

federal register

Monday
November 23, 1981

Highlights

- 57416 Veterans** VA announces revised medical care reimbursement rates for FY 1982.
- 57348 Medical Devices** HHS/PHS requests comments on safety and clinical effectiveness of diagnostic endocardial electrical stimulation.
- 57263 Rural Housing Loans** USDA/FmHA amends list of eligible areas.
- 57448 Public Lands** Interior/BLM proposes rules on land use planning. (Part III of this issue)
- 57266 Small Businesses** SBA amends minority small business and capital ownership development assistance program rules.
- 57414 Treasury Notes—Series D-1987** Treasury invites tenders.
- 57325 Income and Employment Taxes** Treasury/IRS proposes rules on employers' qualified educational assistance programs.
- 57265 Farmers—Loans** USDA/FmHA limits individual youth loans to \$10,000.

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

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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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Rules and Regulations

Federal Register

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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.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Ch. XIV

Relocation of Headquarters Offices

AGENCY: Federal Labor Relations Authority and General Counsel of the Federal Labor Relations Authority.

ACTION: Amendment of rules and regulations.

SUMMARY: The Federal Labor Relations Authority and the General Counsel of the Authority have relocated their headquarters offices. This amendment to Appendix A of the rules and regulations of the Authority and the General Counsel sets forth the new addresses and certain phone numbers for the offices.

EFFECTIVE DATE: October 26, 1981.

FOR FURTHER INFORMATION CONTACT: Jerome P. Hardiman, Director, Office of Operations and Technical Assistance, (202) 382-0748; or S. Jesse Reuben, Deputy General Counsel, (202) 382-0742.

SUPPLEMENTARY INFORMATION: Paragraphs (a), (b) and (c) of Appendix A to 5 CFR Chapter XIV set forth the addresses and phone numbers of the offices of the Authority, the General Counsel, and the Chief Administrative Law Judge of the Authority, respectively. Because of the relocation of those offices it is necessary to revise the provisions to read as follows.

CHAPTER XIV—FEDERAL LABOR RELATIONS AUTHORITY

Paragraphs (a), (b) and (c) of Appendix A to 5 CFR Chapter XIV are revised as follows:

Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdictions

(a) The Office address of the Authority is: 500 C Street, SW., Washington, D.C. 20424; telephone: FTS 382-0777, or Commercial (202) 382-0777.

(b) The Office address of the General Counsel is: 500 C Street, SW., Washington, D.C. 20424; telephone: FTS 382-0742; or Commercial (202) 382-0742.

(c) The Office address of the Chief Administrator is: 500 C Street, SW., Washington, D.C. 20424; telephone: FTS 382-0851; or Commercial (202) 382-0851.

(45 FR 80467, Dec. 5, 1980)

Dated: November 13, 1981.

Ronald W. Haughton,
Chairman:

Henry B. Frazier III,
Member:

Leon B. Applewhaite,
Member:

H. Stephen Gordon,
General Counsel, Federal Labor Relations Authority.

[FR Doc. 81-33528 Filed 11-20-81; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1822

Revision of Section 502 Rural Housing Loan Policies, Procedures and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: In accordance with statutory requirements the Secretary of Agriculture and the Secretary of Housing and Urban Development (HUD) have previously determined that all non-Standard Metropolitan Statistical Area (SMSA) communities with populations over 10,000 and not more than 20,000 have a lack of mortgage credit available to serve low- and moderate-income households. This determination has been authorized and is effective until March 31, 1982, and at that time other provision and determination will be made. The Farmers Home Administration (FmHA) amends its

regulations to include new towns, places, cities, and communities with populations between 10,000 and 20,000 that are not contained within a SMSA. This action is taken as a result of the 1980 census which changes the official population count of the communities. It provides for a continuing of service in areas previously eligible for the Agency's rural housing programs, but which are now in a new population category. This action also notifies the public of the removal of communities which are no longer eligible rural areas because the population exceeds the maximum authorized in a rural area.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ruth Smith or Mathias (Matt) Felber, Loan Specialists, Single Family Housing Loan Division, Farmers Home Administration, U.S. Department of Agriculture, Room 5349, South Agriculture Building, Washington, D.C. 20250. Telephone (202) 382-1488 or (202) 382-1484.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291 and has been determined to be nonmajor. This final rule is a nonmajor action in that the proposed changes will not have an annual effect on the economy of the magnitude required for a major rule under Executive Order 12291. Furthermore, this final rule will not extend the FmHA service area beyond those areas previously eligible for service.

Sections 501 and 502 of the Housing Act of 1949, as amended, limit the availability of new section 502 rural housing loans to residents of rural areas. Section 520 of the Housing Act of 1949, as amended, defines a "rural area." Part of this definition of a rural area provides that a rural area may be a town, place, city, or village which has a population between 10,000 and 20,000 if it is not contained within a Standard Metropolitan Statistical Area and has been determined to have a serious lack of mortgage credit for low- and moderate-income families as determined by the Secretaries of HUD and the Department of Agriculture. The Secretaries of HUD and the Department of Agriculture have previously determined that all non-SMSA

communities with populations between 10,000 and 20,000 have such a serious lack of mortgage credit.

The official results of the 1980 Census are now being distributed by the Census Bureau. As a result of the population count by the 1980 Census some communities which previously had populations of less than 10,000 are now in the 10,000 to 20,000 population range. These communities will be added to the list in Exhibit G of Subpart A of Part 1822 unless these communities are also now included in an SMSA. Communities previously listed on Exhibit G which the 1980 census indicates now have a population in excess of 20,000 or which are included in an SMSA will be deleted from Exhibit G.

It has been determined that this final action is cost effective and is within the Agency's authority. Furthermore such action is statutorily mandated by sections 501, 502, and 520 of the Housing Act of 1949, as amended.

The Farmers Home Administration programs and projects which are affected by this rule are subject to state and local clearinghouse review in the manner delineated in Subpart G of Part 1901 of this chapter.

CFDA 10.410—Low to Moderate Income Housing Loans (Rural Housing Loans—Section 502—Insured)

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, An Environmental Impact Statement is not required.

While it is the policy of this Department, under Secretary's Memorandum 1512-1, to publish regulations for a sixty-day comment period, since the changes proposed in this publication involve a mechanical application of section 502 of the Housing Act of 1949 (42 U.S.C. 1490) and a statement of the procedure to be used to notify the public of such application in the future, it is unnecessary to request comments.

Seventy-five areas have been added to Exhibit G of Subpart A of Part 1822. Likewise, forty areas have been removed from Exhibit G. All of the communities added to Exhibit G are communities which, according to the 1980 census, have a population over 10,000 but not more than 20,000 and are located in a non-SMSA.

The forty areas excluded from Exhibit G are areas that no longer qualify as rural areas in accordance with law because of the increase in their populations.

FmHA anticipates that more communities may be identified to be included or excluded from Exhibit G. Because inclusion or exclusion from Exhibit G depends solely on the objective data supplied by the Census Bureau, future additions or deletions will be made by publication in the Federal Register without requesting public comments when such identification is made.

Therefore, Exhibit G of Subpart A of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations is revised to read as follows:

FmHA Instruction 444.1, Exhibit G—Rural Areas of 10,000–20,000 Population

I. Purpose. This Exhibit lists those areas which are eligible for Farmers Home Administration (FmHA) housing programs as rural areas which have populations in excess of 10,000 but not in excess of 20,000, are not part of or associated with an urban area, are not located in a Standard Metropolitan Statistical Area (SMSA), and have a serious lack of mortgage credit for low- and moderate-income families as determined by the Secretary of Agriculture and the Secretary of Housing and Urban Development. State Directors are authorized to identify by list and maps the eligible areas in appropriate State Supplements issued in accordance with § 1822.3(c)(9) of this Subpart (FmHA Instruction 444.1, paragraph III C 9).

II. Eligible Areas. The areas eligible for FmHA assistance by State are:

Alabama: Alexander City, Andalusia, Cullman, Enterprise, Eufaula, Fort Payne, Lanett, Ozark, Scottsboro, Sylacauga, Talladega, Troy, Tuskegee
Alaska: Juneau
Arizona: Casa Grande, Douglas, Lake Havasu City, Nogales, Prescott
Arkansas: Arkadelphia, Camden, Forrest City, Hope, Magnolia, Malvern, Paragould, Russellville, Searcy, Stuttgart
California: Arcata, Atascadero, Atwater, Brawley, Calexico, Hollister, Los Banos, Ukiah
Colorado: Canon City-East Canon City, Durango, Sterling
Connecticut: Willimantic
Florida: Immokalee, Leesburg, Naples, Palatka, Port St. Lucie, Vero Beach-Gifford
Georgia: Americus, Bainbridge, Carrollton, Cordels, Douglas, Dublin-East Dublin, Fitzgerald, Hinesville, Moultrie, Newnan, Statesboro, Tifton, Vidalia, West Point
Idaho: Blackfoot, Caldwell, Moscow, Rexburg
Illinois: Canton, Centralia, Charleston, Dixon, Effingham, Herrin-Energy, Lincoln, Marion,

Monmouth, Mt. Vernon, Ottawa, Pontiac, Streator, Taylorville
Indiana: Bedford, Connerville, Crawfordsville, Frankfort, Goshen, Huntington, Logansport, Madison, Peru, Seymour, Wabash, Warsaw-Winona Lake, Washington
Iowa: Boone, Fort Madison, Keokuk, Newton, Oskaloosa, Spencer
Kansas: Arkansas City, Atchison, Chanute, Coffeyville, Dodge City, Garden City, Great Bend, Hays, Independence, Liberal, McPherson, Newton, Ottawa, Parsons, Winfield
Kentucky: Danville, Elizabethtown, Glasgow, Madisonville, Mayfield, Middlesboro, Murray, Somerset
Louisiana: Abbeville, Bastrop, Bogalusa, Crowley, DeRidder, Eunice, Hammond, Jennings, Morgan City, Natchitoches, Opelousas, Tallulah, Thibodaux
Maine: Bath, Brunswick, Gorham, Orono, Presque Isle, Sanford, Scarborough, Windham
Maryland: Cambridge
Massachusetts: Gardner, Greenfield, North Adams, Southbridge, Hyannis-West Yarmouth-South Yarmouth-West Dennis-Dennis Port-South Dennis
Michigan: Alma, Alpena, Big Rapids, Cadillac, Escanaba, Iron Mountain-Kingsford, Sault Sainte Marie, Traverse City
Minnesota: Bemidji, Brainerd, Breckenridge, Cloquet, Fairmont, Faribault, Fergus Falls, Marshall, New Ulm, Northfield, Owatonna, Red Wing, Willmar, Worthington
Mississippi: Brookhaven, Canton, Cleveland, Corinth, Grenada, McComb, Oxford, Picayune, Starkville, Yazoo City
Missouri: Flat River-Elvins-Desloge-Rivermines-Leddington-Esther, Fulton, Hannibal, Kennett, Kirksville, Marshall, Mexico, Moberly, Poplar Bluff, Rolla, Sikeston, Warrensburg
Montana: Anaconda, Havre, Kalispell
Nebraska: Beatrice, Columbus, Norfolk, Scottsbluff
New Hampshire: Berlin, Claremont, Exeter, Laconia, Lebanon
New Mexico: Artesia, Gallup, Grants, Las Vegas, Los Alamos
New York: Batavia, Corning, Hornell, Massena, Ogdensburg, Olean, Oneonta
North Carolina: Albemarle, Boone, Eden, Elizabeth City, Havelock-Cherry Point, Henderson, Lenoir, Laurinburg, Lumberton, Mt. Airy-Toast-Bannertown, Morgantown, New Bern, Reidsville, Roanoke Rapids-Gaston, Sanford, Shelby, Tarboro-Princeville
North Dakota: Dickinson, Jamestown, Wahpeton, Williston
Ohio: Bellefontaine, Bucyrus, Cambridge, Conneaut, Coshocton, Defiance, East Liverpool, Fostoria, Galion, Greenville, Mount Vernon, Norwalk, Salem, Sidney, Washington Court House, Wilmington
Oklahoma: Ada, Chickasha, Durant, Guthrie, McAlester, Miami, Okmulgee, Woodward
Oregon: Astoria, La Grande, Lebanon, McMinnville, Newburg, Pendleton, The Dalles
Pennsylvania: Athens-Sayre-South Waverly, Berwick, Bloomsburg, Bradford,

Chambersburg, Connellsville, Elwood City, Ephrata Borough, Greene Township, Indiana, Kulpmont-Mount Carmel-Marion Heights, Manor Township, Meadville, Oil City, Shamokin, Sunbury, Warren

Puerto Rico: Coamo, Humacao, Manati, San German, Utuado, Vega Baja, Yauco

South Carolina: Beaufort, Conway, Gaffney, Georgetown, Lancaster, Laurens, Newberry-Union

South Dakota: Brookings, Huron, Mitchell, Pierre, Watertown, Vermillion, Yankton

Tennessee: Athens, Dyersburg, Greenville, Humboldt, Lawrenceburg, McMinnville, Morristown, Shelbyville, Tullahoma, Union City

Texas: Andres, Angleton, Athens, Bay City, Beeville, Borger, Brenham, Brownwood, Burkburnett, El Campo, Gainesville, Henderson, Hereford, Jacksonville, Kerrville, Lamesa, Levelland, Mercedes, Mineral Wells, Mount Pleasant, Palestine, Pecos, Port Lavaca, Snyder, Sulphur Springs, Sweetwater, Uvalde, Vernon

Utah: Brigham City, Cedar City, Price, St. George, Vernal

Vermont: Brattleboro, Bennington, Montpelier-Barre, Rutland City, Springfield

Virgin Islands: Charlotte Amalie

Virginia: Christiansburg, Front Royal, Martinsville, Pulaski, Radford, Waynesboro

Washington: Centralia, Ellensburg, Moses Lake, Mount Vernon, Oak Harbor, Port Angeles

West Virginia: Martinsburg

Wisconsin: Beaver Dam, Fort Atkinson, Marshfield, Menomonie, Merrill, Monroe, Watertown, Whitewater

Wyoming: Gillette, Green River, Rawlins, Sheridan

(42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70)

Dated: November 16, 1981.

Ruth A. Reister,

Deputy Under Secretary for Small Community and Rural Development.

[FR Doc. 81-33708 Filed 11-23-81; 8:45 am]

BILLING CODE 3410-07-M

7 CFR Part 1941

Operating Loan Policies, Procedures and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to operating loans. The intended effect of this action is to limit the size of individual youth loans to \$10,000. This action is needed to ensure that projects continue to be modest in size and scope within a youth's management and physical ability to carry out the objective of the loan.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Michael Chiavetta, Agricultural

Management Specialist, USDA, FmHA, Room 5314, South Agriculture Building, 14th and Independence Avenue, SW, Washington, D.C. 20250, (202) 447-2268.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291, and has been determined to be non-major. This final action was classified non-major because it will not have an annual effect on the economy of \$100 million or more; or a major increase in costs or prices for consumers; individual industries, Federal, State, or local Government agencies, or geographic regions; a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export market.

This regulation does not directly affect any FmHA programs or projects which are subject to A-95 clearinghouse review, CFDA No. 10.406, Farm Operating Loans.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

The Farmers Home Administration considered the following options for this final action:

A. Let the dollar amount of loans continue to be a judgment decision by the local FmHA County Supervisor.

B. Vary loan limits in accordance with the enterprise to be financed.

C. Establish \$10,000 limit on all youth loans.

Options A and B would not ensure that loan funds were used only for projects that were modest in size, scope, and capital requirements. Option C could result in limiting certain capital intensive projects that may be modest in all other respects. However, option C will provide consistency throughout the United States, it will ensure that funds are used only for modest projects, and it will be easy to administer.

Section 311(b)(1) of the Consolidated Farm and Rural Development Act gives the Farmers Home Administration authority to make loans to youths who are rural residents in connection with

their participation in 4-H, FFA, and other similar organizations. FmHA has carried out a program under this authority since 1973. Existing regulations do not stipulate a dollar amount limit on the size of loan that can be made under this program.

The FmHA feels that the purpose of the youth loan program is to enable rural youth to establish and operate modest, income-producing farm and non-farm projects in rural areas. Youth loan projects provide opportunity for and encourage youth to remain in rural areas. The projects bring practical meaning to youth education, stimulate the learning process and encourage the acceptance of responsibility. In addition, the projects provide a source of income. Such projects may include: lawn and garden service, livestock, crop production, repair shops, catering service, art and craft sales, roadside stands, and many others.

Each project must be part of an organized and supervised program of work. The project must be planned and operated with the help of the organization advisor, produce sufficient income to repay the loan, and provide the youth with practical business and educational experience. Also the youth must be of good character and be capable of planning, managing, and operating the project under the guidance and assistance of a project advisor. The project advisor must recommend the project and the loan and agree to provide adequate supervision.

FmHA youth loans have ranged from \$400 to \$35,000.

On February 9, 1981, FmHA published a proposed rule in the Federal Register (46 FR 11552) to put a \$10,000 limit on all individual youth loans by amending Subpart A of Part 1941, Chapter XVIII, Title 7, Code of Federal Regulations.

The New River Community Actions, Inc., commented on the proposed rule. They support limiting the size of youth loans since they believe it will help assure assistance to a broader range of applicants.

PART 1941—OPERATING LOANS

Accordingly, § 1941.17 of Subpart A of Part 1941 is revised to read as follows:

§ 1941.17 Loan limitations.

The total outstanding insured OL principal balance may not exceed \$100,000 at loan closing. Loans may not be made for the purchase of real estate, making principal payments on real estate, or refinancing any debts incurred for the purchase of real estate. In addition, loans may not be made to pay land lease costs under any program

other than cash rent. The total outstanding youth loan principal balance may not exceed \$10,000 at loan closing except for youth loan applicants whose loan was approved on or before November 23, 1981.

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: October 30, 1981.

Charles W. Shuman,
Administrator, Farmers Home
Administration.

[FR Doc. 81-33659 Filed 11-20-81; 8:45 am]

BILLING CODE 3410-07-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Minority Small Business and Capital Ownership Development Assistance

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule adds a new subsection (§ 124.1-1(f)) to the present regulations of the Minority Small Business and Capital Ownership Development Assistance program (8(a) program) by implementing those provisions of Pub. L. 96-481 (October 21, 1980) which require SBA to establish a fixed period of time for every participant concern to enter or remain in the 8(a) program.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Charlie L. Dean, Chief Counsel for Special Programs, Office of General Law (202) 653-6699.

SUPPLEMENTARY INFORMATION: On June 1, 1981, a proposal was published in the *Federal Register* (46 FR 29276) to amend the regulations of the Minority Small Business and Capital Ownership Development Assistance Program. Those amendments were necessitated by the enactment of Pub. L. 96-481, 94 Stat. 2322 (October 21, 1981), which in Title I, Part A, amended section 7(j)(10) of the Small Business Act requiring SBA to establish a fixed period of time for participation in the MSB-COD program, commonly referred to as the "8(a) program."

Interested persons were given until July 31, 1981, to submit written comments. A total of two hundred and eighty-nine (289) responses were received. Because of the unusual interest, SBA held public hearings on the proposed rule in Los Angeles, California; Atlanta, Georgia; Chicago, Illinois; and Washington, D.C. during September, 1981, pursuant to a notice of public hearings published in the *Federal Register* August 24, 1981, (46 FR 42681).

At the public hearings sixty-three (63) written statements and seventy-four (74) oral statements were received into the record.

To understand the final rule adopted herein, a brief discussion of program philosophy and legislative history of Pub. L. 96-481 is helpful. Pub. L. 95-507, 92 Stat. 1760 (October 24, 1978), clearly states that the purposes of the 7(j) and 8(a) programs are to foster business ownership, to promote competitive viability, and to clarify and expand the SBA's minority enterprise program. The implication of these terms "foster" and "promote" is that the SBA take actions to improve and advance the economic well-being of firms participating in the 8(a) program. It is, however, beyond the intent of the statute and the ability of the SBA to guarantee or insure the success of participating firms.

Neither Pub. L. 96-481 nor the implementing regulations herein change the philosophy established by Pub. L. 95-507. The Senate Select Committee Report, No. 96-974, to accompany H.R. 5612 which became Pub. L. 96-481 reviewed the legislative history of Pub. L. 95-507. The Committee at page 2 found that prior to Pub. L. 95-507 the 8(a) "program lacked any specific mission beyond contract assistance," and it "failed to foster any business development." The Committee stated at page 3 that 8(a) contracts "be a means to fostering competitive viability * * * and not an end in themselves," and Pub. L. 95-507 was designed to address those concerns. The combination of contract assistance with management and technical assistance "greatly enhanced" the opportunity for minority businesses to exist on their own without Federal assistance.

The Senate Committee reviewed SBA's management of 8(a) program completion, and concluded at page 21 that SBA had not "been sufficiently aggressive in establishing and reviewing the business plans required to be submitted."

The Senate Committee expressed concern that SBA had not moved in a timely fashion in reviewing the eligibility qualifications or the graduation potential of the portfolio. In Senator Morgan's view:

* * * It appears to many of us in the Congress that participants in this particular Government procurement program seldom appear to move on to regular Government procurement programs or, indeed, to simply compete in the private sector, which is the ultimate purpose of the law.

It has not been the goal of the program to keep certain firms on Government contracts forever. The ultimate goal of most minority firms is to get their operations going and then

to move off into successful competition in the private sector. The continued participation of a few firms, in the absence of some compelling need, only injures those other small businessmen who could enter the marketplace through the 8(a) program."

The views of Senator Morgan are reinforced by the Comptroller General's Report dated April 8, 1981, (CED-81-55), and entitled "The SBA 8(a) procurement Program—A Promise Unfulfilled." At page 6, it states: "[T]he program has done too much for too few for too long. About \$1.7 billion, or 31 percent, of the total 8(a) contract support has gone to fifty (50) active firms. Three-fifths of these firms have been in the program between 7 and 11 years and seem to have no incentive to leave the program's umbrella.

Even though the Senate Committee decided not to establish any specific period for graduation, it agreed that without congressional direction SBA would not resolve the issue itself and therefore, proposed the amendments to section 7(j)(10) of the Small Business Act which led to the proposed rule published June 1, 1981.

SBA received two hundred and eighty-nine (289) written comments during the 60 days comment period. Sixteen (16) comments basically supported the proposed regulation, and they were from the Acting Inspector General of General Services Administration, the Federal Highway Administration, Michigan Road Builders Assn. Inc., the Associate General Contractors of America, Mechanical Contractors Assn. of America, and various small businesses.

Two hundred and six (206) comments, objecting to various provisions of the proposed regulations, were predominately from current 8(a) firms; but sixty-seven (67) of them were from trade associations, U.S. Senators, U.S. Congressmen, attorneys, and organizations including the National Association of Minority Contractors, Hispanic American Construction Industries and the National Bar Association. The one hundred and thirty-seven (137) written and oral statements received at the public hearings also raised objections, although many dealt with 8(a) program problems rather than the proposed rule.

The objections and/or recommended changes in these comments can be narrowed to the five issues discussed below.

First, it is contended that the proposed regulations are both unreasonable and contrary to the intent of Pub. L. 96-481 by establishing a ceiling on how long a 8(a) firm may participate in the 8(a) program. Ancillary to this issue, the comments suggest that the proposed time frames, three to five years, based

on industry classification, are too short; recommendations range from six to ten to twenty years. Eighty-five (85) comments stated the establishment of any maximum time for program participation is inconsistent and contrary to the intent of Pub. L. 96-481 and that the Senate Small Business Committee had rejected a five year cap because of the lack of supportive data. These comments state that SBA failed to present any empirical data to support a three to five year ceiling on 8(a) program participation. In addition, these comments suggest that the proposed regulations abandon the Congressional intent found in Pub. L. 95-507 that a firm "achieve viability" before program completion.

Pub. L. 96-481 neither fixed a maximum time for participation in the 8(a) program, nor did it specifically prohibit the setting of a maximum ceiling for program participation. In the absence of such an express statutory direction, SBA thinks it essential, in the interests of administrative feasibility, that maximum periods for program participation be retained. It is SBA's view that, without the guidance of a definite maximum time frame, the statutorily mandated negotiations for the approximately 2000 8(a) concerns currently in the program would be administratively unworkable, especially in view of the April 1982 deadline for establishing fixed program participation terms required by the statute.

Assuming the necessity for some maximum period for participation, the ancillary thrust of these negative comments then relates to the 3-5 year period for this maximum term. Many comments called for a fixed period from 10 to 20 years. Three research studies were offered in support. The three studies are: "The Report of the SBA Task Force on Venture and Equity Capital for Small Business" ("The Casey Report"), January 1977; "Tax Incentives for Small Business," James Walter, Hans Stoll, Wharton School, 1980; and "Small Business Financing: The Current Environment and Suggestion for Improvements," National Association of Security Dealers, Inc., 1979. Each of the studies uses the four-stage "Life-Cycle model" of business development which appeared originally in the Casey Report. Because of the importance and frequency of the argument, it is necessary to examine this contention closely.

In 1976, the Administrator of the SBA convened a task force to examine impediments preventing small businesses from attracting capital, and to recommend ways of overcoming

those impediments. The task force was chaired by William J. Casey, then counsel to Rogers and Wells, a New York law firm.

The task force focused its efforts on the financial problems of new, high-technology firms which had a great potential for growth and profitability. This type of firm constitutes a small segment of the universe of America's small businesses, and is significantly different from the target population of 8(a) eligible firms. To provide a framework for their findings and recommendations, the task force constructed, based on its collective experience and wisdom, a hypothetical "life-cycle of the new enterprise." It is this life cycle model that has been used in all of the studies cited.

The narrow applicability of the Casey Report illustration should be noted; for example, the Report estimated that it takes between four and eleven years for their "new enterprise" to reach a positive operating profit, and nine to twenty years for its cumulative profits to become positive. Also, their hypothetical firm reaches a revenue level of \$10 million between its fourth and eleventh year of existence, and \$40 million at maturity.

It appears to SBA that the subject of the Casey Report was not sufficiently relevant to either the development path of small businesses in general or the 8(a) client population in particular. For example, based on 1977 Enterprise Statistics, 99.5 percent of the companies in the United States had less than \$10 million in sales. The average company sales in the United States in 1977 was less than \$600,000 a year; the average construction firm's sales were about \$200,000 a year; the average manufacturing firm had annual sales of less than \$5 million per year. The same data source shows that computer and data processing firms' average sales were about a half million dollars per year.

Another reason for rejecting the implications of these reports concerning maximum participation terms is found in the nature of policy issues addressed in the Casey Report, the NASD Study, and the Walter-Stoll Study. The NASD study states, " * * * NASD organized a committee of securities industries experts to address the capital-raising problems of small business. The Walter-Stoll study states, "This report is aimed at the effect of Federal taxation on small business." The Report of the Task Force on Venture and Equity Capital for Small Business was created "to assess the financing problems of the small businessman today and to recommend

solutions." These studies are all worthy objectives, but not sufficiently relevant to the issue of designing a Fixed Program Participation Term for 8(a) concerns.

Finally, the rationale of the Casey Report and other cited studies is questioned in a recent study completed by David Birch and Susan MacCracken entitled, "Corporate Evolution: A Micro-Based Analysis." This research was completed under an SBA grant in January 1981. It examines the pattern of changes in sales and employment of 5.6 million firms between 1969 and 1976. The firms are classified by their size, age, industry, location, and corporate affiliations. Birch and MacCracken studied the usefulness of the traditional four-stage life cycle growth path of American businesses. After conducting several tests, they conclude, "There is not a great deal of support for a strong life cycle model of corporate evolution." In other words, the biological analogy of firms being born, growing, maturing, and dying, is not a typical pattern.

Summarily, based upon the foregoing, it is SBA's view that the Casey Report and other cited studies should not be used as a source of 8(a) policy guidance.

Turning now to the affirmative side of the issue, based upon its research and analysis thereof, it is SBA's view that maximum terms of five years for all participant firms is consistent with the realities of the 8(a) program operation and SBA's experience in administering the program. This is an increase of two years in the three year maximum for service companies originally proposed in the June 1, 1981, Notice of Proposed Rulemaking. In addition, SBA has decided to increase the maximum extension of the original fixed program participation term available to 8(a) concerns from one year to two years. Recognizing that this is not a determination that can be made with mathematical precision, SBA has decided to accept the recommendations of many commentors and increase the maximum terms and the maximum extension of the originally established term in this manner. Furthermore, eliminating distinctions between categories of companies should facilitate negotiations between SBA and participant concerns in establishing individual fixed program participation terms. It should be recognized, however, that the nature of a firm's operations will obviously be a factor in establishing a fixed program participation term for each firm within the limits of these maximums. For example, service firms may not normally require the maximum term.

The selection of the specific number of years constituting the maximum in these regulations involves the balancing of several factors. They include: the goals and resources of the Agency and the 8(a) program; the needs of the population of active and eligible firms; and experience regarding the natural development of business in the private sector.

In establishing maximum tenure for participation in the 8(a) program, SBA placed significant importance on the impact of that length of time on different groups of socially and economically disadvantaged firms. The universe of all these firms can be divided up into three categories:

(1) those firms which currently are active participants in the 8(a) program, i.e., they have regularly received sole source contract support, business development expense, advanced payments, and 7(j) assistance;

(2) those firms which are in the 8(a) portfolio but have not received any appreciable level of support from the program;

(3) those firms which are eligible, but not in the program. (A Department of Commerce estimate suggests there are approximately 40,000 firms eligible to participate in the 8(a) program.)

The firms in the first group, i.e., those which are in the portfolio and receiving significant assistance, would prefer the longest possible participation in the program. Firms which are in the portfolio, but which do not regularly receive support from the program, would prefer a shorter tenure in the program.

By reducing the length of participation of the firms which are obtaining significant assistance, the likelihood improves that 8(a) firms currently not receiving assistance will do so. The third group, that large population of firms that are eligible for the program but which are not in the portfolio, has an obvious preference for a short tenure requirement. The likelihood that these firms will receive any assistance from the program depends upon how rapidly the 8(a) portfolio turns over.

Some have urged that the 8(a) program become an "elitist" program by providing very large amounts of assistance to a very small number of companies. It is argued that the creation of a small cadre of "large" minority-owned firms would cause a wide range of benefits to "trickle-down" to other businesses in the disadvantaged community. In SBA's view this theory is inconsistent with the legislative mandate of the 8(a) program.

A 1980 study done at the Georgia Institute of Technology offers assistance in selecting a specific maximum number

of years for participation in the 8(a) program. This study, "Analysis of the Performance of Minority Business Development (MBDA) Client Firms" compared the performance of 22,000 minority-owned firms which had been "clients" of MBDA to a control group of 19,000 nonminority businesses for a two year period beginning April 1977. Comparisons of failure, discontinuance, and nonsurvival rates by MBDA region, age of the business, and its industrial classification were carried out. One part of this study relevant to the maximum length of time issue estimated that firms face significant economic problems somewhere in their third to fifth year of existence. The inference is that this general period represents an important time in the development of a firm, and that a positive Federal intervention at this time will provide significant assistance in the progress and survival of the concern. SBA's final regulation of a five year maximum (with a possible two year extension) would cover this important period for 8(a) firms, the preponderance of which enter the 8(a) program between the first and second year of their existence.

Additional evidence is found in the work of a 1977 Interagency Review Board which analyzed the problems of the 8(a) program and recommended solutions to those problems. The Review Board was chaired by the Deputy Administrator of SBA and three other SBA representatives served on the Board; other agencies represented on the Board were: the Departments of Defense, Energy, Transportation, Commerce, National Aeronautics and Space Administration, General Services Administration, and the Office of Management and Budget. The Board made over fifty (50) recommendations designed to eliminate abuse in the program while strengthening its capacity to deliver more and better services to 8(a) firms. The majority of the Board recommended that participation for new applicants in the 8(a) program should generally be limited to a period not to exceed seven years. A minority of the Board recommended that no fixed time limit be imposed on the program participants.

Finally, an examination of 8(a) program data shows that the average length of stay of the one-hundred and sixty-six (166) firms graduated from the 8(a) program between 1970 and 1978 was 4.2 years; the top fifty (50) firms in the 1981 portfolio, which received 35 percent of all 8(a) contracts awarded between 1971 and 1980, have been in the program, on average, for 8.5 years; the top one-hundred and fifty (150) firms in the 8(a) program, which received 67

percent of the contracts awards between 1971 and 1980 have, on average, been in the program 6.3 years.

Accordingly, it is SBA's judgment, based on extensive experience in assisting small businesses and minority businesses, that five years with the possibility of a sixth or seventh year, upon extension, is a reasonable maximum period of program participation consistent with the directive of Pub. L. 96-481 to maximize access to and graduation from the program.

Program procedures will be implemented to support the new program. To gain entry to the program, firms will have to provide detailed business plans along with personal and business financial statements. The business plan and personal financial statements will be monitored regularly to assess the progress of participating firms. The creation of a consistent and effective monitoring system will raise the sense of responsibility of both the participating firms and SBA employees.

These regulations will emphasize that the 8(a) program is an incentive program designed to induce actions. The 8(a) program will assist and support minority businesses in their quest for economic competitiveness. Ultimately, the success of each firm, however, is in the hands of the individual entrepreneur.

It is SBA's intention to establish, possibly in coordination with other Federal agencies, a "graduate" program to further assist concerns after the conclusion of their Fixed Program Participation Terms. Though this would not involve direct contract assistance from SBA, it could involve aggressive "outreach" efforts by SBA and other agencies to assist concerns in bidding upon and obtaining other Federal and private industry contracts.

It is important to recognize that participation in the 8(a) program is a voluntary act on the part of the firm. If a firm is allowed to participate in the program, for example, for five years, it may choose to enter the program between its second and seventh year of existence, its fourth and ninth year of existence, or its seventh and eleventh year of existence. The decision as to when to avail itself of contractual and other benefits available through the 8(a) program is a business decision. This decision is identical to other business decisions regarding marketing, new product development, purchase and acquisition of capital equipment, and the hiring and firing of employees. Recognizing that the program is a voluntary program places the decision of when Federal assistance is appropriate

in the individual who is ultimately responsible, that is, the entrepreneur.

A second issue raised by eighty-five (85) comments and testimony at the public hearings objected that the proposed rule does not allow for "negotiation" of the Fixed Program Participation Term, and that it does not adopt the criteria for negotiation set forth in the Conference Report, H.R. Report No. 96-1434, 96th Cong., 2d Sess. (1980). Regarding the first part of this objection, the proposed rule, § 124.1-1(f)(2), clearly states that the Fixed Program Participation Term "shall be negotiated." SBA will implement procedures to effect these negotiations.

Regarding the second part of this objection, the statutory language provides no guidance as to the factors to consider in establishing the "fixed period of time as mutually agreed upon." The factors used in the regulation implement the basic legislative purpose to maximize limited 8(a) program resources for the benefit of the optimum number of disadvantaged firms by carefully monitoring contract support and sharing program participation among disadvantaged concerns. The Conference Report at page 16 provides some guidance on desirable factors to be considered. "[T]he implementing regulations should take into account the following factors among others: the amount of SBA assistance needed to correct the impairment of 8(a) concerns, the individual characteristics of the 8(a) concern, the locale in which the firm conducts its business, the nature of the industry and the availability of private sector capital and procurement to assist the firm in achieving maturity in the American economic system."

These factors are recognized throughout the proposed rule, for example, § 124.1-1(f)(5)(i), incorporates the current regulatory definition of "economic disadvantage" as a criteria in formulating Fixed Program Participation Terms. This definition includes factors noted in the Committee Report.

A third issue addressed by thirty-nine (39) comments to the proposed rule and others at the public hearings centered around SBA's inability to provide the 8(a) contract support approved in the business plan and the length of time after entry into the 8(a) program before the award of the first 8(a) contract. SBA recognizes this problem in meeting every approved 8(a) business support level and understands the concern of current 8(a) program participants with the time it takes in many instances to receive the first 8(a) subcontract. Although these comments were primarily in the form of objections to the proposed rule, it is for these very

reasons—i.e., the inability to provide adequate and timely contract support to the optimum number of disadvantaged concerns because of the current concentration of such support with favored concerns—that SBA thinks that these regulations which maximize program benefits for a greater number of concerns are desirable.

SBA has added another liberalizing provision in the final regulation concerning the time at which the Fixed Program Participation Term shall begin. For concerns admitted into the program after the effective date of these final rules, and concerns currently in the program which have not received an 8(a) subcontract, the participation term shall begin with the award of the first 8(a) subcontract. For all other concerns currently in the program, the participation term shall begin on the date it is awarded following the required negotiation between the concern and SBA. The purpose of this provision is to balance the interests of participants in program benefits between concerns which have not yet received contract support with those concerns which have received such support.

For all concerns currently in the program, it is SBA's intention to establish a Fixed Program Participation Term of at least one year (as the regulations expressly state, however, neither such a one year term nor any other term would preclude prior cessation of program eligibility pursuant to Program Completion or Program Termination proceedings). Moreover, in order to clarify any possible misconceptions on the part of concerns currently in the program, it is noted that any Fixed Program Participation Terms granted pursuant to these regulations is prospective only and does not relate to prior program eligibility. In other words, in negotiating a Fixed Program Participation Term with concerns currently in the 8(a) program, SBA will not require any fixed term that would involve a precipitate, less than one-year, end of program eligibility; rather, SBA will attempt to establish a fixed term that will phase out program eligibility for appropriate concerns with a view not only to the overall program considerations noted herein but also to the business exigencies of the individual concern.

A fourth issue raised in fourteen (14) comments requested clarification of the proposed rule in § 124.1-1(f)(4)(i) which provides that not less than one year prior to the expiration of a firm's Fixed Program Participation Term, it may request SBA to review and extend its term for a period not to exceed the difference between the term originally

negotiated in the business plan and the maximum term authorized in the final rule, plus one year. As already noted, this additional one year maximum extension has been increased to two years. Besides objections that the original proposed one year extension maximum was too short, the comments received disclosed some confusion concerning the mechanics of this provision. An illustration may be helpful. A firm subject to a five year maximum, has an original negotiated term of three years. Prior to the end of its second year it may request SBA to review the firm's present economic condition and progress and request SBA to extend the original three year term for an additional one year, two years, three years or four years—that is the difference between the permissible maximum (5 years) and the original term (3 years) plus two years (a maximum extension of 4 years). SBA may grant the request, approve an additional term less than requested or deny the request. There may be only one extension of the firm's original negotiated term.

The fifth and last issue raised by the comments and the public hearings is the objection that the regulation (§ 124.1-1(f)(8)) allows the termination of a participant from the 8(a) program at the conclusion of the fixed participation period or any extension thereof, without a hearing pursuant to section 8(a)(9) of the Small Business Act, as amended. It is argued that such action violates the participant's right to due process, and was not authorized by Congress.

Congress, in enacting Pub. L. 95-507, amended section 8(a) of the Small Business Act by adding section 8(a)(9) which in part reads: "[T]hat no such firm shall be denied total participation in any program conducted under the authority of this subsection without first being afforded a hearing on the record in accordance with chapter 5 of title 5, United States Code." However, Pub. L. 96-481 in amending section 7(j)(10)(A)(i) of the Small Business Act, eliminated the requirements of section 8(a)(9) in certain instances by providing: "[T]hat no determination made under this paragraph [i.e., regarding a Fixed Program Participation Term] shall be considered a denial of total participation for the purposes of section 8(a)(9) of this Act." The same statement was made applicable to firms currently in the program on the effective date of Pub. L. 96-481.

In SBA's view, the express statutory language as well as the legislative history of Pub. L. 96-481 confirms that, when a firm concludes its fixed program participation term or any extension

thereof, the firm will cease to be a program participant without any right to a hearing on the record as provided by section 8(a)(9) of the Small Business Act (15 U.S.C. 637(a)(9)).

The Senate Report on H.R. 5612, the bill which became Pub. L. 96-481, explicitly states at page 24 that "[T]he Committee has agreed to exclude the full adjudicatory hearings required under section 8(a)(9) so as to leave the full flexibility the Committee believes SBA needs in fixing the graduation date."

The Conference Report, H.R. Rep. No. 96-1434, 96th Cong., 2d Sess. (1980) adopted the Senate version, and in so doing states:

[U]nder the conference substitute neither the establishment of a graduation date, SBA's extension of such a date, or a firm's completion of the participation period, shall be considered a denial of total participation requiring an administrative hearing under section 8(a)(9) of the Small Business Act.

A paragraph by paragraph analysis of the final rule follows:

1. Section 124.1-1(f)(1) makes clear that the newly authorized Fixed Program Participation Term is a limited period for program participation in addition to and not as a substitution for periods of program participation limited by Completion actions pursuant to subsection (d) of the regulations or Termination actions pursuant to subsection (e) of the regulations. This provision also specifies that this newly authorized Fixed Program Participation Term is a requirement for program eligibility.

2. Sections 124.1-1 (f)(2) and (f)(3) specify that the Fixed Program Participation Term shall be negotiated between SBA and the participant concern and shall be set forth in the concern's business plan. This provision also establishes time limitations for concerns currently in the program to submit a Fixed Program Participation Term for negotiation with SBA. A paragraph added to § 124.1-1(f)(3), as originally published as proposed rule making in the June 1, 1981, Federal Register, would permit concerns newly admitted to the program and concerns currently in the program, but which have not yet received any section 8(a) contracts, to measure their Fixed Program Participation Terms from the award date of their first section 8(a) subcontract. Also, a minor clarifying change is made in the final rule in paragraph (b)(3)(i) to emphasize the requirement that a fixed program participation term must be established for all 8(a) concerns in any event by April 21, 1982.

3. Section 124.1-1(f)(4) establishes the maximum periods of time for Fixed Program Participation Terms and provides for a one-time extension of such term. The extension provision is the implementation of the statutory requirement for an extension period. The proposed maximum period of time for fixed program terms in the June 1, 1981, Notice of Proposed Rulemaking of three years for "service" firms and five years for all other firms has been liberalized in this final rule to five years for all firms. In addition, the proposed maximum of one year for extensions of the original terms has been increased to two years. This provision also provides a preliminary Fixed Program Participation Term for concerns currently in the program pending negotiation of a regular Fixed Program Participation Term. The language of this preliminary Fixed Program Participation Term provision has been changed to clarify that such a preliminary Term may not extend beyond April 21, 1982.

4. Section 124.1-1(f)(5) sets forth the criteria and policies which SBA will apply in negotiating Fixed Program Participation Terms for new program applicants and for concerns currently in the program applying for the necessary revision of their business plans.

5. Section 124.1-1(f)(6) provides that no section 8(a) contracts may be awarded to a concern unless it has a Fixed Program Participation Term approved by SBA.

6. Section 124.1-1(f)(7) makes clear that the cessation of program eligibility at the conclusion of a Fixed Program Participation Term shall, in essence, be automatic, requiring no additional action by SBA and giving rise to no additional rights for the concerns. It is also emphasized that the cessation of program eligibility at the conclusion of a Fixed Program Participation Term is not subject to the Administrative Procedures Act hearing requirements of section 8(a)(9) of the Small Business Act.

7. In establishing Fixed Program Participation Terms, these final regulations differentiate between concerns initially applying for program eligibility and concerns currently in the program, applying for a revision of their business plans to incorporate the required fixed terms.

Compliance With the Regulatory Flexibility Act and Executive Order 12291

SBA did not prepare an initial regulatory flexibility analysis to accompany these regulations when they were published in proposed form. (See 46 FR 29286.) As indicated above, SBA has received extensive comments in

response to those proposed regulations and has decided in view of those comments that, since the proposed regulations promulgated in final form will have a significant economic impact on a substantial number of small entities, a final regulatory flexibility analysis of those rules is appropriate.

Therefore, for the purpose of section 604 of the Regulatory Flexibility Act, 5 U.S.C. 604, it is hereby certified that the foregoing Supplementary Material provides:

(1) A succinct statement of the need for, and the objective of these final rules;

(2) A summary of the issues raised in the public comments submitted in response to SBA's publication of proposed rules on this matter, a summary of the SBA's assessment of those issues, and a statement of any changes made in the proposed rule made as a result of such comments; and

(3) A description of the significant alternatives to the final rules consistent with the stated objectives of applicable statutes and designed to minimize the economic impact of the rules on small entities, and a statement of the reasons why each of the alternatives was rejected.

In addition, it is hereby certified that these rules have been found not to constitute major rules within the meaning given to that term by Executive Order 12291.

All backup materials used in the preparation of these final regulations as well as the complete record of this rulemaking proceeding is available for inspection at the U.S. Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, Room 706. Members of the public may obtain copies of this final regulatory flexibility analysis from Charlie L. Dean.

PART 124—MINORITY SMALL BUSINESS AND CAPITAL DEVELOPMENT ASSISTANCE

Therefore, pursuant to the authority of section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), the Small Business Administration amend Part 124 of its Regulations (13 CFR Part 124) by adding a new § 124.1-1(f) to read as follows:

§ 124.1-1 The section 8(a) program.

(f) *Fixed Program Participation Term.*
(1) In addition to Program Completion and Program Termination, set forth in subsections (d) and (e) of this section, every program participant shall be subject to a Fixed Program Participation Term. A Fixed Program Participation Term will establish the ultimate time

period during which a concern may remain in the program and the conditions thereof, regardless of whether competitiveness is reached or Program Completion action is effected. Except as noted in this section, a concern may not be accepted or continue in the program without a Fixed Program Participation Term.

(2) This Fixed Program Participation Term shall be negotiated between SBA and each small concern which is a participant or has applied for participation in the program.

(3) The provisions of the Fixed Program Participation Term, including the time limitation therefore, shall be set forth in the SBA approved business plan of the program participant.

(i) A concern currently in the program shall submit to SBA a proposed revision of its business plan, incorporating a Fixed Program Participation Term, within two months from the effective date of this § 124.1-1(f). This Fixed Program Participation Term must be established no later than April 21, 1982.

(ii) In negotiating this revised business plan, SBA will determine whether the concern currently in the program should be terminated pursuant to paragraph (e) of this section, completed pursuant to paragraph (d) of this section, or extended subject to a Fixed Program Participation Term. A determination at this time, however, to extend a concern subject to a Fixed Program Participation Term shall not preclude SBA from initiating Program Completion action or Program Termination action at any time prior to the completion of the Fixed Program Participation Term.

(iii) For concerns applying for entry into the program and for concerns currently in the program but which have not received any contract support, the Fixed Program Participation Term shall begin on the date of award of the concern's first section 8(a) subcontract. For all other participant concerns, the Fixed Program Participation Term shall begin on the date it is approved by SBA as part of the concerns business plan.

(4) The maximum Fixed Program Participation Term for all concerns shall be five years. These maximum terms shall apply both to concerns applying for entry into the program and to concerns currently in the program, applying for a revision of their business plan to incorporate a Fixed Program Participation Term as required by these regulations.

(i) Not less than one year prior to the expiration of the Fixed Program Participation Term, a concern may request SBA to review and extend its Fixed Program Participation Term for a period not to exceed the difference

between the Fixed Program Participation Term established in the business plan and the maximum Fixed Program Participation Term authorized herein, plus two years. There may be no further extensions.

(ii) For concerns currently in the program applying for a revision of their business plan to incorporate a Fixed Program Participation Term, SBA may, at its option, accept these revisions upon receipt for the purpose of a preliminary Fixed Program Participation Term for a period not extending beyond April 21, 1982, pending negotiation of a regular Fixed Program Participation Term as set forth herein.

(5) The criteria that SBA will use in negotiating a Fixed Program Participation Term or an extension thereof with current program participants and applicant program participants are as follows:

(i) The factors referenced in § 124.1-1(c)(4) of this regulation for determining economic disadvantage.

(ii)(A) The number and dollar amount, and the progressively decreasing importance, of section 8(a) contract support that it is anticipated will be necessary to achieve competitiveness. In order to maximize limited program resources, SBA will emphasize business plans anticipating lesser amounts of section 8(a) contract support to reach competitiveness.

(B) In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will consider the section 8(a) contract support previously received by the concern. An SBA determination that such previous contract support has failed to appreciably contribute toward a timely achievement of competitiveness will be a significant factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(iii)(A) The number and dollar amount and the progressively increasing importance of contract support, other than section 8(a) contract support, that it is anticipated will be necessary to achieve competitiveness. SBA will emphasize business plans having greater reliance on this non-section 8(a) contract support to reach competitiveness.

(B) In negotiating a Fixed Program Participation Term for concerns currently participating in the program, SBA will consider the non-section 8(a) contract support previously received by the firm. An SBA determination that the concern has failed to progressively increase the importance of such non-section 8(a) contract support during its previous participation in the program will be a significant factor toward

limiting the Fixed Program Participation Term and the conditions thereof.

(iv)(A) The length of time that it is anticipated will be necessary to achieve competitiveness. In order to maximize limited program resources, SBA will emphasize program participation for those concerns closer to competitiveness.

(B) In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will consider the length of time during which the concern has previously participated in the program. The degree to which this past participation in the program has exceeded the maximum Fixed Program Participation Terms set forth in paragraph (f)(4) herein, will be a factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(v)(A) The degree to which it is anticipated that Advance Payments and Business Development Expense will be necessary to enable the concern to successfully complete section 8(a) contracts and the extent to which reliance upon such proceeds will progressively decrease in importance. In order to maximize limited SBA resources and to increase exposure to regular competitive procedures, SBA will emphasize maximum use of conventional governmental and private resources in performing such contracts.

(B) In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will consider the previous Advance Payments and Business Development Expense received by the concern. An SBA determination that such Advance Payments and Business Development Expense support has failed to progressively decrease in importance during its previous participation in the program will be a factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(vi)(A) The rate at which it is anticipated that a concern will decrease its reliance upon all forms of program support, especially section 8(a) contract support, in reaching competitiveness at the end of the Fixed Program Participation Term.

(B) In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will consider the previous rate at which the concern has decreased its reliance upon program support, and correspondingly increased its reliance upon conventional governmental and private contract business. An SBA determination that the concern has failed to appreciably improve its rate of business reliance in

this manner will be a factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(6) No contracts pursuant to 8(a) of the Small Business Act shall be awarded to any concern unless it has received and is operating under an SBA approved Fixed Program Participation Term.

(7) Nothing in this subsection (f) shall be construed to limit SBA from initiating Termination actions, pursuant to subsection (e) above, or Completion actions, pursuant to subsection (d) above, during any Fixed Program Participation Term granted herein.

(8) Upon the conclusion of the Fixed Program Participation Term granted and/or extended herein, a concern will cease to be a program participant. This cessation of program participation shall occur without the necessity of any additional action by SBA; also it shall not give rise to any rights, claims or prerogatives on behalf of the concern. Cessation of program participation at the conclusion of the Fixed Program Participation Term shall not be subject to the hearings or other requirements of section 8(a)(9) of the Small Business Act (15 U.S.C. 837(a)(9)) or any implementing rules or regulations.

Dated: November 18, 1981.

Michael Cardenas,
Administrator.

[FR Doc. 81-33034 Filed 11-20-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-26-AD; Amdt. No. 39-4267]

Airworthiness Directive; Lockheed-California Co. Model 188A and 188C Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires revision of the operating limitations contained in the FAA-Approved Airplane Flight Manual for Lockheed Model 188 series airplanes. This AD is needed to prevent a reduction in available performance below levels currently substantiated in the FAA-Approved Airplane Flight Manual.

DATES: Effective date: December 28, 1981. Compliance required within 30 days after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable information may be obtained from: Lockheed-California Company, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1, P.O. Box 551, Burbank, California 91520. This information may also be examined at the Federal Aviation Administration, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or the Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Samuel K. Frick, Supervisory Aerospace Engineer, Propulsion Branch, ANM-140L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2837.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to add an Airworthiness Directive requiring revision of the FAA-Approved Airplane Flight Manual Limitations Section to require that takeoffs and approaches be accomplished with the propeller synchronizer control (Sync master or synchronizer) in the off position for Lockheed Model 188 Series airplanes was published in the Federal Register on June 18, 1981, (46 FR 31900). The proposal was prompted by reports that in the normal operating mode with this switch on, the synchronizing system tolerance band could permit the three "slave" engines to each reduce RPM up to two percent, a performance reduction which is not accounted for in the FAA-Approved Airplane Flight Manual Performance Section.

Interested persons were afforded an opportunity to participate in the making of the amendment. No comments on the proposed amendment were received. The amendment is, accordingly, adopted as proposed.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires revision of the FAA-Approved Airplane Flight Manual Limitations Section to prohibit the use of the synchronizer system during takeoff or approach.

Adoption of Amendment

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

Lockheed-California Company: Applies to Lockheed Model 188A and 188C Series airplanes, certificated in all categories.

Compliance required within 30 days after the effective date of this AD, unless already accomplished.

To prevent a reduction in performance which could result in a hazardous condition, incorporate in the Limitations Section of the FAA-Approved Airplane Flight Manual a revision which specifies that all takeoffs and approaches must be performed with the synchronizer control in the following position:

For Hamilton Standard Propellers—SYNC MASTER switch-OFF

For Aeroproducts Propellers—Synchronizer switch-SYNCH OFF.

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator as defined by section 1005 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1485). As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on November 10, 1981.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 81-33031 Filed 11-20-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-27]

Alteration of Transition Area; Chippewa County Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to correct the current published definition of the transition area designated for Chippewa County Airport, Sault Ste. Marie, Michigan. The current definition omits any reference to

that airspace required above 1200 feet above the surface. The intended effect of this action is to ensure agreement between the currently charted transition area and the published definition.

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 transition area as currently defined and published does not include any reference to that airspace above 1200 feet above the surface, which is depicted on current maps and charts. This action is to include reference to that airspace in the published definition.

Discussion of Comments

On page 37907 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 Sault Ste. Marie, 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:

Sault Ste. Marie, Michigan

That airspace extending upward from 700 feet above the surface within 8.5 miles of the Chippewa County Airport (latitude 46°14'52" N., longitude 84°28'15" W., estimated) and that airspace extending upward from 1200 feet above the surface within a 25-mile radius of Chippewa County Airport excluding that airspace outside the continental limits of the United States.

(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. 1555(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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 26, 1981.

Frederick M. Isaac,
Acting Director, Great Lakes Region.

[FR Doc. 81-33017 Filed 11-20-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-39]

Alteration of Transition Area; Troy, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to revoke the designated airspace associated with the Troy, Ohio, transition area. The intended effect of this action is to return the controlled airspace back to a non-controlled status.

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 status of the Troy Skypark Airport located near Troy, Ohio, has changed use status from public-use to private use. As a result, the published standard VOR-A Instrument Approach Procedure has been canceled and the designated airspace is no longer required. The floor of controlled airspace in the area will be raised from 700 feet above the surface to 1200 feet above the surface.

Aeronautical maps and charts will reflect the change. In addition, the rule does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective January 21, 1981.

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:

Troy, Ohio

[Revoked]

(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. 1555(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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 30, 1981.

Frederick M. Isaac,
Acting Director, Great Lakes Region.

[FR Doc. 81-33019 Filed 11-20-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-35]

Designation of Transition Area; Branch County Memorial Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal Action is to designate a small additional amount of airspace determined necessary to encompass existing instrument procedures for Branch County Memorial Airport near Coldwater, Michigan. 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: During a routine airspace review it was noted

that the Coldwater, Michigan, transition area as currently described did not totally provide the controlled airspace needed for the Branch County VOR Rwy 6 and VOR Rwy 24 instrument procedures. This action designates approximately a 1/2 mile addition to the northwest sides of the northeast and southwest transition area extensions. The floor of controlled airspace within the 1/2 mile additions will be lowered from 1200' above ground to 700' above ground.

Aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 46142 of the Federal Register dated September 17, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate additional controlled airspace near Coldwater, 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

Coldwater, Michigan

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Branch County Memorial Airport (latitude 41°56'05" N., longitude 85°01'55" W.) within 2.5 miles north of and 3 miles south of the Litchfield, Michigan, VORTAC 240 radial extending from the 5 mile radius area to 8 miles northeast of and southwest of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5 mile radius area to 8 miles southwest 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)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 November 3, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-33618 Filed 11-20-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

(Airspace Docket No. 81-AWP-25)

Revocation of Control Zone; Chandler Municipal Airport

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the control zone at Fresno, California, (Chandler Municipal Airport). This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing Chandler Municipal Airport, Fresno, California.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; Telephone (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke the designated airspace associated with Chandler Municipal Airport. This amendment is necessary since the airport traffic control tower has been temporarily closed because of the necessity of the FAA to redeploy all available resources and the discontinuance of weather reporting.

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.

The Rule

This amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) revokes the Fresno, California (Chandler Municipal Airport) Control Zone. Because this action reduces a burden on the public by reducing controlled airspace, I find notice and public procedure and publication 30 days before the effective date are unnecessary. Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was republished in the Federal Register on January 2, 1981 (46 FR 455).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, November 26, 1981, to read:

§ 71.171 Fresno, California (Chandler Municipal Airport) [Revoked]

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510, Executive Order 10854 (24 FR 9565)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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 Los Angeles, California, on November 5, 1981.

Robert F. Smith,

Acting Director, Western Pacific Region.

[FR Doc. 81-33620 Filed 11-20-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 385 and 399

Amendments to the Advisory Notes and the Commodity Control List

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The United States participates in an international security export control system. The Coordinating Committee (COCOM) of this system reviews proposals to ship strategic commodities and technical data to certain communist countries.

Because of COCOM agreements on the clarification of some export controls, this rule makes the following changes to the Commodity Control List (CCL) and the Advisory Notes:

Entry No. 1501A of the CCL and the Advisory Notes is amended by clarifying the range of ambient temperatures for certain airborne communication equipment.

Entry No. 1502A of the Advisory Notes is amended by deleting a reference to an obsolete CCL entry.

Entry No. 4522B is deleted from the CCL because the commodities controlled by it are now covered by the revised versions, effective June 25, 1980, of CCL entry Nos. 1522A and 1093A.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing

controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS**Supplement No. 1 to Part 385 [Amended]**

1. Supplement No. 1 to Part 385 is amended as follows:

I. Sub-entry (a)(4) of entry No. 1501A is amended by revising the phrase "from below -55°C to +55°C" to read "from below -55°C to above +55°C."

II. Entry No. 1502A is amended by revising the phrase "not described in entry Nos. 1548 or 1550" to read "not described in entry No. 1548."

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS**Supplement No. 1 to § 399.1 [Amended]**

2. Supplement No. 1 to § 399.1 is amended as follows:

I. Sub-entry (a)(4) of entry No. 1501A is amended by revising the phrase "from below -55°C to +55°C" to read "from below -55°C to above +55°C."

II. Entry No. 4522B is removed.

(Secs. 5, 6, 13, 15, 17(d), Pub. L. 96-72, 93 Stat. 503, (50 U.S.C. app. 2401 *et seq.*); Executive Order 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141 January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980)).

Dated: November 2, 1981.

William V. Skidmore,

Director, Office of Export Administration,
International Trade Administration.

[FR Doc. 81-33662 Filed 11-20-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: These regulations add a new kind of income to the kinds that are excluded when income is deemed from an ineligible spouse or ineligible parent to an individual who is eligible for supplemental security benefits and who lives in the same household. Payments provided under title XX or other governmental programs to pay an ineligible spouse or ineligible parent for in-home supportive services (chore, attendant, homemaker) for an eligible individual are no longer deemed to be the income of the eligible individual.

The Social Security Administration (SSA) has decided to revise these rules because of a conflict between the purpose for which a State provides payments for chore, attendant or homemaker services and the effect on beneficiaries of the reduction or termination of SSI benefits caused under the prior SSI regulations.

EFFECTIVE DATE: These regulations will be effective November 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Rita Hauth, Legal Assistant, Room 4234 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7112.

SUPPLEMENTARY INFORMATION: We have determined that these regulations do not meet the criteria specified in Executive Order 12291 for a major regulation. We are revising our rules on deeming of certain income of an ineligible spouse or ineligible parent to an eligible individual. These rules were proposed in a notice of proposed rulemaking (NPRM) published January 23, 1981 (46 FR 7393). They revise the recodified regulations, Subpart K of Part 416, published October 3, 1980 (45 FR 65541). Comments received since publication of the NPRM are discussed later in this preamble.

The Social Security Administration (SSA) has decided to revise these rules because of a conflict between the purpose for which a State provides payments for chore, attendant or

homemaker services and the effect on beneficiaries of the reduction or termination of SSI benefits caused under the prior SSI regulations. Various commissions and groups, including the 1979 Advisory Council on Social Security, have recommended the development of adequate means to provide attendant care for the disabled.

Since the SSI program began, sections 1614(f) (1) and (2) of the Social Security Act have required that the income and resources of spouses and parents who are not eligible for SSI be considered to be the income and resources of their spouses and children who are eligible for SSI benefits and who live in the same household. This process is called deeming—we deem the income and resources of the ineligible spouse or ineligible parent to be those of the SSI beneficiary. The statute requires the deeming of such income and resources except to the extent determined by the Secretary to be inequitable under the circumstances. Accordingly, the Secretary may determine the amounts and types of income and resources that are excluded before the balance is deemed to a beneficiary. The deemed income and resources are added to those the beneficiary already has and the total is subject to the limits and exclusions the statute provides for individuals.

A number of States, particularly California, have established programs, funded under title XX of the Social Security Act or another State program, under which they provide monies to pay for in-home supportive services necessary to enable an individual who needs these services to live in his or her home. The payments are made to the individual to pay for the services or may be paid directly to the person who performs the services. If the individual is an SSI beneficiary, and the one who performs the service is any one except an ineligible spouse, or ineligible parent (if the beneficiary is a child), who lives in the same household, there is no effect on the SSI benefit. The money does not constitute income to the beneficiary because it is earmarked as payment for the specific services. A problem arises when the person who renders the services and receives the payments is the ineligible spouse of an eligible individual, or the ineligible parent of an eligible child, and they live in the same household. The income of the ineligible spouse or ineligible parent must be deemed to be that of the eligible individual; it "circles back" to the eligible individual as deemed income.

Reducing or terminating the SSI benefit of an eligible individual because of these payments tends to defeat the

purpose for which the payment is made. Also, this kind of payment to a member of a household other than an ineligible spouse or ineligible parent has no adverse effect on an SSI beneficiary.

If the ineligible spouse or ineligible parent is also an essential person, the more strict essential person deeming rules apply and the income must be deemed to the eligible individual. However, the eligible individual has the option of not having the essential person if this is advantageous. If the essential person is terminated, the spouse-to-spouse or parent-to-child deeming rules will apply and the income may be excluded under these rules.

Although relatively few beneficiaries are disadvantaged by "circle-back" deeming (projected to be less than 2,000 nationwide), a change is necessary since to continue deeming these payments is inequitable under the circumstances. The revised rule will enable these individuals to better cope with their disabilities and prevent their institutionalization. The proposed revision of the regulations imposes no reporting or recordkeeping requirements on beneficiaries or others.

Section 416.1161 of the recodified Part 416, Subpart K (Income), published at 45 FR 65541 on October 3, 1980, is amended by adding to the kinds of income that are not deemed to be the income of certain eligible individuals. In the case of an ineligible spouse who lives with his or her eligible spouse, or an ineligible parent who lives with his or her eligible child, amounts paid under a Federal, State, or local government program to provide in-home supportive services to an eligible individual will no longer be deemed to be income of an eligible individual.

Comments Received Following Publication of the Notice of Proposed Rulemaking Published January 23, 1981 (46 FR 7393)

We received comments from eight legal services, four social service agencies, one State Department of Public Welfare, one office of a mayor and one private individual. All were from California except one legal service (Utah) and one social service agency (New York City) and the State Department of Public Welfare (Ohio).

Each commenter strongly approved the revision of the regulations. All spoke of hardships created by the former rules. A number cited individual cases in which ineligible spouses had given up employment to provide the 24-hour care required by their eligible spouses. The couples managed on the SSI benefit and the State supportive care payment until the income from the State began to be deemed to the beneficiaries. Thereafter,

SSI benefits were greatly reduced or lost and Medicaid may have been lost. This resulted in deterioration of health and family relationships and, in some instances, institutionalization. One organization that provides services for the handicapped pointed out that it is becoming increasingly difficult to recruit attendants who are conscientious and caring and who are willing to work for the minimum wage. Many of the commenters also pointed out that deeming of this income does not save money as other kinds of care are more costly to the public purse.

We certify that these regulations do not have an adverse impact on small entities because these regulations primarily affect individuals with some effect on States. Consequently, we have determined that a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not necessary.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: August 5, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: November 2, 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:

1. 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; U.S.C. 1302, 1362, 1382a, 1382b, 1382c, and 1363.

2. In § 416.1161 the introductory text of the section is revised and paragraph (a)(16) added to read as follows:

§ 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. (See § 416.1160 for definitions of these terms.) We do not always include all of their income when we determine how much income to deem to you. 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 ineligible parent we must determine the amount of

income of any ineligible children in the household.

(a) *For an ineligible spouse or parent.* We do not include any of the following types of income (see § 416.1102) of an ineligible spouse or parent: *

(16) Income of your ineligible spouse or ineligible parent which was paid under a Federal, State, or local government program (For example, payments under title XX of the Social Security Act) to provide you with chore, attendant or homemaker services.

[FR Doc. 81-32787 Filed 11-20-81; 8:45 am]
BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 800, 801, 802, and 803

(Docket No. R-81-942)

Section 23 Housing Assistance Payments Program

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This rule removes the obsolete provisions from the regulations governing the Section 23 Housing Assistance Payments Program. Specifically, this rule (1) removes the development procedures for new construction and substantial rehabilitation; (2) combines the project operation procedures for new construction and substantial rehabilitation; (3) removes the existing housing regulation in its entirety; and (4) eliminates the fair market rent schedules for new construction, substantial rehabilitation, and existing housing and the automatic annual adjustment factor as separate schedules for the Section 23 program.

EFFECTIVE DATE: February 4, 1982.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Shirley Stone, Existing Housing Division, Office of Existing Housing and Moderate Rehabilitation, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 (202-755-6596). This is not a toll free number.

SUPPLEMENTARY INFORMATION: This Department recently completed a review of the regulations governing the Section 23 Housing Assistance Payments Program. As a result of our review, we determined that many provisions were either obsolete, duplicative, or otherwise unnecessary.

The Section 23 Housing Assistance Payments Program was replaced by the Section 8 Housing Assistance Payments Program by authority of the United States Housing Act of 1937 (42 U.S.C. 1437) as amended by the Housing and Community Development Act of 1974. All new construction and substantial rehabilitation projects developed under the Section 23 Housing Assistance Payments Program are currently at the project operation stage. No Annual Contributions Contracts (ACC) were executed for existing housing projects approved under the Section 23 Housing Assistance Payments Program, since the contract authority for Section 23 existing was transferred to, and ACCs were executed under, the Section 8 existing housing program. Accordingly, this rule removes obsolete or unnecessary Section 23 regulations.

The following is a discussion of the major changes made by this rule:

(1) Part 800, Section 23 Housing Assistance Payments Program—New Construction. This Part is being revised to remove the project development procedures and to combine the basic program policies and project operation procedures for new construction (24 CFR Part 800) and substantial rehabilitation (24 CFR Part 801). In addition, the appendices (e.g., processing forms, contracts) are being removed from the regulation since these are more appropriately included in the HUD program handbooks or are obsolete.

(2) Part 801, Section 23 Housing Assistance Payments Program—Substantial Rehabilitation. This part is being removed in its entirety since the applicable program policies and project operation procedures have been incorporated in the revisions to Part 800.

(3) Part 802, Section 23 Housing Assistance Payments Program—Existing Housing. This part is being removed in its entirety since there is no housing covered by this part.

(4) Part 803, Section 23 Housing Assistance Payments Program is being removed in its entirety. Subpart A, Fair Market Rents, is unnecessary. Rents for projects developed under Part 800 which are adjusted based on percentage changes in fair market rents may use the Section 8 fair market rents under Part 888 instead. Subpart B, Automatic Annual Adjustment Factors, is also

unnecessary since the factors used for the Section 8 Housing Assistance Payments Program (24 CFR Part 888, Subpart B) are the same and will be used, where appropriate, to adjust rents under the Section 23 program.

HUD will request LHAs and owners to agree to an amendment of the ACC and housing assistance payments contract to incorporate the provisions of the amended Part 800 and make them a part of the applicable contract. It is HUD's intention to delete Part 800 when HUD determines that such contract amendments incorporating this regulation have been executed for all projects subject to Part 800, as amended by this final rule. Further, this rule does not change substantively any existing policies or procedures nor does it affect the rights of owners, individuals or families, LHAs, or other parties participating in the Section 23 program. Therefore, the Department has determined that prior notice and public procedure for this rule would be unnecessary and the rule is being adopted as a final rule.

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

The Catalog of Federal Domestic Assistance program number is 14-156, Lower Income Housing Assistance Program.

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

Accordingly, 24 CFR Parts, 800, 801, 802, and 803 are revised by incorporating Part 801 in Part 800 and by removing Parts 802 and 803 as set forth below:

1. Part 800, is revised in its entirety, including the title of the part and of the subparts, to read as follows:

PART 800—SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM—NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION

Subpart A—Applicability and Scope

Sec.	
800.101	Applicability and scope.
800.102	Definitions.
800.103	Basic policies.

Sec.
800.104 Submission of estimates of required annual contributions.

Subpart B—Project Operation

800.201 Execution of housing assistance payments contract.
800.202 Project operation.
800.203 HUD review of contract compliance.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 10(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1410(b)).

Subpart A—Applicability and Scope

§ 800.101 Applicability and scope.

(a) This part states the policies and procedures for making housing assistance payments on behalf of eligible low-income families leasing newly constructed or substantially rehabilitated housing developed under Section 23 of the U.S. Housing Act of 1937, prior to Amendment by the Housing and Community Development Act of 1974.

(b) As used in this part, New Construction or Substantial Rehabilitation means housing for which prior to the start of construction or rehabilitation: (1) An Annual Contributions Contract (ACC) was executed between the Department of Housing and Urban Development (HUD) and the Local Housing Authority (LHA); and (2) an Agreement to Enter into Housing Assistance Payments Contract (Agreement) was executed between the LHA and the owner. These policies and procedures apply to all projects for which an ACC has been executed.

(c) This part also includes policies and procedures relating to the roles and responsibilities of HUD, the LHA and the owner.

§ 800.102 Definitions.

(a) *Fair market rent and gross rent.* Fair market rent is the gross rent (including utilities, ranges and refrigerators, parking, and all maintenance and management services) for dwelling units of varying size (number of bedrooms) and structure type, which, as determined at least annually by HUD, would be required to be paid in each housing market area in order to obtain privately developed and owned, newly constructed rental housing of modest (nonluxury) nature meeting the objectives of the HUD Minimum Property Standards. Gross rent includes all utilities (except telephone) whether or not paid directly to the utility company by the family.

(b) *Gross family contribution.* The portion of an eligible family's income payable toward the family's gross rent, as determined in accordance with

current HUD regulations and requirements.

(c) *Utility allowance.* An amount, determined by the LHA and approved by HUD as an allowance for the cost of tenant-purchased utilities, which is deducted from the fair market rent for purposes of determining the maximum rent to owner and is included in the gross family contribution.

(d) *Annual contributions contract (ACC).* A written agreement between HUD and an LHA to provide annual contributions to the LHA for participation in the Housing Assistance Payments Program.

(e) *Decent, safe and sanitary condition.* For the purposes of this program, housing is considered to be decent, safe and sanitary if a certificate of occupancy or other similar certification, if required by law, has been issued by the authorized governmental official, and if the following minimum standards are met:

(1) The housing has been determined by the LHA to be decent, safe, and sanitary within the meaning of the U.S. Housing Act based upon all pertinent factors, including, but not limited to, the following:

(i) The condition of the exterior and interior of the structure and the housing unit;

(ii) Adequacy and operating condition of sanitary facilities, which must be private, and adequacy of solid and liquid waste disposal facilities;

(iii) Adequacy and operating condition of kitchen facilities, which must (A) contain a range and refrigerator (except in localities where it is normal practice that tenants provide these items), a sink, space for storage of food and for storage of utensils and dishes, and (B) be private except where authorized as congregate housing meeting HUD requirements for such housing;

(iv) Adequacy and operating condition of heating, lighting and ventilating equipment and/or facilities;

(v) Size, number of rooms, and furnishability to accommodate adequately the size and type of family to be housed.

(2) The owner shall provide either (i) a certification from the authorized local government official or a qualified laboratory that exposed interior and exterior surfaces are free of lead based paint hazards, or (ii) a certification by the owner that these surfaces have been adequately treated or covered, all in accordance with the applicable HUD regulations issued pursuant to Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4801.

(f) *Housing assistance payments contract ("Contract").* A HUD-approved written Contract between an LHA and an owner for the purpose of providing housing assistance payments on behalf of eligible families.

(g) *Eligible families.* Those families determined by the LHA to meet the requirements for admission into housing assisted hereunder. Families shall not be eligible for housing assistance payments when the LHA determines that the gross family contribution equals or exceeds the gross rent for the unit leased. The ineligibility of such families for housing assistance payments shall not affect the family's other rights under its lease.

(h) *Certificate of family participation.* The certificate issued by an LHA declaring a family to be eligible for participation in this program and stating the terms and conditions of such eligibility.

(i) *Lease.* An LHA-approved written agreement between a private owner and an eligible family for the leasing of a decent, safe, and sanitary dwelling unit. The lease shall contain the required provisions specified in the Contract.

(j) *Substantial rehabilitation.* (1) A property will be considered substantially rehabilitated if its condition required more than routine or minor repairs or improvements of such extent as to necessitate execution of an Agreement with the LHA prior to the performance of the work, and the condition is improved to a decent, safe, and sanitary condition and in accord with HUD requirements. (2) Substantial rehabilitation also means renovation, alteration, or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use in this program (e.g., conversion of a hotel to housing for the elderly).

§ 800.103 Basic policies.

(a) *Annual contributions.* (1) The maximum total annual contribution that may be contracted for in the ACC for a project shall be: (i) The total of the HUD-approved maximum rents to owner plus the utility allowance, if any, for tenant-purchased utilities for all units in the project, plus (ii) an allowance for the cost of LHA administration. An amount for security and utility deposits shall be payable out of this total.

(2) A project account, which shall at no time exceed an amount equal to 10 percent of the total of the maximum annual contributions authorized from the effective date of the ACC, may be established and maintained out of amounts by which the maximum annual contributions for any years are not

otherwise payable in such years. This account shall be established and maintained by the LHA or by HUD, as determined by HUD, as a specifically identified and segregated account. Any balance in this account after payment of the last annual contribution for the project shall be paid to HUD and applied by HUD in accordance with law. With HUD approval, amounts in the project account may be used only for the following:

- (i) Increases in housing assistance payments;
- (ii) Increases in the allowance for LHA administrative expenses;
- (iii) Increases in fund requirements for security and utility deposits; and
- (iv) Other expenditures specifically authorized or approved by the Secretary.

(b) *Housing assistance payments.* (1) The housing assistance payments will be made to the owner in an amount that does not exceed the difference between the rent chargeable by the owner as specified in the Contract and the portion of said rent payable by the family.

(2) Housing assistance payments shall be made only for units under lease by eligible families (except as provided in the Contract). If a family vacates a unit in violation of its lease, the owner may continue to receive housing assistance payments for that unit as provided in the Contract only if the owner (i) immediately upon learning of the vacancy, has taken all feasible steps to fill it, such as contacting families on the owner's waiting list, requesting the LHA to refer eligible families, and advertising the availability of the unit; (ii) within 30 days of the date the family vacated the unit, has notified the LHA of the vacancy and the reasons for the vacancy; and (iii) has not rejected, except for good cause acceptable to the LHA, any substitute family referred by the LHA.

(c) *Term of housing assistance payments contract.* The LHA and owner may enter into a Contract for a maximum initial term of five years, with the owner having the option to renew for additional terms of not more than five years each. The total Contract term, including renewals, shall not exceed twenty years for New Construction and fifteen years for Substantial Rehabilitation. (If the project is accepted in stages, the dates for the initial and the renewal terms shall be separately stated for the units in each stage. However, the total Contract term for the units in all stages may not exceed 22 years for New Construction and 17 years for Substantial Rehabilitation from the beginning of the first fiscal year under the ACC.) The LHA may notify the

owner that it will not agree to renew if it determines that the owner is in default under the terms of the Contract.

(d) *Rent adjustments.* Subject to the limitations contained in paragraphs (d) (4) and (5) of this section and to an owner's rights under the Contract, contract rents shall be adjusted as follows:

(1) *Automatic annual adjustments.* On each anniversary date of the Contract, the latest monthly rents shown in the Contract shall be adjusted by applying the HUD approved Automatic Annual Adjustment Factor most recently published in the Federal Register pursuant to 24 CFR Part 888: *Provided*, That such publication was not more than one year prior to the date of the Contract adjustment. Rents may be adjusted upward or downward, as appropriate; however, in no case shall the adjusted rents be less than the rents set forth in the executed Contract on its effective date.

(2) *Special additional adjustments.* Special additional adjustments may be granted when approved by the Secretary for substantial, general increases in property taxes and/or utility rates but only if and to the extent that the owner clearly demonstrates that such general increases have caused increases in the owner's operating costs which are not adequately compensated for by the automatic annual adjustments.

(3) *Renegotiations.* The rents stated in the Contract may only be renegotiated as of the beginning of the sixth, eleventh, and sixteenth (for new construction projects only) years of the Contract (if the Contract is renewed for that length of time), whether or not the effective date of the renegotiation coincides with the beginning of a renewal term. Rents may be renegotiated above the rents which would be permitted by using the automatic annual adjustment factors, if the owner submits to HUD financial statements which clearly support the increase. HUD shall review such statements and may approve rents which reflect reasonable amounts for project operation and return on investment in comparison with comparable rental projects of the same age. Renegotiated rents shall not be applied retroactively.

(4) *Housing financed under the National Housing Act.* Notwithstanding any other provisions of this part, in no case may rents for housing financed with mortgages insured under the National Housing Act exceed the rent formula or other rents established by HUD in connection with the mortgage insurance for the project.

(5) *Limitation.* The LHA will make housing assistance payments in increased amounts commensurate with rent adjustments or renegotiations under this paragraph, but not in excess of the amount available with respect to the unit or units under the Contract out of the maximum total amount of annual contributions payable under Part I, Section 1.3(b)(1) of the ACC. No commitment is made by the LHA or HUD that such maximum total amount of annual contributions will be increased by reason of any such rent adjustments or renegotiations. However, the owner may select eligible families in light of this limitation so that his total receipts (family rents and housing assistance payments) would be commensurate with the adjusted or renegotiated Contract rents.

(e) *Eligible agencies.* (1) All local housing authorities created pursuant to State housing authorities laws are eligible to participate in this program. In addition, the U.S. Housing Act provides that a "public housing agency" may include any State, county, municipality or other governmental entity or public body which is authorized by State law to engage in the development or administration of low-income housing or slum clearance and which may also be eligible to participate in this program. LHA as used herein includes any governmental entity or public body as described in this paragraph.

(2) LHAs may, by agreement, cooperate with each other in carrying out their respective functions. State laws typically provide that a locality which has no LHA can invite another LHA within the State to function within its borders.

(3) In addition to the States that have created statewide LHAs, many have State departments or agencies authorized to administer housing and urban development legislation which qualifies them as public housing agencies under the U.S. Housing Act.

(f) *Equal Opportunity and other requirements.* Participation in the Section 23 Housing Assistance Payments Program requires compliance by all participants with (1) Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, section 3 of the Housing and Urban Development Act of 1968, and the National Environmental Policy Act; and (2) all related rules, regulations, and requirements.

(g) *Security and utility deposits.* Generally, families shall be expected to obtain the funds to pay security deposits (not to exceed one month's total rent to owner) and utility deposits, if required,

from their own, private, or public sources. In hardship cases where a family is unable to obtain funds to pay the required amounts, the LHA may pay the necessary deposits (except telephone) for the family. Such families shall be required to pay, as a first installment toward repayment of the funds advanced by the LHA, an amount at least equal to the lesser of: One-twelfth of the required security and utility deposits, or one month's gross family contribution (see § 800.102(b)). The LHA will pay the full amounts required to owners or utility companies. The funds advanced by the LHA shall be recovered from the families by the LHA generally over a one-year period. Recovery shall be accomplished by adding to the family's monthly rent payment to owner the additional amount specified in the Security Deposit Agreement which shall be remitted to the LHA with the owner's monthly request for housing assistance payments on the forms prescribed or approved by HUD. Failure of the family to pay such amounts shall not affect the amount of housing assistance payments otherwise payable. The amounts remitted to the LHA may be retained by the LHA, in a separate fund in accordance with appropriate HUD accounting procedures, for future payment of security and utility deposits as needed, or otherwise applied in accordance with those procedures.

(h) *Responsibilities of the owner.* The owner shall be responsible for management, maintenance and operation of the project. These responsibilities include but are not limited to paying utilities (unless paid directly by the family), insurance and taxes; performing all ordinary and extraordinary maintenance; performing all management functions including the taking of applications and selection of families (with the exception of determining and verifying family eligibility for a specific dwelling unit, which is done by the LHA); collecting rents; assuming risk of loss from vacancies and nonpayment of rent by tenant families; preparing and furnishing information required by the LHA under the Contract; and complying with equal opportunity requirements. The LHA shall not provide management, maintenance or operation services to the project except where the HUD field office determines that such services are not otherwise available in the locality. In such case, the owner may contract with the LHA to perform such services for a prescribed fee: *Provided*, That such contract shall not shift to the LHA any of the owner's responsibilities and

obligations. Such contract shall be approved by HUD.

(i) *Responsibilities of the LHA.* The LHA shall be responsible for determining family eligibility for assistance; determining the amount of housing assistance payments; issuing Certificates of Family Participation to eligible families; notifying families determined eligible; approving owner-family leases; making housing assistance payments on behalf of eligible families; reexamining family eligibility; inspecting units prior to leasing and at least annually thereafter to determine that the units are maintained in decent, safe, and sanitary condition (failure to do so shall constitute a Substantial Default by the LHA under the Annual Contributions Contract); authorizing evictions; and complying with equal opportunity requirements. The LHA shall provide advice and guidance to eligible families in finding suitable housing, including advice and guidance to families experiencing discrimination, in an affirmative manner to further the policies of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 and Executive Order 11083.

(j) *Responsibilities of the family.* A family receiving housing assistance under this program shall be responsible for fulfilling all its obligations under both the lease with the owner and the Certificate of Family Participation issued to it by the LHA and for cooperating with reexamination requirements.

(k) *Prohibition of Double Subsidy.* The owner shall not request housing assistance payments under the Contract for families who are assisted under the Section 8 Existing Housing Program (24 CFR Part 882, Subparts A and B), the Section 8 Additional Assistance Program (24 CFR Part 886, Subpart A), the rent supplement program, the rental assistance program, or any other similar program.

§ 800.104 Submission of estimates of required annual contributions.

(a) *Initial submission.* An allowance may be provided for preliminary costs incurred by the LHA prior to the beginning of the first fiscal year. When the Annual Contributions Contract is executed, the LHA shall submit an Initial Estimate of Required Annual Contributions (Preliminary Costs) on the prescribed form. This submission includes estimates of costs of administration and of nonexpendable equipment up to the beginning of the first fiscal year.

(b) *First fiscal year submission.* Not earlier than 150 and not later than 90

days prior to the estimated date of the beginning of the first fiscal year, the LHA shall submit an additional Estimate of Required Annual Contributions which covers the anticipated amount for security and utility deposits. At the same time, the LHA shall submit an Annual Estimate of Required Annual Contributions, on the prescribed form, for the first fiscal year. This form covers the estimated amount for housing assistance payments and the allowance for the cost of administration.

(c) *Subsequent fiscal year submissions.* Not earlier than 150 and not later than 90 days prior to the beginning of each subsequent fiscal year, the LHA shall submit an Annual Estimate of Required Annual Contributions, with supporting documentation for any requested changes in the amount of housing assistance payments and the allowance for the cost of administration.

(d) *Revisions of estimates.* Any of the above Estimates may be revised to reflect changes in circumstances and available data.

(e) *HUD approval.* All Estimates of Required Annual Contributions and any revisions thereof submitted by the LHA shall be subject to HUD approval.

Subpart B—Project Operation

§ 800.201 Execution of housing assistance payments contract.

(a) Prior to HUD's authorization of execution of the Housing Assistance Payments Contract, the owner must certify in writing that there has been no change in the evidence of management capability and proposed management program as specified in his proposal other than changes approved in writing by the LHA and HUD in accordance with section 3 of the Agreement.

(b) If HUD determines that the project has been satisfactorily completed and approves such certification and the changes, if any, as to the evidence of management capability and management program, HUD shall authorize execution of the Contract.

(c) Upon receipt of authorization from HUD, the LHA shall execute the Housing Assistance Payments Contract with the owner and transmit a copy of the executed Contract to the HUD field office for approval. If the Contract is found approvable, an approved copy shall be returned to the LHA. If the Contract is not approvable, the LHA shall be notified by HUD as to the necessary changes to be made before the Contract can be approved.

§ 800.202 Project Operation.

(a) *Occupancy.* Marketing by the owner and determinations of family eligibility and approval of owner-family leases by the LHA shall begin no later than 90 days prior to project completion and be accomplished so as to achieve rapid occupancy.

(b) *Compliance with equal opportunity requirements and applicable LHA admission regulations.* Marketing of units and selection of families by the owner shall be in accordance with the owner's HUD-approved Affirmative Fair Housing Marketing Plan and with all regulations relating to fair housing advertising including use of the equal opportunity logotype, statement, and slogan in all advertising, and with applicable LHA regulations establishing admission policies, including policies, if any, carrying out its responsibility for rehousing displaced families. Projects shall be managed and operated without regard to race, color, creed, sex, or national origin.

(c) *Selection of families for participation.* The owner shall be responsible for selection of families, subject to certification of eligibility by the LHA. The owner shall request the LHA, in accordance with procedures to be agreed upon by the owner and the LHA, to certify the eligibility of a selected family and to approve the proposed owner-family lease. Such request shall be made by submitting to the LHA the Determination of Family Eligibility and Lease Approval. The owner and the family shall complete Part I of the form, Request for Determination, and submit, with the request, the proposed owner-family lease, complete except for execution and the amount of rent payable by the family.

(d) *LHA determination of family eligibility and lease approval.* Within the time period specified in the Agreement and the Contract, the LHA shall return a copy of Part II of Authority Determination, to the owner and the family indicating one of the following:

(1) That additional, specified information is required from the owner to enable the LHA to make its determination.

(2) That the family is eligible, as evidenced by a Certificate of Family Participation issued and signed by the LHA, and that the dwelling unit specified in the lease and the lease itself meet program requirements and are approved. (See § 800.202(e) for lease requirements.) The owner shall thereupon notify the family that it may

occupy the leased unit on a stated date after signing the Certificate and after execution of the lease and the Security Deposit Agreement, if any. A copy of each signed document shall be returned to the LHA by the owner.

(3) That the request cannot be approved because the family is not eligible or the dwelling unit or the proposed lease does not meet program requirements.

Records on applicant and certified families shall be maintained by the LHA so as to provide HUD with racial and ethnic data.

(e) *Lease requirements.* The owner-family lease shall contain all required provisions specified in section 15 of the Contract and none of the prohibited provisions listed in paragraph (e)(2) of this section and shall otherwise conform to the terms of the Contract and the provisions of this part.

(1) *Term of lease.* The term of the lease shall be for not less than one year and shall generally be for not more than one year, but may contain a provision permitting termination upon 30 days advance written notice by either party. The specified lease term, including specified renewal options, if any, shall in no case exceed five years or the term of the Housing Assistance Payments Contract (see section 5 of Contract), whichever is shorter.

(2) *Prohibited provisions.* Lease clauses which fall within the classifications listed below shall not be included in any owner-family lease.

(i) *Confession of judgment.* Constitutes prior consent by tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

(ii) *Holding property for rent or other charges.* Agreement by tenant that landlord is authorized to take property of the tenant and hold it as a pledge until the tenant performs the obligation which the landlord has determined the tenant has failed to perform.

(iii) *Exculpatory clauses.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representatives or agents.

(iv) *Waiver of legal notice by tenant prior to actions for eviction or money judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed, thus preventing the tenant from defending against the lawsuit.

(v) *Waiver of legal proceedings.* These clauses authorize the landlord to

act to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach of default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(vi) *Waiver of jury trial.* These clauses authorize the landlord's lawyer to appear in court for the tenant and waive the right to a trial by jury.

(vii) *Waiver of right to appeal judicial error in legal proceedings.* These clauses authorize the landlord's lawyer to waive the right to appeal for judicial error in any suit or the right to file a suit in equity to prevent the execution of a judgment.

(viii) *Tenant chargeable with costs of legal actions regardless of outcome.* These clauses provide that the tenant agrees to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court determines that the tenant prevails in the action. This does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.

(f) *Continued family participation.* A family must continue to occupy its approved unit to remain eligible for participation in the Housing Assistance Payments Program except under the following conditions. If the family (1) wishes to vacate its unit at the end of the lease term (or prior thereto but in accordance with the provisions of the lease) in order to move to another approvable unit, or (2) is required to move for reasons other than violation of the lease on the part of the family (as determined by the LHA), and wishes to move to another approvable unit, the family shall be given a new Certificate of Family Participation providing for housing assistance payments for occupancy of such other unit, if:

(i) The family provides reasonable notice (at least 30 days) to the LHA of its intention to vacate;

(ii) The LHA determines that the family is in compliance with the provisions of the lease, including provisions requiring notice to the owner, if applicable;

(iii) The LHA determines that the family continues to be eligible for such assistance;

(iv) The LHA determines that the family is meeting its obligations for repayment of security deposits, if any; and

(v) The LHA has sufficient funds under its Annual Contributions Contract.

(g) *Inapplicability of low-rent public housing model lease and grievances procedures.* Model lease and grievances procedures established by HUD for LHA-owned low-rent public housing are not applicable to the Section 23 Housing Assistance Payments Program.

(h) *Units not leased to eligible families.* (1) If at any time, beginning six months after the execution of the Contract, the owner fails for a continuous period of three months to have at least 80 percent of the Contract units leased by eligible families, the LHA shall refer to the owner available eligible families interested in leasing units in the project. If the LHA makes such referrals to the owner, and the owner refuses to accept such families without good reason, in the judgment of the LHA, the LHA with HUD approval may on 30 days notice reduce the number of units under the Contract to not less than 111 percent of the number of units under lease by eligible families.

(2) As of the end of the initial term of the Contract and of each renewal term, the LHA, with HUD approval, may reduce the number of units under the Contract to not less than 111 percent of (i) the number of units under lease by eligible families at that time or (ii) the average number of units so leased during the last year, whichever is the greater number.

(3) In the event of any reduction in the number of units under the Contract, in accordance with this paragraph, the LHA and HUD shall amend the ACC to reduce the amount of annual contributions payable thereunder to an amount commensurate with the lower number of units covered by the Contract.

§ 800.203 HUD review of contract compliance.

No later than 6 months after execution of the Housing Assistance Payments Contract for the project, HUD shall review project operations to ensure that the owner and the LHA are in full compliance with the terms and conditions of the Contract. Subsequent reviews shall be scheduled as necessary.

PARTS 801-803 [REMOVED]

2. 24 CFR is amended by removing Parts 801, 802, and 803.

(Sec. 7(d), Department of Housing and Urban Development Act [42 U.S.C. 3535(d)]; sec. 10(b), U.S. Housing Act of 1937 [U.S.C. 1410(b)])

Issued at Washington, D.C. October 19, 1981.

Philip D. Winn,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 81-33657 Filed 11-20-81; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AH3001VA/AH300hVA; A-3-FRL 1951-6]

Approval of Revisions to the Virginia Implementation Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On August 19, 1980 (45 FR 55180), EPA conditionally approved the Virginia State Implementation Plan (SIP) in instances where the plan was deficient and the Commonwealth had assured EPA that it would submit corrections.

This Notice announces receipt and approval of SIP revisions submitted by the Commonwealth on April 13, 1981 and July 23, 1981 to correct these deficiencies.

EFFECTIVE DATE: November 23, 1981.

ADDRESSES: Copies of the materials submitted by the Commonwealth of Virginia are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, PA 19106, Attn.: Patricia Sheridan

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, VA 23219, Attn.: Mr. John M. Daniel, Jr.
Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

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

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen at the EPA, Region III address or telephone 215/597-8187.

SUPPLEMENTARY INFORMATION:

Summary

EPA conditionally approved the Virginia State Implementation Plan (SIP), on August 19, 1980 (45 FR 55180),

in instances where the plan was deficient and the State had assured EPA that it would submit corrections.

The Virginia SIP revision submitted on January 11, 1979, was developed and submitted to EPA in response to the requirements of Part D of the Clean Air Act, as amended in 1977. In general, the SIP is required to provide for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for all areas which have been designated "nonattainment" pursuant to Section 107 of the Clean Air Act. Specific requirements for an approvable SIP are discussed in detail in the April 4, 1979, Federal Register (44 FR 20372); as amended by 44 FR 38583, July 2, 1979; 44 FR 50371, August 28, 1979; 44 FR 53761, September 17, 1979; and 44 FR 67182, November 23, 1979.

EPA proposed rulemaking on the deadlines and conditions on August 19, 1980 (45 FR 55228). Conditional approval means the restrictions under Sections 110, 176, and 316 of the Clean Air Act would not apply unless Virginia failed to submit the necessary corrections or EPA failed to approve them. A discussion of conditional approval and its practical effects appears in the July 2, 1979 Federal Register (44 FR 38583) and the November 23, 1979 Federal Register (44 FR 67182). On April 16, 1981 (46 FR 22185), EPA announced final approval of the deadlines by which the Commonwealth of Virginia was to remedy the conditionally approved portions of its SIP.

EPA Evaluations

The conditions, specified in the April 16, 1981 Federal Register (46 FR 22185), have been satisfied by the April 13, 1981 SIP submittal and are discussed in detail below:

(1) *RACT as expeditiously as practicable.* The RACT deficiencies must be remedied according to the following schedule: Not later than April 30, 1981, except where noted, adequate justification for deviating from RACT recommendations or final regulations, where applicable must be submitted. The following regulations contain RACT deficiencies that must be remedied:

(i) The emission limitations on automobile and light duty truck coating in § 4.55(e)(2) must be revised or an adequate justification for deviating from RACT must be submitted by August 18, 1981.

In the July 30, 1979 proposed rulemaking, 44 FR 44564, pertaining to EPA's preliminary review of the January 11, 1979 SIP revision, EPA noted that the emission limitation of 4.8 pounds of VOC per gallon of coating for

automobile and light duty truck surface coating in § 4.55(e)(2) for topcoat application was not considered RACT. This regulation was conditionally approved on August 19, 1980 at 45 FR 55228 allowing the Commonwealth of Virginia to either justify their emission limitation or to revise the regulation to reflect RACT.

Since that time the Agency has been involved in a number of discussions with the States and the automobile industry regarding RACT for paint shop operations.

Significant concerns have been identified with the expense of incorporating this new coating technology in plants which now have relatively short ovens and spray booths. The application of RACT in such plants will need to recognize on a case-by-case basis the cost imposed by such physical limitations. Since the low-emitting coatings are not yet fully developed, the Agency has recommended that States do not now modify present emission limitations for topcoat operations at plants with relatively short ovens and spray booths. Rather, the Agency plans to work with States to address this circumstance as part of an evaluation of available technology to be performed by EPA by the end of 1984.

Virginia's emission limits do not require the use of this low-emitting technology. However, it does not appear appropriate to require the State to adopt an interim limit when EPA has indicated it will be performing an evaluation of the technology and may require a subsequent modification to the limit. In any case, since the final compliance date would be after 1984, an interim limit would have no practical impact on air quality. Therefore, EPA is deleting this condition and approving § 4.55(e)(2) of the Commonwealth of Virginia's SIP at this time.

(ii) The exemption from Stage I vapor controls for gasoline service stations with a throughput of less than 20,000 gallons per month, contained in § 4.56(d)(3)(ii) (for Richmond only).

Appendix A of the April 13, 1981 SIP revision contains an adequate justification for exempting service stations with a monthly throughput of less than 20,000 gallons per month. Therefore, § 4.56(d)(3)(ii) is now approved.

(iii) The general exemption for sources of VOC emissions contained in § 4.54(a)(4)(i), as it applies to § 4.54(c) dealing with Solvent Metal Cleaning (For Richmond and Northern Virginia only).

Section 4.54(a)(5) has been revised to delete this exemption as it applies to

sources in Northern Virginia. The Commonwealth has submitted a SIP revision (February 16, 1981) demonstrating attainment of the ozone standard by 1982 in the Richmond area. Therefore, the exemption may remain for sources in the Richmond area, and § 4.54(a)(5) is now fully approved.

(iv) The regulations covering cutback asphalt paving in § 4.57(b) must be remedied to correct two deficiencies:

(a) The maximum allowable solvent content of emulsified asphalt of 15 percent is not RACT.

(b) Allowing the use of cutback asphalt as a tack coat is not RACT.

Section 4.57(b)(1) has been changed and § 4.57(b)(4) has been added to provide an acceptable maximum annual average solvent content in emulsified asphalt.

Appendix A provides an acceptable demonstration justifying the use of cutback asphalt as a tack coat. Section 4.57(b) is now approved.

(2) *Enforceability.* (i) Acceptable test methods and procedures for determining compliance with §§ 4.54, 4.55, 4.56, and 4.57 must be submitted by April 30, 1981.

Approvable test methods for all sources subject to these regulations are contained in Appendix B, and these sections are now fully approved.

(ii) An acceptable definition of "reasonable further progress" must be submitted by April 30, 1981.

This submittal contains an approvable definition and corrects the previously noted deficiency.

(3) *Conformity Requirements.* Commitments must be adopted by each lead agency and Metropolitan Planning Organization (MPO) in the Northern Virginia, Richmond, Peninsula, and Southeastern Virginia areas that no project, program, or plan will be approved that does not conform with the SIP. These commitments must be adopted by the designated lead agencies and MPOs, be endorsed by the State, and be submitted to EPA by April 30, 1981.

Chapter 10 of the Plans for the Richmond, Peninsula and Southeastern Virginia areas contain the required commitments. The agreement from the MPO for the Northern Virginia area, the Washington Council of Governments, was not adopted by the MPO until after the April 13 submittal. The commitment from the Northern Virginia MPO was submitted on July 23, 1981 and is also acceptable.

(4) *Carbon Monoxide.* A "hot spot" analysis for carbon monoxide in the carbon monoxide (CO) nonattainment portions of the National Capital Interstate AQCR, as well as a line of reasonable further progress for carbon

monoxide, must be submitted by April 30, 1981.

Appendix C contains an acceptable CO "hot spot" analysis and satisfies the previously noted condition.

Conclusion

In view of this evaluation, the Administrator approves the above described amendments as revisions to the Virginia SIP. In conjunction with the Administrator's approval, 40 CFR 52.2420 (Identification of Plan) of Subpart VV (Virginia) is revised to incorporate these revisions and § 52.2431(e) (Control Strategy: Carbon monoxide and ozone) is revised to delete the previously imposed conditions.

The Administrator finds good cause exists for making these changes immediately effective. The conditions imposed on EPA's approval of Virginia's nonattainment SIP were the subject of both a proposed and final rulemaking. The subject submittal, satisfying these conditions, imposes no new or unexpected requirements. Therefore, the Administrator finds that the previous rulemakings provided for adequate public participation and that no good purpose would be served by further delaying the effective date of these regulations.

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

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

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

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

(42 U.S.C. 7401-7042)

Dated: November 18, 1981.

Anne M. Gorsuch,
Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart VV—Virginia

1. In § 52.2420, *Identification of plan*, paragraph (c)(47) is added as follows:

§ 52.2420 Identification of plan.

(c) * * *

(47) Amendments to Chapter 1 of all nonattainment plans; amendments to Chapter 11 of the Richmond, Northern Virginia, Peninsula and Southeastern plans; amendments to Chapter 9 of the Roanoke and Stafford plans; addition of Appendices A and B to all plans; amendments to Chapter 3 of the Northern Virginia, Peninsula, Southeastern, Roanoke and Stafford plans; amendments to Chapter 10 of the Richmond, Peninsula and Southeastern plans; addition of Appendix C to the Northern Virginia Plan; and, certain revisions to Chapter 5 of all plans were submitted by the Secretary of Commerce and Resources on April 13, 1981. Revision of Chapter 10 of the Northern Virginia plan submitted on July 23, 1981.

§ 52.2431 [Amended]

2. In § 52.2431, *Control Strategy*: Carbon monoxide and ozone, remove paragraph (e).

[FR Doc. 81-33680 Filed 11-20-81; 8:45 am]

BILLING CODE 6580-01-M

40 CFR Part 264

[SWH-FRL 1903-1]

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim rule.

SUMMARY: EPA is today revising Appendix VI to 40 CFR Part 264. Appendix VI lists political jurisdictions within which the probability of Holocene fault displacement and deformation warrants a geologic investigation in order to demonstrate compliance with the seismic location standard for hazardous waste management facilities in § 264.18(a). Facilities not located in these areas are presumed to be in compliance with the standard. This amendment deletes from Appendix VI those areas where the risk of facility damage due to fault

displacement and deformation does not warrant a geological investigation. This amendment is the result of EPA's review of public comments and new information received after January 12, 1981.

DATES: This interim final amendment is effective on November 23, 1981. Comments are due on or before December 23, 1981.

ADDRESSES: Comments should be addressed to Deneen Shrader, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Commenters should identify this rulemaking as follows: "Docket No. 3004, Appendix VI to Part 264". The public docket for this regulation is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., and is available for viewing from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Cindy Hoppmann, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9201.

SUPPLEMENTARY INFORMATION:

I. Authority

This amendment is issued under the authority of Sections 2002(a) and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a) and 6924.

II. Background of and Basis for Amendment

On January 12, 1981 (46 FR 2802), EPA promulgated permitting standards for new and existing hazardous waste management facilities. Section 264.18(a) of these standards prohibits the issuance of a permit to a new facility which is located within 200 feet of a fault which has had displacement in Holocene time. Compliance with this standard must be demonstrated by a geologic investigation. See § 122.25(a)(11).

The January 12 standards do not require a geologic investigation in all areas, however. As noted in the preamble to the standards, not all areas of the United States are affected by Holocene faulting (46 FR 2810-2813). EPA concluded that requiring a geological investigation in areas known not to have Holocene faults would impose an unnecessary regulatory burden and cost on a hazardous waste management facility. Thus, a geological investigation is required only for those areas which have some historical

evidence of faulting or potential for such faulting. These areas are listed in Appendix VI to Part 264.¹ EPA based its selection of those areas on two maps: The "Map for Coefficient Aa" (coefficient Aa is a measure of ground motion) by the Applied Technology Council (1978), and the "Preliminary Map of Young Faults in the United States as a Guide to Possible Fault Activity" by Howard and others of the United States Geological Survey (1978) (hereinafter "USGS Map").

EPA also stated in the January 12 preamble that Holocene deposits and landforms (e.g., fault scarps, offset streams) are either nonexistent or incomplete in some areas of the United States. In such areas, an inspection of the geologic strata does not yield enough evidence to conclusively determine when the most recent displacement occurred (see 46 FR 2812). An example was given of areas where glacial activity stripped the surficial ground cover and left highly resistant rock. It was stated that in situations of this sort, indirect methods such as a review of records of the location of epicenters of historic earthquakes, and an examination of possible fault-related features expressed in Pleistocene and older deposits would have to be conducted to determine if Holocene faults are present within 200 feet of the facility.

Since this standard was promulgated, EPA has learned that there are no faults east of the front range of the Rocky Mountains which have been conclusively identified as having had displacement during Holocene time. Geologists at the U.S. Geological Survey working on updated versions of the USGS Map confirm this finding.

Moreover, information obtained from the U.S. Geological Survey suggests important differences in the geology of the areas east and west of the eastern front of the Rocky Mountains. In the Eastern United States, there is a general lack of usable stratigraphic horizons upon which to base age dates of faulting. In addition, faults in the East do not break the surface as frequently as they do in the West. In the relatively few instances where faults are visible at the surface in the East, the exposed deposits are usually either older than Holocene age or they cannot be precisely dated. Under these geologic conditions, geologists cannot determine with certainty whether a fault has had displacement in Holocene time. The

¹Facilities located in areas not listed in Appendix VI are presumed to be in compliance with the standard.

geologist can state with certainty only that the fault moved after the uppermost deposits that are displaced were laid down.

More importantly, in the Eastern United States the risk of any fault displacing and deforming the earth's surface is very low (e.g., the risk is two to three orders of magnitude lower than the risk of a 100-year flood). Even the largest historical shocks (e.g., New Madrid, Missouri and Charleston, South Carolina) have not broken the ground to form the obvious fault traces typical of West Coast faulting. Therefore, the probability is very low that displacement and deformation along Holocene faults, the very processes that the seismic standard was intended to protect against, would occur in the near future in the East.

Furthermore, it is dubious whether or not an investigation conducted in the East would turn up useful information about Holocene faulting. EPA stated in the January 12 preamble that where Holocene deposits are scarce, indirect methods can be used to determine if Holocene faults are present within 200 feet of the facility. EPA now realizes that it is doubtful whether these indirect methods would indicate the presence of a fault, much less a Holocene fault, in the East. This is because, whereas some areas in the East have experienced repeated earthquakes, a surface fault has not been identified as being associated with the earthquakes even after extensive study.

EPA received comments on the interim final seismic standard which argued that we should not require a potentially costly demonstration where no documented evidence of Holocene fault displacement exists. Some commenters suggested that where the USGS Map does not indicate the existence of Holocene faults, the seismic standard should not apply.

EPA agrees that a potentially costly demonstration should not be required where available evidence indicates that the presence of Holocene faults is unlikely. Furthermore, EPA believes that the USGS Map should only be used as a definitive guide insofar as it represents the best and most recent geological information available. Because no Holocene faults have been identified east of the front range of the Rocky Mountains, and because the risk of fault displacement and deformation is low in the East, EPA has decided to limit the requirement for a geological investigation to political jurisdictions which are west of the front range of the Rocky Mountains. Accordingly, Appendix VI to Part 264 is today being revised so that only owners and

operators of facilities which are located in the following states (or identified portions thereof) will be required to conduct a geologic investigation: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Utah, Washington, and Wyoming. The seismic standard in § 264.18(a) and the information requirements for permit applications in § 122.25(a)(11) remain unchanged.

Although EPA does not believe that fault displacement and deformation represent a significant risk for location of hazardous waste facilities east of the front range of the Rocky Mountains, the Agency continues to be concerned about possible damage to facilities due to ground motion and ground failure in these areas. EPA is continuing to consider the need for a location standard which addresses ground motion and ground failure (see 46 FR 2811 for discussion).

III. Economic and Regulatory Impact

EPA has determined, pursuant to Executive Order 12291, that the amendment promulgated here today does not constitute a major rule and therefore, that no Regulatory Impact Analysis is required. This amendment results in a net reduction in regulatory burden and compliance costs for the regulated community. Geological investigations will no longer be required for hazardous waste management facilities located in those portions of the United States, east of the front range of the Rocky Mountains, which were listed in the original Appendix VI.

In compliance with Executive Order 12291, EPA submitted this notice to the Office of Management and Budget (OMB) for review.

The Regulatory Flexibility Act requires all Federal agencies to consider the effects of their regulations on small entities (i.e., small businesses, small organizations and small governmental jurisdictions). As this amendment reduces the net regulatory burden on new hazardous waste management facilities, regardless of their size, it will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not necessary.

IV. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions thereto take effect six months after their promulgation. The purpose of this statutory requirement is to allow persons affected by the regulations sufficient lead time to prepare to comply with major new regulatory requirements. Because this amendment eliminates an

existing regulatory requirement for some facilities, EPA believes that a six-month effective date is not needed to serve the purpose of Section 3010(b). Moreover, the Agency believes that an effective date six months after promulgation would defeat the purpose of this amendment. EPA is therefore making this amendment effective on November 23, 1981.

Dated: November 17, 1981.

Anne M. Gorsuch,
Administrator.

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

For the reasons set forth in the preamble, Appendix VI to Part 264 of Title 40 of the Code of Federal Regulations is revised to read as follows:

Appendix VI to Part 264—Political Jurisdictions¹ in Which Compliance With § 264.18(a) Must Be Demonstrated

Alaska	
Aleutian Islands	Kodink
Anchorage	Lynn Canal-Icy Straits
Bethel	Palmer-Wasilla-Talkeena
Bristol Bay	Seward
Cordova-Valdez	Sitka
Fairbanks-Fort Yukon	Wade Hampton
Juneau	Wrangell Petersburg
Kenai-Cook Inlet	Yukon-Kuskokwim
Ketchikan-Prince of Wales	
Arizona	
Cochise	Greenlee
Graham	Yuma
California	
All	
Colorado	
Archuleta	Mineral
Conejos	Rio Grande
Hinsdale	Saguache
Hawaii	
Idaho	
Bannock	Franklin
Bear Lake	Fremont
Bingham	Jefferson
Bonneville	Madison
Caribou	Oneida
Cassia	Power
Clark	Teton
Montana	
Beaverhead	Cascade
Broadwater	Deer Lodge

¹ These include counties, city-county consolidations, and independent cities. In the case of Alaska, the political jurisdictions are election districts, and, in the case of Hawaii, the political jurisdiction listed is the island of Hawaii.

Flathead	Park
Gallatin	Powell
Granite	Sanders
Jefferson	Silver Bow
Lake	Stillwater
Lewis and Clark	Sweet Grass
Madison	Teton
Meagher	Wheatland
Missoula	

Nevada

All

New Mexico

Bernalillo	Sante Fe
Catron	Sierra
Grant	Socorro
Hidalgo	Taos
Los Alamos	Torrance
Rio Arriba	Valencia
Sandoval	

Utah

Beaver	Piute
Box Elder	Rich
Cache	Salt Lake
Carbon	Sanpete
Davis	Sevier
Duchesne	Summit
Emery	Tooele
Garfield	Utah
Iran	Wasatch
Juab	Washington
Millard	Wayne
Morgan	Weber

Washington

Chelan	Mason
Clallam	Okanogan
Clark	Pacific
Cowlitz	Pierce
Douglas	San Juan Islands
Ferry	Skagit
Grant	Skamania
Gray Harbor	Snohomish
Jefferson	Thurston
King	Wahkiakum
Kitsap	Whatcom
Kittitas	Yakima
Lewis	

Wyoming

Fremont	Teton
Lincoln	Uinta
Park	Yellowstone National
Sublette	Park

[FR Doc. 81-33788 Filed 11-20-81; 8:45 am]

BILLING CODE 6560-30-M

40 CFR Part 429

[WH-FRL 1936-2]

Timber Products Processing Point Source Category Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule; Technical Amendment and Correction.

SUMMARY: On January 26, 1981, EPA promulgated effluent guidelines and standards under the Clean Water Act for pollution discharges from the timber products industry. Shortly afterwards,

the American Hardboard Association (AHA) expressed concerns about the new source performance standard promulgated for the wet process hardboard subcategory. AHA also brought to EPA's attention an error in the definition of process wastewater for the dry process hardboard, veneer, finishing, particleboard, and sawmills and planing mills subcategories.

In response to AHA's concerns, EPA is today limiting the applicability of the new source performance standards for the wet process hardboard subcategory. It is also correcting the inadvertent error in the definition of process wastewater for the dry process hardboard and other subcategories.

EFFECTIVE DATE: These amendments will become effective December 23, 1981. In accordance with 40 CFR 100.01 (45 FR 26048), these amendments shall be considered issued for purpose of judicial review at 1:00 p.m. Eastern time on December 7, 1981.

ADDRESS: The record for this rulemaking is available for public inspection and copying at EPA's Public Information Reference Unit, Room 2404 (Rear) PM-213 (EPA Library), 401 M St., S.W., Washington, D.C. 20460. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Richard E. Williams, Environmental Protection Agency, Effluent Guidelines Division (WH-552), 401 M St., S.W., Washington, D.C. 20460, (202) 426-2554.

SUPPLEMENTARY INFORMATION:

I. New Source Performance Standards—Wet Process Hardboard Subcategory

On January 26, 1981, EPA promulgated effluent guidelines and standards for various subcategories in the timber products industry. These standards included a new source performance standard for the wet process hardboard subcategory, which required new sources to achieve no discharge of process wastewater pollutants (see 40 CFR 429.64, 46 FR 8290). Shortly after promulgation, the AHA requested EPA to rescind the wet process hardboard new source performance standard. AHA based its request on concerns about the Agency's proposed criteria for identifying "new sources." These criteria define "new source" to include not only sources which are constructed where no other industrial sources presently exist (i.e., "greenfield" sites) but also sources which are constructed at the site of an existing source and either totally replace the processes causing the discharge at the existing source or are substantially independent

of the processes causing the discharge at the existing source (see 45 FR 59343-59344, September 9, 1980). AHA pointed out that, in promulgating the new source performance standard for the wet process hardboard subcategory, EPA only evaluated the impact of this no discharge requirement on new sources constructed at "greenfield" sites—not on new sources created by the modification of existing sources. AHA suggested that, without undertaking further analysis, it was improper for EPA to require new sources other than "greenfield" facilities to meet the no discharge limitation.

EPA agrees that AHA's concerns have merit. Achievement of the no discharge new source performance standard for the wet process hardboard subcategory depends, to a large extent, on the application of spray irrigation—a particularly land-intensive treatment technology. It was appropriate for EPA to assume that "greenfield"-type new sources have the flexibility to obtain the land required for spray irrigation. Without engaging in further analysis, however, it was inappropriate for EPA to assume that non-"greenfield" new sources would always have the ability to obtain the land required for spray irrigation. Consequently, EPA is amending the new source performance standard for the wet process hardboard subcategory to make it applicable only to "greenfield" facilities. As a result of this amendment, substantial modifications of existing sources, which might possibly qualify as new sources under the previous definition, will only be required to comply with the limitations applicable to existing sources. This change will be restricted to the wet process hardboard subcategory and will not affect the Agency's general definition of "new source" or the criteria for identifying the sources which fit within this definition. That definition and the accompanying criteria, once finalized, will be generally applicable to all other industrial subcategories.

II. Process Wastewater Definition—Dry Process Hardboard, Veneer, Finishing, Particleboard, and Sawmills and Planing Mills Subcategories

In its January 26, 1981 promulgation of effluent guidelines and standards for the timber industry, EPA included, for the sake of completeness, a number of timber effluent guidelines and standards which had been previously promulgated in 1974-1976 and were not substantively amended by the 1981 promulgation. Among these were the effluent guidelines and standards for the dry process hardboard, veneer, finishing,

particleboard, and sawmills and planing mills subcategories.

In the course of republishing these limitations and standards, EPA inadvertently neglected to exclude fire control water from the definition of process wastewater for these subcategories. EPA is amending the process wastewater definition to correct its error.

Promulgation Without Notice and Comment

The Administrative Procedure Act requires agencies engaged in rulemaking to provide notice and opportunity for public comment before taking final action. An exception is created where notice and opportunity for comment are "impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. 553. The Administrator has determined that there is good cause to promulgate these amendments without prior notice and opportunity for comment because they are either corrective or technical in nature. In view of the limited impact of these amendments, notice and opportunity for comment are unnecessary. Additionally, it would be a disservice and possible source of confusion to the few persons affected by these amendments to fail to immediately correct the Agency's errors.

Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it is technical in nature and has the effect of relaxing regulatory requirements.

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

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. Although this rule is not subject to this requirement because it is not being proposed, EPA has determined that for the reasons discussed above, it does not have a significant adverse impact on small entities.

Dated: November 17, 1981.

Anne M. Gorsuch,
Administrator.

PART 429—TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

40 CFR Part 429 is amended as follows:

1. The authority citation for Part 429 reads as follows:

Authority: Sections 301, 304(b), (c), (e), and (g), 306(b) and (c), 307(a), (b), and (c), and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act"); 33 U.S.C. 1311, 1314(b), (c), (e), and (g), 1316(b) and (c), 1317(b) and (c), and 1361; 86 Stat. 815, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

2. In § 429.11, paragraph (c) is revised to read as follows:

§ 429.11 General definitions.

(c) The term "process wastewater" specifically excludes noncontact cooling water, material storage yard runoff (either raw material or processed wood storage), and boiler blowdown. For the dry process hardboard, veneer, finishing, particleboard, and sawmills and planing mills subcategories, fire control water is excluded from the definition.

Subpart E—Wet Process Hardboard Subcategory

3. Section 429.64 is amended by adding the following sentence at the beginning of the section:

§ 429.64 New source performance standards (NSPS).

For purpose of this new source performance standard only, "new source" means a source which is constructed at a site at which no other source covered by this Part is located.

[FR Doc. 81-33685 Filed 11-20-81; 8:45 am]

BILLING CODE 6560-29-M

40 CFR Part 429

[WH-FRL-1989-2]

Timber Products Point Source Category; Availability of the Final Development Document for Effluent Limitations Guidelines and Standards

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: EPA promulgated final rules for the Timber Products Point Source Category on January 26, 1981 (46 FR 8260; 40 CFR Part 429; Subparts A-N). These regulations are required by the Clean Water Act of 1977. The development document presents the

findings of the study which supports the final regulations.

ADDRESS: Copies of the Development Document may be obtained by contacting the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22151; (703) 487-4600. (Refer to accession number PB81 227282.) The cost is \$35.00 for a paper copy or \$3.50 for a microfiche.

FOR FURTHER INFORMATION CONTACT: Richard Williams, (202) 426-2554.

Dated: November 13, 1981.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

[FR Doc. 81-33554 Filed 11-20-81; 8:45 am]

BILLING CODE 6560-29-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-26

[FPMR Amdt. E-248]

Procurement Leadtimes

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation updates the table of procurement leadtimes in the FPMR to provide guidance to activities in the requisitioning of the listed commodities, and to aid agencies in estimating delivery dates of items GSA purchases for them.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Walter L. Eckbreth, Director, Office of Policy and Planning (703-557-0700).

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

PART 101-26—GENERAL

Section 101-26.4801 is revised to read as follows:

§ 101-26.4801 Procurement leadtimes.

The following table shall be used to estimate delivery dates of items purchased by GSA for other agencies:

Federal supply classification (FSC) codes	Commodities	Lead-time in calendar days ¹
1000-1399	Weapons, ammunition, and explosives	150
1400-1599	Civil aircraft	150
1600-2499	Aircraft components, railway equipment, and motor vehicles	285
2310 ²	Passenger vehicles	285
2310 ³	Buses	370
2320 ³	Light trucks 4 x 2 and 4 x 4 under 11,000 GVW	285
2320 ³	All trucks over 11,000 GVW	350
2330 ³	Trailers	285
2500-2599	Vehicle parts	100
2600-2799	Tires and tubes	135
2800-2899	Engines, turbines, and parts	175
2900-3199	Engines, accessories, power equipment, and bearings	175
3200-3499	Woodworking and metalworking machinery	180
3500-3599	Service and trade equipment	180
3600-3699	Special industry machinery	180
3700-3799	Agricultural machinery and equipment	250
3800-3999 ³	Construction, highway, and materials handling equipment	195
4000-4099	Rope, cable, chain, and fittings	140
4100-4199	Refrigeration and air conditioning equipment	180
4200-4219	Firefighting equipment other than fire trucks	200
4210	Fire trucks	400
4220-4299	Rescue and safety equipment	135
4300-4399	Pumps and compressors	130
4400-4499	Furnace, steam plant, and drying equipment	175
4500-4899	Plumbing, heating, and related equipment	150
4900-5099	Maintenance and repair shop equipment	175
5100-5129	Handtools, nonpowered	180
5130-5132	Handtools, power-driven	180
5133-5179	Drill bits, taps, dies, and collets	120
5140-5179	Tool and hardware boxes	180
5180-5199	Sets, kits, and outfits of handtools	180
5200-5299	Measuring tools	180
5300-5339	Screws, fasteners, and nails	180
5340-5344	Miscellaneous hardware	150
5345-5399	Disks, stones and abrasives	180
5400-5499	Prefabricated structures	165
5500-5599	Lumber	140
5600-5799	Construction and building materials	140
5800-5899 ⁴	Communication equipment	150
5900-5959	Electrical and electronic components	135
5970-5999	Electrical parts	150
6000-6199	Electrical wire	175
6200-6299	Lighting fixtures and lamps	180
6300-6399	Alarm and signal systems	95
6400-6599	Medical, dental, and veterinary equipment and supplies	180
6600-6699	Instruments and laboratory equipment	150
6700-6799	Photographic equipment	90
6800-7099	Chemicals, training materials, and data processing and related equipment and supplies	175
7100-7109	Household furniture	210
7110-7121	Office furniture	255
7125-7194	Cabinets, lockers, bins and shelving	255
7195-7199	Miscellaneous furniture and fixtures	255
7200-7219	Household furnishings	200

Federal supply classification (FSC) codes	Commodities	Lead-time in calendar days ¹
7220-7229	Floor coverings	250
7230-7239	Draperies, awnings, and shades	220
7240-7289	Household and commercial containers	180
7200-7299	Miscellaneous household and commercial furnishings and appliances	180
7300-7329	Food, cooking, baking, and warming kitchen equipment	180
7300-7339	Kitchen handtools and utensils	180
7400-7459	Office machines	120
7460-7489	Visible record equipment	150
7490-7499	Miscellaneous office machines	110
7500-7519	Office supplies	150
7520-7529	Office devices and accessories	150
7530-7539	Stationery and record forms	150
7540-7599	Standard forms	160
7600-7699	Books and other publications	180
7700-7799	Musical instruments, photographs, and radios	150
7800-7899	Recreational and athletic equipment	150
7900-7999	Cleaning equipment and supplies	180
8000-8019	Paints, varnishes, enamels, etc.	210
8020-8029	Brushes, paint and artist	210
8030-8099	Sealers and adhesives	180
8100-8299	Containers, packaging, and packing supplies	140
8300-8399	Textiles, leathers, and furs	160
8400-8499	Clothing and individual equipment	145
8500-8519	Perfumes and toiletries	150
8520-8599	Toiletry paper products	130
8600-8899	Agricultural supplies and live animals	150
8900-9099	Substance	150
9300-9399	Nonmetallic fabricated materials	155
9400-9799	Nonmetallic crude materials, metals, and ores	150
9800-9999	Miscellaneous	150

¹ Deduct 30 days from time shown when total requirements can be made under small purchase procedures.

² For vehicles in Federal Supply Classes 2310, 2320, and 2330 included in GSA's consolidated volume and monthly purchase programs, see § 101-26.501-4 for procurement and delivery time schedules. For other vehicles in these classes and those in Federal Supply Class 2340, the leadtime shown is for standard vehicles without special features or attachments.

³ The following classes will be considered on an individual basis because of special features that may be required. The leadtime shown is for routine requirements:

Federal supply classification (FSC) codes	Items
3805	Earth moving and excavating equipment
3810	Cranes and crane-shovels
3895	Miscellaneous construction equipment

⁴ All classes in FSC Group 58, communication equipment, will be considered on an individual basis because of special features that may be required. The leadtime shown is for routine requirements.

(Sec. 205(c), 83 Stat. 390 [40 U.S.C. 486(c)])

Dated: November 3, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-53733 Filed 11-20-81; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6085

[C-19236 and C-21671]

Colorado; Partial Revocation of Reclamation Withdrawal, Gunnison-Arkansas Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes a Secretarial order and opens approximately 3,188 acres to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-837-2535.

By virtue of the authority contained in 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 of May 23, 1946, withdrawing lands for the Gunnison-Arkansas Project, is hereby revoked insofar as it affects the following described lands:

New Mexico Principal Meridian

T. 46 N., R. 3 W.,

Sec. 19, lot 8 (formerly lot 1).

T. 44 N., R. 4 W.,

Sec. 2, lots 3 and 4;

Sec. 11, lots 1 to 5, inclusive, 7 to 10, inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 45 N., R. 4 W.,

Sec. 1, lots 1 to 3, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 35, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 46 N., R. 4 W.,

Sec. 12, lots 2 to 7, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$,

N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,

NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$,

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 24, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,

SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 25, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 28, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,

NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 38, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$,

S $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described aggregate 3,188.02 acres in Gunnison and Hinsdale Counties.

2. At 7:45 a.m. on December 22, 1981, the above described lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of any existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on December 22, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 7:45 a.m. on December 22, 1981. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the public lands should be addressed to the Chief, Branch of Adjudication, Bureau of Land Management, 2000 Arapahoe, Denver, Colorado 80205.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
November 16, 1981.

[FR Doc. 81-33730 Filed 11-20-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6087

[C-18861]

Colorado; Powersite Cancellation No. 319, Partial Cancellation of Powersite Classification Nos. 219 and 357

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes two Secretarial orders which withdrew lands for Powersite Classification Nos. 219 and 357. The lands will be restored to national forest status.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Alvah Q. Whittle, Colorado State Office 303-837-5551.

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

1. Secretarial Orders of May 13, 1929 and October 24, 1944, creating Powersite Classification Nos. 219 and 357, respectively, are hereby cancelled as to the following described lands:

San Juan National Forest, New Mexico
Principal Meridian

Powersite Classification No. 219

T. 36 N., R. 1 W.,
Sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 23, lots 3 and 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 33, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 36 N., R. 6 W.,
Sec. 5, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Powersite Classification No. 357

T. 36 N., R. 3 W.,
Sec. 5, SW $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 17, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 18, lot 4.
T. 37 N., R. 3 W.,
Sec. 5, lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 20, lot 5, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 38 N., R. 3 W.,
Sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 30, lot 7;
Sec. 31, lots 1 to 4, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 32, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 35 N., R. 4 W.,
Sec. 5, lot 3, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$;
Sec. 17, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 18, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The lands described aggregate approximately 5,096.28 acres in Archuleta and Hinsdale Counties.

2. At 10 a.m. on December 22, 1981, the lands shall be open to such forms of dispositions as may by law be made of national forest lands.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
November 16, 1981.

[FR Doc. 81-33727 Filed 11-20-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6084

[C-23458]

Colorado; Powersite Restoration Nos. 745 and 748; Partial Revocation of Powersite Reserve No. 116

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes a Secretarial and Executive order which withdrew lands for powersite purposes. This action permits restoration of 85.31 acres to operation of the public land laws.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-837-2535.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and

Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and the determination of the Federal Energy Regulatory Commission in DA-505 and DA-507 Colorado, it is ordered as follows:

1. The Secretary's Order of February 18, 1910, and Executive Order of July 2, 1910, creating Powersite Reserve No. 116, as construed by Powersite Interpretation No. 36 of April 9, 1923, are hereby revoked insofar as they affect the following described lands:

Sixth Principal Meridian

T. 5 S., R. 87 W.,
Sec. 15, lots 13, 15 and 16.

The area described contains 85.31 acres in Garfield County.

2. At 7:45 a.m. on December 22, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on December 22, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be directed to the Chief, Branch of Adjudication, Bureau of Land Management, 2000 Arapahoe, Denver, Colorado 80205.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
November 16, 1981.

[FR Doc. 81-33731 Filed 11-20-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6091

[M 26024]

Montana; Withdrawal for Thompson Gulch Fire Guard Station

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 13.42 acres of national forest land and reserves them for the Thompson Gulch Fire Guard Station in the Helena National Forest.

EFFECTIVE DATE: November 24, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406-657-8291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and

Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from location and entry under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for use as a fire guard station:

Helena National Forest

Principal Meridian

T. 9 N., R. 4 E.,

Secs. 22 and 27, a tract of land lying in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 22 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 27, more particularly described as follows:

Beginning at the brass cap $\frac{1}{4}$ corner monument between Secs. 22 and 27 which is Corner No. 1, the true point of beginning; thence S. 66°38' W., 656.82 feet to Corner No. 2; thence N. 40°37' W., 597.80 feet to Corner No. 3; thence N. 57°01' E., 994.03 feet to Corner No. 4; thence N. 83°40' E., 129.10 feet to Corner No. 5; thence S. 02°15' E., 749.46 feet to the true point of beginning.

The area described aggregates 13.42 acres, more or less, in Meagher County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

November 18, 1981.

[FR Doc. 81-33728 Filed 11-20-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6089

[OR 19027]

Oregon; Powersite Restoration No. 735; Partial Revocation of Powersite Reserve No. 61

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 160 acres of land withdrawn for a powersite reserve. The lands are in private ownership.

EFFECTIVE DATE: November 24, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751;

43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-562-Oregon, it is ordered as follows:

1. The Executive Order of July 2, 1910, which created Powersite Reserve No. 61, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 61

T. 9 S., R. 26 E.,

Sec. 17, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 160 acres in Grant County.

2. The above described lands have been conveyed from Federal ownership and will not be open to operation of the public land laws generally, including the mining laws and mineral leasing laws.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

November 16, 1981.

[FR Doc. 81-33728 Filed 11-20-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6086

[OR 19046]

Oregon; Powersite Restoration No. 735; Partial Revocation of Powersite Reserve No. 145

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 79.13 acres of land withdrawn for a powersite reserve. This action will restore the public lands involved to operation of the public land laws generally.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-562-Oregon, it is ordered as follows:

1. The Executive Order of July 2, 1910, which created Powersite Reserve No. 145, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 145

T. 1 S., R. 19 E.,

Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 9 S., R. 24 E.,

Sec. 8, lot 2.

The areas described aggregate 79.13 acres in Gilliam, Sherman, and Wheeler Counties.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 10 a.m. on December 22, 1981, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 22, 1981 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, 69 Stat. 682; 30 U.S.C. 621.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

November 16, 1981.

[FR Doc. 81-33732 Filed 11-20-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6088

[OR-010623]

Oregon; Revocation of Public Land Order No. 2545

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Public Land Order which withdrew 60 acres of public land for protection of a timber access road. This action will restore the land to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

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

1. Public Land Order No. 2545 of December 4, 1961, which withdrew the following described land for use by the Bureau of Land Management for

protection of a timber access road, is hereby revoked:

Willamette Meridian

Revested Oregon and California Railroad Grant Land

T. 35 S., R. 8 W.,

Sec. 3, NE¼ of lot 11, N½N½NW¼ of lot 11, SW¼NE¼SW¼ (formerly part of lot 9), S½S½SE¼NE¼SW¼ (formerly part of lot 9), N½SW¼SE¼, S½NW¼SE¼ SE¼, and SW¼SE¼SE¼.

The area described contains 60 acres in Josephine County.

2. At 10 a.m. on December 22, 1981, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public land described above will be open to such forms of disposition as may by law be made of revested Oregon and California Railroad Grant Land.

3. At 10 a.m. on December 22, 1981, the public land described above will be open to location under the United States mining laws. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

November 16, 1981.

[FR Doc. 81-33729 Filed 11-20-81; 8:45 am]

BILLING CODE 4310-84-M

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Part 65

[Docket No. FEMA-6191]

**Communities With Minimal Flood
Hazard Areas for the National Flood
Insurance Program; Pennsylvania**

AGENCY: Federal Emergency
Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Division, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazard areas of the specified community and imposes no new requirements or regulations on participating communities.

The entry reads as follows:

§ 65.7 List of Communities with Minimal Flood Hazard Areas.

State	County and community name	Date of conversion to regular program
Pennsylvania	Butler, Township of Clinton	Dec. 11, 1981.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968) effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44

FR 19367; and delegation of authority to the Associate Director)

Issued: November 4, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs Support.

[FR Doc. 81-33716 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA-6190]

**Communities With Minimal Flood
Hazard Areas for the National Flood
Insurance Program; Pennsylvania and
Virginia**

AGENCY: Federal Emergency
Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property

insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazard areas of the specified community and imposes no new requirements or regulations on participating communities.

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State and county	Community name	Date of conversion to regular program
Pennsylvania:		
Wayne	Borough of Bethany	Nov. 6, 1981
Allegheny	Borough of Bradford Woods	Do
Delaware	Borough of East Lansdowne	Do
Do	Borough of Glenolden	Nov. 16, 1981
Virginia:		
Henry	Town of Ridgeway	Nov. 6, 1981
(Independent city)	City of Williamsburg	Nov. 20, 1981

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968) effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: October 30, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33717 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6116]

Letter of Map Amendment for City of Rohnert Park, Calif., National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published

a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Rohnert Park, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Rohnert Park, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20834, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 060380 Panel 0001B, published on July 22, 1981, in 45 FR 37653, indicates, that Lots 36, 37, 46 through 64, 70 through 80, 87 through 94, 96 through 103, 105 through 110; and Parcels B and C, Rohnert Foothills Subdivision, Unit No. 2, Rohnert Park, California, recorded as Document No. 80-61884 in Book 309 of Maps, Pages 27 and 28, in the Office of the Recorder, Sonoma County, California, are within the Special Flood Hazard Area.

Map No. H & I 060380 Panel 0001B is hereby corrected to reflect that the above mentioned properties are not within the Special Flood Hazard Area identified on June 1, 1981. These properties are in Zone C

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33693 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Boulder, Colo., National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Boulder, Colorado. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Boulder, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and

Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 080024 Panel 0005C, published on October 6, 1980, in 45 FR 66109, indicates, that Lots 7 through 9, Spring Creek Townhouses, Replat, Boulder, Colorado, as recorded in Plan File P-10F-3 No. 40, Film 1144, Reception No. 424531, in the Office of the Clerk and Recorder, Boulder County, Colorado, are within the Special Flood Hazard Area.

Map No. H & I 080024 Panel 0005C is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on February 24, 1981. These lots are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,
Associate Director, State and Local Programs and Support.

[FR Doc. 81-33713 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Boynton Beach, Florida Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Boynton Beach, Florida. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Boynton Beach, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP); P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H and I 120196, Panel 0005 B published on October 6, 1980 in 45 FR 66058 indicates that the structures on Tract C of Charter World Subdivision, Section One, Boynton Beach, Florida, as recorded in the Plat, Plat Book 31, Page 21, in the Office of the Clerk of the Circuit Court of Palm Beach County, Florida are within the Special Flood Hazard Area.

Map Number H and I 120196, Panel 0005 B is hereby corrected to reflect that the existing structures on the above-mentioned subdivision are not within the Special Flood Hazard Area identified on January 3, 1979. The structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,
Associate Director, Office of State and Local Program and Support.

[FR Doc. 81-33714 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6116]

Letter of Map Amendment for Maui County, Hawaii, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Maui County, Hawaii. It has been

determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Maui County, Hawaii, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 150003 Panel 0265B, published on July 22, 1981, in 46 FR 37654, indicates, that The Gardens Condominiums, Maui County, Hawaii, recorded as Parcels 21 and 22 on the Tax Map identified by Tax Key, Second Division, Zone 3, Section 9, Plat 09, in the Department of the Tax Commissioner, Tax Maps Bureau, State of Hawaii, is within the Special Flood Hazard Area.

Map No. H & I 150003 Panel 0265B is hereby corrected to reflect that the existing structures on the above mentioned property are not within the Special Flood Hazard Area identified on June 1, 1981. These structures are in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the

Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33694 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6002]

Letter of Map Amendment for the Village of Orland Park, Ill., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Village of Orland Park, Illinois. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Orland Park, Illinois, that certain property is within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is within the Special Flood Hazard Area, reinforces the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0270.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 170140, Panel No. 0006C, published on March 5, 1981, in 46 FR 15269, indicates that Lot No. 30, Fernway Unit 2, Village of Orland Park, Cook County, Illinois, recorded as Document No. 22 719 601, in the Office of the Recorder of Cook County, Illinois, is not located within the Special Flood Hazard Area.

Map No. 170140, Panel No. 0006C, is hereby corrected to reflect that the above-mentioned property would be partially inundated by a flood having a one-percent chance of occurrence in any given year (base flood) and that the structures located on the property are within the Special Flood Hazard Area identified on February 4, 1981. The structures are in Zone A.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33697 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6022]

Letter of Map Amendment for the Unincorporated Area of Baltimore County, MD., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the

Unincorporated Area of Baltimore County, Maryland. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Area of Baltimore County, Maryland, that a certain structure is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structure is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that structure as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 240010, Panel No. 0455B, published on March 31, 1981, in 46 FR 19476, indicates that Lot No. 53, Plat Two, Harewood Park, Unincorporated Area of Baltimore County, Maryland, as recorded in Plat Book 13, Folio 144, in the Office of the Clerk of the Circuit Court of Baltimore County, Maryland, is located within the Special Flood Hazard Area.

Map No. 240010, Panel No. 0455B, is hereby corrected to reflect that the structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on Mach 2, 1981. The structure is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom

authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33606 Filed 11-20-81; 8:45 am]

BILLING CODE 6716-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Town of Westwood, Mass., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Westwood, Massachusetts. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Westwood, Massachusetts, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal

Emergency Management Agency, Washington, D.C. 20472 (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 255225 A, Panel 06 published on October 6, 1980 in 45 FR 66022 indicates that the structure on Lot 31 on a plan entitled "Plan of Cloverland Homesites in the Town of Westwood, Massachusetts, Scale 1 inch equals 40 feet, June 14, 1933," and recorded in Liber 5624, Page 241 in the Norfolk County Registry of Deeds Office, is within the Special Flood Hazard Area.

Map Number H & I 255225 A, Panel 06 is hereby corrected to reflect that the above mentioned structure is not within the Special Flood Hazard Area identified on January 30, 1976. This structure is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33662 Filed 11-23-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5923]

Letter of Map Amendment for the City of Las Vegas, Nev., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Las Vegas, Nevada. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Las Vegas, Nevada, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 325276 Panel 0020B, published on October 21, 1980, in 45 FR 69451, indicates, that proposed Lake Mead Villa, located in the Northwest Quarter of Section 24, Township 20 South, Range 60 East, M.D.B., and M., Las Vegas, Nevada, and being a portion of the Deed, recorded as Instrument Number 828014, in Book 867, in the Office of the Recorder, Clark County, Nevada, is within the Special Flood Hazard Area.

Map No. H & I 325276 Panel 0020B is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on September 30, 1980. This property is in Zone B.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19387; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33662 Filed 11-23-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Beaufort County, S.C., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been

published. This list included Beaufort County, South Carolina. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Beaufort County, South Carolina, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 450025, Panel 04 published on October 6, 1980 in 45 FR 66070 indicates that Lots 20, 43 and 46 of the proposed Subdivision of Block A, Rosehill Plantation, known as a portion of Parcel "C" in Kirk's Rosehill Plantation near Bluffton, South Carolina as recorded in Plat Book 6, Page 43 in the Office of the Clerk of Court in Beaufort County, South Carolina are within the Special Flood Hazard Area.

Map Number H & I 450025, Panel 04 is hereby corrected to reflect that Lots 43, 46 and the existing garage in Lot 20 of the above-mentioned subdivision are not within the Special Flood Hazard Area identified on September 30, 1977. Lots 43 and 46 are completely in Zone B, Lot 20 is partially within the Special Flood Hazard Area but the existing

garage is located on land areas in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, Office of State and Local Programs and Support.

[FR Doc. 81-33710 Filed 11-20-81; 8:45 am]

BILLING CODE 6716-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Brownsville, Texas, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Brownsville, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Brownsville, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 480103 Panel 0005B, published on October 6, 1980, in 45 FR 66097, indicates, that Lot 9, Block 6; and Lot 1, Block 9, El Chaparral Subdivision, Section One, Brownsville, Texas, as recorded in Volume I, Page 189-A of Map Records, in the Office of the County Clerk, Cameron County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480103 Panel 0005B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on December 1, 1978. These lots are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33712 Filed 11-20-81; 8:45 am]

BILLING CODE 6716-03-M

44 CFR Part 70

[Docket No. FEMA-6116]

Letter of Map Amendment for the City of Converse, Texas, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Converse, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Converse, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or had been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480038 Panel 0001B, published on July 22, 1981, in 46 FR 37855, indicates, that Lots 18 through 28, Block 2, Cimarron Valley, Unit 6, Converse, Texas, as recorded in Book 9100, Page 215 of Deeds and Plats, in the Office of the Clerk, Bexar County, Texas are within the Special Flood Hazard Area.

Map No. H & I 480038 Panel 0001B is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on June 15, 1981. These structures are in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33715 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Harris County, Texas, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Associate Director,

State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287 Panel 0200C, published on October 6, 1980 in 45 FR 66098 indicates, that The Thicket Apartments, being a 9.2685 acre tract of land out of Unrestricted Reserves "Q" and "R", Northborough, Section 3, Harris County, Texas, as recorded in Volume 292, Page 73, in the Office of the Clerk, Harris County, Texas, is within the Special Flood Hazard Area.

Map No. H & I 480297 Panel 0200C is hereby corrected to reflect that buildings Nos. 1 through 6 and 8, located on the above mentioned property are not within the Special Flood Hazard Area identified on February 24, 1981. These buildings are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies

that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: October 29, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33706 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Harris County, Texas, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to

purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287 Panel 0175C, published on October 6, 1980, in 45 FR 66098 indicates that Lots 1 through 5, 13 through 21, 26 through 48, and 50 through 62, Block 1, and all of Blocks 2 and 3, Winchester Country Trails, Section One; and all of proposed Winchester Country, Sections Two and Six, Harris County, Texas, as recorded in Volume 304, Page 53 of Map Records; and Film Code Numbers 179-88-1311 through 179-88-1319 of Deeds, respectively, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287 Panel 0175C is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on February 24, 1981. These lots are in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33707 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6116]

Letter of Map Amendment for the City of Brillion, Wis., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Brillion, Wisconsin. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Brillion, Wisconsin, that a certain structure is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structure is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that structure as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 267-0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034, Phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 550036, Panel No. 0001C, published on July 22, 1981, in 46 FR 37655, indicates that the structure located on a 8.65-acre parcel of land, being a part of the Southeast Quarter of the Southwest Quarter, Section 23, Township 20 North, Range 20 East, City of Brillion, Calumet County, Wisconsin, recorded as Documents Nos. 14554 and 131455, in the Office of the Register of Deeds of Calumet County, Wisconsin, is located within the Special Flood Hazard Area.

Map No. 550036, Panel No. 0001C, is hereby corrected to reflect that the structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on July 15, 1981. The structure is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33711 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

High Seas Salmon Fishery Off Alaska

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

ACTION: Final rule.

SUMMARY: This document makes final the emergency interim rule published on June 26, 1981 (46 FR 33041) implementing Amendment 2 to the fishery management plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175 Degrees East Longitude. With the exception of the removal of one subsection of the reporting requirements and the reservation of another, this final rule is identical to the emergency interim rule as published on June 26. It addresses the same problems and has the same expected results as the emergency interim rule.

EFFECTIVE DATE: November 19, 1981.

ADDRESS: Copies of Amendment 2 and the accompanying final supplemental environmental impact statement, regulatory impact review/initial regulatory flexibility analysis, and final regulatory flexibility analysis are available from Mr. Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, Regional Salmon Fishery Management Plan Coordinator, 907-586-7229.

SUPPLEMENTARY INFORMATION: On June 5, 1981, the Acting Administrator, NOAA, initially approved Amendment 2 to the fishery management plan (FMP) for the High Seas Salmon Fishery Off the Coast of Alaska East of 175 Degrees East Longitude. This FMP amendment was prepared by the North Pacific Fishery Management Council under the Magnuson Fishery Conservation and Management Act (Magnuson Act), Pub. L. 94-265, as amended, 16 U.S.C. 1801, *et seq.* In accordance with Section 305(e) of the Magnuson Act, an emergency interim rule implementing the amendment for 45 days was published on June 26, 1981 (46 FR 33041) with a comment period ending on August 10, 1981. The rule was extended for an additional 45 days on August 11 (46 FR 40701). The second 45 day period expired on September 24.

The preamble to the emergency rule discussed the amendment in detail. That discussion is not repeated here. This final rule is identical to the emergency interim rule published on June 26, 1981, except for a technical change, the removal of one section, and the reservation of another. Section 674.5(a), which required the submission of an Alaska fish ticket for each sale or delivery of salmon in the State of Alaska, was duplicative of a State requirement and has been removed. Section 674.5(b)(1), which required vessel operators wishing to sell,

transfer, or deliver salmon outside the State of Alaska to submit an Alaska fish ticket before leaving the State, was found by the Director of the Office of Management and Budget (OMB) to impose an unjustified burden on fishermen, and is reserved. Section 674.5(b)(2), which required fishing vessel operators selling, transferring or delivering salmon outside Alaska to submit a fish ticket to the Alaska Department of Fish and Game after such sale transfer, or deliver, also is reserved. A revision of OMB 648-0016, Family of Logbook Forms, has been submitted to the Director of OMB to include the latter information collection requirement.

A technical change has been made to conform with the Magnuson Act definition of Secretary, which includes the designee of the Secretary.

Individuals who use power troll gear in the fishery conservation zone must hold a Federal permit, if they do not have a State of Alaska power troll permanent entry permit.

The control number for the Federal permit application requirement at § 674.4(b) is OMB 648-0097.

This Part recognizes that catch and effort data necessary for implementing this FMP are collected by the State of Alaska. It is intended that valid State collection-of-information requirements shall continue to have force and effect with respect to fishing activities addressed by this Part.

Response to Comments

No comments were received on the regulations during the comment period that ended August 10. However, various comments were received on the plan amendment during the Secretarial review period before the initial approval of Amendment 2. These comments are now part of the administrative record. Most comments ranged from those which said that Amendment 2 was unwarranted, unsubstantiated by the data, or would adversely impact the Southeast Alaska economy, to those which said the amendment did not adequately address management needs and treaty Indian obligations for the Pacific Northwest salmon, especially Columbia river, upriver "bright" fall chinook. The comments fell into two general categories. The first category opposed reducing the chinook salmon optimum yield (OY) by 15 percent from the 1980 level and favored retaining the 1980 OY of 286,000-320,000 chinook salmon. The second category favored reducing salmon optimum yield by greater than 15 percent. The first category reflected primarily the views of Southeast Alaska fishermen, processors, community officials, and State

legislators. The second category reflected views of the State of Washington, which proposed reducing the chinook salmon OY by 29 percent in conjunction with a 24-day June closure, and the Columbia River and Northwest treaty Indian tribes, which proposed reducing the OY by 54 percent in order to satisfy treaty obligations.

The following is a discussion of the comments, summarized by the two general categories:

A. Comments opposed to reducing the chinook salmon OY by 15 percent to 243,000-272,000 fish.

1. *Comment*—The data used to justify the 15 percent OY reduction is either non-existent or insufficient.

Answer—A substantial body of data does exist describing the status and distribution of chinook salmon stocks coastwide. Although the data are, in some instances, incomplete, the North Pacific Fishery Management Council (NPFMC) through its Scientific and Statistical Committee, determined that the proposed reduction was consistent with National Standard 2 in that it did utilize the "best available information" in making its proposal.

2. *Comment*—Further restrictive measures to protect Alaskan chinook salmon stocks are not necessary because the escapement of Alaskan stocks was adequate in 1980.

Answer—Although the escapement of chinook salmon into one tributary of the Taku River, the Nakina River, was improved in 1980, the escapement into most Alaskan rivers was well below historical levels measured during the mid-1950's, and was equal to only about 50 percent of the Alaska Department of Fish and Game spawning escapement goals.

3. *Comment*—The potentially adverse socio-economic impacts of a 15 percent OY reduction on Southeast Alaskan fishing communities were not considered when formulating Amendment 2.

Answer—The NPFMC held numerous public hearings throughout Southeast Alaska between September 1980 and March 1981 at which considerable testimony was given concerning the socio-economic impacts of Amendment 2. The Alaska Trollers Association also submitted at least two documents describing short-term adverse impacts to Southeast Alaska trollers of a 15 percent reduction.

4. *Comment*—Amendment 2 will not contribute to the conservation of chinook salmon, primarily non-Alaskan stocks, because any chinook salmon saved by restricting the fishery off Alaska will be reallocated to the British

Columbia ocean salmon fishery or to domestic west coast salmon fisheries.

Answer—It is true that some non-Alaskan chinook salmon saved off Alaska will be transferred to other fisheries, including the British Columbia ocean salmon fishery. However, data projections show that over a 3-4 year period an annual increase of over 7,000 chinook salmon will return both to Alaskan rivers and to the Columbia River. An additional unknown number of fish will return to other streams coastwide, thereby contributing to conservation of many depressed stocks. The United States government is making additional efforts through the U.S.-Canada Pacific Salmon Interception Treaty negotiations to secure protection in the British Columbia ocean salmon fisheries for those chinook salmon saved off Alaska.

5. *Comment*—American fishermen should not be restricted as long as the foreign groundfish fleets incidentally catch salmon.

Answer—Salmon is a prohibited species to foreign fishing vessels fishing in the fishery conservation zone off Alaska. Foreign fishing regulations require that all salmon be returned to the water immediately upon being landed. Observer data indicate the annual incidental catch during 1977-80 was less than 500 salmon in the area off Southeast Alaska. In addition, Amendment 10 to the Gulf of Alaska Groundfish Fishery Management Plan, which should be implemented for the 1982 fishing season, will prohibit trawling east of 140 degrees W. longitude. This should virtually eliminate the incidental catch of salmon by foreign vessels off Southeast Alaska. Amendment 1a to the fishery management plan for the Bering Sea and Aleutian Islands Groundfish Fishery will restrict the incidental catch of salmon in the eastern Bering Sea, beginning in 1982.

6. *Comment*—American fishermen should not be restricted while the Japanese mothership high seas gillnet fleet is allowed to catch over 700,000 chinook salmon as they did in 1980.

Answer—Very few, if any, of the chinook salmon caught by the Japanese mothership high seas gillnet fleet are from the stocks found off Southeast Alaska. Renegotiation of the International North Pacific Fisheries Convention in 1977 moved the Japanese to the west of all areas from which tagging data had shown any catch of chinook from the Pacific coast. Approximately one-half the Japanese chinook catch in 1980 was of Asian

origin, while the other one-half was of western Alaska origin. Because the Japanese interception of western Alaska chinook was unacceptable to American interests, the Japanese voluntarily agreed to maintain their chinook catch below 110,000 fish in the future. Because different stocks of chinook salmon are involved, the Japanese mothership catch of chinook salmon has little relationship to the management of chinook salmon off Southeast Alaska.

B. *Those proposing to reduce the chinook salmon OY by greater than 15 percent.*

1. *Comment*—The Washington Department of Fisheries (WDF) submitted a minority report during the Secretarial review period. WDF requested a 29 percent OY reduction and a 24-day June closure of the Alaska troll fishery. The substance of the WDF minority report and responses to the issues raised by the report are discussed in detail in the preamble to the emergency interim regulations published June 26, 1981 (46 FR 33041).

2. *Comment*—The Columbia River Northwest treaty Indian tribes proposed a 54 percent chinook salmon OY reduction designed to return in 1981 over 12,000 upriver "bright" fall chinook salmon to the Columbia River to fully satisfy treaty obligations under the 5-year Columbia River Management Plan. The proposal aimed to make up a deficit of fish owed the Columbia River treaty tribes under an inriver catch-sharing formula contained in the plan.

Answer—The NPFMC carefully compared the costs to Southeast Alaska fishermen of a range of catch reductions, including the treaty Indian proposal (54 percent), to the benefits resulting from the number of fish that would return to the Columbia River as a result of those reductions. The NPFMC concluded that a slower rebuilding schedule than that requested by the treaty tribes adequately balanced the need to return more fish to the Columbia River against the negative impacts on Southeast Alaskan fishermen. This process considered the number of fish transferred to Canadian and other fisheries. The extent to which the Secretary is obligated to satisfy treaty obligations through management of the ocean fisheries is currently the subject of litigation in *Confederated Tribes of the Yakima Indian Nation, et al. v. Baldrige*. No. C80-342T (W.D. WA.).

Classification

The Administrator, NOAA, has determined that the regulations implementing Amendment 2 to the FMP do not constitute a major rule under

Executive Order 12291 (E.O. 12291) requiring a regulatory impact analysis. However, a regulatory impact review (RIR) was prepared which demonstrates that the regulations to implement Amendment 2 comply with the requirements of Section 2 of E.O. 12291. The RIR describes the problems addressed by the amendment and presents an analysis of the proposed and alternative regulatory options.

The RIR also served as an initial regulatory flexibility analysis (RFA) since it was determined that the regulations to implement Amendment 2 would have a significant economic impact on a substantial number of small entities, for purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The (RIR/RFA) was summarized at 46 FR 33041.

A final regulatory flexibility analysis has been prepared. This document, which may be obtained from the NMFS Alaska Regional Director at the above address, is essentially identical to the RIR/RFA because: (1) the earlier document contains material which satisfies the requirements of Sections 604(a)(1) and (3) of the Regulatory Flexibility Act; and (2) the agency received no public comments in response to the RIR/RFA.

The Acting Assistant Administrator for Fisheries, NOAA, finds that there is good cause to waive the 30-day delay in implementation required by the Administrative Procedure Act. That finding is based upon the following:

1. A delay in the effective date on this rule could allow fishermen to harvest more salmon than the number allowed by the FMP. Harm to the salmon resources could result; and

2. With the exception of the removal of one reporting requirement and the reservation of another, this rule is identical to that in effect since June 23, 1981, and therefore the fishermen and other affected persons are familiar with it.

Because this final rule is nearly identical to the emergency interim rule as published June 26, 1981, it is not republished here. In order to save the public the cost of reprinting the full set of regulations, only the revision of § 674.5 is noted.

This regulation imposes a collection of information burden under the Paperwork Reduction Act (44 U.S.C. 3501), but there is no change in the existing burden.

Dated: November 17, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 674—HIGH SEAS SALMON FISHERY OFF ALASKA

For the reasons set forth in the preamble, 50 CFR Part 674 is amended as follows:

1. The authority citation for Part 674 reads as follows:

Authority: 16 U.S.C. 1855 et seq.

2. 50 CFR Part 674 is adopted as a final rule to read the same as the emergency interim rule published at 46 FR 33047-33052 with the following exceptions:

§ 674.5 [Reserved]

a. Section 674.5 is removed and reserved.

§ 674.23 [Amended]

b. Section 674.23 is amended by removing the words "Regional Director" and adding in their place, the word "Secretary" in the following places only:

- In the first reference to "Regional Director" in paragraph (a)(1) and (a)(2);
- In paragraph (b)(1) and (b)(2)(iv), and in the first and third references to "Regional Director" in paragraphs (b)(3) and (b)(4).

[FR Doc. 81-33656 Filed 11-19-81; 12:01 pm]

BILLING CODE 3510-22-M

50 CFR Part 671

Tanner Crab off Alaska

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

ACTION: Final rule.

SUMMARY: NOAA issues final rules for Amendment 6 to the Fishery Management Plan for Tanner Crab off Alaska. These regulations implement new technical changes to the plan to correct specific problems that arose in the management of the fishery during 1979-1980. Amendment 6 is intended to make management of the fishery more coordinated and effective.

EFFECTIVE DATE: Effective on November 19, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey (Director, Alaska Region, National Marine Fisheries Service), 907-586-7221.

SUPPLEMENTARY INFORMATION: Proposed regulations implementing Amendment 6 to the Fishery Management Plan for Tanner Crab off Alaska (FMP) were published in the Federal Register on

December 8, 1980 (45 FR 80847).

Comments were invited until January 18, 1981. No comments were received during the public comment period.

The preamble to the proposed rulemaking discussed the FMP, the history of changes made to it, and Amendment 6. Amendment 6 makes technical changes to the FMP to correct specific problems that arose in the management of the fishery during 1979-1980.

Several minor changes have been made in the final rules to clarify requirements that were not described clearly in the proposed rules. These changes are as follows:

1. Section 671.2. Include in the definition of "Tanner crab pot," the metric and U.S. customary units for each measurement.

2. Section 671.26(f)(1)(i). A figure has been added to show the eight fishing sections of the Kodiak District.

3. Section 671.26(f)(2)(i). Revise to read: "in the Kodiak District from January 22 through April 30 only, except that in the Semidi Island Section of the Kodiak District between 156°19' W. longitude (Cape Kilokak) and 157°35' W. longitude (Cape Kumlik), Tanner crab may be taken from January 22 through May 15 only."

4. Section 671.26(f)(2)(iii). Revise to read: "in the Chignik District from November 1, to 12:00 noon, May 15, only."

5. Section 671.26(f)(2)(iii) and (iv). Redesignate the current "iii" and "iv" as "iv" and "v", respectively.

Several major changes have been made in the final rule. Sections 671.4(f), 671.23(a) and (j), and 671.28 on reporting requirements have been removed because they constitute a collection of information requirements under the Paperwork Reduction Act of 1980. All sections of this part which may presently contain reporting requirements duplicating those of the State of Alaska are under review. In addition, the district and sections of Registration Area J have been redescribed because of inconsistencies in the listed geographic coordinates within the proposed rulemaking and with previously codified regulations, and the Alaska Department of Fish and Game (ADF&G) rules. Furthermore, fishing for *Chionoecetes opilio* in the Bering Sea is extended beyond September 3 until closed by field order.

A technical change has been made to conform with the Magnuson Act definition of "Secretary", which includes the designee of the Secretary.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this amendment to the FMP is necessary and appropriate to the conservation and management of Tanner crab resources off the coast of Alaska, and complies with the national standards and other provisions of the Magnuson Fishery Conservation and Management Act and other applicable law.

The Assistant Administrator has also determined that this rule does not constitute a major Federal action requiring the preparation of an environmental impact statement under the National Environmental Policy Act, because it will not have significant impact on the quality of the human environment.

The Administrator, NOAA, has determined that this amendment is not a major rule requiring the preparation of a regulatory impact analysis under Executive Order 12291.

The Administrator has certified, under 5 U.S.C. 601 *et seq.*, that this amendment will not have a significant economic impact on a substantial number of small entities and therefore does not require a regulatory flexibility analysis.

This final rulemaking does not contain any collection-of-information requirements.

The season opening date in five districts of Registration Area J will be changed shortly under field order to coincide with Tanner crab seasons in contiguous State waters. This action is necessary to prevent conflicts between State and Federal enforcement that could occur because of different season opening dates. In addition, the final rule implementing Amendment 7 is expected to be published soon; among other management measures, it sets the OYs for fishing in two new districts. Descriptions of the new districts only appear in Amendment 6. These pending rules, the continuing attempt to achieve OY, and the need to avoid overfishing quotas and consequent closures in any specific district, are conservation and management problems which depend on the geographic descriptions of the areas in Amendment 6. Without a waiver of the 30-day delayed effectiveness period for final rules, fishing could take place during seasons and in areas that are inconsistent with the best available scientific information about Tanner crab conservation and management. Therefore, the agency finds, for good cause, that it would be impracticable and contrary to the public interest to delay for 30 days the effective date of these final regulations, under the

provisions of Section 553(d) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*).

Dated: November 18, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 671—TANNER CRAB OFF ALASKA

50 CFR Part 671 is amended as follows:

1. The authority citation for Part 671 reads as follows:

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

2. In § 671.2, the definition of "Tanner crab pot" is revised to read as follows:

§ 671.2 Definitions.

Tanner Crab Pot means a live-capture pot either with rigid tunnel eye openings which individually are a maximum of 5 inches (13 cm) in one dimension, and tunnel eye opening perimeters which individually are larger than 30 inches (76 cm), or a pot which tapers inward from its base to a top with one horizontal opening of any size.

§ 671.24 [Amended]

3. In § 671.24, paragraph (a)(4) is removed and paragraph (a)(1) is amended by changing "72 hours" to read "24 hours."

4. In § 671.26, paragraph (f)(1) is amended by redesignating subdivisions (iii) and (iv) as (iv) and (v) respectively, by adding a new subdivision (iii) and by revising subdivisions (i) and (ii) to read as follows:

§ 671.26 Season and gear restrictions.

(f) * * *

(1) * * *

(i) *Kodiak District*. All waters south of 58°51'N. latitude, west of 150°W. longitude and east of the longitude of Cape Kumlik (157°35'W. longitude). The following sections (figure 1) within the Kodiak district are established:

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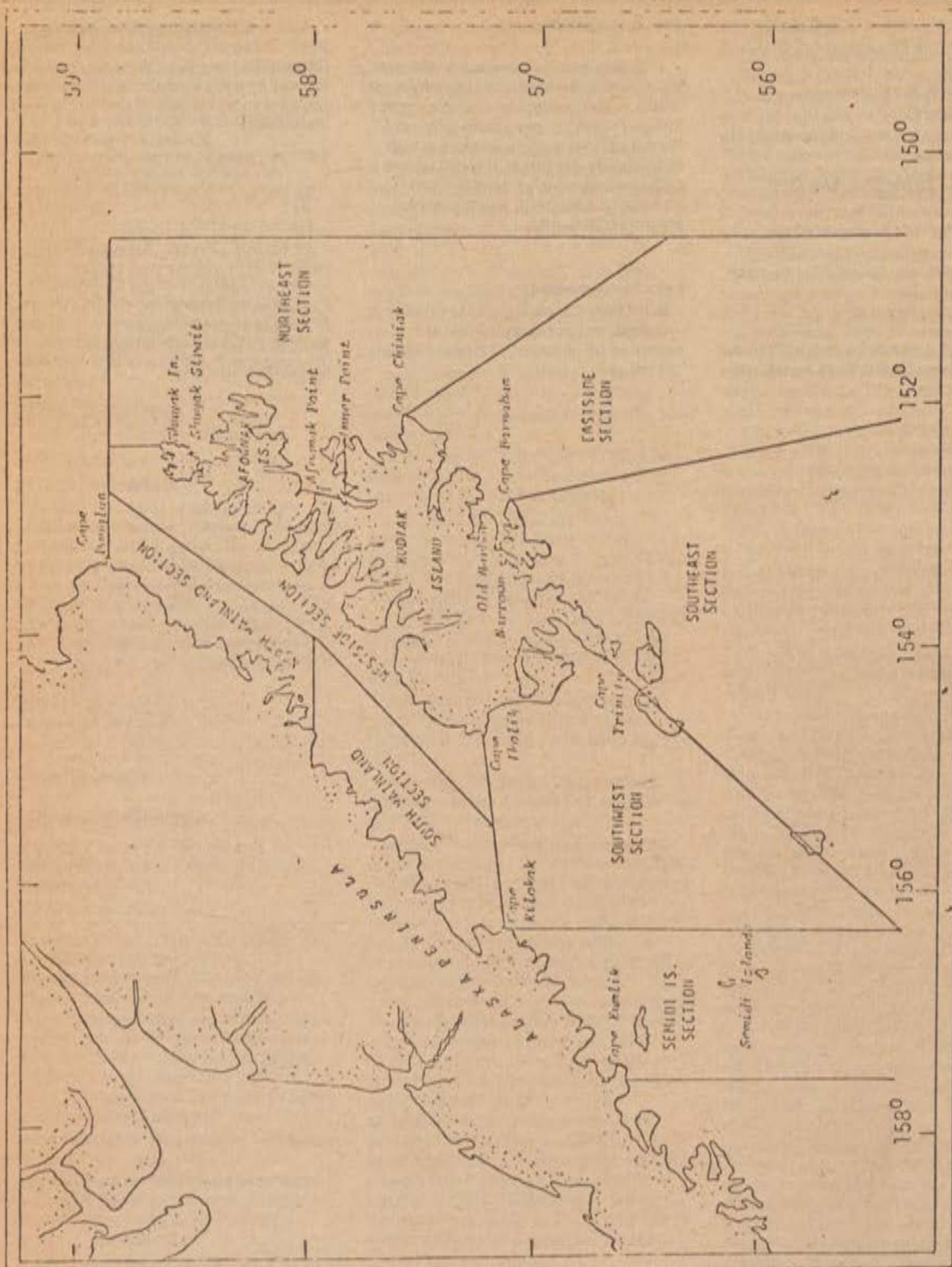


Figure 1.--Designated Tanner crab fishing sections within the Kodiak district.

BILLING CODE 3510-22-C

(A) *Northeast Section*. All waters northeast of a line extending 145°T from the easternmost tip of Cape Chiniak (57°37'N. latitude, 152°10'W. longitude), east of a line from the northernmost tip on Inner Point (57°59'N. latitude, 152°47'W. longitude) to Afognak Point (57°59'N. latitude, 152°47'W. longitude), east of 152°30'W. longitude in Shuyak Strait and east of the longitude of the northernmost tip of Shuyak Island (152°20'W. longitude), and south of 58°51'N. latitude;

(B) *Eastside Section*. All waters southwest of a line extending 145°T from the easternmost tip of Cape Chiniak, northeast of a line extending 166°T from the easternmost tip of Cape Barnabas (53°09'N. latitude, 152°53'W. longitude) and Old Harbor Narrows east of 153°16'W. longitude;

(C) *Southeast Section*. All waters southwest of a line extending 168°T from the easternmost tip of Cape Barnabas (53°09'N. latitude, 152°53'W. longitude) and east of a line extending 222°T from the southernmost tip of Cape Trinity (56°44'50"N. latitude, 154°08'30"W. longitude);

(D) *Southwest Section*. All waters west of a line extending 222°T from the southernmost tip of Cape Trinity (56°44'50"W. latitude, 154°08'30"W. longitude), south of a line from the westernmost tip of Cape Ikolik (57°17'15"N. latitude, 154°47'W. longitude) to the southernmost tip of Cape Kilokak (57°11'15"N. latitude, 156°19'W. longitude) and east of the longitude of Cape Kilokak;

(E) *Semidi Island Section*. All waters west of the longitude of Cape Kilokak (156°19'W. longitude) and east of the longitude of Cape Kumlik (157°35'W. longitude);

(F) *Westside Section*. All waters north of a line from the westernmost tip of Cape Ikolik (57°17'15"N. latitude, 154°47'W. longitude), east of a line from 57°15'N. latitude, 155°30'W. longitude to 58°N. latitude, 154°W. longitude to 58°51'N. latitude, 152°45'W. longitude,

west of a line from the northernmost tip of Inner Point to the southernmost tip of Afognak Point (57°59'30"N. latitude, 152°47'30"W. longitude), west of 152°30'W. longitude in Shuyak Strait and west of the longitude of the northernmost tip of Shuyak Island (152°20'W. longitude), and south of 58°51'N. latitude;

(G) *North Mainland Section*. All waters north of 58°N. latitude, west of a line from 58°51'N. latitude, 152°45'W. longitude to 58°N. latitude, 154°W. longitude and south of 58°51'N. latitude; and

(H) *South Mainland Section*. All waters south of 58°N. latitude, west of line from 58°N. latitude, 154°W. Longitude to 57°15'N. Latitude, 155°30'W. longitude and north of a line from the southernmost tip of Cape Kilokak (57°11'15" N. latitude, 156°19'W. longitude) to 57°15'N. latitude, 155°30'W. longitude.

(i) *South Peninsula District*. All waters east of the longitude of Scotch Cap Light (164°44'06"W. longitude) to west of a line connecting the following points:

(A) Kupreanof Point (55°34'N. latitude, 159°36'W. longitude).

(B) The easternmost point of Castle Rock (55°16'48"N. latitude, 159°29'W. longitude).

(C) The intersection of a line extending southeast (135°T from point (2) to 157°35'W. longitude).

(iii) *Chignik District*. All waters east of the longitude of Cape Kumlik (157°35'W. longitude) to west of a line connecting the following points:

(A) Kupreanof Point (55°34'N. latitude, 159°36'W. longitude).

(B) The easternmost point of Castle Rock (55°16'48"N. latitude, 159°29'W. longitude).

(C) The intersection of a line extending southeast (135°T from point (2) to 157°35'W. longitude).

5. In § 671.26, paragraph (f)(2) is revised to read as follows:

§ 671.26 Season and gear restrictions.

(f) * * *

(2) *Seasons*. Subject to adjustment by the Secretary in accordance with § 671.27, Tanner crab may be taken in Registration Area J:

(i) In the Kodiak District from January 22 through April 30 only, except that in the Semidi Island Section of the Kodiak District between 156°19' W. longitude (Cape Kilokak) and 157°35' W. longitude (Cape Kumlik) Tanner crab may be taken from January 22, through May 15 only;

(ii) In the South Peninsula District from 12:00 noon, December 1 to 12:00 noon, May 15 only;

(iii) In the Chignik District from 12:00 noon, November 1 to 12:00 noon, May 15 only;

(iv) In the Aleutian District from 12:00 noon, January 15 to 12:00 noon, June 15 only;

(v) In the Bering Sea District from 12:00 noon, January 15 to 12:00 noon, June 15 only, except that Tanner crab other than *C. bairdi* may be taken or possessed from 12:00 noon, January 15 until closed by emergency field order in accordance with Section 671.27.

§§ 671.26 and 671.27 [Amended]

6. In addition to the changes set forth above, §§ 671.26, and 671.27 are amended by removing the words "Regional Director" and inserting in their place, the word "Secretary" in the following places:

(a) In § 671.26(d)(2), (e)(2)(i) and (ii), (f)(3);

(b) In § 671.27(a)(1), (b)(1), (b)(4)(i), the first reference only in (b)(4)(ii), and (b)(4)(iv).

§ 671.21 [Amended]

7. In § 671.21(c), the reference to Regional Director remains, but replace the word "he" with "Secretary".

[FR Doc. 81-33229 Filed 11-19-81; 12:01 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 46, No. 225

Monday, November 23, 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 1065

Milk in the Nebraska-Western Iowa Marketing Area; Proposed Temporary Revision of Shipping and Diversion Limitation Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revision of rules.

SUMMARY: This notice invites written comments on a proposal to temporarily relax for the months of December 1981 through March 1982 a portion of the pooling standards for supply plants. Also, the proposed action would continue through March 1982 the present relaxation for the months of September through November of the limit on how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The action was requested by a cooperative association representing a substantial number of producers supplying the market to prevent uneconomic movements of milk.

DATE: Comments are due on or before November 30, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the potential need for adjusting certain provisions of the order on an emergency

basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the completion of the required procedures in time to give interested parties timely notice that the shipping requirements for pool supply plants and the limits on the amount of milk that may be moved directly from producer farms to manufacturing plants for December 1981 would be modified. The initial request for this action was received November 6, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for dairy farmers regularly associated with the market.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of §§ 1065.7(b)(3) and 1065.13(d)(4) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area is being considered for the months of December 1981 through March 1982.

All persons who desire to submit written data, views or arguments about the proposed revision should send two copies of their views to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 not later than November 30, 1981. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include December 1981 in the temporary revision period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are (1) the shipping percentages for supply plants as set forth in § 1065.7(b)

and (2) the diversion limitation percentages as set forth in § 1065.13(d) that are applicable during the months December 1981 through March 1982. The cooperative association requested (1) that the supply plant shipping percentages be decreased 10 percentage points from the present 40 percent to 30 percent during each respective month and (2) that the diversion limitation percentages be increased 10 percentage points from the present 40 percent to 50 percent during each respective month.

Pursuant to the provisions of § 1065.7(b)(3), the supply plant shipping percentages as set forth in § 1065.7(b) and pursuant to the provisions of § 1065.13(d)(4), the diversion limitation percentages as set forth in § 1065.13(d)(2) and (3) may be increased or decreased up to 20 percentage points during any month to encourage additional needed milk shipments to pool distributing plants or to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Associated Milk Producers, Inc., who represents a portion of the producers supplying the Nebraska-Western Iowa market, has requested that during the period of December 1981 through March 1982, the pool supply plant shipping percentages be relaxed 10 percentage points. Also, the cooperative requested that the present relaxation of the diversion limits by 10 percentage points be continued through March 1982.

The basis of the cooperative's request was that the present pooling provisions in question will not accommodate the efficient pooling of the milk of some of its members who are regularly associated with the market. The cooperative indicates that this is because of the present buildup in the market's milk supplies due to a substantial increase in producer deliveries while Class I sales have remained virtually unchanged. It states that this marketing situation is expected to continue at least through March 1982. The cooperative contends that relaxation of the supply plant shipping percentage and the diversion limits will be needed beginning in December to prevent unnecessary and uneconomic movements of milk.

Because of the market's changed supply situation, a reduction in the

required shipments of a supply plant beginning in December may prevent uneconomic movements of milk merely for purposes of maintaining pool plant status. Moreover, a corresponding increase in the proportion of a handler's supply of producer milk that may be diverted to nonpool manufacturing plants may prevent uneconomic movements of milk through pool plants merely for the purpose of qualifying it as producer milk under the order. Accordingly, the proposed relaxation of these pooling provisions during December 1981 through March 1982 may be appropriate.

Signed at Washington, D.C., on November 18, 1981.

W. H. Blanchard,

Acting Director, Dairy Division.

[FR Doc. 81-32658 Filed 11-20-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Chlortetracycline Treatment of Psittacine Birds in USDA Quarantine Stations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document would amend feeding requirements for prevention of psittacosis (chlamydia) in psittacine birds in USDA-approved quarantine stations, to allow the use of pelleted medicated feed ration in addition to medicated cooked grain mash presently recommended in the United States Public Health Service (USPHS) guidelines. The United States Department of Agriculture (USDA) currently requires the quarantine stations to follow the USPHS guidelines. This action is being proposed because recent research conducted by USDA indicates that pelleted medicated feed ration which contains the proper percentages of ingredients is equally, if not more, effective than the cooked grain ration in the treatment and prevention of psittacosis (chlamydia).

The proposed rule would result in a medicated feeding requirement that would:

(1) Control and prevent the spread of psittacosis to other birds and animals; assure a high level of protection to USDA employees and others exposed to the birds by a diet that provides a uniform high blood level of chlortetracycline (CTC) in birds, and

(2) Allow the bird importer to choose the method of feeding that is most convenient or cost-effective for his or her operation.

DATE: Comments on or before January 22, 1982.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, USDA, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. S. S. Richeson, USDA, APHIS, VS, Import-Export Staff, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." The proposed rule, if adopted, would not have a significant effect on the economy and would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would merely allow the oral antibiotic CTC which is fed to certain birds in quarantine facilities under USDA supervision to be administered in more than one form. The formulation currently required is available from only one company. Its sale to USDA-approved quarantine stations is not a significant part of that company's income. Two additional companies in California and Chicago, Illinois, have a pelleted CTC feed and are interested in obtaining approval for feeding their ration. The quarantine facilities will not be affected unless they choose to change their method of feeding.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2, 32 Stat. 792, as amended; and sections 2 and 11, 76 Stat. 129 and 132 (21 U.S.C. 111, 134a and 134f), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

The existing regulations (9 CFR 92.11(f)(3)(ii)(C) and 9 CFR 92.11(f)(8)(A)(13)) for handling birds in

quarantine require that psittacine birds receive treatment as a precautionary measure against psittacosis (chlamydia), in accordance with the guidelines of the USPHS. The disease, chlamydia, has become established as enzootic, latent or a chronic respiratory infection in many aviaries, breeding establishments, pet shops, or other places where caged birds are housed. The disease affects other birds and animals in addition to the parrot family and is transmissible to humans. The object of the antibiotic treatment is to reduce the level of the chlamydia organism causing psittacosis to a point where psittacosis will not be spread to other birds and animals and where it is not hazardous to individuals having contact with the birds. If non-psittacine species are quarantined in the same facility with psittacine species, the regulations (9 CFR 92.11(f)(8)(A)(13)) require that they all be fed the CTC medicated feed.

The primary consideration in a feeding program is to assure that the birds have a uniform blood level of CTC high enough to control most of the chlamydia responsible for the disease. The ration must be palatable. If the level of CTC is too high, the food tastes bitter and the birds will resist it.

Presently the USPHS guidelines recommend that the birds be fed a boiled grain ration containing 1% CTC. Recent research done by USDA indicates that there is now an alternative method of feeding which is equally effective in controlling the disease. By feeding a balanced, pelleted ration with at least 1.0% CTC, with not more than 0.7% calcium, the antibiotic is in the bird's bloodstream at the required level for treatment of psittacosis in order to prevent its spread to other birds and animals and afford adequate protection to USDA personnel and others exposed to the birds.

The levels of CTC and calcium can be more closely controlled in the pelleted feed ration assuring a more balanced and palatable diet for the birds. Under the required method of feeding, the feed-antimicrobial mixture must be prepared fresh for each day's use and the CTC must be carefully mixed after the cooked food (rice, hen scratch feed and water mixture), has cooled to body temperature or lower. Since the pelleted feed ration is available commercially, preparation would be simplified, with a resulting decrease in labor. Information gathered from the USDA quarantine stations indicates that an importer can eliminate 3-6 hours of preparation time at each feeding, and some additional time in cleanup, by using the pelleted

feed instead of the mash (based on preparing 100 pounds of mash). This is an important consideration if labor is a limiting factor in quarantine station operation. In addition, an importer who chooses the pelleted feed may realize a savings from less waste in feeding. Since the boiled mash must be prepared fresh every day, whatever is not consumed at one feeding must be discarded.

Giving the importer an alternative feed allows him or her to use the feed individual birds find most palatable. Pellets are often preferred to the mash, particularly if the mash mixture is not prepared correctly. If the CTC level is too high, the ration will be bitter.

The recent research done by USDA also indicates that the pelleted feed currently costs approximately 50% more than the mash to use (including the savings in labor).

The alternatives considered in making this decision were:

(1) *To make no change in the regulation*—Option 1 would require the quarantine stations to continue using cooked mash, although the Department is aware that an effective alternative method is available. Stations where labor is a limiting factor would be at a disadvantage if required to continue using the labor intensive method of preparing mash. All employees and USDA personnel at the station would still be protected from the disease.

(2) *To make the proposed change*—Option 2 would allow importers to choose a feeding method suitable to their operation. It is believed that some quarantine stations will switch to the pelleted feed because of the convenience of using it. Allowing flexibility in how CTC is administered should improve operations at these individual quarantine stations. The feed will be equally, if not more, effective in protecting those persons in contact with the birds from the disease. Should other feeds be developed which meet the new requirement, importers would be allowed to use these feeds as well. Withdrawing the requirement for CTC medicated feed was not considered a viable alternative because it is necessary to prevent disease spread to other birds and animals and because of the risk to USDA personnel and other individuals in contact with these birds in the quarantine stations. For these reasons, Option 2 is proposed.

Therefore, the Department is proposing to amend Title 9, Code of Federal Regulations, §§ 92.11(f)(3)(ii)(C) and 92.11(f)(8)(A)(13) to remove the reference to the USPHS guidelines, and thus, allow feeding chlortetracycline in a pelleted form.

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

Accordingly, Part 92, Title 9, Code of Federal Regulations, would be amended in the following respects:

1. Section 92.11(f)(3)(ii)(C) would be revised to read:

§ 92.11 Quarantine requirements.

(f) * * *

(3) * * *

(ii) * * *

(C) Birds of the psittacine family shall receive a balanced, medicated feed ration treatment containing not less than 1% CTC with not more than 0.7% calcium for the entire quarantine period as a precautionary measure against chlamydiosis (psittacosis).

2. In § 92.11(f)(3)(ii)(C), footnote number 9 would be removed and footnotes 10 through 17 and all references thereto would be redesignated 9 through 16.

3. In § 92.11(f)(8) A. 13., the first sentence would be amended to read: "To feed chlortetracycline to psittacine birds, upon their arrival in the facility, as prescribed in § 92.11(f)(3)(ii)(C)."

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the Federal Register.

Done at Washington, D.C., this 16th day of November 1981.

John W. Walker,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-33504 Filed 11-20-81; 8:45 am]

BILLING CODE 3410-34-M

FARM CREDIT ADMINISTRATION

12 CFR Part 611

Organization

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comment

miscellaneous amendment to its organizational regulations. These amendments are for clarification and updating because of new authorities conferred on institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980 (Pub. 96-592).

DATE: Written comments must be received on or before January 19, 1982.

ADDRESS: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, DC 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION:

PART 611—ORGANIZATION

Part 611 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown:

1. Subpart A is revised to read as follows:

Subpart A—Introduction

§ 611.100 The Farm Credit Act.

The Farm Credit Act of 1971, Pub. L. 92-181, (Act), approved December 10, 1971, recodified and replaced the prior laws under which the Farm Credit Administration and the institutions of the Farm Credit System were organized and operated. The prior laws which are repealed and superseded by the Act are identified in section 5.26(a) of the Act. Section 5.26(b) retained the effectiveness of the existing regulations of the Farm Credit Administration and the Farm Credit System, the institutions' charters, bylaws, resolutions stock classifications, policy, and elections until superseded, modified, or replaced under the authority of the Act. All obligations and contracts under prior laws remain enforceable unless and until modified by the Act. The purpose of these regulations is to implement the provisions of the Act. Contracts, including but not limited to notes, bonds, debentures, loans, security, and collateral, entered into by the Farm Credit Administration or any of the institutions of the Farm Credit System before the issuance of these regulations shall remain valid and enforceable upon

their terms unless and until they are subsequently modified.

2. Subpart B is revised to read as follows:

Subpart B—Policy

§ 611.200 Farm credit policies.

(a) In recognizing that a prosperous and productive agricultural economy requires a permanent financing system, Congress authorized creation of the Farm Credit System. The Farm Credit System is a limited-purpose system of borrower-owned banks and associations. It is a financing system designed to furnish sound, adequate, and constructive credit and closely related services to farmers, ranchers, producers or harvesters of aquatic products, and agricultural and aquatic cooperatives. The System also finances nonfarm rural housing and selected farm-and aquatic-related businesses. This national policy continues under the Act.

(b) The System is designed to be owned and controlled by its borrowers. This design fosters System responsiveness to the credit needs of agricultural and aquatic producers or cooperatives that have a basis for System credit. The primary objective of the System is to help improve the income and well-being of farmers, ranchers, and producers or harvesters of aquatic products. Because the System was well conceived, it has served a large part of the agricultural and aquatic credit needs of the country. These regulations identify areas in which Systemwide and district policies for the guidance of management and operations of the banks and associations are necessary to assure the accomplishment of the System's objectives.

(c) This wider latitude of service and added functions accentuate the impact of the System on the agricultural and aquatic economy, on the other elements of the Nation's total business community, and on the public generally. Consequently, as is true with other types of financing institutions, the public interest will be protected under rules dealing with supervision, examination, audit, lending, and funding operations of the System.

3. Subpart D is revised to read as follows:

Subpart D—The Farm Credit System

§ 611.400 System organization.

(a) The Farm Credit System includes the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, the production credit associations, the

banks for cooperatives, service corporations authorized by section 4.25 of the Farm Credit Act of 1971, as amended, and unincorporated service organizations formed pursuant to agreements authorized by section 5.6(a)(5) of the Act. Each institution is chartered by the Farm Credit Administration, an independent agency in the executive branch of the United States Government. Each of these banks, associations, and service corporations is an instrumentality of the United States, created to carry out the congressional policy and objective. These institutions are subject to the regulations and supervision of the Farm Credit Administration. Each bank has immediate supervisory responsibility over its associations in the district. The stockholders of a service corporation have immediate supervisory responsibility through the board of directors over the service corporation.

(b) The banks have immediate supervisory responsibility over unincorporated service organizations as owners or as participating users. Together with their boards, the banks prescribe the powers, duties, authorities, and functions of such organizations. Unincorporated organizations are under the direction of their governing bodies, or similar managing bodies.

Subpart F—General Rules for the Districts

4. Section 611.1010 is revised to read as follows:

§ 611.1010 Powers, duties, and responsibilities.

The district board acting in that capacity, or as the board of a bank, as appropriate, shall:

(a) Provide rules for its operation as a district board and as a separate board for each bank; and provide such other rules, guidelines, and policy guidance within the district as may be appropriate for the effective implementation of the law and these regulations.

(b) Adopt bylaws for each bank and approve bylaws for associations from standard and optional bylaws in a form approved by the Farm Credit Administration. Bylaws and amendments to bylaws proposed by a bank or association require Farm Credit Administration approval before implementation.

(c) Authorize agreements for joint services, which can be most effectively performed by joint undertakings, within or between districts for functions and services to borrowers and to institutions of the System. When such agreements involve impact or implications for other institutions of the System, the general

protection of borrowers' equities, and the overall public interests, the proposals shall be undertaken after prior consultation with Farm Credit Administration.

(d) Employ a chief executive officer for each bank, and establish performance standards of the officer. The board shall hold the officer accountable for the responsibilities delegated to him or her in administering the bank's business. The chief executive officer shall operate the bank according to policies prescribed and approved by the board, and according to the provisions of these regulations, the bylaws, and the Act.

(e) Adopt a policy to provide direction for the district and each Farm Credit entity in the district with regard to the management of human resources. Such policy shall include a statement of the board toward recruitment and placement, employee development and training, compensation and benefits.

(f) Provide for the supervision of the associations in the district to assure that authorized services are available to eligible persons in the most effective and efficient manner.

(g) Adopt and prescribe consistent lending and operating policies for each bank and for all associations in the district as authorized by law and by these regulations. Such policies shall establish that the credit and other services available to eligible persons are uniform, to the extent feasible, and are at the lowest reasonable cost consistent with sound business operations. The policies of the board shall recognize that the strength of the Farm Credit System lies substantially in its cooperative character, that each institution is an integral part of the statutory scheme for the whole System, and shall require that each institution shall consider the total credit needs of and services available to eligible borrowers.

(h) Formulate broad policy guidelines concerning the funding operations of banks in the district and, in concert with other district boards, furnish long-range guidance to the System for future funding of the System.

(i) Consider recommendations made in examination and audit reports and take appropriate corrective actions, as determined by the board or as required by the Farm Credit Administration. If the district board does not concur with corrective actions required by the Farm Credit Administration, the Federal Farm Credit Board shall determine the appropriate corrective action.

(j) Provide a periodic review of the credit and related service needs of farmers, ranchers, producers or

harvesters of aquatic products, and cooperatives in the district, and recommend programs or program modifications to the Federal Farm Credit Board.

5. Section 611.1055 is revised to read as follows:

§ 611.1055 Minutes of the governing body of incorporated and unincorporated service organizations.

The governing bodies of incorporated service corporations and unincorporated service organizations shall keep full and accurate minutes of their meetings. Copies of the minutes shall be sent, as required, to the Farm Credit Administration.

6. Section 611.1060 is revised to read as follows:

§ 611.1060 District organization.

The district board shall provide a means of facilitating and promoting maximum communications among the banks in the district. In addition, the district board shall provide an efficient and effective means of coordinating communications of the banks in the district with the Farm Credit Administration, with other parts of the System, with other organizations, with borrowers, and with the public. The district board shall provide for these means of communications through a committee of presidents of the three banks in the district or through some other organizational pattern. The organizational pattern should encourage and help effectuate closer relationships among the banks as a means of providing in the most efficient and effective manner the best possible service to members.

7. Section 611.1070 is revised to read as follows:

§ 611.1070 Branches.

(a) A bank, an incorporated service corporation, or an unincorporated service organization may establish branches or other offices necessary for the effective operation of its business upon approval of its board or governing body. Such actions shall require the approval of the Farm Credit Administration.

(b) An association may establish such branches or other offices necessary for the effective service to borrowers when approved by its board and the supervisory bank.

8. Section 611.1090 is revised to read as follows:

§ 611.1090 District changes.

(a) Two or more district boards may recommend to merge, transfer territories, or change the name of a

district. The proposal and justification for the recommendation shall be submitted by the district boards to the Farm Credit Administration for review by the Federal Farm Credit Board before it is submitted for any required stockholder approval. Following approval by the stockholders, the proposed change shall be submitted to the Farm Credit Administration for approval by the Federal Farm Credit Board.

9. Section 611.1100 is revised to read as follows:

§ 611.1100 Mergers or consolidations of banks.

As authorized by sections 4.10 and 5.18 of the Farm Credit Act of 1971, as amended, similar banks (operating under the same title of the Act) may merge or consolidate. Any of the banks proposing to merge or consolidate shall jointly submit to the Farm Credit Administration for review the proposal and justification for the proposed action and recommendations for the formulation of a board of directors for the continuing or consolidated bank. Approval of the merging or consolidating banks' stockholders shall be obtained after Farm Credit Administration review. Following approval by the stockholders, the proposed merger or consolidation shall be submitted to the Farm Credit Administration for approval by the Federal Farm Credit Board.

10. Section 611.1110 is revised to read as follows:

§ 611.1110 Creation of new associations.

Any application for the issuance of a charter to a new Federal land bank association shall meet the requirements of § 1.13 of the Act, and any application for the charter of a new production credit association shall meet the requirements of § 2.10 of the Act. In submitting the application and recommendations required by said sections, the proposed association shall submit its proposed bylaws from the standard or optional bylaws approved by the Farm Credit Administration, or its proposed additions and modifications to approved standard bylaws provisions.

11. Section 611.1120 is revised by amending paragraphs (a) and (b) and adding new paragraphs (c) and (d) to read as set forth below:

§ 611.1120 Amendments of association charters.

(a) The Governor shall have the power to direct at any time changes in an association's charter that are necessary to accomplish the purposes of

the Farm Credit Act of 1971, as amended.

(b) Subject to the approval of the bank board and the Farm Credit Administration, an association charter may be amended. Proposals for amendment may include, among others, mergers or consolidations, transfers of territories, and changes in association headquarters and title. Proposals for any charter amendments shall be submitted by the bank to the Farm Credit Administration. The proposal shall be accompanied by the following:

(1) A certified copy of the association's board of directors' resolution approving the proposed change.

(2) A certified statement from the bank's board of directors approving the proposed change.

(3) Any additional information that would be helpful to the Farm Credit Administration in acting upon the proposed change.

(c) Proposals for mergers or consolidations are subject to the following procedures. The boards of directors of two or more similar associations may propose to merge or consolidate associations. The resolutions proposing such agreement shall be submitted to the supervising bank board for approval, together with an agreement setting forth the terms and conditions of the merger or consolidation.

(1) The agreement for merger or consolidation shall include:

(i) The proposed effective date.
(ii) The proposed name and location of the continuing or consolidated association.

(iii) The proposed charter and bylaws of the continuing or consolidated association.

(iv) The names of persons nominated to serve as directors until the first annual meeting after the merger or consolidation. In a merger, present directors of the merging associations may serve as directors of the continuing association until the expiration of the directors' terms. However, the directors must be serving current terms of office that will expire on a staggered basis to assure that an election of directors occurs at the first and subsequent annual stockholders' meetings following the merger. In such cases, the number of directors cannot exceed the maximum number of directors designated in the continuing association's bylaws.

(v) The authority for transferring assets to and for assuming liabilities by the continuing or consolidated association.

(vi) The provision relating to the stock of the constituent associations and the stock of the continuing or consolidated association. No fractional shares of stock shall be issued.

(vii) The granting of authority to persons designated to carry out the terms of the agreement, including the authority to execute any documents necessary to perfect title.

(2) Approval of a merger or a consolidation follows two steps:

(i) If the bank board approves the proposed merger or consolidation, the bank shall certify and shall transmit the tentative agreement to the Farm Credit Administration for review and for tentative approval. When the bank obtains the tentative approval of the Farm Credit Administration, the proposed merger or consolidation shall be submitted to the stockholders of the merging or consolidating associations for approval. Approval shall require a majority of the voting stockholders present and the written proxies (of voting stockholders), which are presented at a duly held stockholders' meeting of each constituent association. The bank shall prescribe the form of proxy which shall be furnished or made available to each stockholder eligible to vote.

(ii) If the associations' stockholders approve the proposed merger or consolidation, the bank shall forward to the Farm Credit Administration a copy of the stockholders' resolution and a certified statement from each constituent association. The statement shall certify that a quorum, including proxies, was present at the stockholders' meeting and that the majority of the members voting, including proxies, approved the proposed merger or consolidation. If the Farm Credit Administration approves the proposed merger or consolidation, it shall amend the charter of the continuing association or issue a new charter to the consolidated association. Thereafter, the designated directors of the continuing or consolidated association may take actions necessary to transact the association's business, subject to ratification by the directors at the first meeting after the effective date of the merger or consolidation. The execution of the agreement and the merger or consolidation in its entirety shall be under the direction of the bank. Bylaws of the continuing or consolidated association shall be submitted to the Farm Credit Administration for approval when appropriate.

(d) Territorial adjustments are subject to the following requirements:

(1) All stockholders and all borrowers whose operations are located in adjusted territories shall be informed in writing of the territory adjustment. Also, they shall be notified of the transfer of their loans and the exchange of related equities for equities of like kinds and amounts in the transferee association. If a like kind of equity is not available in the transferee association, similar equities shall be offered which will not affect adversely the interests of the owner. Upon written request, each stockholder shall be informed of the availability of the association's latest financial and related information for review by the stockholder.

(2) The Agreement of Transfer of Territory and the notice of territory transfer shall provide 60 days from the date of the notice for stock holders to notify either association in writing of their decision to decline acceptance of the equities of the transferee association and to remain with the transferor association for normal servicing until the current loan is paid. Any application by the borrower for renewal or for additional credit shall be made to the transferee association, except for those applications permitted under § 614.4070.

12. Section 611.1150 is revised to read as follows:

§ 611.1150 Incorporation of service corporations.

(a) *General.* Any Farm Credit bank(s) may organize a service corporation to perform, for or on behalf of the bank(s), any function or service that the bank(s) is authorized to perform under the Act and the Regulations, except extending credit and providing the sale of insurance services, or providing other direct services to borrowers. The bank(s) wishing to organize such a service corporation shall submit a proposal to the Farm Credit Administration according to the application requirements of paragraph (b) of this section. If the proposal meets the requirements of the Act, these Regulations, and any other conditions which the Governor of the Farm Credit Administration may impose, the Governor may issue a charter for the service corporation making it a federally chartered instrumentality of the United States. Such service corporation shall be subject to supervision and examination by the Farm Credit Administration. Only Farm Credit banks are eligible to become stockholders in the corporation. Each bank shall be eligible to become a stockholder of each service corporation organized under this section.

(b) *Application.* The application for a corporate charter shall include:

(1) A certified resolution of the board of each organizing bank authorizing the incorporation.

(2) A request signed by the president(s) of the organizing bank(s) to the Governor to incorporate, supported by a detailed statement demonstrating the need and the justification for the proposed entity.

(3) The proposed Articles of Incorporation specifying at a minimum the following:

- (i) The name of the corporation;
- (ii) The city and State in which the principal office of the corporation is to be located;
- (iii) The general purposes for which the corporation is formed;
- (iv) The general powers of the corporation;
- (v) The procedures under which each bank may become a stockholder;
- (vi) The procedures by which bylaws may be adopted and amended;
- (vii) The title, par value, various voting rights, and authorized amount of each class of stock to be issued by the corporation, and the procedures by which each class may be retired;
- (viii) The notice, quorum, and vote required for shareholder action on various matters;

(ix) The procedures for the merger, voluntary liquidation, or dissolution of the corporation or the distribution of corporate assets;

(x) The standards and procedures for the application and distribution of corporate earnings;

(xi) The duration of the corporation, if other than perpetual;

(xii) A requirement, which shall be binding on all stockholders, that in the event of insolvency of the service corporation, such stockholder will pay, at the direction of the Governor, the valid claims of the creditors of the corporation;

(xiii) A requirement that contracts between participating banks and the corporation include a provision requiring such banks to share in the resulting liability of the corporation in the event of insolvency, if such sharing would be equitable in the judgment of the Governor.

(4) The proposed bylaws.

(5) The proposed amounts and sources of capitalization and operating funds.

(6) Any agreements between the organizing banks relating to the organization or the operation of the corporation.

(7) Any other supporting documentation as may be requested by the Governor of the Farm Credit Administration.

(c) *Approval.* The Governor may condition the issuance of a charter as he deems appropriate and for good cause may deny the application. Upon approval by the Governor of a completed application, which shall be kept on file at the Farm Credit Administration, the Governor shall issue a charter to the service corporation which shall thereupon become a body corporate and a Federal instrumentality.

(d) *Amendment of Articles of Incorporation.* The articles of incorporation of a service corporation may be amended in either of two ways:

(1) The board of directors of the corporation may request the Governor to amend the articles of incorporation by sending with its request a certified resolution of the board of directors of the service corporation and stating:

(i) The section(s) to be amended;
(ii) The reason for the amendment;
(iii) The language of the articles of incorporation provision, as amended; and

(iv) That the requisite shareholder approval has been obtained. This request shall be subject to the approval of the Governor as stated in paragraphs (a) and (c) of this section.

(2) The Governor may at any time make any and all changes in the articles of incorporation that he deems necessary and appropriate for the accomplishment of the purposes of the Act.

13. Part 611 is amended by adding § 611.1160 to read as follows:

§ 611.1160 Incorporated and unincorporated service organizations.

Service corporations and unincorporated service organizations shall be subject to applicable Regulations for the Banks and Associations of the Farm Credit System.

(Sec. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, (12 U.S.C. 2243, 2246 and 2252))

C. T. Fredrickson,
Acting Governor.

[FR Doc. 81-33438 Filed 11-20-81; 8:45 am]

BILLING CODE 6705-01-M

12 CFR Part 613

Eligibility and Scope of Financing

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comment miscellaneous amendments to its regulations which set forth the criteria

necessary to be eligible to borrow funds, and also the extent of financing possible through the Farm Credit System. These amendments are for clarification and updating because of new authorities conferred on institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980 (Pub. L. 96-592).

DATE: Written comments must be received on or before January 19, 1982.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION:

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

Part 613 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown:

Subpart A—General

1. Section 613.3000 is revised to read as follows:

§ 613.3000 Authority.

The Act, sections 1.8, 2.15, authorizes the Federal land banks and production credit associations to make loans to bona fide farmers, ranchers, producers or harvesters of aquatic products, rural residents, and persons furnishing services directly related to the onfarm operating needs of farmers and ranchers. Similarly, sections 3.7 and 3.8 of the Act authorize banks for cooperatives to make loans to eligible cooperatives and to domestic or foreign parties that substantially benefit eligible cooperatives.

Subpart B—Eligibility to Borrow From Federal Land Banks and Production Credit Associations

2. Section 613.3020 is revised to read as follows:

§ 613.3020 Farmers and ranchers and producers or harvesters of aquatic products.

(a) *Definitions:*

(1) A bona fide farmer or rancher is a person owning agricultural land, or engaged in the production of agricultural

products, including aquatic products under controlled conditions.

(2) A producer or harvester of aquatic products is a person engaged in producing or harvesting aquatic products for economic gain in open waters under uncontrolled conditions.

(b) *Eligibility:*

(1) To be eligible to borrow, an individual's qualification as a bona fide farmer, rancher or producer or harvester of aquatic products shall be established as a part of the application for credit.

(2) A legal entity shall meet the same requirements in either paragraph (a)(1) or (a)(2) of this section and at least one of the following qualifications to be eligible to borrow:

(i) More than 50 percent of the value or number of shares of its outstanding voting stock or equity is owned by the individuals conducting the farming, livestock or aquatic operation.

(ii) More than 50 percent of the value of its assets consist of assets related to the production of agricultural products or production or harvest of aquatic products.

(iii) More than 50 percent of its income originates from its production of agricultural products or production or harvest of aquatic products.

(c) In addition, any loan to a legal entity in which at least 50 percent of ownership or the control is vested directly or indirectly in another legal entity that does not meet at least one of the preceding three requirements shall be subject to prior approval of the appropriate bank and submitted to the Farm Credit Administration for post review. The applicant must also demonstrate that such owned or controlled legal entity can operate as a counterpart to the normal farm or aquatic businesses eligible to borrow, without jeopardy to such normal farm or aquatic business or the general agricultural or aquatic economy. Submissions shall fully document the ownership structure, the business affiliations of those owning or controlling the applicant, and the compatibility of the applicant's farming or aquatic business to normal farm or aquatic business operating in the area or to the general agricultural or aquatic economy.

(d) A legal entity engaged in agriculture or production or harvesting of aquatic products for the primary purpose of conducting its operation at a loss to absorb taxable income from nonagricultural or nonaquatic sources shall not be eligible. The legal entity shall demonstrate compliance with this subsection.

3. Part 613, Subpart B, is amended by removing § 613.3030.

Subpart D—Eligibility of Cooperatives to Borrow From a Bank for Cooperatives

4. Section 613.3110 is revised to read as follows:

§ 613.3110 Cooperative eligibility.

(a) *Definitions.* For the purpose of this part—

(1) "Cooperative" means any association of farmers, ranchers, producers or harvesters of aquatic products, or any federation of such associations, or a combination of such associations and farmers, ranchers, or producers or harvesters of aquatic products, which is operated on a cooperative basis, is engaged in processing, preparing for market, handling, or marketing farm or aquatic products; or purchasing, testing, grading, processing, distributing, or furnishing farm or aquatic supplies; or furnishing farm or aquatic business or other services to eligible farmers, ranchers, producers or harvesters of aquatic products, or eligible cooperatives.

(2) "Cooperative basis" means the conduct of business for the mutual benefit of the members as patrons.

(3) "Farm or aquatic supplies and farm or aquatic business services" are any economic goods, business, or services normally used by farmers, ranchers, or producers or harvesters of aquatic products which contribute to their business operations or are in furtherance of the livelihood, welfare, or security of such persons.

(4) "Service cooperative" is a cooperative predominantly involved in providing a specialized business service related to the agricultural or aquatic business operations of farmers, ranchers, or producers or harvesters of aquatic products or cooperatives as approved by the Farm Credit Administration.

(b) *Eligibility.* To be eligible to borrow from a bank for cooperatives, a cooperative shall meet the following requirements:

(1) At least 80 percent—

(i) 60 percent in the case of rural electric, telephone, public utility, and service cooperatives;

(ii) 60 percent in the case of local farm supply cooperatives which have historically served needs of the community that would not adequately be served by other suppliers and have experienced a reduction in the percentage of farmer membership due to circumstances beyond their control such as, but not limited to, urbanization of the community;

(iii) 60 percent in the case of local farm supply cooperatives which provide or will provide needed services to a community and which are or will be in competition with a cooperative specified in § 613.3110(b)(1)(ii);

Of the voting control shall be held by farmers, ranchers, producers or harvesters of aquatic products, or entities eligible under § 613.3020, or other cooperatives eligible to borrow from a bank for cooperatives. Higher farmer, rancher, producer or harvester of aquatic products, or eligible cooperative voting control percentage requirements may be established by resolution of the bank board with respect to any type of cooperative. Such higher voting control percentage requirements shall be applied uniformly and consistently to any type of cooperative so designated by bank board resolution. Such resolutions shall be subject to Farm Credit Administration prior approval. Bank board policies shall ensure that bank procedures require good faith representations on the part of borrowers in applications for loans and in loan covenants to affirm that the minimum farmer, rancher, and producer or harvester of aquatic products voting control percentage requirements are met as established by law. The procedures shall require documentation in bank loan files of the basis on which such representations are made and accepted in the case of those cooperatives whose records do not establish the percentage of voting control held by agricultural or aquatic producers. Board policies concerning cooperative voting control shall be subject to Farm Credit Administration approval.

(2) It deals in farm or aquatic products or products therefrom, farm or aquatic supplies, or farm or aquatic business services with or for members in an amount at least equal in value to the total amount of such business transacted by it with or for nonmembers, excluding from the total of member and nonmember business transactions with the United States or any agencies or instrumentalities thereof or services or supplies furnished as a public utility.

(3) No member of the cooperative shall have more than one vote because of the amount of stock or membership capital owned therein; or, the cooperative must restrict dividends on stock or membership capital to 10 percent per year or the maximum percentage per year permitted by the applicable State statutes, whichever is less.

(4) A cooperative which was otherwise eligible and was a borrower

on May 17, 1972, and which does not materially change its entity structure or ownership and control will continue to be eligible for further borrowing.

(c) *Scope of financing.* A bank for cooperatives may make loans to meet any credit need which will enable a cooperative to perform those functional powers described in paragraph (a) of this section which will benefit its members. A Bank may also make loans, to a cooperative otherwise eligible to borrow, for purposes not directly related to such primary functions or powers, so long as a finding is made that the amount to be loaned is reasonably modest in relation to the total credit provided and such business purpose(s) will enhance the well-being of the members and patrons.

(Sec. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 621 (12 U.S.C. 2243, 2246 and 2252))

Frederick R. Medero,
Acting Governor.

[FR Doc. 81-32048 Filed 11-20-81; 8:45 am]

BILLING CODE 6705-01-M

12 CFR Part 614

Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comments miscellaneous amendments to its regulations governing loan policies and operating procedures. These amendments are for clarification and updating because of new authorities conferred on institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980 (Pub. L. 96-592).

DATES: Written comments must be received on or before January 19, 1982.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202-755-2181).

PART 614—LOAN POLICIES AND OPERATIONS

Part 614 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown.

Subpart A—General

1. Section 614.4020 is revised to read as follows:

§ 614.4020 Delegation of authority.

(a) The Farm Credit Act of 1971, as amended, authorizes and directs the delegation and redelegation of such of the duties, powers, and authority of the Farm Credit Administration as may be determined to be in the interest of effective administration.

(b) The banks shall provide for the exercise of loanmaking authority by the associations commensurate with their demonstrated ability to extend and administer credit soundly on condition that adequate control and supervisory measures are developed and exercised.

(c) It shall be the responsibility of each bank board to adopt a policy authorizing the bank to delegate loanmaking authority to bank personnel and associations. Such policy shall require the bank to define authorities to be delegated, provide for documented evaluation of the capability and responsibility of individuals or associations where authority is delegated, provide for reporting of actions taken under delegated authority, provide procedures for periodic review and enforcement, and provide for withdrawal of authority where appropriate. Where associations are authorized to redelegate loanmaking authority to employees, bank procedures shall provide for associations to utilize similar control measures.

§§ 614.4030 and 614.4031 [Removed]

2. Part 614, Subpart A, is amended by removing § 614.4030 and § 614.4031.

3. Section 614.4051 is revised to read as follows:

§ 614.4051 Federal land Federal intermediate credit bank credit review.

(a) It shall be the duty of the supervising bank to adequately review and evaluate annually the credit quality of loans and related loan assets and the quality of credit administration in each Federal land bank association and each production credit association. Each bank board shall adopt a policy prescribing credit review criteria and providing for the issuance of a report to the association board. The adequacy and reliability of bank reviews and the completeness of reporting will be major considerations by Farm Credit

Administration examiners in determining the scope of their audit and examination of associations and banks. Bank policies shall be subject to approval by the Farm Credit Administration. The policies shall include at least the following:

(1) Evaluating and reporting shall at all times be under the supervision of a bank credit officer, properly trained and with proven capability in analyzing loans, credit administration, and personnel performance.

(2) A credit review program shall be prepared annually which will designate the scope of review to be made in each association. The extent of review may range from a minimum sampling in strong associations to be full review in weaker associations. All associations shall be subject to a comprehensive review at intervals of no more than 3 years.

(i) *Scope of review—production credit associations.* A comprehensive scope of review shall include a review of loans, acquired property, sales contracts, liquidating assets, the total area of credit administration, and the report from the association board at yearend of the number and amount of losses estimated in its loan portfolio. The basis for the decision to exclude any of these areas from a minimum review should be documented in the review report.

(ii) *Scope of review—Federal land bank associations.* A comprehensive scope of review shall include new loans made, partial release and subordination functions, forbearance cases, overall loan servicing, the total area of credit administration, including appraisal accuracy, and the report from the association board at yearend of the number and amount of losses estimated in its loan portfolio. The basis for the decision to exclude any of these areas from a minimum review should be documented in the review report.

(3) An annual written report shall be prepared on each Federal land bank association and production credit association detailing:

(i) The quality of credit,
(ii) The quality of credit administration, and
(iii) An evaluation of management (unless prepared by other bank departments) and compliance with law, regulations, and association and bank policies.

(4) Loans shall be classified in accordance with the following Systemwide loan classification standards:

(i) *Acceptable loans.* Loans of highest quality, ranging down to and including those having significant credit weaknesses.

(ii) *Problem loans.* Loans having serious credit weaknesses requiring more than normal supervision but believed to be collectible in full.

(iii) *Vulnerable loans.* High risk loans still considered collectible but involving probability of loss in the event repayment from available sources does not materialize.

(iv) *Loss loans.* Loans on which all or any portion is deemed uncollectible.

(5) Statistical reporting shall comply with minimum uniformity requirements prescribed by the Farm Credit Administration.

(6) Association internal credit reviews may be used as a part of the bank's review program provided:

(i) Authority and direction is provided in the bank board policy and the program is approved by the Farm Credit Administration.

(ii) The bank provides the necessary training, supervision, and testing of the association review process.

(7) Credit review procedures will be issued to bank personnel to facilitate the making of credit reviews and the issuance of reports. Where the bank and/or association have adopted special lending programs (i.e., specialized enterprise financing, young farmer programs, etc.), bank procedures will provide that such loans be classified in accordance with standards prescribed in paragraph (a)(4) of this section but that the reports also contain a specific and separate analysis of each special lending program. Such analysis should cover the reasons for the program, the selectivity of borrowers included, the quality of service and control exercised over the loan, relative progress being made by individual borrowers, and the success or failure in meeting the objectives of the program.

(b) Each Federal intermediate credit bank policy shall provide for a credit review of other financing institutions borrowing or discounting paper. The bank's credit review program shall prescribe a scope of review for such institutions commensurate with the capability and responsibility of the institution and the ratio of peak debt to capital and collateral pledged. Frequency of review and loan classification and reporting standards will be generally the same as for production credit associations, recognizing that supervisory responsibility is not a factor.

Subpart B—Chartered Territories

4. Section 614.4070 is revised to read as follows:

§ 614.4070 Loans outside the established territory—Federal land banks, Federal land bank associations, and production credit associations.

(a) A loan to finance eligible borrower operations conducted wholly within the territory of a bank or an association may be made by the bank or association in whose territory the operations are conducted regardless of the residence of the applicant.

(b) A loan to finance eligible borrower operations which are conducted partially within and partially without the territory of an association or bank may be made if concurrence of all like supervising banks responsible for territories in which the operations are conducted is obtained.

(c) A loan to finance eligible borrower operations conducted wholly outside the chartered territory of an association or bank may be made, provided such loans are authorized under policies established by the bank board and approved by the Farm Credit Administration. If a loan is made to an eligible borrower whose operation is conducted wholly outside the chartered territory of the lending association or bank, concurrence of like associations and the supervising bank(s) in whose territory(ies) the operation is conducted shall be obtained.

Subpart E—Loan Terms and Conditions

5. Section 614.4180 is amended by revising paragraph (b) to read as follows:

§ 614.4180 Federal land banks.

(b) The outstanding loan balance on any loan shall not at any time during the life of the loan exceed 85 percent (97 percent if guaranteed by a Federal, State, or other governmental agency) of the appraised value established by the most recent appraisal report on the primary real estate security. This shall not, however, prohibit advancing taxes, advancing insurance premiums with respect to the real estate, capitalizing past due interest, rescheduling loan payments, or granting partial releases of security interests in the real estate when, (1) If there is adequate collateral to support the total amount of the outstanding debt, such action will increase the ability of the debtor to repay the debt, or (2) if there is not adequate collateral to support the debt, the actions are considered necessary to protect the financial interest of the bank in the collateral.

6. Section 614.4230 is amended by revising paragraphs (a) and (c) to read as follows:

Subpart F—Security Requirements

§ 614.4230 Federal land banks.

(a) Primary security for a Federal land bank loan shall consist of a first lien on an interest in real estate comprising agricultural property, an eligible farm-related business, as eligible rural residence, or real estate used as an integral part of an eligible aquatic operation, whichever is most appropriate for the type of loan being made. The real estate interest must be mortgageable under deeds or leases which reasonably may be considered adequate to allow the bank to have security of a first lien upon such interest. Collateral closely aligned with, an integral part of, and normally sold with real estate may be included in the appraised value of the primary security upon which a loan is based. Values shall be determined within appraisal standards approved by the bank.

(c) Personal property used in farming or aquatic operations and considered as collateral for short- and intermediate-term credit will normally not be included as additional security. Before taking such personal property as additional security, the Federal land bank and Federal land bank associations shall consider whether all or a portion of the credit needs might be met more satisfactorily by a short- or intermediate-term loan such as may be obtained through a production credit association in accordance with district board policies under § 616.6020 of these regulations.

Subpart G—Interest Rates and Charges

7. Section 614.4310 is revised to read as follows:

§ 614.4310 Interest rate limitation for Federal intermediate credit banks.

(a) The rate of interest charged borrowers on notes or other obligations that a Federal intermediate credit bank may purchase, discount, or accept as collateral for loans shall not exceed by more than 4 percent per annum the lending rate of the Federal intermediate credit bank; payment of interest on other than a simple interest rate basis (add-on, interest after maturity, etc.) may be accepted provided the effective simple interest rate to the borrowers does not exceed the 4-percent spread limitation.

(b) Interest rate spreads for fixed rate loans shall be based on the FICB and borrower rates on the date the loan is closed;

(c) Interest rates for variable rate loans may vary provided the current rate charged the borrower shall not exceed by more than 4 percent per annum the current lending rate of the bank.

(d) Interest rates charged commercial bank borrowers on PCA-commercial bank participation loans shall not exceed by more than 6 percent per annum the lending rate of the Federal intermediate credit bank.

Subpart I—Loss-Sharing Agreements

8. Section 614.4340 is revised to read as follows:

§ 614.4340 General.

(a) With approval of the boards of directors of the respective Farm Credit System institutions, Farm Credit banks and associations may enter into agreements to share loan and other losses as provided in paragraph (b) of this section. The loss-sharing agreements shall cover, but not be limited to, definition of terms, terms and conditions for activation, determination of assessment formulas, limitation on assessments, reimbursements, administration, arbitration, and provisions for amendment and termination. All loss-sharing agreements shall be subject to Farm Credit Administration approval.

(b) Loss-sharing agreements to protect against the impairment of capital stock and participation certificates and for any other purpose may be entered into by:

- (1) The 12 Federal land banks;
- (2) The 12 Federal intermediate credit banks;
- (3) The 12 district banks for cooperatives;
- (4) The 37 Farm Credit banks;
- (5) Federal land bank and district Federal land bank associations;
- (6) District Federal land bank associations with the approval of the supervising bank;
- (7) Federal intermediate credit bank and district production credit associations; and
- (8) District production credit associations with the approval of the supervising bank.

Subpart N—Loan Servicing Requirements

Section 614.4511 is revised to read as follows:

§ 614.4511 Federal land bank association compensation.

Financial policies on Federal land bank association compensation are subject to the approval of the bank board and the Farm Credit Administration. Compensation may be paid to associations in an amount which reflects the value of the services being rendered for the bank and other financial policies and objectives. Compensation plans and changes thereto shall be approved by the bank board.

Subpart O—Special Lending Programs

10. Section 614.4520 is revised to read as follows:

§ 614.4520 General.

(a) To provide the best possible credit service to farmers, ranchers, and producers or harvesters of aquatic products, a district board may adopt policies permitting banks and associations to enter into agreements (subject to approval by the bank) with agents, dealers, cooperatives, other lenders, and individuals to facilitate the making of loans to eligible farmers, ranchers, and producers or harvesters of aquatic products.

(b) *Federal land banks.* A bank, or an association with bank approval, may enter into an agreement which will accrue to the benefit of the borrower and lender which allows others to perform functions in loanmaking or servicing other than the evaluation and approval of loans. When such an agreement is developed, and the territory covered by the agreement extends outside the territorial limits of the originating association or bank, a permissive agreement from all affected banks or associations is required. Reasonable compensation may be paid for services rendered.

(c) Production credit associations may enter into agreements with private dealers or cooperatives permitting them to take applications for loans from the association to purchase farm or aquatic equipment, supplies, and machinery. Such agreements shall normally be limited to persons or businesses selling to farmers, ranchers, or producers or harvesters of aquatic products and shall contain credit limits consistent with sound credit standards. When the sales territory of a dealer or cooperative extends outside the territory of the originating association, or the Farm Credit district, agreement of all banks and associations affected shall be obtained before making such loans. Reasonable compensation may be paid or charged to a dealer or cooperative for

services rendered in connection with such programs.

(d) Subject to the approval of the respective bank's board of directors, Federal land banks, Federal intermediate credit banks, banks for cooperatives, and production credit associations may enter into memorandums of understanding among themselves or with other lenders for the simultaneous processing and closing of loans to a mutual borrower. The basic policies and principles of each System lender shall apply.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246, and 2252)

C. T. Fredrickson,
Acting Governor.

[FR Doc. 81-39645 Filed 11-20-81; 8:45 am]

BILLING CODE 6705-01-M

12 CFR Part 615

Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comments miscellaneous amendments to its regulations in Part 615 which cover funding and fiscal affairs, loan policies and operations, and funding operations of the Farm Credit Administration. These amendments are for clarification and updating because of new authorities conferred on institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980 (Pub. L. 96-592).

DATES: Written comments must be received on or before January 19, 1982.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, DC 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION:

PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

Part 615 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown:

Subpart A—Funding

1. Section 615.5000 is revised to read as follows:

§ 615.5000 General responsibilities.

(a) System—Primary responsibility for the procurement of loan funds rests with the System acting through its finance committees or subcommittees. These finance committees or subcommittees shall determine the amount, maturities, rates of interest, and participation by the banks in each issue of joint, consolidated, or Systemwide obligations.

(b) Farm Credit Administration—The Farm Credit System has significant impact upon the investment community, the general public, and the national economy in both the volume and the manner by which loan funds are raised. The Farm Credit Administration holds a significant responsibility to supervise the collateral integrity of the debt obligations issued, to ensure ready accessibility to the money and capital markets, to preserve the stature and respect for the System's securities in the marketplace, and to maintain appropriate liaison with the U.S. Treasury Department and the financial community in general. Whenever each bank of the Farm Credit System obtains funds from the sale of obligations, the amount, maturities, rates of interest, and participation of each bank in each issue shall be subject to the approval of and shall be executed by the Governor of the Farm Credit Administration. In the exercise of responsibility to supervise the funding of the Farm Credit System, the Governor or, at his discretion, a designated representative shall be present whenever the terms and conditions of publicly issued obligations are determined.

(c) The Treasury Department—The Farm Credit Administration shall keep the U.S. Treasury Department informed of all public financing plans and actions by the institutions under its supervision and shall consult with the Secretary of the Treasury or his representative prior to taking any action relative to the amounts, maturities, rates of interest, and such terms and conditions of a sale of debt obligations.

2. Section 615.5010 is revised to read as follows:

§ 615.5010 Fiscal agency.

(a) The Fiscal Agency of the Farm Credit banks is authorized under Title IV, section 4.9, of the Act to market System obligations, to maintain accurate and timely records, and to assist the banks in the handling and investment of bank flows of funds and investment portfolios at the request of the banks. Under Title IV, section 4.8, the banks provide for the sale of obligations through the Fiscal Agency by negotiation, offer, bid, syndicate sale, and for the delivery of such obligations by book entry, wire transfer, or such other means as may be appropriate. The Fiscal Agency shall conduct the funding for the Banks at the direction of the appropriate finance committees under broad policy direction of the district boards acting in concert. By resolutions of agreement adopted by the boards of each of the banks, appropriate committees may be established for the instruction and direction of the Fiscal Agency.

(b) The interaction of the Farm Credit System with the financial community is principally through the Fiscal Agency. In order to aid in the process of ensuring continued and independent access to the national and international money and capital markets, to provide for an adequate and reliable supply of credit to meet the objectives of the Act, and to assure cooperation and coordination among the institutions of the System, the Fiscal Agency shall be subject to supervision and examination by the Farm Credit Administration.

§ 615.5020 [Removed]

3. Part 615 is amended by removing § 615.5020.

Subpart B—Collateral

4. Section 615.5050 is amended by revising paragraphs (a), (b), (d), (e)(3), and by removing paragraph (e)(5), as follows:

§ 615.5050 Policy.

(a) Each bank shall have on hand at the time of issuance of any long-term notes, bonds, debentures, or similar obligations, and at all times thereafter maintain, free from any lien or other pledge, assets consisting of notes and other obligations representing loans made under the authority of the Act, notes of Federal land banks, Federal intermediate credit banks, and banks for cooperatives representing secured interbank or intersystem loans, readily marketable securities approved by the Farm Credit Administration or cash, in an aggregate value equal to the amount of long-term notes, bonds, debentures, or

similar obligations outstanding for which the bank is primarily liable.

(b) The collateral value of eligible investments shall be the lower of cost or market value.

(d) When there is loan servicing, such as reamortization, extension, deferment or partial release, the new unpaid balance may be used as the collateral carrying value. In case of Federal land banks the carrying value shall not exceed 85 percent (97 percent if guaranteed by Federal, State or other governmental agencies) of the appraisal value established by the most recent appraisal report of the primary security.

(3) Provide a certified report by a bank officer at each regular meeting of the board of directors. The report should certify to the eligibility and the adequacy of collateral. Items to be reported will include but not be limited to the total amount of eligible collateral, amount of ineligible loans, amount of deductions, and the amount of excess collateral.

§ 615.5060 [Removed]

5. Part 615 is amended by removing § 615.5060.

Subpart C—Issuance of Bonds, Notes, Debentures, and Similar Obligations

6. Section 615.5101 is revised to read as follows:

§ 615.5101 Resolution required.

Each bank's board of directors shall by resolution authorize the issuance of notes, bonds, debentures, and similar obligations in such amounts as may be required to meet bank's needs. Such resolution shall specify the maximum amount of obligations which shall be outstanding at any one time, shall authorize the president of the bank, the executive committee or appropriate officers to do all things necessary and proper to issue such obligations. Each such resolution shall cover all authorities to issue or borrow as stated in sections 4.2 and 4.3(b) of the Farm Credit Act of 1971, as amended, and § 615.5050 (e)(3) of the regulations.

7. Section 615.5102 is revised to read as follows:

§ 615.5102 Finance committee.

Each finance committee, composed of the president of each bank or the president's designee, for the banks organized and operating under the separate title of the Farm Credit Act of 1971, as amended, shall appoint appropriate subcommittees and

establish its organization, responsibilities, and procedures to cover its operations and those of its subcommittees, subject to the approval of the Governor. The subcommittees or representatives of the finance committees shall establish, subject to the approval of the Governor, their organization, responsibilities, and procedures to cover their operations and those of their subcommittees for the issuance of Systemwide obligations.

Subpart D—Other Funding

8. Section 615.5135 is revised to read as follows:

§ 615.5135 Investment policy.

(a) Banks are authorized to hold investment portfolios for the purpose of maintaining sufficient liquidity, as a means of investing short-term surplus funds, and for short-term debt management purposes. The banks are not authorized to maintain investment portfolios primarily as a means of generating additional income.

(b) Each bank's board of directors shall adopt a policy, subject to the approval of the Farm Credit Administration, regarding the management of its investments. Within this policy, the following items shall be addressed:

- (1) The purpose of the bank's investments.
- (2) The portfolio objectives.
- (3) The bank's liquidity needs.
- (4) The portfolio size and quality.
- (5) Maturity guidelines.
- (6) Authorization to manage investment activities.
- (7) Reporting and monitoring requirements.

Additional areas shall be addressed in the policy as deemed appropriate by each bank.

9. Section 615.5140 is revised to read as follows:

§ 615.5140 Eligible investments.

(a) The approved list of eligible investments for Farm Credit banks shall include the following securities:

- (1) Consolidated and Systemwide obligations of the Farm Credit banks.
- (2) Direct and full faith obligations of the United States Government.
- (3) Fully guaranteed obligations of the United States Government.
- (4) Federal Home Loan Bank bonds and notes.
- (5) Federal Home Loan Mortgage Corporation obligations.
- (6) Federal National Mortgage Association short-term notes, debentures and participation certificates.

(7) Tennessee Valley Authority obligations.

(8) International Bank for Reconstruction and Development obligations denominated in dollars (World Bank).

(9) Bankers acceptances.

(10) Negotiable certificates of deposit.

(11) Prime Commercial Paper (Rated P₁ or A₁ and limited to 15 percent of total portfolio).

(12) Prime Finance Paper (Rated P₁ or A₁ and limited to 15 percent of total portfolio).

(13) Repurchase agreements of eligible investments.

(14) Full faith and credit obligations of a state, municipality, political subdivision, or public agency or instrumentality thereof, when approved by the bank on a case basis within the following limitations: Investments in bonds except revenue obligations, that have rated A or better (or the equivalent) by a recognized rating service, that mature within approximately 10 years, and are readily marketable.

(15) Other types of investments authorized by the Farm Credit Administration.

(b) The collateral value of eligible investments supporting outstanding System obligations shall be the lower of cost or market value.

10. Section 615.5141 is revised to read as follows:

§ 615.5141 Production credit associations.

Production credit associations shall invest in securities selected from eligible investments in § 615.5140, as authorized by the supervising bank.

11. Section 615.5142 is revised to read as follows:

§ 615.5142 Federal land bank associations.

A Federal land bank association shall invest its excess cash in unsecured obligations of its supervising bank or in eligible investments in § 615.5140 as authorized by the supervising bank.

Subpart J—Prescription, Subscription and Retirement of Stock

12. Section 615.5260 is amended by substituting "fair market value" for "book value" in paragraphs (a) and (b). As amended § 615.5260(a) and (b) introductory text read as follows:

§ 615.5260 Retirement of capital stock and allocated equities of banks for cooperatives.

(a) In case of liquidation or dissolution of a present or former borrower, the bank may, but shall not be required to, retire and cancel at the fair

market value, not exceeding par, all or part of the capital stock or any allocated equity in the bank owned by or allocated to such borrower. Before any such retirement shall be made, the banks shall have reasonable assurance that the liquidation or dissolution is or soon will be completed and the business of the borrower is not being continued under circumstances in which it would be appropriate and feasible for any successor to acquire and hold the investment interest of the present or former borrowers in the bank. Retirements under this provision shall be authorized in accordance with bank board policy.

(b) When the debt of a borrower to the bank is in default, such bank may, but shall not be required to, retire and cancel all or part of any stock or allocated equities of the bank on which the bank has a lien as collateral for the debt, at the fair market value thereof, not exceeding par value, in total or partial liquidation of the debt, under any of the following conditions:

13. Section 615.5270 is amended by removing the word "fair" as a modifier of book value in paragraph (b). As amended § 617.5270(b) reads as follows:

§ 615.5270 Purchase of class B stock of the Federal intermediate credit bank by production credit associations.

(b) When making such allotments, the bank may transfer, retire, or reissue outstanding class B stock among the associations as may be necessary to establish the proportion indicated in the preceding paragraph. Stock that is retired or transferred for this purpose shall first be the stock purchased by the associations to the extent it is available unless otherwise approved by the Farm Credit Administration. The bank shall pay the associations for all stock so retired or transferred and shall collect therefor from any association to which such stock is transferred or reissued, at the book value thereof not to exceed par.

§§ 615.5300 and 615.5310 [Removed]

14. Part 615 is amended by removing §§ 615.5300 and 615.5310.

15. Section 615.5320 is amended by removing the word "fair" as a modifier of book value in paragraphs (a), (b)(1), (b)(2), and (b)(3), as amended § 615.5320(a), (b)(1), (b)(2), and (b)(3) read as follows:

§ 615.5320 Retirement of Federal intermediate credit bank class B stock participation certificates, and allocated legal reserve.

(a) When there is no stock held by the Governor, the bank may retire class B stock at par, participation certificates at face amount, and allocated legal reserve at book value without preference to all holders thereof and in such manner that the oldest outstanding stock, participation certificates, or allocated legal reserve will be retired first, provided that after such retirements, the net worth structure of the bank meets the minimum requirements approved by the Farm Credit Administration.

(b) * * *

(1) Class B stock, participation certificates, and allocated legal reserve may be retired at book value thereof, not exceeding par or face amount as the case may be, in the event of an equalization of the ownership by production credit associations of capital stock, participation certificates, and allocated legal reserve of the bank, whether in connection with an assessment for capital stock or otherwise, provided that when an association surrenders stock, participation certificates, or allocated legal reserve, it shall first, unless otherwise approved by the Farm Credit Administration, surrender that which was acquired by purchase to the extent available and thereafter, surrender that acquired by patronage distributions from the bank;

(2) When authorized by the bank board, class B stock, participation certificates, and allocated legal reserve may be retired at the book value thereof, not exceeding par value or face amount as the case may be:

(3) The bank board may authorize the retirement of unimpaired participation certificates at face amount and allocated legal reserve at book value owned by an other institution as follows:

16. Part 615 is amending by adding § 615.5325 to read as follows:

§ 615.5325 Contributions of capital.

Subject to the approval of the Farm Credit Administration, Federal land banks may accept contributions of capital and Federal land bank associations may contribute capital to the Federal land bank under circumstances including, but not limited to, provisions of district capital preservation, loss-sharing, or recapitalization programs.

Subpart K—Surplus and Reserves

17. Section 615.5335 is amended by revising paragraph (a) to read as follows:

§ 615.5335 Federal intermediate credit bank system provision for losses on loans.

(a) Each bank shall evaluate its loans and discounts, accrued interest on loans, and other loan assets at the close of each fiscal year and establish and maintain an adequate provision for losses thereon which will reflect the reasonable net value of such assets.

18. Section 615.5360 is revised to read as follows:

§ 615.5360 Federal land bank association earnings.

Any Federal land bank association may pay patronage refunds out of the whole or part of net earnings which remain after (a) the restoration of the amount of any impairment of capital stock, and (b) the maintenance of a reserve account as provided in section 1.18(a) of the Farm Credit Act of 1971, as amended. Patronage refunds may be distributed in the form of allocated equities or cash or both with the approval of the bank.

Subpart O—Book-Entry Issuance of Farm Credit Securities

19. Section 615.5451 is revised to read as follows:

§ 615.5451 Consolidated systemwide notes.

The 12 Federal land banks, the 12 Federal intermediate credit banks, and the 13 banks for cooperatives issued consolidated Systemwide notes only in bearer definitive form in denominations of \$50,000, \$100,000, \$500,000, \$1,000,000, and \$5,000,000.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, (12 U.S.C. 2243, 2246, and 2252))

C. T. Fredrickson,

Acting Governor.

[FR Doc. 81-33646 Filed 11-20-81; 8:45 am]

BILLING CODE 6705-01-M

12 CFR Part 616**Coordination of Functions**

AGENCY: Farm Credit Corporation.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board publishes for comment miscellaneous amendments to its regulations which set forth the responsibilities of the institutions in the system in carrying out the functions of

system in the most efficient manner. These amendments are for clarification and updating because of new authorities conferred on the institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980 (Pub. L. 96-592).

DATES: Written comments must be received on or before January 19, 1982.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202-755-2181).

PART 616—COORDINATION

Part 616 of Chapter VI, Title 12, of the Code of Federal Regulations is amended as shown.

Subpart A—General

1. Section 616.6000 is revised to read as follows:

§ 616.6000 Responsibility

Each district board is responsible for assuring that each of the institutions under its policy or supervisory authority carries on its functions in the most efficient manner to the end that eligible farmers, ranchers, producers or harvesters of aquatic products, rural residents, farm-related businesses and cooperatives have access to complete, convenient, and high quality credit and financially related services at reasonable cost. The 1971 Act provides broad lending and service activity authority to all of the banks and associations, which could permit inefficiencies and overlapping of services among the units of the System in the absence of appropriate coordination. Thus, the interests of those using the System are best served when the activities are coordinated closely.

2. The title of Subpart B is revised to read as follows:

Subpart B—Credit Financially Related Services, and Technical Assistance

3. Section 616.6020 is revised to read as follows:

§ 616.6020 Overall policy

District policies in this area should minimize the possibility of injurious competition among institutions of the

System and maximize cooperation among them in providing credit services and other financially related services and technical services programs. These policies shall recognize that the Federal land banks are long-term real estate mortgage lenders, the production credit associations and the Federal intermediate credit banks make short- and intermediate-term loans, and the banks for cooperatives provide a specialized credit service to cooperatives. The absence of cooperation will inevitably inure to the disadvantage of those using the services of other institutions of the System. The policies should include such subjects as collateral to be taken by each type lender, Federal land bank open-end advance and readvance mortgage plans, limitation on the use of balloon-payment provisions in loans by all banks and associations, simultaneous or joint lending to borrowers, Federal land bank and production credit association lending to small, eligible cooperatives, joint or adjacent housing for associations whenever possible, and shared technical assistance, record information and counsel on specific loan cases.

4. Section 616.6030 is amended by revising the introductory paragraph to read as follows:

§ 616.6030 Rural home lending.

Coordination policies relative to rural home lending shall define the appropriate lending authorities and relationships including the following:

5. Section 616.6050 is revised to read as follows:

§ 616.6050 Loans to cooperatives for the purpose of directly financing the operating needs of their members.

Policies of district boards should be designed to encourage farmers, ranchers, and producers or harvesters of aquatic products, to obtain needed financing directly from their appropriate associations. These policies should recognize that the interests of farmers, ranchers and aquatic borrowers may best be served at times when financing is obtained from cooperatives which may borrow from a bank for cooperatives. District boards shall give due consideration, among other things, to the borrowing cooperative's ability to analyze and to supervise credit extension; the credit policy to be established; the preference of the members; the quantity, quality, availability, and convenience of the credit service being offered by the appropriate associations; the need by

cooperatives to offer the types of financing services offered by their competitors; and the natural relationships which exist between a cooperative's main functions of marketing, providing supplies or services, and financing services incident to such marketing, supplies or services. District policies shall assure that such lending activities do not conflict with the objectives and responsibilities of the Federal land banks and the Federal land bank associations, the Federal intermediate credit banks, and the production credit associations and that, in all cases, the best interests of the farmers, ranchers, and producers or harvesters of aquatic products are served.

6. Section 616.6060 is revised to read as follows:

§ 616.6060 Financially related services.

Financially related services offered to borrowers and other persons eligible for the services by one institution in the district shall be made available, to the fullest extent possible, to the borrowers and other persons eligible for the services from the other banks and associations in the district. Duplication of financially related services by Farm Credit System institutions in the same district shall be avoided whenever possible.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-161, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246 and 2252))

C. T. Fredrickson,
Acting Governor.

[FR Doc. 81-33644 Filed 11-20-81; 8:45 am]
BILLING CODE 6705-01-M

12 CFR Part 617

Examinations, Audits, and Irregularities

AGENCY: Farm Credit Administration
ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comment miscellaneous amendments to its regulations in Part 617 which govern examinations, audits, and investigations of institutions of the system, and their agents. These amendments are for clarification and updating because of the new authorities conferred on institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980 (Pub. L. 96-592).

DATE: Written comments must be received on or before January 19, 1982.

ADDRESS: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit

Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of the Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION:

Part 617 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown:

1. The title of Part 617 is revised to read as follows:

PART 617—EXAMINATIONS, AUDITS, AND INVESTIGATIONS

Subpart A—Examinations and Audits

2. Section 617.7000 is revised to read as follows:

§ 617.7000 Farm Credit System Institutions.

The Farm Credit Administration is required by section 5.20 of the Act to examine and audit each institution of the System, and each of their agents, at such times as the Governor may determine, but each bank and each production credit association shall be examined and audited not less frequently than once each year. Such examinations and audits shall be under the direction of the chief Farm Credit Administration examiner. Sections 4.27 and 5.6(a)(5) of the Act specify that the service corporations authorized pursuant to section 4.25 and unincorporated service organizations formed pursuant to agreements authorized by section 5.6(a)(5), respectively, are institutions of the Farm Credit System and subject to supervision and examination by the Farm Credit Administration.

3. Section 617.7020 is amended by revising the introductory paragraph and paragraph (a) and (b) to read as follows:

§ 617.7020 Other financing institutions.

Upon request of the Governor or any Farm Credit bank, Farm Credit examiners shall make examinations and written reports of the condition of any organization, except national banks, to which, or with which, any institution of the System contemplates making a loan or discounting paper.

(a) As a condition precedent to securing discount privileges with a bank

of the Farm Credit System, any organization other than State banks, trust companies, and savings associations shall file with such bank its written consent to examination by Farm Credit examiners as may be directed by the Farm Credit Administration (section 5.22 of the Act). Such organizations shall also agree to furnish the bank, the Farm Credit Administration, or any Farm Credit examiner, at any time upon call, full and current information regarding its financial conditions and operations.

(b) A State bank, trust company, and saving association shall, as a condition precedent to establishing an access relationship with a Federal intermediate credit bank, consent that reports of its examination by constituted state authorities may be furnished by such authorities to the Farm Credit Administration upon request.

4. Section 617.7060 is revised to read as follows:

§ 617.7060 Frequency of examinations and audits.

Farm Credit System institutions, and other related activities shall be examined and audited in accordance with the following schedule and at such times as the Governor may determine.

(a) Each bank and production credit association—once each year.

(b) Each Federal land bank association—once each 18 months.

(c) Each incorporated and unincorporated service organization—once each year.

(d) Each data processing installation—once each year.

(e) All other agents of the banks and associations—once each year.

5. Section 617.7080 is revised to read as follows:

§ 617.7080 Reports.

(a) The results of FCA examinations and audits of banks shall be reported to the respective bank board and such meeting shall include an executive session with the board. Reports of examination and audit of associations by examiners shall be submitted to the supervising bank for transmittal to the respective board of directors for review and appropriate action at the first scheduled board meeting subsequent to receipt of the report by the institution examined.

(b) Reports of examinations and audits are the property of the Farm Credit Administration and are furnished to the institution examined for its confidential use and may be disclosed only with the consent of the Governor or the Chief Examiner. Consent is given for disclosing reports of regular

examinations and audits to the banks and associations involved or interested but such disclosure of reports of special examinations and investigations shall be only by action or consent of the Governor or Chief Examiner in each instance. Information needed for filing claims with surety companies, for establishing lines of credit, and maintenance of relations with other financial institutions may be extracted from such reports without further consent.

(c) Consent is also given for disclosing reports of regular examinations and audits to authorized representatives of the Farm Credit Administration and, when requested for confidential use in official investigations, to agents of the Federal Bureau of Investigation, Department of Justice; the Bureau of the Chief Postal Inspector, United Postal Service; the Secret Service; the Internal Revenue Service; and the Office of the Inspector General United States Department of Agriculture.

6. Section 617.7090 is revised to read as follows:

§ 617.7090 Liquidation.

In the event of voluntary or involuntary liquidation of a Farm Credit bank, association, or other institution of the Farm Credit System, or any of their agents, and upon completion of such liquidation, the books and records of the institutions shall be forwarded to the appropriate divisional examination office for final examination and audit. If circumstances warrant, such final examination and audit shall be made at the institution's offices.

Subpart B—Investigations—Personnel

7. The title of Subpart B is revised to read as above:

8. Section 617.7100 is revised to read as follows:

§ 617.7100 Investigation.

(a) The Farm Credit Administration shall make an investigation of any case involving possible violation of Federal criminal statutes by the following persons upon a determination by the Governor or Chief Examiner that an investigation is necessary:

(1) Bank or association personnel.
(2) Directors or borrowers of the System when preliminary information indicates that an applicable statute, described in paragraph (b) of this section, was violated in collusion with bank or association personnel.

(b) Investigations most commonly involve actions prohibited by 18 U.S.C. 371, 18 U.S.C. 657, 18 U.S.C. 1006, and 18 U.S.C. 1014. Section 371 of the criminal code refers to a conspiracy between two

or more persons to defraud an institution of the Farm Credit System. Section 657 of the criminal code makes it unlawful to embezzle or willfully misapply any funds or other things of value belonging to the institution or entrusted to its care. Section 1006 of the criminal code makes it unlawful to make any false entry in any book, report, or statement with the intent to defraud or to deceive; to participate or share in or receive directly or indirectly any money, profit, or benefits through any transaction of such institution; or, without being duly authorized, to draw obligations on the institution with the intent to defraud. Section 1014 of the criminal code makes it unlawful to knowingly make a false statement or report for the purpose of influencing the action of the association or bank upon any application or related documents. Other statutes that may be applicable are 18 U.S.C. 212, 213, 215, 216, 493, 1011, 1013, 1907, and 1909.

9. Section 617.7110 is amended by revising the introductory paragraph and paragraphs (a) through (c) to read as follows:

§ 617.7110 Reporting of violations.

Violations or possible violations of Federal criminal statutes involving the banks and associations shall be immediately reported to the president of the bank and the attorney or other person designated by the bank for the purpose. The violation or possible violation shall then be promptly reported to the Farm Credit Administration.

(a) If any bank or association employee or director discovers irregularities in the funds and accounts of a bank or association, or has reasonable grounds for the belief that Federal criminal statutes may have been violated, the employee or director shall report the matter to the appropriate officer of the bank and furnish such information as he has obtained or developed.

(b) The bank shall immediately notify the Chief Examiner of the Farm Credit Administration, and make available all information concerning the matter. The Chief Examiner will advise the bank what further steps, if any, should be taken by the representative in the case.

(c) The bank shall bring to the attention of the board of directors of an association concerned, any irregularity found to exist, and shall keep it informed of all significant developments in order that the board may take such action as may be required to protect the association's interests. The bank shall

keep the bank board informed of all irregularities.

10. Section 617.7120 is revised to read as follows:

§ 617.7120 Cases for referral.

It shall be the function of the Chief Examiner of the Farm Credit Administration to refer directly to the local United States attorney all cases investigated which concern violations of Federal criminal statutes for consideration of criminal action.

Subpart C—Investigations—Borrowers and Others

11. The title of Subpart C is revised to read as above:

12. Section 617.7160 is revised to read as follows:

§ 617.7160 Cases for referral

It shall be the function of the general counsel of the Farm Credit district (or a designated bank attorney) to determine if there is substantial evidence that a violation has been committed of any of the foregoing as well as other Federal criminal statutes, and to refer the matter to the United States attorney for consideration of prosecution under established procedures. Violations reported to the United States attorney shall also be reported to the General Counsel of the Farm Credit Administration. After it appears to an association or a bank that a violation may have occurred, at no time shall any employee of the association or bank threaten the borrower with criminal prosecution, whether in an effort to collect the indebtedness, recover property, or otherwise.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246 and 2252))

C. T. Fredrickson,

Acting Governor.

[FR Doc. 81-39647 Filed 11-20-81; 8:45 am]

BILLING CODE 6705-01-M

12 CFR Part 618

General Operating Provisions

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board publishes for comment miscellaneous amendments to its general operating provisions. These amendments are for clarification and updating because of new authorities conferred on institutions of the Farm

Credit System by the Farm Credit Act Amendments of 1980 (Pub. L. 96-592).

DATE: Written comments must be received on or before January 19, 1982.

ADDRESS: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578, (202-755-2181).

SUPPLEMENTARY INFORMATION: For the convenience of the reader, a redesignation table showing the old subparts of Part 618 and the new is shown below.

Part 618—General Provisions

New subpart	Old subpart
Subpart—Technical Assistance and Financially Related Services.	Same.
Subpart B—Member Insurance.	New.
Subpart C—Leasing.	Subpart B—Leasing.
Subpart D—Procedures and Guidelines.	Subpart C—Procedures and Guidelines.
Subpart E—Nomination and Election of Directors.	Subpart D—Nomination and Election of Directors.
Subpart F—Miscellaneous Provisions.	Subpart E—Miscellaneous Provisions.
Subpart G—Recycling Information.	Subpart F—Releasing Information.
Subpart H—Disposition of Obsolete Records.	Subpart G—Disposition of Obsolete Records.
Subpart I—Federal Records.	Subpart H—Federal Records.
Subpart J—Internal Controls.	Subpart I—Internal Controls.

Therefore, it is proposed to amend 12 CFR, Chapter VI, by revising and recodifying the table of contents of Part 618 as follows:

PART 618—GENERAL PROVISIONS

Subpart A—Technical Assistance and Financially Related Services

- Sec.
618.8000 Authorization.
618.8010 District board policies.
618.8020 Farm Credit Administration approval.

Subpart B—Member Insurance [Reserved]

Subpart C—Leasing

- 618.8050 Leasing authority.
618.8060 Leasing limitations.

Subpart D—Procedures and guidelines.

- 618.8100 Farm Credit Administration.

Subpart E—Nomination and Election of Directors

- 618.8150 Federal Farm Credit Board.

- Sec.
618.8160 District boards of directors.

Subpart F—Miscellaneous Provisions

- 618.8200 Publication of reports.
618.8210 Conducting information programs.
618.8220 Contributions to and membership in other organizations.
618.8230 Allocation of expenses for administrative services.
618.8240 Quarters and facilities for the Farm Credit Administration.
618.8250 Purchases and sales of personal property.
618.8260 Purchase of automobiles through General Services Administration.
618.8270 Travel.

Subpart G—Releasing Information

- 618.8300 General regulation.
618.8310 Lists of borrowers.
618.8320 Data regarding borrowers and loan applicants.
618.8330 Director, officer, or employee summoned as witness.
618.8340 Information regarding personnel.
618.8350 Authority reserved to release information.

Subpart H—Disposition of Obsolete Records

- 618.8360 Authorization.
618.8370 Records disposal.

Subpart I—Federal Records

- 618.8380 Record material.
618.8390 Federal records in the districts.
618.8400 General Services Administration regulations.
618.8410 Transfers to Federal Records.
618.8420 Requests for additional disposal authority.

Subpart J—Internal Controls

- 618.8430 Internal controls.

Subpart A—Technical Assistance and Financially Related Services

1. Section 618.8000 is revised to read as follows:

§ 618.8000 Authorization.

Banks and associations may provide technical assistance and may make available to borrowers, members, applicants, and other persons eligible to borrow such financially related services appropriate to their onfarm and aquatic operations as are determined feasible and approved by the district board.

2. Section 618.8050 is amended by revising paragraphs (a) and (d) to read as follows:

Subpart C—Leasing

§ 618.8050 Leasing authority.

Farm Credit Institutions are authorized to own and lease property as follows:

- (a) Federal land banks may own and lease, or lease with option to purchase, to persons eligible for assistance,

facilities needed in the farming or aquatic operations of such persons.

(d) Production credit associations may own and lease, or lease with option to purchase, to stockholders of the association, equipment needed in the farming or aquatic operations of the stockholders.

§ 618.8240 [Removed]

3. Subpart E of Part 618 is amended by removing § 618.8240.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, (12 U.S.C. 2243, 2246 and 2252))

C. T. Fredrickson,

Acting Governor.

[FR Doc. 81-33649 Filed 11-20-81; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1 and 43

[Docket No. 21988; Notice 81-10A]

Major Repairs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Reopening of comment period.

SUMMARY: This notice reopens the comment period for Notice 81-10 (46 FR 38054; July 23, 1981). This notice proposed, in addition to minor editorial changes, to remove the examples of major repairs from Appendix A of Part 43 and incorporate those examples in an advisory circular. The proposed advisory circular was published concurrently with the notice (46 FR 38056; July 23, 1981). This notice is based on requests from industry for more time in which to study the proposal and prepare comments. Industry has indicated a need to review in-depth, the regulations applicable to "major repairs" with the objective of making those regulations more compatible with present day needs. The FAA has determined that it is in the public interest to reopen the comment period to allow more time to undertake a thorough review of this proposal.

DATES: Comments on Notice 81-10 must be received on or before May 21, 1982.

ADDRESS: Comments on Notice 81-10 may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-204), Docket No. 21988, 800 Independence Avenue SW., Washington, D.C. 20591, or delivered in

duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. All comments must be marked: Docket No. 21988. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Marvin J. Walker, 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:

Comments Invited

Interested persons are invited to participate in the making of proposed rules by submitting such written data, views, or arguments they may desire. Communications must identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on Notice 81-10. The proposals contained in Notice 81-10 may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 29188." The postcard will be date and time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice and Notice 81-10 by submitting a request to the Federal Aviation Administration, Office of Public Affairs, 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 request a copy of Advisory Circular 11-2 which describes the application procedures.

Background

On July 2, 1981, the FAA issued Notice 81-10 (46 FR 38054; July 23, 1981). The FAA proposed in that notice to: (1) remove the phrase "a major repair,"

from § 43.3(a); (2) remove the phrase "major repairs," from the title of Part 43 Appendix A; (3) remove the phrase "major repairs," from the index of Part 43; and (4) remove paragraph (b) of Appendix A and mark it "Reserved." Concurrently, a proposed advisory circular entitled Aircraft Major Repairs was published in the Federal Register. Comments were requested on both the notice and the advisory circular. The closing date for these comments was September 21, 1981.

A number of commenters requested more time in which to study the proposals and to prepare their comments. Other commenters suggested a need to review, in-depth, the regulations applicable to "major repairs" with the objective of making those regulations more compatible with present day needs.

Reopening of Comment Period

In consideration of these comments the FAA concludes that reopening the comment period for an additional 180 days would serve the public interest.

Accordingly, the comment period for Notice 81-10 is reopened. The comment period will close on May 21, 1982.

(Sec. 313(a), 314, 601, and 602 Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1355, 1421, and 1422); Sec. 6(c), Department of Transportation Act (49 U.S.C. Sec. 1655(2)); 14 CFR 11.45)

Note.—The FAA has determined that this document does not propose to impose any new or additional requirements upon aircraft owners or operators. 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); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C. on November 16, 1981.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 81-33440 Filed 11-20-81; 8:45 am]

BILLING CODE 4910-09-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-34]

Proposed Alteration of Transition Area; Rice Lake, Wisconsin

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal Action is to redefine the Rice Lake, Wisconsin transition area as required by the relocation of the Rice Lake non-directional radio beacon (NDB) and the

resulting realignment of the final approach course.

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.

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

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel; AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-34, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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 Rice Lake NDB is to be relocated from the west side of the runway to the east side of the runway at approximately the same distance from runway centerline at Rice Lake Municipal Airport (formerly Arrowhead Airport). That relocation necessitates a realignment of the Runway 36 final approach course and, in turn requires the arrival extension for the transition area to be realigned from a 178° true bearing to a 198° true bearing for the Rice Lake NDB. The extension will be altered from 7 miles wide and 3 miles long to 6 miles wide and 3½ miles long.

The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace.

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.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-34,

Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before December 11, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, 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 procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Rice Lake, Wisconsin. Subpart G of Part 71 was published in the Federal Register on January 2, 1981 (46 FR 540.)

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

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

Rice Lake, Wisconsin

That airspace extending upward from 700 feet above the surface within a 5 statute mile radius of the Rice Lake Municipal Airport (latitude 45°28'45" N, longitude 91°43'20" W.) at Rice Lake, Wisconsin; and 3 miles either side of the 198° (true) bearing from the Rice Lake NDB from the 5 mile radius to 8.5 miles. (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)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 30 days; and (5) as promulgation, 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 30, 1981.

Fredrick M. Isaac,
Acting Director, Great Lakes Region.

(FR Doc. 81-33029 Filed 11-20-81; 8:45 am)
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-38]

Proposed Cancellation of Control Zone; Mattoon, Illinois

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to revoke the Mattoon, Illinois, Control Zone as a result of the discontinuance of required weather observation reporting. The intended effect of this action is to return designated airspace to a non-controlled status and to cancel the control zone.

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

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-38, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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 Mattoon, Illinois, Control Zone currently described in Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (46 FR 455) no longer has weather observation reporting service. The airline that previously provided the service has totally discontinued its operations at Coles County Airport. The airport manager advised that he was unable to provide a practical or reliable means of performing hourly weather observations. Therefore, inasmuch as

weather observations are a requirement for maintenance of the control zone and since those observations cannot be provided, this action is necessary to revoke the controlled airspace associated with the control zone and to cancel the control zone itself.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-38, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All Communications received on or before December 11, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, 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 procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to cancel the control zone near Mattoon, Illinois. Subpart F of Part 71 was published in the Federal Register on January 2, 1981 (46 FR 455.)

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (46 FR 455), the following control zone is cancelled:

Mattoon, Illinois

(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)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on November 4, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-33622 Filed 11-20-81; 8:45 am]

BILLING CODE 4910-01-M

14 CFR Part 71

[Airspace Docket No. 81-ASO-47]

Proposed Alteration of South Atlantic Additional Control Area

Correction

In FR Doc. 81-32050, appearing at page 54961, in the issue of Thursday, November 5, 1981, make the following change:

On page 54962, in the second column, under the heading "W-122I Cherry Point, NC" change the seventh line to read "77°30'00" W.; to point of beginning."

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 31

[EE-178-78]

Employers' Qualified Educational Assistance Programs

AGENCY: Internal Revenue Service, Treasury

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to employers' qualified educational assistance programs. Changes to the applicable tax law were made by the Revenue Act of 1978. The regulations would provide the public with the guidance needed to comply with that Act and would affect both employers

who establish educational assistance programs and their employees who receive benefits under these programs.

DATES: Written comments and requests for a public hearing must be delivered or mailed by January 22, 1982. The amendments are proposed to be effective for employees' taxable years beginning after December 31, 1978, and before January 1, 1984.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T:EE-178-78, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Charles K. Kerby, III of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, Attention: CC:LR:T:EE-178-78, 202-566-3422 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) and the Employment Tax Regulations (26 CFR Part 31) under sections 127, 3121(a)(18), 3306(b)(13) and 3401(a)(19) of the Internal Revenue Code of 1954, as added by section 164 of the Revenue Act of 1978 (92 Stat. 2811) and as amended by section 103(a)(13)(A)(iii) and (iv) of the Technical Corrections Act of 1979 (94 Stat. 213). The amendments are to be issued under the authority contained in Code section 7805 (68A Stat. 917; 26 U.S.C. 7805).

Educational Assistance Programs

Code section 127 excludes from an employee's gross income amounts paid or expenses incurred by an employer for educational assistance furnished under a qualified educational assistance program. In order for an educational assistance program to be a qualified program, it must satisfy certain requirements relating to nondiscrimination in eligibility for benefits, and a limitation on benefits for participants who are shareholders or owners.

Employment Taxes and Withholding

Payments or benefits that would be excluded from an employee's gross income under section 127 are not "wages" under Code sections 3121(a)(18), 3306(b)(13), and 3401(a)(19). Consequently, such payments or benefits are not subject to tax under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act

and are not subject to withholding under section 3402.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

The principal author of these proposed regulations is Charles K. Kerby, III of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Parts 1 and 31 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. There are added in the appropriate place the following new §§ 1.127-1 and 1.127-2:

§ 1.127-1 Amounts received under a qualified educational assistance program.

(a) *Exclusion from gross income.* The gross income of an employee does not include—

(1) Amounts paid to, or on behalf of, the employee under a qualified educational assistance program described in § 1.127-2, or

(2) The value of education provided to the employee under such a program.

(b) *Disallowance of excluded amounts as credit or deduction.* Any amount excluded from the gross income of an employee under paragraph (a) of this section shall not be allowed as a credit or deduction to such employee under any other provision of this part.

(c) *Amounts received under a nonqualified program.* Any amount received under an educational assistance program that is not a "qualified program" described in § 1.127-2 will not be excluded from gross income under paragraph (a) of this section. All or part of the amounts received under such a nonqualified program may, however, be excluded under section 117 or deducted under section 162 or section 212 (as the case may be), if the requirements of such section are satisfied.

(d) *Definitions.* For rules relating to the meaning of the terms "employee" and "employer", see paragraph (h) of § 1.127-2.

(e) *Effective date.* This section is effective for taxable years of the employee beginning after December 31, 1978, and before January 1, 1984.

§ 1.127-2 Qualified educational assistance program.

(a) *In general.* A qualified educational assistance program is a plan established and maintained by an employer under which the employer provides educational assistance to employees. To be a qualified program, the requirements described in paragraphs (b) through (g) of this section must be satisfied. It is not required that a program be funded or that the employer apply to the Internal Revenue Service for a determination that the plan is a qualified program. However, under § 601.201 (relating to rulings and determination letters), an employer may request that the Service determine whether a plan is a qualified program.

(b) *Separate written plan.* The program must be a separate written plan of the employer. The requirement that the program be a separate plan means that the program may not provide benefits other than educational assistance, within the meaning of paragraph (c) of this section. For example, the requirement for a separate plan is not satisfied if educational assistance is provided under an employee benefit plan that also provides pension, disability, life insurance, medical, legal services or other non-educational benefits.

(c) *Educational assistance—(1) In general.* The benefits provided under the program must consist solely of

educational assistance. The term "educational assistance" means—

(i) The employer's payment of expenses incurred by or on behalf of an employee for education, or

(ii) The employer's provision of education to an employee.

(2) *Alternative benefits.* Benefits will not be considered to consist solely of educational assistance if the program, in form or in actual operation, provides employees with a choice between educational assistance and other remuneration that may or may not be included in the employee's gross income.

(3) *Certain benefits not considered educational assistance.* The term "educational assistance" does not include the employer's payment for, or provision of—

(i) Tools or supplies that the employee may retain after completing a course of instruction,

(ii) Meals, lodging, or transportation, or

(iii) Education involving sports, games, or hobbies unless such education involves the business of the employer.

(4) *Education defined.* As used in section 127, § 1.127-1, and this section, the term "education" includes any form of instruction or training that improves or develops the capabilities of an individual. Education paid for or provided under a qualified program may be furnished by the employer, either alone or in conjunction with other employers, or by an educational institution, and is not limited to courses that are job related or part of a degree program.

(d) *Exclusive benefit.* The program may benefit only the employees of the employer, including, at the employer's option, individuals who are employees within the meaning of paragraph (h)(1) of this section. A program that provides benefits to spouses or dependents of employees is not a qualified program within the meaning of this section.

(e) *Prohibited discrimination—(1) Eligibility for benefits.* The program must benefit the employer's employees generally. Among those benefited may be employees who are officers, shareholders, self-employed or highly compensated. A program is not for the benefit of employees generally, however, if the program discriminates in favor of employees described in the preceding sentence (or in favor of their spouses and dependents who are themselves employees) in requirements relating to eligibility for benefits. Thus, although a program need not provide benefits for all employees, it must benefit those employees who qualify under a classification of employees that does not discriminate in favor of the

employees with respect to whom discrimination is prohibited. The classification of employees to be considered benefited will consist of that group of employees who are actually eligible for educational assistance under the program, taking into account the eligibility requirements set forth in the written plan, the eligibility requirements reflected in the types of educational assistance available under the program, and any other conditions that may affect the availability of benefits under the program. Thus, for example, if an employer's plan provides that all employees are eligible for educational assistance, yet limits that assistance to courses of study leading to post-graduate degrees in fields relating to the employer's business, then only those employees able to pursue such a course of study are considered actually eligible for educational assistance under the program. Whether any classification of employees discriminates in favor of employees with respect to whom discrimination is prohibited will generally be determined by applying the same standards as are applied under section 410(b)(1)(B) (relating to qualified pension, profit-sharing and stock bonus plans), without regard to section 401(a)(5). For purposes of making this determination, there shall be excluded from consideration employees not covered by the program who are included in a unit of employees covered by an agreement which the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and one or more employers, if the Internal Revenue Service finds that educational assistance benefits were the subject of good faith bargaining between the employee representatives and the employer or employers. For purposes of determining whether such bargaining occurred, it is not material that the employees are not covered by another educational assistance program or that the employer's present program was not considered in the bargaining.

(2) *Factors not considered in determining the existence of prohibited discrimination.* A program shall not be considered discriminatory under this paragraph (e) merely because—

(i) Different types of educational assistance available under the program are utilized to a greater degree by employees with respect to whom discrimination is prohibited than by other employees, or

(ii) With respect to a course of study for which benefits are otherwise available, successful completion of the course, attaining a particular course

grade, or satisfying a reasonable condition subsequent (such as remaining employed for one year after completing the course) are required or considered in determining the availability of benefits.

(f) *Benefit limitation*—(1) *In general.* Under section 127(b)(3), a program is a qualified program for a program year only if no more than 5% of the amounts paid or incurred by the employer for educational assistance benefits during the year are provided to the limitation class described in subparagraph (2). For purposes of this paragraph (f), the program year must be specified in the written plan as either the calendar year or the taxable year of the employer.

(2) *Limitation class.* The limitation class consists of—

(i) *Shareholders.* Individuals who, on any day of the program year, own more than 5% of the total number of shares of outstanding stock of the employer, or

(ii) *Owners.* In the case of an employer's trade or business which is not incorporated, individuals who, on any day of the program year, own more than 5% of the capital or profits interest in the employer, and

(iii) *Spouses or dependents.* Individuals who are spouses or dependents of shareholders or owners described in subdivision (i) or (ii).

For purposes of determining stock ownership, the attribution rules described in paragraph (h)(4) of this section apply. The regulations prescribed under section 414(c) are applicable in determining an individual's interest in the capital or profits of an unincorporated trade or business.

(g) *Notification of employees.* A program is not a qualified program unless employees eligible to participate in the program are given reasonable notice of the terms and availability of the program.

(h) *Definitions.* For purposes of this section and § 1.127-1—

(1) *Employee.* The term "employee" includes—

(i) A retired, disabled or laid-off employee,

(ii) A present employee who is on leave, as, for example, in the Armed Forces of the United States, or

(iii) An individual who is self-employed within the meaning of section 401(c)(1).

(2) *Employer.* An individual who owns the entire interest in an unincorporated trade or business shall be treated as his or her own employer. A partnership is treated as the employer of each partner who is an employee within the meaning of section 401(c)(1).

(3) *Officer.* An officer is an individual who is an officer within the meaning of

regulations prescribed under section 414(c).

(4) *Shareholder.* The term "shareholder" includes an individual who is a shareholder as determined by the attribution rules under section 1563(d) and (e), without regard to section 1563(e)(3)(C).

(5) *Highly compensated.* The term "highly compensated" has the same meaning as it does for purposes of section 410(b)(1)(B).

PART 31—EMPLOYMENT TAXES: APPLICABLE ON AND AFTER JANUARY 1, 1955

Par. 2. There is added in the appropriate place the following new § 31.3121(a)(18)-1:

§ 31.3121(a)(18)-1 Payments or benefits under a qualified educational assistance program.

The term "wages" does not include any payment made, or benefit furnished, to or for the benefit of an employee in a taxable year beginning after December 31, 1978, if at the time of such payment or furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 127.

Par. 3. There is added in the appropriate place the following new § 31.3306(b)(13)-1:

§ 31.3306(b)(13)-1 Payments or benefits under a qualified educational assistance program.

The term "wages" does not include any payment made, or benefit furnished, to or for the benefit of an employee in a taxable year beginning after December 31, 1978, if at the time of such payment or furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 127.

Par. 4. There is added in the appropriate place the following new § 31.3401(a)(19)-1:

§ 31.3401(a)(19)-1 Payments or benefits under a qualified educational assistance program.

A payment made, or benefit furnished, to or for the benefit of an employee in a taxable year beginning after December 31, 1978, does not constitute wages and hence is not subject to withholding if, at the time of such payment or furnishing, it is reasonable to believe that the employee will be able to exclude such

payment or benefit from income under section 127.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 81-32720 Filed 11-20-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of intent and proposed rule.

SUMMARY: On October 1, 1981, the State of Kansas submitted to OSM its proposed abandoned mine land reclamation plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State plan.

DATE: Written comments on the plan must be received on or before 5:00 p.m., December 23, 1981.

ADDRESSES: Copies of the full text of the proposed Kansas Abandoned Mine Land Reclamation plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region IV, 818 Grand Avenue, Kansas City, Missouri 64106.

State Corporation Commission, Mined Land Reclamation Board, P.O. Box 1418, 107 West Eleventh Street, Pittsburg, Kansas 66762.

Written comments must be mailed or hand carried to: Regional Director, Office of Surface Mining Reclamation and Enforcement, 818 Grand Avenue, Kansas City, Missouri 64106.

Comments received after 5:00 p.m. December 23, 1981, will not be considered or included in the administrative record for this rulemaking.

The Administrative Record will be available for public review at the OSM Region IV office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Dan Jones, Assistant Regional Director, AML, Office of Surface Mining Reclamation and Enforcement, 818

Grand Avenue, Kansas City, Missouri 64106, Telephone (816) 374-5109.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the provisions of the approved program.

On October 1, 1981, OSM received a proposed abandoned mine land reclamation plan from the State of Kansas. The purpose of this submission is to demonstrate the State's intent and capability to assume responsibility for administering and conducting a reclamation program consistent with the provisions of SMCRA and OSM's Abandoned Mine Lands (AML) regulations (30 CFR Chapter VII, Subchapter R) as published in the Federal Register (FR) on October 25, 1978, 43 FR 49932-49952.

This notice describes the proposed program and sets forth information concerning public participation in the Director's determination of whether or not the submitted plan may be approved. The public participation requirements for the consideration of a State AML Reclamation Plan are found in 30 CFR 884.13 and 884.14 (43 FR 49948 (1978)). Additional information may be found under corresponding sections of the preamble to OSM's regulations cited above (see 43 FR 49932-49940 (1978)).

The receipt of the proposed Kansas Reclamation Plan is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Kansas.

By submitting a proposed plan, Kansas has indicated that it wishes to be primarily responsible for this program. If the submission is approved by the Director of OSM, the State will

have primary responsibility for the reclamation of abandoned mine lands in Kansas. If the program is disapproved and the State does not choose to revise the plan, a Federal AML program will be implemented and OSM will have primary responsibility for these activities.

The Regional Director has determined that the public was provided adequate notice and opportunity to be heard on the plan and that the record does not reflect any major unresolved controversies. Therefore, a public hearing will not be held.

Representatives of the Regional Director's Office will be available during the comment period to meet Monday through Friday, excluding holidays, between 8:00 a.m. and 4:00 p.m. in the Regional Director's Office at the request of members of the public to receive their advice and recommendations concerning the proposed State AML reclamation program.

Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such request with Ralph Zampogna, telephone 816/374-5109 at the Regional Director's Office above.

The Department intends to continue to discuss the State's plan with representatives of the State throughout the review process. All contacts between Departmental personnel and representatives of the State will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979 at 44 FR 54444.

The Office of Surface Mining has examined this proposed rulemaking under section 1(b) of Executive Order No. 12291 (February 17, 1981), and determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying the determination on the Kansas Reclamation Plan are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government, agencies, or geographic regions;

2. Approval will not have adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The

reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs, and aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Kansas Abandoned Mine Land Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Land Reclamation Plan. Therefore, under the Department of Interior Manual, Subsection 5162.3(A)(1), the Office's decision on the Kansas Plan is categorically excluded from the National Environmental Policy Act process. As a result no Environmental Assessment or Environmental Impact Statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with approval of the Pub. L. 95-87 Title IV abandoned mine land regulations. Moreover, an environmental analysis or an environmental impact statement will be prepared for the approval of grants for the abandoned mine lands reclamation projects under 30 CFR Part 886.

The Kansas Reclamation Plan for Abandoned Mine Lands can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has the legal authority, policies and administrative structure to carry out the plan.

4. The plan meets all the requirements of the OSM, AML Reclamation Program Provisions.

5. The State has an approved Regulatory Program, and

6. It is determined that the plan is in compliance with all applicable State and Federal laws and regulations.

The following constitutes a summary of the contents of the Kansas Reclamation Plan submissions: The Kansas State Corporation Commission has been designated by the Governor of the State of Kansas to implement and enforce the Abandoned Mine Lands Program in accordance with SMCRA (Pub. L. 95-87). The Department has developed State regulations to carry out the State mandate. Contents of the State Plan submission include:

(a) Designation of authorized State Agency to administer the program.

(b) State's Chief Legal Officer's opinion of designated Agency to operate the program.

(c) Description of the policies and procedures to be followed in conducting the program including:

(1) Goals and objectives.
(2) Project ranking and selection procedures.
(3) Coordination with other reclamation programs.

(4) Land acquisition, management and disposal.

(5) Reclamation on private land.
(6) Rights of Entry.

(7) Public participation in the program.
(d) Description of the Administrative and Management structure to be used in the program including:

(1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the program.

(2) Personnel staffing policies.

(3) Purchasing and procurement systems and policies.

(4) Description of the accounting system including specific procedures for operation of the reclamation fund.

(e) Description of the public's participation in preparation of the plan.

(f) A general description of the activities to be conducted under the reclamation plan including:

(1) Known or suspected eligible lands and water requiring reclamation, including a map.

(2) General description of the problems identified and how the plan proposes to deal with them.

(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land uses.

(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the plan.

(5) General description of the social, economic, and environmental conditions in the different geographic areas where reclamation is planned, including:

(i) The economic base.

(ii) Sociologic and demographic characteristics.

(iii) Significant aesthetic, historic or cultural, and recreational values.

(iv) Hydrology including water quality and quantity problems associated with past mining.

(v) Flora and fauna including endangered or threatened species and their habitat.

(vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction.

(vii) Anticipated benefits from reclamation.

Dated: November 3, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary—Energy and Minerals.

[FR Doc. 81-33734 Filed 11-20-81; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6187]

National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for Blue Earth County, Unincorporated Areas, Minnesota

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the County Courthouse, Mankato, Minnesota.

Send comments to: Mr. Robert Hodapp, Chairman, Blue Earth County Board, County Courthouse, Mankato, Minnesota 56001.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for Blue Earth County, Minnesota, in accordance with Section 110 of the Flood Disaster Protection Act

of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations are as follows:

Zone C on and about Wita Lake, George Lake, Albert Lake, Long Lake, all three Mud Lakes, Gilfillin Lake, Duck Lake, Ballantine Lake, Eagle Lake, Madison Lake, Born Lake, Alice Lake, Indian Lake, Rice Lake, Strom Lake, Armstrong Lake, Lieberg Lake, Lily Lake, Lake Crystal, Loon Lake, Mills Lake, Lura Lake, Ida Lake, Perch Lake, and the lake within Hobza State Wildlife Management Area; along County Ditch 88 (upstream of a point 200 feet upstream of State Highway 83); along Judicial Ditch Number 50; along Judicial Ditch Number 15; along County Ditch Number 5; along County Ditch Number 12; along County Ditch Number 83; along the tributary of Mud Lake north of State Highway 60; in portions of the area bounded by Eagle Lake on the east, County Highway 26 on the north, County Highway 12 on the west, and the Chicago and Northwestern Railroad on the south; in portions of the area bounded by County Highway 186 on the east, State Highway 60 on the north, County Highway 41 on the West, and State Highway 83 on the south; in portions of the area bounded by County Highway 188 on the east, County Highway 187 on the north, County Highway 27 on the west, and County Highway 26 on the south; in portions of the Pick State Wildlife Management Area; in portions of the Stokman State Wildlife Management Area; along the Cobb River (upstream of a point approximately 4800 feet upstream from the confluence of the Cobb River and the LeSueur River); along Bull Run; along Perch Creek; along Little Cobb River; in portions of section 31 of range 25 west and tier 105 north; in portions of sections 3, 4, and 10 of range 29 west and tier 105 north; in portions of sections 1, 7, 16, 17, 18, 20, 26, and 35 of range 25 west and tier 106 north, in portions of sections 5, 8, and 29 of range 27 west and tier 106 north; in portions of sections 33 and 34 of range 29 west and tier 106 north, in portions

of section 9 of range 29 west and tier 107 north; in portions of section 22 of range 25 west and tier 109 north; along the LeSueur River (east of County Highway 41); along Little Cobb River; along Big Slough; along County Ditch Number 16; along the Watonwan River (upstream of a point approximately 6200 feet upstream of the Chicago and Northwestern Railroad bridge); in portions of section 2 of range 28 west and tier 108 north; and along Little Cottonwood River.

Zone A along the Blue Earth River (upstream of a point approximately 5700 feet upstream of County Highway 33), along the Watonwan River (between its confluence with the Blue Earth River and a point approximately 4400 feet upstream), along the tributary connecting the Cobb River and Cottonwood Lake, along the LeSueur River (east of County Highway 41), along Little Cobb River, along Big Slough, along County Ditch Number 16, along the Watonwan River (upstream of a point approximately 6200 feet upstream of the Chicago and Northwestern Railroad bridge).

Zone A12 along the Cobb River (from its confluence with the LeSueur River to a point approximately 4800 feet upstream), and along the Blue Earth River (between the City of Mankato and a point approximately 5700 feet upstream of County Highway 33).

Zone A15 along the Minnesota River (in portions of the area bounded on the south by the Chicago and Northwestern Railroad, on the east by County Highway 42, on the north by the Minnesota River, and on the west by the tributary of the Minnesota River immediately west of the Village of Judson), and along Morgan Creek.

Zone 17 along the Minnesota River in portions of section 31 of range 28 west and tier 109 north.

Zone C, Zone A12 and Zone A23 along the LeSueur River (west of County Highway 41).

Zone C and Zone A23 along the Blue Earth River.

Zone C, Zone B, and Zone A15 along the Watonwan River (from a point approximately 4400 feet upstream from its confluence with the Blue Earth River to a point approximately 6200 feet upstream of the Chicago and Northwestern Railroad bridge).

Zone C, Zone A, and Zone A12 along the Maple River.

Zone C, Zone A15, and Zone A17 along the Minnesota River.

The proposed base flood elevations are as follows:

891 feet MSL through 912 feet MSL along the Watonwan River (from a point approximately 4400 feet upstream from its confluence with the Blue Earth River to a point approximately 6200 feet upstream of the Chicago and Northwestern Railroad bridge).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a

substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: October 28, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33751 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6202]

National Flood Insurance Program; Proposed Zone Designation Determinations for the City of Woodland, Hennepin County, Minn.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 2540 Cedar Ridge Road, Woodland, Minnesota.

Send comments to: Mrs. Louise Patridge, City Clerk, City of Woodland, P.O. Box 656, Wayzata, Minnesota 55391.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed zone designations for the City of Woodland, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.

These zone designations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations are as follows:

Zone A on and about Shavers Lake.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33743 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6194]

National Flood Insurance Program; Proposed Zone Designation Determinations for the City of Shorewood, Hennepin County, Minn.**AGENCY:** Federal Emergency Management Agency.**ACTION:** Proposed rule.**SUMMARY:** Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period of comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 5755 Country Club Road, Shorewood, Minnesota.

Send comments to: Mrs. Elsa Wiltsey, City Manager, City of Shorewood, 5755 Country Club Road, Shorewood, Minnesota 55331.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed zone designations for the City of Shorewood, Minnesota, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.

These zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or

pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations are as follows:

Source of flooding	Location	Zone designation
Purgatory Creek..... Silver Lake Branch of Purgatory Creek.	North of Covington Road Between Covington Road and confluence with Purgatory Creek.	A. A.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19387; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 3, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33750 Filed 11-23-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6203]

National Flood Insurance Program; Proposed Zone Designation Determinations for the Township of Harrison, Allegheny County, Pa.**AGENCY:** Federal Emergency Management Agency.**ACTION:** Proposed rule.**SUMMARY:** Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Township of Harrison, Municipal Drive, Natrona Heights, Pennsylvania.

Send comments to: John Virag, President of Supervisors, Township of Harrison, Municipal Drive, Natrona Heights, Pennsylvania 15065.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed zone designations for the Township of Harrison, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.

These zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designation is as follows:

Source of flooding	Location	Zone designation
Allegheny River.....	From Lock and Dam No. 4 south to the corporate limits.	A13.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the

Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: October 28, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33744 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6185]

National Flood Insurance Program; Proposed Base Flood Elevations and Zone Designations for Unincorporated Areas of Hamilton County, Tenn.

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevations and zone designations are available for review at the County Executive's Office, Chattanooga, Tennessee.

Send comments to: The Honorable Dalton Roberts, County Executive, Room 201, Hamilton County Courthouse, Chattanooga, Tennessee 37402.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, National Flood Insurance Program, 500 C Street, Donohoe Building, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed elevations and zone designations (100-year flood) for the unincorporated areas of Hamilton County, Tennessee, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a).

The proposed base flood elevations and zone designations together with the floodplain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding and location	Elevation (feet)	Zone
North Chickamauga Creek; Boy Scout Road.	670 (NGVD)	A12.
North Chickamauga Creek; Southern Railway.	673 (NGVD)	A13.
North Chickamauga Creek; Western corporate limit of city of Soddy-Daisy.	680 (NGVD)	A13.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or

regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support).

Issued: October 28, 1981.

Lee M. Thomas,

Associate Director, Office of State and Local Programs and Support.

[FR Doc. 81-33752 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21 and 94

[Gen. Docket No. 79-188; RM-3247; RM-3497]

Digital Termination Systems; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: The Commission publishes corrections to errata in the format and substance of Appendix B of the Further Notice of Proposed Rulemaking in Docket 79-188 regarding digital termination systems. The appendix contains the proposed rules for operation of digital termination systems in a new, higher frequency band (18 GHz) than the one (10.6 GHz) recently authorized for common carriers. The proposed rules also provide for private radio use in both of these frequency bands. Minor corrections in the text of the Further Notice are included also.

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

FOR FURTHER INFORMATION CONTACT: Kenneth Nichols, Spectrum Management Division, Office of Science and Technology, Room 7218, (202) 632-7025.

SUPPLEMENTARY INFORMATION:

Released: October 14, 1981.

In the matter of amendment of Parts 2, 21, and 94 of the Commission's rules to allocate spectrum at 18 GHz for, and to establish other rules and policies pertaining to, the use of radio in digital termination systems and in point-to-point microwave radio systems for the provision of digital electronic message services, and for other common carrier, private radio and broadcast auxiliary services; and to establish rules and

policies for the private radio use of digital termination systems at 10.6 GHz.

The Commission released on September 2, 1981 the Further Notice of Proposed Rulemaking, FCC No. 81-388, 46 FR 45635, September 14, 1981, in the above-captioned proceeding. We have discovered a number of errors in that document. They are listed below:

Text of Notice

1. On page 45641, in paragraph 24, the fourth sentence should be corrected by adding the paragraph designation (j) of the rule § 94.65 to read as follows:

See proposed Rule §§ 21.701(j) and 94.65 (j) and (k) in Appendix B.

2. On page 45642 in paragraph 29, the current last sentence should be revised and a new last sentence should be added to read as follows:

We also seek comment on the advisability of establishing the standard of $\pm 0.003\%$ for non-DTS operations at 18 GHz. See proposed Rule §§ 21.101 and 94.67.

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES (OTHER THAN MARITIME MOBILE)

§ 21.101 [Amended]

3. On page 45646 in Appendix B, rule § 21.101 should be corrected by revising footnote 5 following the table to read as follows:

⁵For stations operating between 18,380 and 19,040 MHz except Digital Termination System Nodal Stations, the frequency tolerance shall be $\pm 0.003\%$. Digital Termination System Nodal Stations shall maintain a frequency tolerance of $\pm 0.001\%$. See Rule § 21.503(b).

§ 21.106 [Amended]

4. On page 45646 in item 3 of Appendix B, the second parenthetical phrase in § 21.106(a)(3)(i) should be corrected to read:

(in the 17,700–19,700 MHz band).

5. Item 3a should be added on page 45646 to read as follows:

3a. Section 21.108 is proposed to be amended by revising paragraph (c) to read as follows:

§ 21.108 Directional antennas.

(c) Fixed stations (other than temporary fixed, Digital Termination Nodal Stations and Digital Termination User Stations) operating at 2500 MHz or higher shall employ transmitting and receiving antennas meeting the

appropriate performance Standard A indicated below, except that in areas not subjected to frequency congestion, antennas meeting performance Standard B may be used subject to the liabilities set forth in § 21.109(c). Additionally, the main lobe of each antenna operating below 5000 MHz shall have minimum power gain of 36 dBi over an isotropic antenna; at or above 5000 MHz the minimum gain shall be 38 dBi. Digital Termination User Station antennas operating in the 10,550–10,680 MHz band shall meet performance Standard B and have a minimum power gain of 34 dBi. The values indicated represent suppression required in the horizontal plane, without regard for the polarization of intended operation.

§ 21.122 [Amended]

6. On page 45646 in item 4 of Appendix B, § 21.122(e) should be corrected by placing the word "emission" in line 6 between "the" and "designator."

§ 21.502 [Amended]

7. On page 45646 in item 5 of Appendix B, § 21.502 should be corrected by adding a passage after the table in paragraph (g) as follows:

(g) * * *

Each assignment will consist of one channel from Group A, used for the Digital Termination System Nodal Station transmitter, and one channel from Group B, used for the Digital Termination System User Station transmitters. These channels will be assigned in each SMSA starting with Channel pair 1 and continuing numerically upward to Channel pair 4. These channel pairs may be subdivided as desired by the licensee.

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

§ 94.75 [Amended]

8. On page 45649 in item 18 of Appendix B, the amendatory language should be corrected to read as follows:

18. The table in § 94.75 is proposed to be amended by revising the fourth element under the heading "Frequency band (megahertz)" to "10,550 to 12,700,"³¹ and by revising footnote 3 to read, "Except as provided in § 94.90, in § 94.199 for Digital Termination System antennas, and in § 21.108(c) for

antennas employed at point-to-point stations in the 10,550–10,680 MHz band.

§ 94.189 [Amended]

9. On page 45651 in item 20 of Appendix B, the proposed Subpart F of Part 94, § 94.189 should be corrected by adding a passage after the table in paragraph (g) to read as follows:

(g) * * *

Each assignment will consist of one channel from Group A, used for the Digital Termination System Nodal Station transmitter, and one channel from Group B, used for the Digital Termination System User Station transmitters. These channels will be assigned in each SMSA starting with channel pair 1 and continuing numerically upward to channel pair 4. These channels may be sub-divided as desired by the licensee.

10. On page 45652 in item 20 of Appendix B, proposed § 94.199 (a) and (c) should be corrected to read as follows:

§ 94.199 Antennas.

(a) Nodal transmitting antennas may be omnidirectional or directional, consistent with coverage and interference requirements:

* * * * *

(c) Directive antennas shall be used at all Digital Termination User Stations and shall be elevated no higher than necessary to assure adequate service. The Digital Termination User Station antennas shall meet the performance standards as specified in § 21.108(c) and have a minimum power gain of (i) 34 dBi in the 10,550–10,680 MHz band and (ii) 38 dBi in the 17,700–19,700 MHz band. User antenna heights shall not exceed the height criteria of Part 17 of this chapter, unless authorization for use of a specific maximum antenna height (above ground and above sea level) for each location has been obtained from the Commission prior to the erection of the antenna. Requests for such authorization shall show the inclusive dates of the proposed operation. (See Part 17 of this chapter concerning the construction, marking and lighting of antenna structures.)

Federal Communications Commission.

S. J. Lukasik,
Chief Scientist.

[FR Doc. 81-3825 Filed 11-23-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Mount Bailey Winter Sports Site, Umpqua National Forest, Douglas County, Oregon; Intent To Prepare an Environment Impact Statement

The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement for the development of the proposed Mount Bailey Alpine Winter Sports Site on the Diamond Lake Ranger District.

The Umpqua National Forest Land Management Plan placed the Diamond Lake Composite, which includes Mount Bailey, in the Developed Recreation Allocation. This Plan identified the potential for a ski area on Mount Bailey.

A range of alternatives for this site will be considered. One of these will be nondevelopment of the site. Other alternatives will consider different types of development—ranging from 500 to 5,000 persons at one time. The suitability of other winter sports such as snowmobiling and nordic skiing will also be evaluated for the site.

Early in the environmental analysis, Federal, State and local agencies, potential developers, and other individuals or organizations who may be interested or affected by the decision will be invited to participate in the scoping process which includes: (a) identification of issues to be addressed; (b) identification of issues to be analyzed in depth; and (c) elimination of insignificant issues or those which have been covered by previous environmental review.

The Forest Supervisor will hold a public meeting at this office at 7 p.m., Tuesday, November 17, 1981. R. E. Worthington, Regional Forester, Pacific Northwest Region, Portland, Oregon, is the responsible official.

The analysis is expected to take about 3 months. The Draft Environmental

Impact Statement should be available for public review by February 1982. The Final Environmental Impact Statement is scheduled to be completed by May 1, 1982.

Written comments and suggestions concerning this analysis should be sent to Richard Swartzlender, Forest Supervisor, Umpqua National Forest, P.O. Box 101, Roseburg, Oregon 97470, by March 31, 1982.

Questions about the proposed action and Environmental Impact Statement should be directed to Richard Arney, Recreation Staff Officer, Umpqua National Forest, Phone 503-672-6601.

Date: November 16, 1981.

James C. Space,
Acting Regional Forester.

[FR Doc. 81-33663 Filed 11-20-81; 8:45 am]
BILLING CODE 3410-11-M

ARMS CONTROL AND DISARMAMENT AGENCY

Hubert H. Humphrey Fellowship Competition

Correction

In FR Doc. 81-33366, appearing on page 56838, in the first column, the sixth line from the end of the text, correct "April 30, 1981" to read "April 30, 1982".
BILLING CODE 1505-01-M

CIVIL AERONAUTICS BOARD

Application of Aircore Aviation, Inc., For Certificate Authority Under Section 401(d)(1)

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81-11-110 application of Aircore Aviation, Inc. for a certificate of public convenience and necessity to operate between New York and Houston and New York and Los Angeles.

SUMMARY: The Board is proposing to grant a certificate of public convenience and necessity to Aircore to authorize it to provide scheduled and charter air service and is tentatively determining that it is fit, willing, and able to provide this service.

DATE: Objections: All interested persons having objections to the Board's issuing the proposed authority or to its tentative finding of fitness, shall file, and serve upon all persons listed below no later

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than December 7, 1981, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESS: Objections should be filed in Docket 39573, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION:

Objections should be served upon the persons listed in Attachment A of Order 81-11-110. The complete text of Order 81-11-110 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a post card request for Order 81-11-110 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: November 17, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-33761 Filed 11-20-81; 8:45 am]
BILLING CODE 6320-10-M

Fitness Determination of Tennessee Valley Airways, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-11-108, Order to Show Cause.

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

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than November 30, 1981 together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-11-108.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-11-108 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-11-108 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: November 17, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-33760 Filed 11-20-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Countervailing Duty Investigation; Hard-Smoked Herring Filets From Canada

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: We are initiating a countervailing duty investigation to determine whether Canada is subsidizing its producers and exporters of hard-smoked herring filets. We are notifying the U.S. International Trade Commission ("ITC") of this action so that it may determine whether imports of this merchandise are materially injuring, or threatening to materially injure, a U.S. industry. If both investigations proceed normally, the ITC will announce its preliminary determination by December 17, 1981, and we will announce ours by January 26, 1982.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Alain Letort, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202-377-1273).

SUPPLEMENTARY INFORMATION: On November 2, 1981, we received a

petition *pro se* from the McCurdy Fish Company, a small, independent producer in Lubec, Maine. Complying with the filing requirements of 19 CFR 355.26, the petition alleges that Canada is subsidizing its producers and exporters of hard-smoked herring filets, and that imports of this merchandise into the United States are materially injuring, or threatening to materially injure, a U.S. industry.

Petitioner alleges that Canadian producers and exporters of hard-smoked herring filets receive financial incentives from the Canadian government's Regional Development Incentives Program, administered by the Department of Regional Economic Expansion. We will also examine any additional programs that we might discover during the course of the investigation.

After conducting a summary review of the petition, as required by section 702(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1671a) ("the Act"), we have found that its information reasonably supports its allegations. Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether Canada is providing its producers and exporters of hard-smoked herring filets with certain benefits that are subsidies within the meaning of section 771(5) of the Act (19 U.S.C. 1303). If the investigation proceeds normally, we will announce our preliminary determination by January 26, 1982.

Scope of the Investigation

For purposes of this investigation, hard-smoked herring filets are fresh sea herring placed in brine for approximately five days and smoked for a period of four to six weeks, which are then beheaded, cleaned and filleted. This merchandise is currently classifiable under item 111.80 of the Tariff Schedules of the United States, which includes "fish, smoked or kippered, whether or not whole, but not otherwise prepared or preserved, and not in airtight containers; herring, otherwise processed (whether or not beheaded)."

ITC Notification and Preliminary Determination

Section 702(d) of the Act also requires us to notify the U.S. International Trade Commission ("ITC") and to give it the information we used to arrive at this decision. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information

in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine by December 17, 1981, whether the petition reasonably indicates that imports of hard-smoked herring filets from Canada are likely to materially injure a U.S. industry. If the ITC's determination is negative, we will terminate this investigation; otherwise, the investigation will proceed.

Leonard Shambon,

Acting Deputy Assistant Secretary for Import Administration.

November 16, 1981.

[FR Doc. 81-33635 Filed 11-20-81; 8:45 am]

BILLING CODE 3510-25-M

President's Export Council; Subcommittee Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that the following subcommittees of the President's Export Council will be meeting on the dates noted below. The President's Export Council was established by Executive Order 11753 of December 20, 1973. The Council was reconstituted by Executive Order 12131 of May 4, 1979, and continued by Executive Order 12258 of December 31, 1980. The Council's purpose is to advise the President on matters relating to United States export trade. The locations, agendas, and times of the subcommittee meetings are as follows:

Agriculture Subcommittee (Governor Thone)

Wednesday, December 2

9:30 a.m.-Noon, Room 104A, U.S.

Department of Agriculture, 14th and Independence, S.W., Washington, D.C.

Agenda items:

- I. Discussion of past recommendations
- II. Briefing on current issues
- III. Film, "We Can Turn the Tide"

Trade-in-Services Subcommittee (James Greene)

Wednesday, December 9

3:00 p.m.-6:00 p.m., Boardroom, 40th Floor, American Express Plaza, 125 Broad Street, New York City, NY
Agenda items:

- I. Aims of the subcommittee
- II. Current legislative initiatives
- III. GATT and OECD ministerial meetings

- IV. Liaison with other trade-in-services policy advisory groups
V. Assignment of individual projects

DEC/ISAC Liaison Subcommittee
(Howard Sloane)

Thursday, December 10

10:00 a.m.—Noon, Room 4830, U.S. Department of Commerce, 14th and Constitution, N.W., Washington, D.C.
Agenda items:

- I. Aims of the subcommittee
II. Program for sharing ideas on exporting
III. Suggestions for program content
IV. PEC speakers program

Incentives/Disincentives Subcommittee
(Irene Meister)

Thursday, December 10

2:00 p.m.—5:00 p.m., Room 4830, U.S. Department of Commerce, 14th and Constitution, N.W., Washington, D.C. 20230

Agenda items:

- I. Status of DISC
II. Export financing
A. Export credit subsidies
B. Need for greater transparency
C. Export-Import Bank
III. Discussion of past recommendations on the extraterritorial application of antitrust and other U.S. laws
IV. Assignment of individual projects

The meetings are open to the public with limited number of seats available on a first come, first serve basis. The public may file written statements with the subcommittees before and after the meetings. To the extent time permits, oral statements and comments by the public will be welcomed at the end of the meetings.

Copies of the minutes of the meetings and further information concerning the President's Export Council may be obtained from Ms. Elizabeth Ruskin or Mr. Jeffrey Jackson, Room 1215, U.S. Department of Commerce, Washington, D.C. 20230, Telephone (202) 377-1125.

Dated: November 18, 1981.

Donald V. Earnshaw,

Deputy Assistant Secretary for Export Development, U.S. Department of Commerce.

[FR Doc. 81-33719 Filed 11-20-81; 8:45 am]

BILLING CODE 3510-25-M

Certain Steel Wire Nails From the Republic of Korea; Postponement of Preliminary Antidumping Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of preliminary antidumping determination.

SUMMARY: The preliminary determination involving certain steel wire nails from the Republic of Korea (Korea) is being postponed from December 9, 1981, to no later than January 28, 1982.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Steven S. Lim or Richard Rimlinger, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230 (202-377-1776 or 377-4136).

SUPPLEMENTARY INFORMATION: On July 2, 1981, the Department of Commerce announced the initiation of an antidumping investigation to determine whether imports of certain steel wire nails from Korea are being, or are likely to be, sold at less than fair value (46 FR 34615). The notice stated that unless this investigation were terminated or extended, we would announce our preliminary determination within 160 days, or by December 9, 1981. Section 733(c) of the Tariff Act of 1930, as amended ("the Act"), provides that the Department of Commerce may postpone its preliminary determination concerning sales at less than fair value for not more than 50 days if it concludes that the parties involved are cooperating in the investigation, the case is extraordinarily complicated, and additional time is needed to make the preliminary determination.

In accordance with section 733 of the Act, the Department of Commerce has concluded that this case meets these criteria. An extension is warranted due to the complexities involved in analyzing the technical cost of production and sales data collected from fifteen manufacturers in the Korean wire nail industry. The volume of submissions received, the number of foreign producers who have responded to the antidumping questionnaire, and the number and complexity of the transactions to be investigated are all unusually high. Therefore, the Department is postponing the deadline for the preliminary determination in this investigation until not later than January 28, 1982.

This notice is published pursuant to section 733(c)(2) of the Act (19 U.S.C. 1673b(c)(2)).

Leonard Shambon,

Acting Deputy Assistant Secretary for Import Administration.

November 17, 1981.

[FR Doc. 81-33762 Filed 11-20-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting with a Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting with a partially closed session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agenda of the forthcoming public meeting with a partially closed session of the New England Fishery Management Council. The New England Fishery Management Council was established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act.

DATES: December 8-9, 1981.

ADDRESS: The meeting will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

Agenda

Council (open meeting)—December 8-9, 1981 (10 a.m. to 3 p.m. on December 8; 9 a.m. to 5 p.m. on December 9)—review of the Scallop Fishery Management Plan; review of a potential joint venture between the U.S. and the U.S.S.R., regarding the purchase of fish at sea from U.S. fishermen and a general discussion of stability as a fishery management goal.

Council (closed session)—December 8, 1981 (3 p.m. to 5 p.m.)—discussion of the status of maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and selected staff having security clearances will be allowed to attend this closed session.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Council, formally determined on November 17, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters

that are within the purview of 5 U.S.C. 552(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the Council's meeting will be open to the public.

Dated: November 18, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-33758 Filed 11-20-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Notice of Amendments to Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Proposed deletions of systems of records.

SUMMARY: The Department of the Army inventory of system notice is amended to delete 2 system notices.

DATE: Action shall be effective November 23, 1981.

ADDRESS: Public comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Room 1146, Hoffman Building I, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General (DAAG-AMR-R), HQDA, at the above address; telephone: (703) 325-6163.

SUPPLEMENTARY INFORMATION: Department of the Army systems of records appear in the following editions of the Federal Register:

FR Doc 79-37052 (44 FR 73729), December 17, 1979

FR Doc 81-85 (46 FR 1002), January 5, 1981

FR Doc 81-897 (46 FR 6460), January 21, 1981

FR Doc 81-3374 (46 FR 9692), January 29, 1981

FR Doc 81-5883 (46 FR 13544), February 23, 1981

FR Doc 81-7250 (46 FR 15531), March 6, 1981

FR Doc 81-7621 (46 FR 18111), March 11, 1981

FR Doc 81-10724 (46 FR 21220), April 9, 1981

FR Doc 81-10791 (46 FR 21221), April 9, 1981

FR Doc 81-12660 (46 FR 23523), April 27, 1981

FR Doc 81-15109 (46 FR 27518), May 20, 1981

FR Doc 81-16678 (46 FR 29981), June 4, 1981

FR Doc 81-19043 (46 FR 33069), June 26, 1981

FR Doc 81-25194 (46 FR 43231), August 27, 1981

FR Doc 81-26729 (46 FR 45793), September 15, 1981

FR Doc 81-32240 (46 FR 55134), November 6, 1981

Sheila Levine,

Acting OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.

November 18, 1981.

DELETIONS

A0906.02DASG

System name:

Mental Competency Review Files (44 FR 73922), December 17, 1979.

Reason:

Records are described in system of records A0305.10cDACA, entitled: Joint Uniform Military Pay System-Army-Retired Pay.

A1012.03eTRADOC

System name:

TRADOC Educational Data System (TREDS-NRI) (44 FR 73957), December 17, 1979.

Reason:

Records are covered by system of records A1012.03dTRADOC, entitled: TRADOC Educational Data Systems.

[FR Doc. 81-33755 Filed 11-20-81; 8:45 am]

BILLING CODE 3710-06-M

Intent To Prepare Draft Supplement to Final Environmental Impact Statement (EIS) for Proposed Improvements to McKinney Bayou, Arkansas, and Texas

AGENCY: Army Corps of Engineers, DOD, New Orleans District.

ACTION: Notice of Intent to Prepare a Draft Supplement to the Final EIS.

SUMMARY:

1. Proposed Action

The proposed action to be described in this statement is the determination of feasible solutions for reducing flood damages in the alluvial flood plain portion of the McKinney Bayou Watershed of Miller County, Arkansas.

2. Alternatives

The project area has been divided into six areas for this stage of planning. Alternative plans were developed for three of the areas as follows:

a. Buzzard Bluff area

(1) Construct an outlet into the Red River at the northwest end of Buzzard Bluff.

(2) Construct an outlet into the Red River at the southeast end of Buzzard Bluff.

b. Area above Red Chute

Enlarge McKinney Bayou from mile 22.7 to 27.5.

c. Area below Red Chute

(1) Enlarge McKinney Bayou from mile 2.5 to 13.3.

(2) Construct a diversion channel into Red River near Keller Lake.

Accompanying each alternative would be additional interior drainage works, the amount of which would vary with the individual alternative. Included within these alternatives may be measures for recreational and environmental enhancement and protection. These measures will be considered for inclusion into the National Economic Development (NED) and Environmental Quality (EQ) accounts.

3. Scoping Process

a. Two public meetings were held in connection with studies which resulted in a survey report and environmental impact statement (EIS). (Changes in conditions, however, require that the original EIS be updated to present conditions.) Several informal and formal meetings were held with the Arkansas Game and Fish Commission and the US Fish and Wildlife Service (USFWS) regarding evaluating and mitigating fish and wildlife losses.

b. Scoping for the draft supplemental EIS shall be initiated by the preparation of an information packet. This packet will be mailed to all agencies and individuals that have indicated an interest in the proposed project. The packet will briefly describe the proposed project, list general impacts, and will solicit constructive contributions to scoping. A public meeting is scheduled for March 1982 at which views of the interested public will also be solicited. Views of interested agencies and organizations may be solicited at all times throughout the period of analysis.

c. Significant issues proposed to be addressed in the draft supplemental EIS include agricultural lands, bottomland hardwood forests, wetlands, water quality, groundwater hydrology, significant geological features, and wildlife, fishery, cultural, and recreational resources.

d. The USFWS will conduct Habitat Evaluation Procedures to assist in determining fish and wildlife impacts and for making mitigation recommendations. The USFWS will also provide a Coordination Act Report for inclusion into the draft supplemental EIS. Input from other agencies will be welcomed in the analysis process.

e. The draft supplemental EIS will be made available for public review and comments upon completion.

4. Scoping Meetings

The public meeting tentatively scheduled for March 1982 at Texarkana, Arkansas, will be a scoping as well as exchange of information meeting.

5. Availability

The draft supplemental EIS is scheduled to be available to the public in November 1982.

ADDRESS: Questions about the proposed action and draft supplemental EIS can be directed to Mr. William C. Wilson, US Army Corps of Engineers, (LMNPD-RE), P.O. Box 60267, New Orleans, LA 70160, telephone (504) 838-2527.

Dated: November 12, 1981.

Bruce F. Miller, LTC.,

Deputy District Engineer.

[FR Doc. 81-33674 Filed 11-20-81; 8:45 am]

BILLING CODE 3710-84-M

Corps of Engineers, Department of the Army

Intent to Prepare Draft Environmental Impact Statement (DEIS) for Proposed Flood Control Project on Cass River at Vassar, Tuscola County, Michigan

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

Proposed Actions

Vassar is a city of about 3,200 residents along the Cass River in Tuscola County. The Detroit District is reviewing public concerns in the Vassar area, and has formulated tentative plans and alternatives for flood damage reduction. The alternative which has been tentatively selected is a modified version of a plan which was authorized in 1958. This plan, called the Modified Authorized Plan, involves construction of about 5,000 feet of earth levees along the north side of the Cass River and 3,800 feet along the south side. Levees would be up to 18 feet in height. Moore Drain, a tributary of the Cass River, would be diverted upstream through a conduit and the existing outlet through Vassar closed off. The Huron Street Bridge, which is the only auto bridge over the Cass River at Vassar, would be raised 3.5 feet.

Alternatives

Three alternatives to the tentatively selected plan are being considered and will be addressed in the Draft Environmental Impact Statement:

(1) *The Floodproofing Plan.* This would involve placing ring levees around city blocks or groups of structures. These levees would be generally less than 6 feet in height, and would offer less protection than the Modified Authorized Plan described above. The levees would be designed to be compatible with existing landscapes. Access openings would be provided with flood gates, and interior drainage would be provided with pumping facilities.

(2) *The 1958 Authorized Plan.* This plan is similar to the Modified Authorized Plan, except it involves extensive excavation of the Cass River. This would allow the levees to be about 2 feet lower, but would result in severe damages to the Cass River fishery. The Modified Authorized Plan was devised in order to avoid damaging the Cass River's fish habitat values.

(3) *The "no action" alternative.* Should it be determined that no flood control measures are warranted at Vassar, flooding would be likely to continue to damage residences and businesses. Some relief from flood losses is provided by the Federal Flood Insurance Program. There is some possibility that a smaller project offering less protection may be constructed through local efforts.

Scoping Process

a. *Public involvement*—To encourage public participation in this study a public meeting was held at Vassar in April 1979 and a public workshop in March 1981. Another is planned before the release of the Final Environmental Impact Statement. All affected Federal, State and local agencies or other interested parties will be invited.

b. Significant issues to be addressed in the EIS are:

(1) Impacts of the tentatively selected plan, which includes closing of the Huron Street Bridge for three months during construction, on public safety and social well-being.

(2) Impacts of the alternatives on Cass River fisheries.

(3) Impacts of the alternatives on floodplain values.

(4) Recreational Facilities and Landscaping Features to be Included in the tentatively selected plan.

c. *Other environmental review and consultation requirements*—This project will be reviewed for compliance with the following: The Fish and Wildlife Act

of 1956; Fish and Wildlife Coordination Act of 1958; National Historic Preservation Act of 1966; National Environmental Policy Act of 1969; Endangered Species Act of 1973; Water Resources Development Act of 1976; Executive Order 11990, Wetlands Protection, May 1977; Executive Order 11988, Floodplain Management, May 1977; Clean Air Act of 1977; Clean Water Act of 1977; Corps of Engineers, Department of the Army, 33 CFR, Part 230, Environmental Quality; Corps of Engineers, Department of the Army, Policy and Procedure for Implementing NEPA (ER 200-2-2).

Estimated Date of DEIS Release

It is anticipated that the DEIS will be available to the public in March 1982.

ADDRESS:

Questions about the proposed action and DEIS can be answered by Ms. Barbara Schmitt, Environmental Analysis Branch, U.S. Army Corps of Engineers, Box 1027, Detroit, MI 48231.

Robert V. Vermillion,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-33681 Filed 11-20-81; 8:45 am]

BILLING CODE 3710-84-M

Office of the Secretary

Defense Science Board Task Force on Electronic Warfare Notice of Advisory Committee Meeting

The Defense Science Board Task Force on EW will meet in closed session January 6, 1982 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of the electromagnetically controlled weapons employed or projected for employment by potentially hostile forces and identify electronic warfare countermeasures that might be of significant help if the Department of Defense were required to counter those forces.

In accordance with 5 U.S.C. App. I section 10(d) (1976), it has been determined that the Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)

(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

November 18, 1981.

[FR Doc. 81-33757 Filed 11-20-81; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; Deletions of System Notices

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletions of system notices.

SUMMARY: The Office of the Secretary of Defense proposes to delete the notices for systems of records: DAE 01, "Office Social Roster and Locator Card," DAE 02, "03-3 and 03-4 Individual Personnel Files, 03-1b. Consultants Files," and DLA 02, "Biographic Data File," subject to the Privacy Act of 1974. It has been determined that DAE 01 is adequately covered under OPM/GOVT-1, DAE 02 is adequately covered under system DUSDRE 02, "OUSDRE Personnel Administration Files," and DLA 02 data is gathered from sources that are in the public domain.

DATE: These deletions shall be effective December 23, 1981.

ADDRESS: Send any comments to the System Manager identified in the system notice (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 were published in the Federal Register.

FR Doc. 81-897 (46 FR 6427) January 21, 1981

FR Doc. 81-5568 (46 FR 12772) February 18, 1981

FR Doc. 81-6246 (46 FR 14031) February 25, 1981

FR Doc. 81-6491 (46 FR 14154) February 26, 1981

FR Doc. 81-7597 (46 FR 16114) March 11, 1981

FR Doc. 81-8041 (46 FR 16926) March 16, 1981

FR Doc. 81-8127 (46 FR 17074) March 17, 1981

FR Doc. 81-8281 (46 FR 17243) March 18, 1981

FR Doc. 81-8282 (46 FR 17243) March 18, 1981

FR Doc. 81-10201 (46 FR 20260) April 3, 1981

FR Doc. 81-10722 (46 FR 21228) April 9, 1981

FR Doc. 81-11473 (46 FR 22257) April 16, 1981

FR Doc. 81-11765 (46 FR 22632) April 20, 1981

FR Doc. 81-12892 (46 FR 23967) April 29, 1981

FR Doc. 81-13225 (46 FR 24620) May 1, 1981

FR Doc. 81-14226 (46 FR 26365) May 12, 1981

FR Doc. 81-14406 (46 FR 26676) May 14, 1981

FR Doc. 81-14909 (46 FR 27373) May 19, 1981

FR Doc. 81-14975 (46 FR 27373) May 19, 1981

FR Doc. 81-15770 (46 FR 28470) May 27, 1981

FR Doc. 81-17763 (46 FR 31306) June 15, 1981

FR Doc. 81-19042 (46 FR 33074) June 26, 1981

FR Doc. 81-20404 (46 FR 35963) July 13, 1981

FR Doc. 81-21228 (46 FR 37306) July 20, 1981

FR Doc. 81-21496 (46 FR 37751) July 22, 1981

FR Doc. 81-23482 (46 FR 40788) August 12, 1981

FR Doc. 81-25853 (46 FR 44494) September 4, 1981

FR Doc. 81-28992 (46 FR 49177) October 6, 1981

FR Doc. 81-31994 (46 FR 54791) November 4, 1981

FR Doc. 81-32109 (46 FR 54979) November 5, 1981

FR Doc. 81-32239 (46 FR 55139) November 6, 1981

FR Doc. 81-32856 (46 FR 55555) November 10, 1981

Sheila Levine,

*Acting OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

November 18, 1981.

DELETIONS

DAE 01

System name:

Office Social Roster and Locator Card.

Reason:

This system is adequately covered under OPM/GOVT-1.

DAE 02

System name:

03-3 and 03-4 Individual Personnel Files, 03-1b. Consultants Files.

Reason:

This system is adequately covered under DUSDRE 02, "Office Director of Research and Development (ODDR&E), Personnel Administration Files."

DLA 02

System name:

Biographic Data File.

Reason:

Data is gathered from sources that are in the public domain.

[FR Doc. 81-33756 Filed 11-20-81; 8:45 am]

BILLING CODE 3810-08-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session December 10, 1981, at the AGED, 1925 N. Lynn Street, Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of

Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: November 18, 1981.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

[FR Doc. 81-33669 Filed 11-20-81; 8:45 am]

BILLING CODE 3810-01-M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, 5 January 1982; Tuesday, 12 January 1982; Tuesday, 19 January 1982; and Tuesday, 26 January 1982; at 10:00 a.m. in Room 3D321, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the Public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules

and practices of an agency." (5 U.S.C. 552.b(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C.552(b)(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b.(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C.

Dated: November 17, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.

[FR Doc. 81-33670 Filed 11-20-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements, Civil Uses; Proposed Subsequent Arrangement; Egypt

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of the Arab Republic of Egypt Concerning Peaceful Uses of Atomic Energy. This agreement has not, as yet, come into force. However, in order that cooperation under the agreement can begin expeditiously, this subsequent arrangement is being considered in advance. Contractual provisions will preclude any deliveries under the contracts until the agreement comes into force.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval for the

supply of fuel for power reactors as follows:

Contract Number DE-SC05-82UBBG 101, for uranium enrichment services for the El-Dabba nuclear power plant. This facility has a planned generating capacity of between 900 and 1,000 gross megawatts.

Contract Number DE-SC05-79UBBG 100, for uranium enrichment services for the EFFAP Sidi Krier 1 nuclear power plant. This facility has a planned generating capacity of 960 gross megawatts, an increase of 300 gross megawatts above that originally envisioned, and thus requires an amendment to the existing contract.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice, and the date on which the agreement comes into force, whichever date is later.

For the Department of Energy.

Dated: November 19, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International
Programs.

[FR Doc. 81-33884 Filed 11-20-81; 11:38 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-79-006; OFC Case
Numbers 61005-9021-01 Through 03-11]

Consolidated Rail Corp.; Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory
Administration, DOE.

ACTION: Notice of availability of tentative staff analysis on petition for extension of temporary exemptions; notice of intention to modify an order granting temporary public interest exemptions—Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE), hereby gives notice of the availability of the Tentative Staff Analysis on a petition filed with ERA on July 21, 1981, by Consolidated Rail Corporation (ConRail) requesting a one-year extension of the temporary public interest exemptions granted to its Cos Cob, Connecticut generating facility (Cos Cob) on July 22, 1980. The temporary exemptions, issued under section 211(c) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C.

8301 *et seq.* (FUA or the Act), permitted the use of petroleum or natural gas in three new major fuel burning installations (MFBI's) at that site until August 1, 1981. (Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA. Pertinent criteria and procedures for petitioning for such an exemption are contained in 10 CFR Parts 500, 501 and 503 published on June 6, 1980, at 45 FR 38276 and 38302.)

The Tentative Staff Analysis, prepared by the ERA staff and based upon the staff's review and analysis of the information in the record of this proceeding to date, recommends that ERA grant the requested extension. Pursuant to 10 CFR 501.64, ERA is providing interested persons with a 14-day period in which to make written comments on the Tentative Staff Analysis or to request a public hearing thereon. Further information on ConRail's extension petition and the Tentative Staff Analysis is contained in the Supplementary Information Section below.

ERA also gives notice of its intention to modify certain terms and conditions in the Cos Cob temporary public interest exemption order, in accordance with 10 CFR Part 501, Subpart G. The modification action, commenced with the publication of this notice, is based upon a recommendation in the Tentative Staff Analysis that, if ERA decides that extension of the Cos Cob temporary exemptions is warranted, as requested, it should also act, on its own initiative, to rescind certain specified terms and conditions imposed by the order, which are no longer necessary. The specific terms and conditions recommended for rescission place restrictions on the amounts of petroleum and natural gas that can be used in the Cos Cob MFBI's and require annual reports to be made to ERA of the amounts of such fuels actually used. If the temporary exemptions are extended ERA intends to make the recommended rescissions, provided that persuasive evidence contrary to the ERA staff recommendation is not received during the public comment period. (A more detailed explanation of the reasons for this proceeding is set forth in the Supplementary Information section below.)

ERA will issue a final order granting or denying ConRail's petition for extension within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any

extension, and the reasons therefor, will be published in the **Federal Register**.

DATE: Written comments on the Tentative Staff Analysis and any requests for public hearing, must be filed with ERA on or before December 7, 1981. Written comments on ERA's proposed order modification must also be submitted by interested persons during this same time period.

ADDRESS: Fifteen copies of written comments, or a request for a public hearing, shall be submitted to: Economic Regulatory Administration, Case Control Unit, Federal Building, Room 7120, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Each document submitted (and the envelope in which it is transmitted) should be identified as "ConRail Extension Petition—ERA-FC-79-006".

FOR FURTHER INFORMATION CONTACT:

Richard Ransom, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 6114, Washington, D.C. 20461, Phone (202) 653-3341

Robert Goodie, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 6317, Washington, D.C. 20461, Phone (202) 653-3400

Marya Rowan, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967

The public file containing a copy of all documents and supporting materials on this proceeding is available for inspection upon request at: Room 7120, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., Monday through Friday, 8:00 a.m.—4:30 p.m.

SUPPLEMENTARY INFORMATION: In response to a petition by ConRail, ERA issued an order on July 22, 1980, granting ConRail temporary public interest exemptions from the prohibitions of FUA for three new MFBI's installed at ConRail's Cos Cob, Connecticut, generation facility. The order was published in the **Federal Register** on July 29, 1980, at 45 FR 50391. The temporary exemptions permitted the use of petroleum or natural gas as a primary energy source in the three MFBI's until August 1, 1981.

The three MFBI's for which the temporary exemptions were granted are oil/gas-fired packaged boilers that were installed at the Cos Cob facility by

ConRail in compliance with a Consent Judgment entered by the U.S. District Court for the District of Connecticut (the Court) in Civil Action No. B76-282 on May 2, 1979. The terms of the Consent Judgment required that the coal-fired operation at the Cos Cob facility be immediately curtailed for violations of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, and that all operations at the facility be permanently terminated upon full conversion of the rail line's signal control and traction systems from 25- to 60-cycle electricity, enabling ConRail to use electricity purchased from a local utility in its operations.

A work schedule incorporated in the Consent Judgment called for the completion of the conversion project in July 1981, and the Revised Compliance Plan filed by ConRail With ERA in connection with its exemption petition reflected August 1, 1981, as the shutdown of the Cos Cob powerhouse. Accordingly, ERA set the expiration date of the Cos Cob temporary public interest exemptions to coincide with the shutdown of the facility.

The monthly status reports filed by ConRail with the Court, as required by the Consent Judgment (copy to ERA as required by the Terms and Conditions of the FUA order), report the occurrence of traction power test failures which delayed completion of the conversion project and necessitated the operation of the Cos Cob powerhouse past the original August 1, 1981, projected shutdown date. As a result, ConRail, on July 21, 1981, filed a petition with ERA requesting a one-year extension of each of the temporary public interest exemptions that would permit the continued burning of petroleum or natural gas in the MFBI's until the Cos Cob operations could be terminated.

As required by 10 CFR 501.63, ERA published notice of its acceptance of ConRail's petition for extension on August 24, 1981 (46 FR 42710). The notice provided a 45-day comment period during which interested persons could submit written comments on the petition for extension of the temporary exemptions and request that a public hearing be convened. The period expired on October 8, 1981. No comments were received and no hearing was requested.

As required by sections 701(f) and (g) of the Act, copies of ConRail's petition were forwarded to the Environmental Protection Agency and the Federal Trade Commission for comment, but no

comments were received from those agencies.

Because of the time interval required for compliance with the procedural requirements of FUA and the implementing regulations, ERA could not reach a final determination on ConRail's petition for extension before the Cos Cob temporary exemptions expired on August 1, 1981. Therefore, in conjunction with ERA's acceptance of the extension petition, ConRail was advised that ERA will neither take nor recommend enforcement action against the continued use of petroleum or natural gas in the Cos Cob MFBI's until such time that a final effective order granting or denying the requested extensions can be issued.

The Temporary Exemption Extension Request

The Tentative Staff Analysis summarizes the measures reported in the petition for extension as currently being undertaken by ConRail and the Court to achieve the timely completion of the conversion project. These measures include the continuation of the Court-appointed Administrator's full supervision over the project and ConRail's contracting for the performance of a computer analysis of the 60-cycle traction system to aid in resolving already-identified problems and to identify any other inherent flaws therein. The computer analysis, when available, will enable ConRail to more accurately project a final shutdown date for the Cos Cob powerhouse, but, in the interim, ConRail is asking for a one-year extension of the exemptions as a reasonable period of time during which the work preliminary to the shutdown can be completed.

In the Tentative Staff Analysis, the ERA staff concluded that: (1) Notwithstanding ConRail's failure to shut down the Cos Cob MFBI's on the date originally projected, the circumstances which initially qualified the MFBI's to receive the temporary public exemptions continue to exist at this time; (2) in spite of what appears to have been a good faith effort on ConRail's part to comply with the terms of both the Consent Judgment and the FUA order, it has been prevented from doing so by unforeseen circumstances attributable to the complexity of the conversion project; and (3) the extension of the temporary exemptions, as requested, is in the public interest and consistent with the purposes of FUA.

Based upon these conclusions, the Tentative Staff Analysis recommends that ERA grant ConRail's request to be permitted to use petroleum or natural gas in the Cos Cob MFBI's until August 1, 1982, by revising paragraph 4 (b) and (c) of the Terms and Conditions of the FUA order in Docket No. ERA-FC-79-006 to read "1982" in lieu of "1981".

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested extension of the temporary public interest exemptions. Rather, the disposition of ConRail's extension petition will be made, as required by 10 CFR § 501.68, on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Proposed Modification of Exemption Order Provisions

In the course of its analysis of ConRail's petition for extension, the ERA staff reviewed all of the Terms and Conditions of the order for their continued validity and usefulness. As a result, the Tentative Staff Analysis also recommends that, under the authority of 10 CFR Part 501, Subpart G, ERA, at its own initiative, should commence a modification proceeding to rescind paragraphs 2 and 3 of the Terms and Conditions of the order. These paragraphs impose restrictions on the annual amounts of petroleum and

natural gas that ConRail may burn in the Cos Cob MFBI's and require annual reports to be made to ERA of these quantities. The recommendation is based upon the ERA staff's conclusion that the increasing costs of petroleum and natural gas are dictating the maximum conservation of those fuels by ConRail and that continued restrictions on their use in the Cos Cob MFBI's (and the reports required thereon) are no longer necessary. ERA has accepted this recommendation, and, if the temporary public interest exemptions to ConRail's Cos Cob MFBI's are extended, it intends, in the same action, to modify the original FUA order by rescinding paragraphs 2 and 3 of the Terms and Conditions. As required by 10 CFR 501.101(d), a 14-day period, commencing with publication of this notice, is provided for the receipt of written comments from interested parties concerning ERA's proposed modification.

Environmental Analysis: In accordance with section 763(1) of FUA, the granting or denial of a temporary exemption is not deemed to be a major Federal action for the purposes of section 102(c)(1)(C) of the National Environmental Policy Act of 1969. An environmental analysis was not required in the initial ConRail proceeding and will not be required for ERA's decision on the extension request.

Issued in Washington, D.C. on November 16, 1981.

Rayburn Hanzlik,
Administrator, Economic Regulatory
Administration.

[FR Doc. 81-39722 Filed 11-20-81; 8:45 am]
BILLING CODE 8450-01-M

Office of Hearings and Appeals

Cases Filed; Week of October 30 Through November 6, 1981

During the week of October 30 through November 6, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
Director, Office of Hearings and Appeals,
November 17, 1981.

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Oct. 30 through Nov. 6, 1981]

Date	Name and Location of Applicant	Case No.	Type of submission
Nov. 2, 1981	Conoco, Inc., Houston, Texas	HRH-0003	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Conoco, Inc., in response to the June 8, 1981, Proposed Remedial Order issued to Conoco by the Office of Special Counsel.
Nov. 2, 1981	Office of Special Counsel (Texaco), Washington, D.C.	HRD-0005	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. DRO-0199) issued to Texaco, Inc.
Nov. 2, 1981	State of California (Chevron and Western), Washington, D.C.	HEG-0001, HEG-0002	Petitions for Special Redress. If granted: The October 21, 1981, Consent Order issued to Western Crude Oil, Inc., and the October 26, 1981, Consent Order issued to Chevron, U.S.A., Inc., by the Office of Special Counsel would be modified regarding the disposition of refunds of overcharges.
Nov. 3, 1981	Barkett Oil Company, McLean, Virginia	HRD-0006	Motion for Discovery. If granted: Discovery would be granted to Barkett Oil Company in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1342) issued to Barkett.
Nov. 3, 1981	OE/C. K. Smith & Company, Inc., Worcester, Massachusetts	HEF-0006	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R. Part 205, Subpart V, in connection with the March 30, 1979, Consent Order issued to C. K. Smith & Company, Inc.
Nov. 3, 1981	Vic and Lou's Union, San Leandro, California	HRX-0003	Supplemental Order. If granted: Vic and Lou's Union would be permitted to appeal to the Federal Energy Regulatory Commission the Decision and Order (Case No. BRR-0074) which modified the Remedial Order previously issued to the firm.
Nov. 4, 1981	Exxon Company, U.S.A., Washington, D.C.	HRD-0007	Motion for Discovery. If granted: Discovery would be granted to Exxon Company, U.S.A. in connection with the Statement of Objections submitted in response to the May 29, 1981, Proposed Remedial Order issued to Exxon by the Office of Special Counsel.
Nov. 4, 1981	Exxon Company, U.S.A., Washington, D.C.	HRH-0002	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Exxon Company, U.S.A. in response to the May 29, 1981, Proposed Remedial Order issued to Exxon by the Office of Special Counsel.

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Oct. 30 through Nov. 6, 1981]

Date	Name and Location of Applicant	Case No.	Type of submission
Nov. 4, 1981	State of Michigan (Chevron and Western), Lansing, Michigan	HEG-0003, HEG-0004	Petitions for Special Redress. If granted: The October 21, 1981, Consent Order issued to Western Crude Oil, Inc. and the October 26, 1981, Consent Order issued to Chevron U.S.A., Inc., by the Office of Special Counsel would be modified regarding the disposition of overcharges in the State of Michigan.
Nov. 5, 1981	Electricians Union Local 701, Chicago, Illinois	HFA-0012	Appeal of an Information Request Denial. If granted: The October 14, 1981, Information Request Denial issued by the Department of Energy would be rescinded, and Electricians Union Local 701 would receive access to information concerning the amount of money paid by DOE to Keys Communications.

[FR Doc. 81-33723 Filed 11-20-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59072; TSH-FRL-1990-8]

A Mixture of 1-Amino-8-Naphthol-4,6 Disulfonic Acid and Its Mono and Disodium Salts; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under sections 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the Federal Register of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of an application for an exemption, provides a summary, and requests comments on the appropriateness of granting of the exemption.

DATE: Written comments by: December 8, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-59072]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW., Washington, DC 20460.

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 Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the TME received by the EPA:

TME 81-47

Close of Review Period: December 28, 1981.

Manufacturer's Identity: Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.

Specific Chemical Identity: A mixture of 1-amino-8-naphthol-4,6 disulfonic acid and its mono and disodium salts.

Use. The manufacturer states that the TME substance will be used to manufacture a dyestuff intermediate.

PRODUCTION ESTIMATES

	Maximum pounds
6 months	4,000

Physical/Chemical Properties

Appearance—Grey, odorless powder.

Melting point—> 200° C.

Water—Soluble.

Bulk density—700 Kg/m³.

Toxicity Data

Oral toxicity LD₅₀ (rat)—> 5,000 mg/kg.

Skin irritation (rabbit) 24 hours—No irritation.

Eye irritation (rabbit)—Moderate irritation.

Exposure. The manufacturer states that during use of the K-acid and its sodium salts to manufacture the dyestuff intermediate both dermal and inhalation exposure can occur. One worker may have a maximum of 12 hrs. (total) exposure.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated.

Dated: November 17, 1981.

Woodson W. Bercaw,
Acting Director, Management Support Division.

[FR Doc. 81-33653 Filed 11-20-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-51111B; TSH-FRL-1991-4]

Alkanedioic Acids Mixed Alkanolamines Salt; Termination of Extended Premanufacture Notice Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is terminating the extended review period for premanufacture notice (PMN) PMN-80-182. The initial 90-day review period which commenced on July 23, 1980 was extended for 90 days (45 FR 70557, October 24, 1980) under section 5(c) of the Toxic Substances Control Act (TSCA). Subsequent data provided by the manufacturer mitigate the Agency's concerns and render continuation of the review period unnecessary.

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, any person who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a premanufacture notice (PMN) to EPA 90 days prior to the commencement of manufacture or import. In general, section 5 provides that EPA must complete its review of a PMN within 90 days of its receipt by the Agency. However, under section 5(c), EPA may extend the notice period for good cause for additional periods, not to exceed an aggregate of 180 days from the date of receipt.

The generic identity of the substance covered by PMN-80-182 is alkanedioic acids mixed alkanolamines salt. The

PMN described a chemical substance that would be manufactured for a use claimed confidential. The submitter of the PMN also claimed its identity to be confidential along with process data and production volume.

EPA's initial evaluation of the new substance entailed review of information that the manufacturer supplied in the PMN and in subsequent submissions to EPA. EPA developed additional data during its review. When EPA completed this initial screen of the substance, the Agency concluded that it needed to conduct a more detailed review of certain aspects to focus on the concerns raised. The Agency determined that the PMN substance, when used as intended, might generate a highly toxic chemical to which there would be significant human exposure. Therefore, the Agency issued on October 24, 1980, a notice of an extension of the review period for an additional 90 days. Following the extension, the submitter suspended the review period in order to develop and submit to EPA additional data to address the Agency's concerns. That information and detailed discussions with the submitter have adequately demonstrated that the toxic byproduct will not be formed at levels of concern, and that human exposure to the substance will not be significant. The Agency is therefore terminating its review of the PMN. The submitter requested on August 11, 1981 that the review period be concluded in order to allow the company to proceed with production. The Agency is rescinding its previous section 5(c) extension effective November 23, 1981.

Dated: November 12, 1981.

Edwin H. Clark, II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-33655 Filed 11-20-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51354; TSH-FRL-1991-1]

N,N'-Isophthaloyl-bis(Trimethylene Urea); Premanufacture Notice

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 one PMN and provides a summary.

DATE: Written comments by: PMN 81-587—January 15, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51354]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 81-587

Close of Review Period. February 14, 1982.

Manufacturer's Identity. The Upjohn Company, 410 Sackett Point Road, North Haven, CT 06473.

Specific Chemical Identity. N,N'-Isophthaloyl-bis(trimethylene urea).

Use. The manufacturer states that the PMN substance will be used as a powder coating, solvent based coating, and polyurethane.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year.....	300	600
2d year.....	600	1,200
3d year.....	1,200	

Physical/Chemical Properties

Appearance—White solid.

Melting point—218–220° C.

Solubility: chloroform—Slightly soluble; acetic acid dimethyl sulfoxide—Soluble; N-methylpyrrolidone—Soluble; acetonitrile—Soluble; dimethyl formamide—Soluble.

Undergoes ring-opening in presence of an alcohol and a catalyst, slowly at 50° C, increases with increasing temperature. Without catalyst and alcohol, it is stable at 220° C or higher temperature.

Toxicity Data

Acute oral toxicity LD₅₀ (rat)—>5.0 g/kg.

Primary skin irritation (rabbit)—Not a primary irritant.

Primary eye irritation (rabbit)—Mildly irritating.

Exposure. The manufacturer states that during manufacture 4 workers may experience dermal and inhalation exposure 8 hrs/day, 30 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to water. Disposal is to a publicly owned treatment works (POTW).

Dated: November 17, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-33654 Filed 11-20-81; 8:45 am]

BILLING CODE 6560-31-M

[AEN-FRL-1991-5]

Non-Applicability of PSD Regulation; Rescission of PSD Permit; Rockwell International Corporation, Rocketdyne Division, Canoga Park, CA

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that EPA has rescinded PSD Permit NSR 4-4-9; LA 80-05, which had been issued to Rockwell International Corporation, Rocketdyne Division, Canoga Park, CA on February 2, 1981. EPA has determined that the modifications for which the permit was issued are not subject to the PSD regulations that appear at 40 CFR 52.21 (1980).

SUPPLEMENTARY INFORMATION: On February 2, 1981, the Environmental Protection Agency (EPA) issued to Rockwell International (Rockwell) a permit pursuant to 40 CFR 52.21, the Prevention of Significant Deterioration (PSD) regulations. The permit was for modifications made at Rockwell's Systems Test Lab #4 (STL-4) located at the Santa Susana Field Laboratory in Ventura County, California. The modifications were made to accommodate the testing of axial and attitude engines for the Missile-X System (MX missile).

On January 29, 1981, a lawsuit was filed in which various deficiencies in the permitting procedures were alleged. On February 11, 1981 the parties to the lawsuit reached a settlement wherein it was agreed that, among other things, Rockwell would submit to EPA a new permit application and EPA would

conduct a public hearing on that new application. Rockwell also reserved its claim that the modifications made at STL-4 were not subject to PSD regulations.

Pursuant to the settlement agreement, Rockwell submitted a new application on March 27, 1981, and simultaneously submitted a request that EPA make an official determination concerning the applicability of the PSD regulations to the modifications. EPA conducted a public comment period commencing on June 29, 1981, and ending on August 24, 1981. On August 13, 1981, a public hearing was held in the community where STL-4 is located. A public notice announcing the comment period and hearing was published in the Los Angeles Times on June 29, 1981. That notice announced that EPA would receive comments on the draft permit and Air Quality Impact Report, as well as whether or not a permit should be required. In addition, EPA sent to a public library in the community surrounding STL-4 a true and correct copy of EPA's complete file on STL-4, including internal memos written by EPA staff. Comments were received on the draft permit, the Air Quality Impact Report, and the merits of the MX missile, but no substantive written or oral comment was received on applicability, other than those submitted by Rockwell.

After carefully considering the merits of Rockwell's claim that PSD regulations did not apply to STL-4, EPA concluded the claim was correct: the modifications made at STL-4 are not subject to PSD regulations, hence no permit is required.

Notice is hereby given that EPA on November 5, 1981 issued a nonapplicability determination to Rockwell for the modifications made at STL-4 to accommodate the testing of axial and altitude engines for the Missile-X System, and also rescinded the permit that was issued on February 2, 1981. EPA determined that the modifications made at STL-4 did not constitute a major modification as defined at 40 CFR 52.21(b)(2)(i)(1980), therefore the project will not be subject to the preconstruction review and permit requirements of the Prevention of Significant Air Quality Deterioration Regulations (PSD). Under section 307(b)(1) of the Clean Air Act, as amended in 1977, judicial review of this determination 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. In this case, the appropriate court is the Ninth Circuit Court of Appeals. A petition for review must be filed with

the Ninth Circuit on or before January 22, 1982.

This determination and related background information are available for public inspection at the U.S. Environmental Protection Agency, Permits Branch, 215 Fremont Street, San Francisco, California 94105; Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105.

Dated: November 5, 1981.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 81-33651 Filed 11-20-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-649-DR]

Oklahoma; Major Disaster and Related Determinations

AGENCY: Federal Emergency
Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA-649-DR), dated November 4, 1981, and related determinations.

DATED: November 4, 1981.

FOR FURTHER INFORMATION CONTACT:
Sewall H. E. Johnson, Disaster
Assistance Programs, Federal
Emergency Management Agency,
Washington, D.C. 20472 (202) 287-0491.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency delegation of authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of November 4, 1981, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms and flooding beginning on October 10, 1981, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Oklahoma. Assistance under Pub. L. 93-288 is limited to public assistance.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts

as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirements that Federal assistance be supplemental, the Federal funds under Pub. L. 93-288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration. Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Joe D. Winkle of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Oklahoma to have been affected adversely by this declared major disaster:

Atoka, Bryan, Coal, Johnston, Love and Marshall Counties for Public Assistance. (Catalog of Federal Domestic Assistance No. 83-300, Disaster Assistance.)

Lee M. Thomas,

Associate Director, State and Local Programs
and Support, Federal Emergency
Management Agency.

[FR Doc. 81-33709 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-648-DR]

Texas; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Texas (FEMA-648-DR), dated October 23, 1981, and related determinations.

DATE: November 13, 1981.

FOR FURTHER INFORMATION CONTACT:
Sewall H. E. Johnson, Disaster
Assistance Programs, Federal
Emergency Management Agency,
Washington, D.C. 20472, (202) 287-0491.

NOTICE: The Notice of a major disaster for the State of Texas dated October 23, 1981, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a

major disaster by the President in his declaration of October 23, 1981.

Montague and Wise Counties for Public Assistance only.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 81-33708 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-03-M

[FEMA-648-DR]

Texas; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

NOTICE: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Texas (FEMA-648-DR), dated October 23, 1981, and related determinations.

DATED: November 10, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0491.

NOTICE: The Notice of a major disaster for the State of Texas dated October 23, 1981, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 23, 1981.

Grayson, Palo Pinto and Parker Counties for Public Assistance in addition to Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718-02)

John E. Dickey,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 81-33042 Filed 11-20-81; 8:45 am]

BILLING CODE 6718-01-M

GENERAL SERVICES ADMINISTRATION

Schedule for Awarding SES Bonuses

The General Services Administration plans to award bonuses to Senior Executive Service members on or about December 7, 1981.

For further information, contact Gregory L. Knott, Director, Executive Resources Division (202-566-1207). Mailing address: General Services Administration (HPX), Washington, DC 20405.

Dated: November 13, 1981.

Gerald P. Carmen,

Administrator of General Services.

[FR Doc. 81-33687 Filed 11-20-81; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Bladder and Prostatic Cancer Review Committee, Bladder Cancer Review Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Bladder and Prostatic Cancer Review Committee (Bladder Cancer Review Subcommittee), National Cancer Institute, December 10-11, 1981, Logan Airport Hilton, Room 321, Logan International Airport, Boston, Massachusetts 02128. This meeting will be open to the public on December 10 from 8:30 a.m. to noon to review administrative details; planning and prioritizing of the Bladder Program; and further review of the Clinical Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 10, from 1:00 p.m. to adjournment; and on December 11, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5709) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William E. Straile, Executive Secretary, Bladder Cancer Review Subcommittee, National Cancer Institute, Blair Building, Room 314, National Institutes of Health, Bethesda, Maryland 20205 (301/427-8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention; detection

and diagnosis; and cancer treatment research, National Institutes of Health) (NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: November 13, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-33705 Filed 11-20-81; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK), December 3-5, 1981, National Institutes of Health, Building 2, Room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 8:00 to 10:00 p.m. on December 3, from 9:00 a.m. to 12:15 p.m. and 2:00 to 4:45 p.m. on December 4, from 9:00 to 11:30 a.m. on December 5. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIADDK intramural research programs. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 7:30 to 8:00 p.m. and 10:00 to 10:30 p.m. on December 3, from 12:15 to 2:00 p.m. and 4:45 to 5:30 p.m. on December 4, from 11:30 a.m. to adjournment on December 5, for the review, discussion and evaluation of individual intramural programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Building 31, Room 9A46, Bethesda, Maryland 20205. Further information concerning the meeting may be obtained by contacting the office of Dr. J. E. Rall, Executive Secretary, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N-222, Bethesda, Maryland 20205, (301) 496-4128.

Dated: November 12, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-33702 Filed 11-20-81; 8:45 am]

BILLING CODE 4140-01-M

Clinical Cancer Program Project and Cancer Center Support Review Committee, Clinical Cancer Program Project Review Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Cancer Program Project and Cancer Center Support Review Committee (Clinical Cancer Program Project Review Subcommittee), National Cancer Institute, December 14-18, 1981, Bethesda Marriott, Pooks Hill Road, Bethesda, Maryland 20014. This meeting will be open to the public on December 14 from 8:30 a.m. to 10:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 14, from 10:00 a.m. to adjournment; December 15, from 8:30 a.m. to adjournment; and on December 16, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Louise G. Thomson, Executive Secretary, Clinical Cancer Program Project Review Subcommittee, National Cancer Institute, Westwood Building, Room 809, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7924) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.397, project grants in cancer center support, National Institutes of Health) (NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular)

Dated: November 12, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-33860 Filed 11-20-81; 8:45 am]

BILLING CODE 4140-01-M

Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Cancer Review Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee, (Large Bowel Cancer Review Subcommittee), National Cancer Institute, December 7, 1981, Eden Roc Hotel, Paladium Room, 5425 Collins Avenue, Miami Beach, Florida 33140. This meeting will be open to the public on December 7 from 8:30 a.m. to 9:00 a.m. to review administrative details and from 3:00 p.m. to 5:00 p.m. to review the National Large Bowel Cancer Project Annual Report. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 7, from 9:00 a.m. to 3:00 p.m., for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Vincent J. Cairoli, Executive Secretary, Large Bowel Cancer Review Subcommittee, National Cancer Institute, Blair Building, Room 312, National Institutes of Health, Bethesda, Maryland 20205 (301/427-8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention; detection and diagnosis; and cancer treatment research, National Institutes of Health) (NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: November 12, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-33009 Filed 11-20-81; 8:45 am]

BILLING CODE 4110-08-M

National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council on December 10, 1981, 9:00 a.m. to 3:00 p.m., at the Hilton, I-70 at Peoria Street Exit, Denver, Colorado. The meeting will be open to the public. Discussion will be centered on programmatic allocations of fiscal resources, Institute and program pay-lines, issues requiring Council attention and Council procedures and role. Attendance by the public will be limited to space available.

Further information concerning the Council meeting may be obtained from Dr. George T. Brooks, Executive Secretary, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Westwood Building, Room 637, Bethesda, Maryland 20205, (301) 496-7277.

A summary of the meeting and roster of the members may be obtained from the Committee Management Office, NIADDK, Building 31, Room 9A46, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5765.

Dated: November 10, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-33703 Filed 11-20-81; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Advisory Board and Board Subcommittees; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees on Planning and Budget, and Activities and Agenda, November 30-December 2, 1981, National Cancer Institute, Building 1, Wilson Hall, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. The National Advisory Cancer Board and Subcommittee on Activities and Agenda meetings will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

The Subcommittee on Planning and Budget meeting will be closed to the public as indicated below in accordance

with the provisions set forth in section 552(c)(9)(B), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, to discuss the President's Budget Request for 1983.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of committee: National Cancer Advisory Board

Dates of meeting: November 30-December 2, 1981

Place of meeting: Building 1, Wilson Hall, National Institutes of Health

Open: November 30, 8:30 a.m.-adjournment; December 1, 8:30 a.m.-adjournment; December 2, 8:30 a.m.-adjournment

Agenda: Reports on activities of the President's Cancer Panel; the Director, National Cancer Institute; Program Reviews, and a review of the Association of Community Centers (ACCC)—missions and accomplishments.

Name of committee: Subcommittee on Planning and Budget

Date of meeting: November 30, 1981

Place of meeting: Building 31, Conference Room 11A10, National Institutes of Health
Closed: November 30, 7:30-8:30 p.m.
Closure reason: Review of President's Budget Request for 1983.

Open: November 30, 8:30 p.m.-adjournment
Agenda: Review of current budget.

Name of committee: Subcommittee on Activities and agenda

Date and place of meeting: November 30, 5:30 p.m.-adjournment, Building 1, Wilson Hall
Open for the entire meeting

Agenda: To discuss administrative details and plan the agenda and activities for the National Cancer Advisory Board and its meeting for February 1982.

Dated: November 12, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-33701 Filed 11-20-81; 8:45 am]

BILLING CODE 4110-08-M

Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health, November 30 and December 1, 1981, Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20014.

This meeting will be open to the public on November 30 from 8:00 p.m. to approximately 10:00 p.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood

Institute. Attendance by the public is limited to space available.

In accordance with the provisions set forth in section 552b(c)(8), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 1 from 8:00 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Charles L. Turbyfill, Executive Secretary of the Committee, Room 553, Westwood Building, Bethesda, Maryland 20205, phone (301) 496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research, and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: November 13, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-33704 Filed 11-20-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Assessment of Medical Technology; Diagnostic Endocardial Electrical Stimulation

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of diagnostic endocardial electrical stimulation. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a

PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than February 22, 1981. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Pierre Renault, M.D., Chief, Medical and Scientific Evaluation Staff at the above address or by telephone (301) 443-4990.

Dated: November 12, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-33671 Filed 11-20-81; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-81-660]

Delegations of Authority; Revision and Update

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Notice of delegation of authority.

SUMMARY: HUD is transferring certain delegations of authority issued at various times to the Assistant Secretary for neighborhoods. Voluntary Associations and Consumer protection (NVACP) and the General Deputy to the Assistant Secretary for NVACP to the Assistant Secretary for Housing—Federal Housing Commissioner and General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

EFFECTIVE DATE: This delegation of authority is made retroactive to October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard H. Mapp, Director, Management

Analysis and Services Division, Office of Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6650. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Office of Neighborhoods, Voluntary Associations and Consumer Protection is being abolished and some of its functions are being transferred to the Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

Accordingly, certain authorities previously delegated to the Assistant Secretary for NVACP and to the General Deputy Assistant Secretary for NVACP are delegated as follows:

Section A. Authority Delegated. The Assistant Secretary for Housing—Federal Housing Commissioner and the General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner are authorized to exercise the power and authority of the Secretary of Housing and Urban Development under the following authorities:

1. The Interstate Land Sales Full Disclosure Act, Title XIV of the Housing and Urban Development Act of 1968, as amended (15 U.S.C. 1701 *et seq.*).

2. The National Manufactured Housing Construction and Safety Standards Act of 1974, Title VI of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5401 *et seq.*).

3. The Real Estate Settlement Procedures Act of 1974, as amended (12 U.S.C. 2601 *et seq.*).

4. The Lead-Based Paint Poisoning Prevention Act, as amended (42 U.S.C. 4801 *et seq.*).

5. Sections 101(e) and 106(a)(1)(iii) and 106(a)(2) of the Housing and Urban Development Act of 1968, 12 U.S.C. 1710w and 1701x(a)(1)(iii) and (a)(2) and section 237(e) of the National Housing Act 12 U.S.C. 1715z-2(e).

6. Title IV of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8001 *et seq.*).

Section B. Authority Excepted. There is excepted from the authority delegated under Section A the power:

1. To sue or be sued.
2. Under the Interstate Land Sales Full Disclosure Act:
 - a. To conduct hearings in accordance with 5 U.S.C. 556 and 557;
 - b. To issue orders of determination after such hearings;
 - c. To issue rules and regulations prescribing rights of appeal from the decisions of hearing examiners; and

d. To transmit evidence of apparent violations of the Act to the Attorney General of the United States for the institution of any appropriate criminal proceedings.

3. Under the Lead-Based Paint Poisoning Prevention Act, to exercise the Secretary's authority under section 301(a) of the Act, 42 U.S.C. 4821(a), which authority is to be exercised by the Assistant Secretary for Policy Development and Research in consultation with the Assistant Secretary for Housing—Federal Housing Commissioner and the General Deputy Assistant Secretary for Housing.

Section C. Authority to Redelegate. The Assistant Secretary for Housing—Federal Housing Commissioner and the General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner are authorized to redelegate to employees of the Department any of the power and authority delegated under Section A of this delegation except the power and authority to issue rules and regulations.

Section D. Delegation Superseded. This delegation supersedes the delegation of authority from the Secretary to the Assistant Secretary of Neighborhoods, Voluntary Associations and Consumer Protection at 46 FR 5081, January 19, 1981.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., November 18, 1981.

Samuel R. Pierce, Jr.,
Secretary, Department of Housing and Urban Development.

[FR Doc. 81-33700 Filed 11-20-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Request for an Amendment to Permit PRT 2-8045

The applicant requests an amendment to that part of his permit for scientific purposes with California condors (*Gymnogyps californianus*) authorizing certain removal from the wild and placement in the San Diego Wild Animal Park for propagation purposes to allow the Los Angeles Zoo to also become an authorized propagation facility.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with this application are available to the public during normal

business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8045, Amendment #1. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address, on or before December 23, 1981.

Please refer to the file number when submitting comments.

Dated: November 18, 1981.

R. K. Robinson,
Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-33703 Filed 11-20-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

Coal Lease Offerings by Sealed Bid; Southern Appalachian Federal Coal Production Region, Alabama

U.S. Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304. Notice is hereby given that certain coal resources in the tracts described below in Alabama will be offered for competitive lease by sealed bid followed by oral bids which shall begin at the level of the highest sealed bid in \$5.00 increments in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, (42 U.S.C. 7101)). Pursuant to the regulations of 43 CFR 3422.3-1, only those submitting sealed bids may offer oral bids, and 1/2 of the total bonus bid must be tendered at the time of sale. The sale will be held at 10:00 a.m. December 16, 1981, at the Hyatt House, 901 21st Street, North, Birmingham, Alabama. All bids must be submitted to BLM, Tuscaloosa Office, 1315 McFarland Boulevard, East, Tuscaloosa, Alabama 35401. No bids received after 4:00 p.m. December 15, 1981 will be considered.

Coal Offered

Jess Creek Tract—ES 27218

The coal resource to be offered includes one coal bed in the following land located approximately 3 miles southeast of Carbon Hill in Walker County, Alabama:

Huntsville Meridian (Walker County)

T. 14 S., R. 9 W.,
Section 7: W 1/2 NE 1/4

Section 17: NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 18: NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,
 E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
 Section 19: NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 20: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 21: NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$
 Containing approximately 1971.63 acres.

Resources have been calculated for underground mining. Recoverable reserves are estimated to be 1.150 million tons. The coal should average 12,710 Btu/lb. with 14.0% ash and 1.2% sulfur. This would classify the coal as high volatile "A" bituminous.

The minimum sealed bid shall be \$25.00 or more per acre.

Coal Offered

Dividing Ridge Tract—ES 27221

The coal resource to be offered is included in three coal beds in the following land located approximately 10 miles east of Berry in Fayette County, Alabama:

Huntsville Meridian (Fayette County)

T. 18 S., R. 9 W.,
 Section 15: NW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 21: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 22: S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 23: W $\frac{1}{2}$ SW $\frac{1}{4}$
 Containing approximately 637.97 acres.

Resources have been calculated for surface mining. Recoverable reserves are estimated at 1.165 million tons.

The coal should average 12,745 Btu/lb. with 11.8% ash and 2.5% sulfur. This would classify the coal as high volatile "A" bituminous.

The minimum sealed bid shall be \$420.00 or more per acre.

Coal Offered

Howard Tract—ES 27228

The coal resource to be offered includes one coal bed in the following lands, located approximately 16 miles north of Berry, Fayette County, Alabama:

Huntsville Meridian (Fayette County)

T. 14 S., R. 10 W.,
 Section 2: SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$,
 NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$ partial, W $\frac{1}{2}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ partial, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 14: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$
 Containing approximately 821 acres.

Resources have been calculated for surface mining. Recoverable reserves are estimated to be 910,850 tons. The coal should average 13,270 Btu/lb. with 14.7% ash and 2.0% sulfur. This would classify the coal as volatile "A" bituminous.

The minimum sealed bid shall be \$135.00 or more per acre.

Coal Offered

Wiley Tract—ES 27234

The coal resource to be offered includes one coal bed in the following lands, located approximately 2 miles northwest of Windham Springs in Tuscaloosa County, Alabama:

Huntsville Meridian (Tuscaloosa County)

Section 30: E $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 31: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 32: E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

T. 17 S., R. 10 W.,
 Section 25: NW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 26: NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 27: W $\frac{1}{2}$ NW $\frac{1}{4}$
 Section 28: SE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 34: NE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 35: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$
 Section 36: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$

T. 18 S., R. 9 W.,
 Section 8: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
 Section 7: S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$

T. 18 S., R. 10 W.,
 Section 1: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 11: E $\frac{1}{2}$ NE $\frac{1}{4}$
 Section 12: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
 Containing approximately 1939.85 acres.

Resources have been calculated for underground mining. Recoverable reserves are estimated to be 7.7 million tons. The coal should average 12,460 Btu/lb. with 13.2% ash and 2.50% sulfur. This would classify the coal as high volatile "A" bituminous.

The minimum sealed bid shall be \$435.00 or more per acre.

Coal Offered

Windham Springs Tract—ES 27231

The coal resource to be offered includes one coal bed in the following lands, located approximately 25 miles south of Berry in Tuscaloosa County, Alabama:

Huntsville Meridian (Tuscaloosa County)

Section 17: SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
 Section 18: N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 19: S $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 20: SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 21: NE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 22: S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$
 Section 26: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 S $\frac{1}{2}$ S $\frac{1}{2}$
 Section 27: W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$, NW $\frac{1}{4}$
 Section 28: N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 29: N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$
 Section 30: S $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 31: All
 Section 32: S $\frac{1}{2}$ S $\frac{1}{2}$

Section 33: N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 34: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 35: E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

T. 18 S., R. 10 W.,

Section 13: S $\frac{1}{2}$ S $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 14: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 23: E $\frac{1}{2}$

Section 24: N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
 SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 25: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 26: N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 27: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 36: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$

Containing approximately 6752.93 acres.

Resources have been calculated for underground mining. Recoverable reserves are estimated to be 21.2 million tons. The coal should average 12,700 Btu/lb. with 13.4% ash and 2.7% sulfur. This would classify the coal as high volatile "A" bituminous.

The minimum sealed bid shall be \$314.00 or more per acre.

Rental and Royalty

Leases issued as a result of this offering will provide for payment of an annual rental of \$3.00 per acre and a royalty payable to the United States of 12.5 percent of the value of coal produced by strip or auger mining methods and 8 percent of the value of coal produced by underground mining methods. The value of coal shall be determined in accordance with 30 CFR 211.63. The Department of Interior recognizes that the Federal royalty for surface-mined coal may be inconsistent with local prevailing rates. By order of the Secretary, the Department will, after lease issuance, immediately entertain applications for surface mining royalty reductions to the level of the prevailing market rate in the area. The Department does not guarantee that any applications for a royalty reduction will be granted.

Notice of Availability

Bidding instructions and bidder qualifications are included in the Detailed Statement of the Lease Sale. Copies of the Statement and of the proposed coal leases are available at the Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304 and the Tuscaloosa District Office. Case file documents are available for public inspection only at the Eastern States Office.

Note.—Other detailed chemical analyses are available upon request from the U.S. Geological Survey, Conservation Division, Eastern Region, 1725 K Street, N.W., Suite 213, Washington, D.C. 20006, Attn: Deputy

Conservation Manager, Onshore Minerals or call (202) 254-5660.

Roger L. Hildebeidel,
Eastern States Director.

[FR Doc. 81-33679 Filed 11-20-81; 8:45 am]

BILLING CODE 4310-84-M

Public Bodies Set-Aside Coal Lease Offering by Sealed Bid; Southern Appalachian Federal Coal Production Region, Alabama

U.S. Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304. Notice is hereby given that certain coal resources in the tracts described below in Tuscaloosa County, Alabama will be offered for competitive lease by sealed bid of \$25.00 or more per acre followed by oral bids which shall begin at the level of the highest sealed bid in \$5.00 increments in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, [42 U.S.C. 7101]). Pursuant to the regulations of 43 CFR 3422.3-1, only those submitting sealed bids may offer oral bids, and 1/2 of the total bonus bid must be tendered at the time of sale. The sale will be held at 10:00 a.m. December 16, 1981, at the Hyatt House, 901 21st Street, North, Birmingham, Alabama. No bids received after 4:00 p.m. December 15, 1981, will be considered. All bids must be submitted to BLM, Tuscaloosa Office, 1315 McFarland Boulevard, East, Tuscaloosa, Alabama 35401.

Coal Offered

Piney Woods Church Tract (PB)—ES 27217

The coal resource to be offered is limited to coal recoverable by surface mining methods in the following land located approximately 18 miles north of Tuscaloosa in Tuscaloosa County, Alabama.

Huntsville Meridian

T. 18 S., R. 9 W.,
Section 29: SW 1/4 SW 1/4
Section 30: S 1/2 SE 1/4
Section 31: NW 1/4 NE 1/4; NE 1/4 NW 1/4
Containing approximately 198.26 acres in Tuscaloosa County.

One surface mineable bed occurs in the tract. In place mineable reserves are estimated to be 55,300 tons.

The coal quality is expected to average 12,762 Btu/lb. with 15.2% ash and 3.5% sulfur.

Rental and Royalty

A lease issued as a result of this offering will provide for payment of an

annual rental of \$3.00 per acre and a royalty payable to the United States of 12.5 percent of the value of coal mined by surface methods. The value of coal shall be determined in accordance with 30 CFR 211.63. The Department of the Interior recognizes that the Federal royalty for surface-mined coal may be inconsistent with local prevailing rates. Therefore, by order of the Secretary, after lease issuance we will immediately entertain applications for surface mining royalty reductions to the level of the prevailing market rate in the area. However, we do not guarantee that any application for a royalty reduction will be granted.

Special Bidder Qualifications

This tract is being offered for competitive lease under the public body set-aside provision of the Federal Coal Management program. Bidders must meet the public body coal lease qualification requirements of the Federal Coal Management Program.

Notice of Availability

Bidding instructions and bidder qualifications are included in the Detailed Statement of the Lease Sale. Copies of the Statement and of the proposed coal leases are available at the Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304 and the Tuscaloosa District Office. Case file documents are available for public inspection only at the Eastern States Office.

Note.—Other detailed chemical analyses are available upon request from the U.S. Geological Survey, Conservation Division, Eastern Region, 1725 K Street, N.W., Suite 213, Washington, D.C. 20006, Attn: Deputy Conservation Manager, Onshore Minerals or call (202) 254-5660.

Roger L. Hildebeidel,
Eastern States Director.

[FR Doc. 81-33680 Filed 11-20-81; 8:45 am]

BILLING CODE 4310-84-M

Meeting of the Federal-State Coal Advisory Board

Correction

In FR Doc. 81-32974 appearing on page 56241 in the issue of Monday, November 16, 1981, make the following correction:

Under **FOR FURTHER INFORMATION CONTACT**, the telephone number for Monte Jordan now reading "(202/FTS) 343-4336" should have read "(202/FTS) 343-4636".

BILLING CODE 1505-01-M

National Park Service

Addendum to the Environmental Review for the General Management Plan Assessment of Alternatives, Bryce Canyon National Park, Utah

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: An addendum to the December 12, 1979 Environmental Review for the Bryce Canyon National Park General Management Plan Assessment of Alternatives has been prepared and is ready to be distributed for review. The addendum amends that portion of the 1979 environmental review which addressed the issue of overnight lodging within the park. This action is a result of the National Park Service's reevaluation and economic feasibility study of the concession overnight accommodations and food service.

The addendum identifies the proposed revision, the rationale for revising the selection of 1979 and indicates that the revisions are not major with a potential of causing significant environmental impacts or controversy. Therefore, an environmental impact statement will not be required.

Copies of the document may be obtained by contacting either of the following: Superintendent, Bryce Canyon National Park, Bryce Canyon, Utah 84717 or Regional Director, Rocky Mountain Region, National Park Service, 655 Parfet Street, P.O. Box 25267, Denver, Colorado 80225.

Any comments should be submitted to the Superintendent at the above address within 30 days of publication of this notice.

Dated: October 26, 1981.

James B. Thompson,
Acting Regional Director, Rocky Mountain Region.

[FR Doc. 81-33725 Filed 11-20-81; 8:45 am]

BILLING CODE 4310-70-M

Council of the National Park System Advisory Board; Committee Renewal

This notice is published in accordance with the provisions of Section 7(a) of the Office of Management and Budget Circular A63 (revised). Pursuant to the authority contained in section 14(a) of the Federal Advisory Committee Act (Pub. L. 92-463), the Secretary of the Interior has determined that renewal of the Council of the National Park System Advisory Board is necessary and in the public interest.

The purpose of the committee is to participate in activities of, and to further

the purposes of, the National Park System Advisory Board in advising the Secretary of the Interior in regard to matters relating to the National Park System.

The General Services Administration concurred in the renewal of this committee on November 5, 1981.

Further information regarding this committee may be obtained from Shirley M. Luikens, Advisory Boards and Commissions, National Park Service, Department of the Interior, Washington, DC, 202-343-2012.

Dated: November 13, 1981.

Jean C. Henderer,
Chief, Cooperative Activities Division,
National Park Service.

[FR Doc. 81-33600 Filed 11-20-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-19 (Sub-No. 8)]

Wheaton Van Lines; Petition for Relief

AGENCY: Interstate Commerce Commission.

ACTION: Grant of petition.

SUMMARY: Wheaton Van Lines, Inc., filed a petition seeking relief from the requirement that carriers furnish a Driver's Weight Certificate to the party paying the carrier's charges if weights are required to be obtained. Wheaton states that the Commission's recently adopted final operational rules would have rescinded this requirement had they become effective. It further states that it is in short supply of Driver's Weight Certificate forms and requests waiver to avoid printing costs, since the document may not be required in the future.

The Driver's Weight Certificate contains information which provides additional verification that the weight tickets relate to a particular shipment. Although the Certificate itself would not be required under the Commission's new rules, certain of this information would be required to be supplied to shippers by those rules, were they in effect.

The petition will be granted, subject to Wheaton supplying shippers with weight tickets containing the information required by 49 CFR 1056.7 of the stayed rules.

EFFECTIVE DATE: November 20, 1981.

FOR FURTHER INFORMATION CONTACT: Ray G. Atherton, Jr., (202) 275-7844 or Patricia M. Schulze, (202) 275-7841.

SUPPLEMENTARY INFORMATION: Wheaton Van Lines, Inc., filed a petition for

waiver of 49 CFR 1056.11, which requires that a Driver's Weight Certificate be furnished to the party paying the freight charges if weights are required to be obtained. In lieu of the Certificate, it proposes to furnish shippers with copies of weight tickets showing the certified weight of the shipment.

Wheaton states that it has a limited supply of Driver's Weight Certificate forms and, since the Commission has itself found the form unnecessary in its decision adopting final operational household goods rules (46 FR 16200, March 11, 1981), it should be allowed to avoid the expense of printing additional forms which may not be required in the future.

Wheaton cites section 6 of the Household Goods Transportation Act of 1980 in support of its request. That section requires the Commission to reduce regulations and paperwork required of household goods carriers "to the maximum extent feasible consistent with the protection of individual shippers."

The Commission's final operational rules were scheduled to become effective June 9, 1981, but were stayed by the U.S. Court of Appeals for the Seventh Circuit and remain stayed pending the outcome of judicial review of the final rules decision.

The new rules would have eliminated the requirement of the Driver's Weight Certificate as a separate document. Certain information contained therein would have been required to be placed on the weight tickets to be furnished shippers in accordance with the new rules. Specifically, the following four items which appear on current Driver's Weight Certificates would be required to appear on weight tickets: complete name and location of scale; shipper's last name; date of each weighing and; company or carrier identification of the vehicle on which the goods are transported. While the Commission may have found the form itself unnecessary, the content was not entirely rejected.

The weight tickets which all household goods carriers are presently required to furnish shippers must contain only: the signature of the weighmaster or driver; tare and gross weights and; the bill of lading number. If Wheaton's petition were granted unconditionally, shippers would be denied the information listed in the paragraph next above. This information can be used by shippers to verify that they have received the tickets applicable to their shipments. No shipper benefit or advantage is alleged or demonstrated by denying shippers this extra verification.

On the other hand, no purpose is served by requiring extra printing expenditures by carriers, if shippers receive the information which now appears on the Driver's Weight Certificate and which the Commission carried forward in its new rules. This would be consistent with section 6 of the Household Goods Transportation Act of 1980.

The petition is granted, subject to Wheaton supplying shippers with weight tickets containing the information required by 49 CFR 1056.7 of the stayed rules.

The petition is granted subject to the condition stated above.

Decided: November 13, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gresham dissented.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-33639 Filed 11-20-81; 8:45 am]

BILLING CODE 7035-01-M

[Vol. OPY-2-223]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification.

The following grant of operating right authority is republished by order of the Commission to indicate a broadened grant of authority over that previous notice in the Federal Register.

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of the Federal Register notice. Any such pleading shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

By the Commission.

Agatha L. Mergenovich,
Secretary.

MC 157142 (republication), filed July 13, 1981, published in the Federal Register issue of August 12, 1981, and republished, this issue. Applicant: COLONY LUMBER CO., INC., 665 North Colony Rd., Wallingford, CT 06492. Representative: Leon Slomkowski, Jr. (same address as applicant). A Decision of the Commission, *Review Board 1*, decided October 23, 1981, and served November 5, 1981, finds that the present and future public convenience and necessity require operations by

applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting (1) *forest products* and (2) *lumber and wood products*, between points in Connecticut, New York, Massachusetts, Vermont, New Hampshire, and Maine, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Maine, Vermont, and New Hampshire; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to broaden applicant's scope of authority.

[FR Doc. 81-33640 Filed 11-20-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-167

The following applications were filed in Region I. Send Protest to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 159258 (Sub-1-1TA), filed November 13, 1981. Applicant: NIAGARA SANITATION CO. INC., 262 Pullman Street, Kenmore, NY 14217. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Semi-solid and solid hazardous wastes, in bulk*, between points in NY, PA, OH, NJ, and MA, on the one hand, and, on the other, approved disposal facilities in Niagara County, NY and Clermont County, OH. Supporting shippers: There are six statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 151941 (Sub-1-7TA), filed November 5, 1981. Applicant: DELMONT E. HARTT, INC., Route 2, P.O. Box 26, Etna, ME 04435. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier: irregular routes: Paper in rolls, pulp, wafer board and dressed lumber* from the facilities of Georgia Pacific Corporation in Woodland, ME to points in the U.S. under continuing contract(s) with Georgia Pacific Corporation, Darien, CT. Supporting shipper: Georgia Pacific Corporation, 320 Post Road, Darien, CT 06820.

MC 108247 (Sub-1-3TA), filed November 4, 1981. Applicant: WESTCHESTER MOTOR LINES, INC., 35 Edgemere Road, New Haven, CT 06512. Representative: Ronald G. Esposito (same address as applicant). *Dental, medical or hospital supplies*, from points in Chenango and Oneida Counties, NY to points in Middlesex County, CT. Supporting shipper: Chesebrough Ponds, Inc., Johns Street, Clinton, CT 06413; St. Stephen's Holiness Church of Christ Deliverance Center, Inc., 856 Congress Avenue, New Haven, CT 06519.

MC 149579 (Sub-1-5TA), filed November 4, 1981. Applicant: TRANSPORT SERVICE, INC., 216 Amara Street, P.O. Box 4167, East Providence, RI 02914. Representative: Jeffrey A. Vogelmann, Suite 304, Overlook Bldg., 6121 Lincolnia Road, P.O. Box 11278, Alexandria, VA 22312. *Metal Products, and materials, equipment, and supplies used in the manufacture, distribution, and sale of metal products*, between the facilities of Atlantic Wire Company located at Branford, CT and

the facilities of Orban Industries located at Buffalo, NY, on the one hand, and, on the other, points in the U.S. Supporting shipper: Atlantic Wire Company, 1 Church Street, Branford, CT 06405.

MC 147242 (Sub-1-5TA), filed November 5, 1981. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12-90 Plaza Road, Fair Lawn, NJ 07410. Representative: Arthur Liberstein, P.C., 888 Seventh Avenue, New York, NY 10106. *Contract carrier: irregular routes: Foam rubber and related products, (except commodities in bulk)*, between all points in the U.S. under continuing contract(s) with General Foam Corp., Paramus, NJ. Supporting shipper: General Foam Corp., West 100 Century Road, Paramus, NJ 07652.

MC 145914 (Sub-1-12TA), filed November 4, 1981. Applicant: COASTAL TRUCK LINES, INC., How Lane, P.O. Box 600, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, Esq., Zelby & Burstein, Suite 2373, One World Trade Center, New York, NY 10048. *Contract carrier: irregular routes: Glass containers and material, equipment and supplies used in the manufacture, sale and distribution of glass containers* between the facilities of Midland Glass Co. located at Cliffwood, NJ on the one hand, and, on the other, points and places in and east of LA, AK, MO, MN, under continuing contract(s) with Midland Glass Co., Cliffwood, NJ. Supporting shipper: Midland Glass Co., P.O. Box 557, Cliffwood, NJ 07221.

MC 154993 (Sub-1-4TA), filed November 12, 1981. Applicant: H. & W. ENTERPRISES, INC., South Witham Road, Auburn, ME 04210. Representative: Ignatius B. Trombetta, One Public Square, Suite 1001, Cleveland, OH 44113. *Contract carrier: irregular routes: Textile mill products, rubber, plastic, chemical and related products*, from points in GA, OH, PA, TN and NJ to points in ME, MA, VT, NH and RI, under continuing contract(s) with Akers & Chrysler, Inc. of Auburn, ME. Supporting shipper: Akers & Chrysler, Inc., Hotel Road, P.O. Box 5, Auburn, ME 04210.

MC 154631 (Sub-1-12TA), filed November 12, 1981. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, Jr., 357 Arnold Street, Woonsocket, RI 02895. *Contract carrier: irregular routes: (1) Plastic flower pots* from Leominster, MA to points in the U.S. (except AK & HI), and (2) *Equipment, materials and supplies used in the manufacture, distribution and sale of plastic flower pots* from the above-named destinations

to the above-named origin, under continuing contract(s) with Lockwood Products, Inc. of Leominster, MA. Supporting shipper: Lockwood Products, Inc., 214 Nashua Street, Leominster, MA 01453.

MC 142826 (Sub-1-1TA), filed November 12, 1981. Applicant: LOUIS H. CHAUVIN, INC., 6081 Mudmill Road, Brewerton, NY 13029. Representative: Louis H. Chauvin (same as applicant). *Contract carrier: irregular routes: Potash from Oswego, NY to points in CT, ME, MA, NH, NJ, PA, RI, and VT under continuing contract(s) with Agway, Inc., of Syracuse, NY. Supporting shipper: Agway, Inc., P.O. Box 1333, Syracuse, NY 13201.*

MC 154401 (Sub-1-2TA), filed November 9, 1981. Applicant: TRI-STAR TRANSPORTATION, INC., 22 Stony Hill Road, Wilbraham, MA 01095. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier: irregular routes: Such commodities as are dealt in by manufacturers or distributors of alcoholic beverages, food and related products; between Fulton, NY and Danvers, MA, under continuing contract(s) with Merrimack Valley Distributing Company of Danvers, MA. Supporting shipper: Merrimack Valley Distributing Company, 50 Prince Street, Danvers, Massachusetts.*

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 159199 (Sub-II-1TA), filed November 9, 1981. Applicant: H. PIERCE ANDERSON III, t.a. H. P. ANDERSON TRUCKING CO., Route 5, Box 282, Glen Allen, VA 23060. Representative: Calvin F. Major, 200 West Grace St., P.O. Box 5010, Richmond, VA 23220. *Coal, in bulk, from the facilities of Island Creek Coal Sales Co., Muddlety, WV to Central State Hospital, Petersburg, VA, and University of Richmond, Richmond, VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Central State Hospital, P.O. Box 4030, Petersburg, VA 23803; University of Virginia, Physical Plant, Richmond, VA 23173; Island Creek Coal Sales Co., Box 12029, Lexington, KY 40579.*

MC 124333 (Sub-II-10TA), filed November 9, 1981. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Lois H. Baker, Pyles Lane, New Castle, DE 19720. *Contract, irregular: Petroleum products, in bulk, in tank vehicles, between Camden County, NJ and Kent County, DE for 270 days, under continuing contract(s) with Carl*

King, Inc., Camden, DE. An underlying ETA seeks 120 days authority. Supporting shipper(s): Carl King, Inc., 109 S. Main St., Camden, DE 19934.

MC 86690 (Sub-II-4TA), filed November 9, 1981. Applicant: BOND TRANSFER CO., INC., 1301 Towson St., Baltimore, MD 21230. Representative: Leonard W. Smith (same as applicant). *Contract; irregular: Such commodities as are dealt in by wholesale, retail, and chain drug and pharmaceutical business houses and materials, supplies and equipment used in the conduct of such business, between pts. in the U.S. for 270 days, under continuing contract(s) with Dart Drug, Inc., Landover, MD. An underlying ETA seeks 120 days authority. Supporting shipper(s): Dart Drug, Inc., 3301 Pennsy Dr., Landover, MD 20785.*

MC 159195 (Sub-II-1TA), filed November 9, 1981. Applicant: CHARLES DAMPMAN, INC., P.O. Box 217, Douglassville, PA 19518. Representative: L. Stanley Mauger, 240 King Street, Pottstown, PA 19464. *Contract, irregular: Part 1: Lumber and wood products on the one hand between the facilities of Walter Weaber and Sons, Inc. at Lebanon, PA, the facilities of Poor Lumber Co., at Zions Crossroads, VA, and the points of entry along the U.S.-Canadian border for shipments originating in Canada, and on the other hand, to points in CT, DE, FL, GA, IN, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, and WV for 270 days under continuing contracts with Walter Weaber & Sons, Inc., Lumber Sales & Service, Inc., and Arbre Forest Products, a division of Taiga Wood Products, Ltd. for 270 days. Supporting shippers: Walter Weaber & Sons, Inc., Lebanon, PA 17042. Lumber Sales & Service, Inc., Ambler, PA 19002. Taiga Wood Products, Ltd., Arbre Forest Products Division, Milton, Ont. L9T-3H2. Part 2: Lumber and wood products and building materials between points in DE, GA, MD, ME, NC, NH, NJ, VA and on the other hand to Pennsburg, PA, under continuing contract with Kulp and Staudt, Inc., for 270 days. Supporting shipper: Kulp and Staudt, Inc., Pottstown Avenue and Railroad Street, Pennsburg, PA 18073.*

MC 150339 (Sub-2-52TA), filed November 9, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: Metal products and electrical products between the facilities of Revere Copper & Brass, Inc., Rome, NY, its divisions and wholly owned subsidiaries, at New Bedford, MA; Kalamazoo, MI; Rome,*

NY; Covina, Mojave and Pomona, CA; Shelbyville, KY; Edison, NJ, Kenly, NC; North Liberty, IN; Cassville and Monett, MO; Moultrie, GA; Belton, SC; and Hannibal, OH, on the one hand, and, on the other, pts. in the U.S., for 270 days, under continuing contract(s) with Revere Copper & Brass, Inc., Rome NY. An underlying ETA seeks 120 days authority. Supporting shipper: Revere Copper & Brass, Inc., P.O. Box 191, Rome, NY 13440.

MC 159252 (Sub-II-1TA), filed November 12, 1981. Applicant: AYSCUE DISTRIBUTING CO., INC., P.O. Box 323, Mechanicsville, MD 20659. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Glass bottles from Henderson, NC to Springfield, VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: R. C. Nehi Bottling Co.—Washington, Springfield, VA 22151.*

MC 488 (Sub-II-24TA), filed November 12, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same as applicant). *General Commodities (except Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between the facilities of Joseph Horne Co. in Allegheny County, PA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK, and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Joseph Horne Co., 501 Penn Ave., Pittsburgh, PA 15222.*

MC 152509 (Sub-II-21TA), filed November 12, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). *Contract; irregular: general commodities between all points in the U.S. (except AK & HI) under continuing contract(s) with The Scott & Fetzer Co., Lakewood, OH for 270 days. Supporting shipper: The Scott & Fetzer Co., 14600 Detroit Ave., Lakewood, OH 44107.*

MC 159194 (Sub-II-1TA), filed November 9, 1981. Applicant: FRANCES DELIVERY, INC., 1140 Mount Vernon Blvd., Cleveland, OH 44112. Representative: Peter R. Gilbert, 5th Floor, 1000 Potomac St., N.W., Washington, DC 20007. *Metal coils and fabricated metal products, between Cleveland, OH, on the one hand, and, on the other, points in IL, IN, KY, MD, MI, NY, NC, PA, SC, WV, and WI, for 270 days. Supporting shipper(s): There are five supporting shippers' statements*

attached to this application which may be reviewed at the Philadelphia Regional Office.

MC 145812 (Sub-II-1TA), filed November 12, 1981. Applicant: MARYLAND CONTINENTAL EXPRESS, INC., 129 Overhill Dr., Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract; irregular: Screen or screening*, between Hanover, PA, including its commercial zone, on the one hand, and, on the other, Gastonia, NC, including its commercial zone, under continuing contract(s) with Keystone Seneca Wire Cloth Co., for 270 days. An underlying ETA seeks 120 days authority. *Supporting shipper:* Keystone Seneca Wire Cloth Co., Factory St., Hanover, PA 17331.

MC 107012 (Sub-II-203TA), filed November 10, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *Bicycles, tricycles, parts and accessories for bicycles and tricycles* between points in Arkansas City, KS and points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. *Supporting shipper:* Huff Corporation, 2500 W. Huff Rd., Ponca City, OK 74601.

MC 22182 (Sub-II-3TA), filed November 12, 1981. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, PA 19010. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Automobiles and trucks*, from the facilities of the Ford Motor Co., at or near Detroit, MI, to points in IA for 270 days. An underlying ETA seeks 120 days authority. *Supporting shipper:* Ford Motor Co., P.O. Box 1529-B, Dearborn, MI 48121.

MC 158196 (Sub-II-2TA), filed November 12, 1981. Applicant: BANKS WRIGHT, d.b.a. WRIGHT MOTOR LINES, Box 177, Armagh, PA 15920. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Building materials* between Oklahoma City, OK; Cedartown, GA; Homer City, PA; and Maysville, CA, including their respective commercial zones, on the one hand, and, on the other, points in the U.S., for 270 days. *Supporting shipper:* Star Manufacturin Co. of Oklahoma, P.O. Box 7, Homer City, PA 15748.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 146293 (Sub-3-33TA), filed November 6, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, P.O. Box 720434, Atlanta, GA 30328. *Textile mill products (except in bulk)*, between facilities of Joan Fabrics Corporation at or near Fall River and Lowell, MA and Hickory, NC, on the one hand, and, on the other, points in NC, Wetumpka, AL, Bainbridge, GA, Livonia, MI, Attawaugam, CT, Brownsville and Laredo, TX, and St. Louis, MO. *Supporting shipper:* Joan Fabrics Corporation, P.O. Box 1039, Lowell, MA 01853.

MC 114107 (Sub-3-1TA), filed November 6, 1981. Applicant: RONALD ELLIOTT CLARK, d.b.a. CLARK'S TRUCKING AND EXCAVATING, 13612 Bohannon Lane, Valley Station, KY 40272. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *Contract carrier, irregular, slag, gypsum rock, and gypsum fines*, between facilities of Kosmos Cement Company, Inc. at Kosmosdale, KY, on the one hand, and, on the other, the facilities of International Slag Company at or near Kokomo, IN; the facilities of National Lime Company near Gibsonburg, OH and Shoals, IN; and the facilities of United States Gypsum Company near Gibsonburg, OH; under continuing contract(s) with Kosmos Cement Company, Inc., Louisville, KY. *Supporting shipper:* Kosmos Cement Company, Inc., 15301 Dixie Highway, Louisville, KY 40272.

MC 97394 (Sub-3-5TA), filed November 12, 1981. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 14503, Louisville, KY 40213. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *General commodities (except classes A&B explosives)*, between points in Cumberland County, KY, on the one hand, and, on the other, points in the U.S. *Supporting shipper(s):* There are 20 statements in support of this application which may be examined at the ICC Regional Office in Atlanta, GA.

Note.—Applicant intends to tack with docket number MC-97394 and subs at Burkesville, KY.

MC 144776 (Sub-3-6TA), filed November 12, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner Street, SW., Atlanta, GA 30310. Representative: Virgil H. Smith, 74 Highway N, Box 245, Tyrone, GA 30290. *Plastic articles, materials and supplies*, from the facilities of Florida Containers, Inc., at Sebring, FL to points in AL, GA, and NC.

Supporting Shipper: Florida Containers, Inc., P.O. Box 1149, Sebring, FL 33870.

MC 154732 (Sub-3-2TA), filed November 12, 1981. Applicant: HARPER TRANSPORT, INC., 3313 Concord Corner, Conyers, GA 30208. Representative: Huey Harper (same as above). *Contract carrier, irregular routes; tires, rubber, pneumatic, and associated products and/or supplies and equipment other than in bulk or in tank vehicles*, between points in the states of AL, GA, AR, OH, and NJ. *Supporting shipper:* Cougar Oil, Inc., 1411 Water Avenue, Selma, AL 36701.

MC 152664 (Sub-3-6TA), filed November 12, 1981. Applicant: TOMBIGBEE TRANSPORT CORPORATION, P.O. Box 412, Adamsville, TN 38310. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. (1) *Bedding* from Ramer, TN, to points in AL, KY, IN, IL, GA, MS, and TX, and; (2) *materials and supplies used in the manufacture and shipping of bedding* from Hickory and High Point, NC; Atlanta, GA; Tupelo, MS; Fort Smith, AR; Phenix City, AL; and Bedford Heights, OH, to Ramer, TN. *Supporting shipper:* Easy Rest Bedding Company, Route 2, Ramer, TN 38367.

MC 147886 (Sub-3-11TA), filed November 12, 1981. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909 Memphis, TN 38103. *Scrap metals* from facilities of H. O. Forgy & Sons, Inc. at Jackson, TN, to Chicago, IL; Wabash, IN; Pittsburgh, PA; St. Louis, MO; Houston, TX; Birmingham, AL; Hendersonville, NC; Kanapolis, NC; Cleveland, OH, and its commercial zone; Toledo, OH; Carrollton, GA; Ownesboro, KY; and Wynne, AR. *Supporting shipper:* H. O. Forgy & Sons, Inc., 3201 East Chester, Jackson, TN 38301.

MC 158298 (Sub-3-1TA), filed October 22, 1981. Republication—Originally Published in *Federal Register* of 11-9-81, page 55445, Volume 46, No. 216. Applicant: SOUTHERN SERVICES, INC., 9610 South Orange Ave., P.O. Box 13445, Orlando, FL 32859. Representative: Robert P. Kahn (same as above). *General commodities, except Class A & B Explosives*, between points in FL with prior or subsequent movement by rail. Applicant intends to interline at all points in FL. There are five (5) statements in support of the application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 157453 (Sub-3-3TA), filed November 12, 1981. Applicant:

EMERGENCY MOTOR FREIGHT, INC., Route 5, Box 452, Simpsonville, SC 29681. Representative: Mitchell King, Jr., Esq., P.O. Box 5711, Greenville, SC 29606, 803-288-8000. *Contract*: Irregular: *General commodities* (except classes A and B explosives and household goods as defined by the Commission) between points in the U.S. (except AK and HI) under continuing contract(s) with (a) Aberdeen Manufacturing Corporation, (b) Globe Industries, Inc., and (c) Webster Spring Co., Inc. Supporting shippers: Aberdeen Manufacturing Corporation, 16 East 34th St., New York, NY 10016, Globe Industries, Inc., 2638 East 126th St., Chicago, IL 60633, and Webster Spring Co., Inc., 430 Main St., Oxford, MA 01540.

The following applications were filed in Region 4: Send protest to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 97932 (Sub-4-6TA), filed November 2, 1981. Applicant: WREN, INC., d.b.a. LAKEVILLE MOTOR EXPRESS, P.O. Box 1867, Roseville, MN 55113. Representative: Richard L. Gill, 1805 American National Bank Building, St. Paul, MN 55101. *General commodities* (except those of unusual value and Classes A and B explosives):

1. Between Minneapolis-St. Paul, MN and its commercial zone and points in Mower, Freeborn and Isanti Counties, MN;

2. Between points in Isanti County, MN and points in Polk County, WI.

There are seven supporting shippers. Applicant intends to tack with existing authority held in MC-97932 and to interline at Minneapolis-St. Paul, MN.

MC 106603 (Sub-4-6TA), filed November 3, 1981. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street, SW, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Building materials* between Erie County, OH, on the one hand, and, on the other, points in CT, MA, ME, NH, RI and VT. Supporting shipper: Certain Teed Corporation, P.O. Box 860, Valley Forge, PA 19482.

MC 120978 (Sub-4-4TA), filed November 6, 1981. Applicant: MAYER TRUCK LINE, INC., 1203 South Riverside Drive, Jamestown, ND 58401. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Iron and steel articles*, from Chicago, IL, Detroit, MI, and points in their respective commercial zones, to Minneapolis, MN and points in its commercial zone. Supporting shipper: Williams Steel & Hardware Company, P.O. Box 540, Minneapolis, MN 55440.

MC 140942 (Sub-4-2TA), filed November 6, 1981. Applicant: CLOVERDALE TRANSPORTATION COMPANY, P.O. Box 578, Mandan, ND 58554. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract*: irregular; *lumber, plywood, particle board, and building materials*, between points in ID, MT, OR, WA, CA, CO, WY, ND, SD, NB, MN, WI, IL, IA, and MI. An underlying ETA seeks 120-day authority. Supporting shipper(s): Emmer Bros., Minneapolis, MN.

MC 143032 (Sub-4-7TA), filed November 5, 1981. Applicant: WALCO TRANSPORT, INC., 3112 Truck Center Drive, Duluth, MN 55806. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. (1) (a) *Cellulose wadding, padding and cushioning materials*, (b) *insulation and insulating materials*, (c) *wallboard*, (d) *horticultural mulch* and (e) *supplies used in the installation or application of the commodities named*, from Cloquet, MN to points in the U.S.; and (2) *machinery, materials, equipment and supplies used in the manufacture, distribution, application or use of the commodities named in (1) above*, from points in the U.S. to Cloquet, MN. Supporting shipper: Conwed Corporation, Cloquet, MN 55720.

MC 145481 (Sub-4-9TA), filed November 4, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Laganon, IN 4602. Representative: Steven K. Kuhlmann, 717-17th St., Ste. 2800, Denver, CO 80202. *Contract* irregular routes: *General commodities* (except Classes A and B explosives, household goods, and commodities in bulk, (1) between Dallas, TX and Boston, MA, and (2) between Boston, MA, and Chicago, IL, under continuing contract(s) with Terminal Freight Cooperative Assoc. Supporting shipper: Terminal Freight Cooperative Assoc., 1430 Branding Lane, Downers Grove, IL 60515.

MC 146065 (Sub-4-7), filed November 4, 1981. Applicant: DAY TRANSFER INC., 1245 South West St., P.O. Box 1426, Indianapolis, IN 46206. Representative: John H. Day, 3909 South Lynhurst Dr., Indianapolis, IN 46241. *Contract* irregular: *Fiberboard cartons, paper products, and materials, and supplies, used in the manufacture thereof*, between, points in U.S. (except Hawaii and Alaska). Restricted to traffic moving under continuing contracts with Pell Packaging Co. Inc. Supporting shipper: Pell Packaging Co. Inc., 3001 Singer Ave., Springfield, IL 62703.

MC 147415 (Sub-4-3TA), filed November 3, 1981. Applicant: SKY CORPORATION, P.O. Box 838, Bismarck, ND 58502. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502-2056. *Metal products*, from Minneapolis, St. Paul, and Duluth, MN, Chicago, IL, Gary, IN, Norfolk, NE, Pueblo, CO, Portland, OR, and Seattle, WA, to the facilities of Anderson Steel Supply at Great Falls and Billings, MT. An underlying ETA seeks 120-day authority. Supporting shipper: Anderson Steel Supply, Box 6639, Great Falls, MT 59406.

MC 147669 (Sub-4-2TA), filed November 4, 1981. Applicant: McNITT PRODUCE, INC., 8236 Amelia Drive, Jenison, MI 49428. Representative: J. Michael Smith, 800 Calder Plaza Building, Grand Rapids, MI 49503. *Contract* irregular: *Food and related products* between points in the U.S. under a continuing contract with Cherry Hill Orchards, Inc.; Bailey, MI. Supporting shippers: Cherry Hill Orchards, Inc., 790 Canada Road, Bailey, MI 49303.

MC 148966 (Sub-4-9TA), filed November 5, 1981. Applicant: DROTZMANN, INC., P.O. Box 667, Yankton, SD 57078. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *General commodities* (except Class A and B explosives), from the facilities of Terminal Freight Cooperative Assoc. at Los Angeles, CA to Spokane, WA. Supporting shipper(s): Terminal Freight Cooperative Assoc. 1430 Branding Lane, Downers Grove, IL 60515.

MC 152082 (Sub-4-7TA), filed November 4, 1981. Applicant: R.C. SERVICE, INC., 830 Supreme Drive, Bensenville, IL 60106. Representative: H. Barney Firestone, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract*, irregular: *Printed matter*, between points in the Chicago, IL Commercial Zone on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Continental Web Press, Inc. of 1430 Industrial Drive, Itasca, IL 60143. Supporting shipper: Continental Web Press, Inc., 1430 Industrial Drive, Itasca, IL 60143.

MC 154739 (Sub-4-3TA), filed November 4, 1981. Applicant: JEBCO LEASING, INC., 515 Elcamino Rd., Greenwood, IN 46142. Representative: Walter F. Jones, Jr., 1111 E. 54th St., Indianapolis, IN 46220. *Contract* irregular: *Salt* from points in MO, WI, OH and MI to Indianapolis, IN under continuing contract with Noble Brewer Salt Co., Indianapolis, IN. Supporting

shipper: Noble Brewer Salt Co., 311 W. South St., Indianapolis, IN 46225.

MC 158888 (Sub-4-1TA), filed November 5, 1981. Applicant: C.T. TRAVEL, INC., 2111 University Avenue, St. Paul, MN 55114. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Contract Irregular: Passengers and their baggage* in round trip charter service, (1) beginning and ending at points in WI, MN, ND, and IA and extending to points in Teton County, WY; Wasatch, UT; Summit and Salt Lake Counties, UT, and Flagler and Volusia Counties, FL; (2) beginning and ending at points in MI, WI, MN, ND, SD, NE, and KS and extending to points in Cameron County, TX, under continuing contract(s) with Consolidated Tours, Inc. of St. Paul, MN. Supporting shipper: Consolidated Tours, Inc., 2111 University Ave., St. Paul, MN 55114.

MC 159010 (Sub-4-1TA), filed November 5, 1981. Applicant: CARGO-MASTERS, INC., 27 West 440 Ridgeview, West Chicago, IL 60185. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. *Contract Irregular: (a) Packaging Materials; and (b) Materials, Equipment and Supplies, used or useful in the manufacture, sale and distribution of Packaging Materials; between the facilities of Dynamic Container Corp., at or near Addison, IL, on the one hand, and, on the other, points in the State of IN. Restricted to traffic moving under continuing contract with Dynamic Container Corp. Supporting shipper: Dynamic Container Corp., 654 Factory Road, Addison, IL 60101. An underlying ETA was granted effective October 30, 1981.*

MC 159118 (Sub-4-1TA), filed November 2, 1981. Applicant: ENERGY TRANSPORT, INC., 4709 West Walton, Chicago, IL 60651. Representative: Philip A. Lee, 120 W. Madison Street, Chicago, IL 60602. *Petroleum products, gasoline and diesel fuels, heating oils and blended fuels, from the Commercial Zone of Chicago, IL to Robinson, Urbana, Decatur, Marion, Springfield and East St. Louis, IL. Supporting shippers: Arnett Oil, P.O. Box 299, Rensselaer, IN 47978; Carson Petroleum Company, 332 South Michigan Avenue, Chicago, IL 60604.*

MC 159148 (Sub-4-1TA), filed November 4, 1981. Applicant: IMPERIAL CARRIERS, INC., P.O. Box 288, Dale, WI 54931. Representative: William F. Mix, 21-A Muzzey St., Lexington, MA 02173. *Contract Irregular: Epoxy resin; plastic materials; and molding compounds, granules or pellets, in packages, and materials, equipment and supplies used*

in the sale, distribution, and manufacture thereof (except class A & B explosives) between Crestline, KS; Milwaukee, WI; and Ringwood, IL and points in CA, FL, LA, MA, MD, NJ, NY, and WA. Restricted to traffic moving under continuing contract with Morton Chemical, a Division of Morton Norwich Products. An underlying ETA seeks 120 days authority. Supporting shipper: Morton Chemical, a Division of Morton Norwich Products, 1275 West Lake Avenue, Woodstock, IL 60098.

MC 40978 (Sub-4-17TA), filed November 9, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 S. Business Dr., Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Furniture and fixtures from North Carolina to points in MN, WI, and the Upper Peninsula of MI. An underlying ETA seeks 120 days authority. Supporting shippers: There are 33 supporting shippers.*

MC 111941 (Sub-4-1TA), filed November 9, 1981. Applicant: PIERCETON TRUCKING COMPANY, INC., Box 233, Laketon, IN 46943. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Railway track materials and accessories, and materials, equipment and supplies, used in the manufacture, installation, dismantling or distribution thereof, between Adams, Fulton, Huntington, Lake, LaPorte, Miami, Porter, Pulaski, Starke, Wabash and Wells Counties, IN, and Allen, Champaign, Logan, Marion, Union and Van Wert Counties, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Restricted to service for the account of L. B. Foster Company. Supporting shipper: L. B. Foster Company, P.O. Box 47367, Doraville, GA 30362.*

MC 144867 (Sub-4-7TA), filed November 9, 1981. Applicant: R & J TRANSPORT, INC., 929 North 24th St., Manitowoc, WI 54220. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Machinery from the facilities of Todd Machine Corp. at Milwaukee, WI to points in the U.S. (except AK and HI). Supporting shipper: Todd Machine Corp., 3444 West Kiehnau Street, Milwaukee, WI 53209.*

MC 148592 (Sub-4-1TA), filed November 9, 1981. Applicant: EUGENE REXER, d.b.a. R. W. BASKERVILLE & COMPANY, 138 Horton Avenue East, Winnipeg, Manitoba, Canada, R2C 0T5. Representative: George J. Orle, Schwartz, McJannet, Weinberg, Riley, 5-175 Carlton Street, Winnipeg, Manitoba, R3C 3H9. *Contract Irregular:*

Refrigerated meat products between Chicago, IL and Madison, WI to points of entry on the International Boundary Line between the U.S. and Canada in MN. Supporting shipper: Northdale Enterprises Ltd., 109 Hutchings St., Winnipeg, Manitoba, Canada, R2X 2V4.

MC 148797 (Sub-4-4TA), filed November 10, 1981. Applicant: RICHARD L. WHITE, d.b.a. RICHARD L. WHITE TRUCKING, 926 1/2 East 10th St., Fairmont, MN 56031. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract Irregular: Insecticides and herbicides (except commodities in bulk), between points in IL, IA, KS, MI, MO, NE and SD, on the one hand, and, on the other, points in IA, MN, ND, SD and WI, under a continuing contract(s) with United Agri Products of Kasota, MN. Underlying ETA seeks 120 days authority. Supporting shipper: United Agri Products, P.O. Box 55, Kasota, MN 56050.*

MC 149457 (Sub-4-12TA), filed November 5, 1981. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Wayne W. Wilson, 150 E Gilman St., Madison, WI 53703. *Such commodities as are dealt in or used by department stores between the facilities of the Army-Air Force Exchange Service at Dallas, TX, on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Army-Air Force Exchange Service, Fashion Distribution Center, North Building, 3900 Walton Walker Blvd., Dallas, TX 75236.*

MC 150281 (Sub-4-12TA), filed November 10, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan St., Topeka, IN 46571. Representative: Chandler L. van Orman, Wheeler & Wheeler, 1729 H Street, N.W., Washington, D.C. 20006. *Boats, boat parts and materials, supplies and equipment used in the manufacture, transportation or distribution of boats or boat parts, between points in the U.S. (excluding HI). Supporting shipper: There are 19 supporting shippers.*

MC 150761 (Sub-4-1TA), filed November 5, 1981. Applicant: JESSE'S TRANSFER, INC., 13000 Overlook Road, Dayton, MN 55327. Representative: Joseph J. Dudley, Sr., W-1260 First National Bank Bldg., St. Paul, MN 55101. *Contract Irregular: General Commodities (except Class A and B explosives), between Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN, and Marion, Story and Winnebago Counties, IA. Supporting shipper: Minnesota Mining*

and Manufacturing Company, 3M Center (transportation), St. Paul, MN 55144.

MC 151981 (Sub-4-2TA), filed November 9, 1981. Applicant: JERRY L. ROBINETTE, d.b.a. JERRY L. ROBINETTE & SON TRUCKING, 599 Earlywood Drive, Franklin, IN 46131. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract irregular: Food and related products, from the facilities of Central Oklahoma Foods, Inc., located at or near Haskell, OK, to Forrest City, Fort Smith, Little Rock and Malnem, AR; Concordia, Hutchinson, Kansas City, Liberal and Wichita, KS; Alexandria, Baton Rouge, Broussard, Harahan, Lafayette, New Orleans and Shreveport, LA; Crocner, Joplin, Kansas City and Springfield, MO; Albuquerque, NM; Memphis, TN; and Dallas, El Paso, Fort Worth, Houston, San Angelo, San Antonio, Temple and Weatherford, TX, under continuing contract(s) with The Coca-Cola Company Foods Division, of Houston, TX. Underlying ETA seeks 120 days authority. Supporting shipper: The Coca-Cola Company Foods Division, 2351 Industrial Drive, Valparaiso, IN 46383.*

MC 153071 (Sub-4-2TA), filed November 5, 1981. Applicant: LENAWE COUNTY RAILROAD COMPANY, INC., 708 East Michigan Street, Adrian, MI 49221. Representative: John D. Heffner, Esq., Pepper & Corazzini, 1776 K Street, N.W., Suite 700, Washington, DC 20006. *General Commodities (except classes A and B explosives) between points in Detroit, MI, Toledo, OH, and Montpelier, OH, and their respective commercial zones, on the one hand, and, on the other, points in Lenawee, Monroe and Washtenaw Counties, MI. An underlying ETA seeks 120 days authority. Supporting shippers: Aquabrom, 1400 E. Michigan St., Adrian, MI 49221; Hoover Universal, Inc., 404 Logan Street, Adrian, MI 49221; Venchur Packaging, 800 Liberty Street, Adrian, MI 49221; and Bohn Aluminum and Brass Division, Gulf & Weston, 1607 E. Maumee St., Adrian, MI 49221.*

Note.—Applicant intends to interline at Detroit, MI, Toledo, OH, and Montpelier, OH.

MC 157703 (Sub-4-2TA), filed November 9, 1981. Applicant: PACIFIC MIDWEST, INC., 5041 Woodcrest Rd., White Bear Lake, MN 55110. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Fabricated steel beams, from Cambridge, MN to Portland, OR. Supporting shipper: Arrow Tank and Engineering Co., 8950 Evergreen Blvd., Minneapolis, MN 55433.*

MC 158567 (Sub-4-1TA), filed November 10, 1981. Applicant: SCHUMAN CARTAGE CO., 826 N. Harvard, Arlington Heights, IL 60004. Representative: Donald P. Schuman (same as applicant). *Contract irregular: Such merchandise as is normally sold/ or dealt in by building material and home furnishing suppliers, between points in the Chicago, IL Commercial Zone, on the one hand, and, on the other, Michigan City, IN. Under continuing contract with Plywood Minnesota, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Plywood Minnesota, Inc., 3250 N. Kedzie Ave., Chicago, IL.*

MC 159010 (Sub-4-2TA), filed November 5, 1981. Applicant: CARGO-MASTERS, INC., 27 W 440 Ridgeview, West Chicago, IL 60185. Representative: Abraham A. Diamond, 29 S. La Salle St., Chicago, IL 60603. *Contract Irregular: (a) Plastics and Plastic Products; and (b) Materials, Equipment and Supplies, used or useful in the manufacture, sale and distribution of Plastics and Plastic Products; (1) between the facilities of Foam Fabricators, Inc., at or near Melrose Park, IL, on the one hand, and, on the other, points in IN, IA, and OH under continuing contract with Foam Fabricators, Inc.; and (2) between the facilities of Mulay Plastics, Inc., located in Cook and Du Page Counties, IL, on the one hand, and, on the other, Holly Springs, MS and points in MI and WI, under continuing contract with Mulay Plastics, Inc. Supporting shippers: Foam Fabricators, Inc., 2801 West Lake Street, Melrose Park, IL 60160 and Mulay Plastics, Inc., 110 Laura, Addison, IL 60101.*

MC 159073 (Sub-4-1TA), filed November 10, 1981. Applicant: C. T. TRAVEL, INC., 2111 University Avenue, St. Paul, MN 55114. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Contract Irregular: Passengers and their baggage in round trip charter service, (1) beginning and ending at points in WI, MN, ND, and IA and extending to points in Teton County, WY; Wasatch, UT; Summit and Salt Lake Counties UT, and Flagler and Volusia Counties, FL; (2) beginning and ending at points in MI, WI, MN, ND, SD, NE, and KS and extending to points in Cameron County, TX, under continuing contract(s) with Consolidated Tours, Inc. of St. Paul, MN. Supporting shipper: Consolidated Tours, Inc., 2111 University Ave., St. Paul MN 55114.*

MC 159205 (Sub-4-1TA), filed November 9, 1981. Applicant: DONALD GLANZER, d.b.a. GLANZER GRAIN, R.R. 1, Box 64, Bridgewater, SD 57319.

Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. *Fertilizers, from Sioux City and Denison, IA and points in their commercial zones to Emery, SD, for 270 days. Supporting shipper: Ed's Fertilizer & Seed, Emery, South Dakota 57332.*

MC 159239 (Sub-4-1TA), filed November 10, 1981. Applicant: ROYAL CHARTERS, LTD., 1810 Tray Ln., Kalamazoo, MI 49002. Representative: Leon K. Snow, 12085 S. Sherman Lk. Dr., Augusta, MI 49012. *Passengers and their baggage, in special and charter operations, between points in MI on one hand, and on the other, points in the U.S. (except AK and HI) and Canada. Supporting shipper: Performing Arts Abroad, Inc., P.O. Box 844, Kalamazoo, MI 49005; Kalamazoo Youth for Christ, 1414 Portage St., Kalamazoo, MI 49001; K-Wings Booster Club, 1923 Southern Ave., Kalamazoo, MI 49002; Stauffer Seeds, 7410 Rockford, Portage, MI 49081.*

MC 19311 (Sub-4-7TA), filed November 9, 1981. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Rd., Sterling Heights, MI 48007. Representative: Elmer J. Maue, 755 West Big Beaver, Suite 1200, Troy, MI 48084. *General Commodities, restricted to the transportation of traffic moving under contract(s) with Ford Motor Company, between points in IL; IN; MI; OH; WI; Boone, Campbell, Jefferson and Kenton Counties, KY; those points in NY on, west and north of U.S. Hwy 11; and those points in PA on and west of U.S. Hwy 219. Supporting shipper: Ford Motor, Inc., Parklane Towers East, Suite 200, Dearborn, MI 48126.*

MC 110451 (Sub-4-1TA), filed November 5, 1981. Applicant: MIDLAND TRANSFER, INC., 610 Cleveland Avenue S.W., New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. *Building materials between points in the U.S. under continuing contract(s) with Big Outdoor People, Inc., Wyoming, MN and Horizon Timbers, Inc., Isle, MN. Supporting shipper: Big Outdoor People, Inc., Wyoming, MN; Horizon Timbers, Inc., Isle, MN.*

MC 135410 (Sub-4-42TA), filed November 13, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 West Touhy Avenue, Suite 200-A, Park Ridge, IL 60068. *Food and related products between the facilities of or utilized by George A. Hormel & Co. at points in IA, MN, NE, and WI, on the one hand, and, on the other, points in*

CT, DE, IL, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, WV and D.C. Supporting shipper: George A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 144927 (Sub-4-11TA), filed November 13, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (address same as applicant). *Industrial chemicals, sodium bisulfate and sodium nitrate* from North Claymont, DE; Richmond, VA; Lake Charles, LA; Lima, OH; Portsmouth, VA; Carlsbad, NM to Milwaukee, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Milport Chemical, 645 West Virginia Street, Milwaukee, WI 53204.

MC 145842 (Sub-4-12TA), filed November 12, 1981. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fisher Building, Dubuque, IA 52001. *General Commodities, except classes A & B explosives, commodities in bulk, those of unusual value, household goods, and commodities requiring use of special equipment*, from points in IL, IN, KY, MI, OH, PA, and WI, to points in IA, KS, MN, MO, NE, ND, SD and WI. Restricted to traffic moving on Midwest Consolidators Inc., bill of lading. Supporting shipper: Midwest Consolidators Inc., 324 East 8th Street, Sioux Falls, SD 57102.

MC 147259 (Sub-4-13TA), filed November 12, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th Street, Detroit, MI 48216. Representative: Richard E. Van Winkle, 16901 Van Dam Road, South Holland, IL 60473. *Elevator guide rails*, from Detroit, MI; Buffalo, NY, and Beaver Falls, PA, to points in the U.S. Supporting shipper: Otis Elevator Company, LTD., 414 Victoria Avenue N, Hamilton, Ontario, Canada L8N 3M1.

MC 147746 (Sub-4-1TA), filed November 12, 1981. Applicant: TRI-UNION EXPRESS, INC., 3680-179th St., Hammond, IN 46323. Representative: Kenneth F. Dudley P.O. Box 279 Ottumwa, IA 52501. *Beverages and Related Materials, Equipment and Supplies*, between the Chicago, IL Commercial Zone; Anderson, Ft. Wayne, Gary, Indianapolis and Lafayette, IN and Green Bay and Milwaukee, WI. Supporting shipper: Coca-Cola Bottling Co., 5000 W. 25th St., Indianapolis, IN 46224.

MC 152257 (Sub-4-2TA), filed November 12, 1981. Applicant: LORDCO TRUCKING, INC., 555 N. Tripp Ave., Chicago, IL 60624. Representative: Paul J. Maton, 10 S. LaSalle St., Suite 1620,

Chicago, IL 60603. *Contract; irregular; non-alcoholic beverages* between Chicago, IL and Middleton and Baraboo, WI under continuing contracts with Joyce Beverages of Wisconsin, Madison, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Joyce Beverages of Wisconsin, 5105 University Ave., Madison, WI 53705.

MC 155344 (Sub-4-2TA), filed November 9, 1981. Applicant: B & M TRUCKING, INC., 103 3rd Street, Gwinner, ND 58040. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract, Irregular: (1) Fabricated metal products; and (2) parts, accessories and attachments for fabricated metal products*, from Fargo, ND to points in MT, WY, CO, ND, SD, NE, KS, OK, TX, MN, IA, WI and MI, under contract(s) with D & B Fabricators, Inc. of Fargo, ND. An underlying ETA seeks 120 days authority. Supporting shipper: D & B Fabricators, Inc., Box 421, West Fargo, ND 58078.

MC 156589 (Sub-4-2TA), filed November 13, 1981. Applicant: DRURY BROTHERS, 11950 E. Newburg Rd., Durand, MI 48429. Representative: Robert G. Paluch, 7800 W. 60th Pl., Summit, IL 60501. *Contract irregular: Chemicals, including hazardous waste*, between Midland, MI and Greensboro, NC, Carrollton, KY and Elizabeth, KY. Supporting shipper: Dow Corning Corporation, 3901 So. Saginaw Road, Midland, MI 48640.

MC 157457 (Sub-4-6TA), filed November 12, 1981. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 17th Street, Elkhart, IN 46514. Representative: H. Barney Firestone, Sullivan & Associates, Ltd., 10 S. LaSalle, Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in by wholesale and retail discount, variety and department stores* between Fall River, MA; Conway, SC; Kaufman, TX; Blacksburg, SC; Garfield, NJ and Vernon, CA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Aberdeen Manufacturing Corporation, 16 E. 34th Street, New York, NY 10018.

MC 159246 (Sub-4-1TA), filed November 12, 1981. Applicant: SHUTTLE II TRUCKING CO., INC., 27681 Stansbury, Farmington Hills, MI 48018. Representative: Martin J. Leavitt, Sullivan and Leavitt, P.C., P.O. Box 400, 22375 Haggerty Rd., Northville, MI 48167. *Contract irregular: Automobile parts* between Louisville, KY, Nashville, TN, Chicago, IL, Detroit, MI, Cleveland, OH and Lima, OH under contract with Ford Motor Company. Supporting shipper: Ford Motor Company, One

Parklane Blvd., Suite 200 East, Dearborn, MI 48126.

MC 159248 (Sub-4-1TA), filed November 12, 1981. Applicant: HALTERMAN SERVICES, INC., d.b.a. NET, 500 North 6th Avenue, Evansville, IN 47710. Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract, irregular: Plastic articles and packaging products*, between Evansville, IN, on the one hand, and, on the other, Mundelein, IL, Lexington, KY, Mora, MN, Cashiers, NC, Canton, OH, and Athens, TN. Restricted to traffic moving under a continuing contract(s) with Craddock Finishing Corp., Evansville, IN, for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Craddock Finishing Corp., 1400 W. Illinois Street, P.O. Box 269, Evansville, IN 47702.

MC 159260 (Sub-4-1TA), filed November 12, 1981. Applicant: MINORITY TRANSPORT, INC., 21055 West Road, Woodhaven, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *Pipe, iron or steel lined with porcelain, ceramic cones and panels, coal crusher parts, boilers, boiler sections, boiler parts, castings, structural steel, power plant parts, and materials and supplies used in the manufacture of the above-named commodities. (1) between the facilities of Engineered Refractories Service Co., located at or near Pontiac, MI on the one hand, and, on the other, points in the U.S. (except AK and HI). (2) between Pontiac, MI on the one hand, and, on the other, the sites of customers of Babcock & Wilcox Co. in the U.S. (except AK and HI). (3) between the facilities of Babcock & Wilcox Co. in Cayahoga, Fairfield, Medina, Stark and Summit Counties, OH and Beaver Falls, PA on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Babcock & Wilcox Co., 74 E. Robinson Ave., Barberton, OH 44203.*

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 531 (Sub-5-13TA), filed November 9, 1981. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). *Liquid Chemicals, in bulk, in tank vehicles* from Slidell, LA to Phoenix, AZ and Snowflake, AZ. Supporting shipper: Diamond Shamrock Corp., Cleveland, OH.

MC 9291 (Sub-5-9TA), filed November 9, 1981. Applicant: CARROLL BALL TRANSPORT, INC., P.O. Box 53, Centerville, KS 66014. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Containers, plastic pails and plastic articles (Part 1)*. Between the Oklahoma City, OK Commercial zone on the one hand, and points in NE, TX, OK, KS, AR, IN, LA, OH, MS, MN, MO, IL, CO, WY, NM, SD, IA and UT on the other hand. (Part 2) Between the Commercial zone of Dallas, TX on the one hand and points and places in the U.S. on the other hand. Supporting shippers: Plastics, Inc., 2351 Santa Ana Ave., Dallas, TX 75228; Latica Corporation of Oklahoma, 7428 SW 29th, Oklahoma City, OK 73179.

MC 26825 (Sub-5-20TA), filed November 9, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Cheese and related products*, between the facilities of Dodge Dairy Products at Dodge, NE; Neu Cheese Company at Hartington, NE; and Orchard Dairy Products, Inc. at Orchard, NE, on the one hand, and, on the other, pts in the US. Supporting shippers: Dodge Dairy Products, P.O. Box 356, Dodge, NE 68633; Neu Cheese Company, P.O. Box 577, Hartington, NE 68739; and Orchard Dairy Products, Inc., Orchard, NE 68764.

MC 105774 (Sub-5-5TA), filed November 9, 1981. Applicant: JOHNSON TRUCK LINE, INC., P.O. Box 403, Osborne, KS 67473. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66601. *Food and related products*, Between points in Osborne and Cloud Counties, KS, on the one hand, and, on the other, points in CA. Supporting shippers: Boogaarts, 124 East 5th, P.O. Box 569, Concordia, KS 66901 and Pork Packers International, Inc., Box 158, Downs, KS 67437.

MC 112822 (Sub-5-13TA), filed November 9, 1981. Applicant: BRAY LINES, INCORPORATED, 1401 N. Little Street, Cushing, OK 74023. Representative: Dwight E. Pilant (same address as applicant). *Household products (ie., toiletries and cleaning compounds)*, between Racine and Manitowoc, WI and points in AR, TX, OK, MO and KS. Supporting shipper: S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, WI 53403.

MC 124813 (Sub-5-31TA), filed November 9, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA

50309. *Metal products*, between pts in the U.S., restricted to traffic moving for the account of Intertrade Steel Corporation. Supporting shipper: Intertrade Steel Corporation, 5515 Mt. Vernon Road., S.E., Cedar Rapids, IA 52406.

MC 135762 (Sub-5-10TA), filed November 9, 1981. Applicant: JOHN H. NEAL, INC., 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. Contract; Irregular: *General commodities (except Classes A and B explosives, commodities in bulk and household goods as defined by the Commission)*, between pts in the U.S. (except AK and HI) under a continuing contract(s) with Western Auto Supply Company. Supporting shipper: Western Auto Supply Company, 2107 Grand Avenue, Kansas City, MO 64108.

MC 144505 (Sub-5-5TA), filed November 10, 1981. Applicant: DOYLE LOVE, d.b.a. LOVE TRUCKING, Route 1, Box 438, Mabank, TX 75147. Representative: Thomas L. Cook, Hightower, Alexander, Cook and Birnbaum, P.C., First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, 75237. *Motorcycles*, between Los Angeles, CA and points in TX. Supporting shipper: Honda North, 11434 North Stemmons Freeway, Dallas, TX 75229.

MC 146442 (Sub-5-5TA), filed November 9, 1981. Applicant: CLEARFIELD TRANSPORTATION COMPANY, INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews, Lawrence Rudolph, Suite 1100, 1660 L Street, NW., Washington, D.C. 20036. Contract, irregular. *Food and related products*, between points in FL, GA, IA, KY, MO, NC, NY, and PA, under continuing contract(s) with Fast Food Merchandizers, Inc. Supporting shipper: Fast Food Merchandisers, Inc., 1233 N. Church Street, Rocky Mt., NC 27801.

MC 147196 (Sub-5-33TA), filed November 9, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. Contract: Irregular, *Poly Iso Insulation* from Dallas, TX, Fernly, NV, Greer, SC., to points in the U.S. Supporting shipper: RMa, Inc., 13524 Welch Road, Dallas, TX 75234.

MC 147196 (Sub-5-34), filed November 9, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. Contract Irregular; *Retailer-Catalog Showroom*

Merchandise between West Baton Rouge Parish, LA, and Dallas County, TX on one hand and the U.S. on the other. Supporting shipper: H. J. Wilson, 5825 Florida Blvd., Baton Rouge, LA.

MC 147321 (Sub-5-8TA), filed November 9, 1981. Applicant: BILL STARR TRUCKING, INC., 1041 S. Vista Dr., Independence, MO 64056. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. *Food and related products* between Kansas City, MO and its Commercial Zone and points in the U.S. Supporting shipper: Commercial Distribution Center, Inc., Independence, MO.

MC 150783 (Sub-5-34TA), filed October 23, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: James H. Berry, P.O. Box 32, Wesley, AR 72773. *Clay, concrete, glass or stone products and bags and bagging*; between points in Ochlocknee, GA and Ripley, MS on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Oil Dri Corporation of America, 520 North Michigan Avenue, Chicago, IL 60611.

MC 151118 (Sub-5-13TA), filed November 9, 1981. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. (1) *Clay, concrete, glass, or stone products*; (2) *rubber and plastic products*; (3) *foodstuffs and (4) materials, equipment, and supplies used in the manufacture, sale, assembly and distribution of commodities described in (1)-(3) inclusive above*; between points in Greene, Jackson, Mississippi and Sharp Counties, AR, and Butler and Dunklin Counties, MO, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Dr. Pepper Bottling Co., of Paragould, Inc., P.O. Box 875, Paragould, Ar 72450.

MC 155053 (Sub-5-4TA), filed November 9, 1981. Applicant: B & S TRANSPORTATION, a division of Bryant's Trucking of Franklinton, a Louisiana corporation, Route 2, Box 175B, Franklinton, LA 70438. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *General commodities (except Classes A and B explosives and hazardous waste)*, between points in the U.S. restricted to service for the account of Precisionaire, Incorporated. Supporting shipper: Precisionaire, Incorporated, P.O. Box 7568, St. Petersburg, FL 33734.

MC 155993 (Sub-5-1TA), filed November 10, 1981. Applicant: ISIS LEASING CORPORATION, 5800 Stilwell, Kansas City, MO 64120. Representative: E. WAYNE FARMER, Linde, Thomson, Fairchild, Langworthy, Kohn & Van Dyke, P.C., City Center Square, 27th Floor, P.O. Box 26010, Kansas City, MO 64196. *Frozen and non-frozen foodstuffs, and related items utilized in grocery, restaurant and food business houses and hotel operations between all points and places in the states of AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, NE, NJ, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VA, WA, WV, WI, and WY.* Supporting shippers: 7.

MC 156329 (Sub-5-2TA), filed November 9, 1981. Applicant: CHISM, INC., 2160 E. Thoman, Springfield, MO 65803. Representative: Robert Jarvis (same address as applicant). *Meat, meat products, meat by-products and related products distributed by meat packinghouses from the facilities of Wilson Foods Corporation located at Marshall, MO to points in the U.S.* Supporting shipper: Wilson Foods Corporation, 4545 N. Lincoln Blvd., Oklahoma City, OK 73105.

MC 156836 (Sub-5-2TA), filed November 10, 1981. Applicant: MURRY JOHNSON, INC., P.O. Box 158, Widener, AR 72394. Representative: Earl Mills (same as above). *Plastic bottles and bottle tops: From Memphis, TN to Los Angeles CA Commercial zone.* Supporting shipper: Burgie Industries, Inc., 90 Desoto, Memphis, TN.

MC 157567 (Sub-5-1TA), filed November 9, 1981. Applicant: RICHARD K. HOLLOWAY, d.b.a. HOLLOWAY TRUCKING, 544 North Yates, Minden, NE 68959. Representative: William D. West, 252 Aquila Court, Omaha, NE 68102. Contract: Irregular. *Bananas from New Orleans, LA and Galveston, TX to Western Nebraska.* Shipping will be done under contract with Associated Grocers of Nebraska Cooperative.

MC 159191 (Sub-5-1TA), filed November 9, 1981. Applicant: KING TRUCKING INC., Drawer K, Amelia, LA 70340. Representative: Earl P. King, Jr. (same as applicant). *Machinery, equipment, material and supplies used in, or in connection with discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products between points in the states of LA and TX.* Supporting shippers: 9.

MC 159193 (Sub-5-1TA), filed November 9, 1981. Applicant: JAMES H. VAUGHN, d.b.a. VAUGHN TRUCKING CO., 524 W. Johnson, Jonesboro, AR

72401. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. (1) *Glass containers from facilities of Arkansas Glass Container Corp. at Jonesboro, AR, to points in AL, AZ, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MA, MN, MI, MS, MO, NE, NJ, NY, NC, OH, OK, OR, PA, SC, TN, TX, VA, WA and WI, and (2) pallets from points in AL, AZ, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MA, MN, MI, MS, MO, NE, NJ, NY, NC, OH, OK, OR, PA, SC, TN, TX, VA, WA and WI, to facilities of Arkansas Glass Container Corp. at Jonesboro, AR.* Supporting shipper: Arkansas Glass Container Corp., 516 W. Johnson, Jonesboro, AR 72401.

MC 159197 (Sub-5-1TA), filed November 9, 1981. Applicant: BURLINGTON STAGE LINES, LTD., d.b.a. BURLINGTON TRAILWAYS, 504 Spring Street, West Burlington, IA 52655. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. Common, regular: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Muscatine, IA and Brandview, IA, via U.S. Hwy. 61, to enable applicant to provide service between Cedar Rapids, IA and St. Louis, MO.* Applicant intends to tack and interline. Supporting shipper: American Buslines, Inc., New York, NY.

MC 159217 (Sub-5-1TA), filed November 9, 1981. Applicant: DOCKSIDE LINEMEN, INC., P.O. Box 4250, New Orleans, LA 70178. Representative: Jo E. Konneker, P.O. Box 1955, Kenner, LA 70063. *Machinery and equipment for marine diesel engine, ship spares, ship equipment from New Orleans, LA to AL, FL, GA, LA, MS, TN, TX and return.* Supporting shipper: Dalton Steamship Company, New Orleans, LA.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 159169 (Sub-6-1TA), filed November 5, 1981. Applicant: A & J TRUCKING COMPANY, 502 E. John St., Carson City, NV 89701. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Iron and steel, and iron and steel articles, and materials, equipment and supplies, used in the manufacture of iron and steel articles, between points in Franklin County, OH, on the one hand, and, on the other, points in IN, IL, KY, MI, PA, and WV, for 270 days.* An underlying ETA seeks 120 days authority. Supporting shipper(s): Berwick Steel Co., 4601 E. 5th Ave., Columbus, OH 43227.

MC 158971 (Sub-6-1TA), filed November 3, 1981. Applicant: ALEUT ALASKA SHIPPING COMPANY, 2550 Denali, Suite 900, Anchorage, AK 99503. Representative: John A. Anderson, 101 SW Main St., Rm. 1600, Portland, OR 97204. *General commodities (except classes A and B explosives, and hazardous waste materials) between Dutch Harbor, AK, on the one hand, and, on the other, points on Unalaska Island, AK for 270 days.* Supporting shipper: Universal Seafoods, Ltd., P.O. Box 94, Redmond, WA 98052.

MC 158984 (Sub-6-2TA), filed October 29, 1981. Applicant: JOHN W. BELL and ROBERT L. BELL, d.b.a. BELL TRANSPORTATION COMPANY, 1303 S. Second St., Laramie, WY 82070. Representative: Jeffrey A. Knoll, 5650 DTC Parkway, Englewood, CO 80111. *Building materials from Albany County, WY to points in CO for 270 days.* Supporting shipper(s): Pulte Homes, P.O. Box 248, Laramie, WY 82070.

MC 159142 (Sub-6-1TA), filed November 2, 1981. Applicant: C & C TRANSPORTATION, 6275 E. 39th Ave., Denver, CO 80207. Representative: William Avara, 13702 W. 20th Place, Golden, CO 80401. *Contract carrier: Irregular route; Beverages, alcoholic and non-alcoholic, from points in the U.S. to Denver, CO for the account of C & C Distributing Co. for 270 days.* An underlying ETA seeks 120 days authority. Supporting shipper: C & C Distributing Co., 6275 E. 39th Ave., Denver, CO 80207.

MC 156766 (Sub-6-2TA), filed November 2, 1981. Applicant: G.A.L. & S. TRUCKING, INC., 24218 463rd Ave., S.E., Enumclaw, WA 98022. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract carrier, irregular routes: Aircraft and aircraft parts and equipment, materials and supplies used in the maintenance, service, and operation of aircraft and airline terminal equipment, materials and supplies, between WA, OR and CA, including points of emergency aircraft on ground for 270 days.* An underlying ETA seeks 120 days authority. Supporting shipper: Transamerica Airlines, Oakland International Airport, Oakland, CA 94614.

MC 159103 (Sub-6-1TA), filed October 29, 1981. Applicant: KEN GEBERT, d.b.a. KEN GEBERT TRUCKING, Mill Creek Rd., Frenchtown, MT 59834. Representative: Douglas G. Skjelset, P.O. Box 3778, Missoula, MT 59806. *Lumber products including but not limited to boards, plywood, particle board, log rails, posts, cants, house logs, shakes,*

and related materials from grain terminal areas in ID, MT, OR and WA to IA, ID, IL, MN, MT, ND, NE, OR, SD, UT, WA, WI and WY for 270 days. Supporting shippers: Flathead Post & Pole Yard, a Tribal Enterprise of the Confederated Kootenai and Salish Tribes, Star Route, Dixon, MT 59831; Real Log Homes, a Montana Corp., P.O.B., 8509, Missoula, MT 59807; Workman's Forest Products, Inc., P.O. B. 361, Clackamas, OR 97015.

MC 159168 (Sub-6-1TA), filed November 4, 1981. Applicant: HAGEN TRUCKING CO., INC., 2814 La Ventana St., San Clemente, CA 92627. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Contract Carrier*: Irregular routes; *general commodities*, from points in Los Angeles County, CA to points in Ventura, Riverside, San Diego, Orange and Fresno Counties, CA for the account of Nabisco, Inc., for 270 days. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07938.

MC 159171 (Sub-6-1TA), filed November 5, 1981. Applicant: HIGHWAY TRANSPORT, INC., 1554 Paradise Lane, Taylorsville, UT 84107. Representative: M. Lynn Johnson (same as applicant). *Contract Carrier*, Irregular route, *general commodities (except Class A and B Explosives, and Household Goods)*, between points in the U.S., for 270 days. Supporting shippers: There are five shippers. Their statements may be examined at the regional office listed.

MC 156436 (Sub-6-1TA), filed November 2, 1981. Applicant: FRANKLIN I. BARAMDYKA, d.b.a. I.W. TRANSPORT, INC., 353 S. Santa Fe Ave., Los Angeles, CA 90013. Representative: Frederick J. Coffman, P.O.B. 1455, Upland, CA 91786. *Contract carrier*; irregular routes; *Foodstuffs*, other than frozen from City of Industry, CA and its commercial zone, to points in the U.S., under continuing contract with Kern Foods, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Kern Foods, 13000 E. Temple, City of Industry, CA 91749.

MC 159174 (Sub-6-1TA), filed November 6, 1981. Applicant: K. L. C., INC., P.O.B. 560, Carson, WA 98610. Representative: David R. Benson, 3170 N.W. Parkview Dr., Beaverton, OR 97006. *Contract Carrier*, Irregular Routes: *Lumber and Wood Products*, between points in the U.S., for the account of Hampton Lumber Sales Company for 270 days. Supporting shipper: Hampton Lumber Sales Company, 9400 S. W. Barnes Rd., 400 Sunset, Business Park, Portland, OR 97225.

MC 158564 (Sub-6-1TA), filed November 2, 1981. Applicant: THOMAS MIELKE, 4823 Carriage Ct. NE., Salem, OR 97301. Representative: (Same as applicant). *Scrap Metals, Scrap Batteries, Hides, Containers, Steel-fabricated and raw*, between WA and OR docks on the one hand and points in WA, OR, ID, and CA on the other, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Pacific Hide & Fur, Steel Branch No. 33, 2750 S. Moody, Portland, OR; Pacific Hide & Fur, Hide Branch, 9127 N. Wilbur, Portland, OR 97301; Calbag Metals Co., 2495 NW. Nicolai, Portland, OR; Western Aluminum, 1345 Lewis SE., Salem, OR.

MC 146464 (Sub-6-15TA), filed November 2, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 469 Idaho St., Elko, NV 89801. Representative: Carl I. Sundeaus, 11560 S. State, Draper, UT 84020. *Contract Carrier*, irregular routes: *Molybdenum concentrates, zeolite ore, mining and milling products, and materials and supplies used in mining and milling*, (1) between Tonopah and Yerington, NV; Butte, MT; Sahuarita, AZ and Fort Madison, IA, and (2) from points in (1) above, to Galveston and Houston, TX, New Orleans, LA, Portland, OR, Los Angeles and San Francisco, CA, and Seattle, WA, under contract with Anaconda Copper Co. of Denver, CO for 270 days. Supporting shipper: Anaconda Copper Co., 555 17th St., Denver, CO 80217.

MC 159175 (Sub-6-1TA), filed November 5, 1981. Applicant: NORTHWESTERN CONTAINER SERVICES, INC., 4304 N.E. 79th, Portland, OR 97206. Representative: M. C. Risser, Suite 501, 1410 S.W. Morrison St., Portland, OR 97205. *Canned goods and frozen foods* in containers from, to or between King, Pierce, Clark, Spokane, Walla Walla, Columbia, Franklin, Adams and Yakima Counties, in WA, Latah and Nez Perce Counties, in ID and Morrow, Multnomah and Umatilla Counties in OR for 270 days. Supporting shipper(s): Rogers Walla Walla Inc., POB 998, Walla Walla, WA 99362.

MC 153397 (Sub-6-3TA), filed November 2, 1981. Applicant: RODEWAY OF CALIFORNIA, d.b.a. RODEWAY TRANSPORT CORPORATION, P.O.B. 1111, Stockton, CA 95201. Representative: Ronald J. Graham, 1044 Sonora Ave., Manteca, CA 95336. *Contract Carrier*, Irregular routes: *Bakery Goods and Supplies (except in bulk)*, from Alameda County, CA, to points in CO, NM, TX and UT for the account of Mother's Cake and Cookie Co., for 270 days. An underlying

ETA seeks 120 days authority. Supporting shipper: Mother's Cake and Cookie Co., 810 81st St., Oakland, CA 94621.

MC 158394 (Sub-6-2TA), filed October 30, 1981. Applicant: SUNRUNNER TRANSPORTATION, INC., 2943 E. Weiding Rd., Tucson, AZ 85706. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract Carrier*: Irregular Route; *such commodities as are used by or dealt in by a copper mining company* between Tucson and San Manuel, AZ on the one hand, and, on the other points in the counties of Los Angeles, Riverside, San Diego, Orange, Ventura, San Bernardino, Santa Barbara and Kern, CA under continuing contract with Magma Copper Company of San Manuel, AZ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Magma Copper, 200 W. Desert Shy Rd., Tucson, AZ 85704.

MC 141876 (Sub-6-14TA), filed November 5, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Wy., Tacoma, WA 98421. Representative: Ronald R. Brader (same as applicant). *Commodities dealt in or used by the manufacturers of insulation materials*, between points in and West of ND, SD, NE, MO, AR, and LA, for 270 days. Supporting shippers: Pabco Insulation Division, Louisiana-Pacific Corp., 1110-16 Rd., Fruita, CO 81521; American Energy Products, Raritan Center, Bldg. 435, Edison, NJ 08817.

MC 148791 (Sub-6-9TA), filed November 5, 1981. Applicant: TRANSPORT—WEST, INC., 2125 N. Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. B. 2465, Salt Lake City, UT 84110. *Contract Carrier*, Irregular routes: *such commodities as are dealt in or used by retail grocery stores*, from North Salt Lake, UT to Reno, Sparks, Carson City and Las Vegas, NV, for the account of Albertson's Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Albertson's, Inc., 250 Parkcenter Blvd., Boise, ID 83726.

MC 144330 (Sub-6-3TA), filed November 2, 1981. Applicant: UTAH CARRIERS, INC., 3220 N. Highway 89, Layton, UT 84041. Representative John T. Caine, 2568 Washington Blvd., Ogden, UT 84401. *Manufacturing and scrap iron and steel products* from facilities of Proler International at Kansas City, MO Chicago, IL; Clinton, TX; Randolph, AZ; Dalton, UT; and Terminal Island, CA; points in MN, IL, MO, AR, LA, TX, OK, KS, NE, SD, ND, NM, AR, CO, UT, WY,

MT, ID, NV, CA, OR, and WA, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Proler International Corp., 7501 Wallisville Rd., P.O. 286, Houston, TX 77001.

MC 159089 (Sub-6-1TA), filed November 2, 1981. Applicant: WYOMING SUB RENTAL, INC., P.O. B. 4711, Casper, WY 82601. Representative: Bobby Shaw (same address as applicant). *Machinery, material, equipment and supplies*, used in or in connection with the discovery, development production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts and (2) *machinery, materials, equipment, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof. (Restricted against the transportation of complete oil rigs.), from Casper, WY to points in AZ, CO, ID, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, & WA, for the account of Sperry-Sun, directional Investment Guidance, Inc., Adams Exp., Underline, Inc., Sii Servco Div. of Smith Int., D & S Drilling, Christensen Downhole Tools, Wagner International, for 270 days. Supporting shipper: There are 8 supporting shippers. Their statements may be examined at the Regional Office Agatha L. Mergenovich, Secretary.

[FR Doc. 81-33638 Filed 11-20-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-304

Decided: November 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2110 (Sub-12), filed November 2, 1981. Applicant: BOWLUS TRUCKING CO., INC., 200 County Rd. 143, Fremont, OH 43420. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97,

Dublin, OH 43017, (614) 889-2531. Transporting *food and related products*, between the facilities used by the Fremont Company, its divisions and subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 117730 (Sub-91), filed November 2, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route #47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle Street, Chicago, IL 60602. Transporting *such commodities* as are dealt in or used by retail and wholesale food and drug stores, between points in the U.S.

MC 121550 (Sub-3), filed November 3, 1981. Applicant: HATBORO DELIVERY SERVICE, INC., 424 Easton Road, Warrington, PA 18976. Representative: Harry J. Liederbach, 892 Second Street Pike, Richboro, PA 18954. Transporting *general commodities* (except classes A and B explosives), between points in PA, on the one hand, and, on the other, points in NC, CT, DE, FL, GA, ME, MA, MD, NJ, NY, PA, RI, SC, VT, VA, NH, OH, IN, and DC.

MC 124830 (Sub-5), filed November 2, 1981. Applicant: HOLMES FREIGHT LINES, INC., 7878 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392-1220. Over *regular routes*, transporting *general commodities* (except commodities in bulk, household goods, and classes A and B explosives), (1) between Topeka, KS, and Denver, CO, over Interstate Hwy 70, and (2) between Omaha, NE, and Pueblo, CO, from Omaha, over Interstate Hwy 80 to junction Interstate Hwy 76 near Big Springs, then over Interstate Hwy 76 to junction Interstate Hwy 25, then over Interstate Hwy 25 to Pueblo, and return over the same route, serving all intermediate points and serving points in Adams, Arapahoe, Denver, Boulder, Gilpin, Clear Creek, Jefferson, Larimer, Weld, and Elbert Counties, CO, as off-route points in connection with routes (1) and (2) above.

MC 125910 (Sub-4), filed November 5, 1981. Applicant: CUSTOM TRANSPORT, INC., P.O. Box 310, Lincolnton, NC 28092. Representative: Jack F. Counts, 3027 North Tryon Street, P.O. Box 26125, Charlotte, NC 28213, (704) 372-3611. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in AL, AR, GA, MS, NC, SC, TN and VA.

MC 129171 (Sub-20), filed November 2, 1981. Applicant: ARTHUR SHELLEY, INC., R.D. #2, Dallas, PA 18612.

Representative: Joseph A. Keating, Jr., 121 South Main Street, Taylor, PA 18517, (717) 344-8030 or 562-1202.

Transporting (1) *food and related products*, between points in NJ and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *such commodities* as are dealt in by drug and cigar stores, between points in NY, NJ, PA, CT, and MA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 130551 (Sub-1), filed November 2, 1981. Applicant: CONNECTICUT MOTOR CLUB, INC., 2276 Whitney Ave., Hamden, CT 06518.

Representative: John H. Peck, Jr., P.O. Box 1820, 33 Whitney Ave., New Haven, CT 06508, (203) 787-3517. As a broker, at Hamden, CT, in arranging for the transportation of passengers and their baggage, in the same vehicle with passengers, in charter and special operations, between points in the U.S.

MC 135231 (Sub-66), filed November 20, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *alcohol beverages*, between points in MN, and points in Stutsman, Ramsey and Burleigh Counties, ND, on the one hand, and, on the other, points in Gregg County, TX, Shelby County, TN, LaCrosse and Milwaukee Counties, WI, Peoria County, IL, Houston County, GA, and St. Louis City County, MO.

MC 141791 (Sub-2), filed November 5, 1981. Applicant: MONTGOMERY TRUCKING COMPANY, P.O. Box 21, Wellston, OH 45692. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *rubber and plastic products, chemicals and related products, and metal products*, between points in Jackson County, OH, on the one hand, and, on the other, points in the U.S.

MC 142860 (Sub-1), filed October 28, 1981. Applicant: RIVERSIDE METALS, Box 93 Route 1, Midway, AR 72651. Representative: John Juenger (same address as applicant), (501) 481-5685. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mountain Home Manufacturing, of Midway, AR, and Maier, Inc., of Diamond City, AR.

MC 143280 (Sub-33), filed November 2, 1981. Applicant: SAFE TRANSPORTATION COMPANY, a Corporation, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box

6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *electrical machinery and cables, and furniture*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in the U.S.

MC 144110 (Sub-9), filed November 5, 1981. Applicant: KANE TRANSPORT, INC., P.O. Box 126, Sauk Centre, MN 56378. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108, (701) 237-4223. Transporting *commodities in bulk*, between points in AR, CO, IL, IN, IA, KS, LA, MN, MO, MT, NE, NM, ND, OK, SD, TX, WI, and WY.

1MC 45101 (Sub-3), filed October 20, 1981. Applicant: BILLY P. RUPPE, d.b.a. RUPPE MOTOR LINES, 309 Kraft Street, Gaffney, SC 29340. Representative: Patrick E. Knie, P.O. Box 2465, Spartanburg, SC 29304, (803) 583-5401. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in the U.S.

MC 150231 (Sub-12), filed November 2, 1981. Applicant: MAVERICK TRANSPORTATION, INC., 3223 East Broadway, North Little Rock, AR 72114. Representative: Steve Williams, (same address as applicant), (501) 945-6130. Transporting *metal products*, between points in Whiteside County, IL, on the one hand, and, on the other, points in the U.S.

MC 153910 (Sub-1), filed November 2, 1981. Applicant: L & B TRUCKING CORPORATION, Johnson Street Road, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682-8154 or 682-3403. Transporting *general commodities* (except classes A and B explosives), between points in IA and IL, on the one hand, and, on the other, points in the U.S.

MC 156780, filed November 2, 1981. Applicant: FLORIDA WELL SERVICE, INC., Highway 29 North, Felde, FL 33930. Representative: Frank J. Hathaway, 7615 Biscayne Blvd., Miami, FL 33138, (305) 754-5506. Transporting *machinery, materials, supplies and equipment incidental to, or used in, the construction, development and production of natural gas and petroleum*, between points in FL, LA, MS and TX.

MC 158930 (Sub-1), filed November 2, 1981. Applicant: U.S. TRANSPORTATION, INC., 585 Valley Blvd., Bloomington, CA 92316. Representative: Frederick J. Coffman, 1834 N. Kelly Ave., P.O. Box 1455, Upland, CA 91786, (714) 981-9981. Transporting *cedar fencing*, between points in Fresno County, CA, on the one

hand, and, on the other, those points in the U.S. in and west of OH, WV, KY, TN and AL (except AK and HI).

MC 159100, filed November 2, 1981. Applicant: ABL WAYS TRUCKING, INC., Route 7, Box 101, Chippewa Falls, WI 54729. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass or stone products*, between points in Anoka, Carlton, Carver, Dakota, Hennepin, Ramsey, St. Louis, Scott and Washington Counties, MN, and Cerro Gordo County, IA, on the one hand, and, on the other, points in Ashland, Barron, Bayfield, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, and Washburn Counties, WI.

MC 159120, filed November 3, 1981. Applicant: JOSEPHINE AVVISATO, d.b.a. JO'S TRAVELERS, 1146 Bennett Street, Old Forge, PA 18518. Representative: Josephine Avvisato, (same address as applicant), (717) 457-7716. As a broker at Old Forge, PA, in arranging for the transportation of passengers and their baggage, in the same vehicle with passengers, between points in PA, on the one hand, and, on the other, points in the U.S.

MC 159121, filed November 3, 1981. Applicant: DAVID KAMINGA TRUCKING, P.O. Box 238, Newport, OR 97365. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (505) 224-4840. Transporting (1) *general commodities* (except classes A and B explosives), between points in OR and WA, on the one hand, and, on the other, points in OR, WA and CA, and (2) *food and related products*, between points in OR, WA, CA, AZ and ID.

Volume No. OP1 305

Decided: November 13, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier, (Member Chandler not participating in part.)

W 1341, filed November 5, 1981. Applicant: HALLAMORE MOTOR TRANSPORTATION, INC., 795 Plymouth Street, Holbrook, MA 02343. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742-3530. To operate as a *common carrier*, by water, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities* and by towing vessels in the performance of *general towage*, between ports and points along (1) the Atlantic Coast and their tributary waterways, (2) the Gulf of Mexico Coast and their tributary waterways, and (3)

the Great Lakes and their tributary waterways.

Note.—This application contemplates operations which should result in decreased energy consumption in comparison with existing energy consumption in the affected area. To the extent traffic will be diverted from existing transportation modes, greater energy efficiencies may be obtained without disruption to existing patterns of energy distribution or to development of energy resources. The application is, in all respects, consistent with prevailing goals and objectives of the National Energy Policy.

MC 29960 (Sub-10), filed November 6, 1981. Applicant: GRESHAM TRANSFER, INC., 12008 N.E. Iverness Drive, Portland, OR 97220. Representative: Michael D. Crew, 205 Riviera Plaza, Portland, OR 97201, (503) 221-1529. Transporting *general commodities* (except classes A and B explosives), (a) between points in OR, WA, CA, ID, MT, WY, CO, UT, AZ, NM, NV, and TX, and (b) between points in OR, WA, CA, ID, MT, WY, CO, UT, AZ, NM, NV, and TX, on the one hand, and, on the other, points in the U.S. (except HI).

MC 82101 (Sub-21), filed October 28, 1981. Applicant: WESTWOOD CARTAGE, INC., 62 Everett Street, Westwood, MA 02090. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103 (413) 732-1136. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of foot wear, between points in the U.S., under continuing contact(s) with J. F. McElwain Company, Division of Melville Corporation, of Nashua, NH.

MC 107960 (Sub-12), filed November 4, 1981. Applicant: SUMMERFORD TRUCK LINE, INC., P.O. Box 487, Ashford, AL 36312. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, (205) 578-2836. Transporting *such commodities* as are dealt in or used by food and grocery houses, between points in Dale, Coffee, Henry, Houston, and Geneva Counties, AL, on the one hand, and, on the other, points in AR, FL, GA, IL, IN, KY, LA, MS, NC, OK, SC, TN, and TX.

MC 125951 (Sub-75), filed November 4, 1981. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 3035 South 72nd St., Suite 200, Omaha, NE 68124. Representative: Robert M. Cimino (same address as applicant), (402) 393-5005. Transporting *containers and glassware*, between points in the U.S.

MC 144040 (Sub-3), filed November 2, 1981. Applicant: PINETREE TRANSPORTATION CO., 6400 Westminster Avenue, Westminster, CA 92683. Representative: Robert J. Corber, 1250 Connecticut Ave., NW.,

Washington, DC 20036, (202) 862-2038. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, (1) in foreign commerce only, between Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in San Francisco, CA, Maricopa, AZ, Clark, NV, Salt Lake, UT, Fairfax County, VA, Bernalillo, NM and Denver, CO, and DC, and (2) beginning and ending at points and places in Los Angeles and Orange Counties, CA and extending to points in the U.S. (Including AK but excluding HI).

MC 147070, filed October 28, 1981. Applicant: JERNIGAN BROTHERS, INC., P.O. Box 75510, Oklahoma City, OK 73147. Representative: Kenneth R. Hoffman, 1600 W. 38th St., Suite 410, Austin, TX 78731 (512) 451-7409. Transporting *mercator commodities*, between points in AR, AZ, CO, KS, LA, ND, NE, NM, NV, OK, SD, TX, UT, and WY, on the one hand, and, on the other, points in the U.S.

MC 150210 (Sub-1), filed November 5, 1981. Applicant: CULTURED FOODS, INC., 370 University Ave., St. Paul, MN 55103. Representative: Richard G. Braman, Suite 1100 National City Bank Bldg., 510 Marquette Ave., Minneapolis, MN 55402, (612) 339-6900. Transporting *plastic containers*, between Minneapolis, MN, and DePere, WI.

MC 150281 (Sub-7), filed November 6, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan Street, Topeka, IN 46571. Representative: Chandler L. van Orman, 1729 H Street, NW., Washington, DC 20006, (202) 337-6500. Transporting *boats and boat parts*, between points in the U.S. (except HI)

MC 152250 (Sub-3), filed November 6, 1981. Applicant: WHITE TRANSPORT, INC., 133 Canfield Street, Sheridan, WY 82801. Representative: Charles A. Murray, Jr., 2822 Third Ave., North, Billings, MT 59101, (406) 252-4165. Transporting *coal*, between points in Sheridan County, WY, on the one hand, and, on the other, points in Judith Basin, Fergus, Cascade and Wheatland Counties, MT.

MC 153061 (Sub-2), filed October 26, 1981. Applicant: JAMES A. SCHENKER, d.b.a. MERCHANTS DELIVERY SERVICE, 1901 Hawthorne Street, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Avon Products, Inc., of New York, NY.

MC 153271, filed October 29, 1981. Applicant: PRUDENTIAL ASSOCIATES, INC., d.b.a. UNITED STATES MESSENGER SYSTEMS, 7825 Tuckerman Lane, Suite 204, Potomac, MD 20854. Representative: William E. Felix, Jr. (same address as applicant), (301) 299-4000. Transporting *materials and documents*, produced by the United States Government and by private companies that have contracted with the United States Government, between Washington, DC, Baltimore, MD, Alexandria, Falls Church, Vienna, and Dulles International Airport, VA, United States Marine Corps Reservation, at Quantico, VA, points in Montgomery, Frederick, Prince Georges, Howard, and Anne Arundel Counties, MD, and Arlington and Fairfax Counties, VA.

MC 153461 (Sub-2), filed November 6, 1981. Applicant: FLYNN'S MOTOR EXPRESS, INC., P.O. Box 627, Southington, CT 06489. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728-0700. Transporting *general commodities* (except classes A and B explosives), between points in CT, on the one hand, and, on the other, New York, NY, and points in ME, NJ, PA, and Suffolk County, NY.

MC 158851, filed October 16, 1981. Applicant: BULLS-EYE EXPRESS, R.D. #1, Box 68, Warren Center, PA, (717) 395-3168. Representative: Neal R. Michaud, Wilson's Crossing Road, Auburn, NH 03108, (603) 668-3745. Transporting *general commodities* (except classes A and B explosives), between points in CT, CO, MA, ME, NH, NJ, NY, OH, PA, and VT, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 1, Room 6358.

MC 158930, filed October 22, 1981. Applicant: U.S. TRANSPORTATION, INC., 585 Valley Boulevard, Bloomington, CA 92316. Representative: Frederick J. Coffman, 1834 N. Kelly Avenue, P.O. Box 1455, Upland, CA 91786, (714) 981-9981. Transporting *fabricated metal products*, between points in Allegheny County, PA, on the one hand, and, on the other, those points in the U.S. in and west of CO, MT, NM, TX, and WY.

MC 159090, filed November 2, 1981. Applicant: RUCKER TRUCKING AND LEASING, INC., P.O. Box 238, Elberton, GA 30835. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303, (404) 522-2322. Transporting *stone, clay, concrete, glass and stone products, carbon, graphite and carbon abrasive*, between points in the U.S. (except AK and HI).

MC 159140, filed November 4, 1981. Applicant: ALL POINTS EXPRESS, INC., P.O. Box 610, Lebanon, TN 37087. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948-5711. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (a) between points in GA and TN, and (2) between points in GA and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI). 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 1, Room 6358.

MC 159180, filed November 6, 1981. Applicant: GADDY TOURS, INC., Route 4, Box 394G, Monroe, NC 28110. Representative: Doris A. Gaddy [same address as applicant], (704) 764-7262. As a *broker* at Monroe, NC, in arranging for the transportation of *passengers*, between points in NC, on the one hand, and, on the other, points in the U.S.

MC 159181, filed November 6, 1981. Applicant: SUNFLOWER TOURS, INC., Route 1, Cheney, KS 67025. Representative: Brad T. Murphree, Suite 814, Century Plaza Bldg., Wichita, KS 67202, (316) 265-2634. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in KS, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

Volume No. OPY-3-212

Decided: November 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 36255 (Sub-7), filed November 9, 1981. Applicant: K & R DELIVERY, INC., 255 West Oakton St., Des Plaines, IL 60018. Representative: Carl L. Steiner, 29 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *general*

commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, WI, OH, and points in Elkhart County, IN, Bradley County, AR, and Minneapolis, MN, on the one hand, and, on the other, points in AR, CO, IA, KS, KY, OH, OK, MN, and TX.

MC 59854 (Sub-12), filed November 9, 1981. Applicant: APPLIED MOTOR TRANSPORTATION COMPANY, INC., 7 Lowell St., Methuen, MA 01844. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, (617) 749-6500. Transporting *commodities in bulk*, between points in ME, NH, VT, MA and RI.

MC 74755 (Sub-5), filed November 5, 1981. Applicant: SUEZELZER MOVING & STORAGE, INC., 4325 Meyer Rd., Fort Wayne, IN 46806. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with International Harvester Company, of Chicago, IL.

MC 120805 (Sub-2), filed November 3, 1981. Applicant: E & B TRANSPORTATION COMPANY, INC., P.O. Box 543, Seaview Dr., Providence, RI 02901. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803, (617) 273-3530. Transporting *general commodities* (except classes A and B explosives, hazardous waste, commodities in bulk, and household goods as defined by the Commission), between points in CT, MA, ME, NH, NJ, NY, RI, and VT.

MC 123255 (Sub-236), filed November 9, 1981. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: Phillip D. Patterson (same address as applicant), (614) 522-8111. Transporting *malt beverages*, between points in the U.S. (except AK and HI).

MC 129784 (Sub-18), filed November 9, 1981. Applicant: DAVISON TRANSPORT, INC., P.O. Drawer 846, Ruston, LA 71270. Representative: Dennis W. Ledet (same address as applicant), (318) 255-3850. Transporting *containers, glassware, and scrap materials*, between points in Lincoln and Union Parishes, LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 138134 (Sub-13), filed November 5, 1981. Applicant: DONALD HOLLAND TRUCKING, INC., 1300 Main St., Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682-8154.

Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Midwest Carbide Corporation, of Keokuk, IA.

MC 142974 (Sub-8), filed November 5, 1981. Applicant: SURE TRANSPORT, INC., Building 7, Rm. 128, Fifth Ave., Davisville, RI 02854. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732-1136. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in CT, MA and RI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143065 (Sub-3), filed November 6, 1981. Applicant: WEATHERFORD TRANSIT, INC., Hwy 15 N., Hartsville, SC 29550. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303, (404) 522-2322. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Clarendon, Georgetown, Berkeley, Dorchester, Williamsburg, Horry, and Beaufort Counties, SC, and extending to points in the U.S. (except AK and HI).

MC 143445 (Sub-9), filed November 9, 1981. Applicant: ALLTRANS ROADFAST, INC., 128 Pennsylvania St., Kearny, NJ 07032. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, (301) 840-8565. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in CA, NJ, NY, PA, WA, OR, CT, MD, GA, OH, IL, AZ, NV, TN, IN, MI, WI, and TX.

MC 144884 (Sub-10), filed November 5, 1981. Applicant: ARTHUR E. JOHNSTON and MICHAEL A. JOHNSTON, d.b.a. JOHNSTON TRUCKING, Box 325, Spearfish, SD 57783. Representative: Thomas J. Simmons, 5301 N. Cliff, P.O. Box 480, Sioux Falls, SD 57101, (605) 339-3629. Transporting *metal products, lumber and wood products, and machinery*, between points in the U.S. (except AK and HI).

MC 149195 (Sub-18), filed November 2, 1981. Applicant: ARCADIAN MOTOR CARRIERS, P.O. Box 456, Kingsburg, CA 93631. Representative: James F. Hauenstein (same address as applicant), (209) 897-4122. Transporting *glass and glass products*, between points in San Bernardino County, CA, Caddo Parish, LA, Toledo, OH and City of Industry,

CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149384 (Sub-1), filed November 5, 1981. Applicant: CHARLES GAJDA and CHESTER GAJDA, d.b.a. GAJDA TRUCKING COMPANY, R.D. #3, Volant, PA 16156. Representative: Salley A. Davoren, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471-3300. Transporting *ores and minerals, metal products, and waste or scrap materials* not identified by industry producing, between Weirton, WV, points in PA, those in NY on and west of NY Hwy 14, and those in Ashtabula, Trumbull and Mahoning Counties, OH, on the one hand, and, on the other, points in OH, KY, PA, IL, IN, MI, WI, TX, NY, MC, NJ, CT, FL, NC, CA, CO, and WV.

MC 151324 (Sub-3), filed November 6, 1981. Applicant: ALAN H. KRAMER, 29911 Awbrey Ln., Eugene, OR 97402. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting *lumber and wood products*, between points in OR, WA, CA, NV, and AZ.

MC 151504 (Sub-8), filed November 6, 1981. Applicant: PHELCO, INC., 11841 Missouri Bottom Rd., St. Louis, MO 63042. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses, (except commodities in bulk), between points in AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MO, MS, NE, NY, NC, NJ, OH, OR, PA, RI, SC, TN, TX, VA and WV.

MC 151505 (Sub-1), filed November 5, 1981. Applicant: RAM TRUCK LINE, INC., P.O. Box 1287, Mesquite, TX 75149. Representative: Bob R. Bunch (same address as applicant), (214) 475-1407. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with United Forwarding, Inc. of Omaha, NE.

MC 152244 (Sub-3), filed November 9, 1981. Applicant: TOTE, INC., P.O. Box 753, Sioux Falls, SD 57101. Representative: Thomas J. Simmons, 5301 North Cliff Ave., P.O. Box 480, Sioux Falls, SD 57101, (605) 339-3629. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Beale County, SD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152244 (Sub-4), filed November 9, 1981. Applicant: TOTE, INC., P.O. Box

753, Sioux Falls, SD 57101. Representative: Thomas J. Simmons, 5301 North Cliff Ave., P.O. Box 480, Sioux Falls, SD 57101, (605) 339-3629. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with Associated Milk Producers, Inc., of Freeman, SD.

MC 153605, filed November 9, 1981. Applicant: VIKING CONTINENTAL TRANSPORTATION CO., INC., 1100 Bristol Pike, Morrisville, PA 19067. Representative: Richard J. Habgood, 20 N. Pennsylvania Ave., Morrisville, PA 19067, (215) 295-7135. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Towne and Countrie Fab, Inc., of Exton, PA.

MC 154444, filed November 5, 1981. Applicant: PALMER G. LEWIS CO., INC., 525 C St., N.W., Auburn, WA 98002. Representative: Russell A. Evans, 410 Maynard Bldg., 119 First Ave. S., Seattle, WA 98104, (206) 622-1471. Transporting (1) *building materials* and (2) *such commodities* as are used in the building materials industry, between points in ID, MT, OR and WA.

MC 154675, filed November 3, 1981. Applicant: GEORGE VAN DYKE TRUCKING, INC., Rt. 3, Box 878N, Albany, OR 97321. Representative: George Van Dyke (same address as applicant), (503) 928-8412. Transporting *lumber and wood products, veneer, plywood and shakes*, between points in OR, WA and CA.

MC 155595 (Sub-1), filed November 2, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Rd., Dallas, TX 75212. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Chicago, IL 60603, (312) 263-1600. Transporting *such commodities* as are dealt in or used by retail or variety stores, between points in the U.S. (except AK and HI).

MC 156765, filed November 9, 1981. Applicant: STAR TRUCKING, Star Route, Shoshoni, WY 82649. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892-6700. Transporting *Mercer Commodities*, between points in SD, NE, WY, UT, and ND, on the one hand, and, on the other, points in SD, NE, WY, UT, ND, CO, MT, and ID.

MC 157205, filed November 2, 1981. Applicant: MICHAEL L. SATERWHITE, 4840 Textrum Ct. S.E., Salem, OR 97302. Representative: Michael L. Satterwhite (same address as applicant), (503) 378-0318. Transporting (1) *lumber and lumber products*, (2) *particle board*, (3)

sheetrock, (4) *roofing*, (5) *floor tile*, and *ceiling tile*, between points in OR, ID, and WA.

MC 159124, (Sub-1) filed November 9, 1981. Applicant: CANNONBALL EXPRESS, INC., 9100 "F" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106, (402) 392-1220. Transporting *animal feed and feed ingredients*, between points in the U.S. (except AK and HI), under continuing contract(s) with Rachele Laboratories, Inc., of Long Beach, CA.

MC 159124, filed November 9, 1981. Applicant: CANNONBALL EXPRESS, INC., 9100 "F" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106, (402) 392-1220. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lawn and garden supplies and equipment, between points in the U.S. (except AK and HI), under continuing contract(s) with O. M. Scott & Sons, of Marysville, OH.

MC 159164, filed November 5, 1981. Applicant: JONATHAN B. ROBINS TRANSPORT CO, INC., 150 Pennsylvania Ave., Kearny, NJ 07032. Representative: Ronald I. Shapps, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NY and NJ, on the one hand, and, on the other, points in MA, CT, PA, NY, NJ, DE, and MD.

MC 159165, filed November 5, 1981. Applicant: NANCY GONGLIEWSKI, 519 Broad St., Peckville, PA 18452. Representative: Nancy Gongliewski (same address as applicant), (717) 489-8474. As a *broker*, at Peckville, PA, in arranging for the transportation by motor vehicle of *passengers and their baggage*, between points in PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159174, filed November 9, 1981. Applicant: K. L. C., INC., P.O. Box 560, Carson, WA 98610. Representative: David R. Benson, 3170 N.W. Parkview Drive, Beaverton, OR 97006, (503) 223-3996. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Hampton Lumber Sales Company, of Portland, OR.

MC 159184, filed November 9, 1981. Applicant: CLAUSEN CONSTRUCTION, INC., P.O. Box 192, Clark, SD 57225. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103, (605) 335-1777. Transporting *food and related products*, between

points in the U.S. (except AK and HI), under continuing contract(s) with Chef-Reddy Foods Corporation of Othello, WA.

MC 159185, filed November 6, 1981. Applicant: ATLANTIC COAST EXPRESS, INC., 4425 Rising Sun Ave., Philadelphia, PA 19140. Representative: Ronald N. Corbert, 1730 M St., Suite 501, Washington, D.C. 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Atlantic Coast Shippers Association, Inc., of Philadelphia, PA.

MC 159204, filed November 9, 1981. Applicant: ROBERT LOY d.b.a. LOY BUS LINES, 4616 Central Ave., Knoxville, TN 37912. Representative: H. W. Asquith, 809-816 Bank of Knoxville Bldg., Knoxville, TN 37902, (615) 524-4621. Transporting *passengers and their baggage* in charter and special operations, beginning and ending at points in Knox, Anderson, Blount, Sevier, and Jefferson Counties, TN, and extending to points in the U.S. (except HI).

Volume No. OPY-4-440

Decided: November 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 142096 (Sub-20), filed November 5, 1981. Applicant: MILLER BROS. TRUCKING CO., INC., 4100 West Mitchell St., Milwaukee, WI 53215. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *such commodities* as are dealt in or used by glass and container manufacturers, between the facilities owned or used by Foster-Forbes Glass Company, Div. of National Can Corporation, and points in and east of ND, SD, NE, CO, and NM.

MC 145636 (Sub-21), filed November 5, 1981. Applicant: BOB BRINK, INC., 165 Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, 128½ East 3rd St., P.O. Box 676, Winona, MN 55987, (507) 454-3914. Transporting *food and related products*, between points in WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145636 (Sub-22), filed November 5, 1981. Applicant: BOB BRINK, INC., 165 Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, 128½ East 3rd St., P.O. Box 676, Winona, MN 55987, (507) 454-3914. Transporting *general commodities* (except classes A and B explosives and household goods),

between Brown County, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151896 (Sub-3), filed November 5, 1981. Applicant: JENKO TRANSPORTATION, INC., Route 5, Box 117, Winchester, KY 40391. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601, (502) 227-7384. Transporting *such commodities* as are dealt in or used by manufacturers of furniture, industrial supplies, metal products, machinery, tools, motor vehicles, and fertilizer, between points in AR, CA, GA, IL, IN, IA, KY, MI, NO, NC, OH, PA, SC, TN, TX, VA, WA, WV, and WI.

MC 152366 (Sub-2), filed November 6, 1981. Applicant: AMERICAN COLLOID CARRIER CORP., P.O. Box 951, Scottsbluff, NE 69361. Representative: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202, (303) 692-6700. Transporting *ores and minerals; coal and coal products; petroleum and petroleum products; lumber and wood products; chemicals and related products; rubber and plastic products; clay, concrete, and glass products; metal products; machinery; transportation equipment; building materials; and Mercer commodities*, between points in the U.S. (except AK and HI).

MC 154646 (Sub-9), filed November 5, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *clay, concrete, glass or stone products*, between points in IA, IL, KS, NO, NE, ND, MN, SD, WI, and WY.

MC 159156, filed November 5, 1981. Applicant: EUGENE E. HANSON, P.O. Box 258, Port Orford, OR 97465. Representative: John A. Anderson, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224-5525. Transporting (1) *lumber and wood products*, between points in OR, WA, CA, ID, and MT, on the one hand, and, on the other, points in OR, WA, CA, ID, MT, NV, UT, WY, CO, AZ, NM, ND, SD, NE, KS, OK, TX, MN, WI, IA, IL, MO, AR, LA, MI, IN, OH, and KY, and (2) *building materials*, between points in OR, WA, CA, ID, and MT, on the one hand, and, on the other, points in OR, WA, CA, ID, MT, UT, NV, CO, AZ, NM, WY, OK, TX, MO, IL, MN, and AR.

MC 159206, filed November 9, 1981. Applicant: FARMAN BROS. PICKLE CO., P.O. Box 457, Enumclaw, WA 98022. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. Transporting *food*

and related products, between points in WA, OR and CA.

Volume No. OPY-4-442

Decided: November 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

FF-577, filed October 22, 1981. Applicant: RAINIER OVERSEAS, INC., Plaza 600 Bldg., Suite 1920, 600 Stewart St., Seattle, WA 98101. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453-0321. As a *freight forwarder*, in connection with the transportation of *household goods*, between points in the U.S., including AK and HI.

MC 5117 (Sub-17), filed October 26, 1981. Applicant: VAN SOMEREN TRANSFER, INC., 420 8th Ave., Baldwin, WI 54002. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927-8855. Transporting (1) *metal products*, and (2) *machinery*, between points in St. Croix, Pierce, and Polk counties, WI, on the one hand, and, on the other, points in MN, IA, IL, IN, and MI.

MC 144867 (Sub-8), filed October 30, 1981. Applicant: R & J TRANSPORT, INC., 929 N. 24th St., Manitowoc, WI 54220. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53707, (608) 256-7444. Transporting *machinery*, between Milwaukee, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145837 (Sub-3), filed October 29, 1981. Applicant: WIRT TRANSPORT, INC., 400 Martin St., Bay City, MI 48706. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349-3980. Transporting *fly ash*, between points in MI, OH, IN, KY, IL, PA, WV, and WI.

MC 147537 (Sub-3), filed October 29, 1981. Applicant: WOODROW NORMAN CALDWELL, d.b.a. WOODY'S TRANSFER AND STORAGE, 122 Old Stage Coach Rd., Dumfries, VA 22036. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282-3809. Transporting *household goods*, between Washington, DC, and points in VA, on the one hand, and, on the other, points in AR, LA, MD, MS, OK, and TX.

MC 147547 (Sub-21), filed October 15, 1981. Applicant: R & D TRUCKING COMPANY, INC., 401 Mars Hill Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37217, (615) 244-8101. Transporting *general commodities* (except classes A and B explosives,

household goods, and commodities in bulk), between Chicago, IL, Indianapolis, IN, Nashville, TN, and San Francisco, CA, and points in Fayette and Woodford Counties, KY, Muscatine County, IA, Bristol County, MA, and Westchester County, NY, on the one hand, and, on the other points in the U.S. (except AK and HI).

MC 147807 (Sub-13), filed October 30, 1981. Applicant: TERESI TRUCKING, INC., 900 1/2 Victor Rd., P.O. Box 819, Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. (415) 986-8696. Transporting *metal products*, between points in Alameda and San Joaquin Counties, CA, on the one hand, and, on the other, points in CO.

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Decided: November 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 59457 (Sub-62), filed November 2, 1981. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., 6 Old Amity Rd., Bethany, CT 06525. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, MD, WV, VA, NC, SC, GA, FL, AL, TN, KY, OH, IN, IL, MI, MO and DC.

MC 114107 (Sub-9), filed November 2, 1981. Applicant: RONALD ELLIOTT CLARK, d.b.a. CLARK'S TRUCKING AND EXCAVATING, 13612 Bohannon Lane, Valley Station, KY 40272. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI) under continuing contract(s) with Kosmos Cement Company, Inc. of Louisville, KY.

MC 133037 (Sub-9), filed November 2, 1981. Applicant: MILE-HI EXPRESS, INC., 1335 E. 40th St., Denver, CO 80205. Representative: Jack B. Wolfe, 1600 Sherman, #665, Denver, CO 80203. Transporting *food and related products*, between points in Denver, Arapahoe, Adams, Jefferson, Douglas, Boulder, Larimer, EL Paso and Pueblo Counties, CO on the one hand, and, on the other, points in Laramie, Albany, Carbon, Natrona and Platte Counties, WY and those in New Mexico on and north of Interstate Highway 40.

MC 141867 (Sub-31), filed November 2, 1981. Applicant: SPECIALIZED

TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Transporting *commodities that are dealt in or used by manufacturers of insulation materials* between points in the U.S. in and west of ND, SD, NE, MO, AR and LA.

MC 141867 (Sub-32), filed November 2, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. (206) 624-7373. Transporting *commodities that are dealt in or used by manufacturers and distributors of containers, plastic articles and paper articles* between points in the U.S. in and west of ND, SD, NE, MO, AR and LA.

MC 142747 (Sub-3), filed November 3, 1981. Applicant: TATECO, INC., No. 1 Cheddar Lane, Valley City, IL 62340. Representative: Micheal W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with Armour & Company, Monroe, WI.

MC 144117 (Sub-79), filed November 2, 1981. Applicant: TLC LINES, INC., 1666 Fabick Drive, Fenton, MO 63026. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60068, (312) 698-2235. Transporting *petroleum products* (except commodities in bulk), between Lemont, IL, on the one hand, and, on the other, points in the U.S.

MC 146807 (Sub-34), filed November 2, 1981. Applicant: S-n-W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Edward F. V. Pietrowski, 430 Scranton Life Bldg., Scranton PA 18503 (717) 346-5761. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in PA, AL, AZ, CA, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, KT, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, TN, TX, UT, VA, WA, WV, and WI, on the one hand, and, on the other, points in the U.S.

MC 153167, filed November 2, 1981. Applicant: ANGELICA ENTERPRISES, INC., Park Circle, Angelica, NY 14709. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. Transporting *steel products*, between points in the U.S. under continuing contract(s) with Bulk-Tainers Corp., of Belmont, NY and Genesee Steel and Tank Incorporated, of Belfast, NY.

MC 154667 (Sub-4), filed November 3, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address as applicant), (919) 228-2239. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S.; under continuing contract(s) with ITOFCA, Inc., of Downers Grove, IL.

MC 154707 (Sub-1), filed November 2, 1981. Applicant: LOUIS SHANNON, INC., P.O. Box 284, West Rutland, VT 05777. Representative: Jack R. Abell, P.O. 975, Rutland, VT 05701, (802) 775-2100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with United States Gypsum Company, of Chicago, IL, and its subsidiaries of A. P. Green Refractories Company, of Mexico, MO, The E. J. Bartells Company, of Renton, WA, Bigelow-Liptak Corporation, of Southfield, MI, Bigelow-Liptak of Canada, Limited, of Mississauga, Ontario, Canada, Bigelow-Liptak Export Corporation, of Houston, TX, A. P. Green Refractories (Canada), Ltd., of Weston, Ontario, Canada, A. Lynn Thomas Company, Incorporated, of Richmond, VA, Canadian Gypsum Company, Limited, of Toronto, Ontario, Canada, C.N.G. Distribution, Limited, Toronto, Ontario, Canada, Fundy Gypsum Company, Limited, of Windsor, Nova Scotia, Canada, Little Narrows Gypsum Company, Limited, of Toronto, Ontario, Canada, Peeters Carpets, Ltd., of Toronto, Ontario, Canada, Durabond Products Company, of Rosemont, IL, Permalastics Products, Incorporated, of Rosemont, IL, Kinkead Industries, Incorporated and Duratherm Company, both of Downers Grove, IL, L&W Supply Corporation, Columbia Building Materials Corp., C-S-W Drywall Supply Company, Gypsum Services Corporation, Stocking Specialists, Inc., United States Gypsum Export Company, and USG Insulation Company, all of Chicago, IL, North Bay Building Materials Co., Inc., of Valleyjo, CA, Sequoyah Carpet Corporation, of Anadarko, OK, Hollytex Carpet Mills, Inc., of City of Industry, CA, and Wiss, Janey, Elstner and Associates, Incorporated, of Northbrook, IL.

MC 156177, filed November 2, 1981. Applicant: LORA Z. MCGEE, d.b.a. MCGEE TRUCKING, Rt. 1 B 187E, Eagle Creek, OR 97022. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting *building materials*, between Portland, OR, on the one hand,

and, on the other, points in WA, OR, CA, UT, NV, WY, ID, and MT.

MC 157497 (Sub-2), filed November 2, 1981. Applicant: IVAN HABECK, Route 1, Box M-8, Ipswich, SD 57451. Representative: John T. Wirth, 717-17th St., Suite 2600, Denver, CO 80202, (303) 812-6700. Transporting *metal products*, between points in the U.S., under continuing contract(s) with National Steel Products Company, Inc., of Taylorville, IL.

MC 159106, filed November 3, 1981. Applicant: SOUTHWEST FREIGHT LINES, INC., P.O. Box 2389, Grand Rapids, MI 49501. Representative: Michael P. Zell (same address as applicant), (616) 774-0400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of MT, WY, CO, and NM.

Volume No. OPY-4-444

Decided: November 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 158277, filed November 2, 1981. Applicant: O. K. ESTATE & AUCTION COMPANY, INC., d.b.a. O. K. WRECKER SERVICE, 2922 N. "A" St., Wellington, KS 67152. Representative: Paul V. Dugan, 2707 W. Douglas, Wichita, KS 67213, (316) 943-2325. Transporting *wrecked and disabled vehicles*, between points in Sumner County, KS, on the one hand, and, on the other, points in OK.

MC 159027, filed October 29, 1981. Applicant: EXPRESSWAY, INC., P.O. Box 697, Greer, SC 29652. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606, (803) 288-6000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between points in GA, NC, and SC, and (2) between points in GA, NC, and SC on the one hand, and, on the other, Los Angeles and San Francisco, CA, Chicago, IL, Boston, MA, St. Louis, MO, Newark, NJ, New York, NY, and Memphis, TN, and points in St. Charles County, MO.

MC 159097, filed November 2, 1981. Applicant: WILLARD K. WIEST, 508 S. Market St., Martinsburg, PA 16662. Representative: Frederick B. Gieg, Jr., 435 Central Trust Bldg., Altoona, PA 16603, (814) 946-1606. Transporting *metal products*, between Baltimore, MD, Newark, NJ, New Haven, CT, and New York, NY, on the one hand, and, on the other, points in Blair County, PA.

MC 159107, filed November 2, 1981. Applicant: J. V. H. INTERPRISES, 23115 Samuel St., Torrance, CA 90505. Representative: James Van Hosen (same as applicant), (213) 375-8727. Transporting *machinery and parts, articles including objects of art, displays and exhibits, which because of the unusual nature and value require the specialized handling and special equipment uncommon to the trucking industry*, between points in CA, FL, NJ, NY, IN, IL, GA, TX, NE, OR and WA.

MC 159137, filed November 3, 1981. Applicant: PELLA/LINCOLN CONTRACT CARRIER, INC., 48th & Progressive Ave., Lincoln NE 68504. Representative: Max H. Johnston, P.O. Box 6597, Lincoln NE 68504, (402) 488-4841. Transporting *building materials*, between points in the U.S. under continuing contract(s) with General Products Company, Inc., of Fredericksburg, VA.

Volume No. OPY-4-445

Decided: November 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 127047 (Sub-50), filed November 5, 1981. Applicant: ED RACETTE & SON, INC., 6021 N. Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265-2634. Transporting *Mercer commodities*, between points in KS, on the one hand, and, on the other, points in the U.S.

MC 128497 (Sub-18), filed November 4, 1981. Applicant: JACK LINK TRUCK LINE, INC., P.O. Box 127, Dyersville, IA 52040. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60068, (312) 698-2235. Transporting *food and related products*, (except commodities in bulk) between points in Blackhawk and Louisa Counties, IA and Kenosha County, WI, on the one hand, and, on the other, points in IN, MI, MN, MO, NE, and OH and Des Moines, IA and Denver, CO.

MC 149497 (Sub-19), filed November 5, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), (715) 359-2907. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Schwartz Metals Group, of Des Moines, IA.

MC 157517 (Sub-1), filed November 4, 1981. Applicant: WESTRUCK, INC., 1714 Pontic Road, Fairview Heights, IL 62208. Representative: Emery Waters (same address as applicant), (618) 398-2144.

Transporting reclaimed rubber and such commodities as are dealt in or used by food and drug houses, between points in FL, GA, IL, MN, MO and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC-157917, filed November 4, 1981. Applicant: J & J OIL, INC., P.O. Box 150, Highway 18 West, Dodgeville, WI 53533. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. Transporting *petroleum, natural gas*, and their products, points in the U.S. (except AK and HI), under continuing contract(s) with Iowa Oil Company, Inc., of Dubuque, IA, and Martin Bros. Oil Co., of Dodgeville, WI.

MC 158507, filed November 6, 1981. Applicant: ALEX CITY SALT TERMINAL, INC., P.O. Box 352, Alexander City, AL 35010. Representative: Donald B. Sweeney, Jr., P.O. Box 2386, Birmingham, AL 35201 (205) 254-3880. Transporting (1) *chemicals and related products*, and (2) *salt and salt products*, between points in Tallapoosa County, AL, on the one hand, and, on the other, points in FL, GA, MS, AL, and TN. 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.

Volume No. OPY-5-199

Decided: November 12, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 26639 (Sub-8), filed November 2, 1981. Applicant: DEL TRANSPORT, INC., P.O. Box 6125, Providence, RI 02940. Representative: Frank J. Weiner, 15 Court Sq., Boston, MA 02108, 617-742-3530. Transporting *general commodities* (except classes A and B explosives), between points in RI and MA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and DC.

MC 100449 (Sub-128), filed November 2, 1981. Applicant: MALLINGER TRUCK LINE, INC., 2100 North General Bruce Dr., Temple, TX 76501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, 515-245-4300. Transporting *food and related products*, between points in the U.S. in and west of MI, OH, KY, TN and AL (except ID, MT, OR, WA and WY).

MC 120078 (Sub-2), filed November 2, 1981. Applicant: KEY TRANSPORT, INC., 909 Colon St., Wilmington, CA 90744. Representative: David J. Marchant, One Maritime Plaza, San Francisco, CA 94111 (415) 954-0200. In foreign commerce only, transporting *general commodities* (except classes A and B explosives) having a prior or subsequent movement by water, between ports of entry in CA, WA, and OR, on the one hand, and, on the other, points in CA, OR, WA, ID, UT, NV, AZ, NM, WY, TX, CO, NE, KS, MO, IA, SD, MI, IL, OH, PA, NJ, GA, and TN.

MC 134978 (Sub-26), filed November 2, 1981. Applicant: C. P. BELUE, d.b.a. BELUE'S TRUCKING, Rt. 3, Campobello, SC 29322. Representative: Mitchel King, Jr., P.O. Box 5711, Greenville, SC 29606 (803) 288-6000. Transporting *pulp, paper and related products* (a) between points in GA, NC, SC, and TN, and (b) between points in GA, NC, SC, and TN, on the one hand, and, on the other, points in AL, CT, DE, FL, KY, MD, MS, NJ, NY, OH, PA, VA, and WV.

MC 140688 (Sub-2), filed November 2, 1981. Applicant: NICOLL TRUCKING (MEDICINE HAT) LTD., P.O. Box 8009, Station F, Calgary, Alberta, Canada T2J 4B4. Representative: John T. Wirth 717-17th St., Denver, CO 80202 (303) 892-6700. Transporting *Mercer Commodities*, between ports of entry on the international boundary between the U.S. and Canada at points in WA, ID, MT, and ND, on the one hand, and, on the other, points in MO, OH, IL, PA, IN, and LA, and points in and west of ND, SD, NE, KS, OK, and TX.

MC 140889 (Sub-23), filed October 30, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, One Public Square, Suite 1001, Cleveland, OH 44113, 216-589-0448. Transporting *furniture and fixtures*, between points in the U.S. under continuing contract(s) with Beacon Company & Northeast Furniture Rental & Leasing, Inc. of Akron, OH.

MC 146108 (Sub-5), filed November 2, 1981. Applicant: BIG T TRANSFER, INC., P.O. Box 287, 2614 Jacobs Ave., New Albany, IN. 47150. Representative: Harold C. Jolliff, 3242 Beech Dr., Columbus, IN 47201, 812-379-2556. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Olympic Stain, a Division of Comerco, Inc., of Louisville, KY.

MC 149078 (Sub-11), filed October 30, 1981. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd., P.O. Box 3637, Ontario, CA 91761. Representative:

Robert Fuller, 13215 E. Penn St., Ste 310 Whittier, CA 90602, 213-945-3002.

Transporting *meat, meat-by-products, and articles distributed by meat packing houses*, between points in Finney and Seward Counties, KS; and Potter County, TX, on the one hand, and, on the other, points in the U.S. (except AK & HI).

MC 150939 (Sub-26), filed November 2, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, 412-471-1800. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S. under continuing contract(s) with Cities Service Company of Pittsburgh, PA.

MC 151948 (Sub-1), filed October 30, 1981. Applicant: C & E TRANSPORT, INC., 1001 Wyoming Ave., Scranton, PA 18509. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108, 717-232-8000. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S. under continuing contract(s) with Lindenmeyr Paper Corporation of Long Island City, NY.

MC 152509 (Sub-19), filed November 2, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS, CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant) 216-566-2677. Transporting *such commodities* as are dealt in by retail drug stores, between points in the U.S. under continuing contract(s) with Revco D.S., Inc. of Twinsburg, OH.

MC 153458, filed November 2, 1981. Applicant: EL PASEO TOURS, INC., 298 Whitney St., Chula Vista, CA 92010. Representative: Luis F. Favela (same address as applicant) 714-427-8630. Transporting *passengers and their baggage* in the same vehicle with passengers in special and charter operations, in motor vehicles not exceeding 14 passengers (excluding the driver), between points in CA, on the one hand, and, on the other, points in the U.S.

MC 153458 (Sub-1), filed November 2, 1981. Applicant: EL PASEO TOURS, INC., 298 Whitney St., Chula Vista, CA 92010. Representative: Luis F. Favela (same address as applicant) 714-427-8630. As a *broker* at Chula Vista, CA in arranging the transportation of passengers and their baggage in motor vehicles not exceeding 14 passengers (excluding the driver), between points in

CA on the one hand, and, on the other, points in the U.S.

MC 154998 (Sub-1), filed October 23, 1981. Applicant: BUCKLEY MACHINERY COMPANY, P.O. Box 19433, Kansas City, MO 64141. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068 (816) 781-6000. Transporting *machinery and transportation equipment* between points in the U.S., under continuing contract(s) with Contractors Equipment & Rental, Inc., of Independence, MO, and Pitman Manufacturing, Division of Emerson Electric, of Grandview, MO.

MC 155358, filed October 9, 1981. Applicant: WING TRANSPORT, INC., 712 Paquin Street, Waterville, MN 56096. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, No. 307, Edina, MN 55424 (612) 927-8855. Transporting (1) *food and related products* between points in Rice County, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI) and (2) *fiberglass containers, drums and barrels* between Minneapolis, MN, on the one hand, and, on the other, points in IA, NE, and WI.

MC 156879, filed November 6, 1981. Applicant: STOWERS & SONS TRUCKING, INC., Rt. 1, Box 348, West Hamlin, WV 25571. Representative: John H. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526 (304) 562-3460. Transporting *Mercer Commodities*, between points in NY, PA, OH, WV, VA, KY and TN.

MC 157278, filed October 30, 1981. Applicant: FARM TRANSPORT CO., 1685 K St., Gering, NE 69341. Representative: Phillip M. Kelly, 105 East 16th St., Scottsbluff, NE 69361, 308-632-7191. Transporting *agricultural machinery*, between points in IA, IL, PA, OH, IN, MN, WI, NE, KS, ND, SD, WY, CO, MT and MO.

MC 159038, filed October 29, 1981. Applicant: DANIEL K. FISK, d.b.a. DAN-A-WAY CHARTER LINE, 304 West 1st Ave., Coal Valley, IL 61240. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515-282-3525. Transporting *passengers and their baggage* in the same vehicle with passengers, (1) in special and charter operations, beginning and ending at points in Rock Island, Whiteside, Henry, Mercer, Warren, Henderson, McDonough, Fulton, Peoria, Knox, Stark, Marshall, Putnam, Bureau, Lee, Ogle, and Carroll Counties, IL and Scott, Clinton, Jackson, Jones, Cedar, Muscatine, Johnson, Washington, Des Moines, Louisa, and Henry Counties, IA, and extending to points in the U.S. (2) in charter

operations, between points in IL, IA, MN and WI, on the one hand, and, on the other, points in Polk, Dubuque, Davenport and Black Hawk Counties, IA; Rock Island County, IL; and Dodge County, WI.

MC 159078, filed November 2, 1981. Applicant: J. T. L. TRUCKING, P.O. Box 8306 Roseville, MN 55113. Representative: Robert P. Sack, P.O. Box 6010 West St. Paul, MN 55118, 612-457-6889. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with M & S Supply, Inc. of Minneapolis, MN.

MC 159108, filed November 2, 1981. Applicant: G. P. GUINN, INC., 100 Carolina, Borger, TX 79007. Representative: Grady L. Fox, 3505 Olsen Blvd., Room 120, Amarillo, TX 79109, 806-352-5209. Transporting *Mercer commodities*, between points in TX, OK, KS and NM.

MC 159119, filed November 3, 1981. Applicant: RAY COOPER, d.b.a. RAY'S TRUCKING CO Box 84 Paragon, IN 46166. Representative: Richard E. Aikman, Jr., 300 Merchants Bank Bldg., Indianapolis, IN 46204. Transporting (1) *lumber and wood products*, and (2) *forest products* between points in IN, KY, TN, OH, NC, IL, MI, and MO.

Volume No. OPY-5-201

Decided: November 13, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF-578, filed November 6, 1981. Applicant: U.S. EXPRESS, INC., 137-44 94th Ave., Jamaica, NY 11435. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, D.C. 20036, (202) 887-5868. To operate as a *freight forwarder* transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 127049 (Sub-17), filed November 4, 1981. Applicant: KRUEPKE TRUCKING, INC., 2881 Highway 45, Jackson, WI 53037. Representative: Charlis E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901, (808) 742-3579. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in FL, GA, IL, MI, MN, TN, and WI on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 144969 (Sub-41), filed November 4, 1981. Applicant: WHEATON CARTAGE CO., Industrial Park and Tufts Rd., Pennsville, NJ 08070. Representative: Lawrence J. Distefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, 609-825-1400.

Ext. 2414. Transporting *food and related products*, between Philadelphia, PA, on the one hand, and, on the other, points in the U.S.

MC 144969 (Sub-42), filed November 2, 1981. Applicant: WHEATON CARTAGE CO., Industrial Park and Tufts Rd., Pennsville, NJ 08070. Representative: Lawrence J. Distefano, Jr., 1101 Wheaton Ave., P.O. Box 269, Millville, NJ 08332, 609-825-1400, Ext. 2414. Transporting *general commodities* (except household goods and classes A & B explosives) between Philadelphia, PA, on the one hand, and, on the other, points in the U.S.

MC 145708 (Sub-3), filed November 4, 1981. Applicant: WILLIAM A. LONG, INC., Bealeton, VA 22712. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814, (703) 439-3423. Transporting (1) *rubber and plastic products*, and (2) *pulp, paper and related products*, between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 146239 (Sub-6), filed November 4, 1981. Applicant: INTERNATIONAL FOODS TRANSPORT, INC., P.O. Box 127, Hope, NJ 07844. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Bunge Edible Oil Corporation, of Kankakee, IL.

MC 146659 (Sub-9), filed November 5, 1981. Applicant: GOLDSTON TRANSFER, INC., P.O. Box 1059, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), (919) 627-7115. Transporting *textile products* between points in Guilford, Duplin, and Gaston Counties, NC, and Hall County, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146758 (Sub-21), filed November 5, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant), (800) 533-6038. Transporting *pulp, paper and related products* between points in Portage and Wood Counties, WI, on the one hand, and, on the other, points in MN, IA, FL, and TX.

MC 148149 (Sub-2), filed October 29, 1981. Applicant: INDUSTRIAL TRUCKING CO., INC., 382 Newbury St., Danvers, MA 01923. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109, (617) 523-0800. Transporting *general commodities* (except classes A and B explosives, and household goods

as defined by the Commission), between points in MA.

Note.—The purpose of this application is to convert applicant's Certificate of Registration No. MC 98049 (Sub-1), issued January 15, 1974, to a certificate of public convenience and necessity.

MC 150078 (Sub-2), filed November 3, 1981. Applicant: FALL MOUNTAIN TRANSPORT, INC., P.O. Box 170, Charlestown, NH 03603. Representative: James M. Burns, 1383 Main St., Springfield, MA 01103, (413) 781-8205. Transporting *petroleum, natural gas, and their products*, between points in MA, NH, RI, and VT.

MC 151448 (Sub-3), filed November 4, 1981. Applicant: BERNS TRANSPORTATION, INC., 4585 So. Harding St., Indianapolis, IN 46217. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *such commodities* as are dealt in by manufacturers of pharmaceutical, cosmetic, packaging, and agricultural products, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 158588, filed November 5, 1981. Applicant: JAMES K. HALVERSON, Route 1, 1748 Spring Rd., Stoughton, WI 53589. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *sand, gravel, and stone*, between points in the U.S., under continuing contract(s) with Wisconsin Brick & Block, Corp., of Madison, WI.

MC 159128, filed November 3, 1981. Applicant: F. & T. TRUCKING COMPANY, 6800 12 Nolan Ave., North Bergen, NJ 07047. Representative: Jack L. Schiller, 123-60 83rd Avenue, Kew Gardens, NY 11415, (212) 263-2078. Transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission, and classes A and B explosives), between New York, NY, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, MA, MD, MI, NC, NJ, NY, OH, PA, RI, SC, TX, VA, WV, and DC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33637 Filed 11-20-81; 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 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.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPI-305

Decided: November 10, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 117160 (Sub-8), filed November 3, 1981. Applicant: ROBERTS CARTAGE, INC., P.O. Box 7162, Akron, OH 44312. Representative: R. Bruce Keiner, Jr., 1100 Connecticut Ave. N.W., Washington, DC 20036 (202) 452-5887. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 151510 (Sub-1), filed November 2, 1981. Applicant: P & L TRUCKING SERVICE, INC., 3592 Ivy Street, P.O. Box 7237, Denver, CO 80207. Representative: Nancy P. Bigbee, 745 E. 18th Ave., Suite 101, Denver, CO 80203, (303) 839-0057. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152041 (Sub-1), filed November 2, 1981. Applicant: LOUIS A. & VERNA L. LANDIS, d.b.a. LOVE TRUCKING, 3728 Whitefield Way, Modesto, CA 95356. Representative: Louis A. Landis (same address as applicant), (209) 577-5115. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158500, filed September 28, 1981, previously noticed in the **Federal Register** issue of October 14, 1981. Applicant: GENERAL FREIGHT, INC., P.O. Box 2087, Sebastian, FL 32958. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518, (215) 385-6068. As a *broker of general commodities* (except household goods), between points in the U.S.

Note.—This republication clarifies the commodity description.

MC 159091, filed November 2, 1981. Applicant: SANG EXPEDITING, INC., 1612 Harvest Lane, Ypsilanti, MI 48197. Representative: Robert E. McFarland, 2855 Collidge Rd., Ste. 201A, Troy, MI 48084, (313) 649-6650. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *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, and (4) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 159150, filed November 4, 1981. Applicant: NEW MARKET TRANSPORTATION SERVICE, INC., 11 Sawmill Road, Stockholm, NJ 07460. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP1-306

Decided: November 13, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating in part.)

MC 159141, filed November 4, 1981. Applicant: RANDELL KENT LANCE, d.b.a. M & R PRODUCE DISTRIBUTORS, Garden Heights, Apt. 25, Red Bud Rd., Calhoun, GA 30701. Representative: Randell Kent Lance (same address as applicant), (404) 434-8639. 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.

Volume No. OPY-3-213

Decided: November 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 144315 (Sub-9), filed October 28, 1981. Applicant: PORT CITY LEASING, INC., P.O. Box 498, Lewiston, ID 83501. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071.

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. [except AK and HI].

MC 154335 (Sub-1), filed November 9, 1981. Applicant: FUELL TRANSPORTATION CO., INC., 1401 Fairfax Trafficway, Building D, Kansas City, KS 66115. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842-8600. 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. [except AK and HI].

MC 159135, filed November 3, 1981. Applicant: CERTIFIED BROKERAGE SERVICES, INC., P.O. Box 2097, Hagerstown, MD 21740. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, (301) 840-8565. As a *broker of general commodities* [except household goods], between points in the U.S.

Volume No. OPY-4-439

Decided: November 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 159126, filed November 3, 1981. Applicant: GARY ALLEN FISHMAN d.b.a. E-CON TRANSPORT, 3001 Miller, Hamtramck, MI 48212. Representative: Robert W. Gagniak, 28 N. Saginaw, Suite 901, Pontiac, MI 48058, (313) 334-0611. As a *broker of general commodities* [except household goods], between points in the U.S.

MC 159166, filed November 5, 1981. Applicant: INTERWEST TRANSPORTATION CO., INC., 11855 North 19th Ave., Suite 6, Phoenix, AZ 85029. Representative: Francis J. Otis (same address as applicant), (602) 995-9396. As a *broker of general commodities* [except household goods], between points in the U.S.

Volume No. OPY-5-200

Decided: November 12, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-111839 (Sub-13), filed November 2, 1981. Applicant: BEE LINE EXPRESS, INC., P.O. Box 6296-A, Birmingham, AL 35217. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201, 205-254-3800. Transporting *transporting shipments weighing 100 pounds or less*, if transported in a motor vehicle in which

no one package exceeds 100 pounds, between points in the U.S.

MC 159058 filed October 30, 1981. Applicant: COURTESY MOVING & STORAGE, INC., P.O. Box 4405, Portland, OR 97208. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, 503-288-7321. Transporting for or on behalf of the United States Government, (1) *general commodities* [except used household goods, hazardous or secret materials, and sensitive weapons and munitions], between points in the U.S.; (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.; (3) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.; and (4) as a *broker of general commodities* [except household goods], between points in the U.S.

MC 159059 filed October 30, 1981. Applicant: SOO TRANSPORTATION SERVICES, LTD., 1308 West Easterday St., Sault Ste. Marie, MI 49783. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48050, 313-349-3980. As a *broker of general commodities* [except household goods], between points in the U.S.

MC 159088 filed November 2, 1981. Applicant: AARCO, INC., 1609 Norwood Dr., Eagan, MN 55121. Representative: Stanly C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, 612-927-8855. As a *broker of general commodities* [except used household goods], between points in the U.S.

Volume No. OPY-5-202

Decided: November 13, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 113658 (Sub-58), filed November 3, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Avenue NW., Washington, D.C. 20036, 202-223-5900. Transporting *general commodities* [except classes A & B explosives], between Merrillville, IN, on the one hand, and, on the other, points in the U.S. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to the commencing operations, that all rail service on the Chesapeake and Ohio RR, whose abandonment was approved, has actually terminated at all of the involved points.

Note.—Applicant intends to tack this authority with its regular-route authority

contained in MC-113658 and subs thereunder. The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service.

MC 159139, filed November 4, 1981. Applicant: INTERNATIONAL FREIGHT BROKERS, INC., P.O. Box 7123, Charlotte, NC 28217. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036, (202) 785-0024. To operate as a *broker of general commodities* [except household goods], between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-33641 Filed 11-20-81; 8:45 am]
BILLING CODE 7035-01-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room 4125, Department of the Treasury, 15th Street and Pennsylvania Avenue, Washington, D.C. on December 16 and 17, 1981 beginning at 9:30 a.m. each day.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion in the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, section 1242(a)(1)(B) and the minimum acceptable pass scores for its November 1981 examinations. A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the subject of the meeting falls within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: November 17, 1981.

Leslie S. Shapiro,
Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.

[FR Doc. 81-33634 Filed 11-20-81; 8:45 am]
BILLING CODE 4810-25-M

DEPARTMENT OF JUSTICE

United States v. Missouri Pacific Railroad Co.; Proposed Consent Decree in Action To Enjoin Discharge of Air and Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on November 6,

1981, a proposed consent decree in *United States v. Missouri Pacific Railroad Company* was lodged with the United States District Court for the Eastern District of Arkansas, Western Division. The proposed decree would require Missouri Pacific Railroad Company to apply for and obtain an NPDES permit for its Pike Avenue facility in North Little Rock, Arkansas; install and or maintain necessary pollution control equipment at its Hump Yard facility in North Little Rock, Arkansas; properly report and document discharges in excess of those authorized by NPDES permits; and pay a civil penalty of \$850,000 for past violations of its NPDES permit and section 301 of the Clean Water Act.

The Department of Justice will receive on or before December 23, 1981, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. Missouri Pacific Railroad Company*, D. J. Ref. 90-5-1-1095.

The proposed consent decree may be examined at the office of the United States Attorney, Federal Courthouse Building, Rm. 327, 600 West Capitol, Little Rock, Arkansas 72203, at the Region VI office of the Environmental Protection Agency, Enforcement Division, First International Building, 1201 Elm Street, Dallas, Texas 75270 and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1254), Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.10 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-33672 Filed 11-20-81; 8:45 am]

BILLING CODE 4410-01-M

United States v. Support Terminal Service, Inc.; Consent Decree in Action To Enforce Compliance With Clean Air Act

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a consent decree in *United States v. Support Terminal*

Service, Inc., was lodged with the United States District Court for the Northern District of Illinois. The decree requires Support Terminal Service, Inc. to comply with the applicable portion of the federally-approved Illinois state implementation plan at its Peru, Illinois gasoline loading terminal.

The Department of Justice will receive for a period of thirty (30) days from the date of the notice, written comments relating to the proposed consent decree. Comments should be addressed to the Deputy Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States v. Support Terminal Service, Inc.*, D.J. Ref. 90-5-2-1-354.

The consent decree may be examined at the office of the United States Attorney, Northern District of Illinois, Everett McKinley Dirksen Building, Room 1500 South, 219 S. Dearborn Street, Chicago, Illinois 60604, at the Region V office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 2644, 10th Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General,

Land and Natural Resources Division.

[FR Doc. 81-33673 Filed 11-20-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Michael J. McClara; Denial of Application

On September 24, 1981, the Acting Administrator of the Drug Enforcement Administration (DEA) directed an Order to Show Cause to Michael J. McClara (applicant), 3972 Miller Way, Sacramento, California, seeking to deny the application filed on February 7, 1979, for DEA registration in Schedules I through V under 21 U.S.C. 824 as an analytical laboratory. The statutory predicate for the Order is the fact that applicant is not registered for such activity with the State of California, and that he is not a practitioner as that term is defined in 21 U.S.C. 802(20) and used in 21 U.S.C. 824(a). Thirty days have elapsed since receipt of the Order and no response has been forthcoming.

Pursuant to 21 CFR 1301.54(d) and 1301.54(e), the Acting Administrator finds that McClara has waived his right to a hearing in this matter, and enters this Final Order on the record as it appears.

The Acting Administrator has examined the record and finds that Compliance Investigators from the DEA San Francisco District office interviewed McClara concerning his application. During these interviews, McClara indicated that he would be conducting anonymous analysis of illicit controlled substances in his home. He further indicated that he would conduct one or another of the following procedures: Testing for the presence of controlled substances in blood or urine samples submitted by drug rehabilitation centers; identification of samples of drugs submitted by drug rehabilitation centers; identification of drugs for police departments; and conducting tests of soil samples. The equipment for these procedures would be a polarized microscope. McClara has a degree in sociology with a minor in chemistry, and is pursuing a graduate degree in forensic science.

The Acting Administrator further finds that a polarized microscope alone is not sufficient equipment for an analytical laboratory to identify controlled substances in blood or urine. A polarized microscope alone cannot provide the degree of exactitude necessary to identify controlled substances for police departments. The Acting Administrator finds further that applicant lacks the scientific education necessary to run an analytical laboratory.

21 U.S.C. 802(20) defines a practitioner, in pertinent part, as a "physician, dentist, veterinarian, scientific investigator * * * or other person licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices or does research, to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research." Mr. McClara is not a physician, dentist or veterinarian. He would be registered with DEA, if at all, as a scientific investigator. The Controlled Substances Act contains no explicit definition of "scientific investigator." However, the term "scientific investigator" is used to denote a person who is permitted by the United States or the jurisdiction in which he does research to conduct research concerning, or analyze, controlled substances. The State of

California does not license analytical laboratories. The question is whether this applicant is a "scientific investigator" who analyzes controlled substance. The Acting Administrator finds that Mr. McClara is not a "scientific investigator."

Congress created in the Controlled Substances Act a system in which qualified registrants may possess, dispense, prescribed or otherwise handle controlled substances. In the case of physicians, dentists and veterinarians, the states have established criteria for licensure demonstrating a minimal level of competence, and an ability to responsibly handle controlled substances. The states cannot, or will not, regulate every conceivable repository for controlled substances or every profession that could conceivably handle controlled substances. 21 U.S.C. 802(20) recognized that fact by defining a practitioner as a scientific investigator who is permitted, or registered, under state or Federal law to conduct research concerning, or to analyze, controlled substances. The term "scientific investigator" cannot be devoid of meaning. If it were, any individual in a state that does not regulate analytical laboratories who desires access to controlled substances may have that access simply by describing himself as a "scientific investigator." It would be incongruous to strictly regulate the access of other practitioners to controlled substances while permitting "scientific investigators" unlimited access. This especially so if a purported analytical laboratory can obtain registration on the assertion of the would-be operator that he or she is qualified to run an analytical laboratory. Exactly this situation is at issue in this case. The applicant, McClara, lacks the education and training to run an analytical laboratory. He lacks the equipment to conduct the analyses and tests he told DEA he wished to conduct. The first responsibility of DEA is to protect the public health and safety. DEA would be remiss in its duties if it granted this application for registration.

The Acting Administrator finds that Michael J. McClara, the applicant herein, does not meet the definition of a "practitioner" found in 21 U.S.C. 802(20). It is the decision of the Acting Administrator to deny the application filed by Michael J. McClara on February 7, 1979, for registration with DEA in Schedules I through V as an analytical laboratory. Accordingly, pursuant to the authority vested in the Attorney General by 21 U.S.C. 824, and redelegated to the Administrator of the Drug Enforcement

Administration, the Acting Administrator hereby denies the application filed February 7, 1979, effective immediately.

Francis M. Mullen, Jr.,
Acting Administrator.

November 17, 1981.

[FR Doc. 81-33718 Filed 11-20-81; 8:45 am]

BILLING CODE 4410-09-M

METRIC BOARD

Metric Board Review of American National Metric Council Instrument Sector Conversion Plan—Final Comments and Public Hearing

Correction

In FR Doc. 81-33452 appearing at page 56771 in the issue of Wednesday, November 18, 1981, in the second column in the "FOR FURTHER INFORMATION CONTACT:" paragraph, the telephone number is incorrect. The telephone number should read "(703) 235-2583".

BILLING CODE 1505-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Tuesday and Wednesday, December 8-9, 1981. The first morning session of the meeting may be held at the Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. and the first afternoon session and entire second day of the meeting will be held at Page Building #1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations and State and local government, was established by Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on

a selective basis, of the status of the Nation's marine and atmospheric activities, and submit other reports as may from time to time be requested by the President or Congress.

The tentative agenda is as follows:

Note.—Please note that the first morning session of this meeting may be held at the Department of Commerce; the afternoon session of the first day and the sessions of the second day will be held at the Page Complex in Page Building #1.

Tuesday, December 8, 1981

9:00 a.m.—12:00 Noon—Plenary

Tentative

Swear-In Ceremony for New Members
(Location TBA)

- Guest Speaker (TBA)

12:00 Noon—Lunch

2001 Wisconsin Avenue, NW., Page Building #1, Rooms B-100 and 418, Washington, D.C.

1:00 p.m.—5:00 p.m.—Panel meetings

1:00 p.m.—5:00 p.m.

- Environment and Regulations: Co-Chairmen: Sylvia A. Earle, Michael R. Naess; Room B-100

Topic: Clean Water Act—Section 404 (Permits)

Speakers: American Petroleum Institute, David Lindgren, Assistant General Counsel; Corps of Engineers (TBA); Environmental Defense Fund, James Tripp, Counsel

Topic: Offshore Diving Regulations
Scientific Exemption

1:00 p.m.—4:00 p.m.

- Weather Services: Chairman: Warren M. Washington; Room 418

Topic: Provision of Weather Services to the Nation

5:00 p.m.—Recess

2001 Wisconsin Avenue, NW., Page Building #1, Room 418, Washington, D.C.

Wednesday, December 9, 1981

8:15 a.m.—10:45 a.m.—Panel meeting

- Hydrology: Chairman: Paul Bock. Worksession: Review of Draft Report

10:45 a.m.—12:00 Noon—Plenary

- User Fees: Speaker (TBA)

12:00 Noon—Lunch

1:00 p.m.—3:00 p.m.—Plenary

- Panel Reports
- Discussion of Preliminary Trends: Marine Minerals: Burt Keenan; Marine Transportation: Don Walsh

3:00 p.m.—Adjourn Regular NACOA Meeting

3:00 p.m.—6:00 p.m.—Panel meeting

- (continued)
- Hydrology: Chairman: Paul Bock; Worksession: Review of Draft Report. Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral

statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653-7818.

Dated: November 18, 1981.

James A. Almazan,

Staff Physical Scientist.

[FR Doc. 81-33764 Filed 11-20-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

Date: December 10-11, 1981

Time: 9:00 a.m. to 5:30 p.m.

Room: 1134

Program: This meeting will review applications submitted for Research Material Program: Translations Non Western Panel, Division of Research Programs, for projects beginning after April 1, 1982

Date: December 11, 1981

Time: 9:00 a.m. to 5:30 p.m.

Room: 314

Program: This meeting will review applications for Summer Stipends in Latin American and Early U.S. History, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose,

(1) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information on a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-33662 Filed 11-20-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering and Applied Science; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering and Applied Science

Date and time: December 14-15, 1981; 9 a.m.-5 p.m. 12/14; 9 a.m.-3 p.m. 12/15

Place: National Science Foundation, 1800 G Street NW., Room 540, Washington, D.C. 20550

Type of meeting: Open

Contact person: Mrs. Mary Poats, Executive Secretary, Advisory Committee for Engineering and Applied Science, Room 537, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-9571

Summary minutes: Contact Mrs. Mary Poats at the above address

Purpose of advisory meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Engineering Programs and activities.

Agenda

Monday, December 14

9:00 a.m., Opening Comments—Dr.

Sanderson, Dr. Young

10:00 a.m., Coffee Break

10:15 a.m., Status of NRC/AE Study

"Education and Utilization of the Engineer (1980-2000)"—Dr. Sanderson

10:45 a.m., Reports on Activities of Advisory

Subcommittees—Subcommittee chairmen

Noon, Lunch

1:30 p.m., Discussion of Export Control

Regulations

2:00 p.m., Individual Task Group Meetings

5:00 p.m., Adjournment

Tuesday, December 15

9:00 a.m., General Discussion

9:15 a.m., Status of Computer Engineering

10:00 a.m., Coffee Break

10:15 a.m., Status of Industry/University Cooperation

11:15 a.m., Directorate Initiatives

Noon, Lunch

1:30 p.m., Reports of Task Groups—Dr.

Timmerhaus, Dr. Goldstein

2:30 p.m., Closing Remarks

3:00 p.m., Adjournment

Dated: November 18, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-33665 Filed 11-20-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for International Programs; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for International Programs

Dates: December 10-11, 1981; see "Agenda" for times

Place: National Science Foundation, 1800 G Street NW., Washington, D.C. 20550. See "Agenda" for room numbers

Type of meeting: Open

Contact person: Dr. Bodo Bartocha, Director, Division of International Programs, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357-9552

Summary of minutes: May be obtained from Contact Person

Purpose of committee: To provide advice, recommendations, and oversight related to support for international cooperation in science and engineering

Agenda: December 10, 1981, 9:00 a.m. to 5:00 p.m., Room 1242 A

Review of role of the Division in the National Science Foundation and in the U.S. Government. Examination of the charge to the Committee. Reporting on current activities and budget development.

December 11, 1981, 9:00 a.m. to 3:00 p.m., Room 643

Discussion of current activities. The Committee's work plan. Assignments to implement the plan. Future meetings.

Dated: November 18, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-33663 Filed 11-20-81; 8:45 am]

BILLING CODE 7555-01-M

Executive Subcommittee of the Materials Research Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Executive Subcommittee of the Materials Research Advisory Committee
Place: Room 540, National Science Foundation, 1800 G Street, NW, Washington, DC 20550

Date: Thursday, December 10, and Friday, December 11, 1981

Time: 9:00 a.m.—5:00 p.m., both days

Type of meeting: Part Open—December 10, 9-4 (Open), December 10, 4-5 (Closed), December 11, 9-5 (Open)

Contact person: Dr. Ronald E. Kagarise, Director, Division of Materials Research, Room 408, National Science Foundation, Washington, D.C. Telephone: (202) 357-9794

Summary minutes: May be obtained from the Contact Person, Dr. Ronald E. Kagarise, at the above stated address

Purpose of subcommittee: To provide advice and recommendations concerning support of materials research

Agenda:

Thursday, December 10, 1981—9:00 a.m. to 4:00 p.m. (open)

9:00 a.m.—Introductory remarks and overview of Mathematical and Physical Sciences Directorate and Division of Materials Research (DMR)

10:30 a.m.—Report on External Peer Oversight of Ceramics Program

12:00 noon—Lunch

1:00 p.m.—Continued Discussion of Ceramics Program

2:00 p.m.—Long-range Trends, Opportunities, Needs and Priorities in Materials Research

4:00 to 5:00—Closed Session—review of problem and marginal proposals

Friday, December 11, 1981—9:00 a.m. to 5:00 p.m. (open)

9:00 a.m.—Continued Long-range Trends, Opportunities, Needs and Priorities in Materials Research

12:00 noon—Lunch

1:00 p.m.—Status reports on reorganization, staffing, special programs, etc.

2:30 p.m.—Executive Subcommittee Business Session

3:00 p.m.—Concluding Discussion

5:00 p.m.—Adjourn.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information: financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: November 18, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-33064 Filed 11-20-81; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Mathematical Sciences of the Advisory Committee for Mathematical and Computer Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Mathematical Sciences of the Advisory Committee for Mathematical and Computer Sciences

Date and time: December 10, and 11, 1981—9:00 a.m. each day, December 12, 1981—9:30 a.m.

Place: Room 338, National Science Foundation, 1800 G. Street NW., Washington, D.C. 20550

Type of meeting: Part Open—12/10 closed—9:00 a.m. to 5:00 p.m.; 12/11 open—9:00 a.m. to 10:00 a.m.; 12/11 closed—10:00 a.m. to 12:30 p.m.; 12/11 open—1:45 p.m. to 5:00 p.m.; 12/12 open—9:30 a.m. to 3:00 p.m.

Contact person: Dr. William G. Rosen, Head, Mathematical Sciences Section, Room 304, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357-7341

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Mathematical Sciences.

Agenda:

Thursday, December 10, 1981—9:00 a.m. to 5:00 p.m.—Closed

Review and comparison of declined proposals (and supporting documentation) with successful awards under the Classical Analysis program, Topology and Geometry program, and Special Projects program, including review of peer review materials and other privileged material.

Preparation of a report based upon the above review.

Friday, December 11, 1981—9:00 a.m. to 9:30 a.m.—Open

9:00 a.m.—Introductory Remarks: Dr. William G. Rosen, Head, Mathematical Sciences Section

Friday, December 11, 1981—10:00 a.m. to 12:30 p.m.—Closed

10:00 a.m.—FY 1982-83 budget information and discussion of recent developments; Dr. William G. Rosen, Head, Mathematical Sciences Section; Dr. E. F. Infante, Division Director, Mathematical and Computer Sciences; Dr. R. E. Kagarise, Acting Assistant Director, Mathematical and Physical Sciences; 11:00 a.m.—Reports of oversight review committees on the Classical Analysis program, Topology and Geometry program, and Special Projects program 12:30 p.m.—Lunch.

Friday, December 11, 1981—1:45 p.m. to 5:00 p.m.—Open

1:45 p.m.—Dr. Kenneth Hoffman, MIT, Report on the NRC Committee on Resources for the Mathematical Sciences

2:15 p.m.—Discussion of instrumentation in the mathematical sciences and the new SCREMS program: Professors Glimm, Montgomery, and Wahba

3:00 p.m.—Preliminary discussion on funding priorities in the mathematical sciences

Saturday, December 12, 1981—9:30 a.m. to 3:00 p.m.—Open

9:30 a.m.—Dr. I. Olkin, Stanford University, Survey on growth of the field of statistics

10:15 a.m.—Needs of mathematical sciences and response thereto

3:00 p.m.—Adjourn

Reason for closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: November 18, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-33066 Filed 11-20-81; 8:45 am]

BILLING CODE 7550-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-528A, STN 50-529A, and STN 50-530A]

Arizona Public Service Co., et al.; Receipt of Additional Antitrust Information: for Time Submission of Views on Antitrust Matters

Arizona Public Service Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for antitrust review as required by 10 CFR Part 50, Appendix, L. This information concerns two proposed additional ownership participants, the Los Angeles Department of Water and Power and the Southern California Public Power Authority, for the Palo Verde Nuclear Generating Station. The current holders of the construction permits are Arizona Public Service Company, Salt River Project Agricultural

Improvement and Power District, Southern California Edison Company, El Paso Electric Company, and Public Service Company of New Mexico.

The information was filed in connection with the application submitted by the construction permit holders for operating licenses for three pressurized water reactors. Construction was authorized on May 25, 1976 at the Palo Verde site located in Maricopa County, Arizona.

The original application was docketed on October 7, 1974, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the *Federal Register* on October 22, 1974 (39 FR 37527). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Environmental Report; and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published in the *Federal Register* on July 11, 1980 (45 FR 46941). Subsequently, the Notice of Hearing was published in the *Federal Register* on April 22, 1981 (46 FR 23001).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004.

Any person who wishes to have his views on the antitrust matters with respect to the Los Angeles Department of Water and Power and the Southern California Public Power Authority presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before November 30, 1981.

This notice was previously published in the *Federal Register* on September 2, 1981 (46 FR 44110), September 18, 1981 (46 FR 46453), September 25, 1981 (46 FR 47330), and October 2, 1981 (46 FR 48805).

Dated at Bethesda, Maryland, this 26th day of August, 1981.

For the Nuclear Regulatory Commission,
Frank J. Miraglia,
Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-31702 Filed 10-30-81; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Activities; Meeting

The ACRS Subcommittee on Regulatory Activities will hold a meeting on December 8, 1981, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published October 29.

In accordance with the procedures outlined in the *Federal Register* on September 30, 1981 (45 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, December 8, 1981—8:45 a.m. until 1:00 p.m.

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Regulatory Guide (Task No. SC 708-4), "Qualification and Acceptance Tests for Snubbers Used in Systems Important to Safety" (post comment).

(2) Proposed Regulatory Guide (Task No. IC 126-5), "Instrument Sensing Lines" (pre comment).

(3) Proposed Regulatory Guide (Task No. IC 126-9), "Criteria for Programmable Digital Computer System in Safety Systems of Nuclear Power Generating Station" (pre comment).

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guide (Task No. SC 708-4) "Qualification and Acceptance Tests for Snubbers Used in Systems Important to Safety", may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to

ensure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Sam Duraiswamy, the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington DC 20555 or telecopy them to the Designated Federal Employee (202/634-3319) as far in advance of the meeting as practicable. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW, Washington, DC 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., Eastern Time.

Dated: November 18, 1981.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 81-33705 Filed 11-20-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. STN 50-528/529/530]

Arizona Public Service Co., et al.; Availability of Safety Evaluation Report on Palo Verde Nuclear Generating Station, Units 1, 2, and 3

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report relating to the proposed operation of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3, to be located in Maricopa County, Arizona. Notice of receipt of the application by the Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company and Public Service Company of New Mexico to operate Palo Verde 1, 2, and 3 was published in the *Federal Register* on July 11, 1980 (45 FR 46941).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004 for inspection and copying. The report (Document No. NUREG-0857) can also

be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and by GPO deposit account holders by calling (301) 492-9530 or by writing to the U.S. Nuclear Regulatory Commission, Division of Technical Information and Document Control, Washington, D.C. 20555, Attn: Publications Sales Manager.

Dated at Bethesda, Md., this 16th day of November 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-33770 Filed 11-20-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Nuclear Safety Research Program; Meeting

The ACRS Subcommittee on Nuclear Safety Research Program will hold a meeting on December 9, 1981, in Room 1167, 1717 H Street, NW., Washington, DC. The Subcommittee will discuss the Draft ACRS Report to Congress on the NRC FY 1983 Safety Research Program. Notice of this meeting was published October 29.

The entire meeting will be closed to discuss the NRC FY 1983 Safety Research Program Budget as required (Sunshine Act Exemptions (2), (6), and (9)b.) For the reason just stated, such a discussion would not be possible if held in public session.

The agenda for subject meeting shall be as follows:

Wednesday, December 9, 1981—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants regarding the NRC FY 1983 Safety Research Programs and the associated budget. Following this session the Subcommittee will discuss the Draft ACRS Report to Congress on the NRC FY 1983 Safety Research Program.

I have determined, in accordance with Subsection 10(d) Pub. L. 92-463 that it will be necessary to close this meeting as noted above to discuss matters which relate solely to the internal personnel rules and practices of the agency (Exemption (2)), to discuss information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (Exemption (6)), and to discuss

preliminary information the release of which would be likely to significantly frustrate the Committee in the performance of its statutory function (Exemption (9)b). The authorities for such closure are Exemptions (2), (6), and (9)b to the Sunshine Act, 5 U.S.C. 552b(c)(2)(6)(9)b.

Dated: November 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-33768 Filed 11-20-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Meeting With the Canadian Atomic Energy Control Board (AECB); Meeting

The ACRS will meet with the Canadian Atomic Energy Control Board (AECB) December 9, 1981, Room 1046, 1717 H Street, NW., Washington, D.C. Topics of discussion will include the following:

- (1) Interaction of Advisory Committees with Regulatory Agencies.
- (2) Quantitative Risk Criteria and use of Probabilistic Risk Assessment.
- (3) Human Factors in the Design and Operation of Nuclear Facilities.
- (4) ECCS Design Criteria and use of Digital Computers.
- (5) Basic Criteria and Facilities for Radioactive Waste Management and Disposal.

Notice of this meeting was published October 29.

The meeting will be closed to public attendance to ensure the security of information identified and supplied by a foreign government in confidence (Sunshine Act Exemption 4). In order to receive and consider this information, the ACRS must be able to engage in frank discussion with members of the Canadian Atomic Energy Control Board (AECB). For the reason just stated, such a discussion would not be possible if held in public session.

I have determined, therefore, that it is necessary to close this meeting to permit the ACRS to obtain information necessary in carrying out its statutory responsibilities. The authority for such closure is Exemption (4) of the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: November 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-33767 Filed 11-20-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittees on Nuclear Safety Research, Development, and Demonstration Act of 1980; Meeting

The ACRS Subcommittees on Nuclear Safety Research, Development, and Demonstration Act of 1980 will hold a meeting on December 9, 1981 in Room 1122, 1717 H Street, NW., Washington, D.C. The Subcommittees will discuss the Department of Energy's response to Public Law 96-567, "Nuclear Safety Research, Development, and Demonstration Act of 1980", including the assessment of the need for and feasibility of establishing a national reactor engineering simulator facility, a study as to the desirability and feasibility of creating a federal nuclear operations corps, and a program management plan for the conduct of a research, development, and demonstration program for improving the safety of nuclear power plants.

In accordance with the procedures outlined in the Federal Register on September 30, 1981, (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, December 9, 1981—4:00 p.m. Until 6:00 p.m.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Department of Energy, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be

obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard K. Major or Staff Engineer, Mr. David C. Fischer (telephone 202/634-1414) or Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: November 17, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-33798 Filed 11-20-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold a meeting on Tuesday, December 8, 1981 in Room 762 at 1717 H Street, NW, Washington, DC. This Subcommittee will meet with the NRC Staff to review a proposed rule and regulatory guide dealing with the licensee event reporting system prior to it being presented to the Commission for approval to be published for comment. The rule (10 CFR 50.73) will be aimed at dropping less significant events from the LER system and requiring more detailed reporting on events of significance.

In accordance with the procedures outlined in the Federal Register on September 30, 1981, (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, December 8, 1981—3:00 p.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard K. Major (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: November 17, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-33799 Filed 11-20-81; 8:45 am]

BILLING CODE 7590-01-M

Marvin I. Lewis; Request For Action

Notice is hereby given that by letter dated October 16, 1981, Marvin I. Lewis requested that all reactors suspected for being susceptible to thermal shock be shut down until all areas of nonconservatism in the analysis of pressurized thermal shock of pressure vessels are explored and resolved. The letter is being treated as a request pursuant to 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the petition within a reasonable amount of time.

Copies of the petition are available for inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

Dated at Bethesda, Md., this 17th day of November 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-33772 Filed 11-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-201-OLA]

Nuclear Fuel Services, Inc., and New York State Energy Research and Development Authority; Establishment of Atomic Safety and Licensing Board to Preside in Proceeding

Pursuant to Commission order, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on request for hearing and to preside in the event that a hearing is ordered.

Nuclear Fuel Services, Inc. and New York State Energy Research and Development Authority (Western New York Nuclear Service Center)

Provisional Operating License No. CSF-1

This Board is being established pursuant to an order of the Commission

dated November 6, 1981 concerning NFS and NYSERDA's motion to "postpone the effectiveness" of the license amendment (Change No. 31) issued by the NRC staff on September 30, 1981 and requests for hearing regarding that license amendment.

The Board is comprised of the following Administrative Judges:

Lawrence Brenner, Chairman, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Jerry Harbour, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Mr. Peter A. Morris, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Md., this 17th day of November 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-33771 Filed 11-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co.; San Onofre Nuclear Generating Station, Unit 1, Issuance of Director's Decisions

By petitions received since November 1979 (44 FR 75535, December 20, 1979) approximately 1560 California residents have requested that the Nuclear Regulatory Commission's Director of Nuclear Reactor Regulation suspend or revoke the operating license for the San Onofre Nuclear Generating Station, Unit 1. By letter dated July 10, 1981, Mr. Ralph Nader also requested that operation of San Onofre Unit 1 be suspended pending completion of a "license review" for the facility. The petitions and Mr. Nader's letter have been considered under the provisions of 10 CFR 2.206.

The petitions allege that San Onofre Unit 1 is not designed to withstand possible ground motions from earthquakes that may occur and that evacuation plans are inadequate to cope with a potential accident at the site. Moreover, in an updated petition distributed by the Alliance for Survival in 1980, the petitioners expressed seismic concerns in light of the Livermore earthquake of January 1980. The updated petition also pointed out that the Rogovin Report to the Nuclear Regulatory Commission on the Three Mile Island accident recommended that old reactors near major cities be shutdown until evacuation plans are realistic. Mr. Nader requested that

operation of San Onofre Unit 1 be suspended until that review is completed.

Upon review of information pertaining to the seismic and evacuation concerns at San Onofre Unit 1 and the information provided by the petitioners and Mr. Nader, the Director of Nuclear Reactor Regulation has determined that suspension or revocation of the operating license for San Onofre Nuclear Generating Station, Unit 1, is not warranted. Accordingly, the requests of the residents of California and Mr. Nader have been denied. The reasons for this denial are explained in two "Director's Decisions" under 10 CFR 2.206 (DD-81-19; and DD-81-20) which are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California.

A copy of the decisions will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in this regulation, the decisions will become the final action of the Commission twenty-five (25) days after issuance, unless the Commission on its own motion institutes review of these decisions within that time.

Dated at Bethesda, Md., this 16th day of November 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-33773 Filed 11-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-266]

**Wisconsin Electric Power Co.;
Issuance of Amendment to Facility
Operating License and Negative
Declaration**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR-24 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit No. 1 (the facility) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendment is effective as of the date of issuance.

The amendment authorizes power operation of Unit 1 with up to six tubes in one steam generator having degradation exceeding the plugging limit provided these tubes have been repaired by insertion of sleeves to bridge the

degraded or defective portion of the tube. It also establishes an additional plugging limit for the six repaired tubes of 35% degradation of the sleeve nominal wall thickness.

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.

Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the *Federal Register* on August 7, 1981 (46 FR 40359). A Petition to Intervene was filed on July 20, 1981 as amended by letter dated August 31, 1981 by Wisconsin's Environmental Decade. Hearings were held in Milwaukee, Wisconsin on October 29 and 30, 1981. The Board ruled that the NRC staff was authorized to issue the amendment.

The Commission has prepared an environmental impact appraisal of the action being authorized and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action significantly greater than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated May, 1972 and the action will not significantly affect the quality of the human environment. Therefore the Commission has determined that the issuance of a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the application for amendment dated July 2, 1981 as modified by letter dated October 12, 1981, (2) Amendment No. 56 to License Nos. DPR-24, (3) the Commission's related Safety Evaluation, (4) the Commission's Environmental Impact Appraisal and (5) the Atomic Safety and Licensing Board's Memorandum and Order dated November 5, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2), (3), (4) and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 10th day of November 1981.

For the Nuclear Regulatory Commission.
Robert A. Clark,
Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 81-33774 Filed 11-20-81; 8:45 am]

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**OFFICE OF MANAGEMENT AND
BUDGET**

Agency Forms Under Review

Background

November 16, 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 U.S.C., 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 10 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

- Food and Nutrition Service

Evaluation of the Year II EFNEP/Food Stamp Pilot Project

On occasion, weekly
Individuals or households/State or local governments

Participants and staff of nutrition education pilot project

SIC: 881

Food and nutrition assistance: 16,843 responses; 4,773 hours; \$445,617 Federal cost; 4 forms; \$47,730 public cost; not applicable under 3504 (h)

Neil Minow, 202-395-7340

Four data collection instruments are submitted to provide information for the evaluation of the year II EFNEP/food stamp pilot projects. The evaluation tests alternative methods for providing nutrition education to low income homemakers. Evaluation results will be useful in policy decisions for the food stamp and EFNEP programs.

- Farmers Home Administration
Complaints and Compensation for
Construction Defects—7 CFR 1924-F
FMHA 424-4

On occasion

Individuals or households
Rural housing borrowers who exper.
defects in new dwellings

Mortgage credit and thrift insurance:
9,900 responses; 4,050 hours; \$97,620
Federal cost; 1 form; \$24,300 public
cost; not applicable under 3504 (h)

Neil Minow, 202-395-7340

Section 502 (c) of the Housing Act of 1949, as amended, authorizes FMHA to establish policies and procedures for receiving and resolving complaints concerning the construction of dwellings financed by FMHA and/or compensating borrowers for structural defects.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

- Bureau of the Census
Pens, Pencils, and Marking Devices
(Shipments)

MA-39A

Annually

Businesses or other institutions
Manufacturers of pen, pencils, and
marking devices

SIC: 395

Small businesses or organizations
Other advancement and regulation of
commerce: 420 responses; 315 hours;
\$0 Federal cost; 1 form; not applicable
under 3504 (h)

Statistical Policy Branch, 202-395-7313

This survey provides the only data available annually on manufacturers' shipments of pens, pencils, and marking

devices. The figures are used extensively by Government agencies in procurement, forecasting, and index calculation. Industry analysts will use the data to monitor market share and shifts in product types.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

Extensions (Burden Change)

- Departmental and Others
Contractor's Request for Progress
Payment

DD 1195

Monthly

Businesses or other institutions
Defense contractors, both large and
small business

SIC: 970

Small businesses or organizations
Department of Defense—military:

720,000 responses; 72,000 hours;

\$369,000 Federal cost; 1 form; not

applicable under 3504 (h)

Kenneth B. Allen 202-395-3785

This form is used by defense contractors to request progress payments on negotiated defense contracts. The form is needed because it provides for uniform interpretation, administration, and application of the progress payment clause contained in the contract.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

- National Institutes of Health
Clinic Examination Form Visual Acuity
Impairment Survey

Nonrecurring

Individuals or households

Persons 25 years old or older with 20/40
vision or worse

Health: 400 responses; 400 hours;

\$117,417 Federal cost; 1 form; \$4,000
public cost; not applicable under 3504
(h)

Gwendolyn Pla, 202-395-6880

The National Eye Institute seeks data on the prevalence of visual impairment in the general population and on ocular diseases present in the visually impaired eyes. This form will be used on the persons who have been identified as having 20/40 vision or worse, and controls, referred to the clinic for an ophthalmological examination.

- Departmental Management
National Long-Term Care
Demonstration Screening and

Baseline Assessment Instrument OS-24-81
 Nonrecurring
 Individuals or households/State or local governments/business or other institutions
 Individuals who have applied for channeling services
 SIC: Multiple
 Small businesses or organizations
 Public assistance and other income supplements: 29,409 responses; 14,031 hours; \$10,507,088 Federal cost; 2 forms; not applicable under 3504(h)
 Gwendolyn Pla, 202-395-6880

The screen will determine if potential clients meet appropriateness criteria for channeling and collect identifying and contact information needed for randomization and assessment. The baseline will collect research data to test hypotheses and serve as a clinical assessment tool. Administration will begin in February, 1982 and continue through September, 1984.

- National Institutes of Health
 Evaluation of Periodic Breast Cancer Screening with Mammography
 Other—see SF83
 Individuals or households
 Members of the health insurance plan of New York, N.Y.
 Health: 15,000 responses; 3,750 hours; \$150,000 Federal cost; 4 forms; \$37,500 public cost; not applicable under 3504(h)
 Gwendolyn Pla, 202-395-6880

The long term impact on breast cancer mortality of screening for breast cancer using mammography and clinical examination is unknown, but is necessary for cost/benefit analyses. 80,000 women in a randomized trial will be followed to determine breast cancer and vital status at 15 years into the study.

Revisions

- Social Security Administration
 Child Relationship Statement
 SSA-2519 (9-81)
 On occasion
 Individuals or households
 Individuals having info relevant to insured wage earner
 General retirement and disability insurance: 50,000 responses; 12,500 hours; \$41,743 Federal cost; 1 form; not applicable under 3504(h)
 Robert Neal, 202-395-6880

Section 216(h) of the Social Security Act provides the necessary criteria to entitle illegitimate children to child's benefits under social security. This form is used to determine the relationship between a child and the insured individual.

Extensions (No change)

- Social Security Administration
 Report of New Information for Beneficiaries Who Have a Representative Payee (Group Payee Situations)
 SSA-3159 (7-79)
 On occasion
 Businesses or other institutions
 Institutions serving as payees for social secs. Benefits.
 SIC: 806
 Small businesses or organizations
 General retirement and disability insurance: 30,000 responses; 3,000 hours; \$11,682 Federal cost; 1 form; not applicable under 3504(h)
 Robert Neal, 202-395-6880

Section 205(a) and (j) of the Social Security Act provides for information regarding reporting of events which may affect the beneficiary's entitlement to benefits. This form is used by institutional representative payee to report any changes.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

New

- Community Planning and Development
 HUD-274, Designation of Depository for Direct Deposit of Loan and/or Grant Funds
 HUD-274
 Other—see SF83
 State or local governments/businesses or other institutions
 State or local government, non-profit sponsors
 SIC: 911 912 913
 Community development: 2,000 responses; 167 hours; \$520 Federal cost; 1 form; \$835 public cost; not applicable under 3504(h)
 Richard Sheppard, 202-395-6880

The HUD-274 is used by HUD to request recipients of loan or grant funds to designate a depository that they wish to receive funds in connection with HUD programs. This is an internal control instituted to safeguard Federal funds as well as providing a service to recipients by sending loan or grant funds directly to the depository of their choice vs. sending funds to their place of business and then the recipient having to make the deposit.

Extensions (No change)

- New Community Development Corporation
 Title I Community Development Block Grant Budget and Progress Report

HUD-2008
 On occasion
 State or local governments/businesses or other institutions
 Federally-assisted new communities
 SIC: 655
 Community development: 96 responses; 192 hours; \$1,200 Federal cost; 1 form; not applicable under 3504(h)
 Richard Sheppard, 202-395-6680

Without HUD-2008, NCDC would not be able to compute and release grantee contractor funds, process requests for letters of credit and reimbursement of expenditures for construction activities, carry out its monitoring responsibilities, and maintain an accurate and complete record of how new community discretionary grant funds are expended.

- Housing Programs
 Report on Program Utilization—Section 8 Moderate Rehabilitation Program
 HUD 52685
 Quarterly
 State or local governments
 Public housing agencies (PHAS)
 SIC: 953
 Public assistance and other income supplements: 2,400 responses; 1,200 hours; \$10,560 Federal cost; 1 form; not applicable under 3504(h)
 Richard Sheppard, 202-395-6680

Authority—U.S.C. Housing Act of 1937, as amended. Submitted by PHAS administering the section 8 moderate rehabilitation program. Needed by field offices to monitor the progress of PHAS in implementing the program.

- Housing Programs
 Request for Preliminary Determination of Eligibility as Nonprofit Sponsor and/or Mortgagor
 FHA 3433
 On occasion
 Businesses or other institutions
 Nonprofit sponsors and mortgagors
 SIC: 953, 655
 Small businesses or organizations
 Mortgage credit and thrift insurance: 2,000 responses; 1,000 hours; \$5,709 Federal cost; 1 form; not applicable under 3504(h)
 Richard Sheppard, 202-395-6680

The information contained in the form is necessary to determine the eligibility of a proposed mortgagor as a nonprofit corporation or association determination of eligibility at the earliest possible date will eliminate the need to expend funds by those not qualified. The form is used by our field offices in their evaluation of a nonprofit sponsor.

- Housing Programs

Approval of Advances for a Non-Permanently Financial Project
HUD-5216

Quarterly

State or local governments

Public and Indian housing authorities

SIC: 953

Public assistance and other income supplements: 2,000 responses; 2,000 hours; \$100 Federal cost; 1 form; not applicable under 3504(h)

Richard Sheppard, 202-395-6680

Authority for this report is U.S. Housing Act of 1937 P.L. 412 50 Stat. 888 42 USC 1401 et seq. Submitted by public housing agencies to obtain development loans needed by HUD to determine the purpose and the limit of the loans.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

New

• Bureau of Land Management
Notice of Location of Settlement or Occupancy Claim—Alaska
Nonrecurring

Individuals or households/businesses or other institutions

Individuals or small businesses

SIC: 999

Small businesses or organizations
Conservation and land management: 6,000 responses; 3,000 hours; \$329,000 Federal cost; 1 form; \$30,000 public cost; not applicable under 3504(h)

Robert Shelton, 202-395-7340

Form is needed to identify the lands the applicant is applying for and to establish the eligibility of the applicant to settle on lands in Alaska under the Alaska Homestead, Headquarters Site, Homesite, and Trade and Manufacturing Site Acts (43 U.S.C. 164—Homesteads and 43 U.S.C. 687A—other settlement laws) and to receive patent.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

Revisions

• Office of Justice Assistance, Research and Statistics

Report of Public Safety Officer's Death LEAA 3650/2 OJARS 3650/2

Nonrecurring

Individuals or households

Emp. agen. of State & loc. pub. safety off. killed, etc.

Criminal justice assistance: 320 responses; 656 hours; \$92,500 Federal cost; 1 form; \$6,560 public cost; not applicable under 3504(h)

Andy Uscher, 202-395-4814

This form initiates a claim under the Public Officers' Benefits Act of 1976.

Information provided in the form is used to determine the claimant's eligibility under the act. The form is filed by the deceased public safety officer's employer.

• Office of Justice Assistance, Research and Statistics

Claim For Death Benefits

OJARS/LEAA 3650/1

Nonrecurring

Individuals or households

Elig. surv. of State & loc. pub. safety off. killed, etc.

Criminal justice assistance: 320 responses; 336 hours; \$92,500 Federal cost; 1 form; \$3,360 public cost; not applicable under 3504(h)

Andy Uscher, 202-395-4814.

This form initiates a claim under the Public Safety Officers' Benefits Act of 1976. Information provided in the form is used to determine the claimant's eligibility under the act. The form is filed by the survivor.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

New

• Employment and Training Administration

Notice of Intended Deregistration—Sec. 56.63 of title 29

ETA-RC42

On occasion

State or local governments

Governments are local WIN projects

SIC: 944

Training and employment: 28,000 responses; 35,000 hours; \$1,750 Federal cost; 1 form; \$350,000 public cost; not applicable under 3504(h)

Laverne V. Collins, 202-395-6880

The notice of intended deregistration is the formal procedure used to notify the registrant of the decision to deregister from WIN for failing or refusing to participate. It provides reasons for decision, length of time that individual will not be permitted to register, the effect of deregistration on the grant and information needed to pursue his/her rights.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

• Bureau of Government Financial Operations

Minority Bank Deposit Program Bank Certification Form for Admission

Nonrecurring

Businesses or other institutions

Bank wishing to qualify as a minority institution

SIC: 602

Central fiscal operations: 99 responses; 50 hours; \$783 Federal cost; 1 form; \$891 public cost; not applicable under 3504 (h)

Irene Montie, 202-395-6880

This form is used to determine whether a bank qualifies as a minority institution under the minority bank deposit program.

• Internal Revenue Service
Questionnaire for Retired Military Applicants

SWR-2547

Nonrecurring

Individuals or households

Employment applicants in Austin vicinity

Central fiscal operations: 50 responses; 4 hours; \$50 Federal cost; 1 form; not applicable under 3504 (h)

Irene Montie, 202-395-6880

Retired military applicants receive credit for service only during certain military campaigns. They fill out this form and we in turn contact the records center to verify that information. The data is used by IRS to determine the applicants' leave accrual rates and the credit for reduction in force purposes.

• Bureau of Government Financial Operations

Trace Request for Electronic Funds Transfer Payment

TFS-150

Other—see SF83

Businesses or other institutions

Financial institutions

SIC: 602, 603, 612, 614

Small businesses or organizations

Central fiscal operations: 38,431 responses; 6,405 hours; \$92,585 Federal cost; 1 form; not applicable under 3504 (h)

Irene Montie, 202-395-6880

Purpose is to notify the financial organization that a customer (Beneficiary) has claimed non-receipt of credit for a payment. The form is designed to help the financial organization locate any problem and to keep the customer (Beneficiary) informed of any action taken.

• Bureau of Government Financial Operations

Form Letter to Individual to Request Clarifying Information for a Remittance Sent to Treasury

TFS-5088

Other—see SF83

Individuals or households

Central fiscal operations: 2,500 responses; 625 hours; \$4,865 Federal cost; 1 form; not applicable under 3504 (h)

Irene Montie, 202-395-6880

An individual sends to Treasury a remittance with insufficient identifying information as to purpose of the remittance. Treasury responds with form letter TFS-5088 to request submission of needed information so that the remittance can be properly identified for subsequent appropriate disposition.

- Bureau of Government Financial Operations
Surety Application Process
Nonrecurring
Businesses or other institutions
Insurance companies
SIC: 616, 635, 639, 641, 671
Small businesses or organizations
Central fiscal operations: 25 responses;
175 hours; \$1,624 Federal cost; 1 form;
not applicable under 3504 (h)
Irene Montie, 202-395-6880

Purpose of application process is to obtain information to base a sound financial, legal, and managerial review of insurance companies applying for a certificate of authority to write or reinsure Federal bonds.

- Internal Revenue Service
Request for Additional Information to Complete Examination
SF 336 SE 617
Nonrecurring
Farms/businesses or other institutions
Employers of individual taxpayers
SIC: all
Small businesses or organizations
Central fiscal operations: 4,000
responses; 2,000 hours; \$20,567 Federal
cost; 1 form; not applicable under 3504
(h)
Irene Montie, 202-395-6880

To determine whether a criminal investigation is warranted, IRS uses these forms to request supporting information (i.e., substantiation) from employers of taxpayers in the course of the examination of their form 1040 tax return.

Revisions

- Office of the Secretary
Survey of Federal General Revenue
Sharing
(State Governments)
RS-902
Annually
State of local governments
State governments
SIC: 999
Central fiscal operations: 50 responses;
50 hours; \$65,000 Federal cost; 1 form;
not applicable under 3504(h)
Irene Montie, 202-395-6880

This form is used to gather data of expenditures from general revenue

sharing and anti-recession fiscal assistance program funds received by State governments. Data are used to analyze expenditures for conformance with program requirements.

- Internal Revenue Service
Recapture of Investment Credit
4255
On Occasion
Individuals or households/farms/
businesses or other institutions
taxpayers who prematurely dispose of
invest. credit property
SIC: all
Small businesses or organizations
Central fiscal operations: 735,000
responses; 893,741 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.

Extensions (burden change)

- Bureau of Alcohol, Tobacco and Firearms
Application for Certification of Label Approval Under Federal FAA Act
ATF F 1649 (5100.14)
On occasion
Business or other institutions
Alcohol beverage industry MBRS
(producers and bottlers), etc.
SIC: 208 518
Small businesses or organizations
Federal law enforcement activities:
100,000 responses; 50,000 hours;
\$174,500 Federal cost; 1 form; not
applicable under 3504(h)
Irene Montie, 202-395-6880

The Federal Alcohol Administration Act regulates the labeling of alcoholic beverages. So that the bureau of ATF can exercise control over the labeling of alcoholic beverages, we require industry to submit proposed labels and complete this form. Labels are then either approved or disapproved by the bureau.

- Internal Revenue Service
Wage and Tax Statement
W-2, W-2AS, W-2GU, W-2VI, W-2P,
W-3, W-3SS, and W-3PR
Annually
Farms/State or local governments/
individuals or households/businesses
or other institutions
All employers paying emp., all payers
making retirement payment
SIC: all

Small businesses or organizations
Central fiscal operations: 189,564,006
responses; 0 hours; \$1,682,236 Federal
cost; 8 forms; not applicable under
3504(h)

Irene Montie, 202-395-6880

Employers report income, tax withholding, and advance EIC payments, if any, on form W-2. Payers report periodic payments of annuities, pensions, retirement payments of distributions from an IRA on form W-2P. The forms W-2AS, W-2GU, and W-2VI are variations of the W-2 for use in specific U.S. possessions. The forms are used by recipients to prepare their tax returns and by the IRS to reconcile employment tax returns. W-3 series forms transmit W-2 series forms to SSA for processing.

- Bureau of Alcohol, Tobacco and Firearms
Proprietors of Taxpaid Wine Bottling Houses Records of Receipts and Removals in Bound Form of Commercial Invoices Monthly Summary of Receipts and Removals
ATF REC 5120/27
Monthly, other-see SF83
Businesses or other institutions
Tax paid wine bottling houses
SIC: 208
Small businesses or organizations
Federal law enforcement activities:
19,040 responses; 1,904 hours; \$161
Federal cost; 1 form; not applicable
under 3504(h)
Irene Montie, 202-395-6880

Accounting tool, audit trail protection of the revenue. Provides monthly totals and daily removals should verify each other record.

- Bureau of the Public Debt
Request for Payment of United States Savings Bonds and Retirement Securities
PD 1522
On occasion
Individuals of households/State or local governments/farms/businesses or other institutions
Descriptions Apply—entire public is affected
SIC: all
Small businesses or organizations
Central fiscal operations: 56,000
responses; 18,648 hours; \$120 Federal
cost; 1 form; not applicable under
3504(h)
Irene Montie, 202-395-6880

Needed to identify securities for which payment is desired when the use of a detached request is authorized. Used to support the payment of a security until expiration of the authorized records retention period.

• Bureau of Alcohol, Tobacco and Firearms
Contractor's Accounting of Tax-Exempt Cigarettes and cigars
ATF F 4643 (5200.12)
On occasion
Businesses or other institutions
Bus. wo assemb. ration pack, incl. cig. or cigars, etc.
SIC: 519
Small businesses or organizations
Federal law enforcement activities: 1,000 responses; 1,000 hours; \$145 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form is required by the contractor's agreement with the Defense Supply Agency. Contractor receives cigarettes of cigars free of tax to be used by U.S. in ration packs for the military. Form describes contractor, location, and dispositions of the cigars or cigarettes. Form is used to determine compliance with laws restricting use of tax-free cigars or cigarettes for the U.S.

• Bureau of Alcohol, Tobacco and Firearms
Redenaturation of Recovered Denatured Spirits
ATE F 5150.3, 4
On occasion
Businesses or other institutions
Users of denatured spirits recovering such spirits
SIC: 281, 281, 283
Small businesses or organizations
Federal law enforcement activities: 400 responses; 100 hours; \$225 Federal cost; 1 form; not applicable under 3504(h)

Form is necessary to document a redenaturation of recovered spirits by a person other than a distilled spirits plant. Describes person redenaturing, recovered denatured spirits to be redenatured, details of redenaturation and the final production of redenaturation. Used by ATF to audit for compliance with regulations governing denatured spirits.

• Bureau of the Public Debt
Application for redemption at Par of US Treas. Bonds
Eligible for Payment of Federal Estate Tax
PD 1782
On occasion
Individuals or households
Affected public includes individuals of every description
Central Fiscal Operations: 6,500 responses; 2,145 hours; \$168 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

• Bureau of Alcohol, Tobacco and Firearms

Withdrawal of Wine Spirits to Bonded Wine Cellar
ATF F 5120.3, 8
On occasion
Businesses or other institutions
Bonded wine cellars
SIC: 208, 518, 286
Small businesses or organizations
Federal law enforcement activities: 1,000 responses; 250 hours; \$1,200 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form must be completed by a bonded wine cellar to receive wine spirits in bond for addition to wine. Describes bonded wine cellar, quantity of wine spirits to be withdrawn, year for which withdrawals are to be made and the bond of the wine cellar to cover the wine spirits to be withdrawn.

• Bureau of Alcohol, Tobacco and Firearms
Beer for exportation
ATF F 1689 (5130.12)
On occasion
Businesses or other institutions
Brewers who export beer without payment of tax
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 6,060 responses; 10,000 hours; \$1,094 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Untaxpaid beer may be removed from a brewery for exportation W/O payment of the excise taxes normally due. In order to accomplish this and for ATF to control such transaction, brewers complete this form. This controls exports by vessels, aircraft, etc. It provides for customs certification of exports of beer. It ensures that untaxpaid beer does not reach domestic markets.

• Bureau of the Public Debt
Registered Issue Request
PD 3800-1
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Entire public affected—all descriptions apply
SIC: All
Small businesses or organizations
Central Fiscal Operations: 145,000 responses; 23,925 hours; \$6,282 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Information is required for establishing investor's accounts in registered Treasury securities, to pay interest and approve transactions.

• Bureau of the Public Debt
Request for reissue of United States Savings Securities
PD 4000
On occasion
Individuals or households
Indiv. or households throughout the country of every descp.
Central fiscal operations: 464,000 responses; 232,000 hours; \$12,334 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Needed to identify the securities for which reissue is requested and to indicate the new registration desired. Used to document the reissue of a bond and indicate the registration for the bond(s).

• Bureau of Alcohol, Tobacco and Firearms
Report of Wine Spirits Added to Wines
ATF F 5120.28
On occasion
Businesses or other institutions
Wineries
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 10,000 responses; 2,500 hours; \$5,000 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form is necessary to show the addition of wine spirits to wine on a bonded cellar's premises. Describes quantity of wine spirits used, type of wine that wine spirits are to be added to, bonded wine cellar, alcohol content and quantity of the mixed wine and wine spirits. Used by ATF to audit operations for revenue and consumer protection purposes.

• Bureau of the Public Debt
Claims Application—(Bearer/Organizations)
PD 1022
On occasion
State or local governments/farms/businesses or other institutions
Affected public includes organizations of every description
SIC: All
Small businesses or organizations
Central fiscal operations: 125 responses; 125 hours; \$218 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Application for relief for lost, stolen and destroyed U.S. Government and agency securities.

• Bureau of Alcohol, Tobacco and Firearms
Drawback on Wine Exported
ATF F 1582-A (5120.24)

On occasion
Individuals or households/Businesses or other Institutions
Persons who export taxpaid wine
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,800 responses; 2,000 hours; \$416 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

When wine is withdrawn from a winery, the Federal excise tax becomes due and is paid on the appropriate tax return. The wine is then considered " taxpaid." If, however, someone wishes to export the wine from the U.S., the wine tax can be reclaimed through a process termed "drawback." The form facilitates "drawback" claims and requires evidence of export and thereby protection of Federal taxes.

• Bureau of the Public Debt
Claims Application—(Bearer/
Individuals)

PD 1022-1

On occasion
Individuals or households
Individuals of every description are affected
Central fiscal operations: 175 responses; 175 hours; \$156 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Application for relief for lost, stolen and destroyed U.S. Government and agency securities.

• Bureau of Alcohol, Tobacco and Firearms
Notice of Removal of Cigars, Cigarettes, or Cigarette Papers or Tubes
ATF F 2149/2150 (5200.14)

On occasion
Businesses or other institutions
Tobacco product factories, tobacco export warehouses, etc.
SIC: 211, 212, 519, 599, 262
Small businesses or organizations
Federal law enforcement activities: 100,000 responses; 25,000 hours; \$19,090 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

This form is necessary to establish the export of tobacco articles without payment or tax. It describes the shipment of articles to be exported for determining tax liability, and provides evidence of lawful export. Also establishes and accounting basis of nontaxpaid articles on the permittee's premises.

• Bureau of Alcohol, Tobacco and Firearms
Application for Limited Industrial Use and Withdrawal Permit

ATF F 4326 (5150.21)
On occasion
Businesses or other institutions
Tax free alcohol users and denatured spirits users
SIC: 806, 809
Small businesses or organizations
Federal law enforcement activities: 1 response; 1 hour; \$0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form is used to determine whether a person is eligible to receive denatured spirits or alcohol free of tax for certain operations and limited amounts. Describes the person, business, intended use of denatured spirits or alcohol and amount thereof needed and intended supplier. Form, when approved, serves as an authority for the shipper to send the person denatured spirits or alcohol free of tax.

• Bureau of Government Financial Operations
Authorization for Deposit of Social Security Payments

SF 1199

On occasion
Individuals or households
Central fiscal operations: 1,300,000 responses; 260,000 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

SF-1199 is prepared one time only by recipients of SSA benefit payments to authorize the Government to make payments directly to a financial organization for credit to the recipient's account and to enter direct deposit information into the Federal recurring payments system.

• Bureau of the Public Debt
Applications for Bonds and Notes (at STB)

PD 4733

On occasion
Individuals or households/businesses or other institutions
All descriptions apply
SIC: All
Small businesses or organizations
Central fiscal operations: 17,000 responses; 3,000 hours; \$226 Federal cost; 2 forms; not applicable under 3504(h)
Irene Montie, 202-395-6880

Information is needed to issue definitive treasury securities and to establish and maintain accounts of registered securities. Specific data collected is used to record Treasury's liability to owner(s) of definitive Treasury securities, issue and deliver definitive securities in bearer or registered form, maintain system of registered securities accounts, pay

interest, and report such payments to IRS.

• Bureau of Government Financial Operations
Authorization for Deposit of Federal Recurring Payments
SF 1199A

On occasion
Individuals or households
Individuals and households
Central fiscal operations: 300,000 responses; 60,000 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)

Irene Montie, 202-395-6880

SF-1199A is prepared one time only by recipients who receive recurring payments from Federal agencies (other than the Social Security Administration) to authorize the Government to make payments directly to a financial organization for credit to the recipient's account and to enter direct deposit information into the Federal recurring payments System.

• Bureau of Alcohol, Tobacco and Firearms
Application and permit for Alcohol Fuel Producer Permit under 26 U.S.C. 5181
ATF F5110.74 74A

On occasion
Individuals or households/businesses or other institutions
Producers of alcohol for fuel purposes
SIC: 286 011 013
Small businesses or organizations
Federal law enforcement activities: 2,000 responses; 4,000 hours; \$15,100 Federal cost; 2 forms; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form will be used by persons who wish to produce spirits for the production of alcohol fuels as a business or for their own use. Describes person applying, location of proposed operations, equipment to be used (stills), type of material used for spirits production, amount of spirits to be produced, and other information to determine qualifications under the law.

• Bureau of Alcohol, Tobacco and Firearms
Application and permit to set up Distilling Apparatus
ATF F1609 (5110.24)

On occasion
Individuals or households/businesses or other institutions distilled spirits plants, vinegar plants
SIC: 208 209
Small businesses or organizations
Federal law enforcement activities: 25 responses; 50 hours; \$260 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Prior to setting up a still, the distiller must make application to do so under 26 U.S.C. 5105. This form facilitates their application to do so. It advises ATF of the type of apparatus to be set up, the capacity, the manufacture, the serial number, etc.

- Bureau of Alcohol, Tobacco and Firearms
Monthly report export warehouse proprietor
ATF F 2140
Monthly
Businesses or other institutions
Exporters of cigars and cigarettes
SIC: 519
Small businesses or organizations
Federal law enforcement activities: 2,892 responses; 2,169 hours; \$2,500 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Export warehouses which handle tobacco products are required to file monthly report of products on hand, received and disposed of. This is for product accountability and also for general statistical purposes.

- Bureau of Alcohol, Tobacco and Firearms
DSP Bottling—Records of Rebottling, Relabeling, and Restamping Activities
ATF REC 5110/33
On occasion
Businesses or other institutions
Distilled spirits plants
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 12,480 responses; 2,496 hours; \$677 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

These records ensure same bottles are not entered twice thus making an inventory inaccurate. Accounting tool, audit trail, and protection of the revenue. Also consumer protection.

- Bureau of Alcohol, Tobacco and Firearms
DSP Finished Products—Bottled and Packaged, Disposition, Other Dispositions
ATF REC 5110/34
On occasion
Businesses or other institutions
Distilled spirits plants
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 24,960 responses; 12,480 hours; \$1,063 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Totals bottled and packed removals incurs tax, other removals may not incur

tax, records will indicate this. Accounting tool, audit trail, and protection of the revenue.

- Bureau of Alcohol, Tobacco and Firearms
Claim to Int. Rev. Drawback and Distilling Apparatus Exported and Entry for Exportation
ATF F 1610
On occasion
Individuals or households/businesses or other institutions
Manuf. of distillers apparatus who subsequently export them
SIC: 344
Small businesses or organizations
Federal law enforcement activities: 100 responses; 100 hours; \$15 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie 202-395-6880

Upon the manufacture of a still for the production of alcohol, a Federal tax is paid. If, however, the still is exported, the manufacturer may file for drawback of the tax monies paid. This form facilitates claims for such drawback.

- Bureau of Alcohol, Tobacco and Firearms
Inventory—Manufacturer of Tobacco Products
ATF F 3067 (5210.9)
On occasion
Businesses or other institutions
Manufacturers of tobacco products
SIC: 211 212
Small businesses or organizations
Federal law enforcement activities: 10 responses; 50 hours; \$100 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie 202-395-6880

Form is necessary to establish the liability of tax on tobacco articles in a tobacco manufacturer's premises. The inventory is recorded on this form by the tobacco manufacturer and occurs at the beginning and closing of the business and at times as required by ATF. The form is important to determine compliance of tobacco products manufactured with regulations about tax and records.

- Bureau of Alcohol, Tobacco and Firearms
DSP Finished Products—Withdrawals on Tax Determination, Transferred in Bond, Samples Removed
ATF REC 5110/35
On occasion
Businesses or other institutions
Distilled spirits plants
SIC: 208
Federal law enforcement activities: 24,960 responses; 12,480 hours; \$672 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie 202-395-6880

Establishes totals on which will be paid, transfers and samples not taxed. Accounting tool, audit trail, protection of the revenue and product integrity.

- Bureau of Alcohol, Tobacco and Firearms
Report of Theft or Loss of Firearms
ATF F 3310.6
On occasion
Businesses or other institutions
Firearms dealers, interstate carriers
SIC: 594 504 421
Small Businesses or organizations
Federal law enforcement activities: 900 responses; 300 hours; \$13,368 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie 202-395-6880

Form is related to voluntary program, participated in by common carriers to report the loss or theft of firearms in interstate shipment. Form is completed by carriers to notify ATF of loss or theft. ATF uses the information to investigate and perfect criminal cases.

- Bureau of Alcohol, Tobacco and Firearms
Inventory—Export Warehouse Proprietor
ATF F 3373 (5220.3)
On occasion
Businesses or other institutions
Tobacco export warehouses
SIC: 519
Small businesses or organizations
Federal law enforcement activities: 10 responses; 50 hours; \$200 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie 202-395-6880

Form is necessary to establish the liability of tax on tobacco articles in an export warehouse. The inventory is recorded on form by the export warehouse proprietor and occurs at the beginning of and closing of his business and at other times required by ATF. Form is important to determine compliance of proprietor with regulations about tax and records.

- Bureau of Alcohol, Tobacco and Firearms
Removal and Receipt of Non-Beverage Wine 27 CFR 170.687 RESPD LTRHD
On occasion
Businesses or other institutions
Bonded wine cellars and users of non-beverage wine
SIC: 208 518 209
Small businesses or organizations
Federal law enforcement activities: 200 responses; 50 hours; \$100 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie 202-395-6880

Necessary to control shipments of non-beverage wine that may be diverted

from beverage use. Form is an invoice, bill of lading or similar document that identifies shipper and receiver, quantity and type of work and certification of receipt by shipper. May later be used by ATF to audit activities for possible beverage (tax) use.

- Bureau of Alcohol, Tobacco and Firearms

Record of Brewery Operations

ATF F2051 sheet 1(5130.5)

Monthly other—see SF83

Businesses or other institutions

Breweries

SIC: 208

Small businesses or organizations

Federal law enforcement activities: 1,164

responses; 6,576 hours; \$207 Federal

cost; 1 form; not applicable under

3504(h)

Irene Montie 202-395-6880

Forms that brewers maintain which outline the details of daily transactions at the brewery. Sheet 1 of this form records material used. Sheet 2 of this form records the beer produced, received, bottling and racking operations. It also shows beer removed from the brewery and in what manner (taxable, nontaxable). Sheet 1 is used as basis for the monthly statistical report prepared by the brewer.

- Bureau of Alcohol, Tobacco and Firearms

Return of Articles, Containers, or Substances

ATF F169 (3330.3)

On occasion

Individuals or households/businesses or other institutions

Manufacturers of distilled spirits

SIC: 518

Small businesses or organizations

Federal law enforcement activities: 26

responses; 13 hours; \$10,499 Federal

cost; 1 form; not applicable under

3504(h)

Irene Montie 202-395-6880

Form provides ATF with information from the sellers of raw materials, intended for use in the manufacture and containment of illicit whiskey. Used by business' placed under demand to provide information on the sale of raw materials and containers. Also provided to individuals who selected a recourse of voluntary compliance with ATF in the sale of these items.

- Bureau of Alcohol, Tobacco and Firearms

Report of Multiple Sale or Other Disposition of Pistols and Revolvers

ATF F3310.4

On occasion

Individuals or households/businesses or other institutions

Licensed firearms retailers who sell handguns

SIC: 596 594

Federal law enforcement activities:

40,000 responses; 0 hours; \$10,473

Federal cost; 1 form; not applicable

under 3504(h)

Irene Montie 202-395-6880

Form provides investigative leads toward those persons who are primarily engaged in handguns as unlicensed dealers. Information supplied is used to determine if a violation of the law exists.

Extensions (No Change)

- Bureau of Alcohol, Tobacco and Firearms

Bonded Wine Cellars Record of Tax

Paid Removals From Bond

ATF Rec 5120/22

On occasion

Businesses or other institutions

Bonded winery

SIC: 208

Small businesses or organizations

Federal law enforcement activities:

52,000 responses; 5,200 hours; \$81

Federal cost; 1 form; not applicable

under 3504(h)

Irene Montie 202-395-6880

Removed on determination of tax, date, quantity, taxable grade, destination and containers used to assess tax liability.

- Bureau of Alcohol, Tobacco and Firearms

Experimental wine

ATF Rec 5120/18

On occasion

Businesses or other institutions

Bonded winery

SIC: 208

Small businesses or organizations

Federal law enforcement activities: 1,450

responses; 725 hours; \$12 Federal cost;

1 form; not applicable under 3504(h)

Irene Montie 202-395-6880

Records show use of wine in experiments, provides a running inventory of wine and ensures wine is not used for a taxable purpose, protects the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Record of Amelioration—Wine

ATF Rec 5120/9

On occasion

Businesses or other institutions

Bonded winery

SIC: 208

Small businesses or organizations

Federal law enforcement activities: 5,500

responses; 458 hours; \$253 Federal

cost; 1 form; not applicable under

3504(h)

Irene Montie 202-395-6880

Records by kind of fruit or berry, quantity material used, if amelioration

exceeds 35% of wine making material, the class and type is altered.

- Bureau of Alcohol, Tobacco and Firearms

Sugar Record—Wine

ATF REC 5120/8

On occasion

Businesses or other institutions

Bonded winery

SIC: 208

Small businesses or organizations

Federal law enforcement activities: 6,000

responses; 1,000 hours; \$103 Federal

cost; 1 form; not applicable under 3504

(h)

Irene Montie, 202-395-6880

Records of receipt and use, correlates with sweetening and amelioration records accounting for total use.

- Bureau of Alcohol, Tobacco and Firearms

Record of Use of Acids

ATF REC 5120/5

On occasion

Businesses or other institutions

Bonded winery

SIC: 208

Small businesses or organizations

Federal law enforcement activities: 2,000

responses; 100 hours; \$67 Federal cost;

1 form; not applicable under 3504 (h)

Irene Montie, 202-395-6880

Records date, kind, quantity—used to determine that amount used does not exceed regulatory limits.

- Bureau of Alcohol, Tobacco and Firearms

Record of Wine Baked

ATF REC 5120/3

On occasion

Businesses or other institutions

Bonded winery

SIC: 208

Small businesses or organizations

Federal law enforcement activities: 300

responses; 25 hours; \$38 Federal cost;

1 form; not applicable under 3504 (h)

Irene Montie, 202-395-6880

Used to substantiate claim for allowance of loss, protects the revenue.

- Bureau of the Public Debt
- Request for Redemption of Registered Securities**

PD 1668

Nonrecurring

Individuals or households/State or local governments/farms/businesses or other institutions

Entire public affected—all descriptions apply

SIC: all

Small businesses or organizations

Central fiscal operations; 16,000

responses; 2,600 hours; \$1,495 Federal

cost; 1 form; not applicable under 3504 (h)

Irene Montie, 202-395-6880

Information is required to redeem to investor the State amount on registered treasury securities.

• Bureau of Alcohol, Tobacco and Firearms

Computation of Tax and Agreement to Pay on Puerto Rican Cigars and Cigarettes

ATF F 2987 (5210.8)

On occasion

Businesses or other institutions

Person bringing Puerto Rico tobacco products into U.S.

SIC: 211, 212

Small businesses or organizations

Federal law enforcement activities: 300 responses; 150 hours; \$264 Federal cost; 1 form; not applicable under 3504 (h)

Irene Montie, 202-395-6880

Form is necessary to establish the amount of tax to be paid by a person bringing in Puerto Rican cigars or cigarettes to the U.S. Describes taxpayer, cigars or cigarettes by tax class, and certification by a Government officer of the amount of the shipment and release into the U.S.

• Bureau of Alcohol, Tobacco and Firearms

Statement of Financial Condition and Other Information

ATF 433 (5640.4)

On occasion

Individuals or households/businesses or other institutions

All alcohol and tobacco establishments regulated by ATF

SIC: 208, 518, 581, 519, 599, 262, 516, 594, 211, 285

Small businesses or organizations

Federal law enforcement activities: 20 responses; 160 hours; \$325 Federal cost; 1 form; not applicable under 3504 (h)

Irene Montie, 202-395-6880

Industry members who violate the law often times propose to compromise the criminal or civil liability by proposing that they submit an offer in compromise. During the course of negotiations, the industry member may maintain that they are unable to afford the financial burden of the suggested offer in compromise. In these cases, our agency may request that they complete this form so as to determine the legitimacy of their assertion.

• Bureau of Alcohol, Tobacco and Firearms

Manufacturers, Dealers in Proprietary Antifreeze Made With CDA Records of Receipt, Production, Storage, Dispositions

Bulk transaction and records of monthly production

ATF REC 5150/16

On occasion, monthly

Businesses or other institutions

Manufacturers and dealers in proprietary antifreeze with CDA

SIC: 289

Small businesses or organizations

Federal law enforcement activities: 2,000 responses; 1,000 hours; \$80 Federal cost; 1 form; not applicable under 3504 (h)

Irene Montie, 202-395-6880

Provides an audit trail, running inventory of spirits on hand, ensures use of alcohol does not incur tax liabilities.

• Bureau of Alcohol, Tobacco and Firearms

Form Letter—Taxpayer Delinquency Program

ATF F5630.2

On occasion

Individuals or households/businesses or other institutions

Wholesale and retail dealers in spirits, wines or beer

SIC: 518, 581, 592

Small businesses or organizations

Federal law enforcement activities: 3,000 responses; 1,500 hours; \$1,655 Federal cost; 1 form; not applicable under 3504 (h)

Irene Montie, 202-395-6880

Form is used to determine whether a person has become liable for special occupational taxes involving alcoholic beverages. Describes whether person is liable or reason why person is not liable, details concerning payment of special occupational tax and if applicable, person to whom business was sold. Used to assess or pay taxes for those persons who are liable for payment.

• Bureau of Alcohol, Tobacco and Firearms

Registration of Still

ATF F 26 (5110.19)

On occasion

Businesses or other institutions

Distilled spirits plants, vinegar plants

SIC: 208, 209, 286

Small businesses or organizations

Federal law enforcement activities: 23 responses; 23 hours; \$80 Federal cost; 1 form; not applicable under 3504 (h)

Irene Montie, 202-395-6880

Federal law requires that all stills used for the production of alcohol be registered. Filing of this form meets the requirements of law.

• Bureau of Alcohol, Tobacco and Firearms

Licensed Explosives Importers, Dealers, and Permittees Inventories

ATF Rec 5400/1

On occasion

Businesses or other institutions
Importers, dealers, and permittees
dealing with explosives

SIC: 516

Small businesses or organizations

Federal law enforcement activities: 5,000 responses; 10,000 hours; \$159 Federal cost; 1 form; not applicable under 3504(h)

Irene Montie, 202-395-6880

Accounting tool, audit trail provides the total figure of explosives on hand, used to cross-reference to dispositions and receipts to account for activity in explosives, ensures no theft or diversion by balancing amount on hand. Ascertain compliance with the law.

• Bureau of Alcohol, Tobacco and Firearms

Report of Firearms Transactions

ATF F 4483 (5300.5)

On occasion

Businesses or other institutions

Firearms licensees

SIC: 594, 504, 348

Small businesses or organizations

Federal law enforcement activities: 1,000 responses; 1,000 hours; \$120 Federal cost; 1 form; not applicable under 3504(h)

Irene Montie, 202-395-6880

Form is used to determine transactions of firearms by a Federal firearms licensee. Form requires the Federal firearms licensee to respond certain firearms transactions specified by the form. The Federal firearms licensee must examine his records and prepare an appropriate response.

• Bureau of Alcohol, Tobacco and Firearms

Form-Letter Statement of Liability

ATF F 5630.3

On occasion

Businesses or other institutions

Wholesale and retail dealers in spirits, wines or beer

SIC: 518, 581, 592

Small businesses or organizations

Federal law enforcement activities: 3,000 responses; 1,500 hours; \$1,655 Federal cost; 1 form; not applicable under 3504(h)

Irene Montie, 202-395-6880

Form is used to determine whether a person has become liable for special occupational taxes involving alcoholic beverages. Describes the person who is liable or reason why person is not, details concerning payment of special occupational tax, and if applicable, person to whom business was sold. Form is used to assess taxes for those persons who are liable for payment.

• Bureau of Alcohol, Tobacco and Firearms
Application to Register as an Importer of U.S. Munitions
Import list articles
ATF F 4587 (7570.4)
Annually
Businesses or other institutions
Persons engaged in the business of importing arms, etc.
SIC: 348
Small businesses or organizations
Federal law enforcement activities: 300 responses; 150 hours; \$10,500 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Registration required by 22 U.S.C. 2778 and regulations pursuant thereto. Information collected is used to determine eligibility to import firearms, ammunition, and implements of war.

• Bureau of Alcohol, Tobacco and Firearms
Release and Receipt of Imported Firearms, Ammunition and Implements of War
ATF F 6A (7570.3C)
On occasion
Individuals or households/businesses or other institutions
Lic. importers, mfrs. and dealers, frgn gov't and persons, etc.
SIC: 348
Small businesses or organizations
Federal law enforcement activities: 20,000 responses; 8,000 hours; \$35,580 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Report of release and receipt required by 18 U.S.C. 925(a) and 22 U.S.C. 2778 and regulations issued pursuant thereto. Information is used to verify importation of firearms, ammunition and implements of war.

• Bureau of Alcohol, Tobacco and Firearms
Application and Permit for Importation of Firearms, Ammunition and Implements of War
ATF F 6 (Part II) (7570.3B)
On occasion
Individuals or households
Active duty members of the U.S. armed forces
Federal law enforcement activities: 9,000 responses; 4,500 hours; \$79,780 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Application required by 18 U.S.C. 925(a)(4) and regulations issued pursuant thereto. Information collected is used to determine eligibility to import firearms and ammunition.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202-382-2742

New

• Interim Authorization for State Hazardous Waste Management Programs
Nonrecurring
State or local governments
States that voluntarily seek phase II interim authorization
SIC: 951
Pollution control and abatement: 15 responses; 1,871 hours; \$40,383 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

States that voluntarily seek phase II authorization to administer and enforce their hazardous waste management programs in lieu of the Federal program may submit an application to EPA. The information submitted must demonstrate that the State program is substantially equivalent to the Federal program.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202-632-7513

Extensions (Burden Change)

• Annual Employment Report
FCC Form 395
Annually
Businesses or other institutions
All lic. or permit. of comm. or noncomm. oper. AM, FM, etc.
SIC: 481, 482, 483, 489
Small businesses or organizations
Other advancement and regulation of commerce: 10,700 responses; 10,700 hours; \$237,489 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

Data is needed to monitor and enforce FCC rules pertaining to EEO requirements. Information is extracted for investigative and policy-making purpose and for inclusion in the annual FCC study.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202-377-6025

New

• Survey of Mortgage Lending Policy
1252
Quarterly
Businesses or other institutions
FSLIC-insured savings and loan associations
SIC: 612
Mortgage credit and thrift insurance: 960 responses; 720 hours; \$2,995 Federal cost; 1 form; not applicable under 3505(h)

Richard S. Stavneak, 202-395-6880

To monitor usage of broad new authority given savings and loan associations to make adjustable mortgage loans, including the terms of the most frequently offered contracts, in order to evaluate the appropriateness of the regulatory authorization.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William Jones—202-452-2983

Revisions

• Notification To Invest in Subsidiary of Joint Venture
On occasion
Businesses or other institutions
Banking organizations
SIC: 602, 671, 605
General government: 42 responses; 324 hours; \$250,000 Federal cost; 1 form; \$9,720 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202-395-6880

This is a 60 days' prior notification, to make an investment in a foreign company, by a member bank, bank holding company, edge or agreement corporation.

• Notification To Establish Foreign Branch of Member Bank
On occasion
Businesses or other institutions
Member banks
SIC: 602
General government: 12 responses; 36 hours; \$75,000 Federal cost; 1 form; \$1,080 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202-395-6880

This is a prior notification to establish a foreign branch of a member branch (when the bank already has at least one branch in the foreign countries).

Extensions (Burden Change)

• Notification Pursuant to Sec. 211.23H of Reg. K on Acquisitions Made by Foreign Banking Organizations
On occasion
Businesses or other institutions
Foreign banking organizations
SIC: 602 671
General Government: 160 responses; 160 hours; \$25,000 Federal cost; 1 form; not applicable under 3504(h)
Richard S. Stavneak, 202-395-6880

Foreign Banking Organizations that engage in banking in the U.S. through a branch, agency, subsidiary commercial ending company, or subsidiary bank are required to report all acquisition Mr. Shanes in companies rent do business in the U.S. or activities commenced in the

U.S. This information is to be filed 30 days after the end of the quarter and is used to insure compliance with the IBA and BHC Act.

Extensions (No change)

- Application to Invest in Other Organizations

On occasion

Businesses or other institutions

Member banks, bank holding companies

SIC: 602, 605, 671

General Government: 34 responses; 1,088 hours; \$350,000 Federal cost; 1 form; \$32,640 public cost; not applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

This is an application by a member bank, bank holding company, edge or agreement corporation to make a foreign investment.

- Application to amend Articles of Association of Edge Corporation

On occasion

Businesses or other institutions

Edge corporations

SIC: 602, 605, 671

General Government: 37 responses; 148 hours; \$50,000 Federal cost; 1 form; \$4,440 public cost; not applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

An application to amend articles of association of an edge corporation relates to changes in the fundamental constitution of such corporation, such as name, location, and capital stock.

- Application to Establish Branches of Edge Corporation

On occasion

Businesses or other institutions

Edge corporations

SIC: 602, 605, 671

General Government: 17 responses; 272 hours; \$200,000 Federal cost; 1 form; \$8,160 public cost; not applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

To establish branches of Edge Corporations as authorized by regulation K.

- Application to Establish Edge Corporation

On occasion

Businesses or other institutions

Member banks and bank holding companies

SIC: 602, 671

General Government: 15 responses; 480 hours; \$50,000 Federal cost; 1 form; \$14,400 public cost; not applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

This is an application to establish an Edge Corporation. Section 25(A) of the Federal Reserve Act empowers the board to charter edge corporations.

- Application to Establish Foreign Branch of Member Bank

On occasion

Businesses or other institutions

Member banks

SIC: 602

General Government: 11 responses; 176 hours; \$150,000 Federal cost; 1 form; \$5,280 public cost; not applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

This is an application, for authority, under section 25 of the Federal Reserve Act, to establish a branch of a member bank in a foreign country.

- Notification of Foreign Branch Status FR 2058

On occasion

Businesses or other institutions

Member banks

SIC: 602, 671, 605

General Government: 116 responses; 116 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

This is a report of the opening, closing on relocation of a foreign branch of a member bank, edge or agreement corporation, or bank holding company so the Federal Reserve System can determine where foreign branches are located.

- Daily Report of Other Demand Deposits by Edge Act Corp FR 2008

Other—see SF83

Businesses or other institutions

Sample of Large Edge Act Corporations in N.Y.C.

SIC: 605

General government: 3,640 responses; 1,238 hours; \$4,500 Federal cost; 1 form; \$18,570 public cost; not applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

Report collects information on selected items reported on the FR 2900 report in advance of the FR 2900 schedule from a sample of Large Edge Act Corporations. This report provides preliminary deposit data used to construct early estimates of the monetary aggregates.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Offices—Stephen Scott—301-492-8585

Extensions (no change)

- Data Report on Spouse

NRC-354

On occasion

Individuals or households

NRC applicants, contractors, and licensees

Energy information, policy, and regulation: 24 responses; 6 hours; \$76

Federal cost; 1 form; not applicable under 3504(h)

Jefferson B. Hill, 202-395-7340

Information concerning alien spouses of NRC applicants, alien spouses or contractors, and spouses of contractors married after granting of access is required to meet basic security requirements.

- Application for License to Export Nuclear Material and Equipment NRC-7

On occasion

Businesses or other institutions

Exporters of nuclear material

SIC: 281

Energy information, policy, and regulation: 400 responses; 200 hours; \$207,500 Federal cost; 1 form; not applicable under 3504(h)

Jefferson B. Hill, 202-395-7340

Provides basic data for agency to review request for license to export nuclear material and/or equipment.

OFFICE OF MANAGEMENT AND BUDGET

Agency Clearance Officer—Jim J. Tozzi—202-395-5897

New

- Uniform Procurement System, Benefit Analysis Survey¹

Nonrecurring

Businesses or other institutions

Management level respondents from agencies, associations, and contractors

SIC: Multiple

Office of Federal Procurement Policy: 1 response; 40 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)

Edward Springer, 202-395-4814

Information required for analysis and estimates of benefits, cost savings and investment of alternative systems is being sought from executive and management level persons from industry, Government agencies, and associations.

VETERANS ADMINISTRATION

Agency Clearance officer—R. C. Whitt (OO4A2)—202-389-2146

Revisions

- Application for Burial Benefits 21-530

On occasion

¹ This survey has already been approved for use by OMB. The survey will collect information to be used in a cost/benefit analysis of the Uniform Federal Procurement System (UFPS) proposed as required by Pub. L. 96-83. The schedule for submitting the UFPS proposed to Congress dictates that this information collection be completed by November 30, 1981.

Individuals or households/businesses or other institutions

Funeral director

SIC: 726

Small businesses or organizations

Income security for veterans: 385,000 responses; 128,000 hours; \$3,077,550

Federal cost; 1 form; not applicable under 3504(h)

Robert Neal, 202-395-6880

This application form is required to file a claim for burial benefits including transportation expenses. The information gathered is used to determine basic eligibility and whether the person who paid the veterans burial expenses should be paid, or if expenses are unpaid, if the creditor is to be paid. Authority is 38 U.S.C. section 902.

- Application for Servicemen's Group Life Insurance
29-8713

On occasion

Individuals or households

Retired reservists

Income security for veterans: 5,000 responses; 1,250 hours; \$55 Federal cost; 1 form; not applicable under 3504(h)

Robert Neal, 202-395-6880

The completed application is required by law, 38 CFR 9.3. The information collected is used to determine the eligibility of the applicant for the insurance.

- Application for Release From Personal Liability to the Government on a Home Loan

26-6381

On occasion

Individuals or households

Seller

Veterans housing: 21,000 responses; 3,500 hours; \$44,847 Federal cost; 1 form; not applicable under 3504(h)

Robert Neal, 202-395-6880

Veteran's request for release from personal liability to the Government on loan guaranteed, insured or made by VA, which is to be assumed by a buyer. Application is required by 38 U.S.C. 1817(a). Form provided date on which VA initiates processing of the request and subsequently determines final action.

- Application for Change of Permanent Plan (Medical)

29-1549

On occasion

Individuals or households

Insured veteran or authorized representative

Income security for veterans: 1,575 responses; 2,363 hours; \$4,996 Federal cost; 1 form; not applicable under 3504(h)

Robert Neal, 202-395-6880

The completed form is required by law, 38 CFR 6.48 and 8.36. The information collected is used to process the insured's request for his/her change of plan.

- Insurance Deduction Authorization
29-888

On occasion

Individuals or households

Insured veteran

Income security for veterans: 4,000 responses; 666 hours; \$13,323 Federal cost; 1 form; not applicable under 3504(h)

Robert Neal, 202-395-6880

The completed form is required by law, 38 U.S.C. 708 and 743. The information collected is used to affect the method of premium payment as requested.

Arnold Strasser,

Chief, Reports Management (Acting).

[FR Doc. 81-33530 Filed 11-20-81; 8:45 am]

BILLING CODE 3110-01-M

Agency Forms Under Review

Background

November 18, 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 U.S.C. 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 are 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 that 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 on 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
Dried Prunes Produced in California—
Marketing Order No. 993

On occasion, monthly, annually
Businesses or other institutions
14 Prune handlers in California
SIC: 203

Agricultural research and services: 1,031
responses; 381 hours; \$964 Federal
cost; 14 forms; \$2,284 public cost; not
applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The 14 committee forms used by prune
handlers enable the prune
administrative committee to determine
handler acquisitions and shipments of
standard quality, substandard,
undersized and reserve prunes.
Inventory information supplied by
handlers enables the committee to
establish marketing policy.

• Farmers Home Administration
Servicing of Community Program Loans
and Grants, 7 CFR 1861-F

FMHA 451-33

On occasion

State or local governments/businesses
or other institutions

Profit and non-profit organizations,
public bodies (Loc. gov.)

SIC: Multiple

Small businesses or organizations
Area and regional development: 250
responses; 350 hours; \$75,200 Federal
cost; 1 form; \$4,200 public cost; not
applicable under 3504(h)

Nell Minow, 202-395-7340

Information required for
administrative provisions and security
servicing policies necessary for
servicing loans and grants.

Revisions

• Food Safety and Quality Service
Regulations Governing Meat Inspection
401, 403-10, 8822-1 4, 441 2, 404, 412
408, 409-1, 410, 115 6200-2

On occasion, quarterly

State or local governments

Meat Slaughter and processing plants,
laboratories, etc.

SIC: 201

Small businesses or organizations
Consumer and occupational health and
safety: 1,615,435 responses; 120,855
hours; \$360,184 federal cost; 13 forms;
not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The meat inspection program carries
out the requirements of the Federal
Meat Inspection Act to inspect the
commercial slaughter of domestically
livestock and the processing of meat
products, and assures that meat
products distributed to consumers are
safe, wholesome, of good quality, not
adulterated, and honestly and
informatively labeled.

Reinstatements

• Farmers Home Administration
Applicants' Environmental Impact
Evaluation

FMHA 449-10

On occasion

State or local governments/farms/
businesses or other institutions
Bus. and ind., loc. gov. and housing
developers, in rural areas

SIC: Multiple

Small businesses or organizations
Area and regional development: 42,500
responses; 106,250 hours; \$73,080
Federal cost; 1 form; \$1,022,500 public
cost; not applicable under 3504(h)
Nell Minow, 202-395-7340

The National Environmental Policy
Act of 1969, as amended, requires the
sponsoring Federal agency to consider
the potential environmental impacts of
each major Federal action proposed for
funding. Data collected will be used to
analyze environmental impact.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward
Michals—202-377-3627.

New

• Bureau of the Census
Fluid Power Products (Including
Aerospace)

MA-35N

Annually

Businesses or other institutions
Manufacturers of fluid power products
SIC: 349, 359, 372, 356

Small businesses or organizations

Other advancement and regulation of
commerce: 450 responses; 450 hours;
\$11,261 Federal cost; 1 form; not
applicable under 3504(h)

Statistical Policy Branch, 202-395-7313

This survey is new for 1981 and is to
provide quantity and value of shipments
data for selected fluid power products.
Government agencies use the data for
defense mobilization purposes, trade
analysis, and forecasting. Business firms
and trade associations use the data for
market analysis and long-term planning.

• Bureau of the Census
1982 National Travel Survey (NTS)
NTS-1, NTS-2, NTS-3

Other—See SF83

Individuals or households

National sample of persons in 8,500
households

Other advancement and regulation of
commerce: 17,000 responses; 5,667
hours; \$1,200,000 Federal cost; 3 forms;
not applicable under 3504(h)

Statistical Policy Branch, 202-395-7313

Information from this study will be
used by Federal, State, local, and
private agencies to develop plans and
make projections of the travel, tourism,
and transportation industries.

Revisions

• Bureau of the Census
Construction Machinery (Shipments)
MQ-35D

Quarterly, annually

Businesses or other institutions

Manufacturers of construction
machinery

SIC: 353

Small businesses or organizations
Other advancement and regulation of
commerce: 700 responses; 467 hours;
\$24,605 Federal cost; 1 form; not
applicable under 3504(h)

Statistical Policy Branch, 202-395-7313

This survey was begun in 1943 to
provide data on quantity and value of
shipments and exports for construction
machinery. Government agencies use
the data for trade analysis,
measurement, and forecasting. Business
firms and trade associations use the
data for marketing analysis and long-
term planning.

• Bureau of the Census
Shipments of Refractories
MQ-32C

Quarterly annually

Businesses or other institutions

Refractories manufacturers

SIC: 325, 329

Small businesses or organizations

Other advancement and regulation of
commerce: 1,025 responses; 734 hours;
\$14,395 Federal cost; 1 form; not
applicable under 3504(h)

Statistical Policy Branch, 202-395-7313

Survey results are used by
Government agencies, business firms,
and trade associations for market
analysis and to analyze and forecast
economic trends in the industry.

• Bureau of the Census
Pulp, Paper, and Board
M-26A

Monthly

Businesses or other institutions

Paper and paperboard mills

SIC: 261, 262, 263, 266

Small Businesses or organizations
Other advancement and regulation of
commerce; 7,200 responses; 3,600
hours; \$101,246 Federal cost; 1 form;
not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

This survey provides detailed
statistics on selected wood, pulp, paper,
and board products. The data are used
extensively by Government and
industry analysts, and, in conjunction
with the related annual survey, provide
a benchmark to related surveys
conducted by industry associations.

Extensions (Burden Change)

• Bureau of the Census
Shipper's Export Declaration for In-
Transit Goods

7513

On occasion

Businesses or other institutions

Exporters

SIC: All

Small businesses or organizations
Other advancement and regulation of
commerce: 64,000 responses; 16,000
hours; \$4,476,000 Federal cost; 1 form;
not applicable under 3504(h)

Statistical Policy Branch, 202-395-7313

Exporters use form 7513 to report
shipments of merchandise from one
foreign country to another via the
United States. Form 7513 serves as the
basic source document from which the
United States statistics on outbound in-
transit shipments are compiled.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John
Gross—202-633-9770

Extensions (Burden Change)

• Energy Information Administration
Weekly Import Report
EIA-165
Weekly
Businesses or other institutions
Importers of petroleum and petroleum
products

SIC: 299

Small businesses or organizations
Energy information, policy, and
regulation: 3,796 responses; 10,628
hours; \$721,000 Federal cost; 1 form;
not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Data are used as input to "Weekly
Petroleum Status Report." Data are used
to project energy supplies and provide
early warning of potential shortages.

• Energy Information Administration
Weekly Total Stocks of Crude Oil
EIA-164
Weekly
Businesses or other institutions

Crude petroleum refiners and producers
SIC: 291

Small businesses or organizations
Energy information, policy, and
regulation: 9,360 responses; 17,784
hours; \$721,000 Federal cost; 1 form;
not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Data are used as input to "Weekly
Petroleum Status Report." Data are used
to project energy supplies and provide
early warning of potential shortages.

• Energy Information Administration
Weekly Bulk Terminal Stocks of
Industrial Products

EIA-162

Weekly

Businesses or other institutions

Bulk terminal operations

SIC: 299

Small businesses or organizations

Energy information, policy, and
regulation: 7,124 responses; 24,934
hours; \$721,000 Federal cost; 1 form;
not applicable under 3504(h)

Jefferson B. Hill, 202-395-7340

Data are used as input to "Weekly
Petroleum Status Report." Data are used
to project energy supplies and provide
early warning of potential shortages.

• Energy Information Administration
Refinery Report

EIA-161

Weekly

Businesses or other institutions

Petroleum refiners

SIC: 291

Small businesses or organizations

Energy information, policy, and
regulation: 13,260 responses; 17,901
hours; \$721,000 Federal cost; 1 form;
not applicable under 3504(h)

Jefferson B. Hill, 202-395-7340

Data are used as input to "Weekly
Petroleum Status Report." Data are used
to project energy supplies and provide
early warning of potential shortages.

**DEPARTMENT OF HEALTH AND HUMAN
SERVICES**

Agency Clearance Officer—Joseph
Strnad—202-245-7488

New

• Human Development Services
Head Start Program Performance
Standards Plan
Annually
Businesses or other institutions
Head start grantees/delegate agencies
SIC: 835

Multiple functions: 1,785 responses;
151,725 hours; \$104,815 Federal cost; 1
form; \$758,625 public cost; not
applicable under 3504(h)

Gwendolyn Pla, 202-395-6880

Performance standards plans
developed by each head start grantee
and delegate agency for services to be
provided to low income children and
families in education, health, social
services and parent involvement. Used
for grantee program operations, as part
of grant application process and for
grantee self-assessment and for Federal
monitoring.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A.
Keado—202-343-6191

New

• Bureau of Mines
Gas Well Data—Survey of Helium-
Bearing Natural Gas 6-1579-A
Annually
Businesses or other institutions
Business and individuals involved in
natural gas industry
SIC: 131, 132, 138, 492, 493
Small businesses or organizations
Other natural resources: 200 responses;
50 hours; \$22,600 Federal cost; 1 form;
not applicable under 3504(h)
Robert Shelton, 202-395-7340

This information is used to locate
helium resources in the United States
and is an aid in evaluating those
resources. The data collected, along
with the analysis of the gas sample
submitted, is published, when released
by owner, as in information service to
the public.

Extensions (Burden Change)

• Bureau of Mines
Non-Ferrous Metals Surveys
6-1151-MA et al.
Annually, monthly, quarterly
State or local governments/businesses
or other institutions
Producers and consumers of nonfuel
minerals and materials
SIC: Multiple 102, 104, 105, 109, 333, 334,
335, 336, 505
Small businesses or organizations
Other natural resources: 19,111
responses; 23,704 hours; \$216,000
Federal cost; 44 forms; not applicable
under 3504(h)
Robert Shelton, 202-395-7340

The information is needed to enable
the Secretary of the Interior to meet the
responsibilities mandated by the
National Mining and Minerals Policy
Act of 1970 (P.L. 91-631) to be informed
of and to inform the Congress of
development in the minerals industries
including potential crises therein. The
data are interpreted, analyzed, and
disseminated as provided for in the
Bureau of Mines Organic Act of 1910
and as amended in 1913.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

Extensions (Burden Change)

• Federal Bureau of Investigation
Number of Full-Time Law Enforcement Employees as of October 31
DO-52, DO-52A, DO-52B
Annually
State or local governments
City, county, & State law enforcement agencies in the U.S.
SIC: 922

Federal law enforcement activities:
11,702 responses; 2,340 hours; \$24,000 Federal cost; 3 forms; \$23,400 public cost; not applicable under 3504(h)
Andy Uscher, 202-395-4814

Needed to determine the number of civilian and sworn law enforcement employees in the United States. Summary statistics are published annually in "Crime in the United States."

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

New

• Federal Railroad Administration
Hours of Service Act Exemption
On occasion
Businesses or other institutions
Railroad industries
SIC: 401

Ground transportation: 20 responses; 40 hours; \$40,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

Railroads which have no more than 15 employees covered by the act may after a full hearing and for good cause shown be exempted from the limitations imposed by the Hours in Service Act.

• Federal Railroad Administration
Filing of Application for Block Signal Systems
On occasion, other—see SF83
Businesses or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401

Ground transportation: 116 responses; 1,160 hours; \$110,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

The Signal Inspection Act, 49 U.S.C. 26, requires approval of the Federal Railroad Administration for a carrier to materially modify or discontinue a block signal system, interlocking, automatic train stop, train control or cab signal device. Title 49 CFR 235 provides the manner and method of obtaining approval of the Federal Railroad Administration.

• Federal Railroad Administration
Application for Relief of Requirements of Rules, Standards and Instructions for Repair and Maintenance of Signal Systems

On occasion, other—see SF 83 Business or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401

Ground transportation: 73 responses; 183 hours; \$55,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

Section 236.0 permits railroads subject to the provisions of the Signal Inspection Act of 1937, 49 U.S.C. 26, to request relief from the requirements of the rules, standards and instructions 49 CFR 236, and prescribes the format in which such petitions shall be submitted.

• Coast Guard
Servicing Records for Life Rafts
On occasion, annually
Businesses or other institutions
Marine equipment servicing companies
SIC: 739

Small businesses or organizations
Water transportation: 2,200 responses; 1,100 hours; \$660 Federal cost; 1 form; \$11,000 public cost; not applicable under 3504(h)
Wayne Leiss 202-395-7340

46 CFR 160.051 requires all inflatable liferafts to be serviced annually by an approved servicing facility. The servicing facility must maintain a complete record of each inflatable liferaft serviced.

• Coast Guard
Foreign Freight and Passenger Vessel Reports
CG-4504 CG 840S-1A-2A

On occasion—annually
Businesses or other institutions
Owners/oper. of foreign fr. and pass. ves. that use U.S. ports
SIC: 441 442

Water transportation: 1,260 responses; 101 hours; \$26,914 Federal cost; 3 forms; \$9,866 public cost; not applicable under 3504(h)
Wayne Leiss 202-395-7340

Used to enhance management of foreign vessel examination records and to provide masters with evidence of boardings and compliance/non-compliance.

• Coast Guard
Carrying Persons in Addition to the Crew
On occasion
Businesses or other institutions
Owner/operators of certain types of commercial vessels
SIC: 441 442 443 444 445

Water transportation: 500 responses; 200 hours; \$3,575 Federal cost; 1 form; \$3,720 public cost; not applicable under 3504(h)

Wayne Leiss 202-395-7340

46 U.S.C. 458 and 882—allows owners/operators of certain vessel types to carry limited numbers of persons in addition to the crew without having to meet passenger vessel requirements.

• Coast Guard
Display of Plans
On occasion
Businesses or other institutions
Owners/operators of certain USCG inspected merchant vessels
SIC: 441 442

Water transportation: 1,300 responses; 1,300 hours; \$6,734 Federal cost; 1 form; \$19,058 public cost; not applicable under 3504(h)
Wayne Leiss 202-395-7340

46 U.S.C. 481—requires the posting or display of certain vessel plans. Availability of these plans aids firefighting and damage control efforts, particularly when shoreside personnel are involved.

• Coast Guard
Excursion Parties
CG-949 950
On occasion
Businesses or other institutions
Owners/oper. of pass. carrying ves. subj. to USCG inspec.
SIC: 441 442 443 444 445

Small businesses or organizations
Water transportation: 2,000 responses; 4,000 hours; \$96,540 Federal cost; 2 forms; \$106,520 public cost; not applicable under 3504(h)
Wayne Leiss 202-395-7340

46 U.S.C. 453 and 481—used for passenger-carrying vessels to obtain permission when their operators desire to operate on other than their allowed route or with more passengers on a one-time basis.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

• Internal Revenue Service
Investigation—Banks and Financial Institutions Request for Financial Information

LTR 3N81

On occasion
Businesses or other institutions
Banks and financial institutions
SIC: 601 602 603 604 605 811
Central fiscal operations: 34,100 responses; 2,840 hours; \$18,037 Federal

cost; 1 form; not applicable under 3504(h)

Irene Montie 202-395-6880

Letter 3N81 is used to obtain information from banks and financial institutes to verify correctness of tax returns being examined.

• Internal Revenue Service
Recommendation for New IRC 170 Determination

SWR E-2549

Nonrecurring

Farms/businesses or other institutions
Taxpayers claiming exemp. from the windfall profits tax

SIC: Multiple

Small businesses or organizations
Central fiscal operations: 100 responses;
100 hours; \$100 Federal cost; 1 form;
not applicable under 3504(h)

Irene Montie 202-395-6880

The crude oil windfall Profits Tax Act imposes a tax on domestically produced crude oil. Taxpayers may file claim for exemption from the tax. After IRS reviews the data furnished by the taxpayer, and has determined he/she is not exempt, we need to notify them and inform them they may either request a new determination from their district director, or file the required returns.

• Internal Revenue Service
Notice of Intention To Disclose
437, 438, 466

On occasion

Individuals or households/State or local governments/farms/businesses or other institutions

All taxpayers or others to which or with respect to, etc.

SIC: all

Small businesses or organizations
Central fiscal operations: 7,000 responses; 3,500 hours; \$8,300 Federal cost; 3 forms; not applicable under 3504(h)

Irene Montie, 202-395-6880

Notice is required by 26 U.S.C. 6110(f)—A reply is necessary if recipient disagrees with service's proposed deletions, service uses reply to consider propriety of making additional deletions to public inspection version of written determinations or related background file documents.

• Internal Revenue Service
Corporation Application for Tentative Refund

1139

On occasion

Farms/businesses or other institutions
Corps that have an operating loss

SIC: all

Small businesses or organizations
Central fiscal operations: 3,000 responses; 7,662 hours; \$35,299 Federal

cost; 1 form; not applicable under 3504(h)

Irene Montie, 202-395-6880

Form 1139 is used by corporations to apply for a quick refund of taxes due to a carryback of a net operating loss, net capital loss, unused investment, win, jobs or research credit, or claim of right adjustment under IRC section 134 11(b). The information obtained is used to determine the validity of the application.

• Internal Revenue Service
Performance Appraisal (for Non-IRS Candidates Only)

6789

On occasion

Individuals or households/State or local governments/farms/businesses or other institutions

Treasury bureaus, Federal agencies, State/local gov'td

SIC: all

Small businesses or organizations
Central fiscal operations: 3,000 responses; 3,000 hours; \$3,000 Federal cost; 1 form; not applicable under 3504(h)

Irene Montie, 202-395-6880

A performance appraisal is required to consider status applicants employed by other Treasury bureaus, other agencies, or by private industry (if candidates have reinstatement eligibility). Both FPM 335, Federal promotion regulations, and IRM 0335, IRS promotion regulations, require systematic ranking procedures with the appraisal as a required method of consideration.

• Bureau of Government Financial Operations
Minority Bank Deposit Program Savings and Loan Association Certification Form For Admission

Nonrecurring

Businesses or other institutions
Savings and loan associations

SIC: 602, 603

Central fiscal operations: 72 responses
36 hours; \$600 Federal cost; 1 form;
\$648 public cost; not applicable under 3504(h)

Irene Montie, 202-395-6880

This form is used to determine whether a savings and loan association qualifies as a minority institution under the minority bank deposit program.

Revisions

• Internal Revenue Service
Returns for Private Foundations, Non-Exempt/Charitable Trusts and Related Persons

990-PF, 4720

On occasions, annually
Individuals or households/businesses or other institutions

Priv. found., taxable, exempt, FGN, domestic, etc.

SIC: 201, 202, 203, 204, 205, 206, 222, 236, 251, 345

Small businesses or organizations
Central fiscal operations: 36,000 responses; 572,722 hours; \$745,684 Federal cost; 2 forms; not applicable under 3504(h)

Irene Montie, 202-395-6880

IRC section 6033, as amended by Public law 96-603, requires the filing of an annual information return by all private foundations (taxable or tax exempt) and section 4947(a)(1) trusts treated as private foundations section 4940 imposes a tax on net investment income and section 53.4940 1(a) of the regulations requires it to be reported on the return required under section 6033.

• Internal Revenue Service
Application for Tentative Refund
1045

On occasion

Businesses or other institutions/
individuals or households

Businesses that have an operating loss
SIC: All

Small businesses or organizations
Central fiscal operations: 292,139 responses; 926,127 hours; \$1,666,144 Federal cost; 1 form; not applicable under 3504(h)

Irene Montie, 202-395-6880

Form 1045 reflects IRC section 6411 and is required by income tax regulation section 1.6411-1(b). It is used by individuals, estates and trusts to apply for a quick refund of taxes due to carryback of a net operating loss, unused investment, WIN or jobs credits, or claim of right adjustment under section 1341(b). The information obtained is used to determine the validity of the application.

Extensions (Burden Change)

• Internal Revenue Service
Credit for Increasing Research Activities
6765

Annually

Individuals or households/farms/
businesses or other institutions

Any per. increasing res. activities of a trade or business

SIC: All

Small businesses or organizations
Central fiscal operations: 17,000 responses; 25,663 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)

Irene Montie, 202-395-6880

Internal Revenue Code section 44f, added by P.L. 97-34, allows a credit against income tax for amounts spent for increasing the research activities of a trade or business. Only research and

experimentation expenses incurred after June 30, 1981 qualify. The data is used to verify that the credit claimed is correct.

- Bureau of Alcohol, Tobacco and Firearms
Application For Relief From Disabilities
ATF F 3210.1
On occasion
Individuals or households/businesses or other institutions
Resp. are convicted felons from all parts of the U.S., etc.
SIC: 999
Small businesses or organizations
Federal law enforcement activities: 2,600 responses; 1,300 hours; \$15,808 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Application provides information by which ATF initiates an investigation into merits of the applicant to qualify for relief. Lists personal data as well as conviction information. Information is the raw data ATF special agents use to initiate an application investigation.

- Bureau of the Public Debt
Application for Purchase of United States Savings Bonds
PD 4882
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
All descriptions apply—entire public is affected
SIC: All
Small businesses or organizations
Central fiscal operations: 11,400,000 responses; 1,140,000 hours; \$80,950 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Needed to indicate registration and number and denomination of securities desired. Used to document the request for issuance.

- Bureau of Alcohol, Tobacco and Firearms
DSP Production—Removals of Distillates and Chemical By-Products and Dispositions Thereof
ATF REC 5110/22
On occasion/other—see SF83
Businesses or other institutions
Distilled spirits plants
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 7,072 responses; 707 hours; \$99 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

A number of by-products are produced during distillation, such as fuel oil. Record provides a figure produced, their removal and disposition.

Accounting tool, audit trail and protection of the revenue.

- Bureau of Alcohol, Tobacco and Firearms
Brewers Notice
ATF F 27-C (5130.10)
On occasion
Businesses or other institutions
Breweries
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 100 responses; 400 hours; \$540 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Under Federal law, brewers are not required to obtain a Federal permit to operate a brewery. As beer is taxable; however, and Congress did intend that the industry be regulated, brewers are required to file a notice of intent to operate a brewery. This notice is very similar to an application for a permit. Form fulfills the requirements of law.

- Bureau of Alcohol, Tobacco and Firearms
DSP (Processing) Record of Denaturation
ATF rec 5110/12
On occasion/other—see SF83
Businesses or other institutions
Distilled spirits plants
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 29,039 responses; 5,808 hours; \$229 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Provides a record of total amount of denaturation of spirits, i.e., nonpotable, spirits so denatured are then eligible for drawback. Accounting control, audit trail and protection of the revenue.

- Bureau of Alcohol, Tobacco and Firearms
DSP (Storage) Record of Mingling & Blending of Spirits
ATF rec 5110/19
On occasion/other—see SF83
Businesses or other institutions
Distilled spirits plants
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 28, 448 responses; 8,534 hours; \$291 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Provides a record of different classes and types of spirits blended, or homogeneous spirits mingled prior to bottling or shipment, figures are used to reduce total amount of spirits in storage. Accounting tool, audit trail, protection of the revenue.

- Bureau of Alcohol, Tobacco and Firearms
DSP (Storage) Summary of Activity—Inventory, Losses, Gains
ATF rec 5110/13
Monthly
Businesses or other institutions
Distilled spirits plants
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 900 responses; 900 hours; \$330 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Accounting and audit trail of receipts, removals, amount in storage, used to amend inventory records and adjusts total tax liability. Protection of the revenue.

- Bureau of Alcohol, Tobacco and Firearms
DSP (Storage) Receipts of Spirits, Wines, & Other Alcoholic Ingredients
ATF rec 5110/18
On occasion/other—see SF83
Businesses or other institutions
Distilled spirits plants
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 56,000 responses; 5,600 hours; \$508 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Accounting tool, audit trail. Provides a record of all alcoholic products received and stored, adds to total inventory record. Protection of the revenue.

- Bureau of Alcohol, Tobacco and Firearms
Manufacturing Record of Products Containing Specially Denatured Alcohol
ATF F 133 (5150.29)
On occasion
Businesses or other institutions
Manufacturer plastics materials
SIC: 284, 286
Small businesses or organizations
Federal law enforcement activities: 9,600 responses; 2,400 hours; \$70 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

This is a sample format of the type of record to be maintained by those permittees who manufacture articles using specially denatured alcohol. It accounts their products manufactured using SDA.

- Bureau of Alcohol, Tobacco and Firearms
DSP (Storage) Packages Filled, Change of Packages, Retained in Storage

ATF rec 5110/20

On occasion/other—see SF83

Businesses or other institutions

Distilled spirits plants

SIC: 208

Small businesses or organizations

Federal law enforcement activities:

58,240 responses; 17,472 hours; \$76

Federal cost; 1 form; not applicable under 3504(h)

Irene Montie, 202-395-6880

Accounting tool, audit trail. Provides a record on entry into, and activity in storage operations; maintains a running inventory of spirits in storage, record audit can be used to determine no diversion or theft of spirits. Protection of the revenue.

- Bureau of Alcohol, Tobacco and Firearms

DSP (Processing) Record of Manufacture of Spirits and Articles

ATF rec 5110/11

On occasion/other—see SF83

Businesses or other institutions

Distilled spirits plants

SIC: 208

Small businesses or organizations

Federal law enforcement activities: 4,487

responses; 895 hours; \$183 Federal

cost; 1 form; not applicable under 3504(h)

Irene Montie, 202-395-6880

Accounting control, audit trail.

Records total production of spirits and articles in processing, used to determine inventory in storage.

Protection of the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Renewal of Firearms License

ATF F 8 (Part III) (5310.11)

Annually

Businesses or other institutions

Firearms and ammunition

manufacturers

SIC: 348, 504, 533

Small businesses or organizations

Federal law enforcement activities:

172,000 responses; 86,000 hours;

\$104,018 Federal cost; 1 form; not

applicable under 3504(h)

Irene Montie, 202-395-6880

Firearms licenses are renewed each year with this form and an attached fee. Continued eligibility for a license is checked by ATF personnel. The renewal is signed under the penalties of 18 U.S.C. 924.

- Bureau of Alcohol, Tobacco and Firearms

Application for Basic Permit Under Federal Alcohol Administration Act

ATF F 1637

On occasion

Businesses or other institutions

Distilled spirits plants and wineries

SIC: 208, 518

Small businesses or organizations

Federal law enforcement activities: 150

responses; 450 hours; \$6,342 Federal

cost; 1 form; not applicable under

3504(h)

Irene Montie, 202-395-6880

The Federal Alcohol Administration Act requires that everyone who engages in the business of importing, distilling, producing wine, rectifying, blending, bottling or warehousing, obtain a Federal permit. This form is the application for such a permit.

- Bureau of Alcohol, Tobacco and Firearms

- License (18 USC Chapter 40 Explosives)

ATF F 4706 (5400.14)

Annually

Businesses or other institutions

Explosives manufacturers, dealers

SIC: 289, 516, 599

Small businesses or organizations

Federal law enforcement activities: 5,000

responses; 1,500 hours; \$4,100 Federal

cost; 1 form; not applicable under

3504(h)

Irene Montie, 202-395-6880

License contains a renewal application by which the explosives licensee applies for their new annual license. Form requires the business to answer yes or no to 10 specific questions from which ATF uses to determine the licensee's eligibility to continue to engage in the explosives business.

- Bureau of Alcohol, Tobacco and Firearms

Notice of Release of Cigars, Cigarettes, Cigarette Papers or Cigarette Tubes

ATF F 2145 (5200-11)

On occasion

Businesses or other institutions

Tobacco products factories

SIC: 211, 212, 519, 262

Small businesses or organizations

Federal law enforcement activities: 1,000

responses; 25 hours; \$175 Federal cost;

1 form not applicable under 3504(h)

Irene Montie, 202-395-6880

This form is needed to permit tobacco products, cigarette papers, and tubes into the U.S. without payment of tax. The form describes the shipment of articles to be released for determining tax liability and the release by a U.S. customs agent. This form also establishes an accounting basis of non-taxpaid articles on the permittee's premises.

- Bureau of Alcohol, Tobacco and Firearms

Application and Permit To Ship Puerto Rican Spirits to U.S. Without Payment of Tax

ATF F 5110.31

On occasion

Individuals or households/businesses or other institutions

Producers of spirits in Puerto Rico

SIC: 208, 286

Small businesses or organizations

Federal law enforcement activities: 2,000

responses; 1,000 hours; \$625 Federal

cost; 1 form; not applicable under

3504(h)

Irene Montie, 202-395-6880

Form is necessary to allow a person to ship spirits in bulk into the U.S. from Puerto Rico. Describes the person in Puerto Rico where shipments are to be made. The U.S. person receiving the spirits, amount of spirits to be shipped to be shipped and the bond of the U.S. person to cover taxes on such spirits.

- Bureau of Alcohol, Tobacco and Firearms

Statement of Losses at Bottling Premises

ATF F 5110.13

Annually

Businesses or other institutions

Distilled spirits plants which have bottling operations

SIC: 208

Small businesses or organizations

Federal law enforcement activities: 250

responses; 250 hours; \$673 Federal

cost; 1 form; not applicable under

3504(h)

Irene Montie, 202-395-6880

Form is used to support a distilled spirits plants bottling operational losses of tax determined spirits rectified and/or bottled. Form identifies the distilled spirits plant transactions about spirits entered into the bottling premises by quantity and source, and other transactions to determine amount to be claimed. Form is used by ATF to verify the accuracy of the claim for taxes.

- Bureau of Alcohol, Tobacco and Firearms

Schedule of Cigars, Cigarettes, Cigarette Papers or Tubes Withdrawn From Market

ATF F 3069 (5200.7)

On occasion

Businesses or other institutions

People who withdraw tax-paid Tobacco articles from the market

SIC: 211, 212

Small Businesses or organizations

Federal law enforcement activities: 1,800

responses; 1,000 hours; \$697 Federal

cost; 1 form; not applicable under

3504(h)

Irene Montie, 202-395-6880

Form is necessary for any person who wishes to withdraw tobacco articles on which tax has been paid from the market and get a tax credit or refund.

The form describes the articles to be withdrawn from the market to determine the amount of tax to be claimed later by a separate claim form. The form notifies ATF who may elect to supervise the withdrawal.

- Bureau of Alcohol, Tobacco and Firearms
Drawback on Beer Exported
ATF F 1582-B (5130.6)
On occasion
Individuals or households/businesses or other institutions
Person who exports taxpaid beer
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 5,000 responses; 5,000 hours; \$1,897 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

When beer is withdrawn from a brewery taxpaid and ultimately exported, the business which exports the beer is eligible for drawback of the Federal taxes paid. By filing this form, along with evidence of exportation, the exporter can be returned tax monies.

- Bureau of Alcohol, Tobacco and Firearms
Concentrate Produced From Beer for Exportation
ATF F 3021 (5130.19)
On occasion
Businesses or other institutions
Brewers who export beer concentrate without payment of tax
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 60 responses; 60 hours; \$31 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form is necessary to document a shipment of beer concentrate for export without payment of tax. It describes the shipment, shipper, method of export, and certification by customs of actual exportation. Is used to account for the disposition of beer concentrate in accordance with law and regulations and as an accounting of beer concentrate by a brewer.

- Bureau of Alcohol, Tobacco and Firearms
Drawback on Distilled Spirits Exported
ATF F 5110.30
On occasion
Businesses or other institutions
Exporters of tax-paid distilled spirits
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 5,000 responses; 10,000 hours; \$1,873 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form is necessary for person who exports distilled spirits to claim taxes paid in the U.S. Describes claimant, spirits for tax purposes, amount of tax to be refunded, and a certification by a U.S. Government agent attesting to exportation.

Extensions (No Change)

- Bureau of Alcohol, Tobacco and Firearms
Varietal and Vintage Record
ATF Rec 5120 /6
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 6,400 responses; 534 hours; \$29 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Records of quantity received, correlates to determine information placed on label, used to prevent consumer deception.

- Bureau of Alcohol, Tobacco and Firearms
DSP-General Applications, Letterhead Applications, Notices Relating to Operations
ATF Rec 5110 /14
On occasion
Businesses or other institutions
Distilled spirits plants
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,068 responses; 1,068 hours; \$618 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

To ascertain that revenue is not placed in jeopardy and its protection.

- Bureau of Alcohol, Tobacco and Firearms
Claim for Drawback of Tax on Cigars, Cigarettes, Cigarette Papers, or Cigarette Tubes
ATF F 2147 (5620.7)
On occasion
Businesses or other institutions
Persons who export taxpaid tobacco articles
SIC: 211, 212
Small businesses or organizations
Federal law enforcement activities: 250 responses; 125 hours; \$198 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

This form is needed to determine whether the claimant is entitled to receive a refund for tobacco articles withdrawn for export. The form describes the tobacco articles for determining tax to be refunded and

evidence of exportation by the certification of a U.S. customs agent.

- Bureau of Alcohol, Tobacco and Firearms
Claim-Alcohol and Tobacco Taxes
ATF F 2635 (5620.8)
On occasion
Businesses or other institutions
Persons seeking credit for loss on alcohol and tob. products
SIC: 208, 211, 212
Small Businesses or organizations
Federal law enforcement activities: 10,000 responses; 10,000 hours; \$2,760 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

This form establishes the claimant's basis for a credit remission and allowance of tax or a loss of taxable articles (alcohol, spirits, wine, beer, tobacco products, etc.). It requires the claimant to list the reasons why he should get the credit remission, etc. With this completed form and supporting data required, a determination on whether to grant the credit, etc. is made.

- Bureau of Alcohol, Tobacco and Firearms
Certificate of Tax Determination—Wine
ATF F 2605 (5120.20)
On occasion
Businesses or other institutions
Exporters of taxpaid wines
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,000 responses; 500 hours; \$72 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

This form is necessary to support a claim filed by an exporter for drawback of taxes on wine exported. The form describes the wine for determining the amount of tax to be filed on the claim for drawback and evidence that the wine had been taxpaid by a licensed winery in the U.S. by their certification.

CONSUMER PRODUCT SAFETY COMMISSION

Agency Clearance Officer—Charles Casper—301-634-7770.

New

- Equal Access to Justice Act Proposed Regulation Implementing the Act
On occasion, semiannually
Businesses or other institutions
Individuals with a net worth less than \$1 million
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 15 responses; 90 hours; \$1,500

Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202-395-7340

The Commission is proposing a regulation implementing the Equal Access to Justice Act which took effect October 1, 1981. The purpose of the EAJA is to provide for the award of fees and expenses to eligible parties who prevail over the Commission in certain adversarial adjudicative proceedings.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202-382-2742.

New

- Review Panel Selection System (RPSS) Questionnaire
Nonrecurring
Individuals or households
Professionals in academia & the private sector that apply pollution control and abatement; 400 responses; 40 hours; \$500 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

The RPSS data base is used for storage and retrieval of information on potential reviewers of grant and cooperative agreement applications within the office of exploratory research.

- National Adipose Tissue Survey
8510-9, 8510-10
Other—See SF83
Individuals or households/businesses or other institutions
Pathologists throughout the Continental United States
SIC: Multiple
Pollution control and abatement; 1,600 responses; 1,600 hours; \$10,000 Federal cost; 2 forms; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Collection of human adipose tissue is made by cooperating pathologists throughout the Continental United States. Samples are analyzed and statistics are generated to estimate the prevalence and levels of exposure to pesticides in the general U.S. population.

EXPORT-IMPORT BANK OF THE UNITED STATES

Agency Clearance Officer—Adrian Wainwright—202-566-8111.

Revisions

- Equipment Export Financing Survey
Nonrecurring
Businesses or other institutions
Large U.S. capital goods exporting firms
SIC: Multiple
International financing programs: 1,200

responses; 600 hours; \$10,000 Federal cost; 1 form; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

To develop more complete information on the means by which U.S. capital goods exports are financed and the role Eximbank plays. Such information will be used to analyze existing exim program effectiveness and to develop more useful programs in the future.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202-287-9906

Extensions (Burden Change)

- FEMA Summer Shelter Survey
Employment Questionnaire
FEMA FL-1
Annually
Individuals or households
Students attending architectural or engineering colleges
Defense-related activities; 2,000 responses; 220 hours; \$4,229 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Based on the information requested on this questionnaire and students test scores received on 9 FEMA sponsored courses, selections are made for summer employment. The selected students perform surveys associated with FEMA's responsibility for the national shelter survey program. These students account for a major portion of the required surveys.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202-633-0204

New

- Uniform System of Accounts Records Retention Regulation
Other—see SF83
Businesses or other institutions
Class I & II RR's, mot. car. of prop., MC pass., rate bur.
SIC: 401, 411, 421
Ground transportation; 3,492 responses; 29,476 hours; \$0 Federal cost; 2 forms; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

The uniform systems of accounts is the prescribed system that a carrier under the juris. of the ICC must follow to account for their financial, operating, and equipment transactions and records. These prescribed rec. are used by the ICC in audits and invest. of carriers. The rec. retention sched. is the prescribed length of time that carriers

must maintain their records for the ICC. This retention sched. ensures that carriers can produce the nec. rec. to validate financ., oper. and maint. reports.

- Classification index (Survey Form for Line-Haul Railroad Cos. That Don't File An Annual Report With The ICC) Annually
Businesses of other institutions
All line-haul railroads except class I
SIC: 401
Ground transportation: 1 response; 24 hours; \$1,407 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

The purpose of creating a classification index survey form is to reclassify the railroads based on carrier operating revenue. Since other than class I line-haul railroads do not file annual reports with the ICC, this is the only method we have of collecting the data.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202-357-7811

Reinstatements

- Survey of Earned Doctorates In U.S. 558
Annually
Individuals or households/businesses or other institutions
All new recipients of Ph.D. and equivalent degrees
SIC: 822
General science and basic research; 31,000 responses; 10,300 hours; \$375,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Persons with doctorate-level education are key members of the labor force in scientific, engineering and learned professions. Information on their demographic and educational background and their immediate postdoctoral study or employment plans is essential for analyses of supply and demand. These data also provide information on the flow of women and minorities into these fields.

Arnold Strasser,
Chief, Reports Management (Acting).

[FR Doc. 81-33742 Filed 11-20-81; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

(Docket No. MC82-1)

Mail Classification Schedule, 1981; Postal Service's Filing of Request for Recommended Decision on Change in Express Mail Flexible Acceptance Times

November 16, 1981.

Notice is hereby given that on November 10, 1981, the United States Postal Service ("Postal Service"), pursuant to Chapter 36 of Title 39, United States Code, filed a request with the Postal Rate Commission for a recommended decision on proposed changes in the acceptance time for Regular Express Mail. This filing has been assigned Docket No. MC82-1.

The Postal Service states that its filing contains such information and data which explain the nature, scope, significance and impact of the proposed changes.¹ The Postal Service proposes that the Domestic Mail Classification Schedule (DMCS) be amended to provide that the Postal Service prescribes the time or times that Regular Express Mail can be accepted. Currently, the acceptance time for Express Mail regular service is 5:00 p.m. According to the Postal Service, under the proposal it will retain the 5:00 p.m. acceptance time cut-off but will establish additional cut-off times and resultant delivery networks that may be earlier or later than 5:00 p.m. The Postal Service asserts that its proposal will have no appreciable effect on Express Mail volumes or costs. According to the Postal Service, the proposal would help maintain the current trend of increasing volumes of Express Mail shipments.

Hearings will be held on the proposal submitted by the Postal Service in Docket No. MC82-1. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before December 1, 1981, and must be in accordance with section 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further,

¹The specific changes in the Domestic Mail Classification Schedule are set out in legislative format in Attachment A of the Postal Service's request.

whether or not the petitioner intends to participate actively in the hearing.² Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before December 1, 1981, file a written request for leave to be heard as a "limited participant," pursuant to section 19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to section 19b of the Commission's rules (39 CFR 3001.19b).

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 64(h)(3), filed a motion for waiver of rule 64(d), rule 64(e) and rule 64(h), except for rule 64(h)(2)(i) insofar as it requests the statement required by rules 54(q) and 54(r).

The Postal Service requests waiver of 64(h), to the extent described above, because it says the proposed changes do not significantly change the cost-revenue relationships referred to in 64(h)(1)(i)-(iv) and no change in rates or fees are proposed. The Postal Service requests that 64(d) be waived to the extent it requires development of costs and revenues in accordance with 54(h), 54(f), and 54(j). The Postal Service supports its request for waiver of the cost data required by 54 (h) and (f), by stating that it is not requesting any changes in rates or fees; that the proposed change will not affect the costs attributed and assigned to Express Mail shipments and will have an insignificant effect on the Postal Service's total costs. With respect to 54(j), the Service refers to the testimony of witness Knowles that the trend of increasing volumes of Express Mail Next-Day shipments will not be affected by the proposed changes. Additionally, it states that the size of any such increase in volumes can not be quantified. The Postal Service says that 64(e) should be waived because the proposed revisions do not entail any interclass changes.

Parties who wish to address the Postal Service's motion should file their answers by December 1, 1981.

The Officer of the Commission (OOC) designated to represent the interest of the general public in this proceeding will be Mark T. Stephens. During this proceeding, the OOC will direct the

²In this regard, parties who intend to participate actively in this proceeding are encouraged to inform the Postal Service informally and promptly of any desired preliminary clarification of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

activities of Commission personnel assigned to assist him, and neither he nor such personnel will participate in or advise as to any Commission decision in this case. The OOC will supply, for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding, the OOC shall be separately served with three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice.

The request of the Postal Service for a recommended decision on a change in Express Mail acceptance times, and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

David F. Harris,
Secretary.

[FR Doc. 81-33636 Filed 11-20-81; 9:45 am]
BILLING CODE 7715-01-M

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS**White House Fellowships; Extension of Application Deadline Date**

The deadline for application for a White House Fellowship has been extended from December 1 to December 7, 1981. Please call or write the President's Commission on White House Fellowships, 712 Jackson Place, Washington, D.C. 20503, (202) 395-4522, for application materials and information.

James C. Roberts,
Director.

[FR Doc. 81-33759 Filed 11-20-81; 8:45 am]
BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION**Advisory Committee on Shareholder Communications; Meeting**

This is to give public notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Shareholder Communications will conduct a meeting on December 10, 1981, at the MCI Communications Corporation, 1133 19th St. NW., Washington, D.C., in the Audio-Visual Room, first floor, beginning at 10:00 A.M. This meeting will be open to the public.

The purposes of the meeting are to review existing proxy voting procedures

and, if time permits, to discuss non-proxy corporate communications practices.

Further information may be obtained by contacting: Gregory H. Mathews, Division of Corporation Finance, Securities and Exchange Commission, 500 N. Capital Street, Washington, D.C. 20549, (202) 272-2589.

Dated: November 16, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-3277 Filed 11-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12043; 812-4988]

American National Money Market Fund, Inc.; Filing of Application for Order Exempting Applicant

November 16, 1981

Notice is hereby given That American National Money Market Fund, Inc. ("Applicant"), Two Moody Plaza, Galveston, Texas 77550, a no-load, open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on October 7, 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 states that it is a "money market" fund designed to be a suitable investment for investors seeking a high level of income who desire to retain the right to liquidate their investment at their convenience. Applicant believes that it provides such investors diversification, selection and professional management that might otherwise be unavailable to individual investors. Applicant submits that it will seek to achieve its investment objective (maximization of current income consistent with capital preservation and liquidity) by investing in a managed portfolio of the following types of high quality "money-market" instruments which mature in twelve months or less:

1. Obligations of, or guaranteed by, the United States government, its agencies or instrumentalities;
2. Obligations (including certificates of deposit, letters of credit and bankers' acceptances) of United States or Canadian chartered commercial banks, savings banks and savings and loan

associations which at the date of the investment have total assets (as of the date of their most recent published financial statements) in excess of Five Hundred Million Dollars (\$500,000,000.00), including obligations (payable in United States dollars) of foreign branches of United States banks and United States branches or agencies of foreign banks if such banks have the required amount of total assets;

3. Commercial paper which at the date of the investment is rated (or guaranteed by a company whose commercial paper is rated) A-1 or A-2 by Standard and Poor's Corporation, or P-1 or P-2 by Moody's Investor's Service, Inc., or, if not rated, is issued by a company which at the date of the investment has an outstanding debt issued rated A or higher by Standard and Poor's or Moody's;

4. Other corporate obligations such as publicly traded bonds, debentures and notes which at the date of the investment are rated A or higher by Standard and Poor's or Moody's; and,

5. Repurchase agreements with respect to any of the foregoing obligations.

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 over 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.

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 transaction 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 support of the relief requested Applicant expresses its belief that investors primarily desire two characteristics in a money market fund: stability of principal and steady flow of investment income.

The application states that Applicant believes that it is inconsistent with those desires for Applicant to be required to price its portfolio instruments in a manner which produces price and yield volatility for portfolio instruments which Applicant expects to hold to maturity. Applicant submits that its shareholders are not concerned with the theoretical differences which might occur between yield achieved through market pricing than the computed on a amortized cost basis. Applicant expresses its view that the required stability to investors can be provided by maintaining a portfolio of high quality "money market" instruments with short maturities. The application states that on the advice of, and based on the experience of its investment adviser, Applicant has determined that maintaining an average portfolio maturity of 120 days or less will accomplish the aims of its investors by reducing the risk of significant volatility in the value of portfolio instruments while producing a satisfactory yield. Applicant's Board of Directors has determined in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuing

portfolio securities will be an appropriate and preferable one for the Applicant and will reflect the fair value of its securities.

Applicant consents to the imposition of the following conditions in an order granting the exemption request in its application:

1. In supervising Applicant's operations and in delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to 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 to 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 permanently in an easily accessible place a written copy of the procedures (and 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 Director's 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 its 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.

Notice is further given that any interested person may, not later than December 11, 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. 81-33785 Filed 11-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18258; SR-Amex-81-18]

American Stock Exchange; Order Approving Proposed Rule Change

November 16, 1981.

On September 21, 1981, the American Stock Exchange Inc., 86 Trinity Place, New York, N.Y. 10006 ("Amex") filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and rule 19b-4 thereunder, copies of a proposed rule change which would amend Sections 103, 104, 151, 152 and 625 of the Amex Company Guide to establish listing guidelines and applicable listing fees for publicly held non-convertible bonds and preferred stocks of issuers whose common stock is not traded on the Amex or New York Stock Exchange, Inc.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 18159, October 7, 1981) and by publication in the Federal Register (46 FR 50635, October 14, 1981). No comments were received with respect to the proposed rule 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 a national securities exchange and, in particular, the requirements of Section 6 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. 81-33778 Filed 11-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22274; 70-6590]

Central Power & Light Co.; Proposal To Lease Rail Coal Cars

November 16, 1981.

Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403 ("Company"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed a post-effective amendment to its application-declaration in this proceeding with this Commission pursuant to Sections 9(a), 10 and 13 of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 86 to 95 thereunder.

By order dated May 19, 1981 (HCAR No. 22057), Central Power and Light Company (the "Company") was authorized to lease 105 coal rail cars from Public Service Company of Oklahoma ("PSO"), an affiliate of the Company for a one-year period commencing in May 1981, and to lease 40 coal rail cars from PLM Railcar Services, Inc. ("PLM") for six months commencing in February 1981. The Company was authorized to extend the lease with PSO for an additional year and the lease with PLM for an additional six months.

The PLM lease has expired, and the Company has returned to PLM the 40 cars held under the lease. The Company now seeks to lease an additional 40 coal rail cars from PSO. The 40 additional cars to be leased by the Company from PSO will replace the 40 cars returned to PLM. The cars would be leased subject to the same lease agreement and terms that govern the rental of the 105 rail cars currently being leased to the Company by PSO. The 40 cars would be leased until December 31, 1982.

The amended application-declaration 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 December 8, 1981 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-33779 Filed 11-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22275; 70-6539]

Columbia Gas System, Inc. and Columbia Gulf Transmission Co.; Proposed Undertaking by Subsidiary and Parent of Certain Obligations of Ozark Partnership as Credit Support

Columbia Gas System, Inc. ("Columbia") 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, and Columbia Gulf Transmission Company ("Columbia-Gulf") 3805 West Alabama Avenue, Houston, Texas 77027, a wholly-owned subsidiary, have filed with this Commission a post-effective amendment in this proceeding pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("Act") and the applicable rules and regulations thereunder.

By order dated February 23, 1981 (HCAR No. 21930), Columbia-Gulf was authorized to make short-term advances of up to \$21 million to the Ozark Gas Transmission System (the "Ozark Partnership") for construction purposes. It is now contemplated that construction funds will be provided through one or more of the following: the issuance of commercial paper by the Ozark Partnership or its corporate financing subsidiary (Ozark Finance Corporation); commercial bank borrowings by the Ozark Partnership, and/or takedowns under long-term financing arrangements

with institutional investors. If commercial paper is issued, it is contemplated that such paper will be supported by standby letters of credit or other arrangements obtained from commercial banks.

Columbia has been advised by Morgan Stanley & Co. Incorporated that lenders will not provide funds to the Ozark Partnership on either a long or short-term basis unless credit-worthy partners in the Ozark partnership or their affiliates provide credit support for the loans until such time as construction of the Ozark Partnership's pipeline system is completed, the pipeline is placed in service and nonappealable tariff is in place. This credit support will be in the form of (1) pre-completion undertakings that, in substance, insulate lenders from the risks of non-completion of the construction project and (2) post-completion undertakings that, in substance, insulate lenders from the risks of an adverse appellate determination regarding the Ozark Partnership's tariff. The post-completion undertakings will be effective only following completion and the consequent defeasance of the pre-completion undertakings. Columbia Gulf will be the party making these undertakings, and Columbia will execute a letter assuring that Columbia-Gulf will comply with such undertakings. Because of timing differences between the Ozark Partnership's need for funds and the availability of long-term financing, it is possible, if not likely, that interim construction financing will remain outstanding after construction is completed and that not all interim construction financing will be refunded at one time through long-term financing. Therefore, it is possible that more than one completion agreement or post-completion agreement would be entered into. The number of agreements will not increase the liability imposed by or otherwise affect the nature of the pre-completion and post-completion undertakings.

Our supplemental order dated November 13, 1981, authorized Columbia-Gulf to enter into the pre-completion and post-completion undertakings and Columbia to give an assurance with respect thereto provided that Columbia-Gulf's total obligation at any one time on such undertakings would be limited to \$21,000,000. Such undertakings and assurance would be entered into in lieu of the short-term financing authorized in our order of February 23, 1981.

Columbia and Columbia-Gulf now seek authorization to amend Columbia-

Gulf's pre-completion and post-completion agreements to omit the \$21,000,000 limitation in these agreements, as required by lenders to the Ozark Partnership Project. Each participant in the pre-completion and post-completion agreements, including Columbia-Gulf, would be severally liable up to 25% (each participant's pro-rata share) of all claims arising under these agreements.

The application-declaration as amended by the post-effective amendment 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 December 11, 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 the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended by the post-effective amendment, or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-33763 Filed 11-20-81; 8:45 am]
BILLING CODE 8010-01-M

[File No. 1-7026]

Energy & Utility Shares, Inc. Common Stock, \$1 Par Value; Application To Withdraw From Listing and Registration

November 17, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Energy & Utility Shares, Inc. ("Company") has been listed on the Amex since September 14, 1972. On June 1, 1981, the shareholders of the Company approved the conversion of the fund from closed-end to open-end. Therefore, it is no longer necessary for its shares to be listed on the Amex.

2. This application relates solely to the withdrawal from listing of the Company's common stock from the Amex and shall have no effect upon the continued offering of the Company's shares as a no-load open-end diversified management investment company.

Any interested person may, on or before December 9, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-33776 Filed 11-20-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22278; 70-4397]

Jersey Central Power & Light Co.; Proposed Guarantee of Notes of Nonaffiliated Coal Supplier

November 17, 1981.

Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960 ("JCP&L"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed with this Commission a further post-effective amendment to its declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

JCP&L is a tenant in common with six other nonaffiliated electric utilities ("Keystone Owners") in the ownership of the Keystone Stream Electric Station ("Keystone Station"). JCP&L's share being 16.67%. Rochester & Pittsburgh Coal Company ("R&P"), a nonaffiliated corporation, is the owner of substantial coal deposits immediately adjacent to

the Keystone Station ("Keystone Properties") and is the principal supplier of coal for the station under a contract which became effective as of January 1, 1972 ("1971 Keystone Coal Sales Agreement"). By prior orders in this proceeding, JCP&L was authorized to guarantee a portion of certain borrowings to be made by R&P, including \$8,000,000 of term loans ("1973 Loans"), a \$10,000,000 bank line of credit, and \$33,000,000 of additional term loans ("1978 Loans").

R&P now intends to transfer the Keystone Properties to a wholly-owned subsidiary ("Keystone Subsidiary") of R&P to be created for the sole purpose of acquiring the Keystone Properties and mining coal from these properties for sale to the Keystone Owners pursuant to the 1971 Coal Sales Agreement. Upon the transfer of the Keystone Properties, the Keystone Subsidiary would be required expressly to assume the obligations of R&P under the 1971 Keystone Coal Sales Agreement and the indebtedness, duties, and obligations of R&P under the 1973 and the 1978 Loans and the \$10,000,000 bank line of credit, and R&P would be relieved of its obligations thereunder. The obligations of the Keystone Subsidiary with respect to the 1973 Loans, the 1978 Loans, and any obligations incurred by the Keystone Subsidiary under the \$10,000,000 bank line of credit would be guaranteed by the Keystone Owners on the same basis as the Keystone Owners guaranteed the obligations of R&P with respect thereto. Accordingly, JCP&L now proposes to guarantee the obligations of the Keystone Subsidiary under the 1973 and 1978 Loan Agreements and the \$10,000,000 bank line of credit, and the notes issued pursuant thereto, on the same basis as the obligations of R&P are guaranteed thereunder.

The post-effective amendment and any further amendments 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 December 15, 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 the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration,

as now amended or as it may be further 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. 81-33781 Filed 11-20-81; 8:45 am]
BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

November 17, 1981.

The abovenamed national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 124f-1 thereunder, for unlisted trading privileges in the following stocks:

Manville Corporation:

Common Stock, \$2.50 Par Value (File No. 7-6078)

Anta Corporation:

Common Stock, \$1 Par Value (File No. 7-6079)

Clabir Corporation:

Common Stock, \$.10 Par Value (File No. 7-6080)

NBI Incorporated:

Common Stock, \$.10 Par Value (File No. 7-6081)

North European Oil Royalty Trust:

Units of Beneficial Interest (File No. 7-6082)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 9, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-33775 Filed 11-20-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 12044; 812-4986]

Nederlandsche Middenstandsbank N.V.; Application for an Order Exempting Applicant From all Provisions of the Act

November 17, 1981.

Notice is hereby given That Nederlandsche Middenstandsbank N.V. c/o Anthony C. Gooch, Esq., Cleary, Gottlieb, Steen & Hamilton, One State Street Plaza, New York, New York 10004 ("Applicant") filed an application on October 6, 1981, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. 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 represents that it is the third largest commercial bank in the Kingdom of the Netherlands ("The Netherlands") and engages in full service commercial banking in The Netherlands and abroad. At December 31, 1980, it had a total consolidated assets of approximately \$22,500 million. (All dollar amounts are computed using the exchange rate as of December 31, 1980, of 2.12825 Dutch guilders per United States dollar.) Applicant states that its principal office is located at Eduard Van Beinumstraat 2, Amsterdam, The Netherlands, and that it maintains in the United States a state-licensed branch and a representative office at 450 Park Avenue, New York, New York 10017. Applicant states that it has 5,372,580 shares of common stock outstanding and that approximately 23% of that stock is owned by the Dutch government. Ownership of the remainder is not known but Applicant believes it is widely held.

Applicant represents that it engages in a wide range of commercial banking activities; that at December 31, 1980, its loans and advances of approximately \$13,556 million accounted for approximately 60% of its total assets and its time deposits and savings accounts of approximately \$18,822 million accounted, for approximately 75% of its liabilities; and that for the year ended December 31, 1980, interest and commissions in connection with

commercial banking activities accounted for 95% of Applicant's total revenue. Applicant engages in various types of investment banking activities outside the United States, in common with all major European banks and many foreign merchant banking subsidiaries of American banks. Applicant states that these activities consist principally of underwriting governmental, quasi-governmental and corporate issues in the Dutch and Eurosecurities markets, as well as related secondary market transactions, and that Applicant also acts as an investment adviser to individuals, corporate pension funds and mutual funds and as a custodian of securities. Applicant represents that these investment banking, advisory and custodianship activities account for less than 1% of Applicant's net income for the year ended December 31, 1980.

Applicant represents that it is extensively regulated by De Nederlandsche Bank N.V. (the "DNB"), central banks of The Netherlands, pursuant to the provisions of the Act on the Supervision of the Credit System (the "ASCS"). The DNB exercises three major regulatory functions: monetary supervision, prudential control and structural supervision. According to the application, the DNB is authorized to issue directives restricting the type and amount of lending activity, establishing liquid asset reserves, regulating interest rates and other conditions in respect of particular types of credit facilities, and imposing solvency and liquidity requirements. Compliance with the solvency and liquidity directives must be established in monthly reports to the DNB. Pursuant to the ASCS, Dutch credit institutions may not acquire more than a five percent interest in any other enterprise or institution, merge with or acquire all or substantially all of the assets of any other enterprise or institution, or proceed with a financial reorganization, without the consent of the Minister of Finance of The Netherlands.

As a Dutch corporation, Applicant is required to have its annual financial statements including its balance sheet and profit and loss statement audited by an independent state-authorized public accountant. The auditor's examination is carried out in accordance with auditing standards generally accepted in The Netherlands, and results in financial statements which cover substantially the same ground as statements prepared in accordance with the auditing standards of the American Institute of Certified Public Accountants. Accordingly, the audit covers all

activities and the related controls of Applicant and its subsidiaries which are material to the financial statements.

The application states that pursuant to the International Banking Act (the "IBA"), Applicant, as a foreign bank with a branch in New York, is subject to the regulatory and reporting requirements of the Federal Reserve Board (the "Board") applicable to bank holding companies under the Bank Holding Company Act of 1956, as amended. In addition, the IBA subjects foreign branches and agencies to the reserve requirements and interest payment restrictions provided for in regulations of the Board. Applicant's New York branch is licensed by the New York State Banking Department and is subject to regulation and examination by that authority.

Applicant proposes to issue and sell in the United States unsecured, short-term, negotiable promissory notes of the type generally referred to as commercial paper (the "Notes"), which will provide Applicant with an additional source of funding to meet its United States dollar requirements. The application states that the Notes will be issued in minimum denominations of \$100,000, will be in bearer form, of prime quality and denominated in United States dollars, will rank *pari passu* among themselves, equally with all other unsecured indebtedness, including deposits, and superior to the rights of shareholders of Applicant, will be sold through one or more major United States commercial paper dealers to traditional types of commercial paper purchasers and will not be advertised or otherwise offered to the general public. Applicant states that while it cannot predict with certainty the aggregate amount of the Notes which will be outstanding, it believes that the aggregate amount of Notes outstanding will not exceed \$500 million. Applicant undertakes to ensure that each dealer in the Notes will provide each offeree, prior to any sale of Notes to such offeree, with a memorandum, updated as necessary, to reflect material changes in Applicant's business and financial condition which (i) describes the business of Applicant, (ii) contains Applicant's most recent fiscal year-end balance sheet and full fiscal year income statement, which shall have been audited in such manner as is customary for Applicant's auditors, accompanied by a description of any material differences between Dutch accounting principles applied in the preparation of the financial statements therein and generally accepted accounting principles applicable to banks in the United States, and (iii) is at

least as comprehensive as memoranda customarily used in offering commercial paper in the United States.

Applicant does not intend to register its offering under the Securities Act of 1933 ("1933 Act"). In this regard, it undertakes not to market any Notes prior to receiving an opinion of special United States legal counsel to the effect that the proposed offering of commercial paper is entitled to the exemption from the registration requirements contained in section 3(a)(3) of the 1933 Act. Applicant further undertakes that, in respect of any future offerings of debt securities in the United States, it will obtain an opinion of special legal counsel in the United States as to compliance with, or the availability of an exemption from, the 1933 Act. Applicant does not request Commission review or approval of counsel's opinion letter regarding the availability of an exemption under section 3(a)(3) of the 1933 Act. Applicant represents that the presently proposed issue of commercial paper and all future issues of debt securities offered for sale in the United States by it shall have received, prior to issuance, one of the three highest investment grades from at least one nationally recognized statistical rating organization and that its United States counsel shall certify that such rating has been received. However, no such rating shall be required to be obtained if, in the opinion of United States counsel for Applicant, an exemption from registration is available with respect to such issue under section 4(2) of the 1933 Act.

The application contains undertakings that, in connection with the sale of the Notes, Applicant will appoint a bank having an office in the City of New York as authorized issuing agent of the Notes and that it will authorize that bank to accept any process served in any state or federal court action by a holder as to any Note. Applicant also undertakes that, in respect of any future offerings of debt securities in the United States, it will appoint an agent (which may be the Commission) to accept any process served in any state or federal court action by a holder as to any such securities. Applicant undertakes to consent to the jurisdiction of any state or federal court in New York in respect of any action based on the Notes or any such securities and to continue and make irrevocable such appointment of an agent for service and such consent to jurisdiction until payment in full of all amounts relating to the respective security. Applicant states that the authorized agent will not be a trustee for the holders of the Notes or otherwise

obliged to act for them. Applicant consents that any order granting its application may include the express condition that it comply with all the undertakings regarding disclosure documents.

Applicant states that it may offer other debt securities for sale in the United States. Applicant undertakes that in connection with any such offering it will cause distribution to offerees, prior to any sale of such securities, of disclosure documents at least as comprehensive in their description of Applicant, its business and its financial statements as the dealer's memorandum referred to above, except that such undertaking shall not apply in connection with deposit-taking or other banking activities of Applicant's New York branch or such other branches or agencies as it may establish in the United States under the regulation and supervision of state or federal banking authorities. In no event will such disclosure documents be less comprehensive than is customary for United States offerings of similar debt securities.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis."

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 or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to section 6(c) of the Act exempting it from all provisions of the Act because of uncertainty as to whether a foreign commercial bank such as Applicant would be considered an investment company as defined under the Act. Applicant states that, among other things, compliance by it with a number of substantive provisions of the Act would, as a practical matter, conflict with its operation as a bank and that Applicant would thus be effectively

precluded from selling securities in the United States if it were required to register as an investment company and comply with such provisions of the Act. Applicant further submits that an exemptive order pursuant to section 6(c) of the Act would benefit institutional and other sophisticated investors in the United States because they would otherwise be precluded from purchasing Applicant's commercial paper notes. Applicant additionally argues that its activities are extensively regulated by Dutch banking authorities and that the limitations imposed by Dutch banking laws will afford substantial protection to investors in its debt securities. As a closely regulated banking entity, Applicant also states that it is different from the type of institution that Congress intended the Act to regulate. It is asserted that the particular abuses against which the Act is directed are not present in Applicant's case. Finally, Applicant states that granting its requested order will not give it an advantage over domestic banks in the issuance of commercial paper. Applicant concludes that granting its requested exemptive order pursuant to section 6(c) of the Act would be 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 December 14, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon 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 herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if

ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-33794 Filed 11-20-81; 6:45 am]

BILLING CODE 8010-01-M

[Release No. 12036; 812-4849]

Northwestern Mutual Life Insurance Co., NML Equity Services, Inc. and NML Variable Annuity Account B; Filing of Application for an Order Granting Exemptions

November 13, 1981.

Notice is hereby given that The Northwestern Mutual Life Insurance Company ("NML"), NML Equity Services, Inc. ("Equity") and NML Variable Annuity Account B, 720 East Wisconsin Avenue, Milwaukee, WI 53202 ("Account B") (together, "Applicants") filed an application on March 18, 1981, and amendments thereto on October 9, 1981, October 26, 1981, and November 12, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants, to the extent requested, from the provisions of sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2), 27(c)(1), 27(c)(2) and 27(d) of the Act and rule 22c-1 thereunder and, pursuant to Section 11 of the Act, approving certain offers of exchange. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

NML is a mutual life insurance company organized under the laws of Wisconsin. Equity is a wholly-owned subsidiary of NML, registered as a broker-dealer, which acts as underwriter for the variable annuity contracts issued in connection with Account B as described below. NML and Equity are the co-depositors of Account B. Account B is a separate account of NML organized as a unit investment trust registered under the Act, which was established to fund certain variable annuity contracts. Net purchase payments under the contracts issued to date have been invested in shares of two mutual funds, NML Fund, Inc. (the "Stock Fund"), and NML Bond Fund, Inc. (the "Bond Fund"). NML proposes to offer two new mutual funds as additional investment choices to purchasers of the Account B contracts. NML Money Market Fund, Inc. (the "Money Market Fund"), and NML One

Fund, Inc., have recently been organized by NML as the third and fourth mutual funds.

The contracts issued in connection with Account B are individual periodic payment and single payment deferred and single payment immediate variable annuity contracts. The contracts have certain minimum purchase payment amounts and minimum amounts that may be applied under an annuity payment plan. NML proposes changes in the sales charge for Account B contracts. Under the current contracts a sales charge is deducted from purchase payments as payments are made. Under the proposed contracts ("New Contracts") purchasers will not pay a sales charge at the time of purchase but a contingent deferred sales charge might be applicable to redemptions. Contract values under deferred contracts may be redeemed during the accumulation period. Partial redemptions may be effected provided that at least 100 accumulation units remain. For immediate contracts and deferred contracts after annuity payments have begun, redemptions are permitted except during the course of an annuity payment plan for which a life contingency is in effect. Partial redemptions so permitted, however, may not be effected where remaining monthly annuity payments would be reduced to less than \$25. The contingent deferred sales charge will be applied (1) if New Contract values are redeemed prior to the date on which annuity payments begin; (2) if a variable annuity payment plan with a specified period of less than five years is selected; (3) if the annuitant under a variable plan withdraws within five years after annuity payments begin; and (4) if a fixed-dollar payment plan is selected, except one involving a life contingency where the amount placed under the payment plan does not exceed purchase payments paid prior to the fifth anniversary of the contract preceding the date of the transaction, less any redemptions. The charge will be equal to 8% of the lesser of (1) the amount redeemed or (2) total purchase payments less previous redemptions. The charge will be reduced to 4% on contracts where total purchase payments equal at least \$25,000, insofar as the values redeemed do not exceed purchase payments paid prior to the fifth anniversary of the contract preceding the date of redemption, less previous redemptions. Applicants represent that in no event will the total sales charges under the New Contracts, including the contingent deferred sales charge, if any,

exceed 9% of any respective purchase payments to which they relate.

In addition NML proposes changes in the charges for administrative expenses and for annuity rate and expense risks under the New Contracts. An annual charge of \$30 for administrative expenses is proposed to be made at the time a deferred New Contract is issued and on each anniversary thereafter until annuity benefits become payable. For the current contracts a daily charge at the aggregate annual rate of $\frac{3}{4}$ of 1% of the assets of Account B is made for annuity rate and expense guarantees. The proposed charge for New Contracts will be at the aggregate annual rate of $1\frac{1}{4}$ % (of which NML estimates $\frac{1}{2}$ of 1% is for the assumption of annuity rate risks and $\frac{3}{4}$ of 1% is for the assumption of expense risks). The New Contracts will provide that the charge may be increased to a maximum annual rate of $1\frac{1}{2}$ %. Contracts issued prior to the date the New Contracts become available will continue to be charged at the current annual rate of $\frac{3}{4}$ of 1%. Applicants represent that the sales charges, administrative charges and asset charges applicable to contracts currently offered by Account B, and to any payments made under such contracts, will not be increased as a result of the exemptive relief sought herein in connection with the New Contracts.

Contingent Deferred Sales Charge

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants contend that the definition of sales load contained in section 2(a)(35) contemplates that any deduction therefor will be made from the security purchaser's payment at the time when a New Contract is purchased. However, the contingent deferred sales charge (if any) that would be made upon the redemption of New Contract values would be applied to pay sales expenses including the administrative expenses and fees which are properly chargeable to sales or promotional activities theretofore incurred in connection with the offer and sale of the New Contracts. Applicants contend that the fact that the sales charge is deducted from the proceeds when New Contract values are redeemed, rather than from the purchase payment initially made to acquire the New Contract, does not change the

essential character of the charge. Accordingly, Applicants request an exemption from the provisions of section 2(a)(35) of the Act to the extent one is deemed necessary in order to permit the offer and sale of the New Contracts with the proposed contingent deferred sales charge.

Section 27(c)(2) of the Act provides, in substance, that the issuer of a periodic payment plan certificate and a depositor or underwriter for such an issuer are prohibited from selling any such certificates unless, among other things, the proceeds of all payments, other than the sales load, on the certificates are deposited with a trustee or custodian having the qualifications prescribed in section 26(a)(1) and are held by such trustee or custodian under an agreement containing, in substance, the trust indenture provisions required by sections 26(a)(2) and 26(a)(3) of the Act. Section 26(a)(2)(C) of the Act provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust (or to any affiliated person or agent of such depositor or principal underwriter) shall be allowed the trustee or custodian as an expense except for payment of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services of a character normally performed by the trustee or custodian. Applicants state that the contingent deferred sales charge to be imposed (if any) upon the redemption of values under the New Contracts is designed to recover distribution costs relating to the sales of the contracts. The New Contracts defer the time when the sales charge may be imposed, but, Applicants submit, such deferral does not change the nature or purpose of the charge. Applicants contend that there is nothing in the Act to suggest that deferred sales charges would not have been permitted if deferred sales charges had been in use at the time the Act was promulgated, and that it is in the contract owners' best interests that the entire amount of their purchase payments be invested at the time when made. Therefore, Applicants request an exemption from the provisions of sections 26(a)(2)(C) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the New Contracts with the contingent deferred sales charges as proposed.

Section 2(a)(32) of the Act, in substance, defines a redeemable security as a security under the terms of which the holder is entitled to receive approximately his proportionate share

of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act, in substance, requires that the holder of a periodic payment plan certificate be able to surrender his certificate within a specified time and receive the value of his account and the return of sales charges in excess of a certain percentage. Applicants submit that sections 2(a)(32) and 27(d) contemplate the deduction of sales charges from purchase payments at the time they are made. Applicants contend that the fact that the sales charges are not deducted from the amount initially invested does not change the essential nature of the deduction being made and does not alter the fact that the investor in fact receives his proportionate share of the issuer's current net assets and the value of his account upon redemption. Therefore, Applicants request, to the extent necessary, an exemption from the provisions of sections 2(a)(32) and 27(d) of the Act to permit the offer and sale of the New Contracts with the contingent deferred sales charge as proposed.

Section 27(c)(1) of the Act, in pertinent part, makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter of such company, to sell any such certificate unless it is a redeemable security. Applicants contend that the imposition of a deferred sales charge upon the proceeds of redemption is not a restriction on redemption within the meaning of section 27(c)(1). According to the Applicants, deferral of the sales charge until redemption in no way prevents the contract owner from receiving his proportionate share or current value on redemption and has the effect of increasing the value available for redemption. Applicants request an exemption from the provisions of section 27(c)(1) to the extent that one is deemed necessary, in order to permit the offer and sale of the contracts with the deferred sales charge as proposed.

Rule 22c-1, promulgated under section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. Applicants state that: (1) when the contract owner redeems all or a part of the contract value, the proceeds paid on such redemption will be based on the current net asset value; and (2) the contingent deferred sales charge will be deducted at the time of redemption in arriving at the contract owner's proportionate share or account value. Applicants do not believe that the

imposition of the contingent deferred sales charge is violative of section 22(c) or rule 22c-1. However, they request an exemption from the provisions of section 22(c) and rule 22c-1 thereunder to the extent that one is deemed necessary in order to permit the offer and sale of the contracts with the deferred sales charge as proposed.

Payment of Contract Fees and Charges

As noted, section 26(a)(2)(C) of the Act provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian. Section 26(a)(2)(D) requires that the custodian have possession of all securities and other property in which the funds of the trust are invested subject only to the charges and collections allowed under clauses (A), (B) and (C) of section 26(a)(2) until distribution thereof to the security holders of the trust. The New Contracts provide that there shall be deducted an annual charge of \$30 for administrative expenses. The charge will be made when a New Contract is issued and on each anniversary thereafter until annuity benefits become payable. Applicants state that the charge is intended only to cover administrative expenses on a cumulative basis. There shall also be deducted an asset charge at the annual rate of 1¼%, increased from ¾ of 1% under the present contracts. This amount will be paid to NML for providing mortality and expense guarantees with respect to the New Contracts. Applicants assert that NML or its agent will provide bookkeeping and other administrative services of the type normally performed by custodians of unit investment trusts. Finally, deduction and payment of any applicable premium taxes will continue to be made. Applicants request an order exempting them from the provisions of sections 26(a)(2) and 27(c)(2) to the extent necessary to permit in connection with the New Contracts the deduction by NML and the payment to NML of (1) the annual charge of \$30 for administrative expenses, (2) the proposed fee for providing the mortality and expense undertakings (to be deducted on a daily basis), and (3) applicable premium taxes.

Applicants consent to the order granting the requested exemption being made subject to the following conditions: (1) that charges to contract

owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (2) that the payments of sums and charges out of the assets of Account B shall not be deemed to be exempted from regulation by the Commission by reason of the order, provided that consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payments of such other sums and charges.

Exchanges

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to the Commission. Section 11(c) provides that the provisions of subsection (a) shall be applicable irrespective of the basis of exchange to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company. Purchasers of the contracts are permitted to transfer between the two present funding vehicles, the Stock Fund and the Bond Fund, both before and after annuity benefits become payable, for a transfer fee of \$5.00, an amount which Applicants state is less than the related administrative costs. Applicants propose to permit purchasers of the New Contract to transfer contract values among all four subaccounts, including the ones to be funded with the Money Market Fund and NML One Fund, Inc., on this same basis. The Applicants contend that the provisions of Section 11 are not applicable to these transactions because transfers of values from one subaccount to another do not involve an exchange of securities which Section 11 was intended to control. However, NML and Account B requested and received an order of the Commission pursuant to Section 11 of

the Act to approve the present arrangement (Investment Company Act Release No. 9023, November 12, 1975) and, in order to avoid any questions that might be raised as to the applicability of Section 11, Applicants have requested amendment of that order to the extent that an amended order is deemed necessary, to permit transfers of contract values among all four subaccounts in which New Contracts are invested. Applicants represent that but for the imposition of a \$5.00 transfer fee such transfers will be at the respective net asset values of the applicable subaccounts.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and rules promulgated 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. Applicants contend that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Notice is further given That any interested person may, not later than December 8, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter 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 Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following December 8, 1981 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. 81-33780 Filed 11-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22276; 70-4549]

Pennsylvania Electric Co.; Proposed Extension of Time for Acquiring Notes of Nonaffiliated Mining Companies and Extension of Maturity of Such Notes

November 17, 1981.

Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907 ("Penelec"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed with this Commission a further post-effective amendment to its application in this proceeding pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

By order dated December 29, 1978 (HCAR No. 20862), this Commission authorized Penelec to make loans to Helvetia Coal Company ("Helvetia"), a nonaffiliated mining company, but acquiring promissory notes to be issued by Helvetia in an amount not in excess of \$12,250,000 through December 30, 1981. Helvetia is engaged in developing coal mines for the Homer City Generating Station, in which Penelec has a 50% interest. The other 50% interest in the Homer Station is held by New York State Electric & Gas Corporation ("NYSEG"), a utility not affiliated with Penelec, which supplies 50% of the financing for Helvetia. By its post-effective amendment, Penelec states that it and NYSEG both have outstanding loans to Helvetia of \$10,525,000, or an aggregate of \$21,050,000. The borrowings by Helvetia from Penelec and NYSEG have been secured by an indenture of mortgage on certain of Helvetia's assets.

By said order of December 29, 1978, Penelec was also authorized to acquire promissory notes to be issued by The Helen Mining Company ("Helen"), a nonaffiliated mining company, not later than December 30, 1981, in an amount not in excess of \$9,750,000, representing one-half of the estimated cost of Helen's requirements to develop and equip its coal mine. The other half of the financing for the coal mine was to be furnished by NYSEG, Penelec's 50% co-tenant. The mine supplies part of the coal requirements of said Homer City

Generating Station, in which Penelec and NYSEG each have a 50% undivided interest. Penelec and NYSEG each have outstanding loans to Helen of \$7,050,000, or an aggregate of \$14,100,000. The borrowings by Helen from Penelec and NYSEG have been secured by an indenture of mortgage on certain Helen's assets.

Penelec states that it does not appear that permanent financing for Helvetia or Helen can be obtained, without direct guarantees by Penelec and NYSEG, at a cost less than the cost of the present financing arrangements. In view of this situation, NYSEG has entered into Participation Agreements with Chemical Bank whereby the bank has taken 100% participation in the Helvetia and Helen notes which are held by NYSEG. NYSEG must repurchase the notes on expiration of the Agreements with the bank which is not scheduled for 1986. In view of satisfactory arrangements by Helvetia and Helen for leasing rather than purchasing major pieces of mine equipment, the lack of permanent financing alternatives, and the need for NYSEG to review the financing situation in 1986, agreements have been reached with Helvetia and Helen to extend the maturity date of their notes until December 31, 1986, subject to Commission approval. While no further financing of the Helvetia or Helen mines by Penelec and NYSEG is anticipated, Penelec believes it would be prudent to retain authority to lend the amounts not previously borrowed by Helvetia and Helen up to the respective authorized limits of \$12,250,000 and \$9,750,000 by Penelec, or respective authorized aggregates of \$24,500,000 and \$19,500,000. Accordingly Penelec now seeks authorization to (a) acquire notes of Helvetia and Helen until December 30, 1986, and (b) extend the maturity of the notes of Helvetia and Helen until December 31, 1986.

The post-effective amendment and any further amendments 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 December 15, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this

matter. After said date, the application, as now amended or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-33782 Filed 11-20-81; 8:45 am]

BILLING CODE 8010-07-M

DEPARTMENT OF STATE

[Public Notice 780]

International Pipeline Permit: Application Between Edmunston, N.B., and Madawaska, ME.: Issuance of Permit

The Department of State has issued a permit, effective as of September 18, 1981, authorizing Fraser, Inc. to construct a steam pipeline project across the St. John River between Edmunston, New Brunswick and Madawaska, Maine. The Department's jurisdiction in the matter is based upon Executive Order 11423, dated April 16, 1968, and the International Bridge Act of 1972 (33 U.S.C. 535). Prior notice of the pending application appeared in the Federal Register (46 FR 14248) February 26, 1981; (46 FR 32722) June 24, 1981; (46 FR 44120) September 2, 1981; and United States Coast Guard Public Notice 01-06-81, May 20, 1981. Copies of the permit may be obtained from the Office of the Assistant Legal Adviser for European Affairs, Room 5417A, Department of State, Washington, D.C. 20520 (202-632-1217).

Dated: October 23, 1981.

Ted A. Borek,

Assistant Legal Adviser for European Affairs.

[FR Doc. 81-33675 Filed 11-20-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Boeing Vertol Model 234; Helicopter Certification and Availability of Documents

The formal certification process for the Model 234 helicopter has taken five years and eight months. Certification was requested by Boeing Vertol Company, Philadelphia, Pennsylvania under the provisions of Subpart B of FAR 21. The FAA, Eastern Region staff participated in the certification process throughout the period by reviewing technical documents, witnessing testing and conducting flight tests.

The Director of the FAA, Eastern Region has conducted a thorough review, of, (1) the issues involved in the Model 234 type certification program and (2) the findings of the FAA certification team. He has also reviewed and discussed with his senior staff a document entitled "Decision Basis for the Type Certification of the Boeing Vertol Model 234 Helicopter".

Based on a review of the entire certification process, the Director approved issuance of the Model 234 Type Certificate as recommended by the Eastern Region staff. Type Certificate H9EA for the Model 234 helicopter was issued on June 9, 1981.

A copy of the "Decision Basis for Type Certification of the Boeing Vertol Model 234 Helicopter" and "Appendix" are file in the FAA Rules Dockets. The bulk of the "Decision Basis" reviews the purpose, structure, conduct and significant highlights of the certification program wherein Boeing Vertol was required to demonstrate compliance with the applicable Federal Aviation Regulations.

The "Decision Basis" report and "Appendix" are available for examination and copying at the FAA Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. Copies of the report and appendix may be obtained from the Office of the Director, FAA, Eastern Region, Federal Building, JFK International Airport, Jamaica, New York, 11430 at a cost of \$14.60 for the "Decision Basis" report and \$10.80 for the Appendix.

Issued in Jamaica, New York on November 12, 1981.

Tim Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-33824 Filed 11-20-81; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

[Docket No. S-705]

Lykes Bros. Steamship Co., Inc.; Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc. has filed an application dated November 13, 1981, to amend its present Operating-Differential Subsidy Agreement, Contract MA/MSB-451, so as to increase the maximum number of sailings permitted from 48 to 53 sailings for calendar year 1981 only on its subsidized Trade Route 13—Freight Service (Line C—Mediterranean Line).

Any person, firm, or corporation having any interest in such application and desiring to offer views and

comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20590 by close of business on November 30, 1981.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Dated: November 16, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-33456 Filed 11-20-81; 8:45 am]

BILLING CODE 4910-91-M

National Highway Traffic Safety Administration

[Docket No. IP81-21; Notice 1]

Subaru of America, Inc.; Receipt of Petition for Inconsequential Noncompliance

Subaru of America, Inc., Pennsauken, N.J. ("Subaru") has petitioned to be exempted from the notification and remedy requirements of the National Highway Traffic and Motor Vehicle Safety Act for a noncompliance with 49 CFR 571.105, Motor Vehicle Safety Standard No. 105, *Hydraulic Brake Systems*. The basis of the petition is that the noncompliance is inconsequential as it relates 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 decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.3.5 of Standard No. 105-75 requires a motor vehicle to be equipped with a brake system indicator lamp with a lens labelled in letters not less than 1/8 inch high (3.2 mm). Subaru has reported over 4,500 1982 model year vehicles in which the lettering is only 2.2 mm high. The company argues that this noncompliance is inconsequential because the indicator is located between the speedometer and tachometer, "approximately at the center of the driver's line of sight," and it has submitted color photographs available for inspection in the docket room, in support of its argument. The noncompliance in its opinion "still results in an easily identifiable and very readable display".

Interested persons are invited to submit written data, views and

arguments on the petition of Subaru of America, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 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, 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.

Comment closing date: December 23, 1981.

[Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 501.6]

Issued on November 16, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-33631 Filed 11-20-81; 8:45 am]

BILLING CODE 4910-99-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular; Public Debt Series No. 37-81]

Treasury Notes of February 15, 1987, Series D-1987; Auction

November 18, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3,250,000,000 of United States securities, designated Treasury Notes of February 15, 1987, Series D-1987 (CUSIP No. 912827 MQ 2). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated December 2, 1981, and will bear interest

from that date, payable on a semiannual basis on August 15, 1982, and each subsequent 6 months on February 15 and August 15 until the principal becomes payable. They will mature February 15, 1987, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, November 24, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, November 23, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one

noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places

on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised to the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Wednesday, December 2, 1981. Payment is full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, November 3, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the

appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-33935 Filed 11-20-81; 8:46 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Medical Care Reimbursement Rates for Fiscal Year 1982

In accordance with provisions of OMB Circular A-11, § 13.5(a), revised reimbursement rates have been established by the Veterans Administration for inpatient and outpatient medical care furnished to beneficiaries of other Federal Agencies during Fiscal Year 1982. These rates will be charged for such medical care provided at health care facilities under the direct jurisdiction of the Administrator on and after October 1, 1981.

Hospital care per inpatient day:	
General medical and surgical	236
Psychiatric	140
Nursing home care	90
Outpatient visit	51
Hemodialysis:	
Hospital component	172
Physician component	54

The hospital component for hemodialysis will be charged in addition to the inpatient per diem rate except when billing Medicare for maintenance dialysis, in which case the hospital component will be charged in addition to the outpatient visit rate.

When medical services for beneficiaries of other Federal Agencies are obtained by the Veterans Administration from private sources, the charges to the other Federal Agencies will be the actual amounts paid by the

Veterans Administration for such medical services.

Dated: November 16, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-33689 Filed 11-20-81; 8:45 am]

BILLING CODE 8320-01-M

120-Bed NHCU and Parking Structure; Availability of Supplemental Draft Environmental Impact Statement (SDEIS)

The Supplemental Draft Environmental Impact Statement, for the 120-Bed Nursing Home Care Unit and Parking Structure, Veterans Administration Medical Center San Francisco, California, dated September 1981 has been prepared as required by section 102(2)(C) of the National Environmental Policy Act of 1969, and is available for public distribution. This statement discusses the potential environmental impacts of four alternatives for the project. These alternatives are: (a) A two-story 120-Bed Nursing Home Care Unit (NHCU) designed to accommodate a one-story vertical expansion; (b) the NHCU as described and a two level parking structure for approximately 170 cars; (c) A NHCU as described and a two level parking structure designed to accommodate vertical expansion to four levels for approximately 340 cars; (d) No action, in which case conditions would remain as they are.

The agency's preferred alternative is (c).

Several other alternatives, such as, renovating an existing offsite building, contracting with private nursing home facilities, and building a NHCU over existing parking were studied by the agency. These alternatives were considered not to be viable solutions.

The Statement is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sittler, P.E., Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, NW, Washington, DC, (202) 389-2526. Single copies of the Statement may be obtained by writing to: Director, Office of Environmental Affairs, 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: October 23, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-33688 Filed 11-20-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 225

Monday, November 23, 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

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: November 24, 1981 (following regular Commission meeting).

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) *FERC v. Grace Petroleum Corporation, et al.*, Civil Action No. 81-0133 and Docket No. IN79-7.

(2) *Belle Fourche Pipeline Co., et al.*

CONTACT PERSON FOR MORE

INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[S-11743-81 Filed 11-19-81; 9:09 am]

BILLING CODE 6717-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: 10 a.m., November 24, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—737th Meeting, November 24, 1981, Regular Meeting (10 a.m.)

CAP-1. (a) Project No. 3418, Pennsylvania Renewable Resources, Inc.; Project No. 3475, Town of Clintwood, Virginia; Project No. 4152, City of Bedford, et al.; (b) Project No. 3493, City of Summersville, West Virginia; Project No. 3683, Mitchell Energy Co.; Project No. 3809, Old Dominion Electric Cooperative; Project No. 4361, City of Bedford, et al.

CAP-2. Project No. 2157, Public Utility District No. 1 of Snohomish County and City of Everett, Washington

CAP-3. Project No. 4223-000, Little Wood River Irrigation District; Project No. 3828-000, Continental Hydro Corp.; Project No. 3965-000, Enagenics

CAP-4. (a) Project No. 3473-000, Mr. Jack M. Puls; Project No. 3784-000, Deschutes Reclamation and Irrigation Co., Inc., Central Oregon Irrigation District and North Unit Irrigation District; (b) Project No. 4720-000, City of Farmington, New Mexico; (c) Project No. 4881-000, Arthur L. Bloom and Ada County; (d) Project No. 4228, Fort Miller Pulp & Paper Co.; Project No. 4557, Long Lake Energy Corp.

CAP-5. Project No. 3151-000, Chain Dam Hydroelectric Corp., Chain Dam Hydroelectric Associates, and Palmer Township, Pennsylvania; Project No. 3547-000, Commonwealth of Pennsylvania and City of Easton, Pennsylvania

CAP-6. Project No. 289, Louisville Gas & Electric Co.

CAP-7. Omitted

CAP-8. Project No. 5234-000, County of Calaveras, California

CAP-9. Omitted

CAP-10. Project No. 3594-000, Mitchell Energy Co., Inc.; Project No. 4459-000, City of Marseilles, Illinois; Project No. 4499-000, Village of Winnetka, Illinois

CAP-11. Project No. 3567-000, Mitchell Energy Co., Inc.; Project No. 3944-000, Village of Rockdale, Illinois; Project No. 4523-000, City of Joliet, Illinois; Project No. 4561-000, Village of Winnetka, Illinois; Project No. 4577-000, Commonwealth Edison Co., Illinois

CAP-12. Project No. 3663-000, Sequoia Energy Corp.; Project No. 3696-000, Mitchell Energy Co., Inc.; Project No. 3880-000, Gregory Wilcox; Project No. 3928-000, County of Sierra, New Mexico; Project No. 3981-000, Enagenics; Project No. 4591-000, City of Las Cruces, New Mexico; Project No. 4592-000, El Paso Electric Co.

CAP-13. Project Nos. 4161-000, 4162-000, 4163-000, and 4164-000, Sierra Pacific Power Co.

CAP-14. Project No. 3505, Pacific Northwest Generating Co.; Project No. 3710, Mitchell Energy Co., Inc.; Project No. 3800, City of Lander, Wyoming and Wyoming Hydro, Inc.; Project No. 4237, City of Riverton, Wyoming; Project No. 4530, City of Gillette,

Wyoming; Project No. 4622, Town of Jackson, Wyoming

CAP-15. Project Nos. 4321-000 and 4322-000, Northeastern Minnesota Municipal Power Agency

CAP-16. Project No. 3256, City of McFarland, California; Project No. 3704, City of Redding, California

CAP-17. Project No. 2861-000, Robert W. Shaw

CAP-18. Docket Nos. ER81-645-000, and ER81-646-000, New England Power Co. and The Narragansett Electric Co.

CAP-19. Docket No. ER81-653-000, Northern States Power Co. (Wisconsin)

CAP-20. Docket No. ER81-790-000, Safe Harbor Water Power Corp.

CAP-21. Docket No. ER81-15-000, Maine Yankee Atomic Power Co.

CAP-22. Docket No. ER82-1-000, Public Service Co. of New Mexico

CAP-23. Docket No. ER81-649-000, Central Vermont Public Service Corp.

CAP-24. Docket No. ER76-819, Central Illinois Light Co.

CAP-25. Docket No. ER81-177-000, Southern California Edison Co.

CAP-26. Docket Nos. ER77-488 and ER78-520 (phase II), El Paso Electric Co.

CAP-27. Docket No. ER81-575-000, Idaho Power Co.

CAP-28. Docket No. ER81-249-000, Duquesne Light Co.

CAP-29. Docket No. ES81-81-000, Boston Edison Co.

CAP-30. Docket No. ES2-4-000, Gulf States Utilities Co.

CAP-31. Omitted

CAP-32. Docket No. ES81-83-000, Gulf States Utilities Co.

CAP-33. Project No. 5356, Puget Sound Power & Light Co.; Project No. 5358, Woods Creek, Inc.

CAP-34. Project No. 3569-000, Mitchell Energy Co., Inc.; Project No. 3943-000, Village of Channahon, Illinois; Project No. 4212-000, City of Morris, Illinois; Project No. 4484-000, Village of Winnetka, Illinois; Project No. 4491-000, Commonwealth Edison Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM79-76 (New Mexico-8), high-cost gas produced from tight formations

CAM-2. Docket No. GP80-86, State of Kansas, Section 108 NGPA determinations, Texas Inc., Anderson-Shrier Unit No. 1 Well, State No. K-790600, JD No. 80-04006, Garden City Unit No. 1 Well, State No. K-79-0601, JD No. 80-04002, Landgraf Unit No. 1 Well, State No. K-79-0606, JD No. 80-04005

CAM-3. Docket No. GP82- , State of Oklahoma, Section 102 NGPA determinations, Davis Oil Co., Airport Trust No. 1, FERC Control No. JD80-57359, cause U.S. No. 5225, Airport Trust No. 4.

FERC Control No. JD80-55382, cause U.S. No. 5059

CAM-4. Docket Nos. RO81-69-000 and RA82-3-000, Joe E. Smith

CAM-5. Docket No. RA79-16, J & W Refining, Inc.

CAM-6. Docket No. RM81-18, revision of Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Indebtedness

CAM-7. Michigan Public Service Commission

Consent Gas Agenda

CAG-1. Docket No. TA82-1-53-000 (PGA82-1), Kansas Nebraska Natural Gas Co.

CAG-2. Docket No. TA82-1-54-000 (PGA82-1), Louisiana Nevada Transit Co.

CAG-3. Docket No. TA82-1-55-000 (PGA82-1), Mountain Fuel Resources, Inc.

CAG-4. Docket No. TA82-1-56-000 (PGA82-1), Valero Interstate Transmission Co.

CAG-5. Docket No. TA82-1-57-000 (PGA82-1), Western Transmission Corp.

CAG-6. Docket No. TA82-1-58-000 (PGA82-1), Texas Gas Pipeline Corp.

CAG-7. Docket No. RP81-69-000, South Georgia Natural Gas Co.

CAG-8. Docket No. RP82-4-000, East Tennessee Natural Gas Co.

CAG-9. Docket No. TA82-1-20-000, Algonquin Gas Transmission Co.

CAG-10. Docket No. RP82-7-000, Gas Gathering Corp.

CAG-11. Docket No. RP82-8-000, Kansas-Nebraska Natural Gas Co., Inc.

CAG-12. Docket No. RP81-142-000, El Paso Natural Gas Co.

CAG-13. Omitted

CAG-14. Docket No. RP74-41, Texas Eastern Transmission Corp.

CAG-15. Docket No. RP81-3-000, Southwest Gas Corp.

CAG-16. Docket Nos. RP80-107 and TA80-2-26 (AP80-2), Natural Gas Pipeline Co. of America

CAG-17. Docket No. CI81-482-000, Chevron U.S.A. Inc.; Docket Nos. G-13299-001 and G-13299-003, Arco Oil & Gas Co., a Division of Atlantic Richfield Co.; Docket Nos. G-13308-000 and CI81-486-000, Shell Oil Co. and Odeco Oil & Gas Co.; Docket Nos. CI81-461-000 and CI81-479-000, Peunzoil Oil & Gas, Inc. and ANR Production Co.; Docket Nos. G-8107 and G-8108, Winnie Pipeline Co.; Docket No. CI81-443-000, Arco Oil & Gas Co.; Docket No. CI81-447-000, Champlin Petroleum Co.; Docket No. CI81-465-000, Getty Oil Co.; Docket No. CI81-496-000, Marathon Oil Co.

CAG-18. FERC gas rate schedule Nos. 275, 305 and 326, Arco Oil & Gas Co., Division of Atlantic Richfield Co.

CAG-19. Docket No. CP81-75-000, Transcontinental Gas Pipe Line Corp. and Northern Natural Gas Co., Division of Internorth, Inc.; Docket No. CP81-215-000, Southern Natural Gas Co. Transcontinental Gas Pipe Line Corp., Natural Gas Pipeline Co. of America and Northern Natural Gas Co., Division of Internorth, Inc.; Docket No. CP81-223-000, Transcontinental Gas Pipe Line Corp.

CAG-20. Docket No. CP81-282-000, Transcontinental Gas Pipe Line Corp. and Mid Louisiana Gas Co.

CAG-21. Docket No. CP81-272-000, Transcontinental Gas Pipe Line Corp.

CAG-22. Docket No. CP80-290-000, Southern Natural Gas Co.

CAG-23. Docket No. CP81-415-000, Equitable Gas Co.

CAG-24. Docket No. CP81-443-000, Southwest Gas Corp.

CAG-25. Docket No. CP81-374, Colorado Interstate Gas Co.

CAG-26. Docket No. CP73-212, Transwestern Coal Gasification Co., Pacific Coal Gasification Co. and Western Gasification Co.

CAG-27. Docket No. RP82-5-000, Natural Gas Pipeline Co. of America

CAG-28. Docket No. ST80-12-001, Valero Transmission Co.

Power Agenda

I. Licensed Project Matters

P-1. Omitted
P-2. Omitted

II. Electric Rate Matters

ER-1. Docket No. ER79-610, Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin)

Miscellaneous Agenda

M-1. Review of automatic adjustment clause

M-2. Power pooling in the United States

M-3. Omitted

M-4. Docket No. RM82- , confirmation and approval of electric rates submitted under Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act

M-5. Omitted

M-6. Docket No. RM82- , revision of FPC Form 423

M-7. Reserved

M-8. Reserved

M-9. Docket No. RM82- , revision of Form ICC-P

M-10. Docket Nos. RM81-16-000 and RM81-16-001, discontinuance of producer reports and related Form Nos. 1-8 and 314-B, and reinstatement and revision of producer filing instructions

M-11. Docket No. RM82- , intermediate deep drilling

M-12. Docket No. RM80-38, high-cost gas produced from wells in deep waters

M-13. Docket No. SA80-88, Rochester Gas & Electric Corp.

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Docket No. TA82-1-33-000 (PGA82-1) (IPR82-1) (TT82-1) and (AP82-1), El Paso Natural Gas Co.

RP-2. Docket No. RP81-78-000, Cities Service Gas Co.

RP-3. Docket No. RP81-141-000, El Paso Natural Gas Co.

RP-4. Docket No. IS80-83, Mid-Valley Pipeline Co.

RP-5. Docket No. TA81-2-9-000 (PGA81-2, et al.), Tennessee Gas Pipeline Co., a division of Tenneco Inc.

II. Producer Matters

CI-1. (a) Docket No. GP80-24, Transcontinental Gas Pipe Line Corp.; (b) Docket No. RI74-188 and RI75-21, Independent Oil & Gas Association of West Virginia

CI-2. (a) Docket No. CI84-26 (Force Majeure), Gulf Oil Corp.; (b) Docket No. CI84-26, Gulf Oil Corp.

III. Pipeline Certificate Matters

CP-1. Docket Nos. CP81-170-000, CP81-193-000 and CP81-203-000, Cities Service Gas Co.

CP-2. Docket No. CP81-349-000, Northern Natural Gas Co., Division of Internorth, Inc.

CP-3. Docket No. CP80-520-003, Natural Gas Pipe Line Co. of America

CP-4. Docket No. CP75-275, Texas Gas Transmission Corp.; Docket No. CP75-276, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket No. CP78-337, Transcontinental Gas Pipe Line Corp.; Docket No. CP77-206, Texas Eastern Transmission Corp.; Docket No. CP77-630, Transcontinental Gas Pipe Line Corp.; Docket No. CP78-36, Texas Gas Transmission Corp.

CP-5. Docket No. CP74-192 (remand), Florida Gas Transmission Co.

Kenneth F. Plumb,
Secretary.

[S-1742-01 Filed 11-15-81; 9:09 am]

BILLING CODE 6717-01-M

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FEDERAL HOME LOAN BANK BOARD:

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46, Issue No. 223, no page number at this time. Date published, Thursday, November 19, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, November 19, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled for Thursday, November 19, 1981.

Service Corporation Activity—Atlantic Federal Savings & Loan Association, Ft. Lauderdale, Florida

No. 565, November 19, 1981.

[S-1744-01 Filed 11-19-81; 10:01 am]

BILLING CODE 6720-01-M

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FEDERAL HOME LOAN BANK BOARD

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sixth floor, Washington, D.C.

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CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall(202-377-
6679).

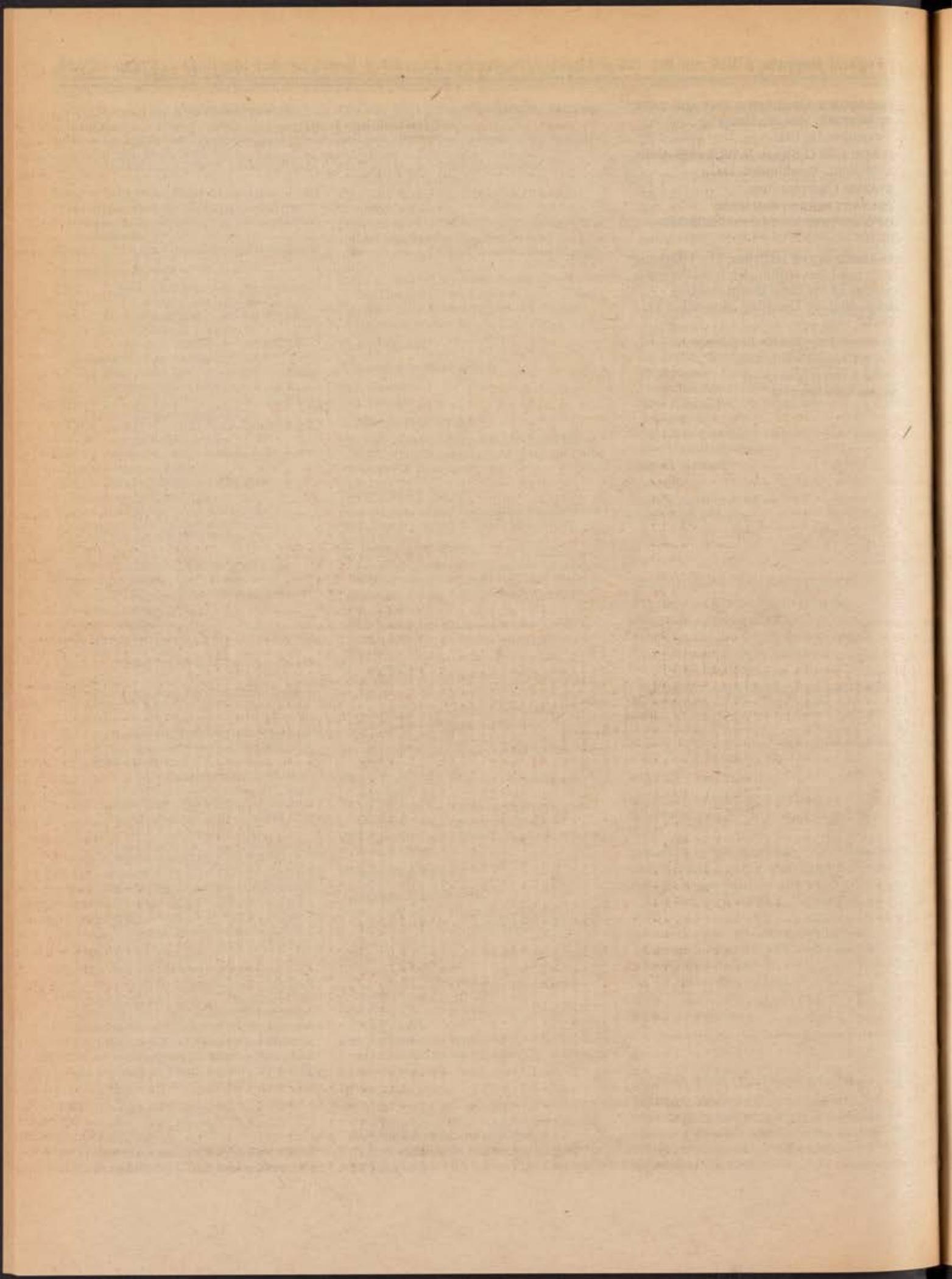
CHANGES IN THE MEETING: The following
item has been withdrawn from the open
portion of the Bank Board meeting
scheduled for Thursday, November 19,
1981.

Revision of Application Requirements.

No. 564, November 18, 1981.

[S-1741-81 Filed 11-18-81; 4:24 pm]

BILLING CODE 6720-01-M



federal register

**Monday
November 23, 1981**

Part II

Department of Transportation

Federal Aviation Administration

**Transport Category Airplanes; Cabin
Ozone Concentration**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25 and 121

[Docket No. 22438; Notice No. 81-15]

Transport Category Airplanes; Cabin Ozone Concentration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to relieve operators of certain airplanes from having to purchase, install, and maintain ozone control equipment or establish ozone avoidance procedures. This proposal will reduce the operating cost of the affected airplanes with no reduction in flight safety. This notice also responds to a petition for rulemaking from the Air Transport Association of America and to a petition from Rosenbalm Aviation, Inc.

DATES: Comments must be received on or before January 22, 1982.

ADDRESSES: Send comments on this proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22438, 800 Independence Avenue, SW, Washington, D.C. 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW, Washington, D.C. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Joseph A. Sirkis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 755-8716.

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 proposals. Communications should identify the regulatory docket or notice number and be submitted in duplicate 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 Docket No. 22438." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed 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 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 NPRM's should also request a copy of Advisory Circular No. 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Discussion of Proposed Rule*Background*

The Federal Aviation Administration (FAA) has established specific airplane cabin ozone concentration standards for the issuance of type certificates for transport category airplanes. Cabin ozone standards were also adopted for the operation of large transport category airplanes by air carriers and commercial operators. The final rule was published in the *Federal Register* on January 21, 1980 (45 FR 3880), as Amendments 25-20 and 121-154.

Amendment 25-20 added a new § 25.832 which stated that the airplane cabin ozone concentration during flight above flight level (FL) 180 must be shown not to exceed 0.25 parts per million by volume, sea level equivalent, at any time and 0.1 parts per million by volume, sea level equivalent, time-weighted average during any 3-hour interval.

Amendment 121-154 added a new § 121.220 which was later changed to §

121.578 stating that after February 20, 1981, no certificate holder may operate a transport category airplane above FL 180 unless it has successfully demonstrated to the Administrator that the concentration of ozone inside the cabin will not exceed 0.25 parts per million by volume, sea level equivalent, at any time and for each flight segment that exceeds 4 hours, 0.1 parts per million by volume, sea level equivalent, time-weighted average over that flight segment.

This notice is based in part on a petition for rulemaking from the Air Transport Association of America (ATA) dated April 30, 1980, which was published in the *Federal Register* on September 11, 1980 (45 FR 59905), and a petition from Rosenbalm Aviation, Inc., dated March 31, 1980, which was published in the *Federal Register* on October 9, 1980 (45 FR 67100). All interested persons have been given an opportunity to comment on those petitions, and due consideration has been given to all matters presented. As a result of the comments received and further consideration by the FAA, this notice proposes amendments to §§ 25.832 and 121.578 of the Federal Aviation Regulations to relieve operators of certain airplanes from the necessity of meeting the existing regulatory requirements and to simplify the compliance requirements for many other airplane operations.

Petitions for Rulemaking

The ATA petition contends that § 121.578 should be changed to exclude certain aircraft from the ozone rule. The requested exclusions are for cargo-only aircraft, narrow-body four-engine jet aircraft scheduled for either early retirement or re-engining, and narrow-body two-engine and three-engine jet aircraft. Nine comments were received on the ATA petition from airlines, aircraft manufacturers, and employee unions. Two comments indicate agreement with the ATA petition while four comments respond unfavorably to the petition. Of the three remaining comments, two favor the exclusion of cargo-only aircraft, and one of these also favors excluding the four-engine jet aircraft. The final comment suggests measured ozone retention ratios on Boeing airplanes and uses these values to support the exclusion of narrow-body two-engine and three-engine jet aircraft. One commenter also requests that the rule apply only to airplanes which operate above FL 250 while another requests that the rule apply only to airplanes with a maximum gross weight of over 75,000 pounds.

The petition by Rosenbalm Aviation, Inc., requests exclusion of cargo-only jet aircraft from the provisions of § 121.578. One comment from a flight attendant; union strongly recommends that the petition be denied because one of the symptoms of ozone exposure is chest pain and obviously, it is asserted, the reason for a lack of service reports is that pilots are reluctant to report such pain.

The three categories of exclusion requested by ATA will be discussed along with comments and resulting proposed action by the FAA. The Rosenbalm petition will be discussed along with that portion of the ATA petition requesting exclusion of cargo-only aircraft.

(1) *Cargo-only airplanes.* The ATA petition requests cargo-only aircraft be excluded because of the absence of impact on passengers and flight attendants and the absence of ozone occurrences in service reports from flight crewmembers. It also states that exclusion would provide equal treatment with non-Part 121 operators.

An extensive comment on this portion of the petition was received from Federal Express Corporation. The comment notes that the occupants of cargo-only aircraft are sedentary; therefore, unlike flight attendants who move throughout the aircraft cabin, they are less likely to experience the increase of ozone discomfort that comes with physical activity. It further states that the symptoms of ozone exposure are known, as are the conditions (latitudes, altitudes, and seasons) where higher levels of ozone are most likely to occur. If symptoms and conditions warrant, it recommends reducing cruising altitude or using 100 percent oxygen to alleviate any physical discomfort from excessive ozone in the cockpit. It also states that the economic cost of planning altitude restrictions which would guarantee ozone avoidance or, installing ozone filters, is excessive.

Three groups representing airline employees object to exempting cargo-only aircraft from the ozone rule based on the deleterious effects of ozone on all flight crewmembers, not just flight attendants.

The Rosenbalm petition requests exclusion of large cargo-only jet aircraft not carrying flight attendants or passengers for hire. The request is based on the fuel loss resulting from carrying new equipment which would be required for compliance and the lower physical activity of cockpit crewmembers compared to flight attendants. The petitioner also indicates that these airmen can be presumed to have lower affinity for ozone discomfort

because, unlike passengers, they must meet physical qualifications for flying.

In commenting on the Rosenbalm petition, the Independent Union of Flight Attendants states that while cargo aircraft do not carry passengers and flight attendants, they do carry pilots, and ozone exposure is not merely a discomfort but a health hazard. It recommends that the petition be denied based on the deleterious effects of ozone exposure.

The FAA recognizes the concerns expressed by the groups recommending denial of these petitions. However, since the flights in question are cargo operations, the FAA concludes that there is sufficient reason to exclude cargo-only airplanes from § 121.578 based in part on the facts that (a) cargo-only airplane flight crewmembers are sedentary and therefore less likely to experience adverse effects from ozone exposure, (b) flightcrews are required to meet rigorous medical standards, (c) symptoms of excessive ozone exposure can be recognized, (d) flight conditions for likely excess ozone are known, and (e) precautionary action (either reduced altitude or 100 percent oxygen or both) may be used if symptoms or conditions warrant.

For these reasons, it is proposed to exclude from the provisions of § 121.578 cargo-only aircraft which carry only flight crewmembers and persons authorized to be carried in § 121.583 without compliance with the revenue passenger-carrying requirements of Part 121. For example, the following authorized persons may be carried: company employees and their dependents, government inspectors, persons necessary for safety of flight or special handling of cargo, and members of the armed forces.

(2) *Narrow-body, four-engine jet airplanes scheduled for early retirement or re-engining.* These airplanes will be retired from service or re-engined to satisfy the noise standards of Part 91, Subpart E, by December 31, 1984. The ATA petition states that these long-range airplanes would most likely install ozone filters as the compliance option. The ATA states that designing, testing, certificating, fabricating, and installing ozone filters in engines currently in use would take until mid-1983. This would almost coincide with the compliance date for the noise retrofit rule, at which time new quieter engines will be installed or the airplanes will be retired. Almost all resources spent on modifying existing aircraft would be lost and not transferrable to the air conditioning designs associated with the new engines.

Favorable comments cite excessive cost for a short airplane or engine lifetime while unfavorable comments emphasize unnecessary ozone exposure if the petition is granted.

The FAA has determined that ozone filters cannot be installed on all affected airplanes before January 1, 1985. As discussed in the regulatory evaluation for this proposal, a copy of which is available in the Rules Docket, this aircraft fleet has very low utilization, is not used often at higher latitudes, and will either be re-engined or retired by the end of 1984 due to fuel-inefficient engines and their failure to meet the noise standards.

Compliance by altitude restriction for these inefficient older aircraft would be too costly and wasteful of fuel. For these reasons, the FAA has concluded the potential benefit to society in the limited circumstances in which these aircraft might encounter high-altitude ozone is outweighed by the costs to society of installing this equipment. Therefore, the FAA is proposing that narrow-body, four-engine airplanes be excluded from § 121.578 requirements until they are either re-engined to satisfy Part 91, Subpart E, Operating Noise Limits, or retired prior to required compliance with that subpart.

(3) *Narrow-body two-engine and three-engine jet airplanes.* The ATA petition requests excluding narrow-body, two-engine and three-engine jet airplanes based on the estimated total cost of installing ozone filters on these airplanes. The petitioner bases its expectation that ozone filters would need to be installed on an analysis and rejection of the four alternative methods for showing compliance. In calculating altitude restrictions that would be necessary for aircraft without filters, ATA adhered to strict assumptions for aircraft without established ozone retention ratios.

Of the comments received on this proposal, those submitted by the airlines and aircraft manufacturers are favorable, and those submitted by representatives of airline employees are unfavorable. The comments of the Boeing Commercial Airplane Company were particularly helpful, in that they provided measured values for the retention ratios (ratio of ozone in the cabin to the ambient atmosphere ozone) on Boeing 707/720, 727, and 737 airplanes. These values range from 0.45 to 0.51 in the passenger cabin and are lower than anticipated, resulting in lower predicted cabin ozone values. Boeing used these data to show that ozone concentrations greater than the maximum value permitted by § 121.578

"would occur only on a few routes in the peak ozone activity periods in the northern latitudes and at high altitudes."

Prior to the test data supplied by Boeing, the FAA required operators to use a maximum retention ratio when computing cabin ozone concentrations which made showing compliance more difficult. The retention ratio data supplied by Boeing (and other data accepted by the FAA) indicate that virtually all flights using this type of equipment can show compliance with the ozone rule without restricting altitude or installing ozone filters. In those few cases where an altitude limitation might become necessary for compliance, not every flight would have reduced fuel efficiency. A portion of these, however, could incur a minimal economic burden in the form of reduced fuel efficiency of less than 1 percent. Cases in which altitude reduction might be necessary would involve Alaskan operations for only 3 months where the ideal flight profile would utilize the highest possible altitude.

Generally, compliance will not require altitudes below those of typical operations. For those flight which might encounter slightly elevated ozone levels, the FAA concludes that the public benefit of ozone avoidance outweighs the burden imposed on the operator. Accordingly, this portion of the ATA petition is denied.

Clarification of Altitude Requirements

Since the ozone rule was published, it has come to FAA's attention that demonstrating compliance using atmospheric ozone statistics is more difficult than anticipated. While Advisory Circular No. 120-38, Transportation Category Airplanes Cabin Ozone Concentrations, gives specific examples of the methodology required, it does not alleviate this problem.

To facilitate compliance, the following changes in § 121.578 are proposed:

(1) *Retention ratio.* In the past, the FAA required operators of airplanes

without established retention ratios to use strict assumptions regarding the retention ratio when calculating the cabin ozone concentrations using ozone statistics. Based on retention ratios measured in a variety of aircraft since the ozone rule was published (including the Boeing data already discussed), the FAA will accept a value of 0.7 for the airplane retention ratio when computing cabin ozone concentrations even when a retention has not been measured for that particular airplane. This is expected to facilitate compliance in a significant number of cases.

(2) *Flight level 180.* The current regulation requires compliance only for flights above FL 180. FL 180 was chosen as the altitude that would ensure a separation of the upper atmosphere-controlled ozone region (where natural ozone is manufactured by the sun) from that region where a significant portion of the ozone is derived from human activities, especially near large urban areas. Since ozone formed near the ground by human activities is unpredictable, then time-weighted average ozone values are determined using statistical ozone values only for operations above FL 180. This proposal would provide that ozone values below FL 180 are considered to be zero.

Using the method outlined in Advisory Circular No. 120-38 and the ozone statistics of Report No. FAA-EQ-78-03, Guidelines for Flight Planning During Periods of High Ozone Occurrence, the FAA has determined that flight levels below which natural ozone concentrations would not be expected to exceed the limits established by § 121.578 can be determined and new compliance altitudes established. Assuming a pressurized cabin altitude of 7,000 feet and a newly established retention ratio of 0.7, these flight levels are FL 320 for compliance with the maximum value and FL 270 for compliance with the time-weighted average value. The highest statistical ozone values in the United

States were used for these calculations (May, Western North America, 65°N).

The FAA is therefore proposing to change §§ 121.578(b) and 25.832(a) to provide that compliance must be shown with the 0.25 parts per million by volume (ppmv) maximum value for flights above FL 320 and with the 0.1 ppmv time-weighted average ozone value for flights above FL 270. Under § 121.578, the time-weighted average ozone value will still be computed using a value of zero for ozone concentrations below FL 180.

(3) *Altitude restrictions for flights under 4 hours.* Table 1 shows the retention ratios which have been measured and accepted by the FAA on a number of airplanes since the ozone rule was published. The values given for passenger exposure are measured in the airplane cabin and apply to passenger or both cargo and passenger airplanes. The values for cargo airplanes are measured on the flight deck and are for cargo-only airplanes.

Using these retention ratios, altitude restrictions required for compliance with the maximum ozone value (0.25 ppmv) established by § 121.578 can be calculated using the ozone statistics of Report No. FAA-EQ-78-03 and Advisory Circular No. 120-38. For a cabin altitude of 7,000 feet with no ozone filter, Equation 1 of the Advisory Circular can be written as $OZMAX = (0.77)R(OZ16)$ where—

OZMAX is the permissible maximum ozone concentration inside an airplane cabin as established by § 121.578;

0.77 is the ratio of cabin pressure to sea level pressure for a cabin altitude of 7,000 feet;

OZ16 is the estimated ambient ozone concentration obtained from statistics with a confidence level of 84 percent; and

R is the retention ratio of the ozone which enters the airplane cabin after going through the air conditioning system and, in most cases, the engines to the ambient (outside) ozone.

TABLE 1.—MEASURED RETENTION RATIOS ACCEPTED BY THE FAA FOR DEMONSTRATING COMPLIANCE WITH § 121.578

Manufacturer	Model	Certificated altitude	Passenger	Cargo	Comments
Boeing	B-707/720	42,000	0.51	0.44	
Boeing	B-727	42,000	0.45	0.42	
Boeing	B-737	37,000	0.50	0.50	Normal certified altitude is 35,000 with optional certified altitude of 37,000.
Boeing	B-747	45,000	0.465	0.465	For use with airplanes equipped with catalytic ozone converters.
Boeing	B-747SP	45,000	0.552	0.552	For use with airplanes equipped with catalytic ozone converters.
Lockheed	L-1011	42,000	0.59	0.59	
Douglas	DC-9	37,000	0.43	0.43	Only the DC-9-80 is certified to 37,000. All other DC-9's certified to 35,000.
Douglas	DC-10	42,000	0.57	0.57	Three air conditioning packs operating.
Douglas	DC-10	42,000	0.47	0.41	Two air conditioning packs operating.

For OZMAX of 0.25 ppmv as established by § 121.578, the value for

OZ16 becomes $(0.325)/R$ and can be calculated using the FAA-accepted

values of R for each airplane type. Table 2 shows the maximum flight levels that

can be obtained by using these OZ16 values and Report No. FAA-EQ-78-03 for each month in the following geographical areas: (1) Eastern continental United States, (2) Western

continental United States, and (3) Western North America at latitudes higher than the continental United States. (Note: continental United States is defined as the 48 contiguous states.)

Also shown in Table 2 are the maximum flight levels for an airplane with a retention ratio of 0.7 which, as already noted, is an acceptable value to use if the actual ratio has not been measured.

TABLE 2.—MAXIMUM FLIGHT LEVEL WHICH CAN BE FLOWN TO SHOW COMPLIANCE WITH THE MAXIMUM OZONE CONCENTRATION ESTABLISHED BY § 121.578 USING OZONE STATISTICS WITHOUT AN OZONE FILTER

(0.25 parts per million by volume)

	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug
Eastern Continental United States												
DC-9												
B-737						410	410	400	410			
B-727 (pax)								410				
B-727 (cargo)					410	390	380	360	380			
DC-10 (3 Packs)						410	410	400	410			
DC-10 (pax—2 packs)								410				
DC-10 (cargo—2 packs)					410	390	380	390	380	410		
L-1011						400	400	390	400			
B-707/720 (pax)								400				
B-707/720 (cargo)					390	370	360	340	350	390	430	450
R-0.7	460	440	420	410								
Western Continental United States												
DC-9												
B-737								390	390			
B-727								400	400			
B-727 (cargo)							400	360	360	400		
DC-10 (3 Packs)								390	390			
DC-10 (pax—2 packs)								410	410			
DC-10 (cargo—2 packs)							390	360	360	390		
L-1011								380	380			
B-707/720 (pax)								400	400			
B-707/720 (cargo)					410	410	370	340	340	370	410	450
R-0.7	470	460	430	440								
Western North America at Latitudes Higher Than the Continental United States												
DC-9						360	360	360				
B-737						350	350	350	350	360		
B-727 (pax)				400	400	360	350	360	370	370	390	
B-727 (cargo)				410	410	370	360	370	380	380	400	
DC-10 (3 Packs)		400		390	370	340	340	340	340	350	360	
DC-10 (pax—2 packs)				400	400	360	350	360	370	370	380	
DC-10 (cargo—2 packs)				410	410	370	360	370	390	380	410	
L-1011		400		390	370	340	340	340	340	350	360	410
B-707/720 (pax)				400	390	350	340	350	350	360	380	
B-707/720 (cargo)				410	400	360	350	360	380	370	400	
R-0.7	400	370	400	370	350	330	330	330	320	340	340	390

Flight at or below the altitudes shown in Table 2 complies with the maximum cabin ozone standard established by § 121.578. Specifically, if the airplanes of concern in the ATA petition (DC-9, B-737, and B-727) do not exceed FL 390 in the continental United States, they comply with the maximum cabin ozone standard. The flight levels in Table 2 do not apply if an ozone filter is installed or to the time-weighted average ozone values established by § 121.578 for aircraft operations over 4-hour duration.

Use of Table 2 for showing compliance with the maximum allowable ozone concentration based on altitude, latitude, and month will relieve most operators from performing the detailed calculation which would otherwise be required.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend the

Federal Aviation Regulations (14 CFR §§ 25.832 and 121.578) as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. By revising § 25.832(a) (1) and (2) to read as follows:

§ 25.832 Cabin ozone concentration.

(a) The airplane cabin ozone concentration during flight must be shown not to exceed—

(1) 0.25 parts per million by volume, sea level equivalent, at any time above flight level 320; and

(2) 0.1 parts per million by volume, sea level equivalent, time-weighted average during any 3-hour interval above flight level 270.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

2. By amending § 121.578 by revising (b) and by adding a new paragraph (e) to read as follows:

§ 121.578 Cabin ozone concentration.

(b) Except as provided in paragraphs (d) and (e) of this section, no certificate holder may operate a transport category airplane above the following flight levels unless it has successfully demonstrated to the Administrator that the concentration of ozone inside the cabin will not exceed—

(1) For flight above flight level 320, 0.25 parts per million by volume, sea level equivalent, at any time above that flight level; and

(2) For flight above flight level 270, 0.1 parts per million by volume, sea level equivalent, time-weighted average for each flight segment that exceeds 4 hours and includes flight above that flight level. (For this purpose, the amount of ozone below flight level 180 is considered to be zero.)

* * * * *

(e) A certificate holder need not comply with the requirements of paragraph (b) of this section for an aircraft—

(1) When the only persons carried are flight crewmembers and persons listed in § 121.583;

(2) If the aircraft is scheduled for retirement before January 1, 1985; or

(3) If the aircraft is scheduled for re-engining under the provisions of Subpart E of Part 91, until it is re-engined.

(Secs. 313, 601, 603, and 604, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421, 1423, and 1424); sec. 6(c), Dept. of Trans. Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—This proposal relieves certain operators of the economic burden of purchasing, installing, and maintaining ozone control equipment or establishing ozone avoidance procedures. Accordingly, the FAA has determined that this document involves a proposed regulation which is not major under Executive Order 12291 or significant under

DOT Regulatory Policies and Procedures (14 CFR 11034; February 26, 1979). For the same reasons, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities. A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C. on October 19, 1981.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 81-33453 Filed 11-20-81; 8:45 am]

BILLING CODE 4910-13-M

federal register

Monday
November 23, 1981

Part III

**Department of the
Interior**

Bureau of Land Management

Amendments to the Planning Regulations

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1600

Amendments to the Planning Regulations; Elimination of Unneeded Provisions

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would eliminate burdensome, outdated and unneeded provisions in the existing planning regulations. The decision as to which provisions should be eliminated was arrived at after a thorough review of public comments received in response to a request by the Secretary of the Interior and after an extensive review of the existing regulations by Bureau of Land Management personnel. The proposed rulemaking would also renumber the regulations.

DATE: Comments by January 22, 1982.

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 working hours (7:45 a.m. to 4:15 p.m.) on regular business days.

FOR FURTHER INFORMATION CONTACT: David Williams, (202) 653-8824

or

Robert C. Bruce, (202) 343-8735

SUPPLEMENTARY INFORMATION: In February 1981, as part of the effort to reduce the burden imposed on the public by burdensome and counter-productive regulations, the Secretary of the Interior asked the public and agencies of the Department of the Interior to identify those regulations that were burdensome or counter-productive so they could be reviewed for revision or elimination. Several of the comments from the public identified concerns with the Bureau of Land Management's land use planning regulations. The areas identified in these comments were in addition to areas of the regulations identified through the experience gained by the Bureau of Land Management in operating under the regulations and areas suggested in comments from Department of the Interior agencies. This proposed rulemaking would implement the changes identified by all these sources.

The planning regulations that became effective on September 6, 1979, are the basis of the Bureau of Land Management's land use planning process. Prior to the issuance of the

existing regulations, the Bureau has prepared, since 1969, land use plans to provide multiple use direction for public lands. As a result, approximately 80 percent of the public lands, exclusive of Alaska, are covered by land use plans called "management framework plans" prepared under guidelines that were in use before the passage of the Federal Land Policy and Management Act of 1976. Section 202 of the Federal Land Policy and Management Act specifically authorized land use planning as a program to be carried out by the Bureau of Land Management on the public lands. The land use plans mandated by the Federal Land Policy and Management Act and issued under the planning regulations are called "Resource Management Plans." Six pilot resource management planning projects were initiated in October 1979. These pilot projects have been used to gain ongoing experience in the implementation of the planning regulations and to provide a basis for developing a more detailed planning procedure for use Bureau-wide. Using the experience gained from the pilot projects, twenty-two resource management plans were started in the fall of 1980. A procedural manual implementing the regulations is now being compiled, based on experience with the pilots and experience with the California Desert Conservation Area Plan.

The Bureau of Land Management's experience to date, coupled with a strong commitment by the Department of the Interior to make the planning process as streamlined and responsive to program needs as possible, has revealed a number of areas in the existing regulations that can be improved so as to facilitate the planning process. This proposed rulemaking incorporates those changes as well as those that were suggested in the comments received in response to the Secretary of the Interior's request for the public to point out provisions that were burdensome and counter-productive.

The changes that would be made by the proposed rulemaking cover several areas of the existing regulations and will make them more responsive to program needs and public understanding. The first change will permit the existing base of management framework plans that were developed prior to the issuance of the existing regulations to continue to be used until such time as they can be replaced with resource management plans prepared under the procedure created by the planning regulations. This is accomplished by modifying the definition of "conformance" and providing for greater flexibility in the sections dealing with plan maintenance

and plan amendment so that existing plans and their supporting data base can be fully utilized while permitting expeditious handling of minor changes in those plans. The regulations also provide for decisions in the absence of a management framework plan or a resource management plan.

Another change would be the removal of the bulk of the sections dealing with public participation in the planning process and substituting a requirement for compliance with the provisions of the regulations of the Council on Environmental Quality issued pursuant to the National Environmental Policy Act. The amendment recognizes that the Council on Environmental Quality regulations have set standards for public involvement when the environmental analyses are involved so that is possible to remove the duplicative language. The amendment does include additional instructions on public participation beyond those required by the regulations of the Council on Environmental Quality.

Other changes made by the proposed rulemaking would expedite the preparation of resource management plans by dropping the separate requirement for public comment on the planning criteria. Since there is adequate opportunity for public participation in the planning process, this additional step is not needed and does extend the process. The proposed rulemaking also modifies the inventory criteria to focus inventory on issues identified in the planning process, and on data needed for decisions. This is to ensure that the time and money spent on the inventory stage are cost effective.

Another proposed change would modify the management situation analysis provisions of the existing regulations to ensure that this process does not generate analysis beyond that needed to address management issues.

A change in the proposed rulemaking would provide that the public comment period for the draft environmental impact statement shall comply with the requirements of the Council on Environmental Quality regulations. Those regulations provide for a period of at least 45 days for review of a draft environmental impact statement after it has become available to the public and the Environmental Protection Agency has published a notice of that availability in the Federal Register.

The consistency provisions of the existing regulations generated a large number of comments. A proposed rulemaking addressing consistency was published in the Federal Register of December 16, 1980 (54 FR 82679) but no

final regulation was issued. That proposal now has been included in this proposed rulemaking. The changes also provide two new definitions that clarify consistency and establish what non-Bureau of Land Management plans are to be considered for consistency. Another change proposed for this area of the regulations clarifies how the Bureau will also attempt to arrive at consistency with other Governmental policies and programs not embodied in a land use plan. These changes are designed to meet the public's concern about the existing regulations not fully implementing the requirements of section 202 of the Federal Land Policy and Management Act as they relate to consistency with State and local resource-related plans, policies and programs.

A proposed rulemaking would remove the policy criteria regarding areas of critical environmental concern from the existing planning regulations. This action is being taken because of the belief that the policy criteria for any specific program or resource value do not belong in the planning regulations. Those criteria can be found in the guidance for the program involved. The guidance on areas of critical environmental concern was published in the *Federal Register* on August 27, 1980 (45 FR 57318), and will be given appropriate policy consideration. This proposed rulemaking differs from that published in the *Federal Register* of December 16, 1980 (45 FR 82679), in that it does not include policy criteria for areas of critical environmental concern.

If several instances, provisions are proposed to be deleted from the regulations because they are operational in nature. These deleted provisions will be incorporated in the Bureau of Land Management's operational manual or other directives.

The planning regulations would be totally renumbered by the proposed rulemaking. This renumbering is needed to provide sufficient numbers in the Bureau of Land Management's manual system to allow supplemental guidance that will be issued by the Director, Bureau of Land Management, in Bureau manuals.

Finally, a number of minor editorial changes and corrections have been made to the existing regulations by this proposed rulemaking.

The principal author of this proposed rulemaking is David Williams, Office of Planning and Environmental Coordination, 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 not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354).

Part 1600—Planning, Programing, Budgeting

Under the authority of sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), it is proposed to amend Part 1600, Subchapter A, Chapter II, Title 43 of the Code of Federal Regulations as set forth below:

1. The sections of subpart 1601 are renumbered as described in the redesignation table below.

Old section	New section
1601.0-1	1601.0-1
1601.0-2	1601.0-2
1601.0-3	1601.0-3
1601.0-4	1601.0-4
1601.0-5	1601.0-5
1601.0-6	1601.0-6
1601.0-7	1601.0-7
1601.0-8	1601.0-8
1601.1	1611
1601.1-1	1611.1
1601.1-2	1611.2
1601.1-3	1611.3
1601.3	1614
1601.4	1615
1601.4-1	1615.1
1601.4-2	1615.2
1601.4-3	1615.3
1601.5	1616
1601.5-1	1616.1
1601.5-2	1616.2
	*1616.2-1
1601.5-3	1616.3
1601.5-4	1616.4
1601.5-5	1616.5
1601.5-6	1616.6
1601.5-7	1616.7
1601.5-8	1616.8
1601.5-9	1616.9
1601.6	1617
1601.6-1	1617.1
1601.6-2	1617.2
1601.6-3	1617.3
	*1617.3-1
	*1617.3-2
	*1617.3-3
1601.6-4	1617.4
1601.6-5	1617.5
1601.6-6	1617.6
1601.6-7 (removed)	
1601.7 (removed)	
1601.7-1 (removed)	
1601.7-2 (removed)	
1601.7-3 (removed)	
1601.8	1618

*Subpart 1610—Resource Management Planning (new).
*New.

2. Section 1601.1-1 is revised as follows:

§ 1601.0-1 Purpose:

The purpose of this subpart is to establish in regulations a process for the development, approval, maintenance, amendment and revision of resource management plans, and the use of existing plans for public lands administered by the Bureau of Land Management.

§ 1601.0-2 [Amended]

3. Section 1601.0-2 is amended by removing the first sentence and replacing it with the sentence "The objective of land use planning by the Bureau of Land Management is to maximize resource values for the public through a rational, consistently applied set of regulations and procedures which promotes the concept of multiple use management and ensures consultation with the public, state and local governments, Indian tribes and appropriate Federal agencies."

§ 1601.0-3 [Amendment]

4. Section 1601.0-3 is amended by inserting immediately after the phrase "the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711-1712);" the phrase "the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901);".

§ 1601.0-4 [Amended]

5. Section 1601.0-4 is amended by:

- Revising paragraph (c) as follows:
 - Resource management plans, amendments, revisions and related environmental impact statements shall be prepared by District or Area Managers, and reviewed and concurred in by State Directors. Resource management plans, amendments, revisions are then approved by District Managers. Specific roles and responsibilities of District and Area Managers and their staffs for planning shall be as assigned through Bureau of Land Management functional statements of responsibility. In general, Area Managers will be responsible for supervising the preparation of the plan, and the District Manager for providing direction and for approving resource management plans, amendments and revisions."; and
 - Amending paragraph (d) by inserting immediately after the word "coordinate" the phrase "planning activities".

§ 1601.0-5 [Amended]

6. Section 1601.0-5 is amended by:

- Removing paragraphs (a), (d), (e), (h), (i), (o) and (p) in their entirety and renumbering paragraphs (b) and (c) as

paragraphs (a) and (b), renumbering paragraphs (f) and (g) as paragraphs (d) and (e) and renumbering paragraphs (i), (j), (k), (l), and (m), as paragraphs (g), (h), (i), (j) and (k);

(b) Amending paragraph (a), formerly paragraph (b), by removing the phrase "(when such areas are developed or used or where no development is required) to" and replacing it with the phrase "to manage";

(c) Amending paragraph (b), formerly paragraph (c), by substituting the word "or" for the word "of" where it appears the first time, and by amending the phrase "shall be clearly consistent with" to read "shall clearly not contradict";

(d) Adding a new paragraph (c) as follows:

"(c) 'Consistent' means that Bureau of Land Management plans will clearly not contradict the terms, conditions and decisions of officially approved and adopted resource related plans, or in their absence, with policies and programs, subject to the qualifications in § 1615.3 of this title."

(e) Amending paragraph (d), formerly paragraph (f), by removing the word "which" in the two places it appears and replacing it with the word "that" and by inserting after the word "District" the phrase "and Area";

(f) Adding a new paragraph (f) as follows:

"(f) 'Officially approved and adopted resource related plans' means plans prepared and approved pursuant to and in accordance with Federal or State legislation enabling planning."

(g) Paragraphs (j) and (k), formerly paragraphs (l) and (m), are revised as follows:

"(j) 'Resource area' means a geographic portion of a Bureau of Land Management district, under the supervision of an Area Manager. It is the administrative subdivision which has primary responsibility for day-to-day resource management activities and resource use allocations and is, in most instances, the area for which resource management plans are prepared and maintained."

"(k) 'Resource management plan' means a land use plan as described by the Federal Land Policy and Management Act. It is not a final implementation decision on actions which require further specific plans, process steps or decisions under specific provisions of law and regulations."

§ 1601.0-6 [Amended]

7. Section 1601.0-6 is amended by removing the last sentence thereof.

§ 1601.0-7 [Amended]

8. Section 1601.0-7 is amended by:

(a) Amending paragraph (a) by replacing the letters "BLM" with the phrase "Bureau of Land Management"; and

(b) Amending paragraph (b) by removing in the second sentence the phrase "have a major".

9. Section 1601.0-8 is revised as follows:

§ 1601.0-8 Principles.

The development, approval, maintenance, amendment and revision of resource management plans shall be consistent with the principles described in section 202 of the Federal Land Policy and Management Act of 1976.

§ 1611.1 [Amended]

10. Section 1611.1, formerly § 1601.1-1, is amended by:

(a) Amending the first paragraph of the section by removing the phrase "and District offices." and replacing it with the phrase "District and Resource Area offices.";

(b) Amending paragraph (a) by revising the last sentence as follows: "This policy may include appropriately developed resource management commitments which are not required to be reexamined as part of the planning process."; and

(c) Revising paragraph (b) as follows:

"(b) Guidance which has been developed at the State Director level, with necessary and appropriate governmental coordination as prescribed by § 1615 of this title. Such guidance shall be reconsidered by the State Director at any time during the planning process if it is found, through public involvement or other means, to be inappropriate when applied to the resource values and conditions found in a specific area being planned. Such change shall not violate national policy."

11. Section 1611.2, formerly § 1601.1-2, is revised as follows.

§ 1611.2 Planning area.

A resource management plan shall be prepared and maintained on a resource area basis, unless the State Director authorizes a more appropriate planning area.

12. Section 1611.3, formerly § 1601.1-3, is revised as follows:

§ 1611.3 Interdisciplinary approach.

An interdisciplinary approach shall be used in the preparation, amendment and revision of resource management plans as provided in 40 CFR 1502.6.

13. Section 1614, formerly § 1601.3, is revised as follows:

§ 1614 Public participation.

The public shall be provided with early notice and given an opportunity to

participate in and comment on the preparation of plans and related guidance. Regulations published by the Council on Environmental Quality (40 CFR Parts 1500-1508; specifically §§ 1501.7, 1502.19, 1503.1-1503.4 and 1506.6) shall guide public participation in the preparation, amendment and revision of resource management plans and associated environmental statements. In addition, the following is directed:

(a) The Director shall, early in each fiscal year, publish a planning schedule which shall advise the public of the status of each plan in process of preparation or to be started during that fiscal year, the major action on each plan during that fiscal year and projected new planning starts for the 3 succeeding fiscal years. The notice shall call for comments on planning priorities for those 3 fiscal years so that such comments can be considered in refining priorities for those years.

(b) Upon starting the preparation, amendment or revision of resource management plans, public participation shall be initiated by a notice published in the *Federal Register* and appropriate media, including newspapers of general circulation in the State, adjoining States where the District Manager deems it appropriate, and the district. This notice may also constitute the scoping notice required by 40 CFR 1501.7. The notice shall include the following:

- (1) Description of the proposed planning action;
- (2) Identification of the geographic area for which the plan is to be prepared;
- (3) The general types of issues anticipated;
- (4) The disciplines to be represented on the interdisciplinary team;
- (5) The kind and extent of public participation opportunities to be provided;
- (6) The times, dates and locations scheduled or anticipated for any public meetings, hearings, conferences or other gatherings, as known at the time;
- (7) The name, title, address and telephone number of the Bureau of Land Management official who may be contacted for further information; and
- (8) The location and availability of documents relevant to the planning process.

(c) All public participation activities scheduled by the Bureau of Land Management shall be documented by a record or summary of the principal issues discussed. The documentation, together with a list of attendees, shall be available for public review and open for addition of comment by any participant

who wishes to clarify or add to the view he/she expressed.

(d) Copies of an approved resource management plan and amendments shall be reasonably available for public review. This includes copies at the State Office for that district, that District Manager's office, the Area office for lands directly involved, and additional locations determined by the district Manager. Plans, amendments and revisions shall be published and single copies shall be available to the public during the public participation process. After approval, a fee may be charged for additional copies at a rate established by the Director.

(e) Supporting documents to a plan shall be available for public review at the office where the plan was developed.

(f) Fees for reproducing requested documents beyond those used as part of public participation activities and other than single copies of the printed plan, amendment or revision, may be charged according to the Department of the Interior schedule for Freedom of Information Act requests in 43 CFR Part 2.

(g) When resource management plans involve areas of potential mining for coal, by means other than underground mining, and the surface is private, the Bureau of Land Management shall consult with all surface owners who meet the criteria in §3400.0-5 of this title. Contact shall be made in time to fully consider the surface owner's views. This contact may be made by mail or in person by the District or Area Manager or his/her appropriate representative. A period of at least 30 days from the time of contact shall be provided for the surface owner to provide his/her preference to the Area or District Manager.

(h) If the plan involves potential for coal leasing, a public hearing shall be provided prior to the approval of the plan, if requested by any person having an interest which is, or may be, adversely affected by implementation of such plan. The hearing shall be conducted as prescribed in § 3420.1-5 of this title and may be combined with a regularly scheduled public meeting.

§ 1615 [Amended]

14. Section 1615, formerly § 1601.4, is amended by removing the figure "§ 1601.3" where it appears and replacing it with the figure "§ 1614" and by inserting after the phrase "District Managers," the phrase "and Area Managers".

§ 1615.1 [Amended]

15. Section 1615.1, formerly § 1601.4-1, is amended by:

(a) Removing from paragraph (c) the figure "1601.1-1" where it appears and replacing it with the figure "1611.1"; and

(b) Renumbering paragraph (c)(i) as paragraph (c)(1) and revising it as follows:

"(1) Ensure that it is consistent, to the extent required by § 1615.3 of this title, with existing officially adopted and approved resource related plans, policies or programs of other Federal Agencies, State agencies, Indian tribes and any local governments that may be affected; and"

(c) Renumber paragraphs (c)(ii) and (c)(iii) as paragraphs (c)(2) and (c)(3).

§ 1615.2 [Amended]

16. Section 1615.2, formerly § 1601.4-2, is amended by:

(a) Inserting immediately after the word "District" the phrase "and Area";

(b) Amending paragraph (a) by removing the phrase "The District Manager shall submit a" and replacing it with the word "A", by inserting immediately after the word "District" the phrase "and Area" and by removing the figure "§ 1601.3(g)" where it appears in the last sentence of the paragraph and replacing it with the figure "§ 1614(b)";

(c) Amending paragraph (c) by adding at the end of the first sentence the phrase "as prescribed in § 1615.3 of this title," and by removing the second sentence in its entirety; and

(d) Revising paragraph (d) as follows:
"(d) Federal agencies, State and local governments and Indian tribes shall have the time period prescribed under § 1614 of this title for review and comment on resource management plan proposals. Should they notify the District or Area Manager, in writing, of what they believe to be specific inconsistencies between the Bureau of Land Management resource management plan, and their officially approved and adopted resource related plans, the resource management plan documentation shall show how those inconsistencies were addressed and, if possible, resolved."

§ 1615.3 [Amended]

17. Section 1615.3, formerly § 1601.4-3, is amended by:

(a) Revising paragraphs (a) and (b) as follows:

"(a) Guidance and resource management plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long

as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal law and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise and other pollution standards or implementation plans.

(b) In the absence of officially approved or adopted resource related plans of other Federal agencies, State and local governments and Indian tribes, guidance and resource management plans shall, to the extent practical, be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes. Such consistency will be accomplished so long as the guidance and resource management plans are consistent with Secretarial policies and programs and the provisions of Federal law and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise and other pollution standards or implementation plans.";

(b) Amending paragraph (c) by inserting after the word "District" the phrase "and Area".

§ 1616.1 [Amended]

18. Section 1616.1, formerly § 1601.5-1, is amended by inserting after the word "District" in the second sentence the phrase "and Area", by removing the phrase "This action" at the beginning of the third sentence and replacing it with the phrase "Issue identification" and by removing in the fourth sentence the phrase ", plus the development of planning criteria (§ 1601.5-2)".

19. Section 1616.2, formerly § 1601.5-2, is revised as follows:

§ 1616.2 Development of planning criteria.

§ 1616.2-1 Purposes and use of criteria.

The District or Area Manager shall prepare criteria to guide development of the resource management plan, or revision, to ensure that it is tailored to the issues previously identified and to ensure that unnecessary data collection and analyses are avoided. Planning criteria shall be written and, upon request, shall be available for public review. Planning criteria may be changed as planning proceeds based on public suggestions and findings of the various studies and assessments.

20. Section 1616.3, formerly § 1601.5-3, is revised as follows:

§ 1616.3 Inventory data and information collection.

The District or Area Manager shall arrange for resource, environmental, social, economic and institutional data and information to be collected, or assembled if already available. Information and inventory data collection will emphasize significant issues and potential decisions with significant impact. When a planning decision is made, but there is insufficient inventory data or other information, the decision shall preserve, to the degree practical, future resource options and avoid irreversible commitments.

21. Section 1616.4, formerly § 1601.5-4, is revised as follows:

§ 1616.4 Analysis of the management situation.

(a) The District or Area Manager shall analyze the inventory data and other information available, including plans and information from other Federal agencies, State and local governments and Indian tribes. The manager shall relate these materials to the issues, planning criteria and guidance in a way which will provide a basis for formulation of alternatives.

(b) The inventory data shall be analyzed to determine whether there are areas containing resources, values, systems or processes or hazards eligible for further consideration for designation as an ACEC.

22. Section 1616.5, formerly § 1601.5-5, is revised as follows:

§ 1616.5 Formulation of alternatives.

Several complete, reasonable resource management alternatives shall be prepared for the resource area. One shall be for no action, which means continuation of present levels or systems of resource use. The alternatives shall reflect the variety of issues and guidance applicable to the resource area. The total number of alternatives shall be limited to a manageable number for presentation and analysis by treating all reasonable variations as sub-alternatives.

§ 1616.6 [Amended]

23. Section 1616.6, formerly § 1601.5-6, is amended by inserting after the word "District" the phrase "and Area" and by removing the third and fourth sentences.

24. Section 1616.7, formerly § 1601.5-7, is revised as follows:

§ 1616.7 Selection of preferred alternative.

The District or Area Manager shall evaluate the alternatives and their effects, and develop a preferred alternative which shall best meet national and State Director guidance.

The preferred alternative shall be incorporated into the draft resource management plan and draft environmental impact statement. The resulting document shall be forwarded to the State Director for concurrence, publication and filing with the Environmental Protection Agency. This draft plan and environmental impact statement shall be provided to the Governor of the State involved in accordance with § 3420.1-7 of this title.

25. Section 1616.8, formerly § 1601.5-8, is revised as follows:

§ 1616.8 Selection of resource management plan.

After publication of the draft resource management plan and draft environmental impact statement, the District Manager shall evaluate the comments received and select and recommend to the State Director, for review and concurrence, a proposed resource management plan and final environmental impact statement. After review and concurrence in the proposed resource management plan, the State Director shall publish and file the plan and related environmental impact statement.

§ 1616.9 [Amended]

26. Section 1616.9, formerly § 1601.5-9, is amended by removing from the second sentence the phrase "whether any established threshold levels have been met or exceeded."

§ 1617.1 [Amended]

27. Section 1617.1, formerly § 1601.6-1, is amended by:

(a) Revising the title as follows:

§ 1617.1 Resource management plan approval, administrative review and protest procedure.

(b) Removing paragraph (b) in its entirety;

(c) Renumbering paragraph (c) as paragraph (b) and revising it as follows:

"(b) Upon the receipt of concurrence from the State Director, and no earlier than 30 days after the Environmental Protection Agency publishes a notice of the filing of the final environmental impact statement in the **Federal Register**, and pending final action on any protest that may be filed, the District Manager shall approve the plan. Approval shall be withheld on any portion of a plan or amendment being protested until final action has been completed on such protest. Before such approval is given, there shall be public notice and opportunity for public comment on any significant change made to the proposed plan. The approval shall be documented in a concise public record of the decision,

meeting the requirements of regulations for the National Environmental Policy Act of 1969 (40 CFR 1505.2). Approval of the plan also constitutes formal designation of any recommended ACEC involved."

(d) Renumbering paragraph (d) as paragraph (c) and amending subparagraph (2)(v) by removing the word "short" where it appears;

(e) Renumbering paragraph (e) as paragraph (d) and revising the first sentence as follows:

"(d) A party adversely affected by a State Director's decision may protest to the Director within 30 days of receipt of that decision if it relates to any planned action that cannot, upon the issuance of a subsequent implementation decision, be appealed under Part 4 of this title or any other protest procedure provided for in this title."; and

(f) Amending subparagraph (1)(ii) of renumbered paragraph (d) by removing the word "short".

§ 1617.2 [Amended]

28. Section 1617.2, formerly § 1601.6-2, is amended by:

(a) Amending paragraph (a) by inserting after the word "District" the phrase "and Area";

(b) Amending paragraph (c) by removing the period at the end of the last sentence of the paragraph and adding the phrase "at the time that action is proposed."; and

(c) Adding a new paragraph (d) as follows:

"(d) If a proposed action is not in conformance, and warrants further favorable consideration before a plan revision is scheduled, such consideration shall be through a plan amendment in accordance with the provisions of § 1617.3-2 of this title."

29. Section 1617.3, formerly § 1601.6-3, is revised as follows:

Sec.	
1617.3	Changing the resource management plan.
1617.3-1	Maintenance
1617.3-2	Amendment.
1617.3-3	Revision.

§ 1617.3 Changing the resource management plan.

§ 1617.3-1 Maintenance.

Resource management plans and supporting components shall be maintained as necessary. Such maintenance is limited to further refining or documenting a previously approved decision incorporated in the plan. This may include a minor change in the decision based on new data and/or analysis so long as that change does not significantly contradict any other

aspect of the plan. Maintenance is not considered a plan amendment and shall not require the formal public involvement and interagency coordination process described under §§ 1614 and 1615 of this title or the preparation of environmental assessments or environmental impact statements. Maintenance shall be documented in plans and supporting process records.

§ 1617.3-2 Amendment.

A resource management plan may be changed through amendment. An amendment shall be initiated by the need to consider monitoring and evaluation findings, new data, new or revised policy, a change in circumstances or a proposed action. An amendment shall be based upon an environmental analysis of the proposed change and alternatives (unless categorically excluded by 516 DM 6), public involvement as prescribed in § 1614 of this title, interagency coordination and consistency determination as prescribed in § 1615 of this title and any other data or analysis that may be appropriate. In all cases, the effect of the amendment on the plan shall be evaluated. If the amendment is being considered in response to a specific proposal, the analysis required for the proposal and for the amendment may occur simultaneously.

(a) If the environmental analysis does not disclose significant impact, a finding of no significant impact may be made by the District Manager. The District Manager shall then make a recommendation on the amendment to the State Director for concurrence, and upon concurrence, the District Manager shall issue a public notice of the action taken on the amendment. If the amendment is approved, it may be implemented 30 days after such notice.

(b) If a decision is made to prepare an environmental impact statement, the amending process shall follow the same procedure required for the preparation and approval of the plan, but limited to that portion of the plan being considered for amendment. If several plans are being amended simultaneously, a single

environmental impact statement may be prepared to cover all amendments.

§ 1617.3-3 Revision.

A resource management plan shall be revised as necessary, based on monitoring and evaluation findings (§ 1616.9), new data, new or revised policy and changes in circumstances affecting the entire plan or major portions of the plan. Revisions shall comply with all of the requirements of these regulations for preparing and approving an original resource management plan.

§ 1617.4 [Amended]

30. Section 1617.4, formerly § 1601.6-4, is amended by:

(a) Amending the first paragraph by inserting after the word "District" the phrase "and Area";

(b) Amending paragraph (c) by removing the figure "1601.3" where it appears and replacing it with the figure "1614", by removing the figure "1601.4" where it appears and replacing it with the figure "1615", by removing the figure "1601.6-1" where it appears and replacing it with the figure "1617.1".

§ 1617.5 [Amended]

31. Section 1617.5, formerly § 1601.6-5, is amended by inserting a comma after the word "Implemented" where it appears in the second sentence.

§ 1617.6 [Amended]

32. Section 1617.6, formerly § 1601.6-6, is amended by removing the figure § 3461.2" and replacing it with the figure "§ 3461.1".

33. Section 1618, formerly § 1601.8, is revised as follows:

§ 1618 Validity and use of existing plans.

(a) Proposed actions may be considered on the basis of existing management framework plans as follows:

(1) The management framework plan shall be in compliance with the principle of multiple use and sustained yield and shall have been developed with public participation and governmental coordination, but not necessarily

precisely as prescribed in §§ 1614 and 1615 of this title.

(2) Within 30 days after the Environmental Protection Agency publishes a notice of the filing of final court ordered environmental impact statement—which is based on management framework plan—proposed actions may be initiated without any further analysis or processes included in this subpart.

(3) For proposed actions other than those described in paragraph (a)(2) of this section, determination shall be made by the District or Area Manager whether the proposed action is in conformance with the management framework plan. Such determination shall be in writing and shall explain the reasons for the determination.

(i) If the proposed action is in conformance, it may be further considered for decision under procedures applicable to that type of action, including requirements of regulations for implementing the procedural provisions of the National Environmental Policy Act in 40 CFR Parts 1500-1508.

(ii) If the proposed action is not in conformance with the management framework plan, and if the proposed action warrants further favorable consideration before a resource management plan is scheduled for preparation, such consideration shall be through a management framework plan amendment using the provisions of § 1617.3-2 of this title.

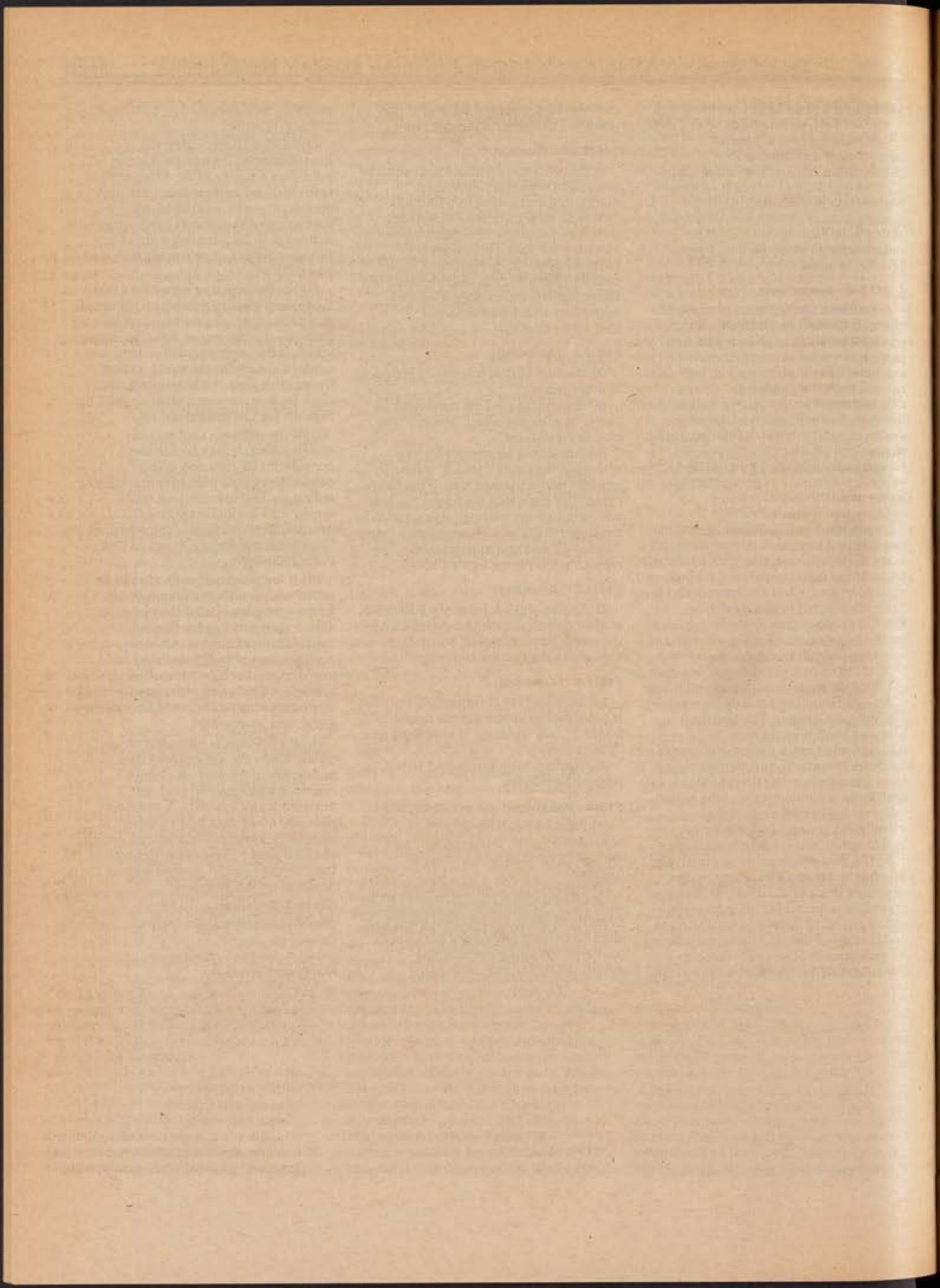
(b) If an action is proposed where public lands are not covered by a management framework plan or a resource management plan, an environmental analysis, if necessary, plus any other data and analysis necessary to make an informed decision, shall be used to assess the impacts of the proposal and to provide a basis for a decision on the proposal.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

October 30, 1981.

[FR Doc. 81-33684 Filed 11-20-81; 8:45 am]

BILLING CODE 4310-84-M



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Federal Register
Vol. 46, No. 225
Monday, November 23, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/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.

REMINDERS**List of Public Laws**

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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