commission.

Objective. To ensure that quality assurance programs which are approved

by the Commission do not have their effectiveness reduced by subsequent changes thereby increasing the risk to public health and safety.

Background. Comment period closed September 8, 1981. Thirty-one comments were received equally divided in their opposition to and support of the proposal.

Legal Basis. 42 U.S.C. 2133, 2134, 2201(o), 5841.

Timetable: Commission action on the final rule is scheduled for March, 1982.

Contact: Steven D. Richardson, Office of Nuclear Regulatory Research, (301) 443-5942.

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28. Codes and Standards for Nuclear Power Plants (Part 50)

Federal Register Citation: July 27, 1981 (46 FR 38374).

Description. The proposed rule would incorporate by reference new addenda of the ASME Boiler and Pressure Vessel Code. The new addenda will include changes to the code for the Winter of 1979, and the Summer and Winter of 1980. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants. Licensees are subject to the ASME code that is in effect on the dates that their licenses are granted.

Objective. To include the most recent changes made to the ASME Boiler and Pressure Vessel Code and to permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Background. The comment period closed September 9, 1981. No comments were received. The ASME code is updated bi-annually with changes in the form of a Summer addenda and a Winter addenda.

Legal Basis. 42 U.S.C. 2133, 2134, 2201(b) and (i), 5841.

Timetable: Commission action on the final rule is scheduled for December, 1981.

Contact: Edward Baker, Office of Nuclear Regulatory Research, (301) 443-5894.

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29. Financial Qualifications; Domestic Licensing of Production and Utilization Facilities (Part 50)

Federal Register Citation: August 18, 1981 (46 FR 41786).

Description. The proposed rule would eliminate requirements for NRC review and findings concerning the financial qualifications of applicants for construction permits and operating licenses for production or utilization facilities. A possible exception to this proposal is that the Commission may decide to retain the portion of the operating license financial review relating to costs for permanent shutdown and maintenance of the facility in a safe condition.

Objective. To remove a portion of the safety review which has done little to identify substantial health and safety concerns at nuclear power plants. To identify and solicit public comment regarding the type of NRC review that would focus effectively on financial considerations that might have an adverse impact on safety.

Background. An advance notice of proposed rulemaking was published May 25, 1978 (43 FR 22373). The comment period closed July 24, 1978. Most of the seven comments received favored the proposal. The comment period on the proposed rule closed October 16, 1981. Thirty comments have been received as of October 15, 1981.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 5841, 5842, 5846.

Timetable: Commission action on the final rule is scheduled for December, 1981.

Contact: Jim C. Petersen, Office of State Programs, (301) 492-9883.

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30. Safeguards Requirements for Nonpower Reactor Facilities Authorized To Possess Formula Quantities of Strategic Special Nuclear Material (Parts 50, 70, 73)

Federal Register Citation: September 18, 1981 (46 FR 46333).

Description. The proposed rule would establish additional physical security requirements for non-power reactor licensees who possess five formula kilograms or more of strategic special nuclear material (primarily uranium-235 contained in high-enriched uranium (HEU)). These licensees would be required to implement these additional security measures only when the amount of strategic special nuclear material (SSNM) possessed, having an external dose rate not exceeding 100 rem/hour at a distance of three feet from any accessible surface without intervening shielding, equals or exceeds five formula kilograms. However, all non-power reactor licensees authorized to possess five formula kilograms or more of strategic special nuclear material would be required to submit revised physical security plans describing how they would implement the additional requirements if a sufficient amount of the licensee's irradiated fuel falls below the 100 rem/hour at three feet external radiation does rate exemption level resulting in the licensee possessing a formula quantity of fuel which is not self-protecting. These proposed amendments would replace the currently effective interim requirements in section 73.60 of 10 CFR which were published in the **Federal Register** on November 28, 1979 (44 FR 68199).

Objective. To provide protection for nonpower reactors authorized to possess formula quantities of SSNM against an insider threat and to require a response by local law enforcement agencies in time to prevent a theft of a formula quantity of SSNM.

Background. The comment period closes on November 17, 1981.

Legal Basis. 42 U.S.C. 2071, 2073, 2133, 2134, 2152, 2201, 2232, 2233, 2236, 2239, 2273, 5841, 5842, 5846.

Timetable: Commission action on the final rule is scheduled for September, 1982.

Contact: Charles K. Nulsen, Office of Nuclear Materials Safety and Safeguards, (301) 427-4181.

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31. Emergency Preparedness; Prompt Public Notification Systems (Part 50)

Federal Register Citation: September 21, 1981 (46 FR 46587).

Description. The proposed rule would defer the implementation date for a prompt public notification capability for nuclear power plants for use during emergencies. The original implementation date for this capability was established by the Commission through regulation and was set for July 1, 1981. Since the promulgation of the requirement for prompt public notification capability, the Commission has (1) noted that emergency plans and preparedness have significantly improved at and around every nuclear power site; (2) noted that the Federal Emergency Management Agency and the NRC have monitored numerous nuclear emergency exercises involving state and local governments and the licensees, and have witnessed a significant improvement in onsite and offsite emergency preparedness; and (3) noted that there exist customary warning systems (police, radio, telephone) which are sufficiently effective in many postulated emergency scenarios. As a result, the Commission, in this rule, proposed to defer the implementation date of the prompt

public notification capability requirement to February 1, 1982.

Objective. To grant affected licensees additional time to obtain emergency equipment and to complete necessary coordination and communication procedures with state and local government. Licensees also require additional time to obtain required permits and clearances.

Background. The Commission's decision to defer the date for requiring full implementation of this requirement was made after consideration of industry-wide difficulty in acquiring the necessary equipment, permits, and clearances. This proposed deferral does not represent any fundamental departure from the rationale the Commission used in adopting and sustaining the public notification capability requirement.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 5842, 5846.

Timetable: The comment period for the proposed rule closed October 21, 1981.

Contact: Brian K. Grimes, Office of Inspection and Enforcement, (301) 492–4614.

32. Explanation to Table S–3 Uranium Fuel Cycle Environmental Data (Part 51)

Federal Register Citation: March 4, 1981 (46 FR 15154).

Description. The proposed rule provides a narrative explanation of the numerical values established in Table S–3, "Table of Uranium Fuel Cycle Environmental Data", that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S–3 and the conditions governing the use of the table. The table also addresses important fuel cycle impacts such as environmental dose commitments, health effects, socioeconomic impacts, and cumulative impacts where these factors are eligible for generic treatment. The proposed rule would remove environmental impacts addressed in Table S–3 from consideration in individual reactor licensing proceedings for which a generic conclusion can be drawn that they cannot significantly affect the environmental cost-benefit balance for a light-water reactor.

Objective. To clarify the significance of the uranium fuel cycle environmental data contained in Table S–3 and to address important environmental fuel cycle impacts which may be handled generically thereby removing those impacts from consideration in individual licensing proceedings.

Background. The comment period closed May 11, 1981. Of the 11 comments received, three supported the proposal and eight opposed the rule. The narrative explanation to Table S–3, presented in the proposed rule was drawn to the extent possible, from WASH–1248, NUREG–0116, NUREG–0216 and other material in the S–3 hearing record. On July 27, 1979 (44 FR 45362) the Commission set out the revised environmental impact values for the uranium fuel cycle to be included in environmental statements and reports for reactors. That document also announced Commission intention to publish an explanatory narrative that provides the public with quantitative measures of the radiological impacts resulting from the releases of radioactive material specified in Table S–3.

Legal Basis. 42 U.S.C. 2011, 4321.

Timetable: Commission action on the final rule is scheduled for November, 1981.

Contact: Glenn A. Terry, Office of Nuclear Materials Safety and Safeguards, (301) 427–4211.

33. Need for Power and Alternative Energy Issues in Operating License Proceedings (Part 51)

Federal Register Citation: August 3, 1981 (46 FR 39440).

Description. The proposed rule would provide that need for power and alternative energy source issues will not be considered in operating license proceedings for nuclear power plants and need not be addressed by operating license applicants in environmental reports at the operating license stage. The Commission considers and resolves these issues at the construction permit stage of its two-step licensing process. Although the National Environmental Policy Act of 1969 requires the Commission to consider alternatives, including the need for power and other energy sources, when considering construction of a nuclear power plant, it does not require that the Commission duplicate its review of these issues at the operating license stage, unless there is new information.

Objective. To avoid unnecessary litigation of the need for power and alternative energy issues and to eliminate the necessity for duplicating its review of the issues at the operating license stage.

Background. The comment period closed October 2, 1981. Sixteen comments were received. The staff is currently evaluating the comments. The proposed rule reflects Commission belief that case specific need for power and alternative energy source evaluations need not be included in the environmental evaluation for a nuclear power plant operating license. Proper consideration of these issues must occur at the construction permit stage when there is little environmental disruption and a minimum capital investment has been made by the license applicant. It is at this stage that meaningful alternatives to the construction and operation of the proposed nuclear power plant exist.

Legal Basis: 42 U.S.C. 2201, 4332, and 5841.

Timetable: Commission action on the final rule is scheduled for December, 1981.

Contact: Darrel A. Nash, Office of State Programs, (301) 492–9882.

34. Disposal of High-Level Radioactive Wastes in Geologic Repositories (Part 60)

Federal Register Citation: July 8, 1981 (46 FR 35280).

Description. The proposed rule would specify the technical criteria for the disposal of high-level radioactive waste (HLW) in geologic repositories. These proposed criteria address siting, design, and performance of a geologic repository, and the design and performance of the package which contains the waste within the geologic repository. The proposed rule also includes criteria for monitoring and testing programs, performance confirmation, quality assurance, and personnel training and certification. The proposed criteria are necessary for the NRC to fulfill its statutory obligations concerning the licensing and regulating of facilities used for the receipt and storage of high-level radioactive waste.

Objective. To provide guidance to the Department of Energy and to the public as to the NRC's technical requirements for the disposal of high-level radioactive wastes in a geologic repository.

Background. The comment period closes November 5, 1981. To date 15 comments have been received. On December 6, 1979, the NRC published for comment in the **Federal Register** (44 FR 70408) proposed licensing procedures for geologic disposal of high-level radioactive wastes. The licensing procedures were published in the **Federal Register** in final form on February 25, 1981 (46 FR 13971). On May 13, 1980, the NRC published in the **Federal Register** (45 FR 31393) an advance notice of proposed rulemaking (ANPRM) which requested comments on the technical criteria under development by the staff, a draft of which was included in the ANPRM. The technical

criteria in the proposed rule are the culmination of a number of drafts, and were developed in light of the comments received on the ANPRM.

Legal Basis. 42 U.S.C. 2021a, 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 4332, 5842, and 5846.

Timetable: Commission action on the final rule is scheduled for May 1982.

Contact: Edward O'Donnell, Office of Nuclear Regulatory Research, (301) 427–4639.

35. Licensing Requirements for Land Disposal of Radioactive Waste (Part 61)*

Federal Register Citation: July 24, 1980 (46 FR 38081).

Description. The proposed rule would specify performance objectives and general requirements for land disposal of radioactive waste, technical requirements for disposal of radioactive waste to near-surface disposal facilities, requirements for submitting applications for licenses authorizing these activities and procedures which the Commission will follow in the issuance of these licenses, provisions for consultation and participation in license reviews by state governments and Indian tribes, and procedures governing the transfer of licensed material for disposal. Specific requirements for licensing facilities for the disposal of radioactive wastes by alternative land disposal methods will be proposed for Part 61 in subsequent rulemaking. The proposed rule does not deal with the disposal by individual licensees of their own wastes by burial. Disposal of radioactive wastes by an individual licensee will continue to be governed by requirements in Part 20 of 10 CFR.

Objective. To establish procedures and technical standards and criteria for the licensing of facilities for the land disposal of radioactive wastes.

Background. The comment period closes January 14, 1982.

Legal Basis. 42 U.S.C. 2021a, 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 5842, 5846.

Timetable: Commission action on the final rule is scheduled for November, 1982.

Contact: R. Dale Smith, Office of Nuclear Material Safety and Safeguards, (301) 427–4433.

36. Transportation of Radioactive Material—Compatibility With IAEA Regulations (Part 71)

Federal Register Citation: August 17, 1979 (44 FR 48234).

Description. The proposed rule would revise the NRC's regulations for the transportation of radioactive material to make them more compatible with those of the International Atomic Energy Agency (IAEA) and thus with those of most major nuclear nations of the world. Although several substantive changes are proposed in order to provide a more uniform degree of safety for various types of shipments, the Commission's basic standards for radioactive material packaging would remain unchanged. The Department of Transportation (DOT) is also proposing a corresponding rule change to its Hazardous Materials Transport Regulations.

Objective. To make NRC regulations for the transportation of radioactive material compatible with those of the IAEA and thus with those of most nuclear nations of the world.

Background. The comment period closed October 16, 1979. Twenty-eight comments have been received, with most generally supporting the proposed rule. More than half of the commenters made suggestions regarding the technical content of the requirements, and several were concerned specifically about the consistency of terminology and requirements among NRC, DOT, and the IAEA.

Legal Basis. 42 U.S.C. 2073, 2093, 2111, 2232, 2233, 2273, and 5842.

Timetable: Commission action on the final rule is scheduled for November, 1981.

Contact: Donald R. Hopkins, Office of Nuclear Regulatory Research, (301) 443–5825.

37. Advance Notification to States of Transportation of Certain Types of Nuclear Wastes (Part 71)

Federal Register Citation: December 9, 1980 (45 FR 81058).

Description. The proposed rule would require a licensee shipping nuclear waste in a specific type of package and in certain quantities, in either intrastate or interstate transport to provide advance notification of the shipment to the governors of the states affected. This notification will provide governors advance information, not otherwise available to them, related to nuclear waste transportation in their states. This proposed rule is the result of an amendment to the Atomic Energy Act contained in Section 301(a) of Public Law 96–295, which directed the NRC to require licensees to make this notification. Shipment of spent fuel is covered under a separate amendment to the Commission's regulations at 10 CFR Part 73 since information regarding these shipments contain sensitive safeguards data which must be protected.

Objective. To allow State governments the opportunity to take measures necessary to protect the health and safety of their citizens.

Background. The comment period closed March 9, 1981. Sixty-two comments were received. Of these, 21 were from state governors or agencies, 19 were from the public, 18 were from industry, three were from Federal agencies, and one was from a city mayor. Comments from state governors generally favored the proposed rule but requested that the notifications be sent to specific state agencies. Some also expressed concern that the rule would preempt state regulatory authority. Other comments varied. A general concern centered on the scope of the advance notification.

Legal Basis. 42 U.S.C. 2073, 2077, 2092, 2201, 5841.

Timetable: Commission action on the final rule is scheduled for October, 1981.

Contact: John P. Roberts, Office of Nuclear Materials Safety and Safeguards, (301) 427–4205.

38. Access Controls to Nuclear Power Plant Vital Areas (Part 73)

Federal Register Citation: March 12, 1980 (45 FR 15937).

Description. The proposed rule would require that (1) access authorization to a vital area within a nuclear power plant be correlated to the need to have access to that area during a particular time period, (2) individuals granted access to particular types of vital areas will be issued serially numbered badges that display a visible code indicating the level of access granted corresponding to the associated types of vital areas designated in the security plan, and (3) licensee procedures and/or equipment be used to assure that only the authorized individual can gain unescorted entry to a vital area on his or her authorization.

Objective. To define more clearly the criteria for personnel access controls for nuclear power plant vital areas.

Background. The comment period closed May 12, 1980. Twelve comments were received, all of which supported the intent of the rule. Several commenters requested clarification of certain phrases in the proposed rule. Initial development on the final rule produced significant changes, particularly the criteria for personnel access controls to vital areas, resulting in a need to publish a new proposed rule. This revised proposed rule will also address the technique for designating vital areas.

Legal Basis. 42 U.S.C. 2101, 5841.

Timetable: Commission action on the revised proposed rule is scheduled for December, 1981.

Contact: Tom R. Allen, Office of Nuclear Material Safety and Safeguards, (301) 427–4181.

39. Searches of Individuals at Power Reactor Facilities (Part 73)

Federal Register Citation: December 1, 1980 (45 FR 79492).

Description. The proposed rule would require nuclear power plant licensees to conduct searches of individuals at the entry portals to protected areas of power reactor facilities. The currently effective regulations require, in part, that physical ("pat-down") searches be conducted by licensees of their employees and other persons before their entry into a protected area of a power reactor facility. However, the NRC has extended to licensees relief from the requirement to conduct the physical search of regular employees of power reactor facilities while this rulemaking is proceeding. The most recent notice granting a continuation of this relief was published in the Federal Register on December 1, 1980 (45 FR 79410). This proposed rule would require searches similar to those used on an interim basis at power reactors prior to November 1, 1980. The searches would include the mandatory use of search equipment for all persons and the use of pat-down searches of visitors. Pat-down seaches of employees would be required in certain situations.

Objective. To standardize the search procedures at the entry portals to protected areas of power reactor facilities.

Background. The comment period closed on January 15, 1981. Approximately 30 comments were received, and they were about evenly divided in their support for or opposition to the proposed rule.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the final rule is scheduled for December, 1981.

Contact: Tom R. Allen, Office of Nuclear Material Safety and Safeguards, (301) 427–4181.

40. Advance Notification to Governors Concerning Shipments of Irradiated Reactor Fuel (Part 73)

Federal Register Citation: December 9, 1980 (45 FR 81060).

Description. The proposed rule would require a licensee shipping irradiated reactor fuel ("spent fuel") within or through a state to provide the governor of the state advance information which would not otherwise be available concerning nuclear waste transportation in his respective state. This proposed rule is the result of an amendment to the Atomic Energy Act contained in Section 301 of Public Law 96–295, which directed the NRC to require licensees to make this notification. Because of the need to protect the shipment of spent fuel from theft, diversion, or sabotage, the notification requirements for spent fuel shipments will likely be different from the notification requirements of other forms of nuclear waste. This proposed rule provides the procedures for this notification and the limitations on the authorized used of this information by officials of state governments. The notification to states of other forms of radioactive waste is provided in a proposed amendment to 10 CFR Part 71.

Objective. To allow state governments the opportunity to take measures necessary to protect the health and safety of their citizens.

Background. The comment period closed March 9, 1981. Sixty comments were received. Of these, 24 were from state governors or agencies, 23 were from the public, nine were from industry, three were from Federal agencies, and one was from a city mayor. The majority of the comments supported the proposed rule, and numerous modifications were suggested.

Legal Basis. 42 U.S.C. 2073, 2077, 2092, 2201, 5841.

Timetable: Commission action on the final rule is scheduled for October, 1981.

Contact: Carl B. Sawyer, Office of Nuclear Material Safety and Safeguards, (301) 427–4181.

41. Physical Protection of Intransit Special Nuclear Material of Moderate Strategic Significance (Part 73)

Federal Register Citation: June 15, 1981 (46 FR 31267).

Description. The proposed rule would amend the NRC's physical protection regulations for special nuclear material (SNM) of moderate strategic significance to require licensees who transport this material to improve their safeguards capabilities for early detection of attempted theft of this material while it is intransit. These improvements include (1) the use of locked cargo compartments and temporary storage areas, (2) frequent enroute telephone communications, and (3) employment to exclusive use trucks or signature acknowledgement of all custody transfers for road shipments. The NRC has been concerned that possible multiple thefts of SSN of moderate strategic significance could result in the accumulation by an adversary of a formula quantity of strategic special nuclear material (SSNM). To prevent multiple thefts of less than formula quantities of SSNM, the NRC considers it necessary to improve licensee capabilities for early detection of thefts of intransit SNM of moderate strategic significance. Early detection of the loss or theft of a shipment of SNM of moderate strategic significance would provide time for the NRC to alert other licensees possessing similar types and quantities of material at fixed sites and to delay any planned shipments or begin trace procedures for any shipment in progress.

Objective. To improve licensee safeguards capabilities for early detection of attempted theft of special nuclear material while it is intransit.

Background. The comment period closed August 15, 1981. Eight comments were received. The commenters were generally opposed to the requirements as being too severe.

Legal Basis. 42 U.S.C. 2073, 2201, 2273, 5841.

Timetable: Commission action on the final rule is scheduled for March, 1982.

Contact: Charles K. Nulsen, Office of Nuclear Material Safety and Safeguards, (301) 427–4181.

42. Financial Protection Requirements and Indemnity Agreements; Miscellaneous Amendments (Part 140)

Federal Register Citation: April 6, 1979 (46 FR 20709).

Description. The proposed rule would implement legislated changes in the financial protection requirements of licensees and the indemnification and limitation of liability of certain licensees. On December 31, 1975, Public Law 94–197 was enacted which modified and extended the Price-Anderson Act (Public Law 85–256). This Act established the current financial protection and indemnity program of licensees. The new legislation requires the payment of a retrospective premium, whereby the utility industry would share liability for any damages exceeding the maximum liability insurance available from private sources, currently $160 million, that might result from a nuclear incident. In the event of a nuclear incident causing damages exceeding $160 million, each licensee of a commercial reactor rated at 100 electrical megawatts or more would be assessed a prorated share of damages of up to the statutory maximum of $5 million per reactor per incident.

The proposed rule would add to 10 CFR Part 140 a standard master policy form which the NRC determines to be

adequate proof that a licensee is maintaining the necessary secondary financial protection required by the NRC. Both the master secondary financial protection policy and the accompanying certificate of insurance, which names the utilities insured, establish the terms and conditions under which these insured utilities are responsible for the paymnent of the premiums in the event of default by one of the other insured utilities. The secondary financial policy establishes the conditions under which the retrospective insurance premium becomes payable and contains additional terms and conditions as well.

Objective. To provide additional financial protection and indemnity to licensees in the event an incident results in damage exceeding minimum liability insurance available from private sources.

Background. The comment period closed June 5, 1979. Two comments were received. The staff is preparing a final rule for Commission action.

Legal Basis. 42 U.S.C. 2210.

Timetable: Commission action on the final rule is scheduled for October, 1981.

Contact: Ira Dinitz, Office of State Programs, (301) 492–9884.

43. Financial Protection Requirements and Indemnity Agreements; Miscellaneous Agreements (Part 140)

Federal Register Citation: February 18, 1981 (46 FR 12750).

Description. The proposed rule would discontinue the publishing in Part 140 of the entire Facility Form of nuclear liability insurance policy and endorsements to that policy. The proposed rule would amend Part 140 to include only those provisions of the policy and its endorsements related to the NRC responsibilites for protection of the public. The proposed rule also includes two endorsements submitted by American Nuclear Insurers on behalf of the two nuclear liability insurance pools which make several changes in the Facility Form policy. The proposed rule also includes alternative language preferred by the NRC to be substituted for certain provisions in these two endoresements if the Commission decides to continue to publish these endorsements. The policy and its endorsements are furnished by licensees as evidence of financial protection. Publication of only those provisions of the policy that relate to the NRC responsibilities for protection of the public could remove any possible misimpression that the Commission was placing its imprimatur of all of the language of the policy and endorsements, including provisions that are contractual matters between the insurance companies and the insured and that have no bearing on financial protection of the public.

Objective. To limit the publishing of the Facility Form of a nuclear liability insurance policy and its endorsements to those provisions related to the NRC responsbility for the protection of the public.

Background. The comment period closed April 20, 1981. Two comments were received.

Legal Basis. U.S.C. 2210, 5841.

Timetable: Commission action on the final rule is scheduled for November, 1981.

Contact: Ira Dinitz, Office of State Programs, (301) 492–9884.

III—ADVANCE NOTICES OF PROPOSED RULEMAKING

Rules that have been published previously as advance notices of proposed rulemaking and for which neither a proposed nor final rule has been published.

44. Standards for Protection Against Radiation (Part 20)*

Federal Register Citation: March 20, 1980 (45 FR 18023).

Description. The advance notice of proposed rulemaking seeks comments on a proposal to completely revise NRC's standards for protection against radiation (Part 20). This regulation applies to all NRC licensees and establishes standards for protection against radiation hazards under licenses issued by the NRC. The proposed revision reflects a comprehensive and systematic review of Part 20 and incorporates current standards for radiation protection into the revised regulation.

Objective. To incorporate developments in radiation protection that have occurred since NRC radiation protection standards were issued in their present form.

Background. The comment period on the advance notice of proposed rulemaking closed June 18, 1980. Seventy-one comments were received. Although approximately 90% favored the proposal, industry comments generally reflected the view that current radiation protection standards are adequate. The staff is developing a proposed revision of Part 20.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201(b), (i), and (o), 2273, 5841, 5842.

Timetable: Commission action on the proposed rule is scheduled for June, 1982.

Contact: Robert E. Baker, Office of Nuclear Regulatory Research, (301) 427–4570.

45. Performance Testing of Personnel Dosimetry (Part 20)

Federal Register Citation: March 28, 1980 (45 FR 20493).

Description. The advance notice of proposed rulemaking seeks comment on a proposal that would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service accredited as competent to perform these technical measurements. The accreditation program will include minimum quality assurance criteria that must be maintained by personnel dosimetry processors who perform dosimetry services for NRC licensees.

Objective. To improve the accuracy and consistency of occupational radiation dose measurements by improving the operation of testing and certification laboratories.

Background. The comment period on the advance notice of proposed rulemaking closed June 27, 1980. Most of the 50 comments received favor a regulatory program for improving dosimeter accuracy. A majority of the comments favor an NRC contractor operated testing laboratory. Public meetings were held May 28 and 29, 1980. The NRC held discussions with the National Voluntary Laboratory Accreditation Program (NVLAP) to establish the feasibility of NVLAP accrediting personnel dosimetry processors. The Department of Commerce published notice of a formal NRC request to NVLAP for public comment on January 29, 1981 (46 FR 9689). Nineteen comments were received, unanimously in favor of the NVLAP alternative. An interagency agreement is ready for signature that would provide funds for NVLAP to establish a Laboratory Accreditation Program for personnel dosimetry processors.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2273, 5841, and 5842.

Timetable: Commission action on the proposed rule is scheduled for November, 1981.

Contact: Nancy A. Dennis, Office of Nuclear Regulatory Research, (301) 443–5970.

46. Decommissioning Criteria for Nuclear Facilities (Parts 30, 40, 50, 70, 72)**

Federal Register Citation: March 13, 1978 (43 FR 10370).

Description. The advance notice of proposed rulemaking seeks comment on a proposal to develop a more explicit policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licensees.

Objective. To protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning.

Background. The comment period on the advance notice of proposed rulemaking closed July 15, 1978. The majority of the 69 comments received supported the proposal. State workshops were held in September, 1978 and 1979. Notice of the availability of a draft generic environmental impact statement was published on February 10, 1981. The comment period on the environmental impact statement closed April 22, 1981. The staff is developing a policy statement on decommissioning to be published February, 1982.

Legal Basis. 42 U.S.C. 2201.

Timetable: Commission action on the proposed rule is scheduled for August, 1982.

Contact: Keith G. Steyer, Office of Nuclear Regulatory Research, (301) 443–5910.

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47. Upgraded Emergency Preparedness Procedures for Certain Fuel Cycle and Materials Licensees (Parts 30, 40, 70)*

Federal Register Citation: June 3, 1981 (46 FR 29712).

Description. The advance notice of proposed rulemaking seeks comments on a proposal that would strengthen emergency preparedness requirements for fuel cycle and materials licensees with the potential for accidents involving radioactive materials harmful to public health and safety. This is necessary to ensure that the emergency perparedness planning and coordination are sufficient to minimize the danger to public health and safety.

Objective. To minimize the danger to public health and safety following an accident involving radioactive materials held by certain fuel cycle and materials licensees.

Background. One of the lessons learned from the accident at Three Mile Island was that improvements in emergency preparedness planning and coordination for some NRC licensed activities was necessary. Having strengthened requirements for nuclear power reactors, NRC is considering strengthening emergency preparedness requirements for certain fuel cycle and materials licensees.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for February, 1982.

Contact: Michael Jamgochian, Office of Nuclear Regulatory Research, (301) 443–5942.

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48. Design of Radiographic Exposure Devices (Part 34)

Federal Register Citation: March 27, 1978 (43 FR 12718).

Description. The advance notice of proposed rulemaking seeks comment on NRC's undertaking the development of safety design requirements for radiation exposure devices. The proposed amendments would be designed to reduce the number of equipment failures in radiography exposure devices by requiring the incorporation of certain radiation safety design features.

Objective. To reduce radiation overexposures to radiography operators and others caused by equipment failure.

Background. The comment period closed May 26, 1978. A public hearing was held April 18, 1978. Thirty-three comments were received generally favoring some type of equipment standard. Most users favored the proposal with little reservation. Manufacturers expressed no consensus on the number of features on the radiographic exposure devices that should be regulated. This action will be reassessed in light of parallel efforts aimed at radiographer training and certification.

Legal Basis. 42 U.S.C. 2201.

Timetable: Commission action on the proposed rule is scheduled for July, 1982.

Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, (301) 443–5825.

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49. Acceptance Criteria for Emergency Core Cooling Systems for Light-Water-Cooled Nuclear Power Plants (Part 50)

Federal Register Citation: December 6, 1978 (43 FR 57157).

Description. The advance notice of proposed rulemaking seeks comment on several questions concerning the acceptance criteria for Emergency Core Cooling Systems (ECCS) in light-water cooled nuclear power plants. Specifically, some of the questions to be commented on are (1) under what circumstances should corrections to ECCS models be used during licensing review without necessitating complete reanalysis of a given plant or an entire group of plants (2) what would be the impact of the proposed procedure-oriented and certain specific technical rule changes and, (3) how should safety margins be quantified and how can acceptable safety margins be specified. The Commission is considering changing certain technical and nontechnical requirements within the existing ECCS rule. The changes would provide improvements to the ECCS rule which would eliminate previous difficulties encountered in applying the rule and improve licensing evaluation in the light of present knowledge, while preserving a level of conservatism consistent with that knowledge.

Objective. To modify the existing ECCS rule with technical and nontechnical changes. The technical changes would include new research information; nontechnical change would be procedure-oriented and would, among other things, allow for corrections to be made to vendor ECCS analysis codes during the construction review and during construction of the plant.

Background. The comment period closed March 5, 1979. Twenty-nine comments were received. Majority of comments favored the rule. Work on the rule was deferred, pending an assessment of Three Mile Island accident and its impact on ECCS rule. In June, 1981, the General Electric Corporation met with the NRC staff to discuss proposed changes to the rule.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, and 2233.

Timetable: Commission action on the proposed rule is scheduled for March, 1982.

Contact: Morton Fleishman, Office of Nuclear Regulatory Research, (301) 443–5981.

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50. Storage and Disposal of Nuclear Waste (Parts 50, 51)

Federal Register Citation: October 25, 1979 (44 FR 61372).

Description. The advance notice of proposed rulemaking seeks public participation in a proceeding to be conducted by NRC on the storage and disposal of nuclear wastes. The purpose of the proceeding is (1) to assess generally the degree of assurance that radioactive wastes can be safely disposed of; (2) to determine if disposal or off-site storage will be available prior to expiration of facilities' licenses and

(3) whether radioactive wastes can be stored on-site past the expiration of existing facility licenses. This advance notice of proposed rulemaking was initiated in response to the decision of the U.S. Court of Appeals for the District of Columbia Circuit in *State of Minnesota* v. *NRC*, Nos. 78-1269 and 78-2032 (May 23, 1979) but also is a continuation of previous proceedings conducted by the Commission on this subject July 5, 1977 (42 FR 34391).

Objective. To reassess the Commission's degree of confidence that licensees can safely dispose of radioactive wastes produced by nuclear facilities.

Background. The comment period closed November 26, 1979. Approximately 50 participants filed statements of position. The Commission instructed the working groups to provide a summary of the record and identify issues and controversies. The working group prepared a report summarizing the comments and identified 26 major issues in controversy. Comments on the report were received from 24 participants. Oral presentation by the 24 participants is scheduled for late 1981.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, and 2233.

Timetable: Commission action on the proposed rule is unscheduled.

Contact: Leo Slaggie, Office of the General Counsel, (202) 634-3224; Sheldon Trubatch, Office of the General Counsel, (202) 634-3224.

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51. Technical Specifications for Nuclear Power Reactors (Part 50)

Federal Register Citation: July 8, 1980 (45 FR 45916).

Description. The advance notice of proposed rulemaking (ANPRM) seeks comment on a proposal that would amend current regulations pertaining to technical specifications for nuclear power reactors. Specifically, the proposal would (1) establish a standard for deciding which items derived from the safety analysis report must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operations, (3) define a new category of requirements that would be of lesser immediate significance to safety than technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval. The changes are needed because of disagreements among parties to proceedings, as to what items should be included in technical specifications, and concern that the substantial growth in the volume of technical specifications may be diverting the attention of licensees from matters most important to the safe operation of the plant.

Objective. To improve the safety of nuclear power plant operation by reducing the volume of technical specifications, place more emphasis on those specifications of high safety significance, and provide more efficient use of NRC and licensee resources.

Background. Comment period for the advance notice of proposed rulemaking closed September 8, 1980. Thirty-three comments were received. Most comments supported the concepts set forth in the notice. The staff has evaluated the comments and is drafting a proposed rule.

Legal Basis. 42 U.S.C. 2201(o).

Timetable. Commission action on proposed rule is scheduled for November, 1981.

Contact. Donald J. Skovholt, Office of Nuclear Reactor Regulation, (301) 492-4446.

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52. Modification of the Policy and Regulatory Practice Governing the Siting of Nuclear Power Reactors (Parts 50, 51, 100)

Federal Register Citation: July 29, 1980 (45 FR 50350).

Description. The advance notice of proposed rulemaking seeks comment on a proposal that would replace the existing reactor site criteria applicable to the licensing of nuclear power reactors with demographic and other siting criteria. The proposed rule would also establish siting requirements that are independent of design differences between nuclear power plants. The proposed rule is intended to reflect the experience gained by the Commission since the original regulations on siting were published on April 12, 1962 (27 FR 3509).

Objective. To ensure that Commission practices on nuclear power reactor siting afford sufficient protection to the public health and safety and to obtain public comment on seven of the nine recommendations contained in NUREG-0625, "Report of the Siting Policy Task Force."

Background. The comment period on the advance notice of proposed rulemaking closed September 29, 1980. Notice of intent to prepare an environmental impact statement was published December 2, 1980 (45 FR 79820). The comment period on the notice of intent closed January 16, 1981. Seventy comments were received on the advance notice and 35 comments on the notice of intent to develop an environmental impact statement. The staff is continuing the analysis of comments received. This rulemaking also considers recommendations contained in Petitions for Rulemaking 50-20 filed by Free Environment Inc., *et al.* on May 19, 1977 (42 FR 25785) and 100-2 filed by Public Interest Research Group, *et al.* on July 1, 1976 (41 FR 27141).

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 5842.

Timetable. Commission action on the proposed rule is scheduled for February, 1982.

Contact. William R. Ott, Office of Nuclear Regulatory Research, (301) 427-4078.

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53. Consideration of Degraded or Melted Cores in Safety Regulations (Part 50)

Federal Register Citation: October 2, 1980 (45 FR 65474).

Description. The advance notice of proposed rulemaking was published to provide the nuclear industry and the public an opportunity to submit advice and recommendations to the Commission on what should be the content of a regulation requiring improvements to cope with degraded core cooling and with accidents not covered adequately by traditional design envelopes. The rulemaking proceeding will address the objectives of such a regulation, the design and operational improvements being considered, the effect on other safety considerations, and the costs of the design improvements compared to expected benefits.

Objective. It is the Commission's intent to determine what changes, if any, in reactor plant designs and safety analysis are needed to take into account reactor accidents beyond those considered in the current design basis accident approach. Accidents under consideration include a range of loss-of-core-cooling, core damage, and core-melting events both inside and outside historical design envelopes. In addition, the Commission will consider whether to require more coherent consideration of this range of core damage events in the design of both normal operating systems and engineered safety features.

Background. The comment period closed December 31, 1980. Forty-six comments were received. A majority of the comments expressed opposition to the staff's proposal. The staff is reviewing the comments in preparation for the start of preliminary rule drafting. An outline of actions planned by the

staff was submitted to the Executive Director for Operations on April 1, 1981.

Legal Basis. 42 U.S.C. 2201.

Timetable. Final action on this rule is scheduled for 1985.

Contact. Morton R. Fleishman, Office of Nuclear Regulatory Research, (301) 443–5981.

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54. Design and Other Changes in Nuclear Power Plant Facilities After Issuance of Construction Permit (Part 50).

Federal Register Citation: December 11, 1980 (45 FR 81602).

Description. The advance notice of proposed rulemaking seeks comments on a proposal that would define more clearly the limitations on the changes a construction permit holder may make in a facility during construction. The proposal is intended to improve the present licensing process and develop specific descriptions of essential facility features to which a construction permit holder is bound.

Objective. To make the procedure for facility licensing more predictable by specifying the information to which a construction permit holder should be bound and controlling the ways a construction permit holder implements NRC criteria.

Background. The comment period on the advance notice of proposed rulemaking closed February 9, 1981. A majority of the 24 comments received were filed by industry, opposed the proposal, and recommended maintaining current procedures. A Commission memorandum dated June 30, 1981, directs the completion of a proposed rule by December 1, 1981.

Legal Basis. 42 U.S.C. 2201(p).

Timetable: Commission action on the proposed rule is scheduled for April, 1982.

Contact: William E. Campbell, Office of Nuclear Regulatory Research, (301) 443–5860.

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55. Operational Experience Data Reporting (Part 50)

Federal Register Citation: October 6, 1981 (46 FR 49134).

Description. The advance notice of proposed rulemaking requested public comment on a proposed rule that would revise and codify the existing Licensee Event Report (LER) system. The LER system is an NRC operated voluntary reporting system in which nuclear power plants provide primarily data concerning single reactor component failure events experienced by licensees. In addition, in this advance notice the Commission endorsed the Institute for Nuclear Power Operations (INPO) plan to assume responsibility for management of the existing equivalent industry program, the Nuclear Plant Reliability Data System (NPRDS).

Objective. To provide the NRC with the most efficient system to gather data on the operation of nuclear power reactors in order to evaluate the safety of selected systems of these reactors.

Background. The comment period closes November 17, 1981. The Commission, in a previous advance notice of proposed rulemaking, January 15, 1981 (46 FR 3541), stated its intention to integrate the NPRDS with the LER system to form a single, mandatory event reporting system for power reactor licensees. On July 8, 1981, INPO announced plans to assume responsibility for the management and the technical direction of the NPRDS. As a result, the Commission has decided to defer rulemaking on the integrated reporting system and to develop a proposed rule which would modify and codify the existing LER system.

Legal Basis. 42 U.S.C. 2201.

Timetable: Commission action on the proposed rule is scheduled for December, 1981.

Contact: Frederick Hebdon, Office of Analysis and Evaluation of Operational Data, (301) 492–4730.

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56. Material Control and Accounting Requirements for Facilities Possessing Formula Quantities of Strategic Special Nuclear Material (Part 70)

Federal Register Citation: September 10, 1981 (46 FR 45144).

Description. The advance notice of proposed rulemaking would revise the material control and accounting (MC&A) regulations that apply to both existing and new fuel processing and fabrication facilities possessing formula quantities of strategic special nuclear material (SSNM). These proposed regulations are not currently being considered for application to any future spent fuel reprocessing plants. These amendments would also not apply to waste disposal operations, nuclear reactors, or to users of nuclear material as sealed sources. Five basic options are presented in the advance notice of proposed rulemaking. These include two that emphasize existing inventory control requirements, and three that require material controls with a more timely frequency for detection and resolution of possible material losses. The latter three options also reduce a number of the existing requirements which the staff believes may not be cost-effective.

Objective. To permit (1) timely detection of the possible loss of strategic quantities of weapons grade nuclear material, (2) rapid determination of whether an actual loss of strategic quantities occurred, (3) if an actual loss occurred, facilitating the recovery of the lost material by providing evidence regarding the source of the loss, and (4) long-term assurance that no significant loss has occurred.

Background. The comment period closes November 9, 1981.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for April, 1983.

Contact: Robert J. Dube, Office of Nuclear Material Safety and Safeguards, (301) 427–4181.

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57. Seismic and Geologic Siting Criteria for Nuclear Power Plants (Part 100)

Federal Register Citation: January 19, 1978 (43 FR 2729).

Description. The advance notice of proposed rulemaking was published to solicit public comment on the need for a reassessment of the Commission's criteria for the siting of nuclear power plants. The Commission determined that this action was necessary as a result of experience gained with application of current criteria and the rapid advancement in the state-of-the-art of earth sciences.

Objective. The NRC staff was particularly interested in finding out about problems that have arisen in the application of existing siting criteria. The public was invited to state the nature of the problems encountered and describe them in detail. The public was also asked to submit proposed corrective actions.

Background. The comment period closed March 1, 1978. Thirty-four comments were received. Nearly all comments supported preparation of a proposed rule to revise the siting criteria. Development of a proposed rule has been substantially delayed due to the allocation of staff to higher priority work. The staff intends to begin initial rulemaking activities in March, 1983.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 5842.

Timetable: Commission action on a proposed rule is scheduled for 1984.

Contact: Leon L. Beratan, Office of Nuclear Regulatory Research, (301) 427–4370.

IV—UNPUBLISHED RULES

Rules that have not been published previously and on which the NRC is considering to take action.

58. Procedures Involving the Equal Access to Justice Act: Implementation (Parts 1, 2)

Federal Register Citation: Not yet published.

Description. The proposed rule would add new provisions designed to implement the Equal Access to Justice Act which provides for the award of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications in which the agency's position is determined not to have been substantially justified. The basis for these proposed regulations is a set of model rules issued by the Administrative Conference of the United States (ACUS) which have been modified to conform to NRC's established rules of practice.

Objective. To further the Equal Access to Justice Act's (EAJA) intent to ensure the development of "uniform" agency regulations government wide, and to provide NRC procedures and requirements for the filing and disposition of EAJA applications.

Background. The EAJA (Pub. L. 96-481) was signed into law by President Carter on October 21, 1980, and became effective October 1, 1981. The Act provides that each agency, after consultation with the ACUS, is to establish uniform procedures for the submission and consideration of applications for awards of fees and expenses. To facilitate this statutory requirement, ACUS issued model rules for consideration and use of other agencies March 10, 1981 (46 FR 15895). This proposal is modeled after the ACUS rule.

Legal Basis. 5 U.S.C. 504.

Timetable: Commission action in the proposed rule is scheduled for October, 1981.

Contact: Paul Bollwerk, III, Office of the General Counsel, (202) 634-3224.

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59. Rules of Practice—Appeals From Intervention Rulings and Objections to Special Prehearing Conference Orders (Part 2)

Federal Register Citation: Not yet published.

Description. The final rule would clarify the appropriate Procedure for appealing a special prehearing conference order granting or denying a petition for leave to intervene in a nuclear power reactor licensing proceeding. Specifically, the amendment to § 2.751a(d) states that for all questions falling within the ambit of § 2.714a, an unsuccessful petitioner for intervention (or a party contending that an intervention petition should have been wholly denied) can challenge a special prehearing conference order only by way of appellate review under § 2.714a, and cannot file objections under § 2.751(d).

Objective. To clarify the method for appealing the grant or denial of a petition for leave to intervene in a nuclear power reactor licensing proceeding.

Background. The Rules of Practice are presently silent on the relationship, if any, between obtaining reconsideration of intervention rulings via § 2.751a(d) objections and seeking appellate review of these rulings under § 2.714a. This amendment clarifies this relationship by allowing challenges to a special prehearing conference order granting or denying a petition for leave to intervene only through existing avenues for appeal of intervention rulings.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the final rule is scheduled for December, 1981.

Contact: Frederic D. Chanania, Office of the Executive Legal Director, (301) 492-8689.

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60. Standards for Determining Whether License Amendments Involve No Significant Hazards Consideration (Parts 2, 50)

Federal Register Citation: Not yet published.

Description. The final rule would specify standards for the NRC staff to use in determining whether amendments to operating licenses or construction permits for certain facilities involve no significant hazards consideration. The Commission has incorporated provisions into the final rule which are substantially identical to those in the proposed rule (published in **Federal Register** March 28, 1980 (45 FR 20491)).

Objective. To improve the licensing process by amending the Commission's regulations to incorporate standards for the staff to apply in making a determination as to whether a proposed amendment to an operating license or to a construction permit for certain facilities involves no significant hazards consideration.

Background. This final rule would complete the Commission's actions on this subject. The proposed rule was published in response to petition for rulemaking PRM-50-17 (see notice of receipt of petition, June 14, 1976 (41 FR 24006)). The comment period for the proposed rule closed May 27, 1980. Ten comments were received. A majority of the comments opposed the rule as proposed. A court decision in the *Sholly* v. *NRC*, 651 F.2d 780 (1980), rehearing denied 651 F.2d 792 (1980) and legislation pending in Congress have influenced this rulemaking.

Legal Basis. 42 U.S.C. 2201; Pub. L. 97-xxx.

Timetable: Congressional action on pending legislation expected in late 1981 with Commission action to follow immediately thereafter. The legislation is now reported in NRC FY-82 Authorization Bills as S. 1207 and H.R. 4255.

Contact: Thomas F. Dorian, Office of the Executive Legal Director, (301) 492-8690.

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61. Criteria for Notice and Public Comment and Procedures for State Consultation on License Amendments Involving No Significant Hazards Consideration (Parts 2, 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would specify criteria for providing or dispensing with prior notice and public comment on determinations about whether amendments to operating licenses or to construction permits for certain facilities involve no significant hazards consideration. In addition, the proposed rule would specify procedures for consultation on these determinations with the State in which the facility of the licensee requesting the amendment is located. For an explanation of the significance of a finding of "no significant hazards consideration".

Objective. To specify the procedures for prior notice and public comment and for consultation with States when the Commission acts on proposed amendments to operating licenses and construction permits involving a "no significant hazards consideration" for a nuclear power plant. The proposed rule would permit the Commission to act expeditiously, if circumstances surrounding a request for amendment of an operating license require a prompt response.

Background. Pub. L. 97-xxx (now pending with Congressional action expected late in 1981) contains the requirement that the Commission promulgate regulations to provide criteria for prior notice and public comment and procedures for consultation with States on the issue of "no significant hazards consideration".

Legal Basis. 42 U.S.C. 2201; Pub. L. 97-xxx.

Timetable: Congressional action on pending legislation expected in late 1981 with Commission action to follow immediately thereafter. The legislation is now reported in NRC FY-82

Authorization Bills as S. 1207 and H.R. 4255.

Contact: Thomas F. Dorian, Office of the Executive Legal Director, (301) 492–8690.

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62. Interim Operating Licenses (Parts 2, 50)

Federal Register Citation: Not yet published.

Description. The final rule would permit the Commission to issue an interim operating license for a nuclear power plant authorizing fuel loading, low-power operation, and testing. This interim operating license would be issued in advance of the conduct or completion of an on-the-record evidentiary hearing on contested issues relating to the final operating license.

Objective. To speed the licensing process by authorizing utilities which have built and applied for licenses to operate nuclear power plants to load fuel and conduct low-power operation and testing on the basis of previously submitted and approved safety and environmental evaluations. Prior to enactment of Pub. L. 97–XXX, the Commission lacked the authority to authorize fuel loading and low power operation and testing on the basis of safety and environmental evaluations; instead, this authorization was possible only after the hearing process was complete.

Background. Estimates of the cost to utilties and their customers for this type of licensing delay, even if limited to the cost of replacement power, range to tens of millions of dollars per month for each completed plant. To relieve the burden of these delays, the Commission, on March 18, 1981, submitted a legislative proposal to amend the Atomic Energy Act to provide for an interim operating license authorizing fuel loading and low-power operating and testing as described above. Pub. L. 97–XXX and these regulations are the results of this action.

Legal Basis. 42 U.S.C. 2201; Pub. L. 97–XXX.

Timetable: Congressional action on pending legislation expected in late 1981 with Commission action to follow immediately thereafter. The legislation is now reported in NRC FY–82 Authorization Bills as S. 1207 and H.R. 4255.

Contact: William Parler, Office of the Executive Legal Director, (301) 492–7527.

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63. Protection of Unclassified Safeguards Information (Parts 2, 50, 70, 73)

Federal Register Citation: Not yet published.

Description. The final rule establishes requirements and sets forth conditions to be applied by NRC licensees and other persons for the protection of unclassified safeguards information. Safeguards information is limited to information regarding the physical protection of (1) all activities involving formula quantities of strategic special nuclear material, irradiated and unirradiated, (2) operating power reactors, and (3) spent fuel shipments. The final rule is being published in response to a new Section 147 which was added to the Atomic Energy Act by Public Law 96–295. Section 147 directs the Commission to promulgate regulations (or issue orders, as appropriate) to prohibit the unauthorized disclosure of certain information relating to the protection of nuclear materials and facilities by licensees.

Objective. To prevent the unauthroized disclosure of measures employed by licensees to protect certain nuclear materials and facilities.

Background. The comment period closed March 9, 1981. Forty-five comments were received. The comments generally supported the intent of the rule, but raised objections to certain prescriptive provisions and to the scope of the activities covered. A discussion of the comments received in response to the proposed rule resulted in changes to the final rule. After consideration of the comments, the Commission narrowed the scope of the rule so that it applies only to those facilities, nuclear materials, or transport activities for which there exists significant potential for harm to the public health and safety if the nuclear materials or facilities involved are intentionally misused or damaged.

Legal Basis. 42 U.S.C. 2167.

Timetable: Commission approved final rule on September 28, 1981; and publication in the **Federal Register** is scheduled October, 1981.

Contact: Donald J. Kasun, Office of Nuclear Material Safety and Safeguards, (301) 427–4101.

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64. Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information (Part 10)

Federal Register Citation: Not yet published.

Description. The proposed rule would revise criteria and procedures for determining eligibility for access to restricted data for NRC employees and licensee personnel who possess formula quantities of special nuclear material. The revisions are needed to (1) modify certain types of derogatory information that would raise a question of eligibility for access authorization and/or security clearance, (2) provide for hearings to be conducted by a Hearing Examiner rather than a Personnel Security Board, and (3) clarify and make more concise several of the procedures relating to resolving questions of eligibility.

Objective. To update criteria and procedures for determing eligibility for access to restricted data or national security information by refining the categories and relevancy of information considered and to enhance the application of due process procedures.

Background. Initial draft completed July 1981. Office of Personnel Management and Department of Energy's comments are under review. Department of Defense's comments are pending.

Legal Basis. 42 U.S.C. 2165, 2201, 5841; E.O. 10450; E.O. 10865.

Timetable: Commission action on the proposed rule is scheduled for November, 1981.

Contact: Raymond J. Brady, Office of Administration, (301) 427–4472.

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65. Criteria and Procedure for Determining Eligibility for Access to or Control Over Special Nuclear Material (Part 11)

Federal Register Citation: Not yet published.

Description. The final rule will clarify and make minor amendments to 10 CFR Part 11, "Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material." This Part 11 was published as a final rule in the **Federal Register** on November 21, 1980 (45 FR 76968). Clarifications are needed to (1) revise the fee schedule to reflect an increase in the charges for full field background investigations; (2) stipulate a date by which licensees and license applicants must submit amended security plans to the NRC; (3) reflect the transferability of Department of Defense (DOD) and Department of Energy (DOE) clearances that are equivalent to respective NRC clearances; (4) update wording to be consistent with section 17(e) of 10 CFR Part 25 and (5) specify that carriers who transport formula quantities of special nuclear material (SNM) must submit amended security plans for NRC approval.

Objective. To clarify and update the criteria and procedures for determining eligibility for access to or control over SNM.

Background. The final rule, which will be effective upon publication, is undergoing staff review.

Legal Basis. 42 U.S.C. 2201(i).

Timetable: Commission action on the final rule is scheduled for November, 1981.

Contact: Kristina Z. Markulis, Office of Nuclear Reactor Research, (301) 427–4010.

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66. Administrative Claims Under the Federal Tort Claims Act (Part 14)

Federal Register Citation: Not yet published.

Description. The proposed rule would revise NRC's regulations on administrative claims under the Federal Tort Claims Act. The regulation explains when, where, and how a person files a claim, who may file a claim, what information may be required on a claim, who within the NRC may act on a claim and the limitations on NRC's authority to act, when a claim is referred to the Department of Justice and how a claim is denied or paid. The proposed rule conforms NRC procedures to Department of Justice regulations and makes editorial and organizational changes to improve the clarity of the regulations.

Objective. To clarify procedures when the same claim is presented to NRC and one or more other agencies; to change the office where a claim is filed and the NRC officials who are authorized to act on a claim; and to provide procedures when NRC drivers are sued in state courts.

Background. The Federal Tort Claims Act allows the head of each Federal agency to act on a claim for money damages against the United States for property damage or personal injury caused by the negligent or wrongful act or omission of an employee of the agency acting within the scope of his or her employment. The agency head must act in accordance with the regulations prescribed by the Department of Justice (28 CFR Part 14). The NRC issued regulations and established procedures consistent with Department of Justice Regulations on March 4, 1967 (32 FR 3731). The proposed regulation would update NRC regulations in conformance with amendments to 28 CFR Part 14 issued January 14, 1980 (45 FR 2650).

Legal Basis. 28 U.S.C. 2672.

Timetable: EDO action on the proposed rule is scheduled for November 1981.

Contact: David J. Clarke, Office of the Executive Legal Director, (301) 492–7241.

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67. Clarification of Inspection Procedures (Parts 19, 21, 30, 40, 50, 70, 71, 73, 110)

Federal Register Citation: Not yet published.

Description. The proposed rule would specify more clearly the authority of NRC inspectors to (1) perform tests on safeguards related equipment and procedures at licensee facilities, (2) copy and take away copies of licensed records, (3) perform unannounced inspections, (4) and require that licensees maintain physical security records for a period of five years.

Objective. To clarify the authority of NRC inspectors to inspect and evaluate a licensee's safeguards program.

Background. The staff is developing the proposed rule in response to objections and questions raised by power reactor licensees regarding NRC's authority to conduct inspections of a licensee's safeguards program. The NRC feels that lack of clear authority could adversely affect its ability to conduct effective inspections.

Legal Basis. 42 U.S.C. 2073 and 2207.

Timetable: Commission action on proposed rule is scheduled March, 1982.

Contact: Jerry D. Ennis, Office of Nuclear Regulatory Research, (301) 443–5976.

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68. Elimination of Incorporation by Reference of Regulatory Guide 8.15 (Part 20)

Federal Register Citation: Not yet published.

Description. The proposed rule would amend § 20.103(c) of 10 CFR Part 20, "Standards for Protection Against Radiation," which currently requires that licensees who use respiratory protective equipment to limit the inhalation of airborne radioactive material under specified conditions must use this protective equipment in accordance with the procedures described in NRC Regulatory Guide 8.15, "Acceptable Programs for Respiratory Protection." The intention of the Commission is to eliminate the current incorporation by reference granted by the Office of the Federal Register for Regulatory Guide 8.15 through codification of regulatory criteria taken from the guide directly into the text of 10 CFR Part 20.

Objective. The Commission is taking this action in response to a request by the Office of the Federal Register to eliminate the incorporation by reference in § 20.103(c).

Background. The staff has scheduled the transmittal of the proposed rule to the Executive Director for Operations for review in November, 1981.

Legal Basis. 42 U.S.C. 2111, 2201.

Timetable: Commission action on the proposed rule is scheduled for January, 1982.

Contact: Lynnette Hendricks, Office of Nuclear Regulatory Research, (301) 443–5970.

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69. Radiation Protection Instrument Test and Calibration (Part 20)

Federal Register Citation: Not yet published.

Description. The proposed rule would require certain licensees to calibrate portable radiation survey instruments annually if used to measure the dose from ionizing radiation and every 18 months if used to measure (estimate) contamination. The NRC staff intends to include in the proposed rule a requirement for periodic performance tests of radiation survey instruments.

Objective. To improve the accuracy of measurements made with hand-held radiation survey meters and to require verification of instrument performance prior to each use. The NRC staff believes that these proposed measures would result in workers receiving better protection from radiation.

Background. Since 1977, the NCR staff has perceived a need to provide licensees with a uniform method for testing and calibrating hand-held radiation survey instruments. The proposed rule would establish criteria for licensees to apply to their licensed activities and would place compliance on an enforceable, regulatory basis.

Legal Basis. 42 U.S.C. 2111, 2201.

Timetable: Commission action on the proposed rule is scheduled for August, 1982.

Contact: Robert B. Neel, Office of Nuclear Regulatory Research, (301) 443–5970.

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70. Reports of Theft or Loss of Licensed Material (Part 20)

Federal Register Citation: Not yet published.

Description. The proposed rule would remove a discretionary clause that requires each NRC licensee to report a loss or theft of licensed material only when it appears to the licensee that the loss or theft would pose a substantial hazard to persons in an unrestricted area. The proposed rule would provide increased radiological safety to the public by requiring all losses or thefts of

licensed material be reported to the NRC.

Objective. To require reporting of all losses or thefts of licensed material without regard to licensee's judgement concerning the existence of a substantial hazard.

Background. The staff completed an initial draft of the proposed rule on July 30, 1981.

Legal Basis. 42 U.S.C. 2073.

Timetable: Commission action on the proposed rule is scheduled for January, 1982.

Contact: Donald Nellis, Office of Nuclear Regulatory Research, (301) 443–5825.

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71. Performance Testing for Bioassay Labs (Part 20)

Federal Register Citation: Not yet published.

Description. The proposed rule would require licensees who provide bioassay services for individuals to assess internal radiation exposure to use accredited laboratories after the NRC establishes an accreditation program. The proposed rule would reduce unacceptable errors in measurements that have been revealed by programs designed to check the accuracy of laboratories analyzing materials for radioactivity.

Objective. To improve accuracy and reliability of determinations of internal radiation exposure or intakes of radioactive material.

Background. An expert committee of the Health Physics Society has written a draft standard. The NRC has established a performance testing study to test the standard and provide the information necessary to complete the standard and to design and set up an accreditation program. A draft proposal will be developed after the performance testing study has developed sufficient information.

Legal Basis. 42 U.S.C. 5841.

Timetable: Commission action on the proposed rule is scheduled for November, 1983.

Contact: Allen Brodsky, Office of Nuclear Regulatory Research, (301) 443–5970.

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72. Performance Testing for Health Physics Survey Instruments (Part 20)

Federal Register Citation: Not yet published.

Description. The advance notice of proposed rulemaking would require that NRC licensees use health physics survey instruments that have been certified as meeting certain performance specifications. The proposed rule would permit the NRC to determine whether health physics survey instruments used by almost all NRC licensees meet acceptable performance standards.

Objective. To improve the radiation safety of workers using health physics instruments by ensuring that the instruments meet acceptable performance standards.

Background. The staff has not yet begun work on the advance notice of proposed rulemaking. A draft standard suitable for testing has been completed. The standard will be tested under a contract jointly funded and managed by NRC and DOE. Testing will begin in fiscal year 1982.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201(b), (i) and (o), 2273, 5841, 5842.

Timetable: Commission action on the advance notice of proposed rulemaking is scheduled for September, 1983.

Contact: James A. Jone, Office of Nuclear Regulatory Research, (301) 443–5970.

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73. Occupational ALARA Rule (Parts 20, 30, 40, 50, 70)*

Federal Register Citation: Not yet published.

Description. The proposed rule would require NRC licenses to develop and use means to achieve and control occupational radiation dosages that are as low as reasonably achievable (ALARA). This requirement would become part of the Radiation Protection Programs of licensees required to provide personnel monitoring, perform bioassays, or to measure concentrations of radioactivity in the air. The proposed rule was developed in order to promulgate a regulations which would express the Commission's belief that radiation doses received by workers in licensed activities can and should be reduced and to strengthen efforts to maintain occupational doses of ionizing radiation as-low-as-is-reasonably-achievable (ALARA).

Objective. To further control occupational radiation exposures by requiring them to be maintained as low as reasonably achievable (ALARA) using means that are subject to NRC inspection and enforcement. The amendment under consideration would require licensees who are required by the NRC to monitor personnel radiation exposures, radioactive materials in air, or radioactive materials in the body or excreted from the body to develop and implement individual radiation protection programs including means for maintaining occupational radiation doses ALARA and, thereby, establish a regulatory base for reducing worker radiation doses.

Background. The Commission believes that a reduction in the occupational collective (manrem) dose received in connection with NRC licensed activities can be effected without unreasonable costs to licensees. Further, the Commission believes that this reduction can be achieved through the implementation of amendments to NRC regulations that would place greater emphasis on the ALARA concept as applied to workers in restricted areas, with the objective of elevating the radiation protection performance of less safety conscious licensees and applicants to the level currently achieved by the better performers. With this objective, it is feasible to adopt as performance criteria radiation protection techniques which have been shown by experience to be both effective and practical.

Legal Basis. 42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2133, 2134, and 2201.

Timetable: Commission action on the proposed rule is scheduled for November, 1981.

Contact: Jack M. Bell, Office of Nuclear Regulatory Research, (301) 443–5970.

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74. Reporting of Defects and Noncompliance (Part 21)*

Federal Register Citation: Not yet published.

Description. Revise Part 21 to permit proper inspection and enforcement actions. Several problems with 10 CFR Part 21 have been identified and potential solutions to each recommended.

Objective. Revise Part 21 in response to a memo from the Office of Inspection and Enforcement on October 22, 1980 and be responsive to the decision of Case 80–1326 of the U.S. Court of Appeals for the District of Columbia when rendered. That case relates to the "commercial grade item" amendment November 5, 1979 (44 FR 63515).

Background. Inspection experience indicates many problems exist with the implementation of the reporting requirements with non-licensees and possibly Part 21 should be applicable specifically to non-licensees.

Legal Basis. 42 U.S.C. 2201(p), 5846.

Timetable: Commission action on this item is unscheduled.

Contact: Francis X. Cameron, Office of Nuclear Regulatory Research, (301) 443–5981.

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75. Access Authorizations for Licensee Personnel (Part 25)

Federal Register Citation: Not yet published.

Description. The proposed rule would adjust the fee schedule for NRC access authorizations; clarify guidance regarding clearances granted to NRC employees; and contain other minor revisions of a clarifying nature. The proposed rule is necessary to (1) recover the Commission's cost of security investigations for licensee personnel charged by the Office of Personnel Management, (2) assure that only NRC employees with the proper security clearances are granted access to classified information, and (3) assure that other portions of this rule are up-to-date and clearly understood.

Objective. To update the fee schedule for NRC's security clearances required for access authorization and to clarify the final rule published in March, 1980.

Background. The final rule establishing procedures on Access Authorizations for licensee personnel was published on March 5, 1980 (45 FR 14476). This proposed rule further clarifies and updates the final rule.

Legal Basis. 42 U.S.C. 2165, 2201, 5841; E.O. 10865 and E.O. 12065.

Timetable: The proposed rule is scheduled for Office review in January, 1982. Commission action on the proposed rule is scheduled for April, 1982

Contact: Raymond J. Brady, Office of Administration, (301) 427–4472.

76. Licensing of Industrial Radiographers (Part 34)

Federal Register Citation: Not yet published.

Description. The advance notice of proposed rulemaking would require all individuals who use byproduct material in the conduct of industrial radiography to be licensed by the NRC or a certified third party. Radiography licensees account for over 60 percent of the reported overexposures greater than five rems to the whole body. NRC regulations permit industrial radiographers to perform radiography independently. The NRC grants radiography licensees the authority to train and designate individuals competent to act as radiographers. The advance notice of proposed rulemaking seeks comment on a proposal that would enable NRC to verify the effectiveness of this training.

Objective. To assure that all radiographers posses adequate training and experience to operate radiographic equipment safely.

Background. Notice of receipt of a petition for rulemaking on the subject of licensing radiographers was published in the **Federal Register** on August 4, 1978 (43 FR 34653). The comment period closed October 3, 1978. Eleven comments were received on the petition. The comments generally opposed a licensing program. An advance notice of proposed rulemaking is being developed to elicit a wider range of response on the proposed action.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201 (b), (i) and (o), 2273, 5841, 5842

Timetable: Commission action on the advance notice of proposed rulemaking is scheduled for November, 1981.

Contact: James A. Jones, Office of Nuclear Regulatory Research, (301) 443–5970.

77. Teletherapy Room Radiation Monitors (Part 35)

Federal Register Citation: Not yet published.

Description. The proposed rule would require installation of radiation monitors in licensed teletherapy rooms, the use of portable survey meters when monitors are inoperable and the performance of special inspection and maintenance of safety related teletherapy components. The proposed rule would provide warning of potential teletherapy unit malfunctions and resultant patient/operator overexposures. Further, the proposed rule would replace repetitive individual license conditions with a single regulation. Finally, additional inspection and maintenance requirements would be required of teletherapy licensees.

Objective. To make less likely, and provide warning of, teletherapy unit malfunctions which could result in unshielded sources. To further prevent potentially serious patient and operator overexposures.

Background. Teletherapy is the use of gamma radiation, usually from cobalt sources in large doses, to treat diseases. The NRC became aware of several teletherapy unit malfunctions that had the potential of causing serious overexposures through reports from the Bureau of Radiological Health and voluntary reports from licensees. In May, 1980, the NRC issued an order amending all teletherapy licenses to require the installation of radiation monitors. The initial draft of the proposed rule and the accompanying value/impact statement was completed September, 1981.

Legal Basis. 42 U.S.C. 5841.

Timetable: Commission action on the proposed rule is scheduled for February, 1982.

Contact: Allan K. Roecklein, Office of Nuclear Regulatory Research, (301) 443–5970.

78. Responsibilities of Various Echelons of Nuclear Medicine Personnel (Part 35)*

Federal Register Citation: Not yet published.

Description. The proposed rule would clarify the responsibilities of various echelons of nuclear medicine personnel by: (1) Defining the medical uses of byproduct material; (2) defining authorized physician user; and (3) listing responsibilities which may be delegated to other physicians and paramedical personnel.

Objective. To improve licensee understanding of the responsibilities of the authorized physician user which will lead to: (1) better supervision of nuclear medicine personnel; (2) fewer technical errors; and (3) improved management accountability.

Background. Action on the proposal has been deferred pending a staff decision on whether to incorporate this action into the periodic and systematic review of regulations in Part 35.

Legal Basis. 42 U.S.C. 2111, 2201b.

Timetable: Commission action on the proposed rule is scheduled for August, 1982.

Contact: Elizabeth Rodenbeck, Office of Nuclear Regulatory Research, (301) 443–4580.

79. Exemption for Uranium Shielding in Shipping Containers (Part 40)

Federal Register Citation: Not yet published.

Description. The proposed rule would provide an exemption from licensing requirements for uranium material used as shielding in shipping containers. Present regulations exempt from licensing requirements certain shipping containers that meet specifications formerly prescribed in Department of Transportation (DOT) regulations. (These specifications have been deleted from DOT regulations.) The proposed rule would incorporate these specifications into NRC's regulations thereby giving assurance of NRC's continued license exemption for these containers. The proposed regulation would retain the licensing exemption for the approximately 1200 uranium-shielded radiography and teletherapy devices in use. The uranium shield

container for a majority of these devices also qualifies as a shipping container.

Objective. To provide licensing relief to the users of uranium shield radiography and teletherapy devices by restating the specifications necessary for licensing exemption in NRC's regulations.

Background. On November 22, 1961 (26 FR 10929) the Commission exempted certain shipping containers incorporating uranium as a shielding material from the licensing requirements normally associated with the possession and use of source material if the container met the specifications included in DOT regulations. DOT removed the regulations containing these specifications on December 31, 1974 (39 FR 45253), effective March 31, 1975. To avoid a separate licensing proceeding for each container built after March 31, 1975, and to avoid confusion on the status of the exemption for containers built prior to March 31, 1975, NRC is incorporating the former DOT specifications into its regulations thereby clarifying the status of this licensing exemption.

Legal Basis. 42 U.S.C. 2092.

Timetable: Commission action on the proposed rule is scheduled for December, 1981.

Contact: Donald Nellis, Office of Nuclear Regulatory Research, (301) 443–5825.

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80. Submitting Installation Information Under the US/IAEA Safeguards Agreement (Parts 40, 70, 150)

Federal Register Citation: Not yet published.

Description. The final rule would require an applicant for a license to possess and use source material and special nuclear material to submit installation information only when specifically requested to do so by the NRC. Certain installation information is necessary to ensure that a licensee on the U.S. eligible list could be visited and inspected by the IAEA shortly after inclusion on the list. Currently certain license applicants are required to provide installation information without regard to a specific need for it. The amendments would permit the NRC to request installation information of a license applicant only when it determines that the information is needed.

Objective. To relieve unnecessarily burdensome requirement on applicants for certain licensees by requesting installation information only when necessary and to conform the requirements for a license applicant with the requirements for licensees and holders of construction permits.

Background. NRC regulations implementing the US/IAEA Safeguards Agreement were published December 24, 1980 (45 FR 84967). Under the Agreement and the regulations, the IAEA has the right to apply safeguards to licensees listed on the U.S. eligible list. In order to avoid delays in the licensing process, the NRC required certain applicants for a license to possess and use source material and special nuclear material to file specified information at least nine months prior to the date when the applicant desires to receive the material. NRC explained that the procedure was necessary to enable the IAEA to place its control procedures in force before the material is received May 25, 1978 (43 FR 22368). After consultation with the State Department, the Commission has determined that this prelicensing review is unnecessarily burdensome and that it is sufficient to require an applicant to submit the information only when requested.

Legal Basis. 42 U.S.C. 2125, 2273, 2201(b).

Timetable: EDO action on the final rule is scheduled for November, 1981.

Contact: James Branscome, Office of Nuclear Regulatory Research, (301) 443–5976.

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81. Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would revise the criteria for preoperational and periodic pressure testing for leakage of primary and secondary containment boundaries of water cooled power reactors. The current regulation specified the criteria that leakage testing must meet and how the testing must be performed. The proposed rule would incorporate the accepted national standard ANSI/ANS 56.8 that specified approved procedures for running the test and allow NRC to focus on the performance standard and design crtieria aspects of the regulation. The proposed rule would also clean up ambiguities revealed in implementing the current regulation and build more flexibility into the regulation.

Objective. To emphasize the testing criteria aspects of the regulation while reducing the mechanistic aspects of the testing procedure and to reduce the paperwork burden on NRC and the compliance burden on the licensee by reducing the number of exemption requests licensees are required to submit.

Background. The current regulation was issued in 1973. The proposal reflects experience gained in implementing the regulation by clearing up questions concerning requirements open to interpretation and adopting a more flexible approach. By providing the licensee with the option of obtaining NRC review of a procedural deviation, the number of exemption requests a licensee must submit would drop sharply. The staff is developing a proposed regulation.

Legal Basis. 42 U.S.C. 2133, 2134, and 5841.

Timetable: Commission action on the proposed rule is scheduled for May, 1982.

Contact: Gunter Arndt, Office of Nuclear Regulatory Research, (301) 443–5860.

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82. Laboratory Accreditation Program (Part 50) *

Federal Register Citation: Not yet published.

Description. The proposed rule would require that qualification testing of nuclear plant equipment necessary to demonstrate the capability of that equipment to perform its function in accordance with design and functional specification under normal and postulated accident conditions be performed in laboratories that have been accredited in accordance with procedures administered by the Institute of Electrical and Electronics Engineers (IEEE). The proposed rule, as part of the increased emphasis on equipment qualification, would improve the reliability and accuracy of qualification testing performed by accredited laboratories.

Objective. To ensure that equipment qualification testing performed by a laboratory meets established standards and thereby provides greater assurance of protecting the public health and safety.

Background. Development of the proposed rule awaits development by the NRC and IEEE of an agreement addressing the laboratory accreditation program. A draft notice of this agreement is scheduled for November, 1981 publication.

Legal Basis. 42 U.S.C. 2201.

Timetable: Commission action on the proposed rule is scheduled for March, 1982.

Contact: Steven D. Richardson, Office of Nuclear Regulatory Research (301) 443–5942.

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83. Emergency Planning for Research and Test Reactors (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would provide an extention of time for licensees authorized to operate a research or test reactor to submit emergency plans to the NRC for approval. The compliance period would be extended because of time required to reconcile inconsistencies between the regulation and published guidance.

Objective. To provide affected licensees with an extension of time for submitting emergency plans that meet emergency planning and preparedness requirements.

Background. The Commission upgraded emergency planning regulations in a final rule on August 19, 1980 (45 FR 55402). The criteria contained in Regulatory Guide 2.6, which was referenced in the final rule as guidance criteria for research and test licensees to use in establishing adequate emergency plans, was not consistent with the requirements of the final rule. The date for compliance with the final rule is being extended because of this inconsistency to allow additional time for licensees to submit emergency plans that meet the requirements of the rule. Regulatory Guide 2.6 is also being revised to conform to the requirements of the rule.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for October, 1981.

Contact: Steve Ramos, Office of Inspection and Enforcement, (301) 492–9602

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84. List of Required Emergency Response Facilities and Associated Implementation Dates (Part 50)

Federal Register Citation: Not yet Published.

Description. The proposed amendment to emergency planning and preparedness requirements would establish a complete list of the emergency response facilities required at each operating nuclear power reactor site and establish a schedule for their construction and operation.

Objective. To establish a legally enforceable requirement for the scheduled construction and operation of emergency response facilities of all nuclear power reactor sites.

Background. The staff is preparing a notice of proposed rulemaking for Commission action.

Legal Basis. 42 U.S.C. 2201 and 5841.

Timetable: Commission action on the proposed rule is scheduled for October, 1981.

Contact: Steve Ramos, Office of Inspection and Enforcement, (301) 492–9595.

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85. Emergency Preparedness Exercises (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would relax the frequency with which full-scale emergency preparedness exercises involving state and local governments must be conducted for production and utilization facilities. With certain specified exemptions, the requirement to conduct full-scale exercises would be reduced from at least one a year to at least one every two years. The proposed rule would clarify existing requirements for joint exercises between utilities and state and local governments. The staff was directed to examine the requirements concerning state and local governments to determine if the burden could be reduced without compromising public health and safety.

Objective. To clarify requirements for and to relax the frequency of full-scale joint emergency preparedness exercises involving state and local governments.

Background. Development of this proposed rule arose out of a meeting between the Chairman of the NRC and the Director of FEMA. The staff was directed to initiate a rulemaking that would relax the frequency at which full-scale exercises are conducted. The proposed revision is intended to reduce the burden on state and local governments without compromising public health and safety.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Comission action on the proposed rule is scheduled for November, 1981.

Contact: Steve Ramos, Office of Inspection and Enforcement, (301) 492–9602.

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86. Reporting of Significant Design and Construction Deficiences (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would clarify the description of a significant design or construction deficiency in a nuclear power plant and would require the holder of a construction permit to provide the Commission with more timely information regarding potential construction or design deficiencies.

Objective. To provide the Commission with more timely information regarding events that may indicate a potential construction or design deficiency.

Background. Staff action on this item has been deferred due to more urgent priorities.

Legal Basis. 42 U.S.C. 2201.

Timetable: The date for the next significant action on this rule is unscheduled.

Contact: Gerald Tomlin, Office of Nuclear Regulatory Research, (301) 443–5981.

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87. Immediate Notification Requirement for Operating Nuclear Reactor Licensees (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would require that every operating license for a nuclear power reactor contain a condition that would require the licensee to notify the Commission as soon as possible and in all cases within one hour of any signficant event, that is an event that could pose a threat to public health and safety. The proposed rule would also clarify the list of reportable significant events contained in the regulations. The current regulations require licensees to notify NRC of certain "significant events" specified in the regulations. The proposed rule responds to the intent of Congress expressed in Section 201 of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1980 (Pub. L. 96–295) that the Commission establish specific guidelines for identifying accidents which could result in an unplanned release of radioactivity in excess of allowable limits and require immediate notification of these incidents.

Objective. To require that utilization facility licensees immediately notify the Commission of events that could result in an unplanned release of quantities of fission products in excess of allowable limits and to further clarify the types of significant events that must be immediately reported to the NRC.

Background. The comment period on the proposed rule will close 60 days after it is published in the **Federal Register.** On August 19, 1980 (45 FR 55402) NRC published a final rule on emergency planning that required among other things, procedures for immediate notification of NRC, state and local emergency response personnel in certain situations. These situations were discussed in Revision 1 to NUREG–0654/FEMA–REP–1 issued November, 1980. NRC experience and 15 comments on the rule establishing the events that must be reported (issued

February 29, 1980 (45 FR 13435)) indicates that the notification rule requires clarification. The proposed rule responds to the mandate of Section 201 of the Authorization Act and provides the needed clarification. The proposed requirements would provide increased confidence that the public health and safety would be protected in a radiological emergency.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 55842, 5846.

Timetable: Commission action on the proposed rule is scheduled for October, 1981.

Contact: Michael J. Jamgochian, Office of Nuclear Regulatory Research, (301) 443–5942.

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88. Environmental Qualification of Electric Equipment (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would codify the current NRC practice with respect to environmental qualification of electric equipment and will apply the same uniform performance criteria with respect to environmental qualification to all operating nuclear power plants and plants for which application has been made for a construction permit or an operating license. Included are specific technical requirements pertaining to (a) qualification parameters, (b) qualification methods, and (c) documentation. The proposed environmental qualification methods are progressively less strict for older plants.

Objective. To clarify and strengthen the criteria for environmental qualification of electric equipment used in nuclear power plants. The applicable qualification methods currently contained in national standards, NRC regulatory guides, and certain NRC publications for equipment qualification were subject to different interpretations and have not had the legal force of an agency regulation. Codification of the current qualification criteria would provide more uniform guidance to licensees and help assure that electric equipment is able to perform properly throughout its installed life.

Background. The requirements for environmental qualification would apply to operating nuclear power plants and all future nuclear power plants. The scope of the proposed rule does not include all electric equipment important to safety in its various gradations of importance. It includes only that portion of electric equipment important to safety, commonly referred to as "Class 1E" equipment in the Institute of Electrical and Electronics Engineers (IEEE) national standards and some additional non-class 1E equipment and systems.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, and 2233.

Timetable: Commission action on the proposed rule is scheduled for November, 1981.

Contact: Satish K. Aggarwal, Office of Nuclear Regulatory Research, (301) 443–5946.

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89. Applicability of Appendix B to Appendix A (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would clarify the quality assurance program requirements for those structures, systems, and components of nuclear power plants which are important to safety. The proposed rule would also eliminate any possible confusion over the definition of the terms "important to safety" and "safety-related" and provide a clear statement in the Commission's regulations concerning the applicability of the quality assurance criteria (in 10 CFR Part 50) of Appendix B to the structures, systems, and components covered in Appendix A. The proposed rule could expand the extent of the review applied to nuclear power plant structures, systems, and components, and thus, it could help ensure the appropriate application of quality assurance program requirements during the construction of nuclear power plants.

Objective. To assure that the requirements of Appendix A to 10 CFR Part 50, Criterion 1, result in the establishment by licensees of effective quality assurance programs that are implemented in a manner that provides adequate assurance that structures, systems, and components covered in the appendix will satisfactorily perform their safety functions. Also, to assure that the requirements in Appendix B to 10 CFR Part 50 result in the establishment by licensees of adequate quality assurance requirements for the design, construction, and operation of certain structures, systems, and components that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public.

Background. In the aftermath of the Three Mile Island Unit #2 accident, a number of studies have concluded that the scope of the items to which the quality assurance criteria of Appendix B to 10 CFR Part 50 apply needs to be broadened to include the full range of safety matters as was originally intended. Typical examples of structures, systems, and components for which the Appendix B quality assurance program criteria may not have been fully implemented are in-core instrumentation, reactor coolant pump motors, reactor coolant pump power cables, and radioactive waste system pumps, valves, and storage tanks. The proposed rule is intended to clarify the Commission's original intent by revising Criterion 1 of Appendix A to state specifically that the criteria to be used for the quality assurance program required in Appendix A are those criteria contained in Appendix B. Additionally, in order to eliminate confusion over definition of the terms "important to safety" as used in Appendix A and "safety-related" as used in Appendix B, the proposed rule would, in Appendix B, delete the term "safety-related".

Legal Basis. 42 U.S.C. 2133, 2134, 2201, and 2233.

Timetable: Commission action on the proposed rule is scheduled for November, 1981.

Contact. William L. Belke, Office of Nuclear Regulatory Research, (301) 492–7741.

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90. Anticipated Transients Without Scram (ATWS) (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule presents two alternative regulatory programs designed to reduce the risk posed by accidents involving anticipated transients without scram (ATWS) events. An ATWS event occurs when a nuclear reactor's shut down ("scramn") system fails to function following a fault (transient event) in the reactor's normal heat dissipation function. A possible outcome of some ATWS accident sequences is the development of a mismatch between the power generated in the reactor and the controlled dissipation of that power. This power mismatch can threaten the integrity of the barriers that confine the fission products. A core meltdown accident, in some cases accompanied by a failure of containment and a very large release of radioactivity, is a possible outcome of some ATWS accident scenarios. Thus, the Commission has determined that the consequences of some postulated ATWS accidents are unacceptable and has developed this proposed rule to address this important safety issue through rulemaking.

Objective. To limit the likelihood and severity of a release of radioactivity to the environment as a result of an anticipated transient without scram event.

Background. The Commission believes that the likelihood of severe consequences arising from an ATWS event during the two to four year period required to implement a rule is acceptably small. This judgment is based on (a) the favorable experience with operating reactors, (b) the limited number of operating nuclear power reactors, (c) the inherent capability of some operating Pressurized Water Reactors (PWRs) to partially or fully mitigate the consequences of ATWS events, (d) the partial capability of the recirculation pump trip feature that has been added to all Boiling Water Reactors (BWRs) of high power level to mitigate ATWS events, and (e) the interim steps taken to develop procedures and train operators to further reduce the risk from some ATWS events. The implementation schedule contained in the proposed rule balances the need for careful analysis and plant modifications with the desire to carry out the objectives of the rule as soon as possible.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 5842, 5846.

Timetable: The proposed rule is scheduled for Commission action in late 1982.

Contact: David Pyatt, Office of Nuclear Regulatory Research, (301) 443–5960.

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91. Emergency Planning and Preparedness for Production and Utilization Facilities (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would modify current NRC emergency planning and preparedness regulations by providing that in order to grant a low power license, only a finding as to the adequacy of on-site emergency planning and preparedness is required. This proposal would eliminate the need to have any NRC or Federal Emergency Management Administration review, finding or determinations on the adequacy of off-site emergency planning and preparedness with certain exceptions for off-site elements such as communications, notification, assistance agreements with local law enforcement, fire protection and medical organizations.

Objective. To implement the Commission's position, as reflected in informal staff practice used in low power licensing reviews, that evaluations of the adequacy of off-site emergency preparedness and the capability of off-site response mechanisms are not necessary prior to issuing a low power license.

Background. NRC experience gained in emergency preparedness reviews over the past year since issuance of the emergency planning and preparedness rule on August 19, 1980 (45 FR 55402) provide the basis for this proposed rule.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for October, 1981.

Contact: Michael Jamgochian, Office of Nuclear Regulatory Research, (301) 443–5942.

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92. Operator Qualification and Licensing (Parts 50, 55)

Federal Register Citation: Not yet published.

Description. The proposed rule would strengthen the criteria for issuing licenses to operators of nuclear power plants. The rule will focus on improvements in requirements for operator education, operator simulator training, operator understanding of the theory behind the operation of a facility, maintaining operator proficiency, and requalification examinations.

Objective. To improve operator performance to help minimize the possibility of accidents and strengthen operators' ability to deal with a potential accident.

Background. Commission directed staff to organize a review group composed of Federal workers, external to NRC to address certain provisions of the rule, specifically, education requirements for entry level operators, whether shift supervisors should be licensed, and ways of implementing requirements for existing operators.

Legal Basis. 42 U.S.C. 2137, 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for April, 1982.

Contact: Ellis Merschoff, Office of Nuclear Regulatory Research, (301) 443–5942.

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93. Personnel Access Authorization Requirements for Nuclear Power Plants (Parts 50, 73)

Federal Register Citation: Not yet published.

Description. The proposed rule would require nuclear power plant licensees and applicants to establish an access authorization program for individuals requiring unescorted access to the protected and vital areas of nuclear power plants. This program will include personnel screening to determine the suitability of an employee to be permitted unescorted access to either protected or vital areas of nuclear power plants.

Objective. To assist licensees in determining employee suitability and trustworthiness at nuclear power plants.

Background. On March 17, 1977, the NRC published in the **Federal Register** (42 FR 14880) a proposed rule that would establish an unescorted access authorization program for individuals who have access to or control over special nuclear material (SNM). Written comments were invited and received. On December 28, 1977, the NRC published in the **Federal Register** (42 FR 64703) a notice of public hearing on the proposed rulemaking. The NRC subsequently established a Hearing Board to gather additional testimony. A final rule establishing an access authorization program for fuel cycle facilities and transportation licensees was published in the **Federal Register** on November 21, 1980. As a result of information gathered at the public hearing and its own examination of the proposed access authorization program, the Hearing Board recommended that a new access authorization program be established for and administered by nuclear power plant licensees. On June 24, 1980, the Commission directed the staff to prepare a proposed rule to establish an access authorization program for nuclear power plant licensees.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for January, 1982.

Contact: James A. Prell, Office of Nuclear Regulatory Research, (301) 433–5976.

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94. Qualification of Mechanical Equipment (Parts 50, 100)

Federal Register Citation: Not yet published.

Description. The advance notice of proposed rulemaking seeks comment on a proposal to clarify requirements for nuclear power plant licensees and applicants to demonstrate the ability of mechanical equipment important to safety to perform its function in accordance with design and functional specifications under normal and postulated accident conditions. These criteria by which selected components of nuclear power plants will be qualified will create a more uniform program to assess the performance of mechanical equipment under certain conditions.

Objective. To assure conformity in individual equipment qualification reviews and provide a sufficient technical basis for judgments of acceptability by each reviewer.

Background. The consequences of mechanical equipment failure at a nuclear power plant could have an adverse impact upon the public health and safety. For this reason, the NRC requires that the design of equipment important to safety, including mechanical equipment, be verified to assure that it will satisfactorily perform its function in the most adverse environment to which it may be subjected through means such as qualification of prototypes. The Commission directed the staff to initiate rulemaking to make this process more uniform for electric equipment qualification. A staff Equipment Qualification Program plan recommended a rulemaking on mechanical equipment as well.

Legal Basis. 42 U.S.C. 2201.

Timetable: Commission action on the advance notice of proposed rulemaking is scheduled for December, 1981.

Contact: Harold I. Gregg, Office of Nuclear Regulatory Research, (301) 443–5860.

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95. Use of Alcohol and Drugs by Licensed Operators (Part 55)

Federal Register Citation: Not yet published.

Description. The proposed rule would set restrictions on the use of alcoholic beverages and drugs by licensed operators of nuclear power plants. The Commission initiated the proposed rule in response to concern by members of the public that nuclear power plant operators, like airline pilots, should not be permitted to perform activities that could impair the public health and safety while under the influence of alcohol or drugs.

Objective. To regulate the consumption of alcoholic beverages and the use of drugs by licensed nuclear power plant operators so as to protect the public health and safety.

Background. The proposed rule is being drafted and is scheduled to be circulated for office review in December, 1981.

Legal Basis. 42 U.S.C. 2236, 2237.

Timetable: Commission action on the proposed rule is scheduled for February, 1982.

Contact: Ellis Merschoff, Office of Nuclear Regulatory Research, (301) 443–5942.

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96. Safeguards Requirements for Licensees Authorized to Possess SNM of Moderate or Low Strategic Significance (Part 70)

Federal Register Citation: Not yet published.

Description. The proposed rule would require a licensee to obtain approval from the NRC prior to making any changes in the licensee's security plan which would reduce the security plan's effectiveness. This proposed requirement would apply to any licensee who submits a physical security plan in accordance with § 70.22(k) of 10 CFR. These licensees include those which possess or use special nuclear material (SNM) of moderate strategic significance or 10 kg. or more of SNM of low strategic significance, except those licensees who possess this material in the operation of a nuclear power plant. This requirement currently applies to any licensee, other than nuclear power reactor licensees, who possess formula quantities of SNM and who submit physical security plans in accordance with § 70.22(h) or § 73.20(c) of 10 CFR.

Objective. To extend the safeguards requirement for obtaining prior approval from NRC for any change in physical security plans which might decrease the plan's effectiveness to licensees who possess or use SNM of moderate or low strategic significance.

Background. Staff action on the proposed rule has not yet begun.

Legal Basis. 42 U.S.C. 2071, 2073, 2201, 2232, 2233, 5842, 5846.

Timetable: Commission action on the proposed rule is scheduled for June, 1982.

Contact: Kristina Z. Markulis, Office of Nuclear Regulatory Research, (301) 443–5876.

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97. Material Control and Accounting Requirements for Low Enriched Uranium Fuel Cycle Facilities (Part 70)

Federal Register Citation: Not yet published.

Description. The proposed rule would revise the material control and accounting (MC&A) requirements for low enriched uranium (LEU) with which fuel cycle facility licensees must comply. The proposed rule currently would affect eight LEU facilities. The proposed rule would, among other things, reduce the frequency of taking inventory from twice a year to once a year. The permitted limit of error in inventory difference (LEID) would also be revised to require an inventory difference calculation only on the uranium element (i.e., not U–235). These inventory differences are useful for determining whether an unauthorized substitution of material has occurred. Currently, the type of inventory made is essentially the same for LEU and for strategic special nuclear material (SSNM) fuel cycle facilities. Almost all substantive requirements apply uniformly to all licensees authorized to possess greater than one kilogram of special nuclear material, whether they have HEU, plutonium, or LEU. Yet both NRC-sponsored and independent studies have demonstrated that safeguard risks associated with LEU are far less significant than risks associated with HEU. The proposed rule eliminates these unnecessary requirements while maintaining safeguards standards which meet those of the IAEA.

Objective. To establish more cost-effective MC&A requirements for LEU that assure the protection of the public health and safety.

Background. Staff is preparing a draft proposed rule for Commission action.

Legal Basis. 42 U.S.C. 2201, and 5841.

Timetable: Commission action on the proposed rule is scheduled for March, 1982.

Contact: Charles K. Nulsen, Office of Nuclear Material Safety and Safeguards, (301) 427–4181.

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98. Medical Standards for Employment of Security Personnel (Part 73)

Federal Register Citation: Not yet published.

Description. The proposed rule would amend the medical standards for the employment of security personnel by licensees which operate nuclear power plants, fuel cycle facilities, or possess or ship certain quantities of special nuclear material. Specifically, the rule would revise paragraph I.B.(3) of Appendix B to Part 73 to provide the conditions under which persons with an established medical history or medical diagnosis of a chronic or nervous disorder may be employed as security personnel. Currently, these criteria provide that an individual shall have no established medical history or diagnosis of epilepsy or diabetes or, where either of these medical conditions exist, the individual shall provide medical evidence that the condition may be controlled with proper medication. The revised paragraph would require that an individual who has any chronic disease or nervous disorder must provide evidence that it can be controlled through medication.

Objective. To clarify the types of diseases which are required to be controlled in order for individuals to be employed as security personnel.

Background. Staff work on the proposed rule will begin in early 1982.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: EDO action on the proposed rule is scheduled for September, 1982.

Contact: Kristina Z. Markulis, Office of Nuclear Regulatory Research, (301) 443–5976.

99. Advance Notification of SNM Shipments (Parts 73, 95)

Federal Register Citation: Not yet published.

Description. The proposed rule would require NRC licensees who ship special nuclear material (SNM) to notify simultaneously both the NRC headquarters Office of Inspection and Enforcement and the appropriate NRC regional Office of Inspection and Enforcement by mail post-marked at least ten days in advance of the date of shipment. NRC regulations currently require NRC licensees to notify only the appropriate NRC regional Office of Inspection and Enforcement by mail post-marked at least seven days in advance.

Objective. To provide the Office of Inspection and Enforcement additional time to prepare for inspections of SNM shipments.

Background. Staff action has not yet been initiated.

Legal Basis. 42 U.S.C. 2073, 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for May, 1982.

Contact: Kristina Z. Markulis, Office of Nuclear Regulatory Research, (301) 443–5976.

100. Patent Licenses (Part 81)

Federal Register Citation: Not yet published.

Description. The proposed rule would establish the policies and general rules for the granting of patent licenses, the administration of patent licenses, and various procedures such as revocation and appeals.

Objective. To rewrite Part 81, which currently is directed only to patent licensees, into a regulations that sets forth NRC patent policies for contract clauses, waiver of rights provisions and other applicable areas.

Background. NRC presently has no regulations which set forth the agency's patent policies, rules of administration, or contract clauses and the like. The agency should fill the present void by adopting patent policies substantially like those being used by other government agencies.

Legal Basis. 42 U.S.C. 3182.

Timetable: Commission action on the proposed rule is scheduled for July, 1982.

Contact: Neal E. Abrams, Office of Executive Legal Director, (301) 492–8662.

101. Security Facility Approval and Safeguarding of National Security Information and Restricted Data; Procedural Revisions (Part 95)

Federal Register Citation: Not yet published.

Description. The proposed rule would provide additional guidance on the handling of safeguards information for licensees who possess more than a formula quantity of strategic special nuclear material. Specifically, the proposed rule (1) adds a provision for handling classified drafts and working papers, (2) removes classification guides from the regulations and (3) makes amendments of a clarifying nature.

Objective. To assure proper protection of NRC's classified information, retain decisions regarding proper classification of information within the agency as prescribed by Executive Orders 10865 and 12065, and assure that other portions of this rule are up-to-date and clearly understood.

Background. The final rule establishing Part 95 was published March 5, 1980 (45 FR 14476). This proposed rule is being drafted and will be completed early in 1982.

Legal Basis. 42 U.S.C. 2165, 2201, 5841, E.O. 10865, and E.O. 12065.

Timetable: Commission action on proposed rule is scheduled for April, 1982.

Contact: Raymond J. Brady, Office of Administration, (301) 427–4472.

102. Export/Import of Nuclear Equipment and Material (Part 110)

Federal Register Citation: Not yet published.

Description. The proposed rule would simplify licensing requirements for the export of nuclear equipment and material that does not have significance from a nuclear proliferation perspective. The proposed rule would expand or establish general licenses for nuclear reactor components, gram quantities of special nuclear material, and certain kinds of source or byproduct material. The general licenses set out in the proposed regulation would ease current licensing restrictions by removing the requirement to obtain a specific export or import license for certain material and equipment. In addition, the proposed general licenses include a policy of facilitating nuclear cooperation with countries sharing U.S. non-proliferation goals.

Objective. To increase U.S. international commerce while maintaining adequate non-proliferation controls and to reduce regulatory burden on the public and the NRC without increasing the risk to public health and safety or the common defense and security.

Background. On March 21, 1980 (45 FR 18370), the NRC issued a final rule that simplified licensing requirements for the export of certain minor quantities of nuclear material. Twenty comments were received in response to that rule in addition to two comments received in response to the NRC's rule amending part 110 to reflect the enactment of the Nuclear Non-Proliferation Act of 1978 published May 19, 1978 (43 FR 21641). This proposal addresses these comments and the NRC's stated intent to consider a possible revision of the general license of americium-241. The proposed amendment would reduce NRC's licensing workload for minor cases by about 75% thereby allowing the staff to process license applications for major exports of nuclear equipment and material quickly and expeditiously.

Legal Basis. 42 U.S.C. 2071, 2091, 2111, 2139, 5841, 5846.

Timetable: Commission action on the proposed rule is scheduled for October, 1981.

Contact: Marvin Peterson, Office of International Programs (301) 492–8155.

Revision of License Fee Schedules* (Part 110)

Federal Register Citation: Not yet published.

Description. The proposed rule would adjust the NRC fee schedule to permit the NRC to charge fees for the actual cost incurred by the NRC to review license applications, renewals, amendments, etc. The new fee schedule would affect the licensing and inspection of nuclear power plants, other production or utilization facilities, vendors of nuclear power steam supply systems and materials facilities engaged in uranium and plutonium fuel fabrication, uranium milling, leaching and refining operations, source material ore-buying and ion exhange activities, burial of radioactive waste, spent fuel cask and packaging approvals, and other users of critical quantities of special nuclear materials.

Objective. To permit the NRC to charge fees for the actual costs incurred by the NRC to review license applications, renewals, amendments, etc.

Background. The staff is preparing a draft rule for consideration by the Commission. The proposed rule will incorporate the proposed new Category 11.F schedule of fees for materials licenses published in the **Federal**

Register as a proposed rule on March 31, 1980 (45 FR 20899).

Legal Basis. 31 U.S.C. 483a, 42 U.S.C. 2201w, 5841.

Timetable: Commission action on the final rule is scheduled for November, 1981.

Contact: William O. Miller, Office of Administration, (301) 492–7225.

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federal register

Thursday
October 29, 1981

Part III

Department of Transportation

Coast Guard

Licensing of Officers and Motorboat Operators and Registration of Staff Officers

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 10

[CGD 81-059]

Licensing of Officers and Motorboat Operators and Registration of Staff Officers

AGENCY: Coast Guard, DOT.

ACTION: Advanced Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard is proposing to review and amend those regulations concerned with the licensing of officers. This action is being taken to reduce the number of specialized deck licenses, simplify administration, improve readability to aid public understanding of the licensing regulations and clearly define paths of progression for a mariner.

DATES: Comments must be submitted on or before January 27, 1982.

ADDRESSES: Comments should be submitted to the: Executive Secretary, Marine Safety Council (G-CMC), (CGD 81-059), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593. Comments will be available for inspection at the Marine Safety Council (G-CMC), Room 4402, Phone (202) 426-1477 between the hours of 7 a.m. and 5 p.m., Monday through Thursday except holidays.

FOR FURTHER INFORMATION CONTACT: LCDR George N. Naccara, Project Manager, Office of Merchant Marine Safety (G-MVP), phone 202-426-6259.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Comments should include the name and address of the person making them, identify this Notice (CGD 81-059), give the specific section of the proposal to which the comment applies, and the reasons for the comment. Persons desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed postcard or envelope.

All comments received before expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned at this stage of the rulemaking process. Public hearings may be held, however, after the Notice of Proposed Rulemaking is published.

It is proposed to establish a simplified two license structure for service on vessels of any gross tons on the Inland Waters of the United States which will include the Western Rivers and the Great Lakes, and also for service on those vessels up to 1600 gross tons in ocean or near coastal service. The 1600 gross tons limitation will allow conformance with numerous international standards including manning requirements, lifesaving equipment, etc. Above this tonnage on offshore routes, the existing four license structure will continue. Many of the specialized "trade" restricted and antiquated licenses may also be eliminated; the holders of such eliminated licenses will be able to convert their present licenses to one which conforms to the new tonnage/route configuration.

It is intended to delete the licensing distinction between inspected and uninspected vessels. In present day operations, there is little difference between these categories of vessels insofar as licensing experience requirements are concerned; they are often similar in power plant, routes covered, dimensions and vessel handling characteristics. The proposed regulations may delete the uninspected vessel distinction in regards to licensing and may provide for acceptance of qualifying experience on either uninspected or inspected vessels. Holders of the license as Operator of Uninspected Towing Vessels will therefore be provided a clear progression scheme with which to advance in a career pattern to Mate and Master. Holders of licenses as Master/Mate of Uninspected Vessels will automatically qualify for one of the new licenses in accordance with their tonnage limitation.

The Coast Guard intends to provide for a person with service in one broad geographical area to cross over into the adjacent area. This will allow a person with an inland route limitation to cross over into an ocean or near coastal route in order to progress in an orderly career pattern.

Standardized gross tonnage limitations may also be established in the following manner: 0-200 gross tons with an extension of the small passenger vessel license; 200-1600 gross tons; and "any gross tons" implying over 1600 gross tons. These standard categories would greatly simplify the administration of the licensing program and benefit the mariner by markedly decreasing the types of licenses, the progression and ranking of licenses will become obvious, and advancement will be readily discernible.

Certain deck licenses will retain their present identity due to statutory requirements. These are (1) Uninspected fishing vessel—46 U.S.C. 224a; (2) Uninspected towing vessels—46 U.S.C. 405; (3) Motorboat operators—46 U.S.C. 1461; (4) Pilots—46 U.S.C. 364; (5) and inland mate (non-navigating)—46 U.S.C. 228. Service gained on these licenses may be considered creditable towards other licenses.

These regulations would clarify the usage of a license with an ocean route on other waters. For example, any license issued for service as master or mate on vessels of any gross tons upon ocean routes should qualify the licensee to serve in the same grade on any waters without additional endorsements other than where pilotage may be required. In this manner, the holder of a license as master of steam or motor vessels of any gross tons upon oceans could also serve as master upon inland waters or as master of vessels of limited tonnage on any route. This would clarify what has been the usual interpretation in the past and is justified in view of the overall experience, examinations taken, and capabilities of such persons.

The present regulations include a comprehensive section on the general requirements for various types of licenses. Often these requirements are repeated to a great extent in other sections pertaining to a specific type of license (e.g., 10.13—radio officers; 10.15—uninspected vessels; 10.16—uninspected towing vessels; 10.20—motorboat operator; 10.25—registration of staff officers). It is intended that the proposed regulations eliminate this redundancy and confusion and consolidate the general requirements into one section pertaining to all licenses.

Public Law 96-378 of 6 October 1980 amended 46 U.S.C. 224 and required in part, that the Coast Guard establish career patterns appropriate to the particular service or industry in which the officers are engaged. The proposed regulations would provide this progression scheme for the new license structure and for those licenses which will retain their present identity. For example, the holder of a motorboat operator license may progress through limited mate and master to ocean unlimited licenses, with the proper experience and examinations in an orderly sequence. In this regard, the Coast Guard intends to develop regulations which will provide a license structure permitting an experienced, knowledgeable, and ambitious person to advance within the maritime industry with a minimum of restrictions. To accomplish this the Coast Guard is considering amending Part 10 of Title 46, Code of Federal Regulations by:

Including the regulatory sections for small passenger vessel licenses

presently located in Part 187 in the revised Part 10.

Preparing a table in the General Requirements section which will provide the reader a clear, concise and readily understandable reference for each type license and the major qualifications thereof.

Increasing the unlimited tonnage category to 1600 gross tons from the existing 1000 gross tons.

Revising and restructuring the General Requirements Subpart to have application to all types of licenses rather than the present subsections with overlapping and confusing cross references.

Adding a section of definitions of terms used in this Part such as the classes of waters, including "near coastal," the terms "year" and "month" as applies to experience requirements, etc.

Generally updating much information in the general requirements section.

Explaining the requirement to maintain the information on applications for licenses and physical examinations up-to-date.

Amending the requirements for recent experience in related activities for original, raise in grade, or renewal of license. Rather than a fixed percentage of the overall service requirements, recency for all license evolution may be a specific period of time.

Eliminating the need for Headquarters review of foreign vessel service submitted as qualifying experience for licenses. This would increase the efficiency of our reviewing process and definitely benefit the mariner.

Accepting service on vessels other than towing for a license as second class operator.

Removing the distinction between inspected and uninspected vessels for deck licenses.

Restructuring of engineer officers' licenses with respect to removing the distinction between inspected/uninspected vessel service. This subject must be carefully reviewed. Experience requirements may conform to corresponding deck licenses; horsepower limitations may remain as they presently exist.

Revising the observer time required for endorsement in either mode (steam/motor) for engineer licenses.

Revising the tonnage or horsepower requirements for unlimited licenses for original and raise in grade. This is being reviewed with the possibility of accepting a percentage of time on vessels of less than 1600 gross tons or 4000 horsepower as qualifying experience for licenses.

Accepting simulator training as a partial substitute for required experience for original and raise in grade of license.

Basing horsepower limitations for engineer licenses on either shaft or brake horsepower but not both.

Accepting shore-based, related experience as a partial substitute for underway service for engineer licenses, i.e., machinists trade, work on stationary engines, etc.

Revising the overall license structure to delete many specialized licenses, mainly in the deck department.

Specifying the types of licenses which require Headquarters review of military service acceptable as qualifying experience.

Include provisions for master/mate and chief/assistant engineer on mobile offshore drilling units.

Requiring examinations only at the entry and command level of licenses.

Restructuring of examination subjects.

Changing the license structure for inland and Great Lakes vessels to master and mate. As a result of this, the only remaining pilots not holding a master/mate license will be those serving on certain seagoing vessels subject to 46 U.S.C. 214 and 46 U.S.C. 364.

The license structure and experience requirements for deck and engineer licenses under consideration are as follows:

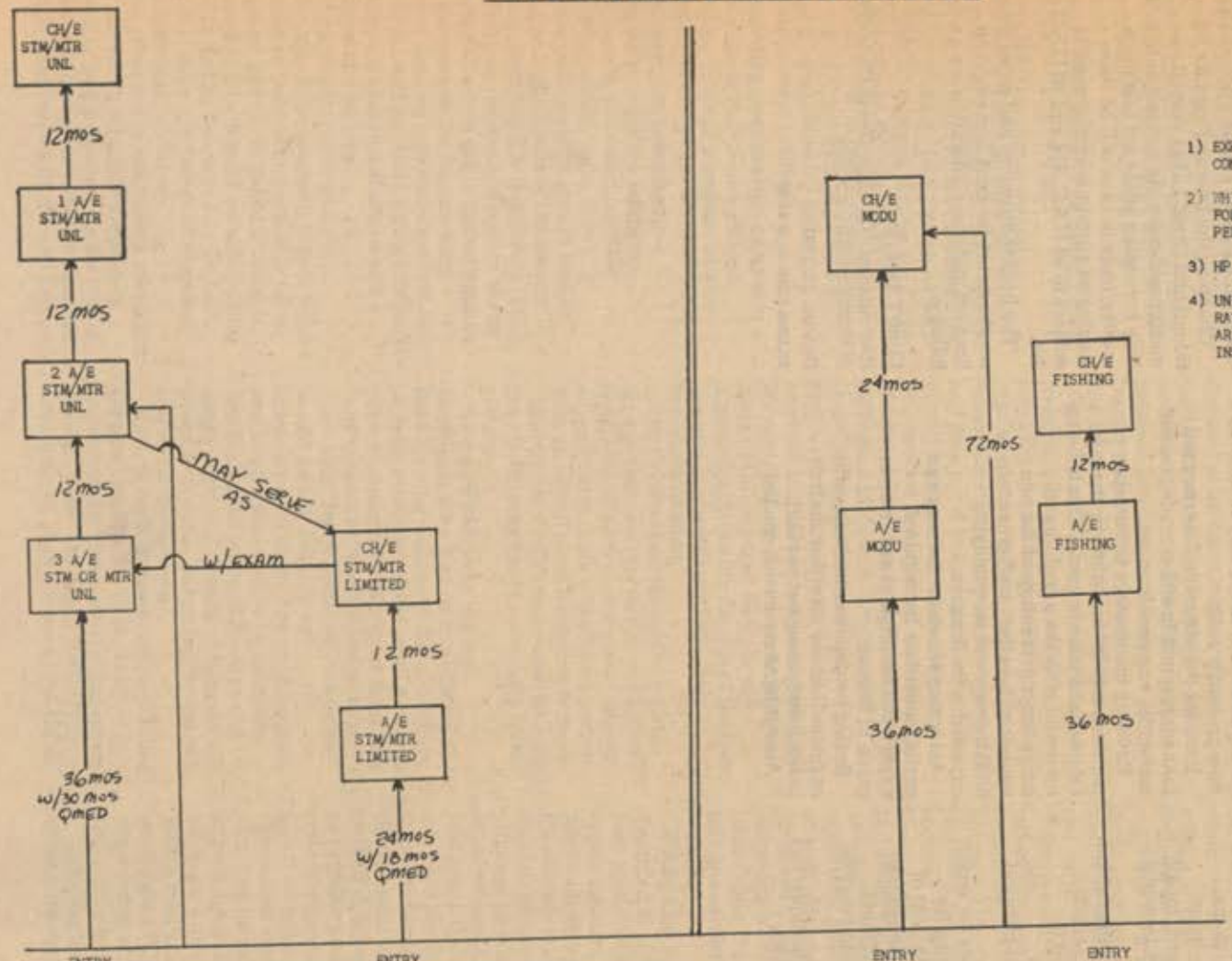
Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

October 21, 1981.

BILLING CODE 4910-81-M

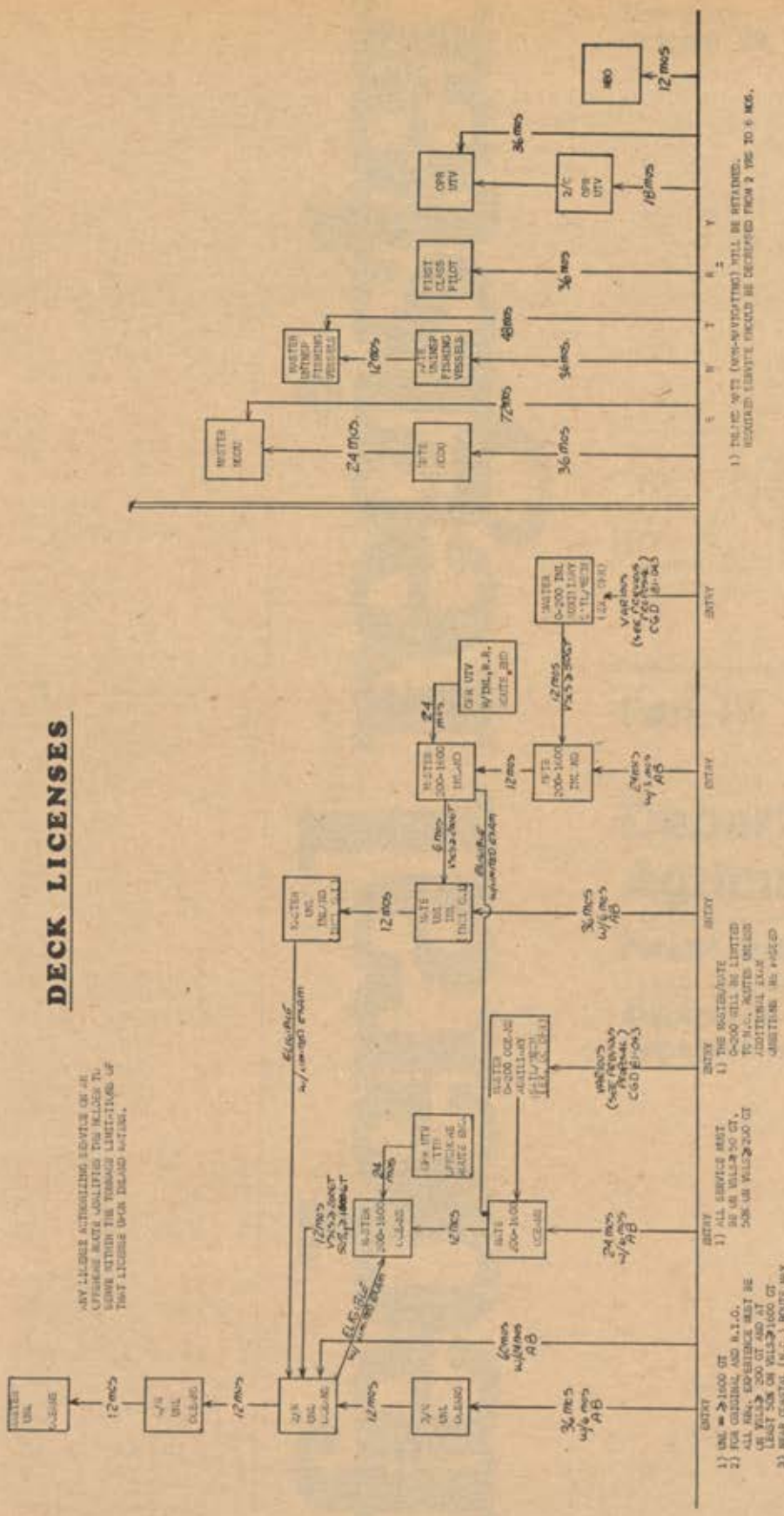
ENGINEER LICENSES



1) UNLIMITED = ≥ 4000 HP (3000 KW)
2) FOR ORIGINAL AND RAISE OF GRADE, 50% OF ALL REQUIRED SERVICE MUST BE ON VSLS ≥ 4000 HP; ALL SERVICE MUST BE ON VSLS ≥ 1000 HP.

1) LIMITED = ≤ 4000 HP
2) MAY BE LIMITED BY ROUTE ALSO

1) EXPERIENCE REQUIREMENTS FOR ALL ENG. LICENSES CONFORM TO THOSE OF THE ANALAGOUS DECK LICENSES.
2) WHILE HOLDING STEAM OR MOTOR LICENSE, ENDORSEMENT FOR THE OTHER MODE WILL REQUIRE A CONSISTENT PERIOD AS OBSERVER (EITHER 6 OR 3 MOS).
3) HP LIMITATIONS - SAME AS BEFORE
4) UNINSPECTED VESSEL WITH HP > 4000 WITH C/E, A/E RATE STRUCTURE? HOW CAN WE RESOLVE THE PROBLEMS ARISING BY REMOVING THE DISTINCTION BETWEEN INSP/UNINSPECTED?



[FR Doc. 81-31433 Filed 10-28-81; 8:45 am]

BILLING CODE 4910-81-C

federal register

Thursday
October 29, 1981

Part IV

Department of Agriculture

Federal Grain Inspection Service

Adjustment of Fees for Federal Rice Inspection Service

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service[1]

7 CFR Part 68

Adjustment of Fees for Federal Rice Inspection Service

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) is increasing the fees for Federal rice inspection services to equate the fees as nearly as possible with the cost of the service. Rice inspection is a permissive service made available upon request of an applicant.

EFFECTIVE DATE: November 1, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Regulations and Directives Management Staff, USDA, Federal Grain Inspection Service, Room 1127, Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, 202/447-3910.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under the USDA procedures pursuant to Secretary's Memorandum 1512-1 and Executive Order 12291, and has been classified as nonmajor because it does not meet the criteria for a major regulatory action.

This final rule becomes effective on November 1, 1981, less than 30 days after publication date, because current revenue does not cover the cost of providing the service and projections show that without a fee increase at that time, FGIS will no longer be able to provide rice inspection services. Accordingly, under the administrative provisions of 5 U.S.C. 553, good cause is shown for making this action effective November 1, 1981.

Kenneth A. Gilles, Administrator, has determined that this proposed action will not have a significant economic impact on a substantial number of small entities because most users of rice inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164-1170).

Section 203(h) of the Agricultural Marketing Act of 1946 (the Act) provides for the collection of such fees as will be reasonable and as nearly as possible cover the cost of the services rendered. Fees currently in effect do not cover FGIS costs incurred for providing the service. As a result, it has been determined that this fee increase for rice inspection services is necessary in order to continue to provide service. This increase is being implemented in conjunction with FGIS cost-saving measures such as reductions in staff and attendant costs.

A proposed rule was published in the **Federal Register** of July 21, 1981, (46 FR 37511-37513) to increase fees for rice inspection services with a 30-day comment period. Written comments were received from two interested parties, the Rice Millers' Association (RMA) and Connell Rice and Sugar Company, during the comment period.

The RMA contended that the proposed fees for grading only (item 3, table 2 in the July 21, 1981, proposal) were too high. The RMA further noted that a separate charge would be assessed for factor analyses requested in addition to those factors included in the U.S. Standards for Rice. A similar contention was also verbally received from the Producer's Rice Mill, Stuttgart, Arkansas.

When grading services are requested by an applicant, FGIS has provided factor analyses such as total broken kernels or milling yield for brown rice, in addition to the grading factors, at no extra cost. In the initial evaluation of the cost of providing rice inspection service, FGIS was of the opinion that factor analyses performed in addition to grading factors should be charged for.

In view of the comments received, FGIS had conducted a further evaluation of the proposed fee schedules and projected program costs. Additionally, since publication of the proposed rule, FGIS has initiated a reorganization designed to reduce its cost of providing official services and increase efficiency. In conjunction with this reorganization, FGIS anticipates a reduction in staff and attendant costs. Based on the foregoing, FGIS has determined that the cost of providing "other services" could be reduced. Therefore, FGIS has adjusted this fee to approximately 28 percent above the present rate and will continue to provide, upon request, factor analyses in addition to the grading factors at no extra cost to the applicant. Based on the anticipated costs of providing commitment and noncommitment services, the hourly rates for these services will remain as stated in the proposal.

Another comment from RMA addressed the proposal that hours worked in excess of the commitment be charged at the noncommitment rate. They suggested a separate overtime commitment rate which would be less than the noncommitment rate. The commitment rate is lower because FGIS can more efficiently plan and utilize personnel if requirements are known well in advance. Hours worked in excess of the commitment hours may require FGIS to reassign personnel from one point of service to another service point within the field office circuit and, therefore, can result in increased costs in excess of the overtime costs. The cost to FGIS of providing service in excess of the 8 hours specified in the agreement exceeds the revenue generated at a commitment rate. Therefore, all hours worked in excess of the commitment will be charged at the noncommitment rate.

The RMA and Connell Rice and Sugar Company commented on the proposed priority noncommitment service. Both comments were negative. The priority noncommitment service was proposed in order to provide the applicants with a guaranteed timely service at a higher rate. This service was intended to be used only in emergency situations when inspection personnel would be required to travel from one inspection circuit to another. In a further evaluation, FGIS has determined that this type of service would be seldom used. Therefore, FGIS has decided to delete the priority noncommitment service from the final rule.

The RMA further commented that the applicant for inspection should be the sole determinant of the number of personnel needed for inspection service. As provider of the service, FGIS is more qualified to determine the number of inspectors needed to maintain inspection services. FGIS has and will continue to work with the individual applicants to adjust the number of inspectors to ensure the most cost effective service is provided.

In order to simplify the fee schedules, minor changes in format have been incorporated.

FGIS will continue to monitor the rice inspection service fee schedule to maintain fees at the minimum level necessary to continue an effective program under the Act.

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Accordingly, 7 CFR Part 68—Regulations and Standards for Inspection and Certification of Certain Agricultural Commodities and Products Thereof, § 68.42c, Fees for Federal Rice

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), concerning inspection and standardization activities related to grain and similar commodities and products thereof has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

Inspection Services, is hereby revised to read as follows:

§ 68.42c Fees for Federal rice inspection services.

The following fees apply to the Federal rice inspection services specified below:

Service and Fees

(a) *Commitment service.* An applicant may enter into an agreement with FGIS for rice inspection services on a weekly basis, whereby the applicant agrees to pay for 8 hours of service per day per person, for at least 5 consecutive days per week, and FGIS agrees to make official inspection personnel available to perform the service for the applicant at reduced hourly rates. The hourly rate service includes sampling, grading, weighing, and other services as requested by the applicant when performed at the service point. All hours of service worked in excess of the commitment shall be charged at the noncommitment rate. If one of the consecutive days per week falls on a holiday and inspection services are not needed, the applicant is not charged for this day. Hourly rates include the cost of travel and transportation to perform the service as specified in the commitment agreement and the original and three copies of each certificate. To enter into a commitment agreement, the applicant must give FGIS 60 days written notice specifying the proposed effective date of the commitment. However, a commitment may become effective prior to the proposed effective date with the consent of both parties. To terminate a commitment, the applicant must give FGIS 60 days written notice specifying the date of termination. A commitment agreement may be terminated at any time by mutual consent of both parties. FGIS reserves the right to: (1) Determine the number of official inspection personnel needed to perform the service for a commitment applicant, which may be different than the number of official personnel under commitment; (2) terminate a commitment agreement by giving the applicant 60 days written notice specifying the date of termination; and (3) temporarily reassign official inspection personnel from a commitment applicant when, in the opinion of the Administrator, the official inspection personnel are not needed to perform service for the commitment applicant, in which event, the commitment applicant is not charged with the number of commitment hours charged to other applicants or other FGIS activities.

(b) *Noncommitment service.* A noncommitment service is provided for applicants who do not enter into a commitment service agreement with FGIS or for all hours not covered under a commitment service agreement. Service on a noncommitment basis will be furnished to applicants if personnel are available and in the order in which requests are received, insofar as is consistent with good management, efficiency, and economy. Precedence will be given, when necessary, to (1) commitment service participants, (2) requests for appeal service, (3) requests by Government agencies, and (4) requests by regular users of the service. Hourly rates shall begin when the official inspection personnel arrive at the point of service and shall end when they depart from the point of service, computed to the nearest quarter hour (less mealtime, if any). Hourly rates include the cost of travel and transportation to perform the service requested and the original and three copies of each certificate. This hourly rate service includes sampling, grading, weighing, and other services as requested by the applicant when performed at the service point. Standby time per person is to be charged at the applicable hourly rate. The minimum fee per callout or inspection visit for noncommitment service is charged at the applicable hourly rate with a 2-hour minimum.

The fees shown in Tables 1 and 2 apply to the Federal rice inspection services:

TABLE 1—HOURLY RATES [1]

[Rates per hour per person]

	Day [2]	Night [3] and weekend [4]	Holiday [5]
Commitment service	$21.60	$26.00	$30.60
Noncommitment service [6] [7]	28.80	33.00	37.60

[1] The hourly rate includes sampling, grading, weighing, and other services requested by the applicant if performed at the point of service.
[2] 6 a.m. to 6 p.m.
[3] 6 p.m. to 6 a.m.
[4] Midnight Friday through Midnight Sunday.
[5] Holiday means the legal public holiday specified in paragraph (a) of section 6103, title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by Federal Statute or Executive Order. If the specified legal public holiday falls on a Saturday, the preceding Friday shall be considered to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be considered to be the holiday.
[6] Minimum fee per person per callout or inspection visit for noncommitment service is 2 hours at the applicable hourly rate.
[7] Standby time per person per hour shall be charged at the applicable hourly rate.

TABLE 2.—OTHER SERVICES

	Rough rice	Brown rice for processing	Milled rice
(1) Appeal [1]			
(2) Extra copies of certificates, per copy	$1.50	$1.50	$1.50
(3) Inspection for quality per lot, sublot, or sample inspection [2]	16.00	13.70	11.50
(4) Factor analysis for any single factor, per factor	4.70	4.70	4.70
(5) Interpretive line samples [3]			
(a) Milling degree, per set			50.00
(b) Parboiled light, per sample			13.00

[1] The same inspection fee is charged as would have been charged if the inspection were not an appeal. No charge is made if the appeal result indicates a material error was made on the original inspection.
[2] Includes kind, class, grade, factor analysis, equal to type, milling yield, or any other quality designation as defined in the U.S. Standards for Rice or applicable instructions, whether singly or combined; per lot, sublot, or sample inspection when performed at other than the point of service.
[3] Interpretive line samples may be purchased from the U.S. Department of Agriculture, Federal Grain Inspection Service, Field Management Division, Board of Appeals and Review, Richards-Gebaur AFB, Building #221, Grandview, MO 64030. Interpretive line samples are also available for examination at selected FGIS field offices. A list of the field offices may be obtained from the Deputy Director, Field Management Division, USDA, FGIS, Washington, D.C. 20250.
The interpretive line samples illustrate the lower limit for milling degrees only and the color limit for the factor "Parboiled Light" rice.

* * * * *

(Sec. 203(h), Pub. L. 79-733, 60 Stat. 1087 (7 U.S.C. 1622))

Done in Washington, D.C., on October 14, 1981.

K. A. Gilles,

Administrator.

[FR Doc. 81-31431 Filed 10-28-81; 8:45 am]

BILLING CODE 3410-EN-M

federal register

Thursday
October 29, 1981

Part V

Department of Agriculture

Agricultural Marketing Service

Federal Seed Act Regulations; Changes in Botanical Names, Testing Methods, and Certification Standards

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 201

Federal Seed Act Regulations; Changes in Botanical Names, Testing Methods and Certification Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These amendments to Part 201—Federal Seed Act Regulations (7 CFR Part 201) change the botanical names of several agricultural and vegetable seeds, the regulations for testing seed, and standards for certified seed. A proposed rule was published in the June 10, 1981, **Federal Register** (46 FR 30780). Hearings with respect to the proposed amendments were held in Denver, Colorado, and Washington, D.C., at which time interested persons and organizations were given the opportunity to participate in the rulemaking through submission of written data, views, or oral presentation with respect to the proposals. Interested persons also submitted written comments to the Department.

EFFECTIVE DATE: November 30, 1981.

ADDRESS: Copies of the final rule may be obtained from the Seed Regulatory Branch, LMGS, AMS, USDA, Room 2603, South Building, 1400 Independence Avenue SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Donald W. Ator, Chief, Seed Regulatory Branch; telephone (202) 447–9340.

SUPPLEMENTARY INFORMATION:

It has been determined that this rule is not a "major rule" under Executive Order 12291 and Secretary's Memorandum 1512–1. No significant increase in cost would be imposed on the seed industry or related groups.

It has also been determined that this action will not have a significant economic effect on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354; 94 Stat. 1164–1170) because there is no increase in recordkeeping or paperwork requirements, no increase of direct or indirect cost of compliance with the rule, no effect on the competitive position of small entities in relation to larger entities, no effect on small entity's cash flow and liquidity, no effect on the ability of a small entity to remain in the market and imposes no need for, and therefore no cost of obtaining professional assistance for compliance.

Background

Under section 402 of the Federal Seed Act, as amended (7 U.S.C. 1592 hereinafter "the Act"), and the administrative procedure provisions of 5 U.S.C. 553, notice was given of intention to amend Part 201 of the regulations (7 CFR Part 201) under the Act by publication in the **Federal Register** (46 FR 30780) on Wednesday, June 10, 1981. Public hearings with respect to the proposed amendments were held on July 22, 1981, in Washington, DC, and on July 30, 1981, in Denver, Colorado. Nineteen persons commented at the hearings and eighteen written comments were received. Comments were due on July 30, 1981. An Extension of Time was published in the **Federal Register** (46 FR 40208) on August 7, 1981, extending the comment period until August 10, 1981, to allow time for comments concerning the July 30, 1981, hearing to reach the Hearing Clerk in Washington, DC. The amendments to the regulations with respect to botanical names were proposed so as to reflect international nonmenclature. The changes were necessary to maintain effective and orderly seed regulatory enforcement.

The amendments to the regulations with respect to the methods and procedures for testing seed were proposed in order to maintain standardization in seed testing between Federal, State and Commercial Seed Testing Laboratories.

The amendments to the regulations with respect to certified seed were proposed due to advances in plant breeding, varietal maintenance procedures and certified seed production practices. In addition, the Administrator proposed a provision which specified that the absence of standards for the Registered class of a particular crop signified that the class was prohibited. The proposal included corrections to certain past printing errors in Table 5 as published in the Code of Federal Regulations.

Comments on the Proposed Rule

Section 201.2—All comments approved adoption of the revision of botanical nomenclature in the definitions of agricultural and vegetable seeds. Two comments objected to the definition of Backcross, proposed as paragraph (nn), in that the definition was not limited to the Foundation class of certified seed. Both comments suggested that the definition for backcross be deleted and that, in its stead, definitions be added for foundation backcross, single cross, top cross, foundation single cross, double cross, three-way cross, off-type and varient, as those terms are defined by the Association of Official Seed Certifying Agencies Certification Handbook. In light of the above, the Administrator, AMS, has determined that the definition for backcross would serve no purpose by being adopted at this time. The other definitions requested to be added cannot be so added at this time because sufficient opportunity has not been provided for all interested parties to comment. However, these definitions may be included in future proposed amendments.

Section 201.46—All comments approved adoption of the revision of botanical nomenclature in Table 1.

Sections 201.47(e), 201.48(g)(2) and 201.51a(a)—All comments approved adoption of the revision in the Uniform Blowing Procedure. One comment requested that the kind, "Blue grama" be added in that it had been added in June 1981 to the similar "Uniform Blowing Procedure" in the Association of Official Seed Analysts Rules for Testing. Sufficient opportunity has not been provided to all interested parties to comment on this request. However, it may be included with future proposed rules. One comment questioned the wording in § 201.51a(a), "In the case of rough bluegrass, only a factor of 0.82 of the blowing point established for Kentucky bluegrass will be used." The comment suggested changing the word "only" to "however." The wording in that sentence has been changed in the final rule to delete the word "only" so as to improve clarity. Another comment noted that the blowing point for Canada bluegrass was not included. The blowing point for Canada bluegrass has been added to the final rule.

Section 201.47a—All comments approved adoption of the revision of the section, "Seed Unit." One comment questioned the wording of sentence (b)(1), "Caryopses and single florets," but no comments stated that the wording was incorrect.

Sections 201.48, 201.50, 201.51 and 201.52—All comments approved adoption of the revisions in these sections.

Section 201.56–6—All comments approved adoption of this revision in the Section, "Interpretation." "Field" was inadvertently left out of the proposal. The sentences should read "* * * Adzuka, field, lima and mung * * *." The correction is included in the final rule.

Section 201.57a—All comments approved adoption of this revision of the section, "Dormant Seeds." One comment requested that "green needlegrass" be included with the kinds

being tested for dormant seed. Green needlegrass is not an agricultural seed as defined in the Federal Seed Act and cannot be included in the FSA regulations for testing seed as a kind required to be tested for dormant seed. One comment requested that the word "only" be deleted from paragraph (b) because it is superfluous. It has been deleted.

Section 201.58—All comments approved adoption of this revision in the section, "Specific Directions for Testing for Germination." It is noted that the metric equivalent of cubic foot was not shown in paragraph (a)(11). The conversion of 5 ml per cubic foot to metric equals 176.57 ml per cubic meter. This term, "(176.57 ml/m^3)" is added to paragraph (a)(11).

Section 201.58d—Four comments approved adoption of the section, "Detection of Rhizobium." Six comments objected to adoption of this section. Seven of the ten comments requested an expansion of the section to include (1) specific procedures for collection, handling and storage of samples, (2) wording stressing the importance of timeliness in handling the sample to avoid detrimental effects on the living rhizobia, and (3) more detailed descriptions of the containers in which the seed is to be tested and the procedures for testing the seed. Such an expansion of this section cannot be done at this time because sufficient opportunity has not been provided for comment on such changes. For these reasons, this section is not being adopted. However, an expanded section may be included in a future proposed rule.

Sections 201.70 and 201.74—All comments approved adoption of the revisions in these sections.

Section 201.76—All comments approved adoption of the majority of the revisions in the section, "Minimum Certification Standards." Parts of this section were commented on as set forth below.

Section 201.76(b)—Two comments opposed adoption of the paragraph on prohibiting classes of certified seed; one of those commenting was a representative of AOSCA. That comment indicated that paragraph (b) was superfluous and unnecessary in that, where standards were not shown, certification would not occur in any event. For this reason, paragraph (b) is deleted.

Table 5, footnote 47—Three comments requested that the word "nonfluorescent" be deleted to allow footnote 47 to pertain to all varieties of perennial ryegrass. Two comments objected to adoption of footnote 47 in its entirety because it would relax the standards for perennial ryegrass and would allow a greater percentage of off-types in certified seed. The Administrator, AMS, has determined that the standards should be relaxed due to advances in plant breeding, varietal maintenance procedures and seed production practices and that footnote 47 should apply to all varieties of perennial ryegrass.

Footnote 49—One comment requested that the words "or a distance adequate to prevent mechanical mixture" be added after the words "at least 10 feet." The comment explained that reason for the separation between fields is to prevent mechanical mixture during harvesting. A fence or other barrier would serve this purpose and, where such a barrier occurred, the 10-foot separation would be unnecessary. It was also noted that the word "outside" in the last sentence was inaccurate, in that the area being considered for certification is *within* the isolation zone and not outside it; the word "outside" should be changed to the word "within." For these reasons, footnote 49 is being adopted with the suggested changes.

Some obvious and inconsequential typographical errors were noted and have been corrected without further mention.

Final Rule

PART 201—FEDERAL SEED ACT REGULATIONS

For the reasons set out herein, Part 201, Subchapter K, Chapter I of Title 7, Code of Federal Regulations, is amended as follows:

§ 201.2 [Amended]

1. Amend § 201.2 as follows:

a. Change the names in § 201.2(h) "Agricultural Seeds," as follows:

Following "Cowpea-Vigna" delete "sinensis (Torner) Savi." and insert "unguiculata (L.) Walpers subsp. unguiculata";

Following "Crotalaria, slenderleaf—Crotalaria brevidens Benth." insert "var. intermedia (Kotschy) Polhill";

Following "Fescue, Chewings—Festuca rubra" delete "var. commutata Gaud." and insert "L. subsp. commutata Gaudin";

Following "Rape, bird—Brassica" delete "campestris L." and insert "rapa L.";

Following "Rape, turnip—Brassica" delete "campestris vars L." and insert "rapa L.";

Following "Sainfoin—Onobrychis" delete "viciaefolia Scop." and insert "viciifolia Scopoli";

Following "Wheatgrass, beardless—Agropyron" delete "inerme (Schribn. & Smith) Rydb." and insert "spicatum (Pursh) Scribner & Smith f. inerme (Scribner & Smith) Beetle";

Following "Wheatgrass, pubescent—Agropyron" delete "trichophorum (Link) Richt." and insert "intermedium (Host) Beauvois var. trichophorum (Link) Halacsy";

* * * * *

b. Change the name in § 201.2(i) "Vegetable Seeds," as follows:

Following "Cowpea—Vigna" delete "sinensis (Torner) Savi." and insert "unguiculata (L.) Walpers subsp. unguiculata";

§ 201.46 [Amended]

2. Amend § 201.46 Table 1 as follows:

a. Under the heading "Agricultural Seed":

Following "Cowpea-Vigna" delete "sinensis" and insert "unguiculata subsp. unguiculata";

Following "Crotalaria: Slenderleaf—Crotalaria brevidens" and insert "var. intermedia";

Following "Fescue: Chewings—Festuca rubra" delete "var. commutata" and insert "subsp. commutata";

Following "Rape: Bird—Brassica" delete "campestris" and insert "rapa";

Following "Rape: Turnip—Brassica" delete "campestris vars" and insert "rapa";

Following "Sainfoin—Onobrychis" delete "viciaefolia" and insert "viciifolia";

Following "Wheatgrass: Beardless—Agropyron" delete "inerme" and insert "spicatum f. inerme";

Following "Wheatgrass: Pubescent—Agropyron" delete "tricophorum" and insert "intermedium var. trichophorum";

b. Under "Vegetable Seed," make the following name change:

Following "Cowpea—Vigna" delete "sinensis" and insert "unguiculata subsp. unguiculata"

3. Revise § 201.47(e) to read as follows:

§ 201.47 [Amended]

* * * * *

(e) The Uniform Blowing Procedure described in § 201.51a(a) shall be used for the separation of pure seed and inert matter in seeds of Kentucky bluegrass (Poa pratensis), Canada bluegrass (P. compressa), rough bluegrass (P. trivialis), "Pensacola" variety of bahiagrass (Paspalum notatum), and orchardgrass (Dactylis glomerata).

4. Revise § 201.47a to read as follows:

§ 201.47a Seed Unit.

The seed unit is the structure usually regarded as a seed in planting practices and in commercial channels. The seed unit may consist of one or more of the following structures:

(a) True seeds;

(b) For the grass family:

(1) Caryopses and single florets;

(2) Multiple florets and spikelets in tall oatgrass (Arrhenatherum elatius), oat (Avena spp.), gramas (Bouteloua spp.), rhodesgrass (Chloris gayana), barley (Hordeum vulgare), and bluegrass (Poa spp.);

(3) Entire spikelets in Agrostis (Agrostis spp.), Panicum (Panicum spp.), and foxtail millet (Setaria italica). Entire spikelets which may have attached rachis segments, pedicels, and sterile spikelets in bluestems (Andropogon spp., Bothriochloa ischaemum and Schizachyrium scoparium), Sorghum (Sorghum spp.), and yellow indiangrass (Sorghastrum nutans);

(4) Spikelet groups that disarticulate as units with attached rachis and internodes in bluestems (Andropogon spp., Bothriochloa ischaemum and Schizachyrium scoparium), side-oats grama (Bouteloua curtipendula), and yellow indiangrass (Sorghastrum nutans);

(5) Fascicles of buffelgrass (Cenchrus ciliaris) consisting of bristles and spikelets;

(6) Burs of buffalograss (Buchloe dactyloides);

(7) Bulblets of bulbous bluegrass (Poa bulbosa);

(8) Multiple units as defined in § 201.51a(b)(1).

(c) Dry indehiscent fruits in the following plant families: Buckwheat (Polygonaceae), sunflower (Compositae), geranium (Geraniaceae), goosefoot (Chenopodiaceae), and valerian (Valerianaceae);

(d) One- and two-seeded pods of small-seeded legumes (Leguminosae), burs of the burclovers (Medicago arabica, M. polymorpha), and pods of peanuts (Arachis hypogaea). (This does not preclude the shelling of small-seeded legumes for purposes of identification.) Pods of legumes normally containing more than two seeds, when occurring incidentally in the working sample, should be hulled if the kind is hulled when marketed.

(e) Fruits or half fruits in the carrot family (Umbelliferae);

(f) Nutlets in the following plant families: Borage (Boraginaceae), mint (Labiatae), and vervain (Verbenaceae);

(g) "Seed balls" or portions thereof in multigerm beets (Beta vulgaris), and fruits with accessory structures such as occur in New Zealand spinach (Tetragonia tetragonioides).

5. Revise § 201.48 to read as follows:

§ 201.48 Kind or variety considered pure seed.

The pure seed shall include all seeds of each kind or each kind and variety under consideration present in excess of 5 percent of the whole. Seeds of kinds or kinds and varieties present to the extent of 5 percent or less of the whole may be considered pure seed if shown on the label as components of a mixture in amounts of 5 percent or less. The following shall be included with the pure seed:

(a) Immature or shriveled seeds and seeds that are cracked or injured. For seeds of legumes (Leguminosae) and crucifers (Cruciferae) with the seed coats entirely removed refer to § 201.51(a)(1);

(b) Pieces of seeds which are larger than one-half of the original size. For separated cotyledons of legume seeds refer to § 201.51(a)(2);

(c) Insect-damaged seeds, provided that the damage is entirely internal, or that the opening in the seed coat is not sufficiently large so as to allow the size of the remaining mass of tissue to be readily determined. Weevil-infested vetch seeds, irrespective of the amount of insect damage, are to be considered pure seed, unless they are broken pieces one-half or less than the original size. For classification of broken pieces of seed units one-half or less than the original size, refer to § 201.51(a)(2). Refer to § 201.51(a)(3) for chalcid-damaged seeds;

(d) Seeds that have started to germinate;

(e) Seeds of the cucurbit family (Cucurbitaceae) and the nightshade family (Solanaceae) whether they are filled or empty;

(f) Intact fruits, whether or not they contain seed, of species belonging to the following families: Sunflower (Compositae), buckwheat (Polygonaceae), carrot (Umbelliferae), valerian (Valerianaceae), mint (Labiatae) and other families in which the seed unit may be a dry, indehiscent one-seeded fruit. For visibly empty fruits, refer to inert matter, § 201.51(a)(6);

(g) Seed units of the grass family listed in § 201.47a(b) (1) through (5) if a caryopsis with some degree of endosperm development can be detected in the units, either by slight pressure or by examination over light. Species in which determination of endosperm development is not necessary are listed in paragraphs (g) (1) and (2) of this section. Refer to §§ 201.48(h) and 201.51(a)(5) when nematode galls and fungal bodies have replaced the caryopsis in seed units. The following procedures apply to determine pure seed in the grass families listed below:

(1) Intact burs of buffalograss (Buchloe dactyloides) shall be considered pure seed whether or not a caryopsis is present. Refer to § 201.51(a)(6) for burs which are visibly empty.

(2) The Uniform Blowing Procedure described in § 201.51a(a) shall be used to determine classification of florets into pure seed or inert matter for Kentucky bluegrass (Poa pratensis), Canada bluegrass (P. compressa), rough bluegrass (P. trivialis), Pensacola bahiagrass (Paspalum notatum) and orchardgrass (Dactylis glomerata).

(3) Special purity procedures for Chewings fescue (Festuca rubra subsp. commutata), red fescue (F. rubra), orchardgrass (Dactylis glomerata), crested wheatgrass (Agropyron cristatum or A. desertorum), pubescent wheatgrass (A. intermedium var. trichophorum), intermediate wheatgrass (A. intermedium), and smooth brome (Bromus inermis), are listed in § 201.51a(b).

(4) For methods of determining pure seed percentages of annual and perennial ryegrass, refer to §§ 201.58(b)(10) and 201.58a(a).

(h) Seed units with nematode galls, fungal bodies (i.e. ergot, other sclerotia and smut) and spongy or corky caryopses which are entirely enclosed within the seed unit. Refer to § 201.51(c)(1) for inert matter classification, and to § 201.51(a)(5) for dallisgrass (Paspalum dilatatum) and bahiagrass (Paspalum notatum) as inert matter.

(i) Seed units of beets (Beta vulgaris) and New Zealand spinach (Tetragonia tetragonioides). Refer to §§ 201.47a(g) and 201.51(a)(6) for definitions of seed units and inert matter, respectively.

6. Revise § 201.50 to read as follows:

§ 201.50 Weed seed.

Seeds (including bulblets or tubers) of plants shall be considered weed seeds when recognized as weed seeds by the law or rules and regulations of the State into which the seed is offered for transportation or transported; or by the law or rules and regulations of Puerto Rico, Guam, or District of Columbia into which transported, or District of Columbia in which sold; or found by the Secretary of Agriculture to be detrimental to the agricultural interests of the United States, or any part thereof. Damaged weed seeds and immature

seedlike structures, as described in § 201.51(b), shall be considered inert matter. Weed seeds, as defined above in this section, requiring further separation into weed seed and inert matter components are as follows:

(a) Capsules and clusters of seeds of poverty rush (Juncus tenuis), and other species of rush (Juncus spp.) having seeds of similar size, are classed as weed seeds. For the classification of individual seeds of rush (Juncus spp.) refer to § 201.51(b)(9);

(b) For species having seeds larger than rush (Juncus spp.), the individual seeds are to be removed from fruiting structures such as pods and heads. The seeds are classified as weed seed and the remaining fruiting structures classified as inert matter.

(c) Wild onion and wild garlic (Allium spp.) bulblets which have any part of the husk remaining and are not damaged at the basal end are considered weed seeds regardless of size. For wild onion and wild garlic (Allium spp.) bulblets classed as inert matter refer to § 201.51(b)(5).

7. Revise § 201.51 to read as follows:

§ 201.51 Inert matter.

Inert matter shall include seeds and seed-like structures from both crop and weed plants and other material not seeds as follows:

(a) Seeds and seed-like structures from crop plants:

(1) Seeds of legumes (Leguminosae) and crucifers (Cruciferae) with the seed coats entirely removed. Refer to § 210.48(a) for pure seed classification.

(2) Pieces of broken and damaged seed units, including those that are insect damaged, which are one-half the original size or less. If greater than one-half, refer to § 201.48(b) and (c) for pure seed classification. Also included as inert matter are separated cotyledons of legumes, irrespective of whether or not the radicle-plumule axis and/or more than one-half of the seed coat may be attached.

(3) Chalcid-damaged seeds (puffy, soft, or dry and crumbly) of alfalfa, red clover, crimson clover, and similar kinds of small seeded legumes. Refer to § 201.48(c) for pure seed classification.

(4) Glumes and empty florets except as stated under pure seed. Refer to §§ 201.48(g) and (h) for pure seed classification.

(5) Seed units with nematode galls or fungal bodies (smut, ergot, and other sclerotia) protruding from the tip of the seed unit. Also included are ergot and smut diseased caryopses of dallisgrass (Paspalum dilatatum) and bahiagrass (Paspalum notatum) which are entirely enclosed within the seed unit. Refer to § 201.48(h) for pure seed classification.

(6) Fruit portions or fragments of monogerm beets (Beta vulgaris), New Zealand spinach (Tetragonia tetragonioides), buffalograss (Buchloe dactyloides) and families in which the seed unit is a dry indehiscent one-seeded fruit which visibly does not contain a seed. Refer to §§ 201.48(f), 201.48(g)(1), and 201.48(i) for pure seed classification.

(b) Seeds and seed-like structures from weed plants, which by visual examination (including the use of light or dissection), can be determined to be within the following categories:

(1) Damaged seed (other than grasses) with over one-half of the embryo missing.

(2) Grass florets and caryopses classed as inert:

(i) Glumes and empty florets of weedy grasses;

(ii) Damaged grass caryopses, including free caryopses, with over one-half the root-shoot axis missing (the scutellum excluded);

(iii) Immature free caryopses devoid of embryo and/or endosperm;

(iv) Immature florets of quackgrass (Agropyron repens) in which the caryopses are less than one-third the length of the palea. The caryopsis is measured from the base of the rachilla;

(v) Free caryopses of quackgrass (A. repens) that are 2 mm or less in length.

(3) Seeds of legumes and species of Brassica with the seed coats entirely removed.

(4) Immature seed units, devoid of both embryo and endosperm, such as occur in but not limited to the following plant families: Sedge (Cyperaceae), buckwheat (Polygonaceae), morning glory (Convolvulaceae), nightshade (Solanaceae), puncturevine (Zygophyllaceae) and sunflower (Compositae). Cocklebur (Xanthium spp.) burs are to be dissected to determine whether or not seeds are present.

(5) Wild onion and wild garlic (Allium spp.) bulblets:

(i) Bulblets which are completely devoid of the husk and pass through a 1/13th-inch, round-hole sieve.

(ii) Bulblets which show evident damage to the basal end, whether husk is present or absent. Refer to § 201.50(c) for wild onion and wild garlic (Allium spp.) bulblets classed as weed seeds.

(6) Dodder (Cuscuta spp.): Seeds devoid of embryos and seeds which are ashy gray to creamy white in color are inert matter. Seeds should be sectioned when necessary to determine if an embryo is present as when seeds have a normal color but are slightly swollen, dimpled or have minute holes.

(7) Buckhorn (Plantage lanceolata): Black seeds, with no brown color evident, whether shriveled or plump; the color of questionable seeds shall be determined by use of a stereoscopic microscope with magnification of approximately 10X and a fluorescent lamp with two 15-watt daylight-type tubes.

(8) Ragweed (Ambrosia spp.): Seed with both the involucre and pericarp absent.

(9) Individual seeds of Juncus species shall be left in the inert matter and their presence recorded under "weed seeds."

(c) Other matter that is not seed:

(1) Free nematode galls or fungal bodies such as smut, ergot, and other sclerotia.

(2) Soil particles, sand, stone, chaff, stems, leaves, flowers, and any other foreign material.

8. Revise § 201.51a to read as follows:

§ 201.51a Special Procedures for Purity Analysis.

(a) The Uniform Blowing Procedure shall be used for the separation of pure seed and inert matter in the following: Kentucky bluegrass (Poa pratensis); Canada bluegrass (P. compressa); rough bluegrass (P. trivialis); Pensacola variety of bahiagrass (Paspalum notatum) and orchardgrass (Dactylis glomerata). When kinds listed in this section appear in mixtures they shall be separated from other kinds before using the uniform blowing procedure. To determine the blowing point for these procedures, individual calibration samples for Kentucky bluegrass, orchardgrass, and Pensacola variety of bahiagrass shall be used. The calibration sample for Kentucky bluegrass shall be used for Canada bluegrass and rough bluegrass. The blowing point for Canada bluegrass shall be the same as the blowing point determined for Kentucky bluegrass. The blowing point for rough bluegrass shall be a factor of 0.82 (82 percent) of the blowing point determined for Kentucky bluegrass. Calibration samples and instructions are available through the Seed Standardization Branch, AMS, LMG&S Division, USDA, Bldg. 306, Room 213, Beltsville, Maryland 20705. The calibration samples shall be used to establish a blowing point prior to proceeding with the separation of pure seed and inert matter for these kinds. After completing the blowing procedure, remove all weed and crop seeds from the light portion and add these to the weed or crop separation, as appropriate. The remainder of the light portion shall be considered inert matter. Remove all

weed and crop seeds and other inert matter (stems, leaves, dirt) from the heavy portion and add these to the weed, crop or inert matter separations, as appropriate. The remainder of the heavy portion shall be considered pure seed. With orchardgrass, after the blowing, proceed with the multiple unit procedure.

(b) The Multiple Unit Procedure of determining the pure seed fraction shall be used for the kinds included in the following table when multiple units are present in a sample.

(1) A multiple unit is a seed unit that includes at least one fertile floret plus one or more of attached structures as follows (the length of an awn shall be disregarded when determining the length of a fertile floret or an attached structure):

(i) A sterile floret that extends to or beyond the tip of the fertile floret;

(ii) Basally attached glume, glumes, or sterile florets of any length.

(2) Procedure for determination of multiple seed units:

(i) For a single kind: determined the percentage of single florets present, based on the total weight of single florets and multiple units. Apply the appropriate factor, as determined from the following table, to the weight of the multiple units and add that portion of the multiple unit weight to the weight of the single units. The remaining multiple unit weight shall be added to the weight of the inert matter.

(ii) For mixtures that include one or more of the kinds in the following table, determine the percentage of single florets, based on the total weight of single florets and multiple units, for each kind. Apply the appropriate factor, as determined from the following table, to the weight of multiple units of each kind.

FACTORS APPLICABLE TO MULTIPLE UNITS [1]

Percent of single florets of each kind	Kind of seed (percent)						
	Chewings fescue	Red fescue	Orchardgrass	Crested wheatgrass [2]	Pubescent wheatgrass	Intermediate wheatgrass	Smooth brome
50 or below	91	80	80	70	66	72	72
50.01 to 55.00	91	81	81	72	67	74	74
55.01 to 60.00	91	82	81	73	67	75	75
60.01 to 65.00	91	83	82	74	67	76	76
65.01 to 70.00	91	84	82	75	68	77	78
70.01 to 75.00	91	86	82	76	68	78	79
75.01 to 80.00	91	87	83	77	69	79	81
80.01 to 85.00	91	88	83	78	69	80	82
85.01 to 90.00	91	89	83	79	69	81	83
90.01 to 100.00	91	90	84	79	70	82	85

[1] These factors represent the percentages of the multiple unit weights which are considered pure seed. The remaining percentage is regarded as inert matter.
[2] Includes both fairway crested wheatgrass (Agropyron cristatum) and standard crested wheatgrass (A. desartorum).

9. Amend § 201.52 by adding the words "§ 201.46" in front of the word "Table" in the first sentence of the section and by deleting the entire last sentence of the section which begins with the words "If the sample * * *" and ends "* * * shall be determined." and adding the following sentences:

§ 201.52 [Amended]

* * * The seeds per unit weight shall be based on the number of single seeds. The number of individual seeds shall be determined in burs of sandbur (Cenchrus spp.) and cocklebur (Xanthium spp.), capsules of dodder (Cuscuta spp.), berries of horsenettle and nightshade (Solanaceae) and in the fruits of other noxious weeds that contain more than one seed. Refer to §§ 201.50 and 201.51(b)(4) for the classification of weed seeds and inert matter, respectively.

§ 201.56–6 [Amended]

10. Amend § 201.56–6(a) as follows:

a. Amend § 201.56–6(a)(1)(i) by adding the following words after the word "seedling":

"except that adzuki, field, lima and mung may have both cotyledons missing provided the seedling is otherwise normal;"

b. Amend § 201.56–6(a)(2)(iv) by adding the following words after the word "attached":

"except that adzuki, field, lima and mung must have seedlings that are weak and lacking in vigor when both cotyledons are missing".

11. Amend § 201.56–6(c)(1) by deleting the "or" in front of subparagraph (iv) and adding after subparagraph (iv) a new subparagraph (v) as follows:

* * * * *

(c) * * *

(1) * * *

; or (v) at least one complete cotyledon or two broken cotyledons with one-half or more of the cotyledon tissue remaining attached to the seedling. Cowpea and asparagusbean may have both cotyledons missing.

* * * * *

12. Revise § 201.57a to read as follows:

§ 201.57a Dormant seeds.

Dormant seeds are viable seeds, other than hard seeds, which fail to germinate when provided the specified germination conditions for the kind of seed in question.

(a) Viability of ungerminated seeds shall be determined by any of the following methods or combinations of methods: a cutting test, tetrazolium test, scarification, or application of germination promoting chemicals.

(b) The percentage of dormant seed, if present, shall be determined in addition to the percentage of germination for the following kinds: Bahiagrass (Paspalum notatum), bluestems (Andropogon gerardi, A. hallii, Bothriochloa ischaemum and Schizachyrium scoparium), buffalograss (Buchloe dactyloides), buffelgrass (Cenchrus ciliaris), gramas (Bouteloua spp.), Indian ricegrass (Oryzopsis hymenoides), lovegrasses (Eragrostis spp.), sand dropseed (Sporobolus cryptandrus), smilo (Oryzopsis miliacea), switchgrass (Panicum virgatum), veldtgrass (Ehrharta calycina), western wheatgrass (Agropyron smithii), and yellow indiangrass (Sorghastrum nutans).

§ 201.58 [Amended]

13. Amend § 201.58(a) as follows:

Amend § 201.58(a)(7) by adding, between the definitions of symbols "C" and "RB", the following: "TC= on top of creped cellulose paper without a blotter", and by adding after § 201.58(a)(9), new paragraphs (10) and (11) as follows:

(a) * * *

* * * * *

(10) *Ethephon.* This term means a 29 parts per million (0.0029 percent) solution of ethephon [(2-chloroethyl) phosphonic acid] which shall be used to moisten the substratum. This solution is prepared by mixing 0.6 ml of a stock solution with 5,000 ml of distilled water. The stock solution contains 24 grams of active material per 100 ml of propylene glycol or two pounds of active material per gallon. A solution which is five times this concentration (5 x 29 ppm) may be used for extremely dormant seeds, provided seeds are transferred to substratum moistened with water after 1 to 3 days.

(11) *Ethylene.* This term means that five (5) ml of ethylene gas per cubic foot (176.57 ml/m^3) of germinator space is injected into a germinator in which peanut seeds in moist rolled towels have

been placed. Following injection of the ethylene, the germinator is kept closed until the first count (5 days). If the germinator door is opened for the purpose of checking or rewetting the samples, another injection of ethylene at the same rate shall be made.

* * * * *

14. Amend § 201.58(b)(2) to read as follows:

* * * * *

(b) * * *

(2) Bahiagrass (Paspalum notatum): removal of glumes. On all varieties except "Pensacola", remove the enclosing structures (glumes, lemma, and palea) from the caryoposis with the aid of a sharp scalpel. It the seed is fresh or dormant, scratch the surface of the caryopsis lightly.

* * * * *

15. Amend § 201.58(c) Table 2 as follows:

a. Under "Agricultural Seed", under the column "Name of Seed":

Following "Bluestem: Sand—Andropogon" delete "nallii" and insert "hallii"

Following "Buffelgrass—Cenchrus" delete "Ciliaris" and insert "ciliaris"

Following "Corn: Pop—Zea" delete "Mays" and insert "mays"

Following "Cowpea—Vigna" delete "sinensis" and insert "unguiculata subsp. unguiculata"

Following "Crotalaria: Slenderleaf—Crotalaria" delete "intermedia" and insert "brevidens var. intermedia"

Following "Fescue: Chewings—Festuca rubra" delete "var. commutata" and insert "subsp. commutata"

Following "Rape: Bird—Brassica" delete "campesiris" and insert "rapa"

Following "Rape: Turnip—Brassica" delete "campestris vars" and insert "rapa"

Following "Sainfoin—Onobrychis" delete "viciaefolia" and insert "viciifolia"

Following "Wheatgrass: Beardless—Agropyron" delete "inerme" and insert "spicatum f. inerme"

Following "Wheatgrass: Pubescent—Agropyron" delete "tricophorum" and insert "intermedium var. trichophorum"

Under the column "Substrata," add "TC" at the following entries:

Corn: Field—Zea mays

Corn: Pop—Zea mays

Soybean—Glycine max

At the entry "Peanut—Arachis hypogaea," amend the column "Additional directions, Fresh and doormant seed" by changing the words "Predry up to 14 days at 40°C." to "Ethephon, ethylene—see § 201.58(a) (10) and (11)."

Under the column "Additional directions, Fresh and dormant seed," add the words "See Dormant seeds—§ 201.57a" at the following entries:

Bahiagrass—paspalum notatum: Var. Pensacola

Bahiagrass—paspalum notatum: All other vars.

Bluestem: Big—Andropogon Gerardi

Bluestem: Little—Schizachyrium scoparium

Bluestem: Sand—Andropogon hallii

Bluestem: Yellow—Bothriochloa ischaemum

Buffalograss—Buchloe Dactyloides: (Burs)

Buffalograss—Buchloe Dactyloides: (Caryopses)

Buffelgrass—Cenchrus Ciliaris

Dropseed, sand—Sporobolus cryptandrus

Grama: Blue—Bouteloua gracilis

Grama: Side—oats—Bouteloua curtipendula

Indiangrass, yellow—Sorghastrum nutans

Lovegrass, sand—Eragrostis trichodes

Lovegrass, weeping—Eragrostis curvula

Ricegrass, Indian—Oryzopsis hymenoides

Smilo—Oryzopsis miliacea

Switchgrass—Panicum virgatum

Veldtgrass—Ehrharta calycina

Wheatgrass: Western—Agropyron smithii

b. Under "Vegetable Seed":

Under the column "Name of Seed":

Following "Cowpea—Vigna" delete "sinensis" and insert "unguiculata supsp. unguiculata"

Under the column "Substrata," add "TC" at the following entries:

Corn, sweet—Zea mays

Soybean—Glycine max

§ 201.70 [Amended]

16. Amend § 201.70(b) in the first sentence of the paragraph by deleting the words "prior to the planting season" after the words "when an emergency is declared".

§ 201.74 [Amended]

17. Amend § 201.74 as follows:

a. In § 201.74(a) change "reference number" to "lot number or other identification".

b. In § 201.74(b), at the end, change "identifying number" to "lot number or other identification".

18. In § 201.76, revise the paragraph preceding Table 5, and Table 5, to read as follows:

§ 201.76 Minimum land, isolation, field and seed standards.

In the following Table 5 the figures in the "Land" column indicate the number of years that must elapse between the destruction of a stand of a kind and establishment of a stand of a specified class of a variety of the same kind. The figures in the "Isolation" column indicate the distance in feet from any contaminating source. The figures in the "Field" column indicate the minimum number of plants or heads in which one plant or head of another variety is permitted. The figures in the "Seed" column indicate the maximum percentage of seed of other varieties or off-types permitted in the cleaned seed.

TABLE 5

Crop	Foundation				Registered				Certified			
	Land	Isolation	Field	Seed	Land	Isolation	Field	Seed	Land	Isolation	Field	Seed
Alfalfa:												
Nonhybrid	[1]4	[4][4]600	1,000	0.1	[1]3	[3][4][4]300	400	0.25	[1]1	[4][4]165	100	1.0
Hybrid	[1]4	[4]1,320	[4]1,000	0.1					[1]1	[3][4]165	[4]100	1.0
Barley:												
Nonhybrid	[7]1	[3]0	3,000	0.05	[7]1	[3]0	2,000	0.1	[7]1	[3]0	1,000	0.2
Hybrid	[8]1	[1][3]660	3,000	0.05	[8]1	[1][3]660	2,000	0.1	[8]1	[1][3]330	1,000	0.2
Beans:												
Field and garden	[7]1	[3]0	2,000	0.05	[7]1	[3]0	1,000	0.1	[7]1	[3]0	500	0.2
Mung	[7]1	[3]0	2,000	0.1	[7]1	[3]0	1,000	0.2	[7]1	[3]0	500	0.5
Broadbean	[7]1	[3]0	2,000	0.05	[7]1	[3]0	1,000	0.1	[7]1	[3]0	500	0.2
Clover (all kinds)	[10]5	[3][4][4]600	1,000	0.1	[10]3	[3][4][4]300	400	0.25	[10]2	[4][4]165	100	1.0
Corn:												
Backcross	0	[10][1]660	[10][4]1,000	[11]0.1								
Inbred	0	[10][1]660	[10][4]1,000	[11]0.1								
Foundation single cross	0	[10][1]660	[10][4]1,000	[11]0.1								
Hybrid									0	[1][1]660		0.5
Open-pollinated									0	[1][1]660	200	0.5

TABLE 5—Continued

Crop	Foundation				Registered				Certified			
	Land	Isolation	Field	Seed	Land	Isolation	Field	Seed	Land	Isolation	Field	Seed
Sweet									0	[11] [14] 660		0.5
Cotton	0	[12] 0	10,000	0.03	0	[12] 0	5,000	0.05	0	[12] 0	1,000	0.1
Cowpea	[7] 1	[23] 0	2,000	0.1	[7] 1	[23] 0	1,000	0.2	[7] 1	[23] 0	500	0.5
Crambe	[7] 1	660	2,000	0.05	[7] 1	[24] 660	1,000	0.1	[7] 1	[24] 660	500	0.25
Crownvetch	[15] 5	[4] [44] 600	1,000	0.1	[13] 3	[4] [44] 300	400	0.25	[12] 2	[4] [44] 165	100	1.0
Flatpea	[14] 4	[4] [44] 600	1,000	0.1	[13] 3	[4] [5] [44] 300	400	0.25	[12] [16] 1	[4] [44] 165	100	1.0
Flax	[7] 1	[23] 0	5,000	0.05	[7] 1	[23] 0	2,000	0.1	[7] 1	[23] 0	1,000	0.2
Grasses:												
Cross-pollinated	5	[4] [18] [20] 900	1,000	0.1	[8] 1	[4] [18] [20] 300	100	1.0	[8] 1	[4] [18] [20] 165	50	[17] 2.0
Strains at least 80 percent apomictic and highly self-fertile species	5	[4] [18] [20] 60	1,000	0.1	[8] 1	[4] [18] [20] 30	100	1.0	[8] 1	[4] [18] [20] 15	50	[16] 2.0
Lespedeza	[15] 5	[4] 10	1,000	0.1	[13] 3	[4] 10	400	0.25	[12] 2	[4] 10	100	1.0
Millet:												
Cross-pollinated	[8] 1	[40] 1,320	[27] 20,000	0.005	[8] 1	[40] 1,320	[27] 10,000	0.01	[8] 1	[40] 660	[27] 5,000	0.02
Self-pollinated	[8] 1	[23] 0	3,000	0.05	[8] 1	[23] 0	2,000	0.1	[8] 1	[23] 0	1,000	0.2
Mustard	4	1,320	2,000	0.05					2	[24] 660	500	0.25
Oat	[7] 1	[23] 0	3,000	0.2	[7] 1	[23] 0	2,000	0.3	[7] 1	[23] 0	1,000	0.5
Okra	[7] 1	1,320	[21] 0	0.0	[7] 1	1,320	[27] 2,500	0.5	[7] 1	825	[27] 1,250	1.0
Onion	[7] 1	5,280	[22] 200	0.0	[7] 1	2,640	[22] 200	[22] 0.5	[7] 1	1,320	[22] 200	[22] 1.0
Pea, field	[7] 1	[23] 0	2,000	0.05	[7] 1	[23] 0	1,000	0.1	[7] 1	[23] 0	500	0.2
Peanut	[7] 1	[23] 0	1,000	0.1	[7] 1	[23] 0	500	0.2	[7] 1	[23] 0	200	0.5
Pepper	[7] 1	[25] 200	0	0.0	[7] 1	[25] 100	300	0.5	[7] 1	[25] 30	150	1.0
Rape:												
Cross-pollinated	4	[24] 1,320	2,000	0.05					2	[24] 330	500	0.25
Self-pollinated	4	[24] 660	2,000	0.05					2	[24] 330	500	0.25
Rice	[7] 1	[26] 10	10,000	0.05	[7] 1	[26] 10	5,000	0.1	[7] 1	[26] 10	1,000	0.2
Rye	[7] 1	[19] 660	3,000	0.05	[7] 1	[19] 660	2,000	0.1	[7] 1	[19] 660	1,000	0.2
Safflower	[7] 2	1,320	10,000	0.01	[7] 2	1,320	2,000	0.05	[7] 2	1,320	1,000	0.1
Sainfoin	[15] 5	[4] [44] 600	1,000	0.1	[13] 3	[4] [44] 300	400	0.25	[12] 2	[4] [44] 165	100	1.0
Sorghum:												
Nonhybrid	[7] 1	990	[27] 50,000	0.005	[7] 1	990	[27] 35,000	0.01	[7] 1	[28] 660	[27] 20,000	0.05
Hybrid seedstock	[7] 1	990	[27] 50,000	0.005								
Commercial hybrid									[7] 1	[21] [28] [31] 660	[27] 20,000	0.1
Soybeans	[33] 1	[23] 0	1,000	0.1	[33] 1	[23] 0	500	0.2	[33] 1	[23] 0	200	0.5
Sunflower:												
Nonhybrid	1	[41] [43] 2,640	200	0.02	1	[41] [43] 2,640	200	0.02	1	[41] [43] 2,640	200	[34] 0.1
Hybrid	1	[41] [43] 2,640	[28] 250	0.02					1	[41] [43] 2,640	[28] 250	[34] 0.1
Tomato	[7] 1	[25] 200	0	0	[7] 1	[25] 100	300	0.5	[7] 1	[25] 30	150	1.0
Tobacco:												
Nonhybrid	[35] 0	[27] 150	0	1.01	[35] 0	[27] 150	0	0.01	[35] 0	[27] 150	0	0.01
Hybrid									[35] 0	[28] 150	0	0.01
Trefoil, birdsfoot	[15] 5	[4] [44] 600	1,000	0.1	[13] 3	[4] [44] 300	400	0.25	[12] 2	[4] [44] 165	100	1.0
Triticale	[7] 1	[23] 0	3,000	0.05	[7] 7	[23] 0	2,000	0.1	[7] 1	[23] 0	1,000	0.2
Vetch	[17] 5	[17] [44] 10	1,000	0.1	[17] 3	[17] [44] 10	400	0.25	[17] 2	[17] [44] 10	100	1.0
Vetch, milk	[15] 5	[4] [44] 600	2,000	0.05	[13] 3	[4] [44] 300	1,000	0.1	[12] 2	[4] [44] 165	200	0.5
Watermelon	[7] 1	[25] 2,640	[23] 0	0	[7] 1	[25] 2,640	[23] 0	0.5	[7] 1	[25] 1,320	[25] 500	1.0
Wheat:												
Nonhybrid	[7] 1	[23] 0	3,000	0.05	[7] 1	[23] 0	2,000	0.1	[7] 1	[23] 0	1,000	0.2
Hybrid	[30] 1	[31] [32] 660	3,000	0.05	[30] 1	[31] [32] 660	2,000	0.1	[30] 1	[31] [32] 330	1,000	0.2

[1] The land must be free of volunteer plants of the crop kind during the year immediately prior to establishment and no manure or other contaminating material shall be applied the year previous to seeding or during the establishment and productive life of the stand.

[2] At least 2 years must elapse between destruction of indistinguishable varieties or varieties of dissimilar adaptation and establishment of the stand for the production of the Certified class of seed.

[3] Isolation distance for certified seed production shall be at least 500 feet from varieties of dissimilar adaptation.

[4] Isolation between classes of the same variety may be reduced to 25 percent of the distance otherwise required.

[5] This distance applies when fields are 5 acres or larger in area. For smaller fields, the distances are 900 feet and 450 feet for the Foundation and Registered classes, respectively.

[6] Fields of less than 5 acres require 330 feet.

[7] Requirement is waived if the previous crop was grown from certified seed of the same variety.

[8] Requirement is waived if the previous crop was of the same variety and of a certified class equal or superior to that of the crop seeded.

[9] Reseeding varieties of crimson clover may be allowed to volunteer back year after year on the same ground. If a new variety is being planted where another variety once grew, the field history requirements apply.

[10] No isolation is required for the production of hand-pollinated seed.

[11] When the contaminant is of the same color and texture, the isolation distance may be modified by (1) adequate natural barriers, or (2) differential maturity dates, provided there are no receptive silks in the seed parent at the time the contaminant is shedding pollen. In the case of inbred lines and foundation single crosses, these modifications may apply only for fertile seed production.

[12] Where the contaminating source is corn of the same color and texture as that of the field inspected, the isolation distance is 410 feet and may be modified by the planting of pollen parent border rows according to the following table:

MINIMUM NUMBERS OF BORDER ROWS REQUIRED

Minimum distance from contaminant	Field size, up to 20 acres	Field size, 20 acres or more
410	0	0
370	2	1
330	4	2
290	6	3
245	8	4
205	10	5
165	12	6
125	14	7
85	16	8
0	[1]	10

[1] Not permitted.

[13] Refers to off-type plants in the pollen parent that have shed pollen or to the off-type plants in the seed parent at the time of the last inspection.

[14] The required minimum isolation distance for sweet corn is 660 feet from the contaminating source, plus four border rows when the field to be inspected is 10 acres or less in size. This distance may be decreased by 15 feet for each increment of 4 acres in the size of the field to a maximum of 40 acres, and further decreased 40 feet for each additional border row to a maximum of 16 rows. These border rows are for pollen-shedding purposes only.

[15] Refers to off-type ears. Ears with off-colored or different textured kernels are limited to 0.5 percent, or a total of 25 off-colored or different textured kernels per 1,000 ears.

[16] The Merion variety of Kentucky bluegrass is allowed 3 percent.
[17] All cross-pollinating varieties must be 400 feet from any contaminating source.
[18] Isolation between diploids and tetraploids shall be a least 15 feet.
[19] Minimum isolation shall be at least 100 feet if the cotton plants in the contaminating source differ by easily observable morphological characteristics from the field to be inspected. Isolation distance between upland and Egyptian types shall be at least 1,320, 1,320, and 650 feet for Foundation, Registered, and Certified classes, respectively.
[20] These distances apply when there is no border removal. Border removal applies only to fields of 5 acres or more. Removal of a 9-foot border (after flowering) decreases the required distance for Foundation, Registered, and Certified seed to 600, 225, and 100 feet, respectively, for cross-pollinated species, and to 30, 15, and 15 feet, respectively, for apomictic and self-pollinated species. Removal of a 15 foot border (after flowering) allows a further decrease to 450, 150, and 75 feet, respectively, for cross-pollinated species.
[21] Isolation distances between two fields of the same kind may be reduced to a distance adequate to prevent mechanical mixture, if the sum of percentages of plants in bloom in both fields does not exceed 5 percent at a time when more than 1 percent of the plants in either field are in bloom.
[22] Refers to bulbs.
[23] Distance adequate to prevent mechanical mixture is necessary.
[24] Required isolation between classes of the same variety is 10 feet.
[25] The minimum distance may be reduced by 50 percent if different classes of the same variety are involved.
[26] The minimum distance may be reduced by 50 percent if the field is adequately protected by natural or artificial barriers.
[27] These ratios are for definite other varieties. The ratios for doubtful other varieties are:

	Foundation	Registered	Certified
Millet	1:10,000	1:5,000	1:2,500
Sorghum:			
Nonhybrid	1:20,000	1:10,000	1:1,000
Hybrid	1:20,000	([1])	1:1,000
Okra	None	1:750	1:500

[1] Not applicable.

[28] Whiteheart fruits may not exceed 1 per 100, 40 and 20 for Foundation, Registered, and Certified classes, respectively. Citron or hard rind is not permitted in Foundation or Registered classes and may not exceed 1 per 1,000 fruits in the Certified class.
[29] This distance applies if the contaminating source does not genetically differ in height from the pollinator parent or has a different chromosome number. If the contaminating source does (genetically) differ and has the same chromosome number the distance shall be 990 feet. The minimum isolation from grass sorghum or broomcorn with the same chromosome number shall be 1,320 feet.
[30] Requirement is waived for the production of pollinator lines if the previous crop was grown from a certified class of seed of the same variety. Sterile lines and crossing blocks must be on land free of contaminating plants.
[31] If the contaminating source is similar to the hybrid in all important characteristics, the isolation may be reduced by 66 feet for each pair of border rows of the pollinator parent down to a minimum of 330 feet. These rows must be located directly opposite or diagonally to the contaminating source. The pollinator border rows must be shedding pollen during the entire time 5 percent or more of the seed parent flowers are receptive.
[32] An unplanted strip at least 2 feet in width shall separate male sterile plants and pollinator plants in inter-planted blocks.
[33] Unless the preceding crop was another kind or unless the preceding soybean crop was planted with a class of certified seed of the same variety, or unless the preceding soybean crop and the variety being planted are of contrasting pubescence or hilum color, in which case, no time need elapse.
[34] May include not more than 0.04 percent purple or white seeds.
[35] Standards apply equally to seed parents and pollen parents which may include up to 1:1,000 plants each of the wild-type branching, purple or white-seeded plants.
[36] A new plant bed must be used each year unless the bed is properly treated with a soil sterilant prior to seeding.
[37] This distance is applied between varieties of the same type and may be waived if four border rows of each variety are allowed to bloom and set seed between the two varieties but are not harvested for seed. Isolation between varieties of different types shall be 1,320 feet except if protected by bagging or by topping all plants in the contaminating source before bloom.
[38] When male sterile and male fertile plants of the same type are planted adjacent in a field, this requirement may be waived; provided, four border rows of male sterile plants are allowed to bloom and set seeds. The seed from these border rows shall not be harvested as part of the certified lot of seed produced by the male sterile plants. When plants are of different types, the distance shall be 1,320 feet except if protected by bagging or by topping all plants in the contaminating source before bloom.
[39] Isolation between varieties shall be 100 feet if aerial seeded and 50 feet if ground broadcast.
[40] Isolation between millets of different genera shall be 6 feet.
[41] Does not apply to Helianthus similes, H. ludens, or H. agrestis.
[42] The ratio of male sterile (A) strains and pollen (B or C) strains shall not exceed 2:1.
[43] Parent lines (A and B) in a crossing block, or seed and pollen lines in a hybrid seed production field, shall be separated by at least 6 feet and shall be managed and harvested in a manner to prevent mixing.
[44] Distance between fields of certified classes of the same variety may be reduced to 10 feet regardless of the class or size of the fields.
[45] An isolation distance of 5,280 feet is required between oil and non-oil sunflower types and between either type and other volunteers or wild types.
[46] Detasseling, cutting, or pulling of the cytoplasmic male-sterile seed parent is permitted.
[47] All varieties of perennial ryegrass seed are allowed 3.0 percent.
[48] This distance applies for fields over 5 acres. For alfalfa fields of 5 acres or less that produce the Foundation and Registered seed classes, the minimum distance from a different variety or a field of the same variety that does not meet the varietal purity requirements for certification shall be 900 and 450 feet, respectively.
[49] There must be at least 10 feet or a distance adequate to prevent mechancial mixture between a field of another variety (or noncertified area within the same field) and the area being certified. The 165 feet isolation requirement is waived if the area of the "isolation zone" is less than 10 percent of the field eligible for the Certified class. The "isolation zone" is that area calculated by multiplying the length of the common border(s) with other varieties of alfalfa by the average width of the field (being certified) falling within the 165 feet isolation. Areas within the isolation zone nearest the contamination source shall not be certified.

(Sec. 402, 53 Stat. 1285 (7 U.S.C. 1592))

Done at Washington, D.C., October 26, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-31459 Filed 10-28-81: 8:45 am]

BILLING CODE 3410-02-M

federal register

Thursday
October 29, 1981

Part VI

Department of the Interior

Bureau of Land Management

Oil and Gas Leasing

Legal Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3100 and 3110

Oil and Gas Leasing; Increase in Filing Fees Accompanying Noncompetitive Oil and Gas Lease Applications and Rental Increase for Simultaneous Oil and Gas Leases

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed Rulemaking.

SUMMARY: This proposed rulemaking would increase the filing fee that accompanies noncompetitive oil and gas lease applications from $25 to $75. It would also raise the rental for simultaneous leases issued after a final rulemaking. The present rental is $1 per acre per year. The proposed rental is $1 per acre per year for the first 5 years of the lease term and $3 per acre per year thereafter.

DATES: Comments by November 30, 1981.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Charles Weller, (202) 343–7753 or Rob Cervantes, (202) 343–7722.

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1981 provides that filing fee accompanying a noncompetitive oil and gas lease application shall be not less than $25. Consistent with this mandate, the fee was raised to $25 by interim final rulemaking published in the **Federal Register** (46 FR 45887) September 15, 1981 and effective October 1, 1981. Upon review by the Department, it is believed that a filing fee of $75 is necessary to ensure the integrity of the leasing system, to decrease casual speculation and to encourage prompt acquisition of leases on Federal lands by those able and anxious to develop.

This proposal also increase the rental fee for simultaneous oil and gas leases issued after the effective date of the rulemaking. This is based on the belief that the increase in the rental fee will encourage more timely exploration for oil and gas and discourage the holding of large inventories of Federal lands for long periods of time.

Comments received on this latter proposal will be incorporated into a study which the Secretary of the Interior will report to Congress in accordance with the Omnibus Budget Reconciliation Act of 1981. This study will address the feasibility and effect of raising noncompetitive rental fees.

The principal author of this proposed rulemaking is Charles Weller, Division of Oil and Gas, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is a major rule under Executive Order 12291. The Department has requested the Director, Office of Management and Budget, to exercise his authority, as provided in section 8 of E.O. 12291, to exempt this rule from the provisions of section 3 of E.O. 12291 which requires the preparation of preliminary and final regulatory impact analyses of major rules. This proposed regulation will not have a significant economic effect on a substantial number of small entities under the Regulatory Reform Act (Pub. L 96–354).

The Department's analysis supporting this rulemaking is available from the Division of Oil and Gas, Bureau of Land Management (530) at the above address. Under the authority of the Omnibus Budget Reconciliation Act of 1981, it is proposed to amend Parts 3100 and 3110, Group 3100, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations as follows:

PART 3100—OIL AND GAS LEASING

§ 3103.1–3 [Amended]

1. Section 3103.1–3 is amended by removing the figure "$25" where it appears and replacing it with the figure "$75".

§ 3103.2–1 [Amended]

2. Section 3103.2–1(a) is amended by removing the figure "$25" where it appears and replacing it with figure "$75".

3. Section 3103.3–2 is amended by adding a new paragraph (f) as follows:

§ 3103.3–2 [Amended]

* * * * *

(f) An annual rental of $1 per acre or fraction thereof for each of the first 5 years and $3 per acre or fraction thereof thereafter shall be paid on all leases issued under Subpart 3112 of this title after the effective date of this rulemaking. During the first 5 years of the lease the rental is subject to increase under paragraph (b)(1) of this section. However, paragraph (b)(1) is not applicable to leases for which the annual rental is $3.

PART 3110—NONCOMPETITIVE LEASES

§ 3111.1–3 [Amended]

1. Section 3111.1–3(a) is amended by removing the figure "$25" where it appears and replacing it with the figure "$75".

§ 3111.2–2 [Amended]

2. Section 3112.2–2 (a) is amended by removing the figure "$25" where it appears and replacing it with the figure "$75".

October 23, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81–31505 Filed 10–28–81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS*		DOT/FHWA	USDA/SCS*
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Soil Conservation Service will begin Tues/Fri. publication as of Nov. 3, 1981.

List of Public Laws

Last Listing October 23, 1981

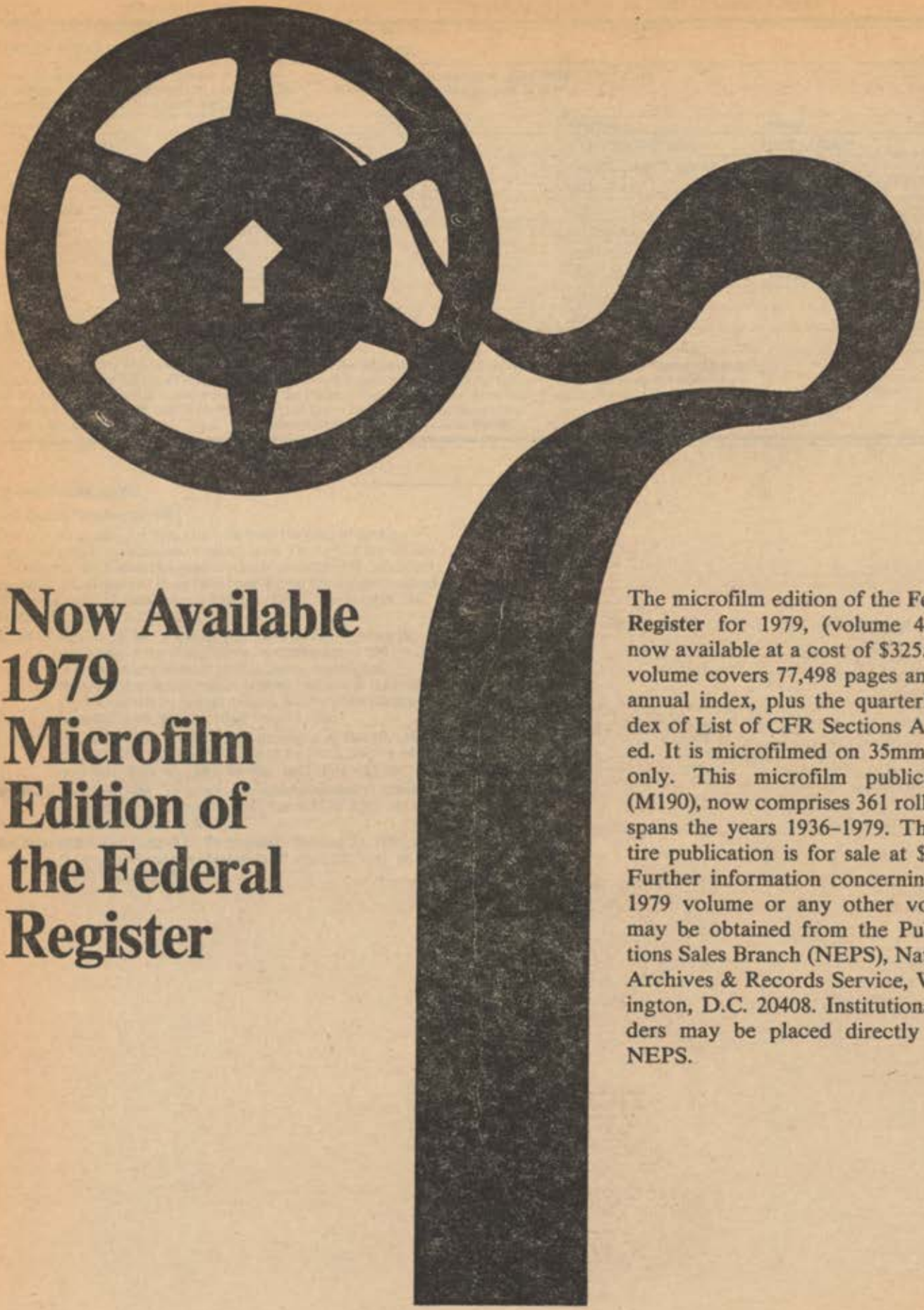
This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 1191 / Pub. L. 97–68 To extend for three additional years the provisions of the Fishermen's Protective Act of 1967 relating to the reimbursement of United States commercial fishermen for certain losses incurred incident to the seizure of their vessels by foreign nations; and for other purposes. (Oct. 26, 1981; 95 Stat. 1040) Price: $1.50.

S. 1224 / Pub. L. 97–69 To amend the provisions of title 39, United States Code, relating to the use of the frank, and for other purposes. (Oct. 26, 1981; 95 Stat. 1041) Price: $1.50.

S. 1687 / Pub. L. 97–70 To make a technical amendment to the International Investment Survey Act of 1976. (Oct. 26, 1981; 95 Stat. 1045) Price: $1.50.

H.J. Res. 268 / Pub. L. 97–71 To designate October 23, 1981, as "Hungarian Freedom Fighters Day". (Oct. 26, 1981; 95 Stat. 1046) Price: $1.50.



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